

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL REGULAR MEETING MINUTES
WEDNESDAY, JUNE 19, 2019**

The regular meeting of the Borough Council of the Borough of Franklin Park was held on Wednesday, June 19, 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 Bridges present
Mayor Dennis E. O'Keefe present

ENGINEER:

Michael Malak, Senate Engineering Company present

SOLICITOR:

Robert Max Junker, Babst Calland present

STAFF:

Zach Brower, Recreation Program Director present
Gary Bucuren, Maintenance Foreman 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 absent

NICHOLAS G. GRUMSKI, EAGLE SCOUT - Mayor O'Keefe recognized Nicholas Grumski for achieving the rank of Eagle Scout and presented him with a Certificate and Letter of Recognition.

APPROVAL OF THE MINUTES - Mr. Lawrence moved the minutes of the May 15, 2019 pre/post meeting, the May 15, 2019 regular meeting, and the June 5, 2019 work session, be approved, seconded by Mr. Myslinski and carried.

TREASURER'S FINANCIAL REPORT - Mr. Ebner read the May Treasurer's Financial Report. Year-to-date revenues totaled \$3,109,551.72 and year-to-date expenditures totaled \$3,017,098.17. Through May 31st, revenues are greater than expenditures by \$92,453.55. Mrs. Coombs moved the May Treasurer's Financial Report be accepted as read, seconded by Mr. Schwartzmier and carried.

POLICE REPORT - Mayor O'Keefe read the Police Report and activity report for the month of May 2019. Mr. Lawrence recommended the Police Report be filed with the Police Secretary.

FIRE COMPANY REPORT - Mr. Parks read the Fire Company Report for May 2019.

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL REGULAR MEETING MINUTES
WEDNESDAY, JUNE 19, 2019**

BUILDING INSPECTION REPORT - Mr. Phillips read the Building Inspection Report for May 2019. Mr. Phillips issued 40 permits and collected \$27,792.50 in fees. Total value of construction was \$3,346,679.00.

ANNOUNCEMENT OF EXECUTIVE SESSION – Mr. Hogg announced that Borough Council held an executive session on June 5, 2019 to discuss the police contract, personnel and also to consult with Special Counsel regarding potential litigation involving Ordinance No. 648-2018 and to engage in attorney-client privileged discussions about potential revisions, and Borough Council held an executive session on June 19, 2019 to discuss the Stull litigation and police contract.

Mr. Hogg noted that copies of three documents were available on the table for attendees this evening: (1) Ordinance No. 648-2018; (2) Resolution No. 1199-2019; and (3) June 14, 2019 Oil and Gas Update.

COMMENTS FROM THE FLOOR

Loretta Pusateri, 2387 Bellwood Drive - Ms. Pusateri commented on cancer cases in Washington, Greene, Fayette and Westmoreland Counties and recent news that over 100 organizations have asked Governor Wolf to investigate whether these cancer cases are related to fracking.

Matt Ferriolo, 1512 Shaker Court - Mr. Ferriolo thanked Council for keeping residents informed, and he encouraged Council to pursue a multi-municipal plan to include oil and gas. Mr. Ebner indicated that he has already contacted The Town of McCandless and Leet Township.

OLD BUSINESS

INTRODUCE ORDINANCE NO. 648-2018, AMENDING CHAPTER 212 IN THE CODE OF THE BOROUGH OF FRANKLIN PARK, "ZONING", TO ADD AN OIL AND GAS RECOVERY DISTRICT OVERLAY AND TO AMEND THE OFFICIAL ZONING MAP – Mr. Junker introduced Ordinance No. 648-2018, amending Chapter 212 in the Code of the Borough of Franklin Park, "Zoning", to add an oil and gas recovery district overlay to the Zoning Ordinance, amend the official Zoning Map of the Borough, and make such other revisions and amendments as are incidental to and necessitated by adding an oil and gas recovery district overlay to the Zoning Ordinance. This ordinance will be advertised for action at a future meeting as set forth in Resolution No. 1199-2019. This is a revision to the original ordinance introduced in December and authored by Special Counsel Sable and Sable.

