

**BOROUGH OF FRANKLIN PARK  
BOROUGH COUNCIL REGULAR MEETING MINUTES  
WEDNESDAY, JULY 15, 2020**

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The regular meeting of the Borough Council of the Borough of Franklin Park was held on Wednesday, July 15, 2020 at 8:00 p.m. at the Municipal Building, 2344 West Ingomar Road, Pittsburgh, Pennsylvania 15237. The meeting was also held virtually via Zoom remote audio and video conferencing due to the COVID-19 pandemic.

Council President Jim Hogg called the meeting to order.

Pledge of Allegiance

Cathy Krummert called the roll:

**COUNCIL MEMBERS:**

James W. Hogg ..... present  
Jiang Li ..... participated via Zoom  
Brian S. Malkin ..... participated via Zoom  
John P. Parks. .... present  
Thomas C. Schwartzmier ..... present  
Luke R. Myslinski..... present  
Junior Councilperson Nathan Gierczynski ..... present  
Mayor Dennis E. O'Keefe ..... present

**ENGINEER:**

Michael Malak, Senate Engineering Company ..... absent/excused

**SOLICITOR:**

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

**STAFF:**

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

**ACKNOWLEDGE RECIPIENTS OF A 2020 FRANKLIN PARK COMMUNITY SCHOLARSHIP –**

In 2003, the first Junior Council Person, Jacob Ramsey, recommended that Borough Council establish a scholarship fund for students in the Borough of Franklin Park. The funds for the community scholarships are raised by the Borough from the ad revenue generated by the Borough newsletters, private donations, and through participation in the annual golf outing and wine and cheese event - no tax dollars are used. Thanks to all individuals and businesses for your contributions over the years. Scholarships were first awarded in 2004, and since that time, the Borough has awarded \$154,000 in scholarship funds to 155 high school seniors from Franklin Park. The 10 students who were chosen to receive scholarships this year have all demonstrated a high level of academic performance, extensive involvement in their school community, and provided countless hours performing volunteer work to benefit others. The following students were selected to receive a 2020 Franklin Park Community Scholarship, and those students participating in the meeting via Zoom provided information regarding their college/university and their course of study.

1. Akshana Dassanaik-Perera - North Allegheny High School
2. Nathan Gierczynski - North Allegheny High School  
Nathan will be studying political science with a pre-law track at Duquesne University.

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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  
Sanath will be studying science, medicine and the humanities at Johns Hopkins University.
8. Eli Prem - North Allegheny High School  
Eli will be studying systems engineering at the University of Pennsylvania.
9. Stephen Salamone - North Allegheny High School  
Stephen will be studying engineering at LeHigh University.
10. Joshua Zhou - North Allegheny High School

Mr. Hogg also recognized the members of the Scholarship Selection Committee who have spent many hours reviewing all of the scholarship applications: Annette Blonar, Ron Coombs, Matt Garland, Nancy Hamilton, Alyce Jacob, Iris Parks and Lisa Tourek.

The annual golf outing had to be canceled this year due to COVID-19, and it is the major fundraiser for the scholarships. Since the borough has planned in advance and has a sufficient balance, the borough will be able to award scholarships next year, even without the revenues from the golf outing this year.

**PUBLIC COMMENTS**

Patrick Pagano, 1408 Mystic Valley Drive – Thanked Mr. Hogg, Mr. Ebner and the entire Council for their efforts, specifically regarding the solar installation project that is on the agenda this evening. He thanked Council for setting an example and sending a message by moving forward with the solar audit and making a real difference in our regional air quality. Mr. Pagano strongly supports the solar proposal and hopes it will have a ripple effect across the region and state.

Thaddeus Popovich, 1654 Stone Mansion Drive – He supports the study for the installation of solar panels on borough buildings. He also read from his testimony today before the Board of Health where he noted that the borough has demonstrated good governance by elected officials.

Meghan and Reuben Clark, 2238 Kingridge Road – Mrs. Clark spoke on behalf of a group of neighbors residing on Old Orchard Road, Kingridge Road and Field Club Drive who have brought concerns to Council regarding noise generated by pickleball at Old Orchard Park. The hours of play have been reduced, but play has continued before and after hours. They still have the continuing noise issue from the paddles striking the balls. The residents are asking Council to seek a permanent solution to end the noise that prevents them from enjoying their properties. Mrs. Clark acknowledged the planned installation of pickleball courts at Blueberry Hill Park, but the residents are not sure that it will make a difference for them. Chief Healy stated that officers are monitoring the pickleball courts, and they have issued warnings for after-hours play during the first 2 weeks. The Chief also mentioned the possibility of putting a lock on the gate to prohibit after hours play.

