

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL REGULAR MEETING MINUTES
WEDNESDAY, JANUARY 16, 2019**

The regular meeting of the Borough Council of the Borough of Franklin Park was held on Wednesday, January 16, 2019 at 8:00 p.m. at the Municipal Building, 2344 West Ingomar Road, Pittsburgh, Pennsylvania 15237.

Council President Jim Hogg called the meeting to order.

Pledge of Allegiance

Cathy Krummert called the roll:

COUNCIL MEMBERS:

Laura A. Coombs, Second Vice President.....present
James W. Hogg, President.....present
James W. Lawrence.....present
Lucas R. Myslinski.....present
John P. Parks, Vice President.....present
Thomas C. Schwartzmier.....present
Junior Councilperson Nicholas Bridgesabsent
Mayor Dennis E. O'Keefepresent

ENGINEER:

Michael Malak, Senate Engineering Companypresent

SOLICITOR:

Robert Max Junker, Babst Callandpresent

STAFF:

Zach Brower, Recreation Program Director.....present
Don Dorsch, Chief of Police.....present
Rege Ebner, Borough Manager.....present
Walt Healy, Police Sergeant.....present
Cathy Krummert, Borough Secretary.....present
Tim Phillips, Building Inspector/Zoning Officer.....present
Bernie Rossman, Superintendent of Public Works.....present
Bill Schweitzer, Manager of Golf Course & Sports Fields.....present

OATH OF OFFICE FOR NEW POLICE OFFICERS - On December 19th, Borough Council approved the hiring of three new full-time police officers. Mayor O'Keefe administered the Oath of Office to new full-time Police Officers Brittaney Burkhart, Amanda Fedunok and Seth Mitnik.

APPROVAL OF THE MINUTES - Mr. Lawrence moved the minutes of the December 19, 2018 pre/post meeting, the December 19, 2018 regular meeting, and the January 9, 2019 work session, be approved, seconded by Mrs. Coombs and carried.

TREASURER'S FINANCIAL REPORT - Mr. Ebner read the December Treasurer's Financial Report. December revenues totaled \$670,078.54 and December expenditures totaled \$565,847.69. Year-to-date revenues totaled \$9,161,707.97 and year-to-date expenditures totaled \$9,058,858.55. Mr. Ebner noted that the revenues outpaced the expenditures by approximately \$103,000 for the year. Mrs. Coombs moved the December Treasurer's Financial Report be accepted as read, seconded by Mr. Schwartzmier and carried.

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POLICE REPORT – Mayor O’Keefe read the Police Report and activity report for the month of December 2018. The Mayor announced that Chief Don Dorsch would be retiring on April 1st after 40+ years with the borough. Council and Mayor have selected Sergeant Walt Healy to succeed Chief Dorsch. This appointment will be formally ratified at the March 20th regular meeting. Mr. Lawrence recommended the Police Report be filed with the Police Secretary.

FIRE COMPANY REPORT - Mr. Parks read the Fire Company Report for December 2018.

BUILDING INSPECTION REPORT - Mr. Phillips read the Building Inspection Report for December 2018. Mr. Phillips issued 14 permits and collected \$13,166.00 in fees. Total value of construction was \$1,440,083.00.

ANNOUNCEMENT OF EXECUTIVE SESSION – Mr. Hogg announced that Borough Council held an executive session on January 2, 2019 to discuss land acquisition; on January 9, 2019 to discuss personnel, police negotiations and potential litigation on a condemnation matter; and on January 16, 2019 to discuss personnel and potential litigation on a condemnation matter.