RESOLUTION NO. 1199-2019, TO INVOKE PENDING ZONING ORDINANCE DOCTRINE – Mr. Junker summarized Resolution No. 1199-2019. Mr. Junker noted that this is in relation to the previous introduction for Ordinance No. 648-2018. Mr. Lawrence moved to adopt Resolution No. 1199-2019 resolving that at a future meeting the Borough Council will consider an amendment to the Borough zoning ordinance and zoning map, in accordance with proposed Ordinance No. 648-2018, and to invoke the pending zoning ordinance doctrine, seconded by Mr. Schwartzmier and carried.

Mr. Junker noted that he has recused himself from any substantive review of any oil and gas matters; however, he is permitted to engage in the procedural aspects. Because of this conflict, Borough Council engaged the law firm of Sable and Sable to serve as Special Counsel to advise on the substance of the oil and gas ordinance.

Now that the ordinance has been substantially revised following both public hearings in March and May, it will now be sent back to the Allegheny County Economic Development Department for their review and comment, as well as referred back to the Planning Commission for their review at their July meeting.

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL REGULAR MEETING MINUTES
WEDNESDAY, JUNE 19, 2019**

This resolution also establishes a public hearing to commence at the regular meeting of Borough Council on August 21st at 7:00 p.m. that will be advertised accordingly. At least 30 days before the public hearing, a notice will be sent to any property owners within the proposed overlay district. The area will be posted at least one week before the August 21st public hearing. Additional information is available on the borough's website. The original proposed draft of the ordinance will continue to be in pending status until the publication of the first public notice of the public hearing, which will occur sometime in early August. At that point, the revised ordinance will become pending and in effect even though it has not been formally enacted. The resolution also proposes that if all things go as planned, and the public hearing is opened and concluded in August, there will be a notice of intent to enact (advertised by the Borough Secretary containing a summary of the changes from the prior version) that is tentatively identified for action at the September regular meeting.

ORDINANCE NO. 649-2019, TO CHANGE THE ZONING DISTRICT FOR PROPERTY LOCATED AT 2460 NICHOLSON ROAD – Mr. Junker summarized Ordinance No. 649-2019, and explained that this rezoning application was applied for by the property owner in the fall. It was subject to numerous meetings and consideration by the Planning Commission. There was a public hearing held by the Planning Commission in December, at which time they recommended that Council enact the rezoning for this parcel. Council held a public hearing in April and a motion to enact was tabled until the May regular meeting. At the May meeting last month the motion resulted in a 3-3 tie vote. Pursuant to Section 1003 of the Borough Code, the Mayor is to break the tie. The Mayor had the option to vote at that time or defer action until a special meeting held by Council. The Mayor elected to defer his vote until a future special meeting that should occur within 10 days. In consultation with Council and the applicant, and noting that 10 days would be Memorial Day, it was decided that the vote would occur tonight. Tonight, by roll-call vote, Council will re-vote on the motion once it is made and seconded. Mr. Junker advised Council that they may change their vote from last month or they may vote the same as they did last month. If the vote results in a tie once again, Mayor O'Keefe must cast the deciding vote.

Mr. Myslinski moved to enact Ordinance No. 649-2019, amending the Borough Zoning Map in Chapter 212 of the Code of the Borough of Franklin Park, "Zoning," to change the zoning district for property located at 2460 Nicholson Road to R-3, and to authorize the publication of the optional public notice under Section 108 of the Municipalities Planning Code, seconded by Mrs. Coombs. A roll call vote was then taken as follows:

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

The motion was approved.

NEW BUSINESS

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

DONALD VANKIRK PLAN OF LOTS, 1522 WEST INGOMAR ROAD - Mr. Schwartzmier moved to approve Subdivision Application SS-19-06-01 submitted by Donald VanKirk for the Donald VanKirk Plan of Lots, to subdivide one lot into two lots at 1522 West Ingomar Road in the R-2 zoning district, contingent upon compliance with the Building Inspector/Zoning Officer's Staff Report dated June 12, 2019, and the letter from Senate Engineering Company dated June 13, 2019, seconded by Mr. Lawrence and carried.

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL REGULAR MEETING MINUTES
WEDNESDAY, JUNE 19, 2019**

ESTATES AT FRANKLIN FIELDS PHASE I, DENY ACCEPTANCE - Mr. Parks moved to accept the Borough Engineer's letter dated June 12, 2019, and to deny the request made by the Estates at Franklin Fields Developer for the borough to accept the dedicated public improvements in the Estates at Franklin Fields Phase I, seconded by Mr. Lawrence and carried.