**APPOINT EMMA BERNARDI AS THE JUNIOR COUNCIL PERSON FOR THE 2020/2021 SCHOOL YEAR** – Mr. Parks moved Emma Bernardi be appointed as the Junior Council Person for the 2020/2021 school year, seconded by Mr. Myslinski and carried. Mayor O'Keefe administered the Junior Council Person Pledge.

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Mr. Hogg thanked Nathan Gierczynski for being an excellent Junior Council Person over the last year.

**APPROVAL OF THE MINUTES** – Mr. Myslinski moved the minutes of the June 17, 2020 pre/post meeting, the June 17, 2020 regular meeting, and the July 1, 2020 work session, be approved, seconded by Mr. Parks and carried.

**TREASURER'S FINANCIAL REPORT** - Mr. Ebner summarized the June Treasurer's Financial Report. Year-to-date revenues totaled approximately \$5,367,000 (about \$4,000 more than this time last year). Year-to-date expenditures totaled approximately \$3,540,000 (about \$900,000 less than last year) mainly because we did not have to make a transfer into the capital projects fund this year. Mr. Ebner noted that because of the COVID-19 pandemic, the borough has taken a cautionary approach. Most municipalities are assuming decreases of as much as 20 percent in earned income tax. The borough had anticipated the possibility of having a shortfall of approximately \$1,000,000 this year, but through June 30<sup>th</sup> our earned income tax revenue is slightly up from last year. Mr. Ebner will continue tracking, and staff has identified approximately \$1,000,000 in projects that could be postponed. The finances will continue to be monitored and they will be reviewed at the August work session. Mr. Schwartzmier moved the June Treasurer's Financial Report be accepted as read, seconded by Mr. Parks.

**POLICE REPORT** – Mayor O'Keefe read the Police Report and activity report for the month of June 2020. Mr. Schwartzmier recommended the Police Report be filed with the Police Secretary.

**FIRE COMPANY REPORT** - Mr. Parks read the Fire Company Report for June 2020. Mr. Parks indicated that the manpower hours for the month were 231 volunteer hours, and year to date the fire company responded to 123 calls.

**BUILDING INSPECTION REPORT** - Mr. Phillips read the Building Inspection Report for June 2020. Mr. Phillips issued 38 permits and collected \$13,254.00 in fees. Total value of construction was \$1,881,832.00.

**ANNOUNCEMENT OF EXECUTIVE SESSION** – Mr. Hogg announced that Borough Council held an executive session on July 1, 2020 to discuss potential litigation and personnel matters and on July 15, 2020 to discuss potential litigation and personnel matters.

**OLD BUSINESS**

None

**NEW BUSINESS**

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

**JOSEPH BELLISSIMO, 1906 COLONIAL DRIVE, CONDITIONAL USE PUBLIC HEARING** - Mr. Hogg turned the meeting over to Mr. Junker to conduct a public hearing. Tracey Duncan, court reporter, was present to take a verbatim transcript of the hearing. Mr. Junker entered preliminary exhibits into the record and provided an explanation of the public hearing process.

Mr. Junker stated that a number of written comments were received before the public hearing, and responses were provided to those individuals informing them that they needed to attend in person in order to have standing to participate in this hearing or to take an appeal. Copies of the letters and emails were provided to the applicant. Mr. Junker noted that written comments were received from the following before the public hearing:

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1. An email from Karen Merrick dated July 14, 2020.
2. An email from Sailesh Kapadia dated July 14, 2020.
3. An email from Ravi Kondala dated July 2, 2020.
4. An email from Dheena Raju dated July 6, 2020.
5. An email from Saradhi Sukhavasi dated July 6, 2020.
6. A letter from Dr. Peter Wildfong and Karen Hayworth dated July 2, 2020.
7. An email from S. Mandyam dated July 9, 2020.

Mr. Junker reviewed the procedures for the hearing and a decision by Borough Council.