COMMENTS FROM THE FLOOR

Jeff Wilhelm, 1893 Pioneer Drive - Mr. Wilhelm requested that Ordinance No. 648-2018 (oil and gas overlay district) be posted on the borough website and commented that the borough website should include the required Right to Know Law information. Mr. Junker noted that the borough website was upgraded recently, and changes are still being made. Mr. Ebner was appointed as the open records officer at the last meeting and this information will be posted on the website. Mr. Junker explained that he had recused himself from reviewing the substantive nature of the ordinance, however, he has been involved in the procedural process. A resolution was adopted at the December meeting invoking the pending ordinance status upon the publication of the first notice of the public hearing that was scheduled to be advertised at the end of this month. It was going to be 30 days before the public hearing scheduled for February 20th. Council has since decided to extend that time period for additional review, and if approved, Motion #22 on tonight’s agenda does reschedule the public hearing until the March 20th Council meeting, after review by the Planning Commission at their February 19th meeting. It does keep the requirements for publication within 30 days and not less than 7 days in two successive weeks plus a notice of intent to enact. We are sending personal notice more than 30 days prior to the public hearing to those property owners that are in the proposed overlay district. This motion adds a third publication as soon as possible, and that publication will be next Friday, January 25th, announcing the pending ordinance status, as well as letting the public know that the ordinance can be retrieved from the Post Gazette, the Allegheny County Law Library, the Allegheny County Chief Clerk, the borough building and the borough website.

Jianguang Sun, 1402 Mystic Valley Drive - Mr. Sun commented in opposition to the rezoning application for property on Nicholson Road.

The following residents commented **in opposition** to the proposed oil and gas lease in Linbrook Park:

- James Wilkinson, 1578 King Charles Drive
- Rock Heyman, 2420 Bellwood Court
- Amanda Miller, 2212 Ben Franklin Drive
- Robert Smith, 1556 Field Club Drive
- Darryl Johnson, St. Brendan’s Episcopal Church, 2365 McAleer Road
- Rachel Meyers, 2533 Fairmount Church Road

(Ms. Meyers also commented that she was not happy with the increased restrictions in the recent ordinance enacted regarding animal husbandry - chickens.)

- Loretta Pusateri, 2387 Bellwood Drive
- Thaddeus Popovich, 1654 Stone Mansion Drive
- Murali Koppula, 1702 Holmes Drive
- Cynthia Navadeh, 2524 Alydar Drive

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Carol Coltz, 2405 Phyllis Lane
Tom Stasny, 1550 Duncan Drive
Paul Rechenmacher, 1714 Holmes Drive
Grant Westman, 2572B Pheasant Run
Vikas Agarwal, 1739 Holmes Drive
Hasan Uyar, 2819 DePaul Court
Jianguang Sun, 1402 Mystic Valley Drive
Christine O'Lare, 1504 King David Drive
Michelena Wolf, 1748 Locust Road

The following residents commented **in favor** of the proposed oil and gas lease in Linbrook Park:

Richard Pabis, 2574 Wexford Run Road
Virginia Komer, 2469 Minglewood Lane
Thomas Mueller, 2391 Charles Wray Drive
Dave Graff, 2638 Brown Road

Additional comments regarding the proposed oil and gas lease in Linbrook Park:

Zack Dixon, Vice President of Land for PennEnergy Resources - Thanked Borough Council for considering their proposal, and he addressed some of the concerns that had been expressed in opposition of the lease proposal.

OLD BUSINESS

OIL AND GAS LEASE AGREEMENT FOR LINBROOK PARK - Mr. Lawrence moved to approve the Oil and Gas Lease Agreement between the Borough and PennEnergy Resources, LLC, for the Linbrook Park property, for a five-year period, seconded by Mr. Myslinski. A roll call vote was then taken:

Mrs. Coombs - Yes
Mr. Hogg - No
Mr. Lawrence - No
Mr. Myslinski - No
Mr. Parks - No
Mr. Schwartzmier - Yes

The motion failed. Mayor O'Keefe stated that although his vote was not required, he supports the decision by Council.

NEW BUSINESS

APPROVAL OF THE BILLS - Mr. Lawrence moved Council authorize the payment of the bills, which have been reviewed and approved since the last meeting, seconded by Mr. Parks and carried.

1823 FRANKLIN PARK DEVELOPMENT, REVISIONS TO RECORDED SITE PLAN - Mr. Lawrence moved to approve revisions to the recorded site plan for the 1823 Franklin Park Development, seconded by Mr. Schwartzmier and carried.