ESTATES AT FRANKLIN FIELDS PHASE I, SET-ASIDE AGREEMENT REDUCTION - Mr. Schwartzmier moved the Set-Aside Agreement in the amended amount of \$118,800.00 for the Estates at Franklin Fields Phase I, be reduced by \$17,500.00 leaving a balance of \$101,300.00, in accordance with the letter from Senate Engineering dated June 12, 2019, seconded by Mrs. Coombs and carried.

CONTRACT WITH MAHER DUESSEL FOR AUDITING SERVICES FOR YEARS ENDED DECEMBER 31, 2019, 2020, 2021, 2022 & 2023 - Mr. Lawrence moved to award a contract and enter into an agreement with Maher Duessel Certified Public Accountants to perform annual audits for a five-year period in the amount of \$59,000.00, for the years ended December 31, 2019, 2020, 2021, 2022 and 2023, seconded by Mr. Myslinski and carried.

AUTHORIZE PURCHASE OF SERVICE BODY FOR NEW 2019 FORD F-350 TRUCK FOR THE PUBLIC WORKS DEPARTMENT - Mr. Myslinski moved to authorize the purchase of one 8-foot Knapheide Service Body, Model 796 to be furnished and installed on a new 2019 Ford F-350 truck for the Public Works Department, by Zoresco Equipment Company of Turtle Creek, PA 15145, under Costars Contract No. 025-104, at a cost of \$6,807.00, seconded by Mrs. Coombs and carried.

NOTICE OF RETIREMENT, BERNARD R. ROSSMAN, SUPERINTENDENT OF PUBLIC WORKS - Mr. Schwartzmier moved to accept the notice of retirement submitted by Bernard R. Rossman, Superintendent of Public Works, effective August 1, 2019, seconded by Mrs. Coombs and carried.

HIRE GARY R. BUCUREN AS SUPERINTENDENT OF PUBLIC WORKS - Mr. Lawrence moved to hire Gary R. Bucuren as the Superintendent of Public Works effective June 24, 2019 at a salary of \$80,000 per year, seconded by Mr. Schwartzmier. Mr. Hogg noted that Mr. Bucuren has worked in the public works department for 23-1/2 years, and he is being promoted. The motion was voted on and carried.

NORTH HILLS COG ROCK SALT BID, OPTION YEAR 1 AGREEMENT - Mrs. Coombs moved to approve the Option Year I – Articles of Agreement between the Borough and Morton Salt of Chicago, Illinois, exercising the first contract option year for the 2019-2020 season beginning September 1, 2019 and ending August 31, 2020, at a cost of \$69.36 per ton delivered, in accordance with the North Hills COG bid for rock salt opened May 25, 2018, seconded by Mr. Myslinski and carried.

RECOGNIZE TEAMSTERS LOCAL NO. 205 AS THE BARGAINING UNIT FOR FULL TIME POLICE OFFICERS, DETECTIVES AND SERGEANTS - Mr. Parks moved to voluntarily recognize Teamsters Local No. 205 as the bargaining unit representing full-time Patrol Officers, Detectives and Sergeants in collective bargaining, and to direct the staff and Solicitor to take all necessary actions to effectuate this recognition, seconded by Mr. Lawrence. Mr. Junker explained under Act 111, police and firefighters are not able to strike for obvious reasons. They are subject to the Public Employee Relations Act, and they are able to unionize and join with a collective bargaining unit. For a number of years, our police force has been an association, the Franklin Park Officers Association, and it has not been affiliated with any national union. We are coming up on the next round of negotiations for a further collective bargaining agreement, and we did receive a petition from Teamsters Local No. 205. They have received a preliminary vote from the officers to serve as the designated bargaining unit. We could go through the procedure of having a hearing in front of the PLRB, or we can voluntarily recognize them as the designated bargaining unit with which the borough management is required to bargain with for interest arbitration and under Act 111. This motion ends any of the filings in front of the PLRB. The bargaining unit will consist of full-time Patrol Officers, Detective and the Sergeants. The motion was voted on and was carried.

