

**BOROUGH OF FRANKLIN PARK  
BOROUGH COUNCIL REGULAR MEETING  
WEDNESDAY, DECEMBER 16, 2009**

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The regular meeting of the Borough Council of the Borough of Franklin Park was held on Wednesday, December 16, 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 ..... present  
Jim Watenpool, Parks & Recreation Director ..... present

**RECOGNITION OF BOY SCOUT TROOP NO. 36 FOR THEIR COMMUNITY SERVICE** – Mayor Kipp recognized the following scouts for their community service. First-time awardees received patches.

| <u>First Time Awards</u> | <u>Second Time Award</u> | <u>Third Time Award</u> | <u>Eagle Scout Rank</u> |
|--------------------------|--------------------------|-------------------------|-------------------------|
| Adam Bolette             | Edd Keisling             | Jeff Campbell           | Jeff Campbell           |
| Gabe Gaspar              | Jacob Machi              |                         | David Wilkins           |
| Linda Campbell           | Mike Magdic              |                         | Matt Magdic             |
|                          | Matt Waldron             |                         |                         |
|                          | Ken Andrews              |                         |                         |
|                          | Scott Campbell           |                         |                         |
|                          | David Wilkins            |                         |                         |

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---

Mrs. Hopey stated that tonight we recognize Council President Martha Creese and Mayor William Kipp for their exemplary public service to the Borough of Franklin Park.

**PRESENTATIONS TO MARTHA CREESE, OUTGOING COUNCIL PRESIDENT** – Ms. Ashley Siska from State Senator Jane Clare Orié's Office read and presented a Citation to Martha Creese. Mr. Ralph LeDonne of State Representative Mike Turzai's office read and presented a Citation to Martha Creese. Mrs. Hopey read and presented Resolution No. 974-2009 to Martha Creese. Mrs. Sable moved Resolution No. 974-2009 recognizing Martha Creese for her years of dedicated community service, be adopted, seconded by Mr. Hartman and carried unanimously.

**PRESENTATIONS TO WILLIAM KIPP, OUTGOING MAYOR** - Ms. Ashley Siska from State Senator Jane Clare Orié's Office read and presented a Citation to William Kipp. Mr. Ralph LeDonne of State Representative Mike Turzai's office read and presented a Citation to William Kipp. Mrs. Sable moved Resolution No. 975-2009 recognizing William Kipp for his years of dedicated community service, be adopted, seconded by Mr. Hartman and carried unanimously. Council Vice President Jane Hopey read and presented Resolution No.975-2009 to William Kipp.

**APPROVAL OF THE MINUTES** – Mr. Hrishenko moved the minutes of the November 18, 2009 pre/post meeting, the November 18, 2009 regular meeting and the December 2, 2009 work session, be approved, seconded by Mrs. Sable and carried unanimously.

**TREASURER'S REPORT** - Mr. Rocca read the November 2009 Treasurer's Report. November 2009 receipts totaled \$393,937.86 and November 2009 expenditures totaled \$488,934.15. Year-to-date receipts totaled \$6,360,068.06 and year-to-date expenditures totaled \$6,131,878.81. Mr. Marwah moved the Treasurer's Report be accepted as read, seconded by Mrs. Sable and carried unanimously.

**POLICE REPORT** – Mayor Kipp read the Police Report and activity report for the month of November 2009. Mr. Hartman recommended the Police Report be filed with the Police Secretary.

**BUILDING INSPECTION REPORT** - Mr. Phillips read the Building Inspection Report for November 2009. Mr. Phillips issued 16 permits and collected \$17,404.00 in fees. Total value of construction was \$1,977,268.00.

**ANNOUNCEMENT OF EXECUTIVE SESSION** - Mrs. Creese announced that an executive session was held on December 2, 2009 to discuss personnel and a Teamsters Union grievance.

**COMMENTS FROM THE FLOOR**

Mr. Jim Lawrence, 2604 Fountain Hills Drive – Mr. Lawrence stated that Mrs. Creese has served the community with courage and leadership, and she will be missed.

