

**BOROUGH OF FRANKLIN PARK  
BOROUGH COUNCIL REGULAR MEETING MINUTES  
WEDNESDAY, OCTOBER 20, 2021**

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The regular meeting of the Borough Council of the Borough of Franklin Park was held on Wednesday, October 20, 2021 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 .....present  
Brian S. Malkin .....present  
Lucas R. Myslinski.....present  
John P. Parks.....present  
Thomas C. Schwartzmier.....present  
Junior Councilperson Jackie DiGiacomo .....present  
Mayor Dennis E. O'Keefe .....present

**ENGINEER:**

Shawn Wingrove, Lennon, Smith, Souleret Engineering, Inc. ....present

**SOLICITOR:**

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

**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

**PUBLIC COMMENTS** - None

**APPROVAL OF THE MINUTES** – Mr. Schwartzmier moved the minutes of the September 15, 2021 pre/post meeting, the September 15, 2021 regular meeting, and the October 6, 2021 work session, be approved, seconded by Mr. Myslinski and carried.

**TREASURER'S FINANCIAL REPORT** – Mrs. Crain summarized the September Treasurer's Financial Report. The General Fund revenues for the month of September totaled \$1,164,913.00. Year-to-date total revenues are \$8,858,637.00, which represents 90% of the 2021 total budget. The General Fund expenditures for the month of September totaled \$787,917.00. Year-to-date total expenditures are \$5,849,014.00, which represents 51% of the 2021 total budget. Mr. Myslinski moved the September Treasurer's Financial Report be accepted as read, seconded by Dr. Li and carried.

**POLICE REPORT** – Mayor O'Keefe read the Police Report and activity report for the month of September 2021. The police responded to 621 calls for service. Mr. Malkin recommended the Police Report be filed with the Police Secretary.

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WEDNESDAY, OCTOBER 20, 2021**

---

**FIRE COMPANY REPORT** - Mr. Parks read the Fire Company Report for September 2021. Mr. Parks indicated that the fire company responded to 35 calls for the month and the manpower for the month totaled 480 volunteer hours.

**BUILDING INSPECTION REPORT** - Mr. Phillips read the Building Inspection Report for September 2021. Mr. Phillips issued 26 permits and collected \$8,878.14 in fees. Total value of construction was \$1,102,727.00.

**ANNOUNCEMENT OF EXECUTIVE SESSION** – None

**OLD BUSINESS**

None

**NEW BUSINESS**

**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. Schwartzmier and carried.

**PUBLIC HEARING – CONDITIONAL USE APPLICATION CU-21-08-04, JUSTIN BEALL'S LANDSCAPE SERVICE FOR PROPERTY LOCATED AT 1565 ALAQUA DRIVE** - 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. The application was submitted by Justin Beall's Landscape Service for property owned by Raymond Maguire and Christin Sylvester located at 1565 Alaqua Drive in the R-2 zoning district. The property is 1.85 acres and is improved with a single family residence. Mr. Justin Beall, the landscape designer for Beall's Nursery and Landscaping, reviewed the proposed plans. The property is located on a cul-de-sac in the Diamond Run community. The property is unique because of the topography of the land. The property owner requested a pool and pool house while maintaining a lot of the wooded area. They were very cautious about clearing trees and disturbing ground. A sport court has also been incorporated into the project. It is necessary to put a basement in the pool house to house the computer equipment for the type of pool that is being installed. The upper level will be used for entertaining. It will not be a dwelling unit. They were very cautious of adjoining neighbors and will bring in large plant material to provide a buffer area. Mr. Phillips has verified the setback requirements, and he noted that the Zoning Hearing Board granted the necessary variance. The Planning Commission also recommended approval. The neighbors provided a favorable review of the plans at the Planning Commission meeting. Mr. Beall indicated that the project should be completed by next Memorial Day. There were no questions from Council. Mr. Schwartzmier moved to close the public hearing, seconded by Mr. Malkin and carried. Mr. Myslinski moved to approve Conditional Use Application CU-21-08-04 submitted by Justin Beall's Landscape Service for an accessory use structure larger than 1,000 sq. ft. of GFA at the property located at 1565 Alaqua Drive in the R-2 zoning district, contingent upon the Building Inspector/Zoning Officer's Staff Report dated September 28, 2021, seconded by Mr. Schwartzmier and carried.

