

October 13, 2008

CALL TO ORDER

The Regular Business Meeting of Oakmont Borough Council was called to order at 7:06 PM by President Federici.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present: Council Members Calabrese, Favo, Kennedy, Ride, Taliaferro, Zentgraf and President Federici; Mayor Fescemyer; Solicitor Shoop; Chief DiSanti; and, Assistant Borough Secretary Jensen

Visitors: Jack Artman, Bill Benusa, Dorothy Calfe, Victor Calfe, Sophia Facaros, Jonathan Killmeyer, Mary Ann Killmeyer, Mary P. Killmeyer, Melanie Mostel, James Nesbitt, Rachelle Nesbitt, Sara Rose Nesbitt, Susan Podgers, Dolly Provenza (arr. 7:07 PM), Matt Provenza (arr. 7:30 PM), Bertha Shearer, Mildred Strategos, Holly Usher, Rich Williams and Ralph Yohe

REGISTERED COMMENTS FROM THE PUBLIC

EPA Brownfield Grant No. 2 - Bill Benusa, 600 California Avenue, addressed Council about a \$200,000 EPA Brownfield Grant application for 2008. This is similar to the Brownfield Grant prepared in 2007. Mr. Benusa said that he would prepare the grant application and asked that the Borough provide letters of support for this grant, which is due November 14, 2008.

COMMENTS FROM THE PUBLIC ON AGENDA ITEMS

No one present in the audience wished to comment on any Agenda items.

COUNCIL PRESIDENT'S MESSAGE

Executive Session - President Federici announced that Council had met in Executive Session prior to the Regular Business Meeting, and intended to resume the Session once the Business Meeting was over.

Edgewater Developments – President Federici reported that all litigation between the Borough and the developers Kacin Companies and Brooks and Blair had concluded. Interested parties could review the Consent Order regarding this litigation at the Borough Office.

He said both developers were going to submit final plans very soon. Any Borough consulting fees for this development will be taken care of by the developers' agreements already in place.

Solicitor Shoop said the developers hope to break ground in spring 2009. Kacin still does not yet own the parcel they intend to develop, which is

currently under the ownership of the Regional Industrial Development Corporation of Allegheny County (RIDC).

INTERIM BOROUGH MANAGER'S REPORT

2009 Budget – Interim Borough Manager Daniel Mator reported that budget preparation was going very well. There will be a Budget Workshop on October 27, 2008 at 7:00 PM in Council Chambers.

Traffic Line Painting – All white traffic lines have been done. Yellow lines and curbing will be started soon.

PCS, Inc. – PCS, Inc. is doing a great job with code enforcement and building inspection, commented Mr. Mator.

New Salt Shed – Mr. Mator said the salt shed, located at the bottom of Ann Street, was now too small. He is working with PennDOT and contractors to get a larger one built. Estimates run from \$25,000 to \$40,000.

Municipal Authority Charter Renewal – Some Borough officials toured the Water Authority's water treatment facility on Allegheny Avenue last Saturday. Mr. Mator said that Council intended to discuss renewal of the Municipal Authority's charter again on November 3, and vote on renewing the charter on November 10.

Squirrels/Wildlife – Mr. Mator asked residents to call the Borough Office if they become concerned about injured squirrels. They will be taken to the Wildlife Center on Verona Road for care. The location and phone number for the Center will be added to the Borough's website.

MAYOR'S REPORT

September Monthly Report - At Mayor Fescemyer's request, Police Chief DiSanti reviewed portions of his September 2008 Police Report for those present.

ARB Closed - Chief DiSanti announced that the Boulevard, from Hulton to Porte, would be closed the following Monday, weather permitting, to apply polymer to the brick surface.

New Hire, Jonathan Killmeyer – Chief DiSanti thanked Council for allowing him to hire an additional full-time police officer. The Chief provided a brief history on Officer Killmeyer and said that he had known him since grade school.

Hope Center Proclamation – Mayor Fescemyer read a proclamation naming October as Domestic Abuse Awareness Month.

APPROVAL OF MINUTES

Mr. Taliaferro offered a motion to approve the minutes from the Business Meeting of September 15, 2008, as written. Dr. Calabrese seconded the motion.

The motion passed, 7-0.

COMMITTEE REPORTS

Financial and Legal Committee

Warrants – Ms. Ride moved to approve the Warrant List for September 2008, dated October 13, 2008, including expenditures totaling:

<i>Fund</i>	<i>Amount</i>
General Fund	\$122,905.97
Library Fund	\$20,090.33
Sewer Fund	\$75,3332.17
Capital Fund	\$24,671.73
Centennial Foundation Fund	\$5,842.68
Boulevard Project Fund	\$16,441.95
Sewer Construction Fund	\$103,305.80

Mr. Kennedy seconded the motion, which passed 7-0.

