

Oakmont Borough Council
Minutes of Regular Business Meeting November 10, 2008

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CALL TO ORDER

The Regular Business Meeting of Oakmont Borough Council was called to order at 7:00 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, Walt Brotherton, Dorothy Calfe, Victor Calfe, Fred Favo (arr. 7:03 PM), Tom Meising, Matt Provenza, Bertha Shearer, John Weimerskirch and Rich Williams

COMMENTS FROM THE PUBLIC

Change in Procedures – President Federici called everyone’s attention to the fact that agenda item, “Registered Comments from the Public,” was no longer on the agenda. Instead, the agenda item “Comments from the Public,” will now include both agenda and public-related items, rather than being restricted to comments on agenda items only. This means that now members of the public are free to speak on agenda and public-related items, both at this juncture in the agenda and during the “Comments from the Public” agenda item towards the end of every agenda.

No one present in the audience came forward to speak at that time.

Death of Former Mayor Dale E. Peoples - Solicitor Shoop, noting that there was no longer any item on the agenda for the Solicitor to speak, said that he wanted to take the opportunity to comment on the recent passing of Dale Peoples – former Mayor, Council Member and fire fighter for Oakmont. He said that the community had lost an outstanding citizen, and that Oakmont owed Mayor Peoples, and others like him, a debt of gratitude.

COUNCIL PRESIDENT’S MESSAGE

2009 Borough Budget - President Federici explained that a preliminary draft of the 2009 Borough Budget had been sent to all members of Council on October 24. Since then, Council has held two workshops to go over the draft. President Federici said that tonight’s discussion on the budget was to be a discussion on budget *process*, rather than another workshop session.

Veterans Commended - In keeping with the nation’s Veterans’ Day celebration, President Federici said that the veterans of our country should be praised for their selflessness in defending the nation.

Death of Former Mayor Dale E. Peoples – President Federici also praised Mayor Peoples. He noted that since he was 18, when he became a member of the Oakmont Volunteer Fire Department, Mayor Peoples had continuously

and selflessly devoted his free time to serving the Borough of Oakmont. He embodied the lost concept of the public servant, commented President Federici.

Council Member Taliaferro noted that Mayor Peoples was the only member of the Fire Department to serve longer than 50 years. As such, he proposed that the Fire Hall be named after Mayor Peoples.

Mr. Favo offered condolences to the Peoples family “always a big group and always together.”

Current Mayor Robert Fescemyer said that, when he was a Borough police officer, he felt that Mayor Peoples was the fairest mayor under whom he had served.

Dr. Calabrese said she did not know Mayor Peoples personally, but that she appreciated hearing the comments on such an individual.

INTERIM BOROUGH MANAGER’S REPORT

Project Updates – Mr. Mator said that the Delaware and Eleventh Street trench drain project was complete; the Third Street parking lot at Riverside Park has been resurfaced, with only the bumpers to install and parking lines to paint; and, the Wastewater Treatment Plant’s force main project was two-thirds complete.

Leaf Collection – Borough crews began fall leaf pick-up the second week in October. Mr. Mator explained that leaves would systematically be collected from all Borough streets, but that the leaf collecting equipment could only go from street-to-street and was not capable of traveling off-route to a specific property to pick up leaves. He asked residents to call the Borough Office if they had any concerns.

President Federici said he had noticed large piles of leaves being raked into the streets this year, which is not permitted. He explained the dangers of cars catching fire when parked over dry leaves and the likelihood of clogged Borough sewers from the leaves. Residents should keep leaves between the sidewalks and curbs for collection, he directed.

MAYOR’S REPORT

October Monthly Report - At Mayor Fescemyer’s request, Police Chief DiSanti reviewed portions of his October 2008 Police Report for those present. Chief DiSanti noted that some political signs had been stolen around town, but that he felt this was just a kids’ prank, rather than a politically motivated act, and that the kids would pay for the destroyed signs.

He also noted that his report to Council recommended that restricted parking be instituted on Morris Street.

Unmarked Police Car – Mayor Fescemyer reported that 145 traffic citations had been issued in October, also saying that Oakmont police do not have a quota system for citations, which is illegal. He said they had begun to use an unmarked police car to catch drivers who violated the traffic code, such as drivers who do not allow pedestrians to walk safely across Allegheny River Boulevard.

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Abandoned Vehicles – Ms. Zentgraf commended the Chief and the police force for their work on citing owners of unregistered and abandoned vehicles in town.