**BILL SPARKS (CARES) CONDITIONAL USE APPLICATION** - Mr. Junker announced that a second Conditional Use public hearing was scheduled for this evening. He has received confirmation from the applicant, Bill Sparks of CARES, that he withdrew the application formally, so no action is required to be taken by Council. Mr. Sparks will need to reapply in the future if he wishes to proceed.

**BOROUGH OF FRANKLIN PARK  
BOROUGH COUNCIL REGULAR MEETING MINUTES  
WEDNESDAY, OCTOBER 20, 2021**

---

**BLISS RESIDENTIAL LAND DEVELOPMENT, STORMWATER MODIFICATION NUMBER 1 –**

Mr. Schwartzmier moved to approve stormwater modification number 1 regarding Plan Revisions for the Bliss Residential Land Development as revised and recommended by the Planning Commission and detailed in the letter from Lennon, Smith, Souleret Engineering, Inc. dated October 14, 2021 with "Revised Storm Sewer Plan" as the Subject, seconded by Dr. Li. Mr. Dave Hager of PVE reviewed the requested modification. Mr. Brett indicated that the information they have supplied does comply with the ordinance, and LSSE recommends approval of the motion. The motion was voted on and carried.

**BLISS RESIDENTIAL LAND DEVELOPMENT, STORMWATER MODIFICATION NUMBER 2 –**

Mr. Schwartzmier moved to approve stormwater modification number 2 regarding Yard Drain YD-1 and Yard Drain YD-2 for the Bliss Residential Land Development as revised and recommended by the Planning Commission and detailed in the letter from Lennon, Smith, Souleret Engineering, Inc. dated October 13, 2021 with "Modification Request – 2' x 2' Inlet Box" as the Subject, seconded by Mr. Myslinski. Mr. Dave Hager of PVE Engineering reviewed the requested modification. Mr. Brett indicated that LSSE recommends approval of the motion. The motion was voted on and carried.

**BLISS RESIDENTIAL LAND DEVELOPMENT, STORMWATER MODIFICATION NUMBER 3 –** There was discussion regarding the development and concerns expressed by residents. The Allegheny County Conservation District has been involved, and Council needs to make sure we are clear and precise on the approval motion. Mr. Myslinski commented that there has been a lot of feedback from residents regarding bad development and overdevelopment lately, and this site has been specifically mentioned. There are some valid concerns. The slopes are extreme, and the property has been deforested. The development has been reviewed at approximately 15 meetings, and through that process they have been in compliance with state and county law and Borough ordinances. State law greatly restricts what a Borough Council can do in terms of denying a development application. However, at this point the developer is asking for some modifications on the soil tight pipes. Today, Council learned that the soil tight pipes were installed in several locations, and they were not approved. Mr. Brett confirmed that the developer was permitted to continue to put pipe in the ground to be in compliance with the Conservation District, but yesterday some pipes were installed with late notice that were not required under the Conservation District. It is very concerning that construction was continuing beyond what was necessary to be in compliance. Mr. Hager stated that the developer did not know that until he was made aware. He then spoke to the contractor and had him stop work. Mr. Hager noted that they want to move forward with soil tight pipe with the additional coupler in the requested three locations because they cannot get water tight pipe due to demand and production issues. The coupler goes around where the pipes come together making them water tight and puncture resistant. Mr. Brett indicated that the proposed coupler does meet the requirement for water tight pipe joints. Mr. Myslinski moved to approve stormwater modification number 3 regarding water-tight pipe joints for the Bliss Residential Land Development as revised and recommended by the Planning Commission and as further revised to require Polyseal Pipe Couplers on all soil-tight joints in the three areas on the plan as detailed in the letter from Lennon, Smith, Souleret Engineering, Inc. dated October 13, 2021 with "Modification Request – Water-tight Pipe" as the Subject, seconded by Mr. Schwartzmier. Mr. Thomas Bost, the developer, asked questions for his clarification. Mr. Brett and Council indicated that the couplers would be required in the three areas specified. The developer will also be required to remove the soil tight pipe in these three areas and install the couplers to make the pipe is water tight. The Borough has requested a response from the Conservation District on whether or not the site is in compliance, so we know if the developer can continue to work on the rest of the road. Until the response is received, LSSE cannot recommend that the project continue beyond E&S work. There was discussion and debate between Mr. Hager and Borough officials regarding compliance. Mr. Junker noted that the Development Agreement is very clear on when the Borough is to be notified for inspections, and the Borough will be issuing a ten-day Notice to Cure since the developer is in violation of the Development Agreement by failing to provide the required notice for inspections. Mr. Brett recommended approval of the motion as read. Mr. Hager asked if the developer would be required to go back to the Planning Commission and Council to request a modification to use the couplers on the soil tight pipe in the remainder of the development since the water tight pipe is not available. Council and Mr. Junker confirmed that the developer would be required to request that modification from the Planning Commission and Council. The motion was then voted on and carried.

