

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL REGULAR MEETING
WEDNESDAY, DECEMBER 17, 2008**

The regular meeting of the Borough Council of the Borough of Franklin Park was held on Wednesday, December 17, 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
Junior Councilperson Bryan Hoggpresent
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 Superintendent.....present
Karen Sproul, Co-Treasurerpresent
Carolyn Strunk, Co-Treasurer.....present
Jim Watenpool, Parks & Recreation Directorabsent

APPROVAL OF THE MINUTES – Mrs. Hopey moved the minutes of the November 19, 2008 pre/post meeting as amended, the November 19, 2008 regular meeting as amended, and the December 3, 2008 work session, be approved, seconded by Mrs. Sable. Mrs. Creese called for a vote, and after hearing some objection, she called for a roll call vote:

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

The motion carried.

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TREASURER'S REPORT – Mr. Rocca read the November 2008 Treasurer's Report. November 2008 receipts totaled \$408,416.52 and November 2008 expenditures totaled \$396,901.85. Year-to-date receipts totaled \$6,330,249.60 and year-to-date expenditures totaled \$7,062,339.76. Mrs. Sable moved the Treasurer's Report be accepted as read, seconded by Mrs. Hopey and carried unanimously.

POLICE REPORT – Mayor Clark read the Police Report and activity report for the month of November 2008. Mr. Hartman moved the Police Report be filed with the Police Secretary, seconded by Mr. Hrishenko and carried unanimously.

BUILDING INSPECTION REPORT - Mr. Phillips read the Building Inspection Report for November 2008. Mr. Phillips issued 12 permits and collected \$11,723.00 in fees. Total value of construction was \$1,629,986.00.

ANNOUNCEMENT OF EXECUTIVE SESSION - Mrs. Creese announced that an executive session was held on December 3, 2008 to discuss police negotiations and an executive session was held this evening to discuss litigation.

COMMENTS FROM THE FLOOR

Mr. Kenneth Yarsky – Attorney Yarsky spoke on behalf of his client, Eddy Homes, the developer of the Scarlett Ridge Plan, regarding the operation and maintenance of the roads in the plan. Mr. Rocca responded by reviewing the borough's policy regarding the acceptance of public improvements.

Mr. Thomas Quinlan, 1422 Scarlett Ridge Drive – Mr. Quinlan discussed the maintenance of roads within the Scarlett Ridge Plan and expressed a concern for the safety of the families in the Scarlett Ridge Plan.

Mr. Jeff Prem, 1805 Tara Court - Mr. Prem discussed the maintenance of roads within the Scarlett Ridge Plan and expressed a concern for the residents in the Scarlett Ridge Plan. Mr. Prem also asked several questions regarding acceptance of improvements, snow removal and enforcement of traffic laws. Mr. Rocca, Chief Dorsch, Mrs. Hopey and Mr. Marwah responded.

OLD BUSINESS

MOTION TO TAKE FROM THE TABLE THE MINUTES OF THE OCTOBER 15, 2008 REGULAR MEETING - Mrs. Sable moved to take from the table the minutes of the October 15, 2008 regular meeting as amended, seconded by Mrs. Hopey. There was then discussion regarding the amended minutes and the content of minutes. It was noted that the majority of council had previously agreed, that the Secretary should record the actions taken and not individual comments. Mrs. Creese called for a vote, and after hearing some objection, she then asked for a roll call vote.

Mrs. Creese – Aye
Mr. Hartman – Aye
Mrs. Hopey – Aye
Mr. Hrishenko – No
Mr. Marwah – No
Mrs. Sable – Aye

The motion carried.

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MOTION TO APPROVE THE OCTOBER 15, 2008 MINUTES - Mrs. Hopey moved to approve the minutes of the October 15, 2008 regular meeting as amended, seconded by Mr. Hartman. There was then discussion regarding the inclusion of individual comments in the minutes. Mrs. Creese called for a vote, and after hearing some objection, she then asked for a roll call vote.

