

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL REGULAR MEETING
WEDNESDAY, JULY 16, 2008**

The regular meeting of the Borough Council of the Borough of Franklin Park was held on Wednesday, July 16, 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, Presidentpresent
Richard H. Hartman, Second Vice Presidentpresent
Jane A. Hopey, Vice Presidentpresent
Ash K. Marwahpresent
Andrew Hrishenkopresent
Amy E. Sablepresent
Councilperson Brenna Thorpepresent
Mayor G. Reynolds Clarkpresent

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.....present
Ronald Merriman, Superintendent of Public Workspresent
Brienne Morris, Assistant Parks & Recreation Directorpresent
Tim Phillips, Building Inspector/Zoning Officerpresent
Ambrose Rocca, Borough Managerpresent
Bill Schweitzer, Golf Course Superintendentabsent
Jim Watenpool, Parks & Recreation Directorpresent

APPOINT NEW JUNIOR COUNCILPERSON FOR THE 2008/2009 SCHOOL YEAR – Mrs. Hopey moved Bryan Hogg be appointed as the Junior Councilperson for the 2008/2009 school year, seconded by Mr. Hartman and carried unanimously. Mayor Clark administered the Oath of Office to Bryan Hogg, the seventh Junior Councilperson to serve in the position. Bryan then took his seat at the council table.

SPECIAL RECOGNITION FOR BRENNA THORPE, OUTGOING JUNIOR COUNCILPERSON – Mayor Clark presented Brenna Thorpe with a certificate of recognition and thanked her for an incredible year. Brenna was very proactive and extremely knowledgeable. She will be attending Penn State majoring in Communications. Brenna noted that it has been a pleasure serving as the junior councilperson this year. She thanked council and the mayor for the great learning experience. Mr. Hrishenko congratulated and welcomed Bryan Hogg.

APPROVAL OF THE MINUTES – Mrs. Hopey moved the minutes of the June 18, 2008 pre/post meeting, the June 18, 2008 regular meeting and the July 2, 2008 work session, be approved, seconded by Mrs. Sable and carried unanimously.

TREASURER'S REPORT - Mr. Rocca read the June 2008 Treasurer's Report. June 2008 receipts totaled \$1,027,757.03 and June 2008 expenditures totaled \$712,797.80. Year-to-date receipts totaled \$3,842,562.52 and year-to-date expenditures totaled \$2,899,854.55. Mrs. Sable moved the Treasurer's Report be accepted as read, seconded by Mr. Hartman and carried unanimously.

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POLICE REPORT – Mayor Clark read the Police Report and activity report for the month of June 2008. Mr. Hartman recommended the Police Report be filed with the Police Secretary.

BUILDING INSPECTION REPORT - Mr. Phillips read the Building Inspection Report for June 2008. Mr. Phillips issued 20 permits and collected \$18,145 in fees. Total value of construction was \$2,379,285.

ANNOUNCEMENT OF EXECUTIVE SESSION - Mrs. Creese announced that an executive session was held on June 18, 2008 to discuss police negotiations and matters related to the initiation of investigations of possible or certain violations of the law pertaining to state grant funds and on July 2, 2008 to discuss matters related to the initiation of investigations of possible or certain violations of the law pertaining to state grant funds.

COMMENTS FROM THE FLOOR

Mrs. Creese noted that the public is invited to participate in the public comment portion of the meeting. We ask that you come forward and give your name and address so that you can be properly identified for the minute record. She explained that the public comment portion of the meeting is to provide a reasonable opportunity for residents to participate and comment on matters of concern. For those who ask to defer comments until later in the meeting, they will be given one last opportunity to comment after council discusses and accepts or rejects any motions, but before she asks for comments from mayor, council and staff. Mrs. Creese noted that Mr. Hrishenko has asked that the audience refrain from heckling. She noted that a sense of decorum must be maintained during public meetings, and she asked that everyone be attentive to the speakers, council, mayor and staff in order that all are able to hear and clearly understand the issue involved.

Randy McClure, 1658 King James Drive – Mr. McClure requested that guiderail be installed south of Old Orchard Road on Rochester Road. He noted that there is a drop off that caused damage to his car. Mr. McClure also commented about the article in the Pittsburgh Post Gazette regarding the possibility of automated garbage collection and the purchase of new containers. Mr. McClure was not in favor of an automated service.

Theresa Wolfarth, 2573 Nicholson Road – Mrs. Wolfarth noted that she and Mr. Kunert of the YMCA spoke before tonight's meeting, and Mr. Kunert informed her that the YMCA would install the sound barrier between the YMCA and her property. Mrs. Wolfarth also stated that she would like the borough to continue with the current garbage collection system rather than an automated system.

