

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL REGULAR MEETING
WEDNESDAY, JUNE 17, 2009**

The regular meeting of the Borough Council of the Borough of Franklin Park was held on Wednesday, June 17, 2009 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, Presidentpresent
Richard H. Hartman, Second Vice Presidentpresent
Jane A. Hopey, Vice Presidentpresent
Ash K. Marwahabsent
Andrew Hrishenkopresent
Amy E. Sablepresent
Junior Councilperson Bryan Hoggpresent
Mayor William H. Kipppresent

ENGINEER:

Bob Nedzesky, W.E.C. Engineerspresent

SOLICITOR:

Robert Max Junker, Law Offices of Ira Weisspresent

STAFF:

Don Dorsch, Chief of Police.....present
Cathy Krummert, Borough Secretary.....absent
Ronald Merriman, Superintendent of Public Workspresent
Brienne Morris, Assistant Parks & Recreation Directorpresent
Tim Phillips, Building Inspector/Zoning Officerpresent
Donna Platt, Secretary/Receptionistpresent
Ambrose Rocca, Borough Managerpresent
Bill Schweitzer, Golf Course Superintendentpresent
Jim Watenpool, Parks & Recreation Directorpresent

APPROVAL OF THE MINUTES – Mrs. Hopey moved the minutes of the May 20, 2009 pre/post meeting, the May 20, 2009 regular meeting and the June 3, 2009 work session, be approved, seconded by Mr. Hrishenko and carried unanimously.

TREASURER’S REPORT - Mr. Rocca read the May 2009 Treasurer’s Report. June 2009 receipts totaled \$832,923.79 and May 2009 expenditures totaled \$386,295.65. Year-to-date receipts totaled \$2,716,615.49 and year-to-date expenditures totaled \$1,881,716.47. Mr. Rocca also noted that the borough is running 3% behind on revenue and expenditures and running approximately \$500,000 behind on cash reserve, which is on target with budget projections. There was some discussion on coming up with recommendations on what projects can be postponed in order to build up our cash reserve. In light of the economy additional measures will need to be taken to conserve resources and council will discuss that at the work session in July. Mrs. Sable moved the Treasurer’s Report be accepted as read, seconded by Mr. Hartman and carried unanimously.

POLICE REPORT – Mayor Kipp read the Police Report and activity report for the month of May 2009. Mr. Hartman recommended the Police Report be filed with the Police Secretary.

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BUILDING INSPECTION REPORT - Mr. Phillips read the Building Inspection Report for May 2009. Mr. Phillips issued 34 permits and collected \$24,608.00 in fees. Total value of construction was \$2,870,722.00.

COMMENTS FROM THE FLOOR

There were no comments from the floor.

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. Hartman. Mrs. Sable noted that she would abstain from voting because of a conflict of interest with her receiving a \$6.00 EIT Refund and a payment being made to the Susan G. Koman Foundation. Mrs. Sable was on the Susan G. Koman board from 2005-2009. Mrs. Sable provided a Memorandum to the Secretary regarding her abstention. The motion was then voted on and passed with 1 abstention.

PUBLIC HEARING – CERRA CONDITIONAL USE GARAGE CU 09-05-03 – Mrs. Creese turned the meeting over to Mr. Junker to conduct the public hearing. A court reporter was present to take a verbatim transcript of the hearing. Mr. Watenpool left the meeting at 8:20 p.m.

Mr. Robert Cerra explained that he is proposing a 24' x 32' detached garage for the storage of vehicles, lawn equipment, etc. The Planning Commission has recommended approval and the Zoning Hearing Board granted a variance for the encroachment into the required front and side yards.

Mrs. Sable moved to approve CU 09-05-03 – Cerra Conditional Use Garage application, submitted by Robert P. Cerra for approval of a 768 square foot detached garage to be constructed on the property located at 2372 Wharrey Drive in the R-1 zoning district, contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated May 27, 2009, seconded by Mrs. Hopey and carried unanimously.

PUBLIC HEARING – SLADE CONDITIONAL USE GARAGE CU-09-05-04 – Mrs. Creese turned the meeting over to Mr. Junker to conduct the public hearing. A court reporter was present to take a verbatim transcript of the hearing.

Ms. Alicia Slade and Doug Sughrue were present. Ms. Slade explained that they are proposing a 36' x 38' garage on 10 acres for the storage of tractors, brush hog, finishing mower, camper and equipment to maintain 10 acres. The Planning Commission has recommended approval.

Mr. Hrishenko moved to approve CU 09-05-04 – Slade Conditional Use Garage application, submitted by Alicia Slade and Douglas Sughrue for approval of a 1,368 square foot detached garage to be constructed on the property located at 2167 Reis Run Road in the R-2 zoning district, contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated May 27, 2009, seconded by Mr. Hartman and carried unanimously.