Mr. John Murphy, 1815 Franklin Run Drive – Mr. Murphy is a new resident who has a concern with the application on the agenda this evening for Franklin Run Plan of Lots Revised No. 3, and he asked Council to oppose the application. Mr. Junker indicated that the zoning ordinance does permit a staggered approach with different setbacks from 50 ft. to 40 ft. throughout the plan. He suggested that the homeowners in the plan look at the language in their contracts with the developer. Mr. Phillips noted that the ordinance provides for the request that has been made by the developer, and this is the second request of this type in the plan. Mr. Murphy expressed his frustration that the project manager did not convey accurate information to him. Mr. Marwah indicated that Council also received an email from Jeffrey Roth of 1809 Franklin Run Court opposing the application. Mr. Marwah asked Mr. Phillips to prepare a report on this issue to familiarize Council with this matter. Mr. Junker indicated that the review approval time limit date is February 13, 2010. Council could table the matter for further investigation.

**BOROUGH OF FRANKLIN PARK  
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---

Mrs. Michele Chetoka, 1655 Norman Drive – Mrs. Chetoka thanked Martha Creese for everything she has done on behalf of the Recreation Board. She also enjoyed working with Mayor Kipp in some of the Recreation Board programs. Mrs. Chetoka mentioned a problem with a running club affiliated with the YMCA who runs four abreast on Nicholson Road. Vehicles must then drive out around the runners causing a dangerous situation. Mr. Rocca indicated that this has come up before, and he had asked the executive director of the YMCA to make alternate plans. He has now spoken with Mr. Gary Sippel who owns office buildings behind the YMCA with paved streets and sidewalks, and Mr. Sippel agreed that the group could run in this area. Mr. Rocca made the YMCA executive director aware of this option. Chief Dorsch indicated that they are permitted to run on the road, but they cannot run more than two abreast. Mr. Rocca was directed to send a letter to the YMCA.

Mayor-elect Dennis O'Keefe, 1511 Sandhurst Drive – Mr. O'Keefe stated that both Martha Creese and Mayor Kipp worked unselfishly giving of themselves for Franklin Park. Well done and congratulations.

Borough Historian, Debby Rabold – Mrs. Rabold announced that history books are still available for sale. Mrs. Rabold thanked Martha Creese and William Kipp for their dedicated community service. Mrs. Rabold presented Martha with a picture taken at the dedication of the historical marker on Brandt School Road two years ago.

**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. 578-2009, THE 2010 TAX ORDINANCE** – Mr. Junker summarized Ordinance No. 578-2009. Mr. Marwah moved Ordinance No. 578-2009 levying and assessing taxes for general and specific purposes for the year 2010, be enacted, seconded by Mrs. Sable and carried unanimously.

**2010 BUDGET** – Mrs. Hopey moved the annual budget for the year 2010 be approved (the official budget will be available in the general office during normal business hours), seconded by Mr. Hartman and carried unanimously.

**2010 TABLE OF ORGANIZATION** – Mr. Hartman moved the 2010 Table of Organization fixing the salaries for employees and appointees of the Borough for the calendar year 2010 be adopted, seconded by Mrs. Hopey and carried unanimously.

**RESOLUTION NO. 976-2009, POLICE PENSION CONTRIBUTION FOR 2010** – Mr. Junker summarized Resolution No. 976-2009. Mrs. Sable moved Resolution No. 976-2009 establishing the contribution rate of 2% of compensation for the participants of the Borough of Franklin Park Police Pension Plan for the 2010 plan year, be adopted, seconded by Mr. Hartman and carried unanimously.

**RESOLUTION NO. 977-2009, RATIFYING AND APPROVING 2010 ENGINEERING FEES** – Mr. Junker summarized Resolution No. 977-2009. Mrs. Sable moved Resolution No. 977-2009 ratifying and approving engineering fees for the year 2010, be adopted, seconded by Mr. Hartman and carried unanimously.

