

**Oakmont Borough Council**  
**Minutes of the Regular Meeting**

221 (Final)  
**January 9, 2012**

**CALL TO ORDER**

The Regular Meeting of Oakmont Borough Council was called to order at 7:00 PM by President Milberger in Council Chambers of the Municipal Building, 767 Fifth Street, Oakmont, Pennsylvania 15139.

**PLEDGE OF ALLEGIANCE**

All those who were present and able stood and recited the Pledge of Allegiance.

**ROLL CALL**

Present: Council Members Colianni, Favo, Ride, Saxon, Scott, Vagley and President Milberger; Solicitor Shoop (arr. 7:07 PM); Mayor Fescemyer; Chief DiSanti; and Assistant Borough Secretary Jensen

Excused: Mr. Jamison

Visitors: Dorothy Calfe, Victor Calfe, Lynn Cummings, Fred Favo, Mark Gleeson, Lois Hlavac, Paul Jenkins, Bill Peoples and Summer Tissue

President Milberger reported that Mr. Jamison was ill, and unable to attend the Meeting that evening.

**REGISTERED COMMENTS FROM THE PUBLIC**

**Chamber Newsletter Postage** – Summer Tissue, Oakmont Chamber of Commerce Executive Director, asked Council to once again agree to split the postage costs for monthly mailing of the Chamber Newsletter. She gave the costs of sharing six months worth of postage, and for one year of postage.

**Treasurer's 4<sup>th</sup> Quarter Report** – Borough Treasurer Fred Favo said that Borough accounts were currently in very good order and that the Boulevard Project, in particular, had ended up with more money than they started with by the fourth quarter of 2011. He cautioned that the biggest issue to watch in the 2011 final reports was to make sure that the Borough's QuickBooks accounting system accurately reflected the monies that have been transferred from fund to fund.

Treasurer Favo suggested that Vice President Ride, Borough Manager Jamison and he meet some evening to go over this. Ms. Ride agreed to set this up.

**Lynn Cummings** – Ms. Cummings asked what the status was on the issues she had earlier brought to Council concerning the Fischettis on Thirteenth Street who were encroaching on her right-of-way with a shed. Ms. Jensen said Code Enforcement Officer Ed Crates had told her that day that he had sent a memo to the Borough about this in November. President Milberger said he would ask the Borough Manger to get an update to Ms. Cummings by the end of that week.

Ms. Cummings felt that she had already spent \$1,000.00 of her own money pursuing this issue it was violating the Borough's *Code* to begin with. She noted that there was still an outhouse on the Fischetti's property facing her property, but said it was not hooked up to anything. She said she realized that she could not address the outhouse, but she certainly wanted to address the fact that the Fischettis had erected a shed illegally on her property.

Mr. Favo remarked that the Borough did not have to defer to the County with regards to the outhouse, which Mr. Fischetti was now claiming was "decorative," but that this could still be addressed in correspondence to the Fischettis.

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**COMMENTS FROM THE PUBLIC**

**Lois Hlavac** – Ms. Hlavac expressed concern that a Thirteenth Street neighbor, Owen Slagle, whose backyard faces Ms. Hlavac’s front yard, intended to erect a shed that would be very close to her front door. She said she had already granted Mr. Slagle “a waiver on a right-of-way” due to his wife’s medical condition. She said the Borough had sent someone up to inspect the property, who told her the front of her property legally was on Pennsylvania Avenue. Ms. Hlavac said, “That’s not my front. I’ve been there long before there were other houses there.”

She asked if Mr. Slagle had applied for a permit to erect the shed, and said she wanted to do whatever could be done to stop the shed from going up.

Council Member Scott said he had always wondered if Mr. Slagle’s house, which he had added onto, complied with Borough zoning for lot coverage.

Ms. Hlavac reiterated that she would like to do whatever she could to stop the shed from going up. Mr. Favo suggested that Ms. Hlavac try to tell Mr. Slagle how she feels about the shed and remind him that she had already afforded him the property easement he had requested.

**COUNCIL PRESIDENT’S MESSAGE**

**Standing Committee Appointments** – Council discussed and reviewed the Standing Committee appointments proposed by President Milberger at the January 3 Reorganization Meeting.

Ms. Vagley said that she was currently working with the Planning Commission, the Recreation Board and the Boulevard Project Board. She asked if Mr. Favo would consider taking over as liaison to the Planning Commission. Mr. Favo agreed to do so.

