

April 9, 2007

CALL TO ORDER

The Regular Meeting of Oakmont Borough Council was called to order at 7:32 PM by President Benusa.

ROLL CALL

Present: Ms. Zentgraf, Messrs. Bland, Favo, Federici, Kennedy, Taliaferro and President Benusa, members of Council; Mayor Fescemyer; Solicitor Shoop; Chief David R. DiSanti, Sr., Roger A. Dunlap, Jr., Borough Manager and Ex-Officio Borough Secretary and Lisa Cooper Jensen, Assistant to the Borough Manager

Visitors: Paula Calabrese, Barbara Charlton, Judy Giovanetti, Mary Ann Giovanetti, Rich Lear, Les Leasure, Greg Macaluso, Tom Meising, Melony Mostel, Trey Onett (Traffic Line Marking, Inc.), Tracy Provenza, Nancy Ride, Bertha Shearer, Mike Skinner and Holly Usher

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT ON AGENDA ITEMS

Industrial Noise – Bertha Shearer thanked Chief DiSanti for trying to subdue the noise at night coming from Brenntag, but said that the noise had been bad again the previous night. Chief DiSanti said he has been talking to Brenntag on an ongoing basis, that they have noise deafening pads on order, and that the issue may take some time to resolve. Mrs. Shearer thanked Chief DiSanti for his efforts.

Meising Properties – Tom Meising, 25 Potomac Street, complained to Council that he was being cited for building code violations at 25 Potomac Street, when he had been given a Building Permit to do the work.

Solicitor Shoop told Mr. Meising that a Building Inspector does not have the authority to issue a Building Permit if the proposed construction violates the Borough's *Zoning Ordinance*. "If he does, it's null and void," said Mr. Shoop. "If you still feel the permit was validly issued, then you have the right to appeal the issue before the Zoning Hearing Board," he advised Mr. Meising.

Mr. Dunlap said, "What was approved was not what you built."

Mayor Fescemyer said he had advised Mr. Meising to seek legal advice.

Giovanetti Subdivision – Judy Giovanetti said that approval of her subdivision proposal for the property located at 411 Lee Street had not been on Council's agenda for the last two months. The plan was submitted in June 2006, and she was wondering if there was a problem.

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The Borough Manager told Ms. Giovanetti that her request for a Variance for the subdivision had been granted by the Zoning Hearing Board, but that Council had not had the opportunity to discuss the plan so as to make a final decision on approval. Mr. Dunlap said Council hoped to take action on this at the earliest possible moment.

Ms. Giovanetti expressed concern that if one of her family members passed on, the proposed subdivision plan would still be up in the air.

Rezoning Morris Estates – Melony Mostel, 43 Morris Street, asked Council to consider rezoning the Morris Estates area so that only single family dwellings would be allowed. Mr. Dunlap said this would have to be addressed first by the Planning Commission and that the request would go on their agenda for discussion at their upcoming meeting on April 18.

Death of Roger Duffy – Mayor Fescemyer noted the passing of former Mayor, Council Member and State Representative Roger Duffy, extending his condolences and sympathy to his family. The Mayor said he wanted to publicly and posthumously commend Mr. Duffy for his service to Oakmont and Pennsylvania.

New Council Member Cheryl Zentgraf – President Benusa welcomed Cheryl Zentgraf, who was appointed to the vacancy left by Mr. Myers' resignation, to her first Regular Council Meeting. He thanked Ms. Zentgraf for accepting the appointment.

MINUTES APPROVED

Mr. Kennedy offered a motion to accept the minutes of the Work Session of February 26, 2007, as circulated to the members of Borough Council.

Mr. Federici seconded the motion, which passed unanimously.

Mr. Taliaferro offered a motion to accept the minutes of the Work Session of March 5, 2007, as circulated to the members of Borough Council.

Mr. Kennedy seconded the motion, which passed unanimously.

Ms. Zentgraf offered a motion to accept the minutes of the Regular Meeting of March 12, 2007, as circulated to the members of Borough Council.

Ms. Zentgraf seconded the motion, which passed unanimously.

REPORTS AND CORRESPONDENCE

Chamber Newsletter - The Borough Manager said the usual reports and newsletters had been given to Council for their review. He added that the Oakmont Chamber of Commerce would be holding its next meeting on April 14 at the Oakmont Country Club, and that he had asked the Chamber of Commerce if he could "piggyback" on their newsletter with Borough news, to which they graciously agreed.

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USGA Street Banner – Mr. Kennedy asked about the USGA’s request for a street banner advertising the U.S. Open Golf Tournament. Solicitor Shoop said the Borough permitted banners on the Clock Tower and on the Arboretum Trail pavilion. No banners are permitted to span the streets.

MAYOR’S REPORT

Chief DiSanti reviewed the highlights of his March 2007 Police Report for those present. He commended Patrol Officer Ralph Marsico for his handling of an attempted suicide. He reported that local police were now expected to transport individuals on a 302 Commitment to an appropriate health care facility, which was putting a strain on his department.

COMMITTEE REPORTS

Finance, Personnel & Legal

Warrants - Mr. Favo moved to approve Warrant List #03-02-2007, dated March 31, 2007, for payments drawn from the following Borough funds:

| <i>Fund</i> | <i>Amount</i> |
|----------------------------|---------------|
| General Fund | \$227,935.81 |
| Library Fund | \$16,473.32 |
| Sewer Fund | \$170,461.74 |
| Capital Fund | \$1,752.55 |
| Centennial Foundation Fund | \$4,766.27 |
| Highway Aid Fund | \$20,289.41 |

Mr. Taliferro seconded the motion, which passed unanimously.

