

**BOROUGH OF FRANKLIN PARK  
BOROUGH COUNCIL REGULAR MEETING  
WEDNESDAY, OCTOBER 21, 2009**

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The regular meeting of the Borough Council of the Borough of Franklin Park was held on Wednesday, October 21, 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, 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 Brennan McGovern ..... present  
Mayor William H. Kipp ..... present

**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 ..... absent  
Jim Watenpool, Parks & Recreation Director ..... present

**APPOINT BRENNAN MCGOVERN, JUNIOR COUNCILPERSON** - Mrs. Hopey moved Brennan McGovern be appointed as the Junior Councilperson for the 2009/2010 school year, seconded by Mr. Hrishenko and carried unanimously. Mayor Kipp administered the Oath of Office.

**APPROVAL OF THE MINUTES** – Mrs. Sable moved the minutes of the September 16, 2009 pre/post meeting and the September 16, 2009 regular meeting, be approved, seconded by Mr. Hartman and carried unanimously.

**TREASURER’S REPORT** - Mr. Rocca read the September 2009 Treasurer’s Report. September 2009 receipts totaled \$491,513.07 and September 2009 expenditures totaled \$752,806.21. Year-to-date receipts totaled \$5,463,286.24 and year-to-date expenditures totaled \$4,692,271.25. 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 September 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 September 2009. Mr. Phillips issued 14 permits and collected \$21,635.00 in fees. Total value of construction was \$2,328,789.71.

**ANNOUNCEMENT OF EXECUTIVE SESSION** - Mrs. Creese announced that an executive session was held on October 7, 2009 to discuss potential litigation regarding the Scarlett Ridge Plan. Mrs. Creese also announced that an executive session would be held after the conclusion of this meeting to discuss a Teamsters Union grievance, and Council would also hold a post meeting after the conclusion of this meeting.

**COMMENTS FROM THE FLOOR**

Mr. Hrishenko suggested that the three-minute time limit for each speaker be eliminated. There was a brief discussion, and Council agreed.

Brian Webster, 1508 Sandhurst Drive – Mr. Webster stated that he feels strongly that all stop signs must stay at the intersection of Field Club Drive and Sandhurst Drive for safety reasons. Mr. Webster stated that the safety of the entire street should outweigh the inconvenience of one individual.

Hazel Pruckner, 1528 Sandhurst Drive – Mrs. Pruckner and her husband have lived on Sandhurst Drive for 36 years, and they have watched the street go from calm and quiet to a street with traffic. Mrs. Pruckner stated that there is no doubt that all three of the stop signs should remain for safety.

Marcia Ebbert, 1535 Field Club Drive – Mrs. Ebbert commented that there is limited site distance on Field Club Drive when turning onto Sandhurst Drive. Mrs. Ebbert said it would be wrong to remove any of the stop signs. She is in favor of keeping all of the stop signs for safety reasons.

Ken Schuring, 2358 Magee Road Extension – Mr. Schuring wanted it to be known that someone was spraying the trees along Magee Road Extension near Acorn Park. He was told by a second truck that it was PennDOT doing the spraying. Mr. Schuring stated that he called Mr. Rocca, who indicated that he had never been notified of the spraying. Mr. Schuring stated that the borough and individual residents should be notified when any type of spraying is going on. Mr. Rocca noted that staff has contacted Senator Orië's office and PennDOT, and we are waiting for a response. Staff will get back to Mr. Schuring once a response is received.

Pam Barnhart, 1514 Sandhurst Drive – Ms. Barnhart indicated that she was the person who initiated the request for the installation of the stop signs, and she fought very hard to have the signs put up for the safety of her children. Ms. Barnhart indicated that 21 residents were in favor of keeping all of the stop signs, and they need to remain for the safety of the children.

Brian McLaughlin, 1531 Sandhurst Drive – Mr. McLaughlin provided photographs of the intersection of Sandhurst Drive and Field Club Drive showing the poor field of vision at this intersection. Mr. McLaughlin is in favor of keeping all of the stop signs at the intersection for safety reasons. The safety concerns of 21 residents should outweigh the inconvenience of 1 or 2 residents. Mr. McLaughlin read into the record an email from Natalie Abel of 1512 Sandhurst Drive in favor of keeping the stop signs in place, and he also read a letter from Jennifer Webster of 1508 Sandhurst Drive in favor of keeping the stop signs.

