

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL REGULAR MEETING MINUTES
WEDNESDAY, JUNE 17, 2020**

The regular meeting of the Borough Council of the Borough of Franklin Park was held on Wednesday, June 17, 2020 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:

James W. Hoggpresent
Jiang Liparticipated via telephone
Brian S. Malkinparticipated via telephone
John P. Parkspresent
Thomas C. Schwartzmierpresent
Ward 2 Council member.....vacant at time of roll call
(Position was filled by Lucas R. Myslinski by motion later in the meeting)
Junior Councilperson Nathan Gierczynskipresent
Mayor Dennis E. O'Keefepresent

ENGINEER:

Michael Malak, Senate Engineering Companypresent

SOLICITOR:

Robert Max Junker, Babst Callandpresent

STAFF:

Zach Brower, Recreation Program Directorabsent/excused
Gary Bucuren, Superintendent of Public Works.....absent/excused
Rege Ebner, Borough Managerpresent
Walt Healy, Police Chief.....present
Cathy Krummert, Borough Secretarypresent
Tim Phillips, Building Inspector/Zoning Officer.....present
Bill Schweitzer, Manager of Golf Course & Parks Facilities.....absent/excused

COMMENTS FROM THE FLOOR

Carol Hesz, 2240 Kingridge Road – Ms. Hesz commented regarding noise from the pickleball courts in Old Orchard Park. She and her neighbors would like the courts to be relocated to Blueberry Hill Park. Ms. Hesz also mentioned an incident that occurred on Saturday when a lot of people were using the sand volleyball courts. They were very loud, used profanity and one person publicly urinated in the bushes. The noise is affecting the residents' ability to enjoy their property both inside and outside. The park is to close at dusk and people are staying after that time.

Robert Hesz, 2240 Kingridge Road – Mr. Hesz commented that last Saturday there was a large group of people playing sand volleyball. He walked down to the park at dusk and called the police. While he was waiting, he witnessed one person publicly urinate in the bushes.

Ken Fetterman, 2236 Kingridge Road – Mr. Fetterman stated that he and his neighbors had met with Mr. Parks and Mr. Ebner to discuss the residents' concerns regarding the increase in noise from Old Orchard Park, including yelling and profanity. The park hours are dawn to dusk and the hours should be enforced. Residents are worried that people outside Franklin Park are visiting the park, and they have even parked on neighborhood streets in the past.

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Reuben and Meghan Clark, 2238 Kingridge Road – Mr. Clark commented on the development of Old Orchard Park and the noise from the pickleball courts. The noise is affecting the health and well-being of the residents who live near the park. One solution could be to relocate the pickleball courts to another borough park and repurpose the pickleball court in Old Orchard Park. Everyone should have the right to do and play what they enjoy, but it should not be to the detriment of others.

Al Sartoris, 2237 Kingridge Road – Mr. Sartoris commented that he is here in support of his neighbors, although he is not personally affected by the noise.

Carrie Cannon, 2237 Kingridge Road – Ms. Cannon commented that she is here in support of her neighbors who have concerns regarding the noise from Old Orchard Park.

Tim White, 1552 Dalton Drive – Mr. White is following up with Council regarding stormwater issues in the area of Nevin Drive, Dalton Drive and Lenora Drive. The neighbors met with borough representatives in November, and they are looking for actions on improvements to remedy the borough street water coming onto their properties and causing damage.

Kristin Bozic, 1531 Field Club Drive – Ms. Bozic commented regarding the noise from Old Orchard Park. The residents did not want any type of organized sports in the park, and she does not feel that the pickleball court fits the identity of the park. The park is a natural, open and peaceful park. Ms. Bozic suggested that the pickleball courts be relocated to another park. In the meantime, players should be asked to use noise reducing balls and the hours of play should be limited.

Mr. Hogg thanked everyone for their comments and noted that Council would discuss the matter further at the July 1st work session. Mr. Parks stated that he has made it a point to visit the park to observe, listen and talk to players. He noted that Council hears the residents' concerns, and they will do their best to deal with this issue in a positive way.

Amy Broniszewski, 1533 Old Orchard Road – Ms. Broniszewski commented that residents in the area of Old Orchard Park listen to the pickleball noise 15 hours a day. The noise is obnoxious and aggravating, and it is not right that the residents have to listen to the noise every day.

Mayor O'Keefe thanked the residents for coming tonight to make their concerns known, and he stated that Council is listening.