The applicant, Mr. Joseph Bellissimo of 1906 Colonial Drive, stated that he wants to amend his original application slightly because he is not going to be selling any firearms from his residence. He is applying for a federal firearms license to facilitate the transfer of firearms from a distributor to an individual or private transfers from a private individual to another individual. He will not advertise, put up a sign or store weapons on the property. He will not be conducting a business because he will not be charging anything for his service. He will only collect a check for \$5.00 made payable to the Pennsylvania State Police to cover the background check. He does not plan to do transfers for people he does not know. He is a retired federal agent, and he does not want people coming to his home that he does not know. He will also be following the HOA rules.

Mr. Junker stated that if the application is approved, Mr. Bellissimo is bound by the testimony he is giving tonight, as well as the contents of his application in terms of the scope and how he will operate the home occupation. Mr. Bellissimo stated that he is bound by the rules of the borough, his neighborhood, the ATF and he must also obtain a license from Allegheny County.

Mr. Bellissimo reviewed the process he would follow for a firearms transfer. Mr. Junker reviewed the home occupation restrictions in the zoning ordinance, and Mr. Bellissimo responded to each requirement indicating that he would be in compliance. Mr. Bellissimo noted that he has reviewed Mr. Phillips' Staff Report and has no issue with compliance. Mr. Bellissimo had posted on Facebook that he would answer any questions from his neighbors, and he has spoken to some of them.

Mr. Bellissimo then answered questions from Council members.

The following comments were made by residents attending the meeting in-person:

Amy Coles, 1600 Settlers Drive – Identified herself as an attorney and expressed concerns regarding Mr. Bellissimo's application. She urged that very strict conditions be placed on any approval.

James W. Lawrence, 2604 Fountain Hills Drive – This would set a precedent in the borough and Council should carefully consider. Recommended that Council turn down the application.

Jack Turner, 1859 Pioneer Drive – Spoke on behalf of Mr. Bellissimo and stated that Mr. Bellissimo is a person who will do anything for anybody. He is a wonderful friend and neighbor.

Michael Calder, 2384D Rochester Road – He had spoken to Mr. Bellissimo to ask questions about the application. Council should not deny Mr. Bellissimo's application since he meets all zoning requirements.

The following comments were made by residents participating in the meeting via Zoom:

Karen Hayworth, 1616 Settlers Drive – Opposed to the application. Does not want firearms in a family friendly neighborhood. Does not feel the HOA did a good job representing the residents. This would set a precedent for Franklin Park.

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Kristina Kress, 2573 Hunters Point Court South – Asked if the Zoning Board identified the risks of a missing, stolen or incorrectly delivered package and how to mitigate those risks. Mr. Junker clarified that it is the Planning Commission that reviews and makes recommendations on conditional use applications, and their minutes are available on the borough website.

Tushar Lovalekar, 1918 Colonial Drive – Supports the comments made by Karen and by the resident at 1600 Settlers Drive. He does not support the motion for the safety of his family. He is concerned about parcels being left outside or delivered incorrectly.

Mahesh Sane, 1734 Holmes Drive – Expressed concerns for the safety of his family and commented that it sets the wrong precedent in a family community. He is opposed to the motion.

Kunal Kaul, 1825 Pioneer Drive – Concerned about additional traffic from individuals coming to pick up firearms and transporting them through the neighborhood, as well as safety concerns for the children in the neighborhood and the close proximity to a school. He is disappointed with the way the HOA handled the situation and did not address the residents' concerns. Mr. Junker noted that the borough does not get involved in the HOA private restrictive covenants.

Mani Mohan Madasu, 1811 Pioneer Drive – Concerned about the approval of the application, the access to sell firearms in the future, misdelivered or lost packages, and unknown persons entering community to take ownership of the firearm. Strongly believes this does not belong in this community.

Vikas Agarwal, 1739 Holmes Drive – He appreciates Joe as a part of the community, but he is opposed to the application.

Srikanth Yellapragada, 1720 Holmes Drive – Stated that Joe mentioned that he will not do sales, and he asked where can he find this information, and will more people come to Joe since he is not charging? Who will enforce violations? He is opposed to the application. Mr. Junker noted that there are conditions of approval that are placed on the applicant, and the Zoning Officer can issue a zoning notice of violation if a complaint of non-compliance is found to be valid.

Murali Koppula, 1702 Holmes Drive – Agrees with previous comments and shares the same concerns.

Sonia Aneja, 1410 Scarlett Ridge Drive – Opposed to the motion because a business should not be located in a residential neighborhood and across the street from a school. Concerned about strangers coming into the area to purchase a weapon.