President Milberger also went over the Council members who will act as liaisons to the Borough’s boards, committees and commissions. The Council liaisons will be:

Boulevard Project Board	Kitty Vagley
Carnegie Library Board	Elena Colianni
Civil Service Commission	Ron Scott
Emergency Management Team	Ron Scott
Kerr Museum Board	Nancy Ride
Municipal Authority Board of Governors	Tim Milberger
Planning Commission	Tim Favo
Recreation Board	Kitty Vagley
Shade Tree Commission	Kitty Vagley
Zoning Hearing Board/Property Boards	Elena Colianni

President Milberger also asked Mr. Scott if he could contact the Emergency Management Team to discuss their goals and tasks for the year.

**2011 Accomplishments** – President Milberger shared a draft list of 2011 Accomplishments with Council, adding that he wanted to firm up the list shortly. He asked Mayor Fescemyer if he would like to review the list and add to it for the Police Department by the February Work Session. He asked Ms. Jensen to contact Doug Myers to obtain accomplishments for 2011 in Satler Park.

**Garden Club Trash Receptacles** – Mr. Favo asked Ms. Colianni to contact the Garden Club to see about getting covers for the new trash receptacles the Garden Club had donated to the Borough. With no tops, rain gets into the trash, making it difficult for the Street Crew to collect and dispose of. Council Member Colianni agreed to do this.

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**2012 Council Goals** – President Milberger asked Council to be ready to review and discuss Council goals and initiatives for 2012 at the February Work session. Ms. Vagley mentioned that she wanted to see some money set aside in 2012 for the purchase of new trees for planting in 2013.

President Milberger also asked the Mayor to be ready to input Police Department goals and initiatives for 2012 at the same meeting.

**Elks Grant/War Memorial** – President Milberger said he had been approached by the Elks about a \$2,000.00 grant they had received that they would like to use for the community. Specifically, they were hoping to honor veterans somehow with this grant.

Mayor Fescemyer proposed an addition to the War Memorial in front of the Library. He said there was nothing there for Operation Enduring Freedom. Mr. Favo suggested that trees be planted in honor of the veterans. A brief discussion followed concerning who owned the War Memorial. Ms. Vagley said that many years ago, a standing committee had been appointed to create the memorial, but that that committee was now defunct.

Summer Tissue said the Elks had already contacted the Chamber and Nate English about coming up with something. She said the grant money had already been spent. Along these same lines, Ms. Vagley brought up planting trees in the Verona-Oakmont Cemetery as a possibility, since the Cemetery is where Oakmont's Memorial Day services are held every year. Mr. Scott noted that all the flowering cherry trees along the Maryland Avenue side of the Cemetery had been destroyed in a storm a few years ago.

**SOLICITOR'S REPORT**

Solicitor Shoop had nothing to report that evening.

**CORRESPONDENCE**

**K. Reynolds Resigns ORB** – President Milberger read an email, dated January 4, 2012, from Kyle Reynolds, saying that he wished to resign from the Recreation Board, effective immediately.

**BOROUGH MANAGER'S REPORT**

**TAN** – In Mr. Jamison's stead, Vice President Ride reported that the original documents for the Tax Anticipation Note (TAN) with PNC Bank had been submitted, but that some of the papers need to be revised when the Borough Manager returns, with the intent of taking the necessary actions to go through with the TAN at the February Regular Meeting.

There was some confusion about whether the Borough was executing a Tax Anticipation Note or a line of credit with the bank. Vice President Ride said this would have to be cleared up, too, once the Borough Manager returned.

**2012 Property Assessments** - A brief discussion ensued concerning whether or not property assessments would be changing or staying the same for 2012. Unless assessments are stable, it will be difficult to project cash flow for the year.

**MAYOR'S REPORT**

**OPD Commended** - Mayor Fescemyer read a letter from Joseph R. Williams, Esquire, commending the Oakmont Police Department for their work in returning a client's child.

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**Monthly Police Report** - At Mayor Fescemyer's request, Police Chief DiSanti reviewed portions of his December 2011 Police Report for those present, and went on to advise Council of the proactive police work that was being done by his department.

Chief DiSanti congratulated President Milberger on his election to the Council presidency, and Ms. Colianni on her election to Council.

