

**January 11, 2010**

**CALL TO ORDER**

The Regular Meeting of Oakmont Borough Council was called to order at 7:00 PM by President Favo in the 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 Favo; Solicitor Shoop; Mayor Fescemyer; Chief DiSanti; Borough Manager Jamison and Assistant Borough Secretary Jensen

Visitors: Jack Artman, Gus Bell, Sandy Bell, Dorothy Calfe, Victor Calfe, Glenn Conroy, George Coulter, Nathan English, Paul Jenkins, Les Leasure, Jeff Lezark, Regina Vitti-Lyons, Melony Mostel, Doug Myers, Craig Olson, Bill Peoples, Dolly Provenza, Matt Provenza, Bertha Shearer, Dru Taliaferro, Lois Vitti, William Wengerd and Rich Williams

**REGISTERED COMMENTS FROM THE PUBLIC**

No one was registered to speak that evening.

**COUNCIL PRESIDENT'S MESSAGE**

**School District & Riverside Park** - President Favo proposed that he and Borough Manager Jamison draft a letter to the Riverside School District in an effort to improve the current relationship between the two bodies. The letter will be ready for discussion at the February 1, 2010 Work Session.

**OBC 2010 Priorities** – As requested by President Favo previously, each Council member was asked to present their list of administrative and physical goals for 2010. Goals mentioned in common among Council member were: Allegheny River Boulevard paving and street paving, in general; code enforcement and sidewalks, in particular; relocating the leaf collection site; and, enhanced communication with the community.

Mayor Fescemyer listed completion of the sled riding trail at Roaring Springs Park (sic), the adoption of a stricter Nuisance Landlord Ordinance, and returning “disorderly house” to the current Nuisance Ordinance in the *Borough Code*, as goals he would like to see accomplished.

**Recreation Funds & 2010 Budget** – President Favo gave a brief history of what monies are, and are not, currently available for Riverside Park, and where he would like to see those funds appear in the re-opened 2010 Budget.

**SOLICITOR'S REPORT**

**Dark Hollow Woods Park Gas Well** – Solicitor Shoop said he had recently received word that the newly installed gas well at Dark Hollow Woods Park should begin earning royalties this month.

**BOROUGH MANAGER'S REPORT**

**2010 Re-Opened Budget** – Mr. Jamison reviewed for those present all proposed changes to the re-opened 2010 Budget (see: Attachment “A” – Highlighted Items). He concluded by saying that there would be no need to float a Tax Anticipation Loan for this budget year.

A lengthy discussion followed concerning aspects of the enacted Budget versus proposed changes to the re-opened Budget. A majority of Council members felt that infrastructure should be a priority if funds were redistributed.

Mr. Donovan offered a motion to approve the changes as outlined by Mr. Jamison (see: Attachment “A” – Highlighted Items) for the 2010 Re-Opened Preliminary Budget.

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 | No  |            |     |
| Ride           |     |            |     |

The motion passed 6 to 1.

**T-Mobile Cell Tower Rent** – Mr. Jamison reviewed a proposal by T-Mobile with regard to rental fees for their cell tower erected in Oakmont. It was agreed that the proposal would be discussed in detail at the next Work Session.

**Code Enforcement** – The Borough Manager reported that Tom Benecki of the Allegheny Valley North Council of Governments (AVN-COG) should know tomorrow how many other communities were interested in sharing a code enforcement officer.

**Kacin/Edgewater Development** – Mr. Jamison said that a Kacin representative had picked up a grading permit application that day for their development at the former Edgewater Steel property.

**MAYOR'S REPORT**

**Monthly Police Report** - At Mayor Fescemyer's request, Police Chief DiSanti reviewed portions of his December 2009 Police Report for those present. Mayor Fescemyer noted that the Chief had included “Confidential Notes” in his December report to Council members. He asked that Council please keep these notes confidential.

**Monthly OVFD Report** - Fire Chief Bill Peoples and all other fire fighters present had to leave the meeting to respond to a fire call, so Chief Peoples was unable to report on the Fire Department's activities.