Mr. Wayne Haas, 2568 Nicholson Road – Mr. Haas asked if the planning commission waived additional parking spaces for the YMCA expansion. Mr. Rocca indicated that additional parking is not needed, based on the ordinance and requirements. It was noted that the spaces at the perimeter of the property are not currently being used. Mr. Haas provided pictures showing a full parking lot. There was discussion about the Land Use Steering Committee meetings and the zoning of the property across the street from the YMCA on Nicholson Road. Mrs. Creese noted that the public is welcome to attend the Land Use Steering Committee meetings, but they are not intended for public input at this time. Mrs. Creese assured Mr. Haas that a public hearing would be held before any changes are implemented, and the residents would always be informed.

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

YMCA OF PITTSBURGH REVISED CONDITIONAL USE PUBLIC HEARING – Mrs. Creese turned the meeting over to Mr. Junker to conduct a public hearing to consider a Conditional Use Application submitted by the YMCA of Pittsburgh for a 3,425 sq. ft. footprint (a total of 8,114 sq. ft) addition to the existing facility located at 2565 Nicholson Road in the R-2 zoning district. A court reporter was present to

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take a verbatim transcript of the hearing, which will be filed in the municipal files. The following were present on behalf of the YMCA and they were sworn in by the court reporter: Mr. Steve Cupcheck of Ross/Schonder/Sterzinger/Cupcheck, Mr. Bill Kunert from the YMCA, Rich Perillo from the YMCA and Matt Radinovic from HRG Consultants. Mr. Cupcheck reviewed the proposed expansion plan for the YMCA. He noted that there are no proposed changes to the parking. Mr. Nedzesky noted that he received the traffic study this week that addresses the need for a northbound left turning lane. There was then a lengthy discussion regarding the traffic study and whether or not a turning lane is required. Council asked if the YMCA would be willing to install the left-hand turning lane now. Mr. Perillo indicated that he could not commit to the installation of a turning lane at this time because they would have to evaluate the financial impact to the project. Mrs. Creese indicated that the approval would be contingent upon the left-hand turning lane, and she asked Mr. Perillo if the YMCA wanted to postpone any further discussion until there is agreement regarding the turning lane. Mr. Perillo then granted a waiver of the deemed approval process for the conditional use application and land development application until the August regular council meeting.

Mrs. Sable moved to close the public comment portion, seconded by Mrs. Hopey and carried unanimously.

Mr. Marwah moved approval be granted for the Conditional Use Application submitted by the YMCA of Pittsburgh for revised conditional use approval for a 3,425 sq. ft. footprint (a total of 8,114 sq. ft) addition to the existing facility located at 2565 Nicholson Road in the R-2 zoning district, contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated June 26, 2008 and the letter from W.E.C. Engineering dated June 10, 2008, seconded by Mrs. Hopey.

Mrs. Sable moved to table this motion (Agenda Motion #5), seconded by Mr. Hartman and carried unanimously.

YMCA OF PITTSBURGH LAND DEVELOPMENT – Mrs. Hopey moved preliminary and final approval be granted for the Land Development Application submitted by the YMCA of Pittsburgh for a 3,425 sq. ft. footprint (a total of 8,114 sq. ft) addition to the existing facility located at 2565 Nicholson Road in the R-2 zoning district, contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated June 26, 2008 and the letter from W.E.C. Engineering dated June 10, 2008, seconded by Mr. Hartman.

Mrs. Sable moved to table this motion (Agenda Motion #6), seconded by Mrs. Hopey and carried unanimously.

JOE BAUMGARTNER LAND DEVELOPMENT 2415 NICHOLSON ROAD - Mrs. Hopey moved preliminary and final approval be granted for the Land Development Application filed by Joe Baumgartner for the property located at 2415 Nicholson Road in the M-1 zoning district, contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated July 16, 2008 and the letter from W.E.C. Engineering dated July 15, 2008, seconded by Mr. Hartman and carried unanimously.

JENKINSON DRIVE STORM SEWER PROJECT, CHANGE ORDER NO. 2 – Mr. Marwah moved to approve Change Order No. 2 for the Jenkinson Drive Storm Sewer Project in the amount of \$1,434.43, decreasing the amended contract amount of \$170,925.75 to \$169,491.32 leaving a balance of \$0.00 in the contract, as recommended by W.E.C. Engineers in the letter dated July 16, 2008, seconded by Mrs. Sable and carried unanimously.