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ACKNOWLEDGE RECEIPT OF PLANNING COMMISSION RECOMMENDATION FOR REZONING APPLICATION ON NICHOLSON ROAD

– Mr. Myslinski moved to acknowledge receipt of the recommendation from the Planning Commission following its public hearing held on December 18, 2018, and to direct the Solicitor, Borough Engineer and staff to prepare a zoning ordinance amendment for a zoning district change on the property located at 2460 Nicholson Road to change the zoning district from R-1 to R-3 based on the rezoning application submitted by Maronda Homes, Inc., seconded by Mrs. Coombs. Mr. Junker clarified that this is not the official rezoning motion. This motion pushes this process to the next step. The motion accepts the Planning Commission's recommendation and compels Council to draft the actual ordinance. Once the ordinance is drafted, it will be introduced at a public meeting, referred to the Planning Commission and Allegheny County Economic Development for their comments and then scheduled for a public hearing. This is a 2-3 month process before Council will hold another public hearing on the actual ordinance. At that time, members of the public will be invited to provide public comment and Council can vote. The motion was then voted on and was carried.

AUTHORIZE OFFICERS TO SIGN CHECKS - Mr. Parks moved the President of Council be authorized to sign checks, and in his absence the Vice President of Council or Second Vice President of Council be authorized to sign checks, seconded by Mr. Myslinski and carried.

DESIGNATE OFFICIAL DEPOSITORIES - Mr. Parks moved the official depositories for the Borough funds for the year 2019 be: Charles Schwab Institutional, First Commonwealth Bank, First National Bank, Pennsylvania Local Government Investment Trust, Pennsylvania Treasurer's INVEST Program, PNC Bank, and West View Savings Bank seconded by Mr. Lawrence and carried.

RESOLUTION NO. 1178-2019, APPOINTING PART-TIME POLICE OFFICERS - Mr. Junker summarized Resolution No. 1178-2019. Mr. Schwartzmier moved to adopt Resolution No. 1178-2019 appointing Part-time Police Officers for the year 2019, seconded by Mr. Parks and carried.

RESOLUTION NO. 1179-2019, FRANKLIN PARK VOLUNTEER FIRE COMPANY - Mr. Junker summarized Resolution No. 1179-2019. Mr. Parks moved to adopt Resolution No. 1179-2019 recognizing the Franklin Park Volunteer Fire Company No. 1 as the fire company for the Borough of Franklin Park for the year 2019, seconded by Mr. Lawrence and carried.

RESOLUTION NO. 1180-2019, APPOINTING FIRE POLICE OFFICERS - Mr. Junker summarized Resolution No. 1180-2019. Mr. Lawrence moved to adopt Resolution No. 1180-2019 appointing Fire Police Officers for the year 2019, seconded by Mr. Myslinski and carried.

DESIGNATE PITTSBURGH POST-GAZETTE AS OFFICIAL NEWSPAPER- Mr. Myslinski moved the Pittsburgh Post-Gazette be designated as the official newspaper of the Borough, seconded by Mrs. Coombs. Mr. Lawrence voted no. The motion carried.

RATIFY RESOLUTION NO. 987-2010, EXPENDITURE POLICY – Mr. Schwartzmier moved to ratify Resolution No. 987-2010, adopted September 15, 2010, setting forth a municipal expenditure policy to safeguard borough resources and prevent unauthorized expenditure of borough funds, and to authorize the administrative staff to distribute the policy to borough boards/commissions, seconded by Mr. Lawrence and carried.

APPOINT LUKE MYSLINSKI AS DELEGATE TO THE ALLEGHENY COUNTY BOROUGHS ASSOCIATION - Mr. Lawrence moved Council appoint Luke Myslinski as the Delegate to the Allegheny County Boroughs Association, seconded by Mr. Parks and carried.