Sewage/Garbage/Recycling Bill Collection – Councilwoman Ride said she wished to discuss the bill collection services of each company prior to offering the motion on the agenda authorizing the Interim Borough Manager to draw up an agreement for the service.

Mr. Mator said he had asked both the Municipal Authority and Pennsylvania Municipal Service (PaMS) for a detailed breakdown of all the costs involved for their services. He said he discovered that, although the PaMS proposal would be aprox. \$8,400 less in upfront costs to the Borough, they could cost Borough residents as much as \$73,000 in collection fees for such items as delinquent notice fees and water shut-offs.

Councilman Favo questioned these figures, saying he felt the Municipal Authority had lied about their services in their presentation at last month's Workshop Meeting. He felt that PaMS' ability to do billing for sewage, garbage and recycling separately from a water bill would serve the community much better in helping residents with their cash flow. He added that PaMS' more stringent late payment fees might encourage residents to pay their bills on time.

Ms. Ride said she wanted further clarification on the figures for both, adding that she was inclined to stay with the Municipal Authority, a non-profit organization, at present, but also wanted to know what costs would be imposed on the community.

Mr. Favo asked, "How do you know the figures are right?"

Ms. Ride suggested asking the Municipal Authority to extend their current agreement with the Borough for one more year.

Ms. Ride offered a motion to authorize the Interim Borough Manager to coordinate a one-year extension agreement with the Municipal Authority for sewage/garbage/recycling services, in conjunction with the Borough Solicitor, to be adopted via resolution at the November Regular Business Meeting.

Dr. Calabrese seconded the motion.

On a called vote, the votes were as follows:

President Federici	Yea	Ms. Ride	Yea
Dr. Calabrese	Yea	Mr. Taliaferro	Yea
Mr. Favo	Nay	Ms. Zentgraf	Yea
Kennedy	Nay		

Mr. Favo explained that his “Nay” vote was because he felt the Municipal Authority’s current one-bill system was a hardship on the community, and because PaMS was \$8,400 less expensive.

The motion passed 5 to 2.

2009 Police MMO – Ms. Ride offered a motion to acknowledge receipt of the 2009 Minimum Municipal Obligation (MMO) report for the Police Pension Plan on September 26, 2008.

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

2009 General Employees’ MMO - Ms. Ride offered a motion to acknowledge receipt of the 2009 Minimum Municipal Obligation (MMO) report for the General Employees’ Pension Plan on September 26, 2008.

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

Donovan Resignation from OBP – Ms. Ride offered a motion to accept the resignation of Jean Donovan, Ph.D. from the Oakmont Boulevard Project Board.

Mr. Kennedy seconded the motion.

Ms. Ride reviewed Dr. Donovan’s history with the Board. She encouraged anyone interested in filling the vacancy to contact the Borough Office.

The motion passed 7 to 0.

Public Safety Committee

Killmeyer Appointment – Mr. Taliaferro offered Resolution No. R36-2008, and moved for its adoption, a resolution appointing Jonathan R. Killmeyer to a one-year probationary term as a full-time patrol officer in the Oakmont Borough Police Department, effective October 14, 2008, and at terms determined by the prevailing Collective Bargaining Agreement between the Borough of Oakmont and the General Teamsters, Local 409.

Ms. Zentgraf seconded the motion.

On a called vote, the votes were as follows:

President Federici	Yea	Ms. Ride	Yea
Dr. Calabrese	Yea	Mr. Taliaferro	Yea
Mr. Favo	Yea	Ms. Zentgraf	Yea
Kennedy	Yea		

The motion passed 7 to 0.

President Federici declared the resolution adopted. Recorded in Ordinance Book Volume 30, Page 38, as **Resolution No. R36-2008**.

Killmeyer Sworn In – Mayor Fescemyer then administered the Oath of Office to Officer Killmeyer.

Planning and Economic Development Committee

Caldarelli Subdivision – Council Member Favo offered a motion to accept the Oakmont Planning Commission's recommendation to approve the Caldarelli Subdivision Plan.

Ms. Ride seconded the motion.

Mr. Favo said he had not seen the revised Mylar drawing of the subdivision plan, and asked if the Borough had received this revision. Mr. Mator said the revised Mylar had been received. Mr. Favo asked if the Manager would attest that the Mylar was correct. Mr. Mator said all the changes requested by the Planning Commission had been incorporated into the plan Mylar.

The motion passed 7 to 0.

It was agreed to request a formal letter of recommendation from the Planning Commission regarding the Caldarelli subdivision plan.

EPA Brownfield Grant - Mr. Favo offered a motion, not on the agenda, to accept the offer of the Plum Creek Watershed Association and Mr. Benusa to begin an EPA grant application for a community-wide site assessment.

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

Recreation Board Funding – Mr. Favo entered another non-agenda item into the record. He read a statement proposing a formal motion to designate gas well and cell tower rental proceeds for specific use by the Recreation Board for funding park projects.