Nakul Ranade, 1613 Settlers Drive – Opposed to the motion and expressed concerns regarding safety, firearms and deliveries. Everyone deserves to voice their opinion, and he believes the numbers opposed to the application should be validated and recorded.

Arunprakash Kaliamurthi, 1625 Settlers Drive – Opposed to the motion because it will set a precedent. This community is very close to a school and the risk does not outweigh the benefits.

Anup Kaneri, 1899 Pioneer Drive – Opposed to the motion. Joe is a great guy and he fully understands his intent, but the transfer or sale of firearms is not something that should happen in a residential neighborhood. The house is also located next to a park.

Ross Giglio, 1516 Shaker Court – Shares the concerns of the neighbors in the community. It is a safe community, and he does not like the idea of firearms in the neighborhood. Why is it necessary to have a middleman involved in the transactions? Wants to make sure that firearms do not get loose and that there is an effort to keep an eye on how firearms are released and who is receiving them. Opposed to the motion. It should occur in a commercial district where the transactions are very well watched.

Devender Chandupatla, 1884 Pioneer Drive – He has heard great things about Joe, but they are so close to an elementary school and he has concerns about safety. He is opposed to the motion.

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Sailesh Kapadia, 2553 Glenwood Drive – Opposed to the motion because Council would be setting a precedent that someone in his immediate neighborhood would get a similar permit. Until Mr. Bellissimo verifies that this person is legitimate and eligible to possess a gun, this is not established until the person goes there and Mr. Bellissimo goes on the computer. Somebody undesirable might buy a gun and he might be carrying his own gun at that time. Granting such a waiver would permit undesirables to come into our neighborhood.

Joe Migliozzi, 1545 King James Drive – Opposed to the application mainly because of the precedent argument that was already made very well by a couple other people. Also concerned about misdelivered packages. It does not add up to save one person \$30 and compromise the zoning ordinance. The next person may be doing 40-50 a month. It is a bad idea.

Mr. Junker clarified that since it has come up several times, there is no precedence in zoning cases. There is no res judicata or collateral estoppel. If you get denied a variance one day, you can apply again. Because of the changing nature of land, property and uses, the fact that this particular application might get granted or might get denied does not have an impact on future applications. Just like the prior approval of one application in a particular location, and the denial of another application in a particular location does not have bearing or weight on the decision here tonight. Precedent has been mentioned several times, but it is not an issue for this particular case. Mr. Myslinski clarified that several people have referred to it as a waiver or compromising our zoning ordinance when it is actually a conditional use application. Mr. Junker then clarified that although this is a residential zoning district, the zoning ordinance does include a conditional use for a home occupation. It is a broad definition and there are several examples of the types of home occupations, although a federal firearms license is not specifically listed. It is a commercial use or a non-residential use in a principal residential structure. It is not a waiver or a variance. The application of anyone who wants to put a commercial use in their home would have to go through this process. It is not accurate to say it is a waiver or changing or bending the zoning.

Sameer Udeshi, 1892 Pioneer Drive – The Bellissimos are outstanding residents of the community, but he is opposed to the motion. There is an overwhelming sentiment from people who have huge reservations against it and that should be respected and considered.

Dheena Raju, 1809 Pioneer Drive – Joe is a very good friend and a fantastic neighbor, but he has concerns. There are three schools in the vicinity and people coming and going should not be there for firearms. This opens up a lot of other areas to come up so this should not be done and create confusion in a residential area. He is opposed to the motion.

Pavan Immadi, 1842 Pioneer Drive – Opposed to the request. Commented on the increased number of mass shootings. Joe is a great guy and his intentions are good, but we cannot trust who is coming here to buy firearms from him.

Mr. Bellissimo then responded to questions posed by the Solicitor, Council members and questions that came up during public comment.

Mr. Junker stated that everyone that resides within the Settlers Walk Plan is considered to have standing. They can take an appeal from a decision, and they will get notice of any decision. Mr. Junker asked Mr. Bellissimo if he had any objection to including any of the other individuals that spoke and including them in party status. Mr. Bellissimo objected to including those individuals who do not reside in the Settlers Walk Plan. Mr. Junker agreed that the comments from the non-Settlers Walk residents will be taken as public comments and not as a party and they will not be provided written notice of any decision. It will be limited to Colonial Drive, Pioneer Drive, Holmes Drive, Shevlin and Shaker Court.

Mr. Hogg moved to close the public hearing, seconded by Mr. Myslinski. A vote was taken with Dr. Li voting no and all other Council members voting in favor of closing the public hearing. The motion carried and the public hearing was closed.

