

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

178 (Final)  
**September 12, 2011**

**CALL TO ORDER**

The Regular Meeting of Oakmont Borough Council was called to order at 7:00 PM by President Favio 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 Donovan, Milberger, Ride, Saxon, Scott, Vagley and President Favio; Solicitor Shoop; Mayor Fescemyer; Chief DiSanti; Borough Manager Jamison and Assistant Borough Secretary Jensen

Excused: None

Absent: None

Visitors: Judie Beynon (arr. 7:04 PM), Dorothy Calfe, Victor Calfe, Bruce Corna, Dave Carroll (lvs. 7:36 PM), Elena Colianni, Sheri Ehrlich (arr. 7:29 PM), Paul Jenkins, Christine Little (arr. 7:04 PM), Jennifer McGrath (arr. 7:25 PM), Tom Meising, Dolly Provenza, Bertha Shearer, Summer Tissue and Nancy Williams

**REGISTERED COMMENTS FROM THE PUBLIC**

No one was registered to speak that evening.

**COMMENTS FROM THE PUBLIC**

No one present in the audience spoke at that time.

**COUNCIL PRESIDENT'S MESSAGE**

**911 Remembrance** - President Favio thanked Reverend Steve Wilson for honoring First Responders during the Presbyterian Church's service remembering 911. President Favio called for a moment of silence to commemorate those whose lives were lost that day.

**Riverside Park Ticket Booth** – President Favio thanked those who were responsible for the erection of the new ticket booth at the entrance to Riverside Park, and mentioned specifically Chip Fisher, Mike Comaniak and Brian Dessell.

**Review of Borough Parking Regulations** – President Favio asked Council to review the packet copies of current Borough parking regulations and be ready to discuss them at next month's Work Session.

**Sidewalk Repair** – President Favio again thanked the residents who have repaired their sidewalks in response to the Borough's inspections.

**SOLICITOR'S REPORT**

**Act 44 Pension Legislation** - Solicitor Shoop said that Act 44 required certain steps of municipalities with regard to hiring of independent pension consultants. He noted that he had stated earlier he saw no reason for Council to enact legislation until there was a need to do so, i.e., when Council wanted to hire different outside pension consultants than were already in place.

Solicitor Shoop said he had spoken with Mockenhaupt Actuary Bill Asay who felt that the auditors would continue to cite the Borough as long as this legislation was not in place, but that Mr. Shoop still felt there was no need to do anything at this point. He asked Council if they had any questions on Act 44.

President Favo felt that having the resolution in place now would help to delineate time limits, and that committee names could be cited by title, rather than by name, and selected at a later date.

Solicitor Shoop conceded that there was no harm in enacting the legislation now, and offered to have a draft ready for Council to discuss at the October Work Session.

### **CORRESPONDENCE**

**Edgewater/Kacin Partial Release of Bond** – President Favo read a letter from Senate Engineering’s Bill Wengerd, dated August 18, 2011, recommending approval of the August 2, 2011 request of Edgewater Properties, LP for a partial release of their Completion Bond in the amount of \$701,647.43.

**Amy Reiss to OBP** – Next, President Favo read a letter from Oakmont Boulevard Project Board Chairman, Joanne Anderson, dated September 9, 2011, recommending that Amy J. Reiss be appointed to the Oakmont Boulevard Project Board to replace the vacancy by the resignation of Peter Wilton.

### **BOROUGH MANAGER’S REPORT**

**Riverside Park Renovation Update** – Mr. Jamison said that contractors Northern Athletic were in the process of preparing infrastructure and doing demolition work in the lower level of Riverside Park.

**Funding for Emergency Work** - At Council’s earlier request, Borough Manager Jamison passed out a worksheet with his proposal for funding emergency repair work until the end of the year. In reality, he said, we will need additional funding to the end of the year.

Discussion followed concerning the figures in Mr. Jamison’s proposal. President Favo said he was uncomfortable with Mr. Jamison’s figures and that they did not make sense to him. He said had asked for these figures several times prior to receiving them.

