

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL REGULAR MEETING
WEDNESDAY, JULY 15, 2009**

The regular meeting of the Borough Council of the Borough of Franklin Park was held on Wednesday, July 15, 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. Marwahpresent
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.....present
Ronald Merriman, Superintendent of Public Workspresent
Brienne Morris, Assistant Parks & Recreation Directorpresent
Tim Phillips, Building Inspector/Zoning Officerabsent
Ambrose Rocca, Borough Managerpresent
Bill Schweitzer, Golf Course Superintendentabsent
Jim Watenpool, Parks & Recreation Directorpresent

SPECIAL RECOGNITION FOR BRYAN HOGG, OUTGOING JUNIOR COUNCILPERSON – Mrs. Creese presented Bryan with a Certificate of Recognition in honor of his dedicated service to the community as the seventh Junior Councilperson of the Borough of Franklin Park. Mrs. Creese stated that Bryan was an outstanding asset to the community. Bryan thanked the residents who attend the meetings, Mayor Kipp, employees, Council members, Mr. Rocca, and Council President Martha Creese.

APPROVAL OF THE MINUTES – Mrs. Sable moved the minutes of the June 17, 2009 pre/post meeting, the June 17, 2009 regular meeting and the July 1, 2009 work session, be approved, seconded by Mrs. Hopey and carried unanimously.

TREASURER’S REPORT - Mr. Rocca read the June 2009 Treasurer’s Report. June 2009 receipts totaled \$1,069,742.94 and June 2009 expenditures totaled \$401,058.05. Year-to-date receipts totaled \$3,786,238.43 and year-to-date expenditures totaled \$2,428,282.61. Mrs. Sable moved the June Treasurer’s Report be accepted as read, and the April and May Treasurer’s Reports be approved as revised, seconded by Mr. Hartman and carried unanimously.

POLICE REPORT – Mayor Kipp read the Police Report and activity report for the month of June 2009. Mayor Kipp read a letter from Sam Bernardo of Bernardo Brothers Construction thanking the police officers and paramedics who responded to a recent medical emergency. Mr. Hartman recommended the Police Report be filed with the Police Secretary.

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL REGULAR MEETING
WEDNESDAY, JULY 15, 2009**

BUILDING INSPECTION REPORT – Mr. Phillips was on vacation, and Mr. Rocca read the Building Inspection Report for June 2009. Mr. Phillips issued 21 permits and collected \$28,098.14 in fees. Total value of construction was \$3,133,972.00.

ANNOUNCEMENT OF EXECUTIVE SESSION - Mrs. Creese announced that an executive session was held on July 1, 2009 to discuss updates regarding T-Mobile litigation and Franklin Park Self-Storage litigation. Mr. Hrishenko questioned if the executive session had been announced. Council and the Solicitor confirmed that the executive session had been properly announced.

COMMENTS FROM THE FLOOR

James W. Lawrence, 2604 Fountain Hills Drive – Mr. Lawrence commented that Bryan Hogg is a fine young man and wished him well. Mr. Lawrence also expressed his concern for actions of some Council members, and he asked Mr. Junker why they cannot be removed from office and what else could be done. Mr. Junker responded that an elected official is entitled to keep office until they are convicted of a crime or they are voted out in an election.

Janet Harner, 1705 LaCosta Court – Ms. Harner was present on behalf of the Franklin Park Democratic Party to extend best wishes to Bryan Hogg and presented him with some gifts. Ms. Harner thanked Bryan for doing an outstanding job.

APPROVAL OF THE BILLS – Mr. Marwah 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.

HOHMAN PLAN OF LOTS, BIG SEWICKLEY CREEK ROAD – Mr. Hrishenko moved preliminary and final approval be granted for Subdivision Application No. 09-07-05 submitted by Robert & Lisa Hohman for the Hohman Plan of Lots, located on the east side of Big Sewickley Creek Road in the vicinity of Linbrook Park, in the M-3 and R-1 zoning district, to subdivide 1 lot into 2 lots, contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated July 8, 2009, and the letter from W.E.C. Engineering dated July 13, 2009, seconded by Mrs. Sable and carried unanimously.

SCARLETT RIDGE REVISION NO. 2 – Mrs. Hopey moved preliminary and final approval be granted for Subdivision Application No. 09-06-04 submitted by Bryan & Barbara Negrinti for the Scarlett Ridge Revision No. 2 Plan, in the R-2 zoning district, for a lot line revision between Lot 44 (1410 Scarlett Ridge Drive) & Lot 49 (Abby Rose Court), contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated May 27, 2009, and the letter from W.E.C. Engineering dated June 25, 2009, seconded by Mr. Hartman and carried unanimously.

