

**BOROUGH OF FRANKLIN PARK  
BOROUGH COUNCIL REGULAR MEETING  
WEDNESDAY, MAY 21, 2008**

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The regular meeting of the Borough Council of the Borough of Franklin Park was held on Wednesday, May 21, 2008 at 8:00 p.m. at the Municipal Building, 2344 West Ingomar Road, Pittsburgh, Pennsylvania 15237.

Council President Martha Creese called the meeting to order.

Pledge of Allegiance

Cathy Krummert called the roll:

**COUNCIL MEMBERS:**

Martha A. Creese, President .....present  
Richard H. Hartman, Second Vice President .....present  
Jane A. Hopey, Vice President .....present  
Ash K. Marwah .....present  
Andrew Hrishenko .....present  
Amy E. Sable .....present  
Junior Councilperson Brenna Thorpe .....present  
Mayor G. Reynolds Clark .....absent

**ENGINEER:**

Bob Nedzesky, W.E.C. Engineers .....present

**SOLICITOR:**

Robert Max Junker, Law Offices of Ira Weiss .....present

**STAFF:**

Don Dorsch, Chief of Police.....present  
Cathy Krummert, Borough Secretary.....present  
Ronald Merriman, Superintendent of Public Works .....present  
Brienne Morris, Assistant Parks & Recreation Director .....present  
Tim Phillips, Building Inspector/Zoning Officer .....present  
Ambrose Rocca, Borough Manager .....present  
Bill Schweitzer, Golf Course Superintendent .....present  
Jim Watenpool, Parks & Recreation Director .....present

**ACKNOWLEDGE RECIPIENTS OF THE 2008 FRANKLIN PARK COMMUNITY SCHOLARSHIP –**

Mrs. Creese announced the names of the scholarship recipients and presented each scholarship winner in attendance with a payment voucher to be completed by the college or university of their choice:

1. Natalie Baldasare, Colony Court (not present)
2. Molly Boyce, Cole Road (attending Pitt Honors for Nursing)
3. Patrick Fives, Meadow Road (attending Wake Forest majoring in Finance)
4. Joseph Kridgen, Willow Oak Drive (not present)
5. Dana Lynch, Riva Ridge Court (attending University of Dayton majoring in Psychology)
6. John Migliozi, King James Drive (not present)
7. Virginia Thistle, Matterhorn Drive (attending United States Naval Academy)
8. Brenna Thorpe, Alydar Drive (attending Penn State Honors College majoring in Journalism or Secondary Education)
9. Kyle Walter, Lindenwood Drive – Mel Lubert Memorial Scholarship recipient (not present)

**APPROVAL OF THE MINUTES** – Mrs. Sable moved the minutes of the April 16, 2008 pre/post meeting, the April 16, 2008 regular meeting, the April 23, 2008 special meeting and the May 7, 2008 work session, be approved, seconded by Mr. Hartman. The motion was then voted upon and Mr. Marwah voted “No”. The motion carried.

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**TREASURER'S REPORT** - Mr. Rocca read the May 2008 Treasurer's Report. May 2008 receipts totaled \$624,946.26 and May 2008 expenditures totaled \$531,779.24. Year-to-date receipts totaled \$1,788,227.82 and year-to-date expenditures totaled \$1,686,327.78. Mr. Hartman moved the Treasurer's Report be accepted as read, seconded by Mrs. Sable and carried unanimously.

**POLICE REPORT** – Chief Dorsch read the Police Report and activity report for the month of May 2008. Mr. Hartman recommended the Police Report be filed with the Police Secretary.

**BUILDING INSPECTION REPORT** - Mr. Phillips read the Building Inspection Report for May 2008. Mr. Phillips issued 28 permits and collected \$22,038.00 in fees. Total value of construction was \$2,510,791.00.

**ANNOUNCEMENT OF EXECUTIVE SESSION** - Mrs. Creese announced that executive sessions were held on April 16, 2008 to discuss potential litigation regarding the Nicholson Woods Plan and the Teamsters Union contract and on May 7, 2008 to discuss the Teamsters Union contract and matters related to the initiation and conduct of investigations of possible or certain violations of the law pertaining to state grant funds and on May 21, 2008 for quasi-judicial deliberations.

**COMMENTS FROM THE FLOOR**

Betty Gail Dietz, 2442 Rochester Road – Mrs. Dietz had signed in to speak, but she indicated that she would reserve the right to speak later.