**COMMITTEE REPORTS**

**Financial Committee**

**Warrants** – Vice President Ride moved to approve the Warrant List for December 2009, dated January 11, 2010, including the following expenditures:

| <b><i>Fund</i></b>            | <b><i>Amount</i></b> |
|-------------------------------|----------------------|
| General Fund                  | \$196,153.46         |
| Boulevard Project Fund        | \$4,355.08           |
| Kerr Memorial Museum Fund     | \$4,267.35           |
| Library Fund                  | \$33,209.10          |
| Liquid Fuels Fund             | \$10,975.45          |
| Sewer Fund                    | \$62,615.95          |
| Sewer Deposit Fund            | \$618.81             |
| Capital Projects Fund (Parks) | \$ -0-               |
| Capital Projects Fund (Roads) | \$58,181.70          |
| Capital Reserve Fund          | \$ -0-               |
| Operating Reserve Fund        | \$ -0-               |

Mr. Milberger 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 | Yes |            |     |
| Ride           |     |            |     |

The motion passed 7 to 0.

**Public Safety Committee**

**Proposed Dumpster Ordinance** – Mr. Scott reviewed the highlights of the proposed ordinance on dumpsters in the Borough, which had already been distributed to Council. Changes in the ordinance discussed were: length of extension to permit (30-day), fees and/or penalties (discretionary), and responsibility for damages to the dumpsters.

Solicitor Shoop is to incorporate the changes discussed into the ordinance for the February Work Session.

**Monthly OVFD Report** - Fire Department President Craig Olson delivered the Fire Department's report for December 2009, since Chief Peoples was still responding to the earlier fire call. Mr. Olson reported that the Fire Department had responded to a total of 180 calls in 2009. Noting that this was a slight

decrease from 2008, Mr. Olson said he hoped this was because the townspeople had been safer in 2009.

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**Planning and Economic Development Committee**

**Revised Civil Service Rules & Regulations** – Ms. Vagley asked that all members of Council be sent copies of the proposed revisions to the Civil Service Rules and Regulations in the next information packet to Council.

**Function of Civil Service** - Stating that the purpose of any Civil Service Commission was to function as a non-partisan body, independent of the Police Department, Ms. Vagley, who is also chairman of the Borough's Civil Service Commission, reviewed the history behind the revision of the Rules and Regulations. She concluded by saying that they were operating essentially without Rules and Regulations at present, and would look forward to a review at the next Work Session.

**D. Taliaferro Appointment to CSC** – Referring to the December 28, 2009 appointment of former Council Member Dru Taliaferro to the vacancy on the Civil Service Commission, Ms. Vagley noted that Council had chosen to ignore the recommendation of the Commission to appoint Michele Harden to the position. She said she felt the manner in which Mr. Taliaferro had been appointed was “probably some kind of violation of the Sunshine Act,” but that she did not wish to begin in a spirit of retribution. With this in mind, she said she wished to welcome Mr. Taliaferro to the Commission.

**Public Works Committee**

**Projects in Progress** – Council Member Milberger reviewed the December engineering report from Senate Engineers.

**Communication & Code Committee**

**Chamber of Commerce Newsletter** – Ms. Saxon said she had taken a look at back issues of the newsletter the Borough used to put out and compared it with the newsletter currently being put out by the Chamber of Commerce. She also took a look at newsletters done by other communities.

Council Member Saxon said she felt the Chamber newsletter was a good replacement for the now-defunct Oakmont *Advance Leader*, but wondered if it were fiscally sound and necessary for the Borough to cover \$8,000 in postage for this, and pay \$400 per issue for a writer, for two pages in the Chamber's newsletter every month.

It was agreed that Council would need to decide whether or not to continue financing a writer and paying for a community-wide mailing, in order to be included in the Chamber newsletter, as opposed to the Borough publishing its own newsletter.

**Sidewalk Repair Violations** – Ms. Saxon felt that “equality and consistency, not additional financial hardship” should be the goal in determining how sidewalk repairs should be effected in the Borough. She said it was important to first resolve issues around how to evaluate safety hazards and how to address tree roots, before moving forward on this.

Ms. Saxon said she would put her concerns in a memo to Council members for further discussion at the next Work Session.

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**Legal, Zoning & Land Use Committee**

**Vagley, Recreation Board Liaison** – Mr. Donovan offered a motion to appoint Borough Council Member Kitty Vagley as Council liaison to the Oakmont Recreation Board and a member of the Park Master Plan Committee.

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

**Code Enforcement** – Mr. Donovan said he felt that using form letters to residents to address routine and minor *Borough Code* infractions would simplify code enforcement considerably.

**UPCOMING PUBLIC MEETINGS** – President Favo referred those present to the list of 2010 Borough Council meetings itemized in the Agenda, noting that the Work Sessions in July and September would be on Tuesdays at 7:00 PM, rather than Mondays due to the July 4<sup>th</sup> and Labor Day holidays.