APPROVAL OF MINUTES

Mr. Taliaferro offered a motion to approve the minutes from the Regular Business Meeting of October 13, 2008, as written. Ms. Ride seconded the motion.

Mr. Favio said he had asked earlier if the statement he read at that meeting, concerning the appropriation of funds for recreation projects, could be admitted into the record. He was advised by the Interim Borough Manager that this could not be done without a vote by Council. With this in mind, Mr. Favio said he wanted to offer a motion to put his statement into the October 13 Regular Business Meeting Minutes.

After some discussion, it was agreed that Mr. Taliaferro's motion to accept last month's minutes would have to be withdrawn in order for Mr. Favio to make his motion.

Mr. Favio made a motion to amend the October 13, 2008 Minutes to include his entire written statement on recreation projects.

Mr. Kennedy seconded the motion.

Ms. Zentgraf said she didn't want to vote on the motion until she had had the opportunity to review Mr. Favio's statement again. Ms. Ride noted that Mr. Favio had already read the statement aloud at the October meeting.

On a called vote, the votes were as follows:

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

The motion passed, 7 to 0.

Mr. Taliaferro then offered a motion to approve the minutes from the Regular Business Meeting of October 13, 2008, as amended.

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

COMMITTEE REPORTS

Financial and Legal Committee

Warrants – Ms. Ride moved to approve the Warrant List for October 2008, dated November 10, 2008, including expenditures totaling:

<i>Fund</i>	<i>Amount</i>
General Fund	\$172,611.77
Library Fund	\$29,208.41
Sewer Fund	\$95,283.95
Capital Fund	\$4,015.10
Kerr Memorial Museum Fund	\$1,152.07
Boulevard Project Fund	\$7,322.42
Sewer Construction Fund	\$28,847.82

Dr. Calabrese seconded the motion, which passed 7 to 0.

Sewage/Garbage/Recycling Bids - Mr. Favo asked Solicitor Shoop if there were any legal implications in accepting the higher bid from the Oakmont Water Company for sewer, garbage and recycling billing services. Solicitor Shoop said that, if the reason for accepting the apparently higher bid was because the costs to the community from the lower bidder warranted it, he could foresee no legal problems.

Mr. Favo then asked if such a contract needed bid out. Mr. Mator noted that this instance was precluded from the bid process because the Borough Code has exemptions for both specialized services and authorities. Solicitor Shoop affirmed that accepting the Water Authority's billing services was permissible.

Dalzell Way Sign – Ms. Ride asked about the status of Ralph Yohe's request for street name signs for Dalzell Way. Mr. Mator said the signs had been delivered and installed today.

Budget Discussion – Ms. Ride said the Budget discussion would continue after the rest of the committee reports.

Planning and Economic Development Committee

EPA Brownfield Assessment Grant No. 2 – Mr. Favo offered a motion to authorize the Interim Borough Manager, in conjunction with the Plum Creek Watershed Association, Oakmont's neighboring communities and other non-profit groups, to apply for a \$200,000 Environmental Protection Agency (EPA) Brownfield Assessment Grant.

Mr. Kennedy seconded the motion.

Mr. Favo said that Plum Creek Watershed members, Bill Benusa and Jack Stein, would have the grant in to the Borough by the end of the week. He thanked Council for their willingness to share in filing this grant, which is the second EPA Brownfield Assessment Grant to be filed on the Borough's behalf.

The motion passed, 7 to 0.

Engineering & Public Works Committee

3rd Street Parking Lot Paving – Ms. Zentgraf offered a motion to authorize payment of Current Estimate No. 1, associated with the Third Street Parking Lot Project, to Casper Paving, Inc. in the amount of \$38,867.73.

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

Force Main Project – Ms. Zentgraf offered a motion to authorize payment of Periodic Estimate No. 7, associated with the Plum Creek and Washington Avenue Pump Stations' improvements, to Greensburg Environmental Contracting Systems in the amount of \$10,735.00.

Dr. Calabrese seconded the motion, which passed 7 to 0.

Ms. Zentgraf offered a motion to authorize payment of Change Order No. 2, associated with the Plum Creek and Washington Avenue Pump Stations' improvements, to W. G. Tomko, Inc. in the amount of \$67,863.21.

Mr. Taliaferro seconded the motion.

Treasurer Fred Favo said that the Borough did not have enough money in the Sewer Fund to make these checks valid at present. He said Council would need a motion to transfer \$100,000 from the General Fund to the Sewer Fund first.

