

**BOROUGH OF FRANKLIN PARK  
BOROUGH COUNCIL WORK SESSION MINUTES  
MONDAY, JANUARY 3, 2022**

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Due to the COVID-19 pandemic, this work session meeting was held both in-person and virtually via Zoom remote audio and video conferencing.

Council President John Parks called the meeting to order.

**COUNCIL MEMBERS:**

Jiang Li .....present  
Brian S. Malkin .....present  
Lucas R. Myslinski.....present  
Uday Palled .....present  
John P. Parks.....present  
Thomas C. Schwartzmier .....present  
Junior Council Person Jackie DiGiacomo .....present  
Mayor Dennis E. O’Keefe .....present

**ENGINEER:**

Kevin Brett, Lennon, Smith, Souleret Engineering, Inc. ....present

**SOLICITOR:**

Robert Max Junker, Babst Calland .....present

**STAFF:**

Zach Brower, Recreation Program Director .....absent  
Gary Bucuren, Superintendent of Public Works.....absent  
Cindy Crain, Finance Director/Borough Treasurer.....present  
Rege Ebner, Borough Manager .....present  
Walt Healy, Police Chief.....present  
Cathy Krummert, Borough Secretary .....present  
Tim Phillips, Building Inspector/Zoning Officer.....absent

**AUDIENCE:** 1 (0 in person and 1 via Zoom)

**HRG COMPREHENSIVE PLAN PRESENTATION** – Ms. Laura Ludwig, Senior Community Planner with HRG reported on their findings regarding the possibility of a joint comprehensive plan with the Borough and Ohio Township. The agreements were signed with both municipalities in August, and a kick-off meeting was held on August 31<sup>st</sup> to provide an overview of the plan and to explain the phases of the plan. HRG has now provided several written reports and met individually with Borough and Township staff to go over the progress made since the previous comprehensive plan. HRG submitted a MAP Grant application on December 9<sup>th</sup> to help fund the plan, and they hope to hear from DCED in the first quarter or early second quarter of this year. HRG sent out letters recommending that the Borough and Township move forward with a joint plan. The second phase (January through April) will include a lot of public outreach, including attending scheduled public events to talk to people, an online community survey, an official public kickoff meeting and key stakeholder interviews. The third phase (May through the end of the year) includes plan development and implementation including attainable real goals and projects. The draft plan is expected to be complete by the end of the year, and adoption may be in January. Ms. Ludwig then answered questions. A motion will be added to the regular meeting to authorize moving forward with Phase 2 and Phase 3.

**OLD BUSINESS** - None

**AGENDA REVIEW** - The following January 19, 2022 regular meeting agenda item was discussed:

- **Oak Grove Plan** – The letter of credit being held as the financial security was recently swapped out for a cash bond. The developer has been working since Thanksgiving to finish the work in the plan, and they have now requested a final inspection for acceptance of the plan and release of the cash bond. LSSE will inspect and provide a recommendation letter prior to the regular meeting.

**STAFF REPORTS:**

Report by Finance Director/Borough Treasurer

Mrs. Crain provided the following report:

- Council was provided with electronic copies of the 2022 Budget and the Capital Improvement Plan.
- Mrs. Crain is seeking approval to automate the payroll process and switch payroll providers from ADP to Paylocity. She met with several payroll providers and noted that several other municipalities use Paylocity. ADP could provide the same service, but they are very large and expensive. Currently, all time is kept manually on timesheets.

Report by Chief of Police

Chief Healy provided the following report:

- Mayor O'Keefe noted that Sunday, January 9<sup>th</sup> is National Law Enforcement Appreciation Day, and he recommended placing a message on the Borough electronic sign to show appreciation for all police.

Report by Borough Engineer

Council had previously received a written report from LSSE. Mr. Brett reviewed the following items:

- 2021 Curb and Gutter Replacement Program – The final bill was received, and everything has been completed.
- 2022 Curb and Gutter Replacement Program – The contractor has started work and it will progress over the winter.
- Bliss Land Development – They are putting in a little bit of infrastructure every now and then, and they have now received the water tight pipe. LSSE will reach out to the developer regarding the steep slopes and Washington Lane.

Report by Solicitor

Council had previously received Mr. Junker's written report. Mr. Junker reviewed the following item:

- Acceptance of public improvements – Mr. Junker discussed Act 97 signed by the Governor. There are two fundamental changes to the process for bonding future public improvements. We have been reaching out to developers to have them increase their securities by 10% per year, and we have received some resistance. There is now a change to the provision that instead of 10% or a new construction cost estimate, we have to use the construction cost estimate. Because of these new changes, we may want to consider increasing the amount of the escrow for the plan reviews if a new certification must be done every year. There will be some internal discussion, and if it is agreed to increase the escrow, it would be in the annual fee resolution that shows the current 2% escrow amount for inspections and other costs associated with the development. The second change is more significant. Currently, when a developer is going to install \$1 million worth of streets and sidewalks, the financial security is in the amount of \$1 million plus 10% until the project is complete. The change to the law now says as the reductions occur the 10% is also reduced. As a result, there is no incentive at the end of a project to hold the 10% to ensure the developer completes the improvements. We will now have to change our process and LSSE will have to change their reduction recommendation letters. The Act is effective in 60 days. Mr. Junker is looking for guidance on how this impacts existing development agreements, existing financial securities being held by the Borough, and those that have already been approved. The Legislature needs to understand the impacts of this Act. Watch for more information since this impacts all municipalities, except the City of Pittsburgh and the City of Philadelphia who are not subject to the Municipalities Planning Code.