PRELIMINARY MATTERS

ACCEPT RESIGNATION OF LUKE MYSLINSKI FROM THE ZONING HEARING BOARD – Mr. Parks moved to accept the resignation of Lucas Myslinski from the Zoning Hearing Board effective immediately, seconded by Mr. Schwartzmier and carried.

ACCEPT RESIGNATION OF SUSAN STRIZ FROM BOROUGH COUNCIL, WARD 2 – Mr. Malkin moved to accept the resignation of Susan Striz as a Member of Borough Council for Ward 2, effective May 31, 2020, seconded by Dr. Li and carried.

RESOLUTION NO. 1224-2020, APPOINTING LUCAS MYSLINSKI AS A MEMBER OF BOROUGH COUNCIL, WARD 2 – Mr. Junker summarized Resolution No. 1224-2020. Mr. Schwartzmier moved to adopt Resolution No. 1224-2020 appointing Lucas Myslinski as a Member of Borough Council for Ward 2, to fill the unexpired term of Susan Striz until January 4, 2022, seconded by Mr. Parks and carried. Mr. Myslinski was then sworn into office by Mayor O'Keefe, and he participated in the meeting from this point forward.

CREATE NEW FULL-TIME POLICE OFFICER POSITION – Mr. Parks moved to create a new full-time Police Officer position, ratify the notification to the Civil Service Commission of the vacancy, and acknowledge receipt of the certified eligibility list, seconded by Mr. Schwartzmier and carried.

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APPOINT ANTHONY F. STARKO AS A FULL-TIME POLICE OFFICER – Mr. Schwartzmier moved to appoint Anthony F. Starko as a full-time Police Officer, effective June 18, 2020, at a rate of \$34.58 per hour, seconded by Mr. Myslinski and carried.

APPOINT KEATON A. MOHNEY AS A FULL-TIME POLICE OFFICER – Mr. Parks moved to appoint Keaton A. Mohney as a full-time Police Officer, effective June 18, 2020, at a rate of \$34.58 per hour, seconded by Dr. Li and carried.

Officer Starko and Officer Mohney were then sworn in by Mayor O'Keefe.

The Mayor introduced the members of the police department in attendance (Chief Walt Healy, Lieutenant Sam Snyder, Sergeant Kevin Lestitian, Officer Seth Mitnik, Officer Brian Blakley, Officer Amanda Fedunok and Officer Zach Dengler. The Mayor also acknowledged and thanked the members of the Civil Service Commission (Chair Jerry Horn, Frank Greco, Matt Rak, and Carol Hesz) who work hand in hand with the police department when hiring and promoting officers. Jerry Horn, Frank Greco and Carol Hesz were present this evening.

SPECIAL RECOGNITION, NATHAN GIERCZYNSKI, OUTGOING JUNIOR COUNCIL PERSON – Mayor O'Keefe noted that Nate has been the Junior Council Person for the past year. The Junior Council Person program provides the youth in our community with an opportunity to engage in borough government and to develop leadership skills. Mayor O'Keefe stated that Nate had served Council with distinction, and he wished him success in the future. Mayor O'Keefe then presented Nate with a Certificate of Recognition.

MONTHLY REPORTS

APPROVAL OF THE MINUTES – Mr. Malkin moved the minutes of the May 20, 2020 pre-meeting, the May 20, 2020 regular meeting, the May 27, 2020 special meeting and the June 3, 2020 work session, be approved, seconded by Dr. Li and carried.

TREASURER'S FINANCIAL REPORT - Mr. Ebner summarized the May Treasurer's Financial Report. Revenues through May 31st totaled \$3,071,000.00 (approximately \$38,000.00 less than this time last year). Expenditures through May 31st totaled \$2,673,000.00 (approximately \$340,000.00 less than this time last year). Mr. Ebner stated that there are concerns about the impact of COVID-19 on borough finances. A number of municipalities are looking at possibly a 20 percent reduction in tax revenues this year and that would leave the borough with a \$1,000,000.00 shortfall. We have taken steps to identify projects that could potentially be postponed to make up any shortfall and that will be tracked as we go through the year. The cash balance in the unrestricted accounts totals approximately \$3,287,000.00 (approximately \$30,000.00 higher than this time last year). Mr. Schwartzmier moved the May Treasurer's Financial Report be accepted as read, seconded by Mr. Malkin and carried.

POLICE REPORT – Mayor O'Keefe read the Police Report and activity report for the month of May 2020.

On May 31st one member of the police department was activated with the North Hills Special Response Team for possible riot duty in the North Hills area. The officers were staged and ready for 9 hours before being released. The rioting remained in City of Pittsburgh and did not reach the suburbs.