Mr. Favo moved to approve Warrant List #04-01-2007, dated April 9, 2007, for payments drawn from the following Borough funds:

| <i>Fund</i> | <i>Amount</i> |
|----------------------------|---------------|
| General Fund | \$42,690.37 |
| Library Fund | \$4,764.43 |
| Sewer Fund | \$11,061.53 |
| Capital Fund | \$ -0- |
| Centennial Foundation Fund | \$ -0- |
| Highway Aid Fund | \$ -0- |

Mr. Federici seconded the motion, which passed unanimously.

Park & Land Use Agreement – Mr. Favo offered a motion to authorize the execution of a Parking and Land Use Agreement with the United States Golf Association (USGA) for the use of Riverside Park from June 11, 2007 to June 17, 2007.

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Mr. Kennedy seconded the motion.

Solicitor Shoop explained the details of the Agreement to those present, noting that the Borough would receive \$7,500 for allowing cars to park on the upper fields at Riverside Park, and that the USGA would return the Park back to its original “or better” previous condition. If the U.S. Open Championship would be extended another day, then a new per-day rate would be negotiated.

Mr. Federici asked if residents would be able to use the rest of the Park. Mr. Shoop said they would.

The motion passed unanimously.

Schedule of Fees Amendment – Mr. Favo said he was skipping the next agenda item – a motion to adopt the 2007 Schedule of Fees for the Borough – because it had not yet been discussed in their Work Sessions.

Settlement of 2006 Tax Duplicate – Rich Lear, president of Pennsylvania Municipal Service Company (PaMS), real estate tax collecting agency for the Borough, gave a synopsis of the 2006 Tax Duplicate. Solicitor Shoop asked Mr. Lear if the delinquent list had been turned over to the delinquent tax collector. Mr. Lear said that it had. He added that he hoped the reporting format in upcoming years would be more user-friendly than the 2006 Duplicate.

Mr. Dunlap explained that the 2006 Duplicate was not in a format that would be accepted by the County Prothonotary, so that the Borough Office was now in the process of recreating electronically what had been received from PaMS on paper.

Next, President Benusa administered both the Affidavit as to Giving Notice and the Affidavit as to Compliance with Tax Collection Law to Mr. Lear, both of which he attested to and affirmed with his signature.

Resolution No. R7-2007, Accepting the Return of the Agent for Tax Collection – Mr. Favo offered Resolution No. R7-2007, and moved for its adoption, a resolution accepting and approving the Return of the Tax Collector of the Borough of Oakmont for all taxes collected for the year 2006, contingent upon confirmation by audit.

Ms. Zentgraf seconded the motion, and all those members of Council present voted in the affirmative.

President Benusa declared the resolution adopted. Recorded in Ordinance Book Volume 29, Page104, as **Resolution No. R7-2007**.

Planning, Zoning & Community Development

Traffic Signal Agreement – The motion to authorize the execution of a License Agreement for Wire, Pipe and Cable Transverse Crossing and Longitudinal Occupations by and between the Borough of Oakmont, Allegheny Valley Railroad Company (AVRR) and WIN-Oakmont, Ltd., pertaining to the Hulton Road Traffic Signal was tabled. Mr. Bland gave a brief history of the agreement

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and said that the Borough had yet to come to a satisfactory agreement with AVRR.

Kacin Modifications - Council Member Bland also reported that the Borough was trying to come to an agreement with the Kacin Company regarding the modifications they were requesting to the Mixed Use District requirements of the *Zoning Ordinance* for their proposed development on the former Edgewater property.

Planning Commission Meeting - Mr. Bland announced that the monthly meeting of the Planning Commission would be held on April 18 at 7:00 PM.

Engineering & Public Works

ARB Restoration Project - Borough Engineer Mike Skinner passed out the bid tabulations for the Allegheny River Boulevard Restoration Project from Hulton Road to Porte Street. Mr. Skinner explained that bidders were asked to show what cost, if any, would be added to the bid if the project were started later than the specified start date. The lowest bid was from Pave Ohio of Cleveland at \$186,225.00, with an additional \$200.00 for a later start date. The original cost estimate for the job was \$249,000.00.

Council discussed the pros and cons of starting the project before or after the U.S. Open, and the details of the project. Mr. Skinner stated that there would be no significant change in the cost whether the project start date was put back or not. Council agreed that they wanted to take the 60 days specified in the bid documents to examine the bid tabulations and obtain references on the contractor before awarding the contract.

The motion to award the contract to Pave Ohio was tabled until the Borough Engineer could do reference checks on Pave Ohio and the second lowest bidder, Santamaria Construction.

Culture & Recreation

Riverside Park Restoration – Mr. Kennedy said the Park was being relandscaped after the gas well installation. He was unhappy with both the speed and quality of the restoration. Riverview Athletic Association was also having problems scheduling games with the Park still under restoration. They may go to other fields for this season, said Mr. Kennedy.

Mr. Kennedy announced that a Recreation Meeting had been scheduled for April 11 at 7:00 PM, if anyone wished to attend. The Recreation Board will consider high school students' request for a skateboarding area at the Park at that time.

Community Affairs

Shade Tree Pruning - Ms. Zentgraf announced that pruning of Borough trees would begin that week.

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Oakmont Commons Road – Les Leasure, 307 Canterbury, said that Commons Drive was in very bad condition and that there was a sinkhole at the top of Washington Avenue where a sewer line had been put in recently.

Mr. Dunlap said he would have Commons Drive and the sinkhole inspected and that he would check the Maintenance Bond submitted relative to the street paving project.

ADJOURNMENT

There being no further business to conduct that evening, Mr. Kennedy offered a motion to adjourn the meeting. Mr. Bland seconded the motion, which passed unanimously.

The meeting was adjourned at 8:40 PM.

Roger A. Dunlap, Jr., Borough Manager
and Ex-Officio Borough Secretary

Transcribed by: L. C. Jensen