**BOROUGH OF FRANKLIN PARK
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BOROUGH MANAGER - Mr. Ebner reminded everybody that Festival in the Park will be held on Saturday, June 29th. The EAC will have a booth with a prize wheel, and they will host Bill Moore, the Pittsburgh regional leader of PA Lyme Resource Network, to talk about ticks. Mr. Ebner also announced that he is trying to reach out to the neighborhoods in the borough to find out what the borough can do better. He thanked the residents of Fox Chase for meeting with him this week. Please reach out to Mr. Ebner if your neighborhood would like to have a meeting.

SOLICITOR – Mr. Junker congratulated Mr. Rossman, Mr. Bucuren and Nicholas Grumski, Eagle Scout.

MAYOR O'KEEFE – Mayor O'Keefe congratulated Mr. Rossman, Mr. Bucuren and Nicholas Grumski, Eagle Scout. He thanked the audience for attending and providing input, and he thanked the Boy Scouts for attending.

MR. PARKS – Mr. Parks congratulated Mr. Rossman and Mr. Bucuren. He stated that there has been a lot of discussion over the last ten months regarding fracking and well pads, and it is a great concern to everyone. Council has dedicated endless hours learning about oil and gas, and they will continue to find the best solution possible.

MR. LAWRENCE - Mr. Lawrence congratulated Mr. Rossman, Mr. Bucuren and Nicholas Grumski, Eagle Scout. He thanked everyone for attending this evening.

MR. MYSLINSKI - Mr. Myslinski congratulated Mr. Rossman, Mr. Bucuren and Nicholas Grumski, Eagle Scout. He encouraged everyone to attend the Festival in the Park on June 29th.

MRS. COOMBS - Mrs. Coombs congratulated Mr. Rossman, Mr. Bucuren and Nicholas Grumski, Eagle Scout.

MR. SCHWARTZMIER - Mr. Schwartzmier congratulated Mr. Rossman and Mr. Bucuren, and noted that Mr. Rossman has agreed to be available until the end of the year on a per diem basis to assist when needed.

NICHOLAS BRIDGES, JUNIOR COUNCILPERSON - Mr. Bridges congratulated Mr. Rossman, Mr. Bucuren and Nicholas Grumski, Eagle Scout. He stated that the NA Boys Volleyball team secured a second straight State Championship.

MR. HOGG - Mr. Hogg congratulated Mr. Rossman, Mr. Bucuren and Nicholas Grumski, Eagle Scout.

BOROUGH ENGINEER - Mr. Malak congratulated Mr. Rossman, Mr. Bucuren and Nicholas Grumski, Eagle Scout.

SUPERINTENDENT OF PUBLIC WORKS

- Mr. Rossman congratulated Mr. Bucuren and wished him the best.
- The National Night Out event will be held on the first Tuesday in August.

CHIEF OF POLICE

- Chief Healy commended Nicholas Grumski on his Eagle Scout achievement and congratulated Mr. Rossman and Mr. Bucuren.

BUILDING INSPECTOR/ZONING OFFICER

- Mr. Phillips wished Mr. Rossman and Mr. Bucuren good luck.

RECREATION PROGRAM DIRECTOR

- Mr. Brower congratulated Mr. Rossman, Mr. Bucuren and Nicholas Grumski, Eagle Scout.
- The Festival in the Park will be held on June 29th starting at 4 p.m. with activities, music, shows, games, inflatables, vendor booths, ax throwing and a petting zoo throughout the day.

**BOROUGH OF FRANKLIN PARK
BOROUGH COUNCIL REGULAR MEETING MINUTES
WEDNESDAY, JUNE 19, 2019**

COMMENTS FROM THE FLOOR

Brad Powell, 1602 Bradsbury Lane - Mr. Powell thanked Mr. Rossman for paving Hopkins Church Road. He noted that one of his neighbors drives tri-axle trucks up and down the road loaded with dirt to fill in his valley, and the trucks are over the weight limit. Mr. Powell will be contacting Mr. Phillips when it happens in the future.

MOTION TO ADJOURN – Mrs. Coombs moved to adjourn the meeting, seconded by Mr. Schwartzmier and carried. The meeting adjourned at 8:53 p.m.

Respectfully submitted,



Cathy L. Krummert
Borough Secretary

Audience Present - 46