JENKINSON DRIVE STORM SEWER PROJECT, THIRD (AND FOURTH & FINAL PAYMENT) – Mrs. Sable moved to approve the payment in the amount of \$18,267.41 be made to R&B Contracting & Excavation representing the third (and fourth and final payment in the amount of \$0.00) for the Jenkinson Drive Storm Sewer Project for work completed, as recommended by W.E.C. Engineers in the letter dated July 16, 2008, seconded by Mr. Hartman and carried unanimously.

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RELEASE YMCA OF PITTSBURGH SUBDIVISION IMPROVEMENTS BOND – Mrs. Hopey moved that the Subdivision Improvements Performance Bond No. 529189S in the amount of \$24,998.06 issued by Developers Surety and Indemnity Company for the YMCA of Pittsburgh be reduced to \$0.00 and released in accordance with the Borough Engineer’s recommendation letter dated June 23, 2008, seconded by Mr. Marwah and carried unanimously.

NORTHLAND LIBRARY THIRD QUARTER PAYMENT – Mr. Hartman moved the Treasurer’s office be authorized to prepare a check in the amount of \$62,577.50 payable to Northland Library for the third quarter payment of 2008, seconded by Mr. Marwah and carried unanimously.

RESOLUTION NO. 942-2008, ASPHALT PUBLIC STREET CURBS – Mr. Junker summarized Resolution No. 942-2008. Mrs. Hopey moved Resolution No. 942-2008 deleting and replacing Appendix F, Detail F-1 to the Borough’s Subdivision and Land Development Ordinance, pursuant to Section 184-10 of the Code of the Borough of Franklin Park, thereby requiring public street curbs to be constructed with asphalt rather than concrete, be adopted, seconded by Mr. Marwah. Mrs. Sable objected to the motion on the basis of what it will do to property values; a cost comparison has not been provided on what it will cost to remove the crumbling concrete and replace it with asphalt and then replace those curbs with asphalt over time; and she feels it is a mistake to do this. Mr. Merriman noted that only damaged and crumbling concrete curbs would be removed. He then reviewed the figures that he had previously reviewed at the July 2, 2008 work session regarding the replacement of concrete curbs in several plans. Mrs. Sable asked to see the comparison between the costs of replacing concrete curbs vs. replacing the concrete curbs with asphalt. She also noted that asphalt curbs would need repaired more frequently than concrete curbs. Mr. Bob Salvatora, 1605 King James Drive, who is a civil engineer and a planning commission member, voiced his opinion that asphalt curbs would be detrimental to the overall presentation of what we try to convey in our community. Council members then discussed and debated concrete curbs and asphalt curbs. Mr. Marwah expressed his opinion that asphalt would prevent the rapid decay of the roads and noted that many neighborhoods have no curbs at all. Mr. Hrishenko asked how many streets have concrete curbs and how many have no curbs. Mr. Merriman indicated that approximately 66% have curbs.

Mrs. Creese then asked for a roll call vote:

- Mrs. Creese – No
- Mr. Hartman – No
- Mrs. Hopey – Yes
- Mr. Hrishenko – Yes
- Mr. Marwah – Yes
- Mrs. Sable – No

The vote resulted in a 3-3 tie and Mayor Clark was then asked to break the tie. Mr. Junker reviewed the procedure for the Mayor to cast the deciding vote or request that the matter be tabled. Mayor Clark noted that he is of the opinion that we do not have enough information to make a decision, and he then voted No. The motion failed. Mayor Clark asked for more specific information and to find ways to put provisions on the developers to protect the curbs. Mrs. Hopey also asked that the engineer test the concrete as it is being poured. Mr. Nedzesky noted that this could be included in the development agreement to require the developer to perform that test.

INTRODUCE ORDINANCE NO. 565-2008, PARKING BAN ON MATTERHORN DRIVE IN BRIARCLIFF PLAN – Mr. Junker introduced Ordinance No. 565-2008 banning vehicular parking within certain portions of the Briarcliff Development on Matterhorn Drive. This ordinance will be properly advertised for enactment at a future meeting.

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PURCHASE OF FINANCIAL SOFTWARE AND PERMITTING SOFTWARE – Mrs. Sable moved to authorize the purchase of INCODE software from Tyler Technologies, including financial software at a cost of \$59,000, GASB 34 report writer at a cost of \$5,000 and permitting software at a cost of \$11,500, for a total contract cost of \$75,500.00, contingent upon the borough solicitors approval of the contract language, seconded by Mrs. Hopey and carried unanimously.