Mayor O'Keefe commented on the recent police actions in Minneapolis and assured everyone that this type of policing would never happen in Franklin Park. We have very stringent hiring practices and continuous training. The Mayor read the recent communication sent to all officers from Chief Healy exemplifying their commitment to serve and protect and to never abuse that authority. Our officers are always professional, and they love Franklin Park. The Mayor appreciates everything the police department does.

Mr. Schwartzmier recommended the Police Report be filed with the Police Secretary.

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FIRE COMPANY REPORT - Mr. Parks read the Fire Company Report for May 2020. Mr. Parks indicated that the manpower hours for the month were 96 hours, and year to date the fire company has responded to 94 calls.

BUILDING INSPECTION REPORT - Mr. Phillips read the Building Inspection Report for May 2020. Mr. Phillips issued 23 permits and collected \$6,512.00 in fees. Total value of construction was \$847,114.00.

ANNOUNCEMENT OF EXECUTIVE SESSION – Mr. Hogg announced that Borough Council held an executive session on June 3, 2020 to discuss police personnel and potential litigation and on June 17, 2020 to discuss police personnel.

OLD BUSINESS

None

NEW BUSINESS

ORDINANCE NO. 657-2020 APPROVING THE REVISED NORTHLAND PUBLIC LIBRARY

AGREEMENT – Mr. Junker summarized Ordinance No. 657-2020. Mr. Myslinski moved to enact Ordinance No. 657-2020 approving a revised Agreement between the Township of Ross, the Town of McCandless, the Township of Marshall, the Borough of Franklin Park and the Borough of Bradford Woods regarding the Northland Public Library, for the purpose of amending the library funding formula to better reflect library usage, seconded by Mr. Schwartzmier and carried.

REVISIONS TO THE FRANKLIN ELEMENTARY SCHOOL RENOVATIONS AND ADDITIONS –

Mr. Schwartzmier moved to approve revisions to the storm water plan for the Franklin Elementary School renovations and additions, consisting of the elimination of the approved retaining walls, adding slopes and converting a storm water detention pond to an area with underground storm water storage, contingent upon compliance with the letter from Senate Engineering dated June 8, 2020, and compliance with Resolution No. 1172-2018 adopted April 17, 2019 granting approval for Land Development Application No. LPF-18-10-01, seconded by Mr. Myslinski. Mr. Rob Gaertner, Project Manager for the North Allegheny School District, noted that they had some unforeseen issues with a retaining wall and unsuitable soils as part of the original site development process. After consideration, they are now proposing to modify the existing detention pond and use some onsite fill to create a slope and eliminate the retaining wall. The Planning Commission recommended approval last night. The motion was then voted on and carried.

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

PRIMROSE DAY CARE CENTER, 2598 WEXFORD BAYNE ROAD, CONDITIONAL USE PUBLIC HEARING - Mr. Hogg turned the meeting over to Mr. Junker to conduct a public hearing. Sherry Wurzel, court reporter, was present to take a verbatim transcript of the hearing. Mr. Junker entered preliminary exhibits into the record. The application was reviewed by the Planning Commission with recommendation for approval subject to the conditions outlined in Mr. Phillips' Staff Report. The school will be located at the intersection of Wexford Bayne Road and Nicholson Road, adjacent to Sheetz. Ms. Liz Meeder, the owner of the Primrose School of Wexford, presented the proposed plans. This will be the second Primrose school location in the Pittsburgh area. The lot is under 2 acres. The proposed building is 2 stories (14,540 square feet) and there will be a 13,000+ square foot outdoor play space. The child capacity will be 188 kids. They have complied with all conditional use requirements. They have all utilities coordinated. They have approval from the Allegheny County Health Department.

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They have received NPDES approval. They are in the final stages of the CodeSys review. Ms. Shelly Boyle, Construction Manager with JLL, reviewed the site plan. The building signage is located on the front of the building and is internally illuminated. The monument sign will be 22 square feet (5' high x 6' wide) and will be internally illuminated. They have incorporated a drop-off lane to meet the code, but it will not be used based on the current Primrose guidelines. Parents must park and escort their child into the school, and they must do the same at pick up. They have provided 87 parking spaces as required. The final site design maintains two entrances: one off Wexford Bayne Road and the other off Nicholson Road. Ms. Boyle noted that they worked diligently to meet all requirements. The grand opening is planned for next summer.