APPOINT JIM LAWRENCE (DELEGATE) AND LAURA COOMBS (ALTERNATE) TO THE NORTH HILLS COG - Mr. Parks moved Council appoint Jim Lawrence as the Delegate and Laura Coombs as the Alternate for the North Hills Council of Governments, seconded by Mr. Myslinski and carried.

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NORTHLAND LIBRARY, FIRST QUARTER PAYMENT - Mrs. Coombs moved the Treasurer's office be authorized to prepare a check in the amount of \$88,630.25 payable to Northland Library for the first quarter payment of 2019, seconded by Mr. Myslinski and carried.

RESOLUTION NO. 1181-2019, PENNDOT AGREEMENT FOR HANDICAPPED RAMPS - Mr. Junker summarized Resolution No. 1181-2019. Mr. Lawrence moved to adopt Resolution No. 1181-2019 authorizing the proper officers to sign the Reimbursement and Maintenance Agreement between the Borough and PennDOT for pedestrian facilities at the intersections of Rochester Road and Wood Acres Court and Rochester Road and Ingomar Heights Road, seconded by Mrs. Coombs and carried.

RESOLUTION NO. 1182-2019, ESTABLISHING PROCEDURES TO SELL SURPLUS PROPERTY WITH A VALUE LESS THAN \$2,000.00 - Mr. Junker summarized Resolution No. 1182-2019. Mr. Schwartzmier moved to adopt Resolution No. 1182-2019 establishing procedures to sell surplus personal property with a value less than \$2,000 and repealing all resolutions inconsistent therewith, seconded by Mr. Lawrence and carried.

HIRE JAMES TOMACHESKY AS A FULL-TIME CUSTODIAN - Mr. Myslinski moved to hire James Tomachesky as a full-time Custodian effective January 19, 2019 at a salary of \$37,523.00 per year, seconded by Mr. Parks and carried.

AGREEMENT WITH INTERTEK-PSI FOR GEOTECHNICAL INVESTIGATION FOR THE PROPOSED BASEBALL AND FOOTBALL STORAGE BUILDINGS IN BLUEBERRY HILL PARK - Mrs. Coombs moved to approve the Agreement with Intertek-PSI in the amount of \$5,200.00 to provide a geotechnical investigation for the proposed Baseball and Football Storage Buildings in Blueberry Hill Park, seconded by Mr. Myslinski and carried.

AGREEMENT WITH McILVRIED, DiDIANO & MOX, LLC FOR TOPOGRAPHIC SURVEY FOR THE LOCATIONS OF THE PROPOSED BASEBALL AND FOOTBALL STORAGE BUILDINGS IN BLUEBERRY HILL PARK - Mr. Parks moved to approve the Agreement with McIlvried, DiDiano, & Mox, LLC in the amount of \$5,800.00 to provide a comprehensive topographic survey for the locations in Blueberry Hill Park where the Baseball and Football Storage Buildings will be located, seconded by Mr. Lawrence and carried.

RESCHEDULE PUBLIC HEARING ON PROPOSED ORDINANCE NO. 648-2018 REGARDING THE OIL AND GAS RECOVERY DISTRICT OVERLAY - Mr. Myslinski moved to reschedule the public hearing on proposed Ordinance No. 648-2018 regarding the Oil and Gas Recovery District Overlay from the February 20, 2019 regular meeting to the March 20, 2019 regular meeting, and to authorize a third publication of the notice of public hearing as soon as possible, and to otherwise continue to invoke the pending zoning ordinance doctrine established by Resolution No. 1177-2018, seconded by Mr. Schwartzmier and carried.

BOROUGH MANAGER - Mr. Ebner stated that his first official day as the only Borough Manager was January 2nd, and he is still happy to be here.

SOLICITOR - Mr. Junker wished everyone a happy new year and congratulated Chief Dorsch and Sergeant Healy.

MAYOR O'KEEFE - Mayor O'Keefe congratulated Chief Dorsch and Sergeant Healy. He thanked the Chief for over 40 years of keeping the borough safe.

MR. PARKS - Mr. Parks congratulated the three new police officers, the Chief for over 40 years of service and Sergeant Healy for being named the next Chief. He is glad the big issue is behind Council and they can move on to other interesting things.