**FRANKLIN RUN PLAN OF LOTS REVISED NO. 3** – Mrs. Hopey moved preliminary & final approval for Subdivision Application No. 09-12-07 Franklin Run Plan of Lots Revised No. 3, submitted by Franklin Run LLC for a minor subdivision to change 3 lots with 50 ft required front yard setback lines to 40 ft setbacks along Franklin Run Court in the R-2 zoning district, contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated November 24, 2009, and the letter from W.E.C. Engineering dated November 24, 2009, seconded by Mr. Marwah. Mr. Marwah moved to table the motion, seconded by Mr. Hrishenko. Council discussed and noted that they would like more information before voting on the matter. Mrs. Creese called for a vote and the motion to table carried unanimously.

**BOROUGH OF FRANKLIN PARK  
BOROUGH COUNCIL REGULAR MEETING  
WEDNESDAY, DECEMBER 16, 2009**

---

**SBA TOWERS LLC COMMUNICATION TOWER IN LINBROOK PARK** – Mr. Marwah moved preliminary and final approval for Land Development Application No. 09-10-02 submitted by Tristar Investors, Inc./SBA Towers LLC for a communication tower site located in Linbrook Park in the R-1 zoning district, contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated December 14, 2009, and the letter from W.E.C. Engineering dated December 11, 2009, seconded by Mr. Hrishenko and carried unanimously.

**FRANKLIN RUN DEVELOPMENT, LETTER OF CREDIT REDUCTION** – Mr. Hrishenko moved Letter of Credit No. SB-003082 in the amended amount of \$351,500.00 issued by S&T Bank for the Franklin Run Development, be reduced by \$68,500.00 leaving a balance of \$283,000.00, in accordance with the Borough Engineer's recommendation letter dated December 8, 2009, seconded by Mrs. Sable and carried unanimously.

**CHILDREN'S HOSPITAL OF PITTSBURGH PARKING LOT EXTENSION, LETTER OF CREDIT REDUCTION** – Mrs. Sable moved Letter of Credit No. 12500532-00-000 in the original amount of \$130,854.00 issued by PNC Bank for the Children's Hospital of Pittsburgh parking lot extension be reduced by \$130,854.00 leaving a balance of \$000, and that it be canceled in accordance with the Borough Engineer's recommendation letter dated December 8, 2009, seconded by Mr. Marwah and carried unanimously.

**MEMORANDUM OF UNDERSTANDING WITH FRANKLIN PARK OFFICERS ASSOCIATION INSTITUTING 12-HOUR SHIFT PROGRAM** – Mrs. Hopey moved to approve the Memorandum of Understanding between the Borough of Franklin Park and the Franklin Park Officers Association instituting a 12-hour shift program for a 1-year tryout period, seconded by Mr. Hartman and carried unanimously.

**RESOLUTION NO. 978-2009, APPOINTING KENNETH WISE III AS A PART-TIME POLICE OFFICER** – Mr. Junker summarized Resolution No. 978-2009. Mr. Hartman moved Resolution No.978-2009 appointing Kenneth Wise III as a part-time police officer effective December 16, 2009, be adopted, seconded by Mr. Hrishenko and carried unanimously. Mayor Kipp administered the Oath of Office to Kenneth Wise III.

**FINAL PAYMENT TO TEDESCO CONSTRUCTION COMPANY FOR LINBROOK PARK LACROSSE FIELD EXCAVATION CONTRACT** – Mr. Marwah moved to authorize the second and final payment to Tedesco Construction Company in the amount of \$32,989.50 for the completion of all excavation and grading contract work for the Linbrook Park Lacrosse Field Excavation Contract, seconded by Mr. Hrishenko and carried unanimously.

**REAPPOINT WILLIAM H. KIPP TO THE ENVIRONMENTAL ADVISORY COUNCIL & THE SCHOLARSHIP SELECTION COMMITTEE** – Mrs. Sable moved William H. Kipp be reappointed to the Environmental Advisory Council effective January 1, 2010 through the end of his term which will expire December 31, 2010, and that William H. Kipp be reappointed to the Scholarship Selection Committee effective January 1, 2010 through the end of his term which will expire December 31, 2011, seconded by Mrs. Hopey and carried unanimously.

**BOROUGH MANAGER** – Mr. Rocca thanked Martha Creese for her service, noting that she has had the best interest of the residents of Franklin Park first and foremost. He also thanked her for the support she has given to the staff. Mr. Rocca thanked William Kipp for his service as Mayor, and noted that he will continue to serve on the EAC and Scholarship Selection Committee. Mr. Rocca wished everyone Merry Christmas and Happy New Year.