Mrs. Creese – Aye
Mr. Hartman – Aye
Mrs. Hopey – Aye
Mr. Hrishenko – No
Mr. Marwah – No
Mrs. Sable – Aye

The motion carried.

NEW BUSINESS

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 and carried unanimously.

PUBLIC HEARING, ORDINANCE NO. 569-2008, STORMWATER MANAGEMENT ORDINANCE – Mrs. Creese turned the meeting over to Mr. Junker to conduct the public hearing. Mary Ellen Wolf, Court Reporter, was present to take a verbatim transcript of the hearing. The purpose of the public hearing was to receive public comments on a proposed amendment to the Subdivision and Land Development Ordinance, identified as Ordinance No. 569-2008, enacting and implementing the Act 167 Stormwater Management Ordinance. No public comments were heard, and Mr. Junker then closed the hearing.

Mr. Marwah moved Ordinance No. 569-2008 enacting and implementing the Act 167 Stormwater Management Ordinance, creating a new chapter in the Borough's Codified Ordinances and amending Section 184-28 of the Subdivision and Land Development Ordinance to incorporate same, be enacted, seconded by Mrs. Sable and carried unanimously.

ORDINANCE NO. 570-2008, THE 2009 TAX ORDINANCE – Mr. Junker summarized Ordinance No. 570-2008. Mrs. Hopey moved Ordinance No. 570-2008 levying and assessing taxes for general and specific purposes for the year 2009, be enacted, seconded by Mrs. Sable.

Mr. Marwah moved to postpone action on Ordinance 570-2008 to a date certain in order to open the budget, reduce the millage rate to 1.150 in the ordinance, schedule a special meeting on December 31, 2008 and properly advertise, seconded by Mr. Hrishenko. There was then a discussion. Mr. Marwah explained that he was proposing this millage rate reduction by using the \$150,000 included in the budget for repairs to the Northmont Farms Dam, since the borough is looking into decertifying the dam. Mrs. Creese, Mayor Clark, Mr. Hartman, Mr. Hogg, Mrs. Sable and Mrs. Hopey commented that it is irresponsible to propose such a motion and use funds that have been earmarked for the Northmont Farms Dam, since it is unknown at this time if the DEP will decertify the dam. The borough has prepared a "bare bones" budget and there have been cut backs in many areas so taxes do not have to be raised during this difficult economic time.

Mr. Rocca then presented the proposed 2009 budget, with the following highlights:

- The borough auditor provided a letter, which indicated that most importantly the opening balance that the borough uses for budgeting purposes should be the unrestricted cash balance. The borough has \$500,000 in restricted cash that cannot be used in the budget.
- The borough's beginning cash balance in 2007 was \$1,538,000.00 and the November 2008 figure was \$537,000.00, almost \$1 million less. In 2008 the borough carried out a significant amount of road work and bought additional equipment that caused the cash position to decline.
- The 2009 projection is that revenues will be stagnant and expenditures will go down.

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- Based on the economic outlook, the borough will only be able to tread water over the next several years. We will not have the money to continue expansions as we have had in the past.
- By the end of 2009, the projection is that the cash position will decline another \$50,000..
- The borough auditor has noted that the borough is in the 90th percentile of the governments in terms of the quality of the accounting system and the records maintained that are provided to the auditor.
- Expenses for 2009 are projected to decline 3.8 percent. Revenues will be somewhat steady and we hope to offset any decline in revenues with new residents moving in to the borough.
- The borough can anticipate no relief from the dire economic condition until the year 2014 when bonds are paid off.

Mrs. Creese then asked Mr. Marwah to repeat his motion, which was then seconded again by Mr. Hrishenko, and Mrs. Creese asked for a roll call vote:

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

The motion failed

Mrs. Hopey moved Ordinance No. 570-2008 levying and assessing taxes for general and specific purposes for the year 2009, be enacted, seconded by Mrs. Sable. The motion was then voted upon and carried unanimously.