Mr. Donovan asked Mr. Jamison: “What do you want from us?” to which Mr. Jamison replied that he wanted permission to seek additional funding from the 2011 Bond to finance needed work until the end of the year.

Mr. Jamison said he would contact bond consultant, Ron Stout, again to determine the parameters of what money could be moved when and where. Council agreed that they did not want to wait until November to take action on this, but preferred to have the money moved now and move forward.

**Construction Projects Update** – The Borough Manager said Satira Brothers, Inc. were making good progress on the curb repairs at Hulton and Tenth Street. He said he had seen no activity by U & S Construction, Inc. at Maryland Avenue and the Boulevard today with regard to the trench work and resurfacing to begin there. President Favo said he had seen them later on in the day. Shield Asphalt Paving, Inc. is still putting a binder coat on the streets they had already resurfaced. They are bringing in additional crew tomorrow, he reported, and expect to be done within a week-and-a-half, depending on the weather.

### **MAYOR’S REPORT**

**Explanation of Budget Variances** – Referring to Mayor Fescemyer’s written response to a request to explain recent variances in the Police Department budget and a proposal for staying within the budget for the rest of the year, President Favo

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said felt the letter unfairly blamed him for a number of things and that Mayor Fescemyer had responded angrily to the request. President Favio noted that this same request had been made before and that it was not an unreasonable request. "We are told how professional the Police Department is, why don't you just simply respond to this professional question?" asked President Favio.

Mayor Fescemyer said he did not see that there was any anger in his memo. Council Member Donovan asked that the memo be read aloud, which Mayor Fescemyer did.

Referring to the Mayor's statement that they were over budget because of wage increases to cover being without a full-time officer, President Favio noted that they were not short a full-time officer at the beginning of the year when the budget was passed, and that *all* Council Members had passed the budget, and not just him.

Mr. Milberger said that, in his experience, it was general practice to request an explanation when a department goes over budget. He said he just wanted to be clear about this the next time a department was asked to explain why they were over budget. He summarized by saying his sense of the situation was that there had been poor communication on everyone's part.

Ms. Vagley seconded Mr. Milberger's statements, adding that it was Council's responsibility to manage the budget and explore the reasons for any overages. Mr. Donovan noted that he was under the impression that the Police Department had been *under* budget for most of the year.

**Monthly Police Report** - At Mayor Fescemyer's request, Police Chief DiSanti reviewed portions of his August 2011 Police Report to Council for those present.

**Monthly OVFD Report** – In Chief Peoples' stead, Fire Department Captain Dave Carroll reported on the Department's activities for August 2011. He thanked Chief DiSanti and his officers for their quick response times to fire calls.

Captain Carroll noted that next month was Fire Prevention Month and that banners would be going up and the fire fighters participating in many school events, under the theme, "Protect Your Family from Fire."

**APPROVAL OF MINUTES**

Council Member Saxon offered a motion to approve the Minutes from the Regular Meeting of August 8, 2011, as written. Mr. Milberger seconded the motion.

The motion passed, 7 to 0.

**COMMITTEE REPORTS**

**Financial Committee**

**Warrants** – Vice President Ride moved to approve the Warrant List for August 2011, as of September 12, 2011, showing the following expenditures:

<b><i>Fund</i></b>	<b><i>Amount</i></b>
General Fund	\$98,051.78
Boulevard Project Fund	\$5,860.27
Kerr Memorial Museum Fund	\$1,890.59
Library Fund	\$19,072.39
Liquid Fuels Fund	\$7,164.43
Sewer Fund	\$230,236.44
Sewer Deposit Fund	\$ -0-
Capital Projects Fund (Parks)	\$31,776.86
Capital Projects Fund (Roads)	\$864.00
Capital Reserve Fund	\$ -0-
Operating Reserve Fund	\$ -0-

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Mr. Scott seconded the motion, which passed 7 to 0.