**SOLICITOR** – Mr. Junker noted that he has been in regular contact with Martha Creese, and it is quite a commitment to be a member of Council, and especially president. Martha has been an excellent ambassador for the borough. Mr. Junker stated that it was good to work with William Kipp. Mr. Junker also thanked their spouses, Bill Creese and Peggy Kipp, for allowing them to serve the borough.

**BOROUGH OF FRANKLIN PARK  
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WEDNESDAY, DECEMBER 16, 2009**

---

**MAYOR KIPP** – Mayor Kipp noted that Martha Creese is leaving after a long tenure as a public servant. He noted that Martha’s final achievement is the 2010 budget. Despite difficult financial times, the borough passed a fiscally sound budget that does not contain personnel layoffs or increased property taxes, and it decreases the borough’s debt. He thanked Martha for her service and noted that she would be missed.

Mayor Kipp noted that he enjoyed his year as Mayor, and he thanked several individuals and the police department and citizens of Franklin Park. Mayor Kipp wished everyone Merry Christmas and a Happy Holiday season.

**MR. HRISHENKO** – Mr. Hrishenko acknowledged former junior councilperson Bryan Hogg who was in attendance this evening. He wished everyone a Merry Christmas, Happy New Year and good health to everybody.

**MRS. HOPEY** – Mrs. Hopey thanked Martha Creese and stated that she will be missed. Mrs. Hopey stated that it was nice getting to know Mayor Kipp better, and she looks forward to working with him in the future.

**MRS. SABLE** – Mrs. Sable thanked Martha Creese for her many years of public service to the borough. She thanked Martha for her leadership, commitment, involvement and all of her time and effort. Mrs. Sable thanked William Kipp for assuming the duties of Mayor this year. She acknowledged his long-term involvement and interest in borough affairs, which allowed him to make a seamless transition from EAC chairperson to Mayor. Mrs. Sable wished everyone a happy and healthy holiday season.

**MR. MARWAH** – Mr. Marwah congratulated Martha Creese and Mayor Kipp for their exemplary work for the borough. Mr. Marwah recognized all borough employees, noting that the borough has one of the best staffs. He has been an employer for the last 25 years, and he has not experienced this kind of dedication to their work. Mr. Marwah recognized the volunteer firemen, noting that they are doing an exceptional job. They are the best in this area. Mr. Marwah noted that the Local Services Tax has been approved and he was, and is, opposed to it. Mr. Marwah commented on the Allegheny County reassessments, noting that the County will be sending out letters to homeowners early next year. Mr. Marwah commented that Council had addressed all of the flooding issues in the borough over the past few years. He also commented on the Franklin Nursery Court Case and expressed some of his opinions regarding the case. Mr. Marwah wished everyone Merry Christmas and Happy New Year.

**MR. HARTMAN** – Mr. Hartman commented that the borough could not have picked anyone better than William Kipp to serve as interim Mayor. Mr. Hartman stated that Martha Creese served with the utmost decorum. He wished everyone a Merry Christmas and Happy New Year.

**BRENNAN MCGOVERN, JUNIOR COUNCILPERSON** – Mr. McGovern thanked Martha Creese and Mayor Kipp for their dedicated service to the borough, noting that it was a pleasure to work with them and getting to know them. He wished everyone a Merry Christmas, a healthy holiday season and Happy New Year.

**MRS. CREESE** – Mrs. Creese responded to Mr. Marwah’s comments regarding the Franklin Nursery Case. Mrs. Creese noted that when she was appointed to Borough Council in May of 2005 her goals were to maintain the highest standards of civic and fiscal responsibility while improving the quality of life for residents. She highlighted some of the accomplishments of Borough Council: the development and approval of the borough’s ten-year comprehensive plan, which resulted in the subdivision, land development and zoning ordinances; providing a more open and transparent government; improving communications with the borough staff and improving services to residents. She thanked everyone for giving her the opportunity to serve on Council, and she thanked her family, the staff and Councilmembers. Mrs. Creese wished everyone Merry Christmas and Happy New Year.