BLUEBERRY HILL PARK PAVILION, CHANGE ORDER NO. 1 – Mr. Hrishenko moved to approve Change Order No. 1 for the Blueberry Hill Park Pavilion in the amount of \$3,612.00, authorizing the Borough to reimburse Jerry Horn Construction, Inc. for a Performance Bond and Labor and Material Payment Bond for this project, increasing the total contract amount from \$120,400.00 to \$124,012.00, seconded by Mr. Hartman and carried unanimously.

BLUEBERRY HILL PARK PAVILION, PAYMENT NO. 1 – Mr. Marwah moved to approve Payment No. 1 in the amount of \$3,612.00 be made to Jerry Horn Construction, Inc. representing reimbursement for a Performance Bond and Labor and Material Payment Bond for the Blueberry Hill Park Pavilion, seconded by Mr. Hartman and carried unanimously

TRAFFIC STUDY FOR BRANDT SCHOOL ROAD & WEST INGOMAR ROAD INTERSECTION – Mr. Hartman moved to authorize a contract with Trans Associates for the preparation of a traffic study, at a cost of \$2,650.00, for the intersection at Brandt School Road and West Ingomar Road, seconded by Mrs. Sable and carried unanimously.

AWARD BID FOR TREE REMOVAL AND GRUBBING FOR NEW LACROSSE FIELD AT LINBROOK PARK – Mrs. Sable moved Tedesco Construction Co. of McKeesport, PA be awarded the bid for tree removal and grubbing for the development of a new lacrosse field in Linbrook Park, at a cost of \$34,498.00, seconded by Mrs. Hopey and carried unanimously.

AWARD BID FOR EXCAVATION AND GRADING FOR NEW LACROSSE FIELD AT LINBROOK PARK Mrs. Hopey moved Tedesco Construction Co. of McKeesport, PA be awarded the bid for excavation and grading for the development of a new lacrosse field in Linbrook Park, at a cost of \$128,198.00 and the Secretary be authorized to return the bid securities to the unsuccessful bidders, seconded by Mrs. Sable and carried unanimously.

ALLOCATION OF FUNDS TO HISTORY COMMITTEE - Mrs. Sable moved to allocate an additional \$900 to the history committee for fiscal year 2008, said funds to be reimbursed to the borough by the Pennsylvania Historical Museum Commission, seconded by Mr. Marwah and carried unanimously.

REAPPROVAL OF THE FRANKLIN RUN SUBDIVISION PLAN - Mrs. Hopey moved that reappraisal of the preliminary and final approval be granted for the Franklin Run Subdivision Plan originally approved April 16, 2008, with all of the original conditions of approval, seconded by Mr. Hartman and carried unanimously.

MOTION TO PREPARE AN OPTIONAL 2009 BUDGET WITH A 25% PROPERTY TAX DEDUCTION - Mr. Marwah moved that at budget time, an optional 2009 budget be prepared with a 25% reduction in property taxes, seconded by Mr. Hrishenko. Council then discussed the motion and an article that was published in the Sunday Pittsburgh Post Gazette. Council discussed and made the following comments.

Mrs. Hopey commented that a council member went to the press as a political ploy to use the taxpayers' dollars to buy votes, and we cannot retain the level of service we have now just to satisfy a political agenda.

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Mrs. Creese commented that this is not the time of year to propose a tax cut. The matter should properly be discussed at budget time at the end of the year when we can evaluate all of the borough's long-term needs, rather than at mid-year. It makes no sense to propose a tax cut when we don't even know yet what our needs will be for next year. The state of the economy right now is not good, and the borough should not be committing to a tax cut. In the year 2010, earned income tax collection will be changed, and we don't yet know how that will impact cash flow. We have more retired people living in the borough who do not pay earned income taxes. If there would be a tax reduction, the borough would have to sustain that by reducing the services that are presently offered to residents and she asked what services would have to be cut. The borough taxes have only been increased one time in 42 years, and that speaks to the responsible government that the borough has provided its residents. We want to continue this kind of good fiscal management. The financial condition of the borough is reviewed on a regular basis, and where there is a true possibility of lowering taxes, it will be considered again. At this time, it is her opinion that this is a very irresponsible proposal.