**Upcoming ORB Meeting** – It was agreed that Vice President Ride would take Ms. Vagley's place at the next Recreation Board meeting on January 14, since Ms. Vagley was unable to attend.

**COMMENTS FROM THE PUBLIC**

**Park Master Plan** – Recreation Board Secretary Dolly Provenza welcomed Ms. Vagley to the Board as Council Liaison, saying she would provide Ms. Vagley with notes to update her on the Board's recent activities.

Ms. Provenza also introduced the newest Recreation Board member, Regina Vitti-Lyons, to Council.

President Favo asked Manager Jamison to get together with Recreation Board members to discuss protocols for handling grants and grant monies. He added that all involved in the Park Master Plan should be keeping close watch on the contract with Mast Plan consultants, EPD, Inc.

**Vitti-Lyons** – Ms. Vitti-Lyons addressed those present. She said she was a grant writer, and asked if taxpayers funding park renovations had ever been discussed. President Favo said the proceeds from the gas wells at the Borough's parks were intended to fund park renovations and maintenance.

**MISCELLANEOUS ITEMS**

**G. Coulter/Chamber Newsletter** – George Coulter said he felt the Chamber newsletter, and the Borough's involvement with it, was a good thing and he urged Council to support it. "Don't throw the baby out with the bath water," he cautioned.

**R. Williams' Address to New Council Members** – Former Council Member Rich Williams said he liked the idea of Council setting goals and priorities. "We'll see what you do by next year," he said.

Addressing his next comments to the new Council Members, Mr. Williams said it would take \$4-5 million to see Allegheny River Boulevard paved in its entirety. With respect to Council's intentions to get the Boulevard resurfaced,

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he predicted, "Your new ideas will be abandoned." He said it would also take a long time to complete the project piecemeal.

Mr. Williams said it was always easy to blame problems on the previous administration and that "no one can be apolitical."

With regard to the Chamber of Commerce newsletter, Mr. Williams said he hoped writer Pat Forest had not been fired. He asked if anyone had been appointed to the COG yet and reiterated his offer to brief the next COG representative. Mr. Williams exhorted Council not to forget about the Brooks & Blair development, and said that he disagreed with the proposed changes to the reopened 2010 Budget. Mr. Williams concluded by reiterating: "No one is above politics."

**N. English/Proposed Dumpster Ordinance** – Referring to a section in the proposed Dumpster Ordinance, Oakmont resident Nathan English said he felt that the Borough should be held liable if, for any reason, the Borough caused damage to a dumpster, and that it would not be fair to penalize a resident for something the Borough did. The current proposed ordinance states that the municipality cannot be held liable for any damages it may incur to a dumpster.

Mr. English went on to ask if there was a community clean-up group which could take over some projects and save taxpayers' money. He encouraged Council to use technology to save money, such as being "green" and using email rather than the Post Office to distribute newsletters to the community.

Mayor Fescemyer assured Mr. English that the Borough would be "discretionary" with regard to enforcement of a dumpster ordinance.

**B. Shearer** – Mrs. Shearer had several questions to ask of Council. She wanted to know what "white goods" were with regard to trash pick up. Audience members explained that "white goods" were typically appliances which the trash hauler will pick up.

Mrs. Shearer asked why there was no calendar of meetings. She was referred to Page 3 of the evening's Agenda and told that the website should have a listing of Borough meeting dates.

Finally, Mrs. Shearer asked why the Borough wasn't making money on the newsletter, and was told that the newsletter is put out by the Chamber of Commerce at no cost to residents at present.

**C. Olson/Yard Waste Containers** – Resident Craig Olson asked who was paying for the new yard waste containers for residents to collect their yard and leaf waste in for recycling. President Favo, noting that the state mandated recycling of yard and leaf waste, explained how the cost of the containers was to be amortized over five years through a small increase in residents' garbage collection fees.

**M. Mostel/Trash Collection Items** - Resident Melony Mostel asked what she was supposed to do with drywall since the garbage haulers would not take it. She said it was only a small amount and under the 4-foot length required to fit into the collection vehicles. It was suggested that she contact the hauler.

Ms. Mostel also said she felt a 30-day extension for dumpsters was unrealistic.

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**ADJOURNMENT**

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

The meeting was adjourned at 9:20 PM.

Respectfully submitted,

L. C. Jensen  
Assistant Borough Secretary

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