**Partial Release of Edgewater/Kacin Bond** – Vice President Ride offered a motion to approve the August 2, 2011 request of Edgewater Properties, LP for a partial release of their completion bond in the amount of \$701,647.43.

Mr. Milberger seconded the motion, which passed 7 to 0.

**Transfer of Funds** – Vice President Ride offered a motion to approve the following transfers from the 2011 General Fund to the 2011 Capital Fund (Roads), for the purpose of providing additional funds for 2011 road work projects:

<b>G/F Line Item</b>	<b>Amount Transferred</b>
401.462 Manager's Incentive	\$ 6,000.00
401.750 Minor Expenditures	\$ 7,500.00
402.317 Appraisal Services	\$ 8,000.00
430.310 Leaf Recycling Services	\$10,000.00
430.368 Contracted Dumpster Svcs.	\$10,000.00
430.373 Repairs & Maint. – Garage	\$10,000.00
454.241 General Supplies	\$ 4,000.00
454.373 Maint./Repairs – Buildings	\$ 2,500.00
471.162 Gen'l. Obligation Bond 2004	\$ 4,000.00
<b>TOTAL:</b>	<b>\$62,000.00</b>

Mr. Donovan seconded the motion.

A lengthy discussion followed over possible discrepancies in the figures, resulting in Ms. Ride withdrawing her motion and Mr. Donovan withdrawing his second. It was agreed to hold off on the motion until the correct figures could be verified.

Instead, Ms. Ride offered a motion to approve the following transfers from the Borough's Capital Reserve Fund to the Capital Fund (Roads):

- \$148,298.56 from the interest from Sewer Bond Refinancing;
- \$20,000.00 for street contracting and paving; and
- \$50,000.00 for catch basin and sink hole repair,

for a total of \$218,298.56.

Mr. Donovan seconded the motion, which passed 7 to 0.

**PaMS Contract Proposal** – Manager Jamison said the in-town local tax collecting agency, Pennsylvania Municipal Service Company (PaMS) has offered the Borough a proposal to collect *delinquent Act 511* taxes (Earned Income Tax and Local Service Tax) for the Borough. Vice President Ride noted that the proposal does **not** cover real estate taxes at all, and that PaMS would no longer be collecting current Act 511 taxes for the Borough in 2012, as per the Allegheny County ruling that one collection agency is to collect for an entire region, instead of different agencies each serving different municipalities.

Mr. Milberger asked if the County-appointed Act 511 tax collector for 2012, Keystone Collections Group had addressed collection of delinquencies. Mr. Jamison said he had contacted Keystone for a proposal on collecting delinquent Act 511 taxes, but that it would take two weeks for them to prepare the proposal.

**Public Safety Committee**

**Sports Event Lighting** – Noting that Borough Council had voted to permit lighting for nighttime sports events at Riverside Park, Mr. Scott said he thought that these nighttime events were going very smoothly and have been very well attended. He commented that the Borough's police force had been quite visible at all the events, and that he was glad Council has voted to allow this.

**Church Handicapped Parking** - Council Member Scott said that Reverend Steve Wilson of the Oakmont Presbyterian Church had withdrawn the church's previous request to the Borough for more handicapped parking spaces outside the church. Reverend Wilson now felt the present number of spaces were adequate, said Mr. Scott.

**Planning and Economic Development Committee**

**Resolution No. R14-2011, Reiss to OBP** - Ms. Vagley offered Resolution No. R14-2011, and moved for its adoption, a resolution appointing Amy J. Reiss a member of the Oakmont Boulevard Project Board of the Borough of Oakmont, County of Allegheny, Commonwealth of Pennsylvania, to fill the vacancy on the Board created by the resignation of Peter Wilton.

Mr. Scott seconded the motion.

On a called vote, the votes were as follows:

Mr. Donovan	Yes	Ms. Saxon	Yes
President Favo	Yes	Mr. Scott	Yes
Mr. Milberger	Yes	Ms. Vagley	Yes
Vice President Ride	Yes		

The motion passed 7 to 0.