Mr. Hrishenko commented that we should do what is best for the borough. Why is it when we want to do something for the people it is for political purposes? The borough is the taxpayers of this community, and without the taxpayers there would be no borough. There is an increase in assessed property valuation for new homes being built in the borough and an increase in earned income tax from high wage earners moving into the borough. In the year 2010, there will be a new streamlined earned income tax collection system that will reduce administrative costs and bring in more money for the borough. We are only six months into the year and we already have a general fund surplus of almost \$1 million and at this rate we should accumulate close to \$2 million in the general fund by the end of the year. Therefore, this would be the most appropriate time to reduce the property tax for the people of the borough. Let's see who on council wants to help the people of this borough.

Mrs. Sable commented that she would like to help the people of this borough and she resents the implication that voting against a proposed tax reduction for 2009 is somehow voting against the people. To consider a tax reduction at this point in time, for the next fiscal year, would be completely irresponsible of every person sitting up here. There is no way that we can make an informed decision about what next year's taxes should be without all of the facts and figures in front of us. We don't know what the needs will be for next year, and we don't know what the revenues will be next year. As each new person moves into the borough, very often there is a new house, a new neighborhood and increased tax expenditures that offset what is coming in. A tax reduction at this time would be irresponsible and would violate the procedures that are put forth for boroughs to set a budget for the following year, and we would be in violation of the law. Not only is it irresponsible, it is illegal.

Mrs. Hopey commented that the police report indicated that there were 428 calls last month, and the police department also assists other police departments when needed. The police contract negotiations are ongoing. Health insurance has gone up 39% in the corporate climate, and we have no clue as to how much our health care costs will go up, but they are usually not as high as corporate. The library is going through a change and those costs are going to go up in 2009. Paving has gone up 30% this year and we have no clue what petroleum costs will be next year. Sheet metal has gone up 18% by August. It is foolhardy to even discuss a tax decrease when we are not even at budget. This is political so some council members can use this at the next election to say that some council members voted against a tax decrease.

Mr. Hartman suggested inviting the reporter to attend our meetings and see what is going on.

Mr. Marwah commented that all he is suggesting is that we consider an optional budget. He noted that the new earned income tax collection system will come into effect in 2012, not 2010, and it is expected to improve tax revenue for every borough and township. It is estimated that \$237 million is lost in lost tax revenue. He has studied the budget since 2005. In 2005, we borrowed \$1 million in a tax anticipation note to manage the borough's operations. In 2006, our conditions improved and we borrowed \$600,000 in a tax anticipation note. But both years, promptly we deposited the money in a higher interest CD and we

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made money on the borrowed money in 2005 and 2006. In 2007 we were flush with cash and we did not need to borrow anything. At the 2007 budget hearings, held November 3rd and 10th the budget that was presented to the council had a year-end cash balance of \$794,015. At the conclusion of the budget hearings, we were happy with that amount of cash. On November 19th, after the budget hearings were over, Mr. Rocca revised the budget and the year-end cash jumped to \$1,459,870. By the time the budget was finally approved in December, the year-end cash became \$1,695,000. Currently that account holds \$2,120,121. We have absolutely a phenomenal amount of cash and this is on top of \$1.8 million that we hold in dedicated accounts that is separate from this \$2.1 million. So the total cash in our accounts today is close to \$4 million. A tax cut of 25% in the property taxes represents a little less than \$360,000. From the year-end, December 21, 2007, to June 30th we have built up \$400,000 cash. In the next six months, at the same rate, we will build up another \$400,000. If we give back \$360,000 we will still have a lot more money. No services have to be cut and there is plenty of money to take care of everything else that goes on in the borough.

Mrs. Sable noted a lot of the money sitting in accounts is earmarked for expenditures that have not yet arisen. It is not just sitting there because it is not going to be spent. The audience is probably very happy to hear how fiscally responsible we are.

Mrs. Creese commented that it is sound fiscal policy that a reserve be held so that we do not have to incur more costs to do a tax anticipation loan. We need our reserve now more than ever because of the state of the economy. Mrs. Creese then asked Mr. Rocca to comment on the budget hearings.

Mr. Rocca responded that he provides the data to council on which they base their decision. It is a policy decision what the tax rate should be, and council makes that decision. The budget is begun in September, it is refined and adjusted and then adopted by Borough Code in December. A newly elected council can modify that budget only in the month of January following an election year. There is no room for issuing any type of rebate or lowering taxes mid year. Unless the Borough Code allows a particular action, the courts have generally held that action is not permitted. The average homeowner in Franklin Park pays approximately \$250 in borough real estate taxes, and 25% of that would be \$62.00. A 25% tax decrease could not be implemented and sustained permanently without eliminating some services based on the numbers that he has. The numbers that Mr. Marwah referred to at the end of last year had to do with the budget development process. The budget begins in September and we have preliminary numbers that we give to council that says here are the department requests and projected revenues, and based on those projected revenues the initial estimate was that we would have approximately \$700,000 excess funds by the end of the year. As council conducts budget hearings, and the departments' requests are trimmed back, the year-end balance increases. This is a natural part of the process and is not unusual. As we trimmed the expenditures and fine-tuned the revenues then we ended up the year with a \$1.7 million surplus. A 25% tax reduction sounds great, but your overall tax bill will go down 1%.