There was then discussion among the audience, staff, Council and Mayor regarding the stop signs. Council thanked the residents for their input this evening.

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Marianne Stearns, 2505 Matterhorn Drive – Ms. Stearns noted that she used to live in the Brook Park neighborhood, and she would be in favor of keeping the stop signs. Ms. Stearns also read an email she received from Mr. Marwah regarding Allegheny County property reassessments. There was then some discussion regarding the reassessment issue as well as Mr. Marwah's comments.

Dennis O'Keefe, 1511 Sandhurst Drive – Mr. O'Keefe agrees with his neighbors, and he urged Council to listen to the comments expressed this evening regarding the stop signs and adopt Ordinance No. 576-2009 tonight.

Mrs. Creese noted that there would be a second public comment portion at the end of the meeting.

**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 Mrs. Sable and carried unanimously.

**ORDINANCE NO. 576-2009, ADDITIONAL STOP SIGNS AT SANDHURST DRIVE AND FIELD CLUB DRIVE** – Mr. Junker summarized Ordinance No. 576-2009. Mrs. Sable moved Ordinance No. 576-2009 providing for additional stop signs at the intersection of Sandhurst Drive and Field Club Drive be adopted, seconded by Mrs. Hopey. Council then discussed the motion. Mr. Marwah moved to table the motion. Mr. Marwah's motion failed, as there was no second to the motion. A vote was then taken on the main motion to enact Ordinance No. 576-2009, and the motion carried unanimously.

**BAIERL FAMILY YMCA, LETTER OF CREDIT REDUCTION** – Mr. Marwah moved National City Letter of Credit No. SCL015289 in the original amount of \$49,445.00 for the Baierl Family YMCA, be reduced by \$44,445.00 leaving a balance of \$5,000.00, in accordance with the Borough Engineer's recommendation letter dated September 22, 2009, seconded by Mrs. Hopey and carried unanimously.

**ACCEPT RESIGNATION OF BOB ZICK FROM THE RECREATION BOARD** – Mrs. Sable moved to accept the resignation of Robert Zick from the Recreation Board effective September 16, 2009, seconded by Mr. Hartman and carried unanimously. Mrs. Creese noted that Mr. Zick's resignation was accepted with regret.

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

**2010 NORTHLAND LIBRARY BUDGET APPROVAL** – Mrs. Sable moved to adopt the proposed 2010 Northland Library budget, contingent upon Franklin Park Borough providing up to \$270,855.00 as its share of municipal support, seconded by Mr. Hartman. Mr. Marwah objected to the motion because the amount specified in the motion is not the exact amount for the budget because the Regional Asset Board has rejected the funding formula for the libraries. Mrs. Hopey explained that the state budget has been passed and the figure in the motion is the amount specified in the library budget. Mrs. Creese called for a vote. Mr. Marwah voted "No" and all other members voted to approve the motion. The motion carried.

**ANNUAL CONTRIBUTIONS TO FRANKLIN PARK VOLUNTEER FIRE CO. NO. 1** – Mrs. Hopey moved the Treasurer be authorized to prepare a check in the amount of \$75,000.00 payable to the Franklin Park Volunteer Fire Company No. 1 which represents the Borough's annual contribution to the Fire Company, and the Treasurer be authorized to prepare a check in the amount of \$25,000.00 payable to the Pennsylvania Local Government Investment Trust for deposit into the Borough's Fire Company Escrow Account for future fire company vehicle purchases, seconded by Mr. Hrishenko and carried unanimously.

**RESOLUTION NO. 972-2009, ALLEGHENY COUNTY'S ENERGY PROGRAM FOR MUNICIPALITIES** – Mr. Junker summarized Resolution No. 972-2009. Mrs. Hopey moved Resolution No. 972-2009 indicating the Borough's willingness to participate in an energy audit as part of Allegheny County's Energy Program for Municipalities financed by a block grant through the U.S. Department of Energy, be adopted, seconded by Mr. Hartman and carried unanimously.