Laura Coombs, 2554 Shellburne Drive – Mrs. Coombs had signed in to speak, but she indicated that she would reserve the right to speak later.

Mrs. Hopey – Mrs. Hopey noted that she wanted to make a statement regarding a comment that was made at the last work session. Mr. Junker noted that it would be more appropriate at the end of the meeting under comments from council members.

**BELLA FRUTTETO, LLC REQUEST FOR LIQUOR LICENSE TRANSFER INTO THE BOROUGH** - Mrs. Sable moved to take from the table Resolution No. 943-2008 relating to the transfer of a liquor license into the borough by Bella Frutteto, LLC, seconded by Mr. Marwah and carried unanimously. Mr. Junker summarized Resolution No. 943-2008. Mr. Marwah moved Resolution No. 943-2008 approving the transfer of a liquor license into the Borough of Franklin Park, by Bella Frutteto, LLC, at 2602 Brandt School Road in the Franklin Village Shops at the intersection of Brandt School Road and S.R. 910, be adopted, seconded by Mrs. Sable. The motion was then voted upon and Mr. Hartman voted "No". The motion carried.

**MADIR ENTERPRISES, LLC REQUEST FOR LIQUOR LICENSE TRANSFER INTO THE BOROUGH** – Mrs. Sable moved to take from the table Resolution No. 944-2008 relating to the transfer of a liquor license into the borough by Madir Enterprises, LLC, seconded by Mr. Marwah and carried unanimously. Mr. Junker summarized Resolution No. 944-2008. Mr. Marwah moved Resolution No. 944-2008 approving the transfer of a liquor license into the Borough of Franklin Park, by Madir Enterprises, LLC, at 2572 Brandt School Road in the Uni-Mart Plaza, be adopted, seconded by Mr. Hrishenko. Mrs. Hopey then moved to amend the motion to add the following to the resolution: Be it further resolved that this approval is conditioned upon the PLCB investigating and taking whatever action is necessary and appropriate in a conditional license agreement with regards to the proximity of the gasoline pumps to the establishment seeking this license, seconded by Mrs. Sable. The motion was then voted upon and Mr. Hartman voted "No". The motion carried.

**APPROVAL OF THE BILLS** – Mrs. Hopey moved Council authorize the payment of the bills, which have been reviewed and approved since the last meeting, seconded by Mr. Marwah and carried unanimously.

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**REAL ESTATE TAX EXONERATION** – Mrs. Hopey moved the Real Estate Tax Collector be exonerated from collecting Borough real estate taxes in the amount of \$217.47 from the Borough of Franklin Park and \$279.18 from the Franklin Park Volunteer Fire Company No. 1, and that the Borough and the Fire Company be exempted from paying these Borough real estate taxes, seconded by Mr. Hartman and carried unanimously.

**AWARD SPRING COMMODITIES BID** – Mrs. Sable moved Lindy Paving, Inc. of New Castle, PA be awarded the bid for Bituminous Surfacing Materials and trucking (ID 2 Binder, ID 2 Wearing, ID 2 Modified, Superpave 9.5 millimeter, Superpave 19 millimeter and Superpave 25 millimeter) under the 2008 spring commodities bids submitted to the SHACOG Purchasing Alliance for its bid opening on March 24, 2008, seconded by Mrs. Hopey and carried unanimously.

**JENKINSON DRIVE STORM SEWER PROJECT, PAYMENT #1** – Mrs. Hopey moved to ratify the payment in the amount of \$118,533.39 be made to R&B Contracting & Excavation representing the first payment for the Jenkinson Drive Storm Sewer Project for work completed, as recommended by W.E.C. Engineers in the letter dated May 5, 2008, seconded by Mr. Hartman and carried unanimously.

**NORTHLAND LIBRARY EXPANSION PROJECT** – Mr. Marwah moved to support a \$120,000 expansion for the Northland Public Library, seconded by Mrs. Sable and carried unanimously.

**APPOINT MARK FRANKEL TO THE RECREATION BOARD** – Mr. Hartman moved Mark Frankel be appointed to the Recreation Board to fill the unexpired term of Robert Hitson, which term will expire December 31, 2010, seconded by Mr. Marwah and carried unanimously.