President Federici asked for a motion to withdraw Ms. Zentgraf's motion currently on the floor.

Ms. Zentgraf offered a motion to withdraw her motion to authorize payment of Change Order No. 2, associated with the Plum Creek and Washington Avenue Pump Stations' improvements, to W. G. Tomko, Inc. in the amount of \$67,863.21.

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

Ms. Zentgraf offered a motion to authorize payment on Final Estimate No. 8, associated with the Plum Creek and Washington Avenue Pump Stations' improvements, to Greensburg Environmental Contracting Systems in the amount of \$31,288.92, upon receipt of the project's closeout documents.

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

PNC/Allegheny Avenue Curbing Project – Ms. Zentgraf reported that the curbing project, on Allegheny Avenue across from the new PNC Bank, would be completed shortly.

President Federici stated that he was told the previous week that PennDOT had required more work on the project, which required more asphalt resurfacing. Mr. Mator said this cost an additional \$2,700.

Ms. Zentgraf noted that she had not be informed of this. Mr. Mator said the additional work had already been completed and that he, himself, had only been notified of this last Friday morning.

Abitibi Paper Recycling – Ms. Zentgraf said the Abitibi paper collection recycling containers have been moved to the lower parking lot at the high school.

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Recreation, Cultural and Community Assets Committee

Saxon Resignation from Library Board – Mr. Kennedy offered a motion to accept the resignation of Frances Saxon from the Library Board, effective immediately.

Dr. Calabrese seconded the motion, which passed 7 to 0.

Riverside Park Projects - Council Member Kennedy said that restorative work on the upper level ball fields was completed. The fields were aerated, reseeded and fertilized. He also reported that insecticide had been used to get rid of a wasps' nest near one of the fields.

Recreation Meetings – Mr. Kennedy reported that a Recreation Board Meeting was scheduled for November 13 at 7 PM.

He asked why, as chairman of the Recreation Board, he had not been invited to a meeting with Recreation Board member Dolly Provenza, Ad Hoc Committee member Tom Bland and Mr. Mator. Mr. Mator said he had been invited to the meeting by Ms. Provenza and Mr. Bland, and apologized for not requesting to have the invitation extended to Mr. Kennedy.

Human Resources, IT & Communications Committee

DiSanti Employment Agreement – Dr. Calabrese offered a motion to ratify the October 1, 2008 employment agreement between the Borough and Police Chief David R. DiSanti, Sr.

Ms. Zentgraf seconded the motion.

Mr. Taliaferro said he had rarely met an individual of Chief DiSanti's caliber. He said Chief DiSanti was a good friend who should be commended for his work and diligence. "I am really, really, really proud to have you as our Police Chief," he said.

Mayor Fescemyer concurred with Mr. Taliaferro, saying he had enjoyed working with a man of such caliber.

Walt Brotherton, 291 Commons Drive, also commended Chief DiSanti and asked if the purpose of the motion was to extend the Chief's contract. Dr. Calabrese said that the action was "just a formality."

The motion passed, 7 to 0.

Interim Manager's Performance Evaluation – Dr. Calabrese said that everyone would be given a performance assessment sheet on the Interim Borough Manager Daniel Mator. She said she preferred to do Mr. Mator's evaluation in January, rather than in December, given all the current items that needed attention.

Financial and Legal Committee

Return to Budget Process Discussion – Council then returned to Item 10b on the agenda - a discussion of the 2009 Budget. President Federici, noting that there were philosophical differences with regard to the budget between the Borough Treasurer and the Interim Borough Manager, explained again that this was a discussion on *process* and not a workshop.

President Federici outlined the parameters of the discussion. He asked that both Mr. Mator and Treasurer Favio be given the opportunity to explain their differing viewpoints with regard to the budget, without interruption. President Federici went on to explain that the discussion would be moderated by him and Ms. Ride, and that Council would be given the chance to ask questions of both once their presentations had been made. He described the discussion as an “information-gathering and educational” session, and said there should be no personal attacks of any nature made during the discussion. After this, Council was to reach a consensus on how best to proceed.

Ms. Ride acknowledged that a number of Council members were fairly new to the municipal budgeting process, and that it might be helpful to define some terms before beginning. She explained the terms “General Fund,” “Sewer Fund,” “proprietary funds” and “discretionary funds.”