**BOROUGH OF FRANKLIN PARK  
BOROUGH COUNCIL REGULAR MEETING MINUTES  
WEDNESDAY, OCTOBER 20, 2021**

---

**BLISS RESIDENTIAL LAND DEVELOPMENT, SET-ASIDE AGREEMENT REDUCTION** – Mr. Parks moved the Set-Aside Agreement in the original amount of \$771,081.00 for the Bliss Residential Land Development, be reduced by \$83,511.00 leaving a balance of \$687,570.00, in accordance with the letter from Lennon, Smith, Souleret Engineering, Inc. dated October 13, 2021, seconded by Mr. Myslinski. Mr. Brett commented that the developer had requested a reduction of \$157,951.91. LSSE's recommended release is \$83,511.00, which is substantially less than requested. The main reason for the difference is that they had requested the release for the majority of E&S controls. LSSE recommended no release for E&S controls. The developer requested a release of \$37,000.00 for stormwater management, and LSSE only recommended one-half of that amount for completion of the stormwater pond. Mr. Junker noted that during a pre-meeting discussion this evening, Council noted that there are issues with this plan and asked if they are required to release funds from the Set-Aside Agreement. The Borough received a Notice of Violation from the Allegheny County Conservation District, and the developer is in violation of the Development Agreement. The Municipalities Planning Code is set up in such a way that a developer can request a release from their security from time to time. The Borough is then required to have the engineer inspect the development and provide a certification to Council to take action within 45 days. Because work has been completed in certain areas, the developer is entitled to action and a reduction of the security. The motion was voted on and carried.

**AWARD BID FOR THE 2022 CURB & GUTTER REPLACEMENT PROGRAM** – Mr. Myslinski moved to award Contract No. 21-R01, Curb and Gutter Replacement Program for the 2022 Road Paving Program to Baiano Construction, Inc. of Pittsburgh, PA 15236 at a cost of \$229,149.00, seconded by Mr. Schwartzmier. Mr. Schwartzmier asked questions regarding the disparity of the two bids received and noted that the current contractor did not submit a bid. Mr. Ebner noted that the successful bid is in line with the market, and we were happy with their work in the past. The motion was voted on and carried.

**AWARD COSTARS SALT CONTRACT** – Mr. Malkin moved American Rock Salt of Mt. Morris, New York be awarded the bid for rock salt under COSTARS Contract #4600016537 for the period August 1, 2021 to July 31, 2022 at a cost of \$68.04 per ton delivered, seconded by Mr. Myslinski and carried.

**HIRE GINA ZIGERELLI AS PART-TIME FINANCIAL COORDINATOR** – Dr. Li moved to ratify the hiring of Gina Zigerelli as a Part-time Financial Coordinator effective October 4, 2021, at a rate of \$26.00/hour, seconded by Mr. Parks and carried.

**ANNUAL CONTRIBUTION TO THE FRANKLIN PARK VOLUNTEER FIRE COMPANY** – Mr. Schwartzmier moved the Treasurer be authorized to prepare a check in the amount of \$99,700.00 payable to the Franklin Park Volunteer Fire Company No. 1, which represents the Borough's annual contribution to the Fire Company, seconded by Dr. Li and carried.

**NORTHLAND LIBRARY FOURTH QUARTER PAYMENT** – Mr. Myslinski moved the Treasurer's office be authorized to prepare a check in the amount of \$86,215.25 payable to Northland Library for the fourth quarter payment of 2021, seconded by Dr. Li and carried.

**RESOLUTION NO. 1270-2021, KEYSTONE GRANT APPLICATION FOR NORTHLAND LIBRARY** Mr. Junker summarized Resolution No. 1270-2021. Mr. Parks moved to adopt Resolution No. 1270-2021, a resolution of the municipalities of Borough of Bradford Woods, Borough of Franklin Park, Township of Marshall, Town of McCandless and Township of Ross, ensuring the undisturbed use of the Northland Public Library for fifty years or the useful life of the Keystone Recreation Park and Conservation Grant in the amount of \$750,000.00 for Northland Library, seconded by Mr. Malkin and carried.

