

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL REGULAR MEETING
WEDNESDAY, NOVEMBER 18, 2009**

The regular meeting of the Borough Council of the Borough of Franklin Park was held on Wednesday, November 18, 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 Brennan McGovernpresent
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 Officerpresent
Ambrose Rocca, Borough Managerpresent
Bill Schweitzer, Golf Course Superintendentpresent
Jim Watenpool, Parks & Recreation Directorpresent

MAYOR KIPP – Mayor Kipp read the speech he gave at the Veterans Day celebration at Franklin Elementary School on November 11th.

APPROVAL OF THE MINUTES – Mrs. Hopey moved the minutes of the October 7, 2009 work session, the October 21, 2009 pre/post meeting, the October 21, 2009 regular meeting and the November 4, 2009 work session, be approved, seconded by Mr. Hartman and carried unanimously.

TREASURER’S REPORT - Mr. Rocca read the October 2009 Treasurer’s Report. October 2009 receipts totaled \$502,318.96 and year-to-date receipts totaled \$5,965,605.20. October 2009 expenditures totaled \$950,673.41 and year-to-date expenditures totaled \$5,642,944.66. 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 October 2009. Mr. Hartman recommended the Police Report be filed with the Police Secretary.

BUILDING INSPECTION REPORT - Mr. Phillips read the Building Inspection Report for October 2009. Mr. Phillips issued 20 permits and collected \$11,161.00 in fees. Total value of construction was \$957,997.00.

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ANNOUNCEMENT OF EXECUTIVE SESSION - Mrs. Creese announced that an executive session was held on November 4, 2009 to discuss labor relations, personnel and T-Mobile litigation and an executive session was held prior to the meeting this evening regarding a Teamsters Union grievance.

COMMENTS FROM THE FLOOR – None

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.

PUBLIC HEARING, CONDITIONAL USE APPLICATION CU-09-10-05, WILLIAM & SARAH SWARTZ – Mrs. Creese turned the meeting over to Mr. Junker to conduct a public hearing to consider Conditional Use Application CU-09-10-05 submitted by William and Sarah Swartz. Mary Ellen Wolf, court reporter, was present to take a verbatim transcript of the hearing. Mr. Junker noted that the Planning Commission recommended to approve the request and no conditions were attached. Mr. Junker reviewed the time requirements for approval of the application. Mr. William Swartz indicated that the front addition would be used for the storage of personal and classic cars and the rear addition would be used for the storage of a lawn tractor and yard equipment. Mr. Phillips noted that the abutting property owners had been notified. Mr. Swartz was asked if he would be willing to provide a landscape plan and he stated that he would be willing to do so. Council discussed the possibility of continuing the public hearing until a landscape plan is provided. Council expressed a concern regarding the size of the finished garage. Mrs. Sable moved approval be granted for Conditional Use Application CU-09-10-05 submitted by William and Sarah Swartz for an 840 sq. ft addition to a detached garage located at 2268 Meadow Road in the R-2 zoning district, contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated October 29, 2009, and contingent upon submission of a landscape plan to be approved by the Environmental Advisory Council, seconded by Mr. Hrishenko and carried unanimously.

ORDINANCE NO. 577-2009, LOCAL SERVICES TAX – Mr. Junker summarized Ordinance No. 577-2009. Mrs. Hopey moved 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", be enacted, seconded by Mrs. Sable. Mr. Rocca explained that up until now the borough has been in a relatively sound financial position, and we have not had a need for this tax. This tax imposes a \$52.00 annual fee on every worker within the borough. It also exempts workers who earn less than \$12,000 per year. Employers are required to withhold \$1.00 per week and submit it to the borough on a quarterly basis. There are several communities who have either instituted this tax this year or increased it. Mr. Hartman commented that he would rather have this tax than laying off employees or cutting services. Mrs. Creese then asked for a vote. Mr. Hrishenko voted "No" and all other members present voted "Aye". The motion carried.

INTRODUCTION OF ORDINANCE NO. 578-2009, 2010 TAX RATE ORDINANCE – Mr. Junker introduced Ordinance No. 578-2009 levying and assessing taxes for general and specific purposes for the year 2010. This ordinance will be properly advertised for enactment at the December 16, 2009 regular meeting.

RESOLUTION NO. 973-2009, APPOINTING JEFFREY W. ADAMS AS A FIRE POLICE OFFICER – Mr. Junker summarized Resolution No. 973-2009. Mrs. Sable moved Resolution No. 973-2009, appointing Jeffrey W. Adams as a Fire Police Officer for the year 2009 and providing for duties and control by the Chief of Police, be adopted, seconded by Mr. Hrishenko and carried unanimously. Mayor Kipp administered the Oath of Office.