2009 BUDGET – Mrs. Hopey moved the annual budget for the year 2009 be approved (the official budget will be available in the general office during normal business hours), seconded by Mrs. Sable and carried. Mr. Marwah voted “No”. The motion carried.

2009 TABLE OF ORGANIZATION – Mrs. Hopey moved the 2009 Table of Organization fixing the salaries for employees and appointees of the Borough for the calendar year 2009 be adopted, seconded by Mr. Hartman and carried unanimously.

RESOLUTION NO. 952-2008, 2009 POLICE PENSION CONTRIBUTION – Mr. Junker summarized Resolution No. 952-2008. Mrs. Sable moved Resolution No. 952-2008 establishing the contribution rate of 1% of compensation for the participants of the Borough of Franklin Park Police Pension Plan for the 2009 plan year, be adopted, seconded by Mrs. Hopey and carried unanimously.

RESOLUTION NO. 953-2008, RATIFYING AND APPROVING 2009 ENGINEERING FEES – Mr. Junker summarized Resolution No. 953-2008. Mr. Marwah moved Resolution No. 953-2008 ratifying and approving engineering fees for the year 2009, be adopted, seconded by Mr. Hartman and carried unanimously.

PAYMENT NO. 4 TO JERRY HORN CONSTRUCTION FOR BLUEBERRY HILL PARK PAVILION – Mr. Hrishenko moved to authorize Payment No. 4 in the amount of \$48,160.00 to Jerry Horn Construction, Inc. for the completion of rough in plumbing and the completion of concrete flat work for the lower level construction of the pavilion at Blueberry Hill Park, seconded by Mrs. Sable and carried unanimously.

ACCEPT RESIGNATION OF MELVIN HENNING, ASSISTANT FIRE OFFICIAL – Mrs. Hopey moved to accept the resignation of Melvin Henning as the Assistant Fire Official effective January 1, 2009, seconded by Mr. Hrishenko. Mr. Hartman voted “No”. Mr. Henning was commended for a job well done.

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FRANKLIN RUN DEVELOPMENT, REDUCE LETTER OF CREDIT – Mrs. Hopey moved Letter of Credit No. SB-003082 in the original amount of \$1,069,910.09 issued by S&T Bank for the Franklin Run Development, be reduced by \$718,410.09 leaving a balance of \$351,500.00, seconded by Mrs. Sable and carried unanimously.

AWARD PICNIC TABLE BIDS FOR BLUEBERRY HILL PARK PAVILION – Mrs. Sable moved to award Engineered Plastic Systems, of Elgin Illinois, the bid to provide picnic tables for the Blueberry Hill Park pavilion, at a total cost of \$12,594.50, and the Secretary be authorized to return the bid bonds to the unsuccessful bidders, seconded by Mrs. Hopey and carried unanimously.

REAPPROVE YMCA OF PITTSBURGH LAND DEVELOPMENT APPLICATION – Mr. Marwah moved reapproval 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, with all of the conditions as set forth when the plan was originally granted preliminary and final approval on August 20, 2008, seconded by Mrs. Hopey and carried unanimously.

BRANDTVIEW PLACE PLAN, REDUCE LETTER OF CREDIT – Mrs. Hopey moved Letter of Credit No. SCL013951 in the amended amount of \$45,433.75 issued by National City Bank for the Brandtview Place Plan, be reduced by \$23,633.75 leaving a balance of \$21,800.00, in accordance with the Borough Engineer's recommendation letter dated December 1, 2008, seconded by Mr. Hrishenko and carried unanimously.

ADOPT AMENDED PA RIGHT TO KNOW LAW POLICY – Mrs. Sable moved to adopt the amended PA Right to Know Law policy and to appoint Ambrose Rocca, Borough Manager, Open Records Officer, seconded by Mrs. Hopey and carried unanimously.