NORTHLAND LIBRARY THIRD QUARTER PAYMENT – Mrs. Sable moved the Treasurer's office be authorized to prepare a check in the amount of \$66,071.75 payable to Northland Library for the third quarter payment of 2009, seconded by Mr. Marwah and carried unanimously.

APPOINT DELEGATE AND ALTERNATE TO PA ACT 32 OF 2008 ALLEGHENY COUNTY NORTHERN EARNED INCOME TAX REGION – Mr. Hartman moved to appoint Amy Sable as the delegate and William Kipp as the alternate to the PA Act 32 of 2008 Allegheny County Northern Earned Income Tax Region, seconded by Mr. Marwah and carried unanimously.

ACCEPT RESIGNATION OF TAMMY WHITESIDE FROM THE RECREATION BOARD – Mr. Marwah moved to accept the resignation of Tammy Whiteside from the Recreation Board effective July 6, 2009, seconded by Mr. Hartman. Mr. Hrishenko asked Ms. Whiteside to reconsider her resignation and remain on the board. Ms. Whiteside responded that her time would be better spent volunteering for the community rather than sitting in on meetings. The motion was then voted on and was carried unanimously.

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL REGULAR MEETING
WEDNESDAY, JULY 15, 2009**

INTRODUCE ORDINANCE NO. 583-2009 PROVIDING ADDITIONAL STOP SIGNS IN THE SPRING RIDGE AND SCARLETT RIDGE SUBDIVISIONS

– Mr. Junker introduced Ordinance No. 573-2009 providing for additional stop signs within the Spring Ridge and Scarlett Ridge subdivisions. This ordinance will be properly advertised for enactment at a future meeting.

RESOLUTION NO. 966-2009 CENSURING COUNCILMAN ASHOK K. MARWAH FOR MISCONDUCT

Mr. Junker summarized Resolution No. 966-2009. Mrs. Hopey moved Resolution No. 966-2009 censuring Councilman Ashok K. Marwah for misconduct, be adopted, seconded by Mr. Hartman.

Mrs. Hopey then moved to amend the seventh WHEREAS clause of Resolution No. 966-2009 to include the following: (attached hereto, made a part of hereof and labeled Exhibit "A" is a copy of the June 18, 2009 cease and desist letter), seconded by Mr. Hartman.

Mrs. Hopey then read the June 18, 2009 cease and desist letter. Mr. Junker noted that Mr. Marwah had contacted him the day after he received the cease and desist letter to inform him that he had taken the web page down, and they also discussed disabling the "gmail" account. Mr. Junker indicated that as far as he can tell, the cease and desist order has been complied with.

Mr. Marwah then read a statement.

Mrs. Hopey was then asked to restate her motion. Mrs. Hopey moved to amend the seventh WHEREAS clause of Resolution No. 966-2009 to include the following: (attached hereto, made a part of hereof and labeled Exhibit "A" is a copy of the June 18, 2009 cease and desist letter), seconded by Mr. Hartman.

Mrs. Creese asked for a roll call vote on the amendment to the motion.

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

Mr. Junker noted that with a six member Council and one abstention, the members present and voting drops to five, therefore a three to two vote carries the motion and the resolution was amended.

Mr. Marwah then continued his statement regarding the proposed Resolution. Mr. Hrishenko read a statement in support of Mr. Marwah. Mrs. Creese explained the reasons other Council members felt this resolution was necessary. There was then discussion and debate regarding the main motion, as amended.

Mrs. Hopey moved to end the debate, seconded by Mr. Hartman and carried unanimously.

Mrs. Creese then asked for a roll call vote on the main motion, as amended.

Mrs. Creese then asked for a roll call vote:

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

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL REGULAR MEETING
WEDNESDAY, JULY 15, 2009**

Mrs. Sable explained the reason for her abstention noting that she was not required to file an abstention memo with the Borough Secretary because there was no conflict of interest under the Pennsylvania Ethics Act.

Mr. Junker noted that the motion carried.

BOROUGH MANAGER – Mr. Rocca announced that the Scholarship Golf Outing would be held on Monday, and he invited all golfers to attend. We have raised approximately \$12,000 each year for the last two years during good economic times. This year the economy is not so good, and we need all the help we can get. Times are hard and the profits from the Golf Outing are expected to be down significantly.

SOLICITOR – Mr. Junker thanked Bryan Hogg. He also thanked Bryan's parents and grandparents for producing a fine young man.

MAYOR KIPP – Mayor Kipp thanked Brianne Morris, Jim Watenpool and the Recreation Board for a wonderful Festival in the Park. Mayor Kipp announced that he would officiate at a wedding in the borough next month. Mayor Kipp announced that Big Sewickley Creek Road has been closed until late August for bridge replacement. Mayor Kipp stated it was his pleasure sitting next to Bryan and he hopes what he learned here will serve him well in his academic career.