Mrs. Hopeny asked Mr. Marwah to provide a written report including the figures that he has discussed this evening.

Mr. Rocca noted that the borough just received \$1 million of property taxes and our balance right now is high because 80% of the borough real estate tax is collected within a 30-day time period. However, some of that money will be used to pay for expenditures throughout the year and year-end balances will go down from where they are today.

Mrs. Hopeny indicated that she would like to table this motion. She asked Mr. Marwah to come back with a report for council because just saying that you want to do this is irresponsible and council needs to have backup to vote on.

Mr. Marwah stated that he is suggesting an optional budget; prepare one budget with the current property taxes and an optional budget with a 25% tax reduction maintaining the same amount of services.

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Mr. Marwah stated that he would challenge council to increase two miles of paving into the budget with the 25% cut. Mr. Marwah stated that he would not do a report. He is asking for an optional budget with a 25% cut in property taxes to see what it does to the budget. If it does something wrong to the budget, let's not do it. If it does not affect the budget or services, let's do it.

Mrs. Hopey once again stated that the motion should be tabled, seconded by Mr. Hartman.

Mrs. Sable commented that she would like to vote all of it down. She commented that it is irresponsible and illegal. We are not in a position to do anything regarding the 2009 budget at this point in time. While Mr. Marwah may have some valid points, they would be better raised during the budgeting process, which begins in September under the provisions in the Borough Code. Mr. Marwah responded that he is doing this in preparation for the budget time, because he was tricked the last budget time and he wants to prevent it from happening again.

Mrs. Creese reminded the audience that in our previous public meetings every time Mr. Marwah has had the opportunity to propose a tax refund, he has done so. It seems that it was clearly understood by the rest of council from our residents that they are much more interested in maintaining the service level we offer now, rather than receiving a tax cut. She commented that 25% sounds like you will get a big refund, but keep in mind that this figure is based entirely on your assessment and some residents live in older homes that are not assessed at the median of \$200,000. She believes that if the residents were informed about the precarious position this would place this borough in, they would rather keep the tax rate steady rather than reduce it. In 2003 the tax rate was reduced and it had to be raised the very next year.

Mr. Rocca clarified that in 2001 a tax reduction went into place with the countywide reassessment where by law the borough had to reduce taxes by 5%, which we did. When the county figures did not come in as projected, we did run into financial problems. The last time we raised taxes in 2003, the comment was that we should maintain the tax structure. Residents understood the borough needs additional dollars year after year to operate, but they did not understand the sizeable increase that we implemented percentage wise, although it was not a lot of money dollar-wise. The criticism was if the borough needs more money, raise taxes 2-3% a year, rather than hold taxes for many years and then have a substantial increase. In the year 2014 our bonds will be paid off and that is perhaps the time when we sit down with residents and say we have extra money and what is it that you want us to do with that money?. Do you want a refund or do you want us to maintain services and infrastructure?

Mr. Marwah commented that the reason the tax income is growing is because we have about 300 new taxpayers per year who are buying \$300,000 homes in Settlers Walk and \$600,000 homes in Castletown. These are the high wage earners and our earned income tax is growing rapidly. Between 2007 and 2008, we added 300 new taxpayers, roughly about 4%. During the first six months our tax revenues from the earned income tax went up by 8%. Literally 4% of the new population is making double the average income off the average residents in the borough. The income for the borough is growing very rapidly for the last three years and that is the reason we are flush with cash. Mr. Rocca commented that the earned income tax revenue is below a level percentage wise that it was last year. We have fallen behind because of the economy. The real estate tax is below where it was percentage wise for the past two months. This indicates that if the economy is not doing well, our revenues are not going to do well. It is important that any decision be done in conjunction with the Borough Code at budget time when council is fully informed and has all of the available information, so we do not decrease taxes one year and end up increasing taxes the following year. Residents want to see a consistent, steady professional management approach.

Mrs. Creese commented that before this meeting she spoke with the earned income tax collector who indicated that there is a decline in our revenue. She also noted that the 300 new people moving into the borough are also 300 more people using services, such as roads, parks, police and the fire department.