INGOMAR/FRANKLIN PARK ATHLETIC ASSOCIATION LEASE AGREEMENT – Mr. Hrishenko moved to approve the Lease Agreement between the Borough of Franklin Park and the Ingomar/Franklin Park Athletic Association for the use of borough fields for a period of 15 years, beginning April 1, 2009 and ending November 1, 2024, seconded by Mrs. Sable and carried unanimously.

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NORTH ALLEGHENY SOCCER CLUB LEASE AGREEMENT – Mrs. Sable moved to approve the Lease Agreement between the Borough of Franklin Park and the North Allegheny Soccer Club for the use of borough fields for a period of 15 years, beginning April 1, 2009 and ending November 1, 2024, seconded by Mr. Hrishenko and carried unanimously.

LINBROOK CRICKET CLUB LEASE AGREEMENT – Mrs. Hopey moved to approve the Lease Agreement between the Borough of Franklin Park and the Linbrook Cricket Club for the use of borough fields for a period of 15 years, beginning April 1, 2009 and ending November 1, 2024, seconded by Mrs. Sable and carried unanimously.

CAR WASH AGREEMENT – Mr. Hartman moved Council accept the proposal from Jerry's Car Wash, Wexford, PA, to provide basic full service car wash services for vehicles owned and maintained by the Borough at a cost of \$6.35 per vehicle for the year 2010, seconded by Mr. Hrishenko and carried unanimously.

CHANGE ORDER #1, LINBROOK PARK LACROSSE FIELD TREE REMOVAL & GRUBBING CONTRACT – Mrs. Hopey moved to approve Change Order #1 for the Linbrook Park Lacrosse Field Tree Removal and Grubbing Contract increasing the original contract price of \$34,498.00 by \$2,242.37 for the clearing of additional acreage as required by the stormwater management plan prepared by HRG Engineering, bringing the total contract price to \$36,740.37, seconded by Mrs. Sable and carried unanimously.

CHANGE ORDER #1, LINBROOK PARK LACROSSE FIELD EXCAVATION CONTRACT – Mrs. Sable moved to approve Change Order #1 for the Linbrook Park Lacrosse Field Excavation Contract increasing the original contract price of \$128,198.00 by \$8,694.50 for the adjustment of final quantities and to incorporate work into the contract that previously was to be performed by borough forces, bringing the total contract price to \$136,892.50, seconded by Mrs. Hopey and carried unanimously.

PAYMENT #1, LINBROOK PARK LACROSSE FIELD EXCAVATION CONTRACT – Mr. Hrishenko moved to authorize Payment No. 1 in the amount of \$103,903.00 to Tedesco Construction Company for the completion of earth work for the Linbrook Park Lacrosse Field Excavation Contract, seconded by Mrs. Hopey and carried unanimously.

SCARLETT RIDGE PLAN, LETTER OF CREDIT REDUCTION – Mr. Hartman moved Washington Federal Letter of Credit No. 237 in the amount of \$100,250.35 for the Scarlett Ridge Plan, be reduced by \$14,388.00 leaving a balance of \$85,862.35, in accordance with the Borough Engineer's recommendation letter dated November 10, 2009, seconded by Mrs. Sable and carried unanimously.

PURDY NURSERY, LETTER OF CREDIT REDUCTION – Mrs. Hopey moved Bank of America N.A. Letter of Credit No. S201343 in the amended amount of \$25,389.12 for Purdy Nursery, be reduced by \$5,885.85 leaving a balance of \$19,503.27, in accordance with the Borough Engineer's recommendation letter dated November 11, 2009, seconded by Mr. Hartman and carried unanimously.

INTRODUCTION OF THE 2010 BUDGET – Mrs. Hopey moved to introduce the 2010 Borough Budget, seconded by Mrs. Sable and carried unanimously.

BOROUGH MANAGER – Mr. Rocca summarized the 2010 budget noting that with the exception of the Local Services Tax, all other tax rates will remain the same. The Local Services Tax should generate approximately \$67,000. The 2010 budget is a flat budget; revenues are projected to increase 1/10 of 1% and expenditures will increase 1/8 of 1%. We were able to balance the budget by eliminating some road resurfacing projects and also by eliminating some of the equipment depreciation. In 2013 bonds begin to be paid off, and we will begin to receive some repayments from the sanitary sewer funds. The beginning cash for 2010 is estimated at \$400,000, which is \$100,000 less than last year. We expect to finish 2009 with approximately \$100,000. We will upgrade equipment and facilities in the amount of \$170,000, which is well below what was spent last year. There were some cost-saving measures taken last year for the purchase of road salt.