Mr. Brett left the meeting at this time.

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**ALLEGHENY COUNTY PAID SICK LEAVE ORDINANCE** – Mr. Junker discussed that the Allegheny County paid sick leave ordinance recently became effective. The ordinance was enacted in September and requires mandatory sick leave for full-time, part-time and seasonal employees. Because this is a Health Department regulation adopted by ordinance by the Allegheny County Council, it is a public health issue that employees who are sick should not come to work and get others sick. It is similar to FMLA that it also covers the care of family members and covers physical and mental health maladies. Allegheny County will not enforce the ordinance over the next year to give employers time to comply. We will need to interpret the ordinance requirements and what it means for the Borough and bring it back to Council. We will also need to look into whether the Borough falls under FMLA.

**IT UPGRADE PLAN** – Mr. Ebner had discussions with Mr. Palled and Mr. Nock and wants to be sure that all of Council is in agreement to move forward with upgrades to the computer network/software and upgrades to the meeting room. Council discussed and concurred to move forward in 2022.

Chief Healy and Mrs. Crain left the meeting at this time.

**PROPOSED HIGHWAY BUFFER ZONING ORDINANCE AMENDMENT** – There were previous discussions related to the Interstate and what could be done in terms of remaining buffers or future buffers. Mr. Junker had reviewed the existing ordinance and ordinances from other municipalities along Interstates, and the proposed ordinance amendment was provided to the Planning Commission for their review and recommendation. The next step would be to introduce the ordinance at the January regular meeting, refer it to Allegheny County Economic Development for comments and schedule a public hearing at the March regular meeting. However, because this is a Zoning Ordinance amendment, Council has the option to put it into a “pending status” which would need to be done by resolution at the January regular meeting. The resolution would declare that Council is considering this Zoning Ordinance change and setting forth the enactment process. If an applicant submits an application for a land development plan that would fall under this ordinance even though it has not been finalized and enacted, they will need to meet those requirements. Council discussed and concurred to put the ordinance into pending status. Mr. Junker will draft the resolution.

**DRAFT LETTER ADVOCATING TOP LEGISLATIVE PRIORITIES** – Mr. Myslinski discussed information in the December issue of the *Borough News Magazine* regarding PSAB's support and progress on priorities for the 2021-22 legislative session. He suggested that the Borough draft a letter advocating for the following:

- Allowing municipalities the option to electronically publish meeting notices on municipal websites to comply with the Sunshine Act due to diminishing newspapers of general circulation.
- Legislation to amend the PA State Highway Law to mandate the PA Department of Transportation maintain all stormwater infrastructure servicing state roads in borough communities.
- Use of radar by municipal police as a responsible speed timing technology.
- Legislation to amend the Prevailing Wage Law to exempt roadway milling maintenance on local roads, and to seek the increase of the threshold to \$200,000 with an annual indexing mechanism.

Mr. Ebner will draft a letter to State Representative Rob Mercuri and State Senator Lindsay Williams.

**MANAGER'S REPORT DISCUSSION ITEMS**

- **Audubon Society proposal for Old Orchard Park** – The Mel Lubert Nature Preserve in Old Orchard Park has been left natural and it is now overgrown and there are invasive species. Mr. Ebner reached out to the Audubon Society asking for guidance for removing invasive species, introducing additional native species that are bird and pollinator friendly, coming up with a maintenance plan and coming up with a plan for educational opportunities. The Audubon Society has submitted a proposal in the amount of \$12,785.00 that can be used as a basis for this and other natural areas in our parks. Council concurred and a motion will be added to the regular meeting agenda.

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- Further analysis of structures on the Big Sewickley Creek Road property – Architect Steve Paxon had previously made a presentation to Council. The next step is to reach out to our engineer to obtain a proposal for the additional testing to determine where we are and what it may cost in the future to rehab the buildings on the property. The budget includes \$40,000.00 this year for that purpose. Council concurred to request a proposal from the engineer.

**REPORTS FROM COUNCIL MEMBERS**

- Mr. Schwartzmier noted that the new owner of the house next door to him has been working diligently to fix up the house since it had caught on fire. Mr. Junker noted that the Borough passed an ordinance for the fire insurance payment escrow amount after this situation, and we have already received one inquiry from an insurance company. This money would recover some funds required to make a structure secure following a fire.
- Mr. Myslinski welcomed Mr. Palled.
- Mayor O'Keefe welcomed Mr. Palled and thanked Judge Judy Olson for swearing in the newly elected officials this evening.
- Dr. Li welcomed Mr. Palled.
- Mr. Malkin noted that his neighbors on Dalton Drive are asking if the clean out of the little ravine is on the schedule. Mr. Ebner noted that this will be the next project for CEC. They are also asking about stormwater planning up above on Nevin Drive. Mr. Ebner indicated that the lower portion will be addressed before moving to the area up above.
- Mr. Palled noted that he is excited to be here and looks forward to working with everyone. He attended the Planning Commission meeting in December with Mr. Malkin. He is looking forward to our tech strategy.
- Mr. Parks welcomed Mr. Palled and discussed committee assignments. He thanked everyone for the vote of confidence.

**EXECUTIVE SESSION** – An executive session was held to discuss the Davies litigation, the Hartman Farms litigation, the Public Works/Parks CBA and a potential property purchase.

As there was no further business, the meeting adjourned at approximately 9:45 p.m.

Respectfully submitted,



Cathy L. Krummert  
Borough Secretary