She defined the General Fund as the monies collected from the taxpayers of Oakmont. She explained that a fund like the Sewer Fund was different, calling it a “proprietary fund.” The Sewer Fund is financed entirely by user fees, which are paid by citizens to use the Borough’s sewer system. The fees collected must support the Wastewater Treatment Plant’s (i.e., the Borough sewer system’s) expenses. As expenses grow, user fees may have to increase to allow for the increase in expenses. “Discretionary funds” she described as those monies available for spending on particular projects that Council agrees are of primary concern.

Treasurer Fred Favio then presented his concerns about the current budget process. He said he objected to putting the costs for all employee benefits under the “Administration” line item, rather than breaking out the benefits’ costs by each department. He felt you could not get a clear picture of the costs per department otherwise. He added that he felt breaking out the benefits’ cost by department would present “no burden on the workforce of the municipality.”

The second concern cited by Mr. Favio was the fact that monies had been shifted from the General Fund to the Sewer Fund - a proprietary fund - in prior years, which he characterized as “not helpful.” He felt strongly that this money should be paid back to the Sewer Fund as quickly as possible.

Interim Borough Manager Daniel Mator addressed Mr. Favio’s concerns. Mr. Mator stated that he could understand how nice it would be to have the benefits broken out, and that such a breakout has been his personal preference, but that such a breakout is a luxury rarely, if ever, used. He said his main objection to breaking out employee benefits by department, rather than keeping all under “Administration,” was that it was not administratively efficient and left a greater possibility for error. He said that preparing a breakdown by department for anyone who asked was much easier than asking the bookkeeper to breakdown benefits’ costs, by department, for all 26 pays in a year, so both approaches are similar and reach the same goal.

With regard to paying back money from the Sewer Fund to the General Fund, Mr. Mator felt that it was a matter of “borrowing from ourselves,” since both

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funds belonged to the Borough. He added that the Sewer Fund would inevitably have to be subsidized from other Borough funds in years to come as capital needs and upkeep increased for the Wastewater Treatment Plant.

Mr. Mator then gave a history of his experience preparing municipal budgets, noting that this was his third municipal budget, and went on to give a detailed description of the budget process, as he has believed it should be done.

The floor was then opened up for questions from Council and a lengthy discussion ensued. With regard to keeping employee benefits under "Administration" or breaking the costs down by department, it was the consensus of Council that employee benefits' costs should be broken down by department, at least for the upcoming year.

No consensus was reached concerning paying back the General Fund from the Sewer Fund.

Finally, it was agreed that Council would hold a Budget Workshop Meeting on November 24 at 6:30 PM in Council Chambers to continue discussions on the 2009 Borough Budget.

UPCOMING PUBLIC MEETINGS – President Federici reminded those present that the November 22 Budget Workshop Meeting listed under Public Meetings on the agenda had just been changed to November 24 at 6:30 PM.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Manager Mator – Bertha Shearer, 39 Morris Street, said that she felt Interim Borough Manager Mator was doing a good job, noting that he had only been here for four months. "Give the man a chance," she said.

Shade Trees – John Weimerskirch, 428 Delaware Avenue, thanked Mr. Mator for seeing that a tree overhanging his roof was trimmed. He mentioned that he had been trying to get it trimmed "for two years," but it was only taken care of when Mr. Mator was hired.

Mr. Weimerskirch then requested that a Borough tree on the Fifth Street side of his property be removed because the roots were coming up through the grass and lifting up the sidewalk. Mr. Weimerskirch handed out photographs to Council of this tree.

Council Member Favo said that it was permissible to cut Borough tree roots in order to achieve a level sidewalk. He suggested that a member of the Borough's Street Crew could cut these tree roots for Mr. Weimerskirch.

Civic Lesson – Dick Williams, 1324 Summit Drive, congratulated Council on giving him "another civic lesson." He said he agreed with Solicitor Shoop's comment that it was "six of one, half dozen of the other" with regard to where employee benefits were shown on the budget.

Leaf Disposal - Walt Brotherton, 291 Commons Drive, expressed concern that the leaves collected from residents by the Borough were being dumped again at the Borough site near Oakmont Commons, something which he said the Borough had promised never to do again.

Mr. Mator said the PA-DEP had given the Borough permission to use the site as a holding area until a recycling contractor could come in to take all the

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leaves away. President Federici added that they were looking into other possibilities in the future.

MISCELLANEOUS ITEMS – President Federici said that Council would go into Executive Session directly after the meeting.

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 10:17 PM.

Daniel Mator
Interim Borough Manager

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