**AWARD BID FOR A GENERAL CONTRACTOR FOR THE CONSTRUCTION OF A NEW PAVILION AT BLUEBERRY HILL PARK** – Mr. Hrishenko moved Jerry Horn Construction Inc., be awarded the bid as the General Contractor for the construction of the lower level of the new pavilion in Blueberry Hill Park, at a cost of \$120,400.00 and the Secretary be authorized to return the bid securities to the unsuccessful bidders, seconded by Mr. Hartman and carried unanimously.

**RESIGNATION OF LORI MERRIMAN FROM THE EAC** – Mrs. Sable moved to accept the resignation of Lori Merriman from the Environmental Advisory Council effective May 14, 2008, seconded by Mr. Marwah and carried unanimously.

**APPOINT ANGELA BAEHR TO THE EAC** – Mr. Marwah moved to appoint Angela Baehr to the Environmental Advisory Council to fill the unexpired term of Lori Merriman, which term will expire December 31, 2008, seconded by Mrs. Sable and carried unanimously.

**RESOLUTION NO. 945-2008, JOINT BID FOR AUTOMATED REFUSE AND RECYCLING COLLECTION SERVICE** – Mr. Junker summarized Resolution No. 945-2008. Mrs. Hopey moved Resolution No. 945-2008 declaring the intention of the Borough of Franklin Park, the Town of McCandless and the Township of Ohio to jointly bid and implement an automated refuse and recycling collection service by March 31, 2010, be adopted, seconded by Mr. Hartman. Mr. Marwah commented that he has strong reservations about this resolution because the automated system will cost more and the containers are expensive. Mr. Rocca explained that at this point the borough is only investigating establishing such a service. We are submitting a \$500,000.00 grant application to the DEP to help purchase two of the three containers on behalf of the residents. The resolution represents the borough's intention to explore this service. There is language in the resolution that council will have the discretion in the future to choose between automated and manual collection; whichever option is in the best interest of the borough. Automated collection helps to provide a cleaner environment and it is likely that the cost of automated collection will be lower in the future. The motion was then voted upon. Mr. Marwah voted "No" and Mr. Hrishenko voted "No". The motion carried.

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**RESOLUTION NO. 946-2008, APPLICATION PROCEDURES FOR INTER-MUNICIPAL LIQUOR**

**LICENSE TRANSFER** – Mr. Junker summarized Resolution No. 946-2008. Mrs. Hopey moved Resolution No. 946-2008 setting procedures for the application for an inter-municipal liquor license transfer into the Borough of Franklin Park, seconded by Mr. Marwah and carried unanimously.

**DANGEROUS STRUCTURE LOCATED AT 1599 ARNDT ROAD** – Mrs. Sable moved to authorize the demolition of the dangerous structure located at 1599 Arndt Road, Pittsburgh, PA 15237 pending the removal of the preliminary injunction issued by the Court of Common Pleas of Allegheny County on the 21<sup>st</sup> day of May 2008, in the matter of Countrywide Home Loans Inc. vs. the Borough of Franklin Park and in accordance with the Building Inspector/Zoning Officer's notices posted on the property and advertised on March 26, 2008 and April 2, 2008 and in accordance with W.E.C. Engineers' letter dated April 28, 2008, to authorize the Borough to enter into a demolition agreement with Tom Sipes in the amount of \$3,200, and to authorize the Solicitor to collect the cost thereof together with a ten percent (10%) penalty in the manner provided by law for the collection of municipal claims, seconded by Mr. Hartman and carried unanimously.

**AUTHORIZE THE PREPARATION OF A DEFINED CONTRIBUTION PENSION PLAN FOR THE NON-**

**UNIFORMED EMPLOYEES** – Mrs. Hopey moved to authorize the law firm of Rhoades & Wodarczyk to prepare a defined contribution plan for the borough non-uniformed employees at a cost not to exceed \$10,000, in accordance with the proposal contained in the firm's February 18, 2008 letter, seconded by Mr. Hartman and carried unanimously.

**BOROUGH MANAGER** – Mr. Rocca commented that at the beginning of the meeting everyone saw some very talented young individuals in our community who received scholarships. In order to provide these scholarships, the borough must raise the funds. We are beginning to raise money for next year's scholarships, and the Scholarship Golf Outing will be held on July 21st at Shannopin Country Club.