**RESOLUTION NO. 1271-2021, GRANT APPLICATION FOR A PUBLIC WORKS FACILITY ADDITION** Mr. Junker summarized Resolution No. 1271-2021. Mr. Schwartzmier moved to adopt Resolution No. 1271-2021, authorizing the filing of an application for grant funds with the Redevelopment Authority of Allegheny County ("RAAC") in the amount of \$500,000.00 for the Public Works Facility Addition, seconded by Mr. Myslinski and carried.

**BOROUGH OF FRANKLIN PARK  
BOROUGH COUNCIL REGULAR MEETING MINUTES  
WEDNESDAY, OCTOBER 20, 2021**

---

**RESOLUTION NO. 1272-2021, GRANT APPLICATION FOR PUBLIC WORKS FACILITY SOLAR AND ROOF REPLACEMENT** – Mr. Junker summarized Resolution No. 1272-2021. Mr. Myslinski moved to adopt Resolution No. 1272-2021, authorizing the filing of an application for grant funds with the Redevelopment Authority of Allegheny County (“RAAC”) in the amount of \$500,000.00 for the Public Works Facility Solar and Roof Replacement, seconded by Dr. Li and carried.

**RESOLUTION NO. 1273-2021, GRANT APPLICATION FOR MUNICIPAL COMPLEX STORMWATER CONTROL IMPROVEMENTS** – Mr. Junker summarized Resolution No. 1273-2021. Mr. Schwartzmier moved to adopt Resolution No. 1273-2021 authorizing the filing of an application for grant funds with the Redevelopment Authority of Allegheny County (“RAAC”) in the amount of \$500,000.00 for the Municipal Complex Stormwater Control Improvements, seconded by Dr. Li and carried.

**RESOLUTION NO. 1274-2021, GRANT APPLICATION FOR JOINT COMPREHENSIVE PLAN** – Mr. Junker summarized Resolution No. 1274-2021. Mr. Malkin moved to adopt Resolution No. 1274-2021 authorizing the filing of an application for grant funds with the Pennsylvania Municipal Assistance Program in the amount of \$37,041.00 for the Joint Comprehensive Plan for the Borough of Franklin Park and Ohio Township, seconded by Mr. Myslinski and carried.

**SOLICITOR** – Mr. Junker appreciates the support of Council regarding the enforcement of the Bliss Residential Land Development.

**MAYOR O’KEEFE** – He has received numerous expressions of appreciation from residents regarding the glass recycling, and he has spoken with many non-residents who also recycle their glass at our location.

**MR. MALKIN** – Have a happy and safe Halloween.

**MR. SCHWARTZMIER** – The Borough needs to be diligent regarding stormwater issues to make sure that everything is done correctly, and he appreciates everyone’s diligence.

**BOROUGH ENGINEER** – Mr. Brett appreciates the support of Council.

**SUPERINTENDENT OF PUBLIC WORKS**

- Leaf bag collection will begin October 25<sup>th</sup> and will continue through the end of November. Brush chipping will start on November 8<sup>th</sup> and will continue until they have collected brush on all of the roads in the Borough.

**CHIEF OF POLICE**

- The contractor working on Route 19 in Pine Township has notified the Chief that they will be detouring traffic via Route 910 this weekend. Traffic will be detoured to enter I-79 at Warrendale and exit at Route 910 to continue back to Route 19. They requested two police officers to direct traffic. The Chief noted that he will not be able to provide officers since he already has to cover services at two churches and Soergel’s Fall Festival. (Correction: The detour will be from 8 p.m. on October 29<sup>th</sup> through 5 a.m. on November 1<sup>st</sup>.)

**RECREATION PROGRAM DIRECTOR**

- The Halloween Party will be held on Saturday and the event is at capacity.

**COMMENTS FROM THE FLOOR** - None

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**MOTION TO ADJOURN** – Mr. Myslinski moved to adjourn the meeting, seconded by Mr. Malkin and carried. The meeting adjourned at 9:11 p.m.

Respectfully submitted,



Cathy L. Krummert  
Borough Secretary

Audience Present - 15 (10 in person/5 virtual)