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**AWARD 2009 FALL COMMODITIES BIDS** – Mrs. Hopey moved to award the following 2009 fall commodities bids as submitted to the SHACOG Purchasing Alliance for its bid opening on September 23, 2009:

Gasoline & Diesel Fuel ..... Glassmere Fuel Service, Inc., P.O. Box 187, Curtisville, PA 15032,

seconded by Mr. Marwah and carried unanimously.

**APPOINT ACBA DELEGATE AND ALTERNATE** – Council discussed the appointment of a delegate and an alternate. Mrs. Creese indicated that she would be willing to continue to serve as the delegate. Mr. Hrishenko commented that he does not mind attending these type of meetings, but he would rather not be the alternate if the delegate can choose who they would like to attend the meeting in his/her place. Mrs. Hopey moved to appoint Martha Creese as the Delegate and Amy Sable as the Alternate to the Allegheny County Boroughs Association, seconded by Mr. Hartman and carried unanimously.

**2010 PENSION MMOs** – Mr. Hrishenko moved to acknowledge receipt of the 2010 MMOs for the Police and General Employees' Pension Plans and to state Council's intention to budget additional funds beyond the MMOs, seconded by Mrs. Hopey. Mr. Marwah commented that Council has agreed to contribute more into the pension plans than required by the MMOs and that total amounts to \$299,000. Mr. Rocca then explained the state requirements for funding the municipal pension plans. Mrs. Creese asked for a vote on the motion and it was carried unanimously.

**INTRODUCE ORDINANCE NO. 577-2009, PROVIDING FOR THE LEVYING, ASSESSMENT AND COLLECTION OF A LOCAL SERVICES TAX** – Mr. Junker summarized Ordinance No. 577-2009, providing for the levying, assessment and collection of a Local Services Tax under the "Local Tax Enabling Act," 53 P.S. Section 6921.101, et seq. and amending Chapter 189 of the Code of Ordinances of the Borough of Franklin Park, adopted by Ordinance No. 456-98 and thereafter amended, to enact a new Article VI to be entitled "Local Services Tax". This ordinance will be properly advertised for enactment at a future meeting. Mr. Rocca explained that the Local Services Tax has not previously been needed in the borough, but the borough now needs the additional revenue to offset expenses. The Local Services Tax allows a municipality to impose up to a \$52.00 tax on any employees who work within the borough and make over \$12,000. Mr. Rocca noted that Council will conclude the budget process within the next 30 days and they will make a final determination whether or not to impose this tax at the conclusion of the budget process. Mr. Marwah commented that he is firmly opposed to this tax and he discussed his reasons. Mrs. Creese then asked Mr. Junker to further explain the proposed Local Services Tax. Mr. Rocca noted that staff is projecting that the borough would collect approximately \$60,000 from this tax. Mr. Junker noted that the borough is required under the Local Tax Enabling Act to dedicate at least 25% of the tax collected for items such as police, fire and road repairs.

**REGIONAL VEHICLE INSPECTION TEAM AGREEMENT WITH THE ALLEGHENY COUNTY DISTRICT ATTORNEY** – Mr. Hartman moved to approve the Regional Vehicle Inspection Team Agreement between the Borough of Franklin Park and the District Attorney of Allegheny County, seconded by Mr. Hrishenko and carried unanimously.

**BOROUGH MANAGER** – Mr. Rocca noted that he was glad to see everyone in the audience, and he welcomes citizen participation and input.

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**MAYOR KIPP** – Mayor Kipp welcomed Brennan as the new Junior Councilperson. He reminded everyone that Tuesday, November 3<sup>rd</sup> is election day noting that residents would be voting for a new Mayor and three Council positions. He encouraged audience comments at the end of the meeting regarding any actions that took place during the meeting this evening. Mayor Kipp had noted that current estimates indicate that we will have a small budget surplus at the end of the year, and Council would not have to make difficult decisions as first thought. Mayor Kipp read a letter from Ms. Marilyn Senik of Hopkins Church Road expressing thanks and appreciation for herself and all residents of Hopkins Church Road for the recent road paving. Mayor Kipp discussed the 2006 Comprehensive Plan and the current work by the Planning Commission to develop new and revised regulations to implement the Plan. Mayor Kipp discussed the Five Points Village Overlay Article. Mayor Kipp discussed the interviews conducted by Council of two Planning Commission members who would be up for reappointment in 2010. Mayor Kipp read a letter addressed to Mr. Hrishenko from the Allegheny County District Attorney's office dated September 22, 2009 regarding a complaint filed by Mr. Hrishenko against Mrs. Hopey. The letter stated that an Allegheny County District Attorney reviewed the allegations and found no criminality involved.

