

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL WORK SESSION MINUTES
WEDNESDAY, FEBRUARY 2, 2022**

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 at 7:00 p.m.

COUNCIL MEMBERS:

Jiang Li present
Brian S. Malkin present
Lucas R. Myslinski, Vice President present
Uday Palled present
John P. Parks, President present
Thomas C. Schwartzmier, Second Vice President present
Junior Councilperson Jackie DiGiacomo present
Mayor Dennis E. O’Keefe present

ENGINEER:

Shawn Wingrove, Lennon, Smith, Souleret Engineering, Inc. present
Justin Wagner, CEC present

SOLICITOR:

Robert Max Junker, Babst Calland present (via Zoom)

STAFF:

Zach Brower, Recreation Program Director present
Gary Bucuren, Superintendent of Public Works present
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 present

AUDIENCE: 9 (0 in person and 9 via Zoom)

REVIEW OF BOROUGH PENSION PLANS – Jason Staley of Schneider Downs provided investment reports and reviewed the performance of the General Employees’ and Police Pension Plans through December 31, 2021.

GREEN INFRASTRUCTURE PRESENTATION – Mr. Ebner explained that some of the stormwater issues in the Borough are a result of stormwater flowing from one resident’s property to another resident’s property. The Borough is not responsible in these instances and cannot step in with taxpayer money. Some residents would like to do something about their stormwater issues, and Mr. Ebner is asking Council to consider using some of the American Rescue Plan Act of 2021 (ARPA) funds the Borough received last year to set up a grant program to help residents assess and address their stormwater issues. Mr. Ebner reached out to Upstream Pittsburgh and asked them to make a presentation to Council this evening regarding the services they provide. Mike Hiller, Executive Director, Evan Burbridge, Landscape Architect, and Jan Raether, Watershed Programs Manager of Upstream Pittsburgh were present on Zoom and made a presentation regarding the residential green stormwater management services their organization could provide to Borough residents. Mr. Ebner is recommending that the Borough internally use ARPA funds to create a \$50,000 grant fund to award funds to four homeowners who have a sincere interest in addressing their stormwater issues through Upstream Pittsburgh. The grant program could pay for the initial consultation of \$350.00 and possibly 50% of the design work, up to a maximum amount. If the Borough feels comfortable moving forward after the first four grants, we could formalize a program at a later date. If the Borough implements a stormwater fee, a portion of that fee could be used to reseed this program.

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL WORK SESSION MINUTES
WEDNESDAY, FEBRUARY 2, 2022**

Mr. Junker indicated that Council could move forward with a possible agreement/memorandum of understanding between the Borough and Upstream Pittsburgh for a pilot program. Council concurred to move forward with the concept of putting ARPA money aside, and this matter will be discussed further at the March work session.

OLD BUSINESS - None

AGENDA REVIEW - The following February 16, 2022 regular meeting agenda item was discussed:

- Recreation Board Resignation – Kathy Masters resigned from the Recreation Board because she is moving out of the Borough, and Council stated that they appreciate her service to the Borough. Rachel Bricker will be the new Recreation Board Chairperson.

STAFF REPORTS:

Report by Finance Director/Borough Treasurer

Mrs. Crain provided the following report:

- The 2021 Audit starts on Friday and will continue over the next few weeks.
- Mr. Parks asked if the switch to a new accounting system and the change to cash basis from accrual basis would be simultaneous. Mrs. Crain noted that they will switch from cash to accrual basis in 2022, and the new accounting system will be implemented in January 2023.

Report by Superintendent of Public Works

Mr. Bucuren provided the following report:

- They have been getting called out for ice conditions, and they are preparing for the ice and snow event expected to start tomorrow.
- They are performing repairs to trucks, signs and mailboxes.
- Salt deliveries have been a little slow.
- He has been receiving calls from residents regarding road conditions due to temperature changes and the weather. Many roads are heaving and should settle when the warm weather arrives, but we could have a lot of repairs in the spring. The expected rain could fill and freeze the cracks and cause more damage.
- Following the December road tour, Mr. Bucuren contacted all of the utility companies to let them know what roads the Borough is expecting to pave in 2022, and he asked if they were planning any work on the designated roads. West View Water Authority has indicated that they have plans to install a new water line on Ingomar Heights Road from the intersection with Rochester Road to the intersection with Highland Road. They are planning to replace and increase the size of the water line, and they estimate that if all goes well, they will finish the work at the end of August. Mr. Bucuren suggested that the Borough put off the paving of Ingomar Heights Road until 2023 and reallocate the paving to other roads. West View Water Authority is the only utility that reached out to Mr. Bucuren regarding planned work. Mr. Bucuren and Mr. Ebner will provide an updated list at the March work session that will include the recommended roads for paving and also for the curb and gutter program.
- Mayor O'Keefe questioned why Public Works employees picked up a dead deer on Big Sewickley Creek Road when the Borough has a standing contract for this service. Chief Healy explained the procedures.

Report by Building Inspector/Zoning Officer

Mr. Phillips provided the following report:

- The Planning Commission will revisit the Colosimo conditional use application for a detached garage. The applicant has also requested a variance from the Zoning Hearing Board for a height variance. The Planning Commission will also continue reviewing the farmers markets and the communications ordinance. Mr. Phillips is expecting new applications in March.
- The ordinance requiring the clearing of sidewalks following a snowfall has become very cumbersome to enforce because of the volume of residents who do not comply. There was discussion regarding the enforcement issue but there was no resolution.

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL WORK SESSION MINUTES
WEDNESDAY, FEBRUARY 2, 2022**

- Mr. Myslinski and Mr. Parks met with the Matt Garland, the Chairperson of the Technology Advisory Committee (TAC), and they discussed the wireless communications ordinance. The TAC does not have a clear understanding of the extent to which the current ordinance will need to be revised as discussed at the Planning Commission meeting by the Cohen Law Group. Council and staff discussed small cell sites and agreed that Mr. Palled would join the next TAC meeting to review the discussions from the last Planning Commission meeting. The draft Planning Commission minutes will also be shared with the TAC members.

Report by Recreation Program Director

Mr. Brower provided the following report:

- The summer camps are half full and some sessions have waitlists.
- Mr. Brower indicated that he needs to determine if there will be a main sponsor for the Festival in the Park to develop sponsorship levels so the Recreation Board can begin seeking additional sponsorships. It was suggested that the main sponsorship be established at \$10,000.00, and Mr. Schwartzmier will contact the company who had previously shown interest in being a sponsor. There was also discussion regarding establishing a sponsorship program for the Festival and other Borough events going forward.

Report by Borough Engineer

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

- Due to the weather, construction projects are slowing down. The curb and gutter project has slowed down due to the snow on the curbs, but they have a time extension until April 1st and should complete the project on time. The work in the Bliss Land Development and Deerfield Estates has also slowed down.
- A bond reduction request will be considered for the Bliss Land Development at the February meeting. Mr. Ebner will be following up with the developer to once again ask that he provide the requested drawing so a meeting may be scheduled with the residents of Washington Lane to discuss a possible solution.
- Mr. Wingrove and Mr. Ebner met with the architect, Steve Paxton, regarding the repurposing of the house and barn on the Big Sewickley Creek Road property. Mr. Paxton is putting together a scope of work for this year aiming towards some additional structural evaluations and concept plans to better form the vision for the structures to allow budgeting for future years and to pursue grant funding. Mr. Ebner stated that money is included in the current budget for a further study of the existing structures. Mr. Paxton had recommended getting a preservationist involved, and Mr. Ebner will reach out to the Pittsburgh History and Landmarks Foundation to see what services they could provide to help the Borough determine the quality of the buildings and whether or not they can be restored.
- Mr. Ebner noted that the Borough had applied for three Gaming Economic Development and Tourism Fund (GEDTF) grants, and all three were denied. The Commonwealth Financing Authority (CFA) has now opened a local share account statewide. It will be competitive with a lot of applicants, but there are fewer restrictions than some other grant programs. Mr. Ebner indicated that it may be worth pursuing grant funds for the Public Works building roof replacement and addition. Applications are due March 15th so a resolution would need to be added to the February regular meeting agenda for the grant application.