**Meeting Scheduled** – President Milberger said that a meeting had been scheduled for January 25, 2012 for the Mayor, the Police Chief, the Borough Manager and himself to review Police Department issues.

**FBI** – Mayor Fescemyer reported that the FBI would be guests at one of the Borough Council Meetings. He said there was a 12-week FBI School that he wanted some of his police officers to attend.

**Morris Estates Signs** – Ms. Vagley asked if Matt Provenza's concerns over parking restriction signs on Potomac Street had been addressed yet.

Chief DiSanti said he did not agree with Mr. Provenza's assessment of the situation. He said he would be asking the Borough Manager to issue a work order for the Street Department to erect a "No Parking" sign across from McGinnis Automotive on Morris Street, instead. The Chief said he had already spoken with Mr. Provenza and feels that it was not entirely necessary to do all that Mr. Provenza was requesting. Mr. Provenza agreed with what he was proposing, commented Chief DiSanti.

**Police Reports** - Mr. Favo asked if the monthly Police Reports, including the arrest reports which have recently been missing, could be prepared for distribution on the Friday *before* Council Meetings in the future. Chief DiSanti said that was for the Mayor to decide.

Mayor Fescemyer said that certain information, if given to Council, could jeopardize investigations going on about town. Chief DiSanti asked Mr. Favo why he wanted to see specific names on the arrest reports. Mr. Favo said he felt it was important for Council members to be aware of the number of arrests from month to month, as well as repeat offenders. Chief DiSanti said they would consider the request, but stressed that there were legitimate reasons for not putting this information in the Monthly Report that he offered to explain to Mr. Favo in a memo.

President Milberger asked why this would require a memo. He also asked that any intended changes in the Police Report be brought before Council *prior* to making those changes. He asked the Mayor and Chief to come up with a proposal by that Friday on what they would and would not like the monthly Police Reports to contain.

**Monthly OVFD Report** - Fire Chief Bill Peoples reported on the Fire Department's activities for December 2011. He said there had been the fewest 911 calls in December 2011 of any month since the Borough first went with 911 dispatching.

Referring to the Elks grant, as well as to the fact that the Fire Department erects and takes down the flag in the Verona-Oakmont Cemetery, Chief Peoples said a veteran had asked him if he could look into getting a light to shine on the flag after dusk, at least in the summertime.

**APPROVAL OF MINUTES**

Mr. Favo said he wanted a number of corrections made to the Minutes from the Regular Meeting of December 12, 2011 with regard to Mr. Donovan's comments on the TIF and the connection he made, in error, to the increase in garbage and sewage rates. Ms. Jensen asked Mr. Favo if he could give her his requested changes in writing, which he agreed to do.

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**COMMITTEE REPORTS**

**Finance Committee**

**Warrants** – Vice President Ride moved to approve the Warrant List for December 2011, dated January 9, 2012, and showing the following expenditures:

<i><b>Fund</b></i>	<i><b>Amount</b></i>
General Fund	\$219,237.28
Boulevard Project Fund	\$2,621.29
Kerr Museum Fund	\$3,918.10
Library Fund	\$31,088.11
Liquid Fuels Fund	\$8,399.58
Sewer Fund	\$105,470.22
Sewer Deposit Fund	Closed 1/5/12
Capital Fund (Parks)	\$73,222.75
Capital Fund (Roads)	\$19,666.63
Capital Reserve Fund	\$ -0-
Operating Reserve Fund	\$393.50

Mr. Scott seconded the motion, which passed 7 to 0. Ms. Vagley remarked that she was delighted the Sewer Deposit Fund had finally been closed out.

The motion passed, 7 to 0.

**2011 Non-Union Salaries/Wages** – Vice President Ride offered a motion to approve all non-union Borough employees' salaries and wages for 2012.

Ms. Vagley seconded the motion.

Ms. Ride noted that she had not seen a list yet of individual salaries and wages, but that she was comfortable with the amounts on these, as approved in the 2012 Budget.

Ms. Colianni asked why Council made this motion, and was told that the auditors, in particular, looked to see this in the Minutes every audit.

The motion passed, 7 to 0.

**Proposals from Auditors** – Vice President Ride said she had spoken with the Borough Manager that day about the need to get proposals from different auditors, since the contract was up with the current auditor, Maher Duessel. She proposed that the Borough Manager, the Borough Treasurer and she interview those who had submitted proposals once they are all.