**MR. HRISHENKO** – Mr. Hrishenko congratulated Brennan. Mr. Hrishenko thanked Mr. Merriman and his staff for installing the lights at the new pavilion at Blueberry Hill Park. Mr. Hrishenko responded to Mayor Kipp's previous comments regarding the Five Points Overlay area. Mr. Hrishenko noted that he and Mr. Marwah attended the Western Pennsylvania Township, Boroughs and Authorities Fall Conference at Seven Springs, and he reviewed some of the topics discussed. Mr. Hrishenko discussed the letter received by Mrs. Hopey from the Ethics Commission and also a letter sent out by Mrs. Hopey to her constituents. Mr. Junker cautioned Mr. Hrishenko that the confidentiality provisions of the Ethics Act prohibit any person from disclosing or acknowledging to another person any information relating to a complaint, preliminary inquiry, investigation, hearing or petition for reconsideration.

**MRS. HOPEY** – Mrs. Hopey read a statement regarding allegations against her regarding the installation of air conditioning at the Clover Hill Golf Course by Hopey Heating and Cooling. She noted that she would no longer publicly comment on this matter.

**MRS. SABLE** – Mrs. Sable congratulated Brennan and reminded everyone to vote on November 3<sup>rd</sup>. Mrs. Sable noted that she appreciated hearing from the residents of Field Club Drive and Sandhurst Drive, and she thanked them for coming out tonight.

**MR. MARWAH** – Mr. Marwah congratulated Brennan. Mr. Marwah noted that Council would be scheduling a meeting to finalize the budget, and he urged everyone to attend.

**MR. HARTMAN** – Mr. Hartman congratulated Brennan. Mr. Hartman noted that he is not in favor of raising any taxes.

**MRS. CREESE** – Mrs. Creese noted that Dr. Thomas Stein, the borough's Emergency Management Coordinator, has agreed to hold another session regarding emergency preparedness. Mrs. Creese encouraged everyone to attend when a date has been scheduled. Mrs. Creese welcomed Brennan. Mrs. Creese commented on comments made by Mr. Hrishenko and Mr. Marwah at the recent Seven Springs Conference.

**MR. HRISHENKO** – Mr. Hrishenko stated that he is against increasing taxes. Mr. Hrishenko then responded to previous comments.

**SUPERINTENDENT OF PUBLIC WORKS**

- Mr. Merriman commented on the letter previously read by Mayor Kipp regarding the paving of Hopkins Church Road. He noted that his guys try to stay one step ahead of everything and that is what they are paid to do.
- He noted that the brush chipping program would begin on November 2<sup>nd</sup>. He also noted that he ordered salt today.

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**CHIEF OF POLICE**

- No report.

**BUILDING INSPECTOR/ZONING OFFICER**

- No report.

**ASSISTANT PARKS & RECREATION DIRECTOR**

- Miss Morris announced that the Halloween Party would be held on Sunday at the Activity Center, and the Square Dance would be held on November 7<sup>th</sup> at the Activity Center.

**PARKS & RECREATION DIRECTOR**

- Mr. Watenpool noted that work is being done at the new lacrosse field. The excavation is underway, and should be finished next week weather permitting.

**COMMENTS FROM THE FLOOR**

Betty Gail Dietz, 2443 Rochester Road – Mrs. Dietz commented regarding the Seven Springs Conference and previous comments made by Mr. Hrishenko and Mr. Marwah.

There was then discussion among Council members regarding the Five Points Overlay District.

Hazel Pruckner, 1528 Sandhurst Drive – Mrs. Pruckner commented that there are many strong personalities on Council and there is a lot of dissention. She encouraged Council to stop arguing and work together to get the job done.

**MOTION TO ADJOURN** – Mr. Hartman moved to adjourn the meeting, seconded by Mrs. Sable and carried unanimously. The meeting adjourned at 10:37 p.m.

Respectfully submitted,

Cathy L. Krummert  
Borough Secretary

Audience Present - 47