MR. HRISHENKO – Mr. Hrishenko attended the recent Ross Township Bicentennial Celebration, noting that it was very impressive. Mr. Hrishenko also attended the Festival in the Park, and he thanked Brianne Morris, Jim Watenpool, the Recreation Board and staff for their hard work to make the event a success. Mr. Hrishenko congratulated Bryan for serving and volunteering his time, and he wished him success.

MRS. HOPEY – Mrs. Hopey thanked Bryan noting that it was nice having a Junior Councilperson who was truly interested in the workings of the borough.

MRS. SABLE – Mrs. Sable thanked Bryan for serving as Junior Councilperson this year, and she wished him great success and happiness.

MR. MARWAH – Mr. Marwah commented on the Zoning Ordinance draft that is posted on the web site, and noted that it is still being worked on. Mr. Marwah noted that he had spoken to a couple judges last year regarding a court case in the borough, and he commented that the case is moving in the right direction. Mr. Marwah discussed an article in the Post Gazette last week that indicated that the borough may have already realized a savings of \$150,000 for the Northmont Farms Dam. He noted that this savings has not been realized yet, and the borough is continuing to work on this matter.

MR. HARTMAN – Mr. Hartman congratulated Bryan.

BRYAN HOGG – Bryan has learned a lot from this experience and don't be surprised if he attends some meetings on his college breaks.

MRS. CREESE – Mrs. Creese commented that it was a privilege to work with Bryan. Mrs. Creese also noted that there was an article in Money Magazine regarding six-figure towns, and Franklin Park is listed as #13. Mrs. Creese attended the Festival in the Park and she thanked Jim Watenpool, Brianne Morris, the Recreation Board and staff. It was a very successful, family oriented event.

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL REGULAR MEETING
WEDNESDAY, JULY 15, 2009**

SUPERINTENDENT OF PUBLIC WORKS

- Mr. Merriman reported that public works is moving along with paving. Richard, Cole, Valley Brooke and Huntington Court North and South have been paved. They are now backfilling the curbs.
- The Big Sewickley Creek road closure will not be good for the paving program. The asphalt trucks will now have to follow the detour route.

CHIEF OF POLICE

- Chief Dorsch congratulated Bryan.
- Chief Dorsch announced that there had been recent car break-ins in Settlers Walk and on Reis Run Road. He noted that other communities are having the same problem. He strongly encouraged everyone to spread the word and lock all doors. He also encouraged everyone to call the 9-1-1 if they hear or see something strange or out of place. Chief Dorsch noted items of concern are posted on the web site. Encouraged everyone to spread the word and keep cars locked.
- Chief Dorsch noted that the posted detour for the Big Sewickley Creek Road closure is not Gamelands Road. However, they know that this road will be used as a shortcut, and he announced that the police would be enforcing the 25 mph speed limit on Gamelands Road.

BUILDING INSPECTOR/ZONING OFFICER

- Mr. Phillips was on vacation.

PARKS & RECREATION DIRECTOR

- Mr. Watenpool thanked Council, staff and the Recreation Board for a coordinated effort to make the Festival in the Park a successful event. He also thanked Bryan for wearing the McGruff costume.
- The parks department is devoting a lot of time to maintenance and repairs in the parks. A major fast pitch softball tournament was held this past weekend with 31 teams playing 95 games.
- Mr. Watenpool received a telephone call from the Department of Conservation and Natural Resources, Forestry Division, informing him that we do have the Emerald Ash Borer in Blueberry Hill Park. We will now need to make some decisions on a course of action to preserve the trees in the park.

ASSISTANT PARKS & RECREATION DIRECTOR

- Miss Morris thanked Council, staff and the Recreation Board for their help with the Festival in the Park. It is a joint effort and it all comes together the day of the Festival. She noted that it was one of the more successful Festivals.
- Miss Morris thanked Bryan for wearing the McGruff costume and for providing input at meetings.
- This week is the second of three weeks of Ultimate Sports Camp this summer, and they have the highest attendance ever with 183 kids.
- Mrs. Hopey noted that the volunteer firemen should be recognized for all of their help at the Festival.

GOLF COURSE SUPERINTENDENT/MANAGER

- Mr. Schweitzer was on vacation.

Mrs. Creese announced that a brief reception would be held after the meeting in honor of Bryan Hogg.

MOTION TO ADJOURN – Mrs. Hopey moved to adjourn the meeting, seconded by Mr. Hartman and carried unanimously. The meeting adjourned at 9:19 p.m.

Respectfully submitted,

Cathy L. Krummert
Borough Secretary