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Mr. Hogg moved to table Motion #5 to the August 19<sup>th</sup> meeting, seconded by Mr. Parks. The motion carried unanimously. A motion will be placed on the August 19<sup>th</sup> agenda regarding this application.

**APPOINT JAMES BONOMO TO THE McCANDLESS FRANKLIN PARK AMBULANCE AUTHORITY BOARD** – Mr. Myslinski moved James Bonomo be appointed to the McCandless Franklin Park Ambulance Authority Board to fill the unexpired term of Robert Burkley, which term will expire December 31, 2024, seconded by Mr. Schwartzmier and carried.

**FRANKLIN ELEMENTARY SCHOOL ADDITIONS & RENOVATIONS, LETTER OF CREDIT REDUCTION** – Mr. Parks moved PNC Irrevocable Standby Letter of Credit No. 18131697-00-000 in the amount of \$1,929,500.00 issued for the North Allegheny School District for the Franklin Elementary School Additions and Renovations, be reduced by \$1,152,900.00 leaving a balance of \$776,600.00, in accordance with the letter from Senate Engineering dated July 8, 2020, seconded by Mr. Myslinski and carried.

**NORTHLAND LIBRARY THIRD QUARTER PAYMENT** – Mr. Schwartzmier moved the Treasurer be authorized to prepare a check in the amount of \$91,958.50 payable to Northland Library for the 3<sup>rd</sup> quarter payment of 2020, seconded by Dr. Li and carried.

**SOLAR POWER EVALUATION PROPOSAL** – Mr. Malkin moved to accept the no cost proposal dated June 29, 2020 from Solbridge Energy Advisors, LLC for the third phase of the solar power evaluation and to authorize the execution of an Agreement in a form acceptable to the Borough Manager and Borough Solicitor, seconded by Dr. Li and carried.

**SOLICITOR** – Congratulated Nate Gierczynski and welcomed Emma Bernardi.

**MAYOR O'KEEFE** – Welcomed Emma Bernardi, congratulated the scholarship winners, thanked the Scholarship Committee and thanked the police and fire company for serving and protecting.

**MR. PARKS** – Thanked Nathan Gierczynski and welcomed Emma Bernardi.

**MR. MALKIN** – Thanked Nate Gierczynski and welcomed Emma Bernardi.

**DR. LI** – Thanked Mr. Ebner and Andy Nock for conducting the Zoom meeting and noted that the community appreciates the effort. Thanked Mr. Junker for the clarification during the public hearing. Thanked Nathan Gierczynski and welcomed Emma Bernardi.

**MR. MYSLINSKI** – Thanked the Scholarship Committee and congratulated the scholarship recipients. Thanked Nathan Gierczynski and welcomed Emma Bernardi.

**MR. SCHWARTZMIER** – Welcomed Emma Bernardi.

**MR. HOGG** - Thanked Nathan Gierczynski and welcomed Emma Bernardi. Congratulated the scholarship winners and thanked the Scholarship Committee.

**EMMA BERNARDI, JUNIOR COUNCIL PERSON** – Thanked Council for this opportunity, and she is excited for a great year.

**CHIEF OF POLICE** - Welcomed Emma Bernardi.

**BUILDING INSPECTOR/ZONING OFFICER** - Welcomed Emma Bernardi.

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**COMMENTS FROM THE FLOOR**

James W. Lawrence, 2604 Fountain Hills Drive – Complimented Council and everyone here in Franklin Park for having a public meeting. Everyone is wearing masks and social distancing. It is disappointing that two Council members are not here in-person this evening. He understands that there is a pandemic and it is a scary situation, but staff members, four Council members, the Mayor and Junior Council Person are in attendance. It is difficult to do the business of the borough from afar via Zoom. He thanked everyone for doing a great job in Franklin Park.

Janet Harner, LaCosta Court – Asked Council to consider as a general policy matter with the COVID-19 pandemic crisis to Zoom all meetings of Council, the Zoning Hearing Board and the Planning Commission because some people are in a high-risk category. Council is doing a great job, and she would like to hear what they are doing.

**MOTION TO ADJOURN** – Mr. Myslinski moved to adjourn the meeting, seconded by Mr. Schwartzmier and carried. The meeting adjourned at 10:32 p.m.

Respectfully submitted,



Cathy L. Krummert  
Borough Secretary

Audience - 28 in person and 93 virtual attendees