Ms. Vagley asked if Maher Duessel had submitted a proposal. Ms. Jensen said she had spoken with an auditor from Maher Duessel the previous week, who said they had not been asked to submit a proposal. Ms. Jensen said she then asked them to submit a proposal.

**Garbage/Recycling Fees** – Vice President Ride explained that, historically, garbage and recycling expenses and revenues were accounted for under the Sewer Fund. In 2009, the garbage and recycling line items were moved to the General Fund. At the end of 2010, at the Treasurer's suggestion, these line items were returned to the Sewer Fund, based on the fact that the Sewer Fund is a proprietary fund, and because the accounting procedures would be simplified. However, since the Borough operates on a cash basis, there is a question as to how to account for fees and bills that came in at the end of 2010, but were not entered or paid until the following year and went into the Sewer Fund. This will need to be resolved.

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**Public Safety Committee**

**Hulton Bridge Repairs** – Mr. Scott asked what work was currently being done on the Hulton Bridge. Chief DiSanti said that PennDOT was in the process of repairing a bridge strut and that the Police Department was covering traffic control while the repairs were going on.

**DLC Tree Trimming** – Council Member Scott commented that the tree trimming currently being done by Davey Tree Service for Duquesne Light Company was like “locusts moving through the Borough.” He wanted to know if Duquesne Light could be asked to discuss their trimming protocols with Shade Tree Commission Chairman John Wojtyna. It was agreed to bring this up at the next Work Session with Mr. Wojtyna.

**Planning and Economic Development Committee**

**Resignation Accepted** – Ms. Vagley offered a motion to accept the resignation of Kyle Reynolds from the Oakmont Recreation Board, effective immediately.

Ms. Colianni seconded the motion.

Vice President Ride commended Mr. Reynolds for the great deal of time, effort and hard work that he had had put in with the Recreation Board. Ms. Vagley reported that the Board already had two applications for the vacancy.

The motion passed, 7 to 0.

**Public Works Committee**

**Sale of Poplar Wood** – Referring to a January 9, 2012 memo from Recreation Board Chairman Tom Bland, Mr. Favo offered a motion to accept the recommendation of the Recreation Board to sell the polar for \$400.00 to Lewis Lumber.

Ms. Vagley seconded the motion, which passed 7 to 0.

This wood, and other species of wood, were obtained when trees in Riverside Park were cut down to allow for the new trails planned winding through the Park. The woods were kiln dried, dressed and delivered back to the Park.

**Marketing Oak Wood** - Next, Mr. Favo moved that the Recreation Board be given permission to openly market the remainder of the wood, with the proviso that Council be advised prior to any sale.

Ms. Vagley seconded the motion.

Mr. Favo said they had already received tentative costs of \$2.00 per board foot for the oak that remains. He added that the proceeds from the sale of all the wood would be placed in Capital Fund (Parks).

The motion passed, 7 to 0.

**Handicapped Ramps** – Council Member Favo reported that he had contacted Borough Engineer Bill Wengerd to ask that the plastic coating be removed from the newly-installed handicapped ramps along Washington Avenue. Mr. Wengerd agreed to follow up on this.

**Park Renovation Meeting** – Mr. Favo said a meeting had been scheduled with the School District and the Borough for Friday, January 13, to coordinate the construction schedule with the use of the sports fields by the school students in the spring.

**Park Renovation Costs** – Mr. Favo asked who was currently working on the tracking the costs of the Riverside Park Renovation project. Vice President Ride said she was

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doing this, and that there had been no recent activity. Mr. Favo said he felt it was important to continue to carefully monitor these expenses.

**Plum Creek Watershed Group** – Mr. Favo said that Council was reconnecting with this important body and that the Borough did not want to miss the opportunity to re-apply for the EPA Brownfields Grant again. Member Bill Benusa will be attending the Work Session next month to bring Council up-to-date on both.

**Business District Parking** – Mr. Favo reported that the Borough Office was in the process of entering all vehicle traffic code ordinances and amendments into the Borough's computer system. Once done, Council can better begin to address the retail district ticketing system, he felt.

He asked Chief DiSanti to isolate the number of parking tickets given in the Business District from now on in his reports.

President Milberger said he thought it was possible to start getting the ticketing system in place now. With this in mind, Chief DiSanti was asked to set up the monthly leasing of the license scanner for one year, as soon as possible. The Chief said he and the Borough Manager would handle this.