REAPPOINT CHARLES F. PEREGO TO THE ZONING HEARING BOARD – Mr. Hrishenko moved Charles F. Perego be reappointed to the Zoning Hearing Board for a five-year term, which term will expire December 31, 2013, seconded by Mrs. Hopey and carried unanimously.

ALLEGHENY COUNTY WINTER AGREEMENT 2008/2009 – Mrs. Sable moved to enter into an Agreement with Allegheny County for the 2008/2009 winter season and to accept salt in lieu of payment, seconded by Mr. Hrishenko and carried unanimously.

SOLICITOR – Mr. Junker responded to Mr. Yarsky's comments earlier in the meeting under the public comment portion.

MR. HRISHENKO – Mr. Hrishenko responded to a comment made by Mrs. Hopey at the last meeting, thanked the solicitor for making a contribution to the Greater Pittsburgh Food Bank on behalf of council and the mayor, he also attended the Allegheny County Boroughs Association dinner.

MRS. HOPEY – Mrs. Hopey responded to Mr. Hrishenko's comment, commended staff for their work on the budget, and thanked the residents for their support.

MRS. SABLE – Mrs. Sable thanked the members of council who appointed her to serve on council.

MR. MARWAH – Mr. Marwah reviewed the accomplishments of the borough.

SUPERINTENDENT OF PUBLIC WORKS

- Mr. Merriman thanked Mel Henning for his service.

CHIEF OF POLICE

- Chief Dorsch asked everyone to remember our troops during the holidays.

BUILDING INSPECTOR/ZONING OFFICER

- Mr. Phillips thanked council for his recognition for 10 years of service.

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ASSISTANT PARKS & RECREATION DIRECTOR

- Miss Morris provided a report for the Parks & Recreation Department.

GOLF COURSE SUPERINTENDENT/MANAGER

- Mr. Schweitzer thanked borough council for their support and for recognizing him and some of his staff for their years of service.

MRS. CREESE – Mrs. Creese commented on the seniors' program luncheon and the borough Christmas Party.

MAYOR CLARK – Mayor Clark read a letter of resignation as Mayor and Emergency Management Coordinator for the borough, effective at the conclusion of the December 17, 2008 meeting.

HOLIDAY WISHES – The Manager, Council members and Mayor wished everyone Merry Christmas, Happy Holidays and Happy New Year.

MAYOR'S VACANCY – Mr. Junker suggested that council recess to the conference room after this meeting to discuss the vacancy in the Mayor's position. Mr. Hartman moved to recess the meeting, seconded by Mr. Marwah and carried unanimously. Council then moved to the conference room and discussed the requirements for advertising and appointing a candidate to fill the Mayor's position. The position will be advertised and council will hold a special meeting at 7:00 p.m., prior to the January 7, 2009 work session to interview, discuss and appoint a candidate to fill the unexpired term of the Mayor. The work session will then immediately follow the conclusion of the special meeting. It was pointed out that some faiths observe Christmas on January 7th. It was agreed that council may also interview candidates on Monday, January 5th only if a candidate(s) cannot attend on January 7th. Interested candidates must be a registered elector who has resided in the borough for at least one year, and they should submit a resume or letter of interest by noon on Monday, January 5th. Mr. Junker also informed council that Mrs. Creese, as council president, would now assume the position of Mayor starting tomorrow. She would not have the ability to vote, although she could break any ties that happen. Mrs. Hopey, as Vice President, would preside over the special meeting on January 7th.

Council also discussed the fact that Mayor Clark had also resigned as the emergency management coordinator and this position would also need to be filled. It was noted that the position should be filled by someone who is experienced in emergency management and response. Mr. Rocca currently serves as the assistant emergency management coordinator.

MOTION TO ADJOURN – Mrs. Sable moved to adjourn the meeting, seconded by Mr. Hartman and carried unanimously. The meeting adjourned at 10:09 p.m.

Respectfully submitted,

Cathy L. Krummert
Borough Secretary

Audience Present - 68