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Mr. Rocca reviewed the lease agreements with the athletic associations that were on the agenda this evening. The way we have developed and maintained our recreational facilities is through cooperation with each one of the leagues, both through donations and through direct monetary contributions. It has been a very successful formula.

Mr. Rocca announced that every year Bill Howrilla, a resident and ex-marine, collects donations to be sent to soldiers serving overseas. The back room of the municipal building is full of donations, and they are now looking for resources to help defray the shipping costs. Mr. Rocca noted that the borough employees are taking up a collection, and he urged anyone who would like to contribute to see him after the meeting.

SOLICITOR – Mr. Junker noted that on October 28th he was invited to speak in front of the House Republican Policy Committee meeting in Pine Township regarding the property assessment system and what action the state could take. Mr. Junker noted that the meeting was videotaped and should be broadcast on PCN. Mr. Junker also congratulated the recently elected officials.

MAYOR KIPP – Mayor Kipp congratulated Mrs. Hopey and Mrs. Sable on their re-election to Council, and he congratulated Council-elect David Quatchak and Mayor-elect Dennis O'Keefe.

MR. HRISHENKO – Mr. Hrishenko thanked everyone who attended the last Council meeting from Sandhurst Drive and Field Club Drive to express their opinions regarding the stop sign at the intersection of Sandhurst Drive and Field Club Drive.

MRS. HOPEY – Mrs. Hopey welcomed Jeff Adams as a new fire police officer. Mrs. Hopey thanked Mr. Rocca and the department managers for working together to develop a balanced budget. The borough is very fortunate to have a staff that is willing to work together for the good of the community. Mrs. Hopey noted that the Northland Library budget is tough, along with every other budget. The Northland Library Board held a meeting last night. Because the ACLA funding will be less than expected, the Northland Library Foundation has taken on the responsibility for funding the Bookmobile. They will hold a fundraiser in February. She noted that people realize how important the library is for the community and they have shown their support.

MRS. SABLE – Mrs. Sable wished everyone a Happy Thanksgiving.

MR HARTMAN – Mr. Hartman wished everyone a Happy Thanksgiving. He stated that the Local Services Tax will help the borough so we do not have to lay off any employees.

BRENNAN MCGOVERN, JUNIOR COUNCILMAN – Brennan congratulated all who were elected and re-elected in the recent election. He thanked Mayor Kipp for reading his Veterans Day speech and wished everyone a Happy Thanksgiving.

MRS. CREESE – Mrs. Creese thanked Mayor Kipp for reading his Veterans Day speech. She congratulated Jeff Adams as a new fire police officer, and she congratulated Mrs. Sable, Mrs. Hopey, Mr. Quatchak and Mr. O'Keefe for being elected. Mrs. Creese noted that the Local Services Tax was a tough decision for Council to make. She thanked staff for the sacrifices behind the scenes to cut to the bare minimum so we did not have to lay off any workers or cut any services.

SUPERINTENDENT OF PUBLIC WORKS

- Mr. Merriman wished everyone a Happy Holiday.

CHIEF OF POLICE

- Chief Dorsch wished everyone a Happy Thanksgiving and welcomed Jeff Adams as a new fire police officer.

BUILDING INSPECTOR/ZONING OFFICER

- No report.

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ASSISTANT PARKS & RECREATION DIRECTOR

- Miss Morris provided an update on the recent Halloween Party, noting that there were 200 attendees.
- Lunch with Santa is scheduled for Sunday December 13th. Early registration is encouraged since the program usually fills quickly.

PARKS & RECREATION DIRECTOR

- Mr. Watenpool noted that they had completed aeration and fertilization of all athletic fields.
- They have put straw blankets on all steep slopes on the Lacrosse Field to meet all DEP requirements. The overall construction is finished, and the contractor was moving out his equipment today.
- They have reconstructed the ball field on Rochester Road in order to address drainage issues.

GOLF COURSE SUPERINTENDENT/MANAGER

- Mr. Schweitzer noted that the season is winding down at the golf course, but they are still open for play.
- Gift cards are available for the holidays.
- He wished everyone Happy Holidays and congratulated the newly elected officials.

COMMENTS FROM THE FLOOR - None

MOTION TO ADJOURN – Mr. Hartman moved to adjourn the meeting, seconded by Mrs. Sable and carried unanimously. The meeting adjourned at 9:06 p.m.

Respectfully submitted,

Cathy L. Krummert
Borough Secretary

Audience Present - 36