**2012 Property Assessments** – Mr. Favo asked Council Member Saxon if she could put something in the Chamber Newsletter about what residents can expect this year, property assessment-wise. Another brief discussion took place concerning what was, and was not known, about the 2012 property assessments so far.

**Plum/ARB Debris** – Ms. Ride said she wanted the Borough Manager to ask the Street Department to clear away the debris that has been building up at the curb around Allegheny River Boulevard and Plum Street.

She also made note of a new kind of water-permeable catch basin that distributes water to trees planted nearby. Mayor Fescemyer said these kinds of catch basins were originally supposed to be installed in the Edgewater development, but that the idea was scrapped when they turned out to be extremely expensive.

**Communication & Code Committee**

**Chamber Newsletter Postage** – Ms. Saxon offered a motion to approve the expenditure of \$2,425.68 for one-half the cost of postage for 12 months' mailing of the Chamber of Commerce Newsletter.

Ms. Ride seconded the motion, which passed 7 to 0.

**Articles Due** – Council Member Saxon noted that Newsletter articles were due on January 12 and to contact her if anyone wanted something included. She said she would be putting in an updated list of Borough commissions in the next newsletter.

Ms. Vagley asked if Ms. Saxon could mention that the skating rink would be dismantled for the season on March 1.

**Development Responsibilities** – Vice President Ride said she would like to see a letter go to the Edgewater development Homeowners' Association outlining for the residents just what the Borough was responsible for and what the developers were responsible for at this point. She said she would like to forestall problems that have arisen with other developments in the past. She thought the letter could talk about such things as street lights, snow plowing, garbage pick up, traffic signs, etc.

Mr. Favo said the Borough usually takes over the streets after approximately 90% of the development had been sold, but he added that it was *after* the developer left that problems usually arose with who was responsible for what.

Discussion continued on determining exactly what the Borough's responsibility was at this point.

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Accepting of the streets of the Summit also came into the discussion, and Solicitor Shoop and Ms. Vagley agreed to draw up a letter of clarification for the Summit Homeowners' Association on what needs to be done before the Borough can take over Summit streets.

Ms. Jensen agreed to draft the letter to Edgewater residents if she could be provided with the details of the agreements between the Borough and developers Kacin.

President Milberger asked Ms. Colianni if she could familiarize herself with the Kacin agreement documents and get Ms. Jensen the information she needed to draft this letter. Ms. Colianni agreed to do this.

**Legal, Zoning & Land Use Committee**

Noting that she had nothing specific to report, Ms. Colianni said, "I think my work's already been cut out for me."

**COMMENTS FROM THE PUBLIC**

**Mark Gleeson** - Mr. Gleeson reported that the Baby Jesus had been stolen from a Fifteenth Street resident's outdoor crèche two times already. He asked for Council's help in getting the Baby Jesuses back. He suggested that Council Member Colianni's mother, a writer, might be able to write an article that would encourage whoever stole the items to return them.

**Bill Peoples/Stop Signs** – Noting that he was now speaking as a resident, not the Fire Chief, Mr. Peoples said he had noticed that there were no stop signs on the Edgewater streets that flow into the rest of the community. Chief DiSanti agreed that stop signs were needed in the Edgewater plan, and encouraged Council to decide whose responsibility this was.

Solicitor Shoop asked, "Should the developers decide where the stop signs go up?" Mr. Favro said the Borough Manager should be familiar with what's in the Plan Agreement. Ms. Colianni agreed to look into this, too.

Mr. Peoples also noted that there was no stop sign at Delaware and Third Street, going north. He wanted to know why. President Milberger said he would ask the Borough Manager about this.

**UPCOMING PUBLIC MEETINGS**

President Milberger referred those present to the list of public meetings itemized in the Agenda, noting that dates were correct as of publication of the Agenda.

**MISCELLANEOUS ITEMS**

**Assignments** – President Milberger briefly reviewed the tasks given to Council members and other Borough Officials during the meeting.

**ADJOURNMENT**

There being no further business to conduct that evening, Mr. Scott offered a motion to adjourn to Executive Session. Mr. Favro seconded the motion, which passed 7 to 0.

The meeting was adjourned at 9:05 PM.

Respectfully submitted,

Lisa Cooper Jensen  
Assistant Borough Secretary