**BOROUGH OF FRANKLIN PARK  
BOROUGH COUNCIL REGULAR MEETING  
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---

Mrs. Creese noted that Mayor Kipp's dedication to the office was inspirational. She congratulated Mayor-elect Dennis O'Keefe and Councilman-elect David Quatchak.

Mrs. Creese encouraged everyone to attend the Reorganization Meeting on Monday, January 4<sup>th</sup> at 7:00 p.m. Borough resident Judge Judy Olson will swear in the newly elected officials.

Mrs. Creese commended Mr. Watenpool, Miss Morris and the entire Recreation Board for the very successful Lunch with Santa, despite the very icy conditions that morning. Mrs. Creese complimented Mr. Merriman and Chief Dorsch for responding to the very bad road conditions that morning.

**SUPERINTENDENT OF PUBLIC WORKS**

- Mr. Merriman noted that it was a pleasure working with Martha Creese and Mayor Kipp.
- He wished everyone a Merry Christmas.

**CHIEF OF POLICE**

- Chief Dorsch thanked Mayor Kipp and noted that it was a pleasure to get to know him. Chief Dorsch also thanked Mayor Kipp for getting the police contract settled.
- Chief Dorsch noted that while Martha Creese was dealing with many borough issues, her grandson was serving in Iraq.
- Chief Dorsch wished everyone Merry Christmas and Happy New Year.

**BUILDING INSPECTOR/ZONING OFFICER**

- Mr. Phillips noted that Martha Creese was a good friend and advocate to staff. It was a pleasure working with her, and she will be missed by everyone. Mr. Phillips welcomed Mayor Kipp back to the EAC. He congratulated Ken Wise on his appointment to the police department.
- Mr. Phillips wished everyone Merry Christmas and Happy New Year.

**ASSISTANT PARKS & RECREATION DIRECTOR**

- Miss Morris reported that the Seniors luncheon was held last Thursday and the Lunch with Santa was held on Sunday.
- The Winter Bonfire will be held in January in Blueberry Hill Park.
- Miss Morris noted that Mayor Kipp did a wonderful job during the transition into the Mayor's position, and he seemed to enjoy the position.
- Miss Morris noted that Martha Creese has served with such poise and grace.

**PARKS & RECREATION DIRECTOR**

- Mr. Watenpool thanked Martha Creese for the support she has shown to the parks department.
- Mr. Watenpool noted that he enjoyed working with Mayor Kipp, and he looks forward to working with him on EAC issues in the parks.
- Mr. Watenpool wished everyone Merry Christmas and Happy New Year.

**GOLF COURSE SUPERINTENDENT/MANAGER**

- Mr. Schweitzer noted that Mayor Kipp showed integrity and dedication while serving as Mayor.
- Mr. Schweitzer noted that Martha Creese has integrity and he has complete respect for her. He expressed his heartfelt appreciation for the support of the staff.
- Mr. Schweitzer wished everyone Merry Christmas and Happy New Year.

**COMMENTS FROM THE FLOOR**

Bryan Hogg, 2528 Shellburne Drive – Mr. Hogg was the borough's former Junior Councilperson. He thanked Mayor Kipp for making a smooth transition and assuming the responsibilities of Mayor. Mr. Hogg noted that Mrs. Creese kept her poise and led the borough and Council with dignity and determination. Mr. Hogg thanked both Mrs. Creese and Mayor Kipp for their service to the borough, and for the lessons they taught him while he was the Junior Councilperson.

**BOROUGH OF FRANKLIN PARK  
BOROUGH COUNCIL REGULAR MEETING  
WEDNESDAY, DECEMBER 16, 2009**

---

Mr. Jim Lawrence, 2604 Fountain Hills Drive – Mr. Lawrence noted that Mrs. Creese always characterized herself and Council very professionally, and he thanked her again for her service.

**MOTION TO ADJOURN** – Mr. Marwah moved to adjourn the meeting, seconded by Mrs. Sable and carried unanimously. The meeting adjourned at 10:00 p.m.

Respectfully submitted,

Cathy L. Krummert  
Borough Secretary

Audience Present - 87