President Favo declared the resolution adopted. Recorded in Ordinance Book Volume 31, Page 38, as **Resolution No. R14-2011**.

**Borough Parks Use Policy** - Ms. Vagley said the proposed Park Use Policy was fairly extensive. She had hoped it would have been printed out for everyone that night, but since it was not, she asked that another copy be sent to Solicitor Shoop for review and that it be opened for discussion at the October Work Session.

**Borough Appraisal** – Ms. Vagley said she wanted to move ahead to obtain proposals to perform an appraisal of Borough property. President Favo suggested getting some background information first, to which Ms. Vagley agreed.

**Public Works Committee**

**Resolution No. R15-2011, Fee Schedule Amendment, New Structures** – After giving some brief background on the amendment, Mr. Milberger offered Resolution No. R15-2011, and moved for its adoption, a resolution of the Borough of Oakmont, County of Allegheny, Commonwealth of Pennsylvania, amending and revising the Schedule of Fees per Borough Ordinances, with regard to New Construction fees.

Ms. Saxon seconded the motion.

On a called vote, the votes were as follows:

Mr. Donovan	Yes	Ms. Saxon	Yes
President Favo	Yes	Mr. Scott	Yes
Mr. Milberger	Yes	Ms. Vagley	Yes
Vice President Ride	Yes		

The motion passed 7 to 0.

President Favo declared the resolution adopted. Recorded in Ordinance Book Volume 31, Page 39, as **Resolution No. R15-2011**.

**Shade Tree Pruning & Removal Bids** – Mr. Milberger offered a motion to authorize the Borough Manager to solicit bids for the 2011 Shade Tree Pruning and Removal Contract.

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

**Trail and North of Hulton Landscape Maintenance Bids** – Mr. Milberger next motioned to authorize the solicitation of bids for the Arboretum Trail Maintenance and North of Hulton RR Property Contracts.

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

**Future Work ARB** – Mr. Milberger asked that this topic be added to all Council Meeting Agendas for the duration. He said he estimated it will take approximately \$3.5 to \$4.5 million to complete the resurfacing of the entire Allegheny River Boulevard. He referred to the spreadsheet on these costs that he had given Council last week.

**Zoning Map** – Council Member Milberger thanked the Assistant Borough Secretary for her work on reviewing the work done on the Borough's zoning map by Senate Engineers.

### **Communication & Code Committee**

**Annual Christmas Parade** – Ms. Saxon offered a motion granting permission for the Oakmont Chamber of Commerce to hold the Annual Christmas Parade and Celebration on November 19, 2011, to include Street Department support in closing off Allegheny River Boulevard from Pennsylvania to Washington Avenues, from 3 PM to 10 PM.

Council Member Scott seconded the motion, which passed 7 to 0.

### **Legal, Zoning & Land Use Committee**

**Trash Receptacles from Garden Club** – Mr. Donovan said that the Garden Club's proposal to donate new trash receptacles to the Borough and to create an Upper Boulevard Beautification Committee looked great. He said he thought Council need to talk about forming a committee to see this project through.

It was the general consensus of Council that a committee did not have to be formed for this project, but that the Garden Club did need the Borough's approval to move ahead so trash cans could be ordered shortly. The existing trash can be moved to other, less visible, areas of town.

When Ms. Vagley noted she had not been there for the earlier Garden Club presentation on this project, Garden Club Member Judie Beynon summarized the presentation given at the September Work Session to the rest of Council. She commented that the Garden Club was not asking the Borough to form a committee for this project, and that such an oversight body had already been organized within the Garden Club.

Mr. Donovan then offered a motion to accept the Garden Club of Oakmont's gift to the Borough of new trash receptacles.

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

**Morris Estates Parking** – Mr. Donovan asked about the status of signage and new parking regulations around Morris Estates' streets, and in particular, around the Mighty Oak Barrel restaurant. Ms. Vagley noted that resident, Matt Provenza, had told Council previously that new parking signs still needed to be installed. Chief DiSanti conceded that there were still some signs that needed to go up.