Report by Stormwater Engineer

Council had previously received a written report from CEC. Mr. Wagner reviewed the following items:

- Mr. Wagner had submitted his recommendations for the MS4 projects to help reduce sediment in the Borough to maintain compliance with the MS4 permit.
- An updated plan was submitted today for the Reis Run Road Storm Sewer Project to fix a flooding issue. The next step will be to obtain signatures and submit to PennDOT. Because the Borough is required to make repairs to structures installed by PennDOT, we are required to submit design plans to apply for an HOP through PennDOT and follow all of the specifications in order to repair the work that PennDOT did initially.

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL WORK SESSION MINUTES
WEDNESDAY, FEBRUARY 2, 2022**

- Mr. Wagner had provided a proposal for CEC to move forward to assist the Borough with the MS4 program and the four recommended projects. The projects must be completed by March 2024. The estimated cost will be \$1 million or more, and most of the ARPA funds will be used for this purpose. Mr. Wagner expects the design and permitting to be complete this year with construction next year. Most of the work will be contracted out. Council concurred to move forward.
- CEC had previously provided information regarding establishing a stormwater fee, and Mr. Ebner noted that more municipalities are implementing stormwater fees. The Borough has many competing projects including the expansion of greenspace, park improvements and roads. Stormwater fees are becoming more popular to cover stormwater expenses. Since we are a Borough, we would be required to form an authority in order to charge a stormwater fee. Staff will come back to Council at the March 2nd work session with a more detailed proposal that explains exactly why the fee is needed and how much it will generate. A stormwater fee is more fair than real estate taxes because there are institutions that do not pay real estate taxes, but they have substantial impervious surface areas contributing to stormwater issues. This year the Borough will be eating into our fund balance, and it will be below the 16.7% that we think is ideal, even after receiving ARPA funds and not spending any money on the MS4 program yet. If the Borough were to address all of the stormwater needs, we would not be able to do many of the other things that are important to Borough residents. Mr. Junker once again reminded Council that they could consider a Home Rule Charter in order to establish stormwater fees without creating an authority and to also avoid the PennDOT requirement that Borough's repair enclosed surface water drainage. There was discussion regarding how a stormwater fee would be determined. More information will be put together for further discussion at the March work session.

Mrs. Crain, Mr. Phillips, Mr. Brower, Mr. Wingrove and Mr. Wagner left the meeting at this time.

Report by Chief of Police

Chief Healy provided the following report:

- He would like to hire the Mayor's nephew to perform custodial duties in the police station two days a week for a total of six hours. Mr. Junker noted that the Mayor would need to recuse himself from any personnel discussions regarding his nephew.
- Dr. Li noted that the traffic signal at Wexford Bayne Road and Nicholson Road is not working properly. Chief Healy is aware of the issue, and the company will be fixing the problem. Mr. Ebner noted that the Greenlight Go Project is complete, and it came in under budget at \$76,000.00, rather than the \$1 million budgeted. Chief Healy left the meeting at this time.

Report by Solicitor

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

- Mr. Junker made some minor modifications to the fee resolution to increase the amount of the escrow deposit for inspections from 2% of the total cost of the improvements to 3%. We will also need to develop a more robust system of going after a developer after year one or year two to increase the amount of their financial security due to cost increases, and it will require another certification of costs. He discussed the changes to Act 97 with respect to developments and performance bonds.
- Mr. Junker had talked to an attorney who does not officially represent a resident, but may, regarding stormwater issues near Old Orchard Park. Mr. Junker will need to discuss this matter with Mr. Phillips since he has been issuing notices of violations to some of the other property owners with regard to swales that have been filled in. He will also need to speak with Mr. Bucuren since there has been some work done within the PennDOT right of way for the pipe that had been crushed. He offered that the Borough would try to work to find the source, but it may take the involvement of the Borough Engineer and the Stormwater Engineer. Mr. Junker will work on this over the next month, and it will be added to the list of potential litigation for further discussion in future executive sessions. Mr. Ebner noted that the resident told Mr. Bucuren that she has had issues ever since Old Orchard Park went in. Mr. Bucuren left the meeting at this time.

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL WORK SESSION MINUTES
WEDNESDAY, FEBRUARY 2, 2022**

- Mr. Myslinski asked if the increased pickleball fees for Blueberry Hill Park had been previously discussed and agreed upon by Council. Council discussed that the facilities are in demand.
- Mr. Parks gave one of the quiet pickleballs to someone who plays pickleball indoors to evaluate and compare it to play with the hard ball. He noted that a meeting will be held in March with the pickleball players and the residents around Old Orchard Park to work on the implementation of the plan to make it work.