SLADE SITE PLAN REVISED – Mrs. Hopey moved approval be granted for the Slade Site Plan Revised for revisions made by Barbara Slade for site improvements on the property located at 2315 Nicholson Road in the R-2 zoning district, contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated May 28, 2009, and the letter from W.E.C. Engineers dated June 15, seconded by Mr. Hrishenko and carried unanimously.

RESOLUTION NO. 965-2009, AMENDING THE FEE SCHEDULE – Mr. Junker summarized Resolution No. 965-2009. Mrs. Hopey moved Resolution No. 965-2009 amending and revising the schedule of fees per Borough ordinances, be adopted, seconded by Mr. Hartman and carried unanimously.

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FIFTH AND FINAL PAYMENT TO JERRY HORN CONSTRUCTION FOR BLUEBERRY HILL PARK

PAVILION – Mr. Hrishenko moved to authorize the 5th and Final Payment to Jerry Horn Construction in the amount of \$12,040.00 for the completion of all contract work for the lower level construction of the pavilion at Blueberry Hill Park, seconded by Mrs. Sable and carried unanimously.

AWARD NORTH HILLS COG SALT BID – Mrs. Sable moved Morton Salt Company of Chicago, Illinois be awarded the bid for rock salt at a cost of \$58.73 per ton delivered, for the period September 1, 2009 to August 31, 2010, as per the North Hills COG bid opened May 12, 2009, seconded by Mrs. Hopey and carried unanimously.

BOROUGH MANAGER - No report

SOLICITOR – Mr. Junker addressed the situation that occurred at the last meeting during public comments when a resident stated she had made a police report regarding an incident at the polls that involved Mr. Hartman. There was some discussion after the meeting and in the community as to why it was permitted to allow someone to make that type of accusation. Mr. Junker explained that the Sunshine Act allows for comments on matters of concern and official actions of deliberation, which are made before council prior to taking official action. This situation falls under the first part of the Act. Mr. Junker also stated that the follow up report found no crime had been committed and the matter was closed. He also commended Mr. Hartman for abiding by the advice and allowing the police to do their work.

MRS. HOPEY - Northland Public Library Foundation is going under a change and is looking for members as they are making changes to the bylaws. They are looking for a more active group of people and more activities. If you know of anyone who is interested in being a board member please forward their name to Mrs. Hopey.

MR. HARTMAN - Mr. Hartman thanked the audience, everyone who was there last month and the solicitor. He also stated that if anyone would like to talk about the situation previously discussed by Mr. Junker he would be glad to do so.

Mr. Merriman left the meeting at this time 8:35.

MRS. CREESE – Mrs. Creese brought up the issue of Mr. Marwah using an email address resembling the borough's official email address. At the April pre-meeting, Council discussed this matter, and Mr. Marwah gave his word that he would not use the email address again. However, it was brought to Council's attention that he is using the address again. Mrs. Creese noted that this issue needs to be resolved because it is misleading and confusing to residents who think this is an official site of Franklin Park Borough, and it is not. Mr. Marwah agreed that it was a mistake. It was suggested that a written directive be issued to Mr. Marwah not to use this email address. Mr. Junker was asked to discuss the actions Borough Council will be taking. Mr. Junker stated that he will draft something similar to a cease and desist letter addressing two issues: 1) the concerns of the borough with the appearance of potential for confusion; 2) explanation for such a letter is needed because the email address was not to be used anymore. The letter will be sent to Mr. Marwah from Mr. Junker's office. In addition a Resolution to Censure for conduct not becoming an officer of Franklin Park Borough will be drafted and provided to council for consideration.

SUPERINTENDENT OF PUBLIC WORKS – No report.

CHIEF OF POLICE – No report.

BUILDING INSPECOR/ZONING OFFICER – No report.

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ASSISTANT PARKS & RECREATION DIRECTOR

- Ms. Morris stated that the Pavilion work is moving along quickly.
- Four programs have started and it is the first week of the Ultimate Sports Camp.
- The Festival will be held next Saturday and council members are needed at their table. The Festival runs from 2:30 – 10:00. Fireworks start at 9:30.

PARKS & RECREATION DIRECTOR – No report.

GOLF COURSE SUPERINTENDENT/MANAGER

- Mr. Schweitzer stated that Saturday they will be celebrating the golf course's 20th Anniversary with \$5 per round day, the cost of a round in 1990 when the golf course opened.
- The Jr. Program has 15 foursomes that play on a weekly basis on Saturday.
- They have gotten good feed back at the golf course and a lot of parents and children are playing on weekends and weekdays.
- The pump was installed but the manufacturer is having problems with their electronics and it was suggested that they bring in someone from the manufacturer.
- Gift cards going great and the POS system has been straightened out.

MOTION TO ADJOURN – Mr. Hartman moved to adjourn the meeting, seconded by Mrs. Sable and carried unanimously. The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Donna L. Platt
Acting Secretary

Audience Present - 27