**Bocce Court Sign Variance** – In response to Mr. Donovan's inquiry, the Borough Manager reported that the information to convene a Zoning Hearing on this issue had been given to Dan Martone to arrange. Mr. Martone will be scheduling the hearing.

**Tax Collector on Ballot** – Council Member Donovan asked if the Borough needed to take any further steps to make sure the Office of Tax Collector was on the November ballot and did the Borough have any legal obligation to "get the word out."

Solicitor Shoop said the Borough had no legal obligation to “get the word out,” but that they might want to try to get the best qualified individuals to run. He also noted that the due date for nominating a candidate had already passed.

**ARB Alternative to Bricks** – Council Member Donovan asked if Council were willing to consider an alternative to brick on Allegheny River Boulevard, such as the stamped asphalt that they had heard about earlier. Noting that this was a lot cheaper than brick, he suggested that one of the side streets could be paved with stamped asphalt to see how it looks and how it holds up. Mr. Milberger suggested that Mr. Donovan could research the stamped asphalt further and get some cost figures for Council to look at and consider.

Mr. Scott said he thought Council had already discussed this possibility and that it was generally agreed that the stamped asphalt would not hold up to Boulevard traffic.

### **COMMENTS FROM THE PUBLIC**

**Bertha Shearer** – Mrs. Shearer expressed disappointment that the Borough was not sending her Meeting Agendas, as promised.

She also asked for clarification about the “misappropriation of funds” that she had been hearing about at the Riverview Community Action Corporation’s (RCAC) Senior Center. President Favio suggested she contact RCAC for information on that.

Mrs. Shearer commended the Garden Club. “You do a fantastic job,” she said.

**Chamber Director Summer Tissue** – Regarding candidates for the Tax Collector’s office, Ms. Tissue said the Chamber had run an ad looking for candidates in the local paper and never heard anything back. The date for candidates to file has passed anyway, she noted.

She added that the merchants are very excited about the gift of new trash receptacles from the Garden Club, adding that some of the merchants use Borough trash receptacles to dump their own garbage, which will hopefully be curtailed with the new receptacles.

**Tom Meising** - Mr. Meising thanked Mr. Donovan for asking him for a copy of his building permit application. He then gave a history of events for those present. He produced several copies of the materials relative to the application and handed them to Council Member Donovan.

President Favio asked Mr. Meising if he was ready to submit a copy of a current survey of his property, with a surveyor’s stamp on it, as requested multiple times, and without which the building permit application cannot be considered complete. Mr. Meising said he had talked to his surveyor and that the survey was good as long as there was a Surveyor’s License Number on it. The Borough had 90 days to challenge the survey, he said.

“Didn’t Judge James tell you to get us an updated survey?” asked President Favio. He then encouraged Mr. Meising to have his surveyor, Mr. Pilston, meet with the Borough’s Building Inspectors, Martone Engineering, once again.

Solicitor Shoop stated that the Court Order required Mr. Meising to establish that he is in compliance with the Borough’s Zoning Ordinance. When Mr. Meising insisted that he had already submitted his survey, Mr. Favio reminded him that there were both property line and setback issues with the 2007 survey he had submitted. “Get us a stamped survey,” he said, “We’ve already had three meetings with you about this.” Mr. Meising noted that nowhere on the building permit application does it say you need a survey.

When Mr. Milberger explained that they could not move forward without a current survey, and President Favio suggested once again that Mr. Meising have his surveyor talked to Martone, Mr. Meising said, “Just read over what I gave Mr. Donovan. Maybe you’ll understand.”

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**UPCOMING PUBLIC MEETINGS** – President Favio referred those present to the list of public meetings itemized in the Agenda, noting that dates were correct as of publication of the Agenda. President Favio apologized for the oversight.

**MISCELLANEOUS ITEMS** - There were no miscellaneous items to report that evening.

**ADJOURNMENT**

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

The meeting was adjourned at 8:53 PM.

Respectfully submitted,

L. C. Jensen  
Assistant Borough Secretary