Mr. Junker stated that under the borough zoning ordinance, a day care center does have a number of requirements and specific standards. Mr. Phillips has reviewed the application in accordance with the requirements, and he has specified the conditions in his Staff Report. Mr. Phillips stated that the applicant has met or exceeded all standards.

Council asked questions regarding the signage, access, parking spaces, traffic and buffer/landscaping. The questions were answered by Ms. Meeder, Ms. Boyle, Mr. Clint Rounsfull and Mr. Jonathan Garczewski of Gateway Engineers.

Mr. Hogg moved to close the public hearing, seconded by Mr. Myslinski and carried

Mr. Malkin moved to grant approval for Conditional Use Application No. CU-20-01-01 submitted by Avor Education, Inc. D/B/A Primrose School of Wexford, for the Primrose Day Care Center located at 2598 Wexford Bayne Road in the M-2 zoning district, contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated May 27, 2020, seconded by Mr. Parks and carried.

RESOLUTION NO. 1225-2020, PRIMROSE DAY CARE CENTER LAND DEVELOPMENT APPROVAL

Mr. Junker summarized Resolution No. 1225-2020. Mr. Schwartzmier moved to adopt Resolution No. 1225-2020 granting preliminary and final Land Development approval for Land Development Application No. LPF-20-01-01 submitted by Avor Education, Inc. D/B/A Primrose School of Wexford, for the Primrose Day Care Center Land Development Plan located at 2598 Wexford Bayne Road in the M-2 zoning district, with conditions, seconded by Mr. Malkin and carried.

RESOLUTION NO. 1204-2019, BLISS RESIDENTIAL LAND DEVELOPMENT APPROVAL – Mr. Junker summarized Resolution No. 1204-2019. Dr. Li moved to adopt Resolution No. 1204-2019 granting preliminary and final Land Development and Subdivision approval for Land Development Application No. LPF-19-05-02 submitted by Memory Lane Venture LLC for the Bliss Residential Land Development, a 10-lot residential subdivision located at 2041 Reis Run Road, in the R-2 zoning district, with conditions, seconded by Mr. Schwartzmier.

Mr. Dan Gramc, Attorney for the applicants, noted that they have been working with the Washington Lane residents over the last year to figure out an alternate access solution. The revised plan will require minor modifications for the separate entrance off Reis Run Road. One modification is for the distance between the plan entrance and the Washington Lane entrance (120 feet), which is less than the borough requirements, but it is within the PennDOT requirements. A second minor modification is needed for the 6 percent road grade for the first 50 feet of the new road. The applicants have received a letter signed by all six residents of Washington Lane requesting that the borough grant the waivers and approve the plan.

Council asked questions regarding the access road, stormwater, the size of the lots, the price of the homes and the name of the street. The questions were answered by the applicants, their engineer and Attorney Gramc.

The motion was then voted on and carried.

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ROBERT H. LUFFY PLAN OF LOTS, STURBRIDGE DRIVE – Mr. Schwartzmier moved to grant approval for Subdivision Application No. SPF-20-04-01 submitted by Robert H. and Deborah L. Luffy for preliminary and final approval of the Robert H. Luffy Plan of Lots, a 6-lot residential subdivision located at parcel 711-C-339 on Sturbridge Drive in the R-2 zoning district, contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated May 27, 2020 and the letter from Senate Engineering dated May 26, 2020, seconded by Mr. Malkin. Mr. Bob Luffy explained that the property has 900 feet of frontage along Sturbridge Drive that will be subdivided into six lots. Each lot will be between 1.9 to 2.8 acres in size. The motion was then voted on and carried.

JASON WOLFE SUBDIVISION PLAN OF LOTS 1, 3 & 4, McALEER ROAD & BRIMFIELD COURT – Mr. Myslinski moved to grant approval for Subdivision Application No. SS-20-06-02 submitted by Sterling James Development LLC/Jason Wolfe for approval of the Jason Wolfe Subdivision Plan of Lots 1, 3 & 4, a lot line revision located at 2316 McAleer Road, and fronting on Brimfield Court, in the R-2 zoning district, contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated May 22, 2020 and the letter from Senate Engineering dated May 26, 2020, seconded by Mr. Schwartzmier and carried.

ACCEPT RESIGNATION OF ROBERT M. BURKLEY FROM THE McCANDLESS FRANKLIN PARK AMBULANCE AUTHORITY BOARD – Mr. Schwartzmier moved to accept the resignation of Robert M. Burkley from the McCandless-Franklin Park Ambulance Authority Board, submitted February 23, 2020, seconded by Mr. Parks and carried.