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MR. LAWRENCE - Mr. Lawrence congratulated Chief Dorsch and Sergeant Healy. He thanked Council for all of the work over the past year regarding the oil and gas lease. Franklin Park is #1 in Pennsylvania because we have great residents and great leadership. Council is proud to serve, and they do their best to make the right decisions. Mr. Lawrence thanked everyone for coming.

MR. MYSLINSKI - Mr. Myslinski welcomed the three new police officers and congratulated Chief Dorsch and Sergeant Healy. His first 32 days on Council has been interesting and intense. He appreciates everyone reaching out and providing their opinions.

MR. SCHWARTZMIER - Mr. Schwartzmier stated that Chief Dorsch will be missed and Sergeant Healy will do a great job as chief. We have very good officers.

MR. HOGG - Mr. Hogg thanked Council for reappointing the fire police officers.

BOROUGH ENGINEER - Mr. Malak congratulated Chief Dorsch and Walt Healy.

SUPERINTENDENT OF PUBLIC WORKS

- Mr. Rossman congratulated Chief Dorsch and Sergeant Healy.
- The public works department is ready for the upcoming weekend storm.

CHIEF OF POLICE

- Chief Dorsch thanked Council for the kind words and thanked them for approving the three new outstanding police officers. He also thanked the Civil Service Commission for going through the tedious hiring process.

MANAGER OF GOLF COURSE & SPORTS FIELDS

- Mr. Schweitzer reported that the new pavilions have been constructed at the golf course and in Linbrook Park. Only the concrete work remains.
- He congratulated Chief Dorsch and Sergeant Healy. He thanked the Chief for his support over the years.

COMMENTS FROM THE FLOOR

Grant Westman, 2572B Pheasant Run - Mr. Westman asked who he would petition for a longer off-ramp at the I-79 northbound Wexford exit. Mr. Hogg stated that Council has discussed this matter with PennDOT, and they do not believe the backup is an issue. Mr. Westman also requested a traffic camera at Hunters Point and Grouse Ridge because no one stops at the stop sign. Sergeant Healy noted that the police would put this area on the list for a traffic detail.

Christine O'Lare, 1504 King David Drive - Ms. O'Lare commented on the preparation of the proposed oil and gas ordinance and requested that more information be provided to educate the public.

Thaddeus Popovich, 1654 Stone Mansion Drive - Mr. Popovich thanked Council for listening to the residents regarding the Linbrook Park oil and gas lease.

Jianguang Sun, 1402 Mystic Valley Drive - Mr. Sun thanked Council for voting down the lease and thanked Chief Dorsch and Sergeant Healy.

Jeff Wilhelm, 1893 Pioneer Drive - Mr. Wilhelm would like to have a copy of the pending ordinance.

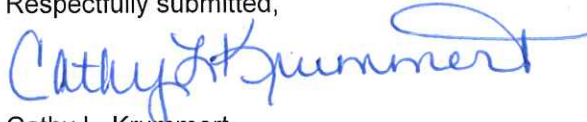
Rachel Meyers, 2533 Fairmount Church Road - Ms. Meyers thanked Council for listening tonight. She stated that during tonight's meeting she had obtained 43 signatures in favor of reducing the lot size for animal husbandry, and she asked for direction on how they can work towards making the ordinance what the people want. Mr. Hogg recommended that Ms. Meyers provide Mr. Ebner with the specific changes to the ordinance that residents would like to see.

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James Wilkinson, 1578 King Charles Drive - Mr. Wilkinson thanked Council and noted that it was a difficult decision this evening. He congratulated Chief Dorsch and thanked him for his service. He also offered his services for the borough website.

MOTION TO ADJOURN – Mr. Lawrence moved to adjourn the meeting, seconded by Mrs. Coombs and carried. The meeting adjourned at 10:12 p.m.

Respectfully submitted,



Cathy L. Krummert
Borough Secretary

Audience Present - Approximately 100