Mr. Rocca noted that scholarship recipient Virginia Thistle had informed the borough that most of her expenses are paid. However, she will have to pay an \$8,500 fee that is assessed to all midshipmen. The Scholarship Committee reviewed the information, and decided that she deserved a scholarship and it should go toward this fee.

**SOLICITOR** – Mr. Junker congratulated the scholarship winners.

**MR. HRISHENKO** – Mr. Hrishenko congratulated the scholarship recipients.

**MRS. HOPEY** – Mrs. Hopey congratulated the scholarship recipients. Mrs. Hopey then read a statement addressing comments made by Mr. Hrishenko at the May 7, 2008 work session regarding the installation of air conditioning at the Clover Hill Golf Course in 2007 by Hopey Heating. Mr. Rocca confirmed that the minutes clearly show that council had discussed this item and was in agreement that the work should be done. Hopey Heating was reimbursed for the equipment that was purchased and Hopey Heating donated their labor.

**MR. HRISHENKO** – Mr. Hrishenko responded that the law speaks for itself. He has taken an oath to enforce the laws of the borough and that is what he intends to do.

**MRS. SABLE** – Mrs. Sable congratulated the scholarship recipients. She also noted that she voted in favor of Resolution No. 945-2008 because of the intent to investigate the automated service and it permits the borough to apply for a \$500,000.00 grant. Without the motion, the borough would not be permitted to apply for the grant. It is not a vote to put the automated collection in place at this time.

**MR. MARWAH** – Mr. Marwah congratulated the scholarship recipients. He also noted that through the first four months of this year, the earned income tax collection has gone up by \$500,000.00 from \$2.2 million to \$2.7 million. He has discussed this with staff, and it will be looked at again at the end of the next quarter.

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**MR. HARTMAN** – Mr. Hartman stated that it is great that there are so many bright young individuals in the community. Mr. Hartman read a statement addressing Mr. Marwah's letter to the Allegheny County Elections Department regarding Mr. Hartman's campaign finance report.

**JUNIOR COUNCILPERSON BRENNIA THORPE** – Miss Thorpe, on behalf of the scholarship recipients, thanked everyone involved with awarding the scholarships. Mrs. Creese noted that Miss Thorpe has been a very active participant as the junior councilperson and everyone is proud of her. She will continue to serve as the junior councilperson until the next junior councilperson is appointed.

**SUPERINTENDENT OF PUBLIC WORKS**

- Mr. Merriman noted that we have had a very rainy spring. The Jenkinson Drive Project has come to a stumble. Most of the remaining work is restoration and asphalt work and neither can be done in the rain.
- The milling and paving program started on Tuesday. They have milled Magee Road Extension and they will begin milling Locust Road tomorrow. Paving will begin after Memorial Day.

**ASSISTANT PARKS & RECREATION DIRECTOR**

- Miss Morris noted that the spring programs are coming to a close.
- They have received an overwhelming response to some of the summer programs. They have added more sessions when possible and some programs are closed.
- They are preparing for Festival in the Park on Saturday, June 28th at 2:30 p.m.
- The parks & recreation department intern started last week and she is doing very well.

**PARKS & RECREATION DIRECTOR**

- Mr. Watenpool noted that the rain has made it difficult to work on many projects. The parks department is working on mulching and planting flowers.
- The borough received a donation of approximately 70 Rose of Sharon and the boy scouts planted them at Blueberry Hill Park last Sunday.
- They have finished fertilizing in the parks.
- Speed bumps have been purchased and will be installed in Blueberry Hill Park. When the bridge over Nicholson Road is closed for construction, additional traffic is expected through the park. The speed bumps will be needed for the safety of the children in the park.

**GOLF COURSE SUPERINTENDENT/MANAGER**

- Mr. Schweitzer indicated that the rain has affected play. The golf leagues have been the anchor this year and they have helped the numbers.
- Two qualifiers have been set up for the juniors program the next two Saturdays, and they are establishing leagues on Saturdays. There have been many inquiries about the program.
- They are waiting to have the slope rating and measurement done on the golf course. It should be completed within the next week, and then they can proceed with the new scorecards.
- The golf course is in great shape; we just need some good weather.

Mrs. Junker announced that council would move into an executive session following the meeting to discuss the Teamsters Union contract.

**MOTION TO ADJOURN** – Mr. Hartman moved to adjourn the meeting, seconded by Mr. Marwah and carried unanimously. The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Cathy L. Krummert  
Borough Secretary