ANNOUNCE THE 2020 SCHOLARSHIP RECIPIENTS – Dr. Li moved to announce the 2020 Scholarship recipients, seconded by Mr. Myslinski. Nathan Gierczynski announced the 2020 Scholarship recipients:

1. Akshana Dassanaik-Perera, North Allegheny High School
2. Nathan Gierczynski, North Allegheny High School
3. Meghan Hendricks, North Allegheny High School
4. Jessica Huwar, Oakland Catholic High School
5. Grace Lee, North Allegheny High School
6. Erin Mahoney, Sewickley Academy
7. Sanath Panicker, North Allegheny High School
8. Eli Prem, North Allegheny High School
9. Stephen Salamone, North Allegheny High School
10. Joshua Zhou, North Allegheny High School

The motion was then voted on and carried. The Scholarship winners will be honored at the July regular meeting.

KALEE BREIDEGAM HAIR SALON, FIRST ADDENDUM TO DEVELOPMENT AGREEMENT – Mr. Myslinski moved the Borough enter into a First Addendum to Development Agreement with Kalee Breidegam for the conversion of a retail store to a hair salon at 2423 Rochester Road, Sewickley, PA in the M-1 zoning district, seconded by Mr. Schwartzmier and carried.

WASTE MANAGEMENT SOLID WASTE & RECYCLING CONTRACT EXTENSION – Mr. Malkin moved to extend the Solid Waste and Recycling Contract with Waste Management of Pennsylvania Inc. for a one-year period from January 1, 2021 and ending December 31, 2021, by mutual consent, and the Solicitor be authorized to prepare the Extension Agreement, and the proper officers be authorized to sign the documents, seconded by Mr. Parks and carried.

RESOLUTION NO. 1226-2020, REVISING THE SCHEDULE OF FEES PER BOROUGH ORDINANCES
Mr. Junker summarized Resolution No. 1226-2020. Dr. Li moved to adopt Resolution No. 1226-2020 amending and revising the schedule of fees per Borough ordinances, seconded by Mr. Parks and carried.

SOLICITOR – Mr. Junker congratulated Mr. Myslinski, and he looks forward to working with him.

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MAYOR O'KEEFE – Mayor O'Keefe congratulated Mr. Myslinski, welcomed the new police officers, and thanked Mr. Myslinski for his service. The Mayor noted that this past month has been filled with so much heartache for so many, and he suggested that everyone offer their thoughts and prayers.

MR. PARKS – Mr. Parks congratulated Mr. Myslinski, and he looks forward to working with him.

MR. MALKIN – Mr. Malkin congratulated Mr. Myslinski, and he looks forward to working with him.

DR. LI – Dr. Li congratulated Mr. Myslinski, and he looks forward to working with him.

MR. MYSLINSKI – Mr. Myslinski thanked Council for the appointment and stated that he is happy to be back. He also stated that he will work with Mr. Parks regarding the pickleball issue.

MR. SCHWARTZMIER – Mr. Schwartzmier welcomed Mr. Myslinski back to Council.

NATHAN GIERCZYNSKI, JUNIOR COUNCILPERSON – Mr. Gierczynski congratulated Mr. Myslinski and welcomed him back to Council. He thanked Council for giving him the opportunity to serve as Junior Council Person over the past year.

MR. HOGG – Mr. Hogg welcomed Mr. Myslinski back to Council and congratulated Nate and the other scholarship winners.

BOROUGH ENGINEER – Mr. Malak welcomed Mr. Myslinski back to Council. He stated that the 2020 paving program is underway. They will continue milling this week and start paving on Friday. The public works department did a very nice job on the Matterhorn pond that was severely overgrown.

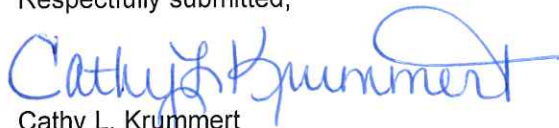
CHIEF OF POLICE - Chief Healy welcomed Mr. Myslinski back to Council.

BUILDING INSPECTOR/ZONING OFFICER - Mr. Phillips welcomed Mr. Myslinski back to Council.

COMMENTS FROM THE FLOOR - None

MOTION TO ADJOURN – Mr. Parks moved to adjourn the meeting, seconded by Mr. Schwartzmier and carried. The meeting adjourned at 9:44 p.m.

Respectfully submitted,


Cathy L. Krummert
Borough Secretary

Audience Present - 46