Mr. Marwah indicated that the dollar amounts indicate an increase in revenues as of June. Mr. Rocca noted that the percentage of collections is down from last year. He suggested council wait until budget time when all of the information is available, and any council member can make the suggestion at that time to reduce taxes.

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Mrs. Hopey moved to rescind her motion to table and Mr. Hartman rescinded his second to the motion.

Mr. Marwah then repeated his motion. Mr. Marwah moved that at budget time an optional 2009 budget be prepared with a 25% reduction in property taxes, seconded by Mr. Hrishenko.

Mrs. Creese then asked for a roll call vote:

Mrs. Creese – No

Mr. Hartman – No

Mrs. Hopey – No

Mr. Hrishenko – Yes

Mr. Marwah – Yes

Mrs. Sable – Mrs. Sable asked that the record reflect that she is voting in favor of compliance with the statutory requirements, which we have all taken an oath to uphold, governing the budgeting process, and she is voting against irresponsible government, and her vote was No.

The motion failed.

Janet Demma, 2343 Rochester Road – Mrs. Demma indicated that she lives in a smaller home in the borough and a 25% tax decrease would be \$48. She indicated that the borough could keep that money and install more lights in Blueberry Hill Park.

BOROUGH MANAGER – Mr. Rocca welcomed Bryan Hogg as the new junior councilperson. Mr. Rocca noted that outgoing junior councilperson Brenna Thorpe was also a scholarship recipient. She is an outstanding student and she will make Franklin Park proud.

SOLICITOR – Mr. Junker congratulated Brenna Thorpe on a job well done and he welcomed Bryan Hogg. Mr. Junker also thanked council and staff members who had sent well wishes after the birth of his daughter last month.

MAYOR CLARK – Mayor Clark welcomed Bryan Hogg.

MR. HRISHENKO – Mr. Hrishenko congratulated Bryan Hogg. Mr. Hrishenko then responded to the comments made by Mrs. Dietz at the last council meeting by reading a lengthy statement that included what he has done since he was elected as a councilman. He noted the education courses, meetings and banquets he has attended, noting that he has paid for most of them out of his own pocket. He has toured the borough facilities and projects. He commented on the second legal opinion obtained by the borough to determine if he was permitted to participate in executive sessions regarding Franklin Nursery. He commented on the attendance of council members at the Seven Springs Conference. He noted that he is a man of action and works hard to get things accomplished for the people of this borough.

MRS. HOPEY – Mrs. Hopey attended the Northland Library Foundation meeting. The Northland Foundation has now contracted Tutor.com, which will be available to all students in the Northland Library community. Any student can go to the library to get tutoring on their laptop or through their home with a library card. This is a two-year contract and they are hoping that it keeps on going. Mrs. Hopey also announced that on November 21st the Northland Foundation would hold their Gala to raise money for Tutor.com. Mrs. Hopey then responded to Mr. Hrishenko's comments regarding the second opinion that was obtained regarding Mr. Hrishenko's participation in executive sessions regarding Franklin Nursery. She noted that the authorization for the second opinion was ratified and is permitted under the Borough Code.

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL REGULAR MEETING
WEDNESDAY, JULY 16, 2008**

MRS. SABLE – Mrs. Sable welcomed Bryan Hogg and thanked Brenna Thorpe for serving with distinction. Mrs. Sable noted that her 7-yr old daughter and her friends have been attending the ultimate sports camp through the recreation department and they love it. Mrs. Sable also commented on the Pittsburgh Post Gazette article on Sunday regarding the purchase of special garbage cans. She noted that the article is completely misleading. Council never considered buying special garbage cans. Council did apply for a \$500,000 grant with respect to recycling containers because we may be required to change the method of garbage/recycling collection in the future. No suggestion was ever made that we would buy containers for other people, nor has there been any decision made as to whether or not the borough would go to an automated system. The article says things that are not true and it puts council in a bad light. She is not certain where the reporter obtained her information, but the article misrepresents what council voted on.

MR. MARWAH – Mr. Marwah responded to Mrs. Dietz's comments from the last meeting that he has no right to go into public offices and get public information. He stated that he has the right to go to any public office, ask for any public information and get any public information. Where he cannot go, he writes letters to Congressman Altmire and Senator Casey and he receives replies for public information. Mr. Marwah stated that he is delighted to see a crowd here this evening. He stated that for every \$100 of tax paid to the borough, \$1,500 is paid to the school board. He noted that few people attend the school board meetings.