Mr. Favo then offered a motion that the Recreation Committee be set up in the same manner as the Kerr House, the Boulevard Project and the Library. They would have the ability to set up their own separate checking account and be subject to our financial procedure, accounting standards and the Borough bidding requirements. Also, all money currently in Line Item #248.101, currently \$86,953.86, and Line Item #248.111, currently \$35,704.10, be transferred into their account, plus all future monies received from recreational-related grants, the Riverside Park gas well, the Falling Spring gas well, the Satler Park gas well and the T-Mobile Cell Tower lease. Mr. Favo stated, "I would also like to direct the Recreation Committee to pursue obtaining a 501(c)(3) charitable organization designation, if possible."

Mr. Kennedy seconded the motion.

A lengthy discussion ensued. Solicitor Shoop felt that a 501(c)(3) designation was not necessary. Several Council members felt they wanted to postpone the motion for the present.

President Federici offered Mr. Favo the opportunity to withdraw or postpone the motion for the time being. Mr. Favo said he felt very strongly that the motion should be voted on now.

On a called vote, the votes were as follows:

President Nay Ms. Ride Nay

Federici			
Dr. Calabrese	Nay	Mr. Taliaferro	Yea
Mr. Favio	Yea	Ms. Zentgraf	Nay
Kennedy	Yea		

By way of explanation for a “Nay” vote, Dr. Calabrese said she felt the motion was premature. Ms. Ride agreed that the issue needed more discussion prior to a vote. Ms. Zentgraf said she wanted to see the budget first and felt there was no urgency to vote on this right now. President Federici said he wished to move forward with an open mind on this issue.

The motion was defeated 3 to 4.

Engineering & Public Works Committee

New Salt Shed – Ms. Zentgraf offered a motion to authorize the Interim Borough Manager to work with the Pennsylvania Department of Transportation (PennDOT) to begin the Oakmont Borough Salt Shed Project.

Dr. Calabrese seconded the motion.

Mr. Mator said that some of the funding for the new salt shed would come from the state Liquid Fuels Fund.

The motion passed 7 to 0.

Recreation, Cultural and Community Assets Committee – Mr. Kennedy said the items he had to discuss were only for Executive Session.

Human Resources, IT & Communications Committee

Edgewater Development – Dr. Calabrese asked about issuing a joint press release with the Edgewater developers announcing that all litigation was concluded and that both developers would be submitting final plans shortly for their respective developments.

It was agreed that such a press release would be issued only after final approvals had been received.

UPCOMING PUBLIC MEETINGS – President Federici referred those present to the list of public meetings itemized in the Agenda, noting that dates were correct as of publication of the Agenda. He added that the annual Halloween Parade would be held on Saturday, October 25 at 10:00 AM, and that a Budget Workshop would be held on Monday, October 27 at 7:00 PM in Council Chambers.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Dalzell Way Signage – Ralph Yohe, 379 Dalzell Way, presented a petition requesting street name signs for Dalzell Way.

Mayor Fescemyer remarked that there may be a problem with determining whether Dalzell Way was actually a private right-of-way or a Borough street. President Federici told Mr. Yohe that Council would review the petition and look into the matter. Mr. Yohe stressed the urgency of responding to his request.

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Condition of Morris Street – Bertha Shearer, 39 Morris Street, said that the condition of her street was getting “really bad,” and asked if something could be done about this.

Recreation Funding – Recreation Board member Sophia Facaros said she felt there were “too many personal agendas” to honor the request of the Recreation Board for its own funding sources and checking account. She noted that Council was still not in agreement whether or not to apply gas well and cell tower lease proceeds to recreation projects alone. She said it would be best for the “wholeness of the community” if Council would grant their request.

Morris Street Parking – Matt Provenza, 24 Morris Street, asked for parking to be restricted to one side only on Morris Street. He added that the parking signs in the area were terrible, and that Morris Street often took on the spillover parking from the Mighty Oak Barrel Restaurant.

Mayor Fescemyer said that Chief DiSanti would look into this.

EPA Brownfield Grant – Bill Benusa, 600 California Avenue, thanked Council in anticipation of their quick action on the EPA Grant. He added that he disagreed with Solicitor Shoop’s comments on the difficulties involved in filing for a 501(c)(3) designation.

Democracy – Dick Williams, 1324 Summit Drive, thanked Council “for a good lesson in democracy.” He felt that it was important that there be the kind of opposition to one another that Council had shown that evening.

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

ADJOURNMENT

There being no further business to conduct that evening, Mr. Kennedy offered a motion to adjourn the meeting. Mr. Taliaferro seconded the motion, which passed 7-0.

The meeting was adjourned at 9:09 PM.

Daniel Mator
Interim Borough Manager

Transcribed by: L. C. Jensen, Assistant Borough Secretary