CAPITAL PROJECT TRACKING – Mr. Ebner noted that this could be included as part of the LGA Municipal Intern Program. We need the intern to look at what information we want to provide and how we want to provide it. The overall idea of providing information on where we are with capital projects is a great idea, but we need to do it in a more concise and focused manner.

SNOW ANGEL PROGRAM – Mr. Ebner noted that this could also be included as part of the LGA Municipal Intern Program. We would like to have an overall program for volunteer opportunities within the Borough.

ACT 14 NOTIFICATION – The Borough received a notification that the well pad in Economy Borough is asking for approval for some additional wells. They are required to notify all adjacent municipalities, and the Borough has 15 days to respond. We previously made our concerns known regarding the water withdrawal from Big Sewickley Creek, and they were denied permission to do so.

MANAGER'S REPORT DISCUSSION ITEMS

- Local Government Academy (LGA) Municipal Intern Program – Council concurred to apply for an intern.
- Offer to purchase property – The Borough received a form letter from someone who does data mining, and they offered \$28,000.00 to purchase property that is adjacent to the Alpine nature preserve. Mr. Junker noted that if the Borough sells any property over \$1,000.00, it will have to be put out for public bid. Council discussed and had no interest in selling the property. The Borough will ignore the request.
- Potential Penn State grant for joint Franklin Park/Plum Borough Riparian Buffer Project – Mary Wilson, a Borough resident, is the Penn State Extension Master Watershed Steward Coordinator for Allegheny County, and she attended the meeting via Zoom. Mr. Ebner noted that Ms. Wilson is putting together the grant proposal. Penn State is applying for a grant that will benefit both Franklin Park and Plum Borough by repairing riparian buffers along stream banks to improve the quality of the streams. The Borough can enhance the riparian buffer in Linbrook Park along Big Sewickley Creek. The grant would purchase plants to be planted to solve the problem. It would also include administrative costs for Penn State to hold four workshops and to oversee the registration of those workshops. Penn State is requesting a letter of support for the grant application that is due in March. The Borough would need to provide fencing, stakes and manpower to install the fencing and stakes around the plants to protect them from deer. We would also need to provide manpower to maintain the plants. Penn State will reach out to the Allegheny Land Trust, the Big Sewickley Creek Watershed Association and the Penn State Master Watershed Steward Program to get volunteers to help with the planting. The Borough cost for labor, fencing and stakes would be \$1,000.00 to \$2,000.00. This would be a nice addition to Linbrook Park. Ms. Wilson noted that the education component would apply to the education and outreach component for MS4, and the people in the workshops will be helping with the planting as part of the educational component. Council concurred to move forward.

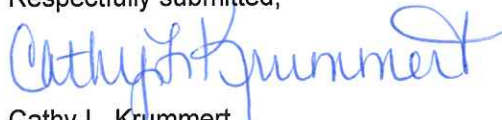
REPORTS FROM COUNCIL MEMBERS

- Mr. Schwartzmier agrees with the resident concerns regarding the condition of some of the roads due to weather.
- Mayor O'Keefe asked about the issue with the Summer Fields Plan, and it was noted that it would be discussed in executive session.
- Jackie DiGiacomo, Junior Council Person, noted that she had received a lot of responses from the email blast and Facebook post regarding a community garden. She will be sending out an email to gauge the volunteers' availability to schedule a meeting.
- Mr. Malkin stated that he had completed the NIMS training through Allegheny County, and it was very efficient.
- Mr. Palled is continuing to attend the LGA newly elected officials course. There are many good topics, and he is meeting many people. He noticed the tape markings in the public meeting room for the installation of monitors. It was noted that Mr. Nock will be discussing this with the TAC. Mr. Palled discussed the migration from Zoom to Microsoft Teams.

EXECUTIVE SESSION – An executive session was held to discuss the Public Works/Parks contract negotiations, Davies litigation, Hartman Farms litigation and potential litigation.

As there was no further business, the meeting adjourned at approximately 10:30 p.m.

Respectfully submitted,



Cathy L. Krummert
Borough Secretary