MR. HARTMAN – Mr. Hartman congratulated Bryan Hogg. Mr. Hartman then read a letter from the Department of Administration Services, Election Division signed by the Assistant County Solicitor and the Solicitor of the County Elections Board that was addressed to Mr. Marwah relating to Mr. Hartman's campaign expense report. The letter noted that after review, they are of the opinion that these matters have been addressed and no further action need be taken by the Division.

BRYAN HOGG – Brian thanked council and noted that he looks forward to serving his term and participating in the upcoming meetings.

MRS. HOPEY – Mrs. Hopey noted that in Mr. Hrishenko's earlier comments he had implied that the borough paid for Mrs. Creese's spouse and Mr. Hartman's spouse to attend the Seven Springs Conference. Mrs. Hopey clarified that the borough pays for officials to attend the conferences, but the borough does not pay for spouses to attend.

MRS. CREESE – Mrs. Creese congratulated Bryan Hogg and noted that Brenna Thorpe did a fine job. Mrs. Creese noted that she would also like to respond to Mr. Hrishenko's comments, and she asked for a written copy of the statement he read this evening. Mrs. Creese thanked everyone that helped with the Festival in the Park; particularly council members, staff and residents who helped clear the park.

SUPERINTENDENT OF PUBLIC WORKS

- Mr. Merriman reported that they have completed the paving on Magee Road Extension and Locust Road. They are waiting on the arrival of PennDOT to line stripe the roads through the Agility Program.
- They also paved the activity center parking lot at Blueberry Hill Park.
- They are working on the irrigation system at Blueberry Hill Park.

CHIEF OF POLICE

- Chief Dorsch reminded residents that the police department has a crime prevention area on the web site where they post items of interest. This is the only way the police department has to make residents aware of burglaries and other occurrences in the borough.
- He reminded everyone to lock their cars and homes and to use their alarms.

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL REGULAR MEETING
WEDNESDAY, JULY 16, 2008**

ASSISTANT PARKS & RECREATION DIRECTOR

- Miss Morris thanked council members, staff members and volunteers for helping with the Festival in the Park and the cleanup.
- The first Popcorn Tuesdays Concert in the Park was held last night at the Blueberry Hill Gazebo and two more concerts will be held during the summer.
- This is the second week of the Ultimate Sports Program with 140 kids registered. To date they have 99 kids registered for the third week, which will be held in August.
- The second session of the Hands on History Program has been filled and will start next Monday.
- The Special Needs Program will be held on July 26th from noon to 3:00 p.m. Volunteers are needed for the program. This is a non-competitive day of fun.
- The postponed fireworks will be held July 25th at 9:00 p.m. before the Movie in the Park, which is A Bee Movie.

PARKS & RECREATION DIRECTOR

- Mr. Watenpool thanked everyone who helped with Festival. He noted that the early part of the day was very successful. However, he noted that there was some vandalism in the park and he commended Chief Dorsch and the officers for a very prompt and thorough investigation to resolve the matter.
- The Ultimate Sports Program received a \$1,500 equipment grant from The Highmark Healthy High Five Initiative to buy equipment to enhance the program, as well as a new after-school program this fall.
- They are continuing with maintenance and repair work in the parks. They have stained the deck at the activity center. They have started the excavation for the relocation of the playground that is necessary for the construction of the new pavilion at Blueberry Hill Park.

DEBBY RABOLD, HISTORIAN – Mrs. Rabold thanked council for reallocating the refund back into the history budget and she noted that it would be well used. She noted that we are officially sold out of the second printing of the Franklin Park Stories book. She thanked everyone who participated in the book and made it a success. She thanked Mary Eberhardt, Bill Creese and Eleanor Wist for helping with the book. Mrs. Rabold thanked council for their continued support of history.

ANNOUNCEMENT OF EXECUTIVE SESSION - Mrs. Creese announced that council would hold an executive session at the conclusion of this meeting to discuss matters related to the initiation of investigations of possible or certain violations of the law pertaining to state grant funds.

Marlene Hartman, 1573 Oakridge Lane – Mrs. Hartman stated that she and Mr. Hartman have attended the Seven Springs Conference several times and the borough pays for his fees. However, at no time has the borough paid for her food.

MOTION TO ADJOURN – Mr. Marwah moved to adjourn the meeting, seconded by Mrs. Sable and carried unanimously. The meeting adjourned at 10:30 p.m.

Respectfully submitted,

Cathy L. Krummert
Borough Secretary

Audience Present - 45