

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

Excused: Mr. Mator

Visitors: Gini Calabrese, Deborah Goeller, Mark Harley, Paul Jenkins, Gary Lesnick, Jeff Lezark, Rich Luciana (arr. 7:25 PM), Sue Martin, Debbie Mehalik, Matt Mehalik, Tom Meising, Craig Olson, Matt Provenza, Bertha Shearer, Kitty Vagley (arr. 7:15 PM), Richard Williams, and Karen Zapf

REGISTERED COMMENTS FROM THE PUBLIC

No one was registered to speak that evening.

COMMENTS FROM THE PUBLIC

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

COUNCIL PRESIDENT'S MESSAGE

Executive Session - President Federici announced that there would be an Executive Session immediately following the meeting to discuss personnel matters.

MAYOR'S REPORT

OPD Monthly Report - At Mayor Fescemyer's request, Police Chief DiSanti reviewed portions of his April 2009 Police Report for those present.

Cattani to Permanent Status – Chief DiSanti read a letter he had written to Council recommending that Patrol Officer Joseph Cattani be accepted for permanent status on the Police Force. No motion or action was taken.

CRT at RSD – Mayor Fescemyer announced that a Critical Response Team had been set up for the high school so that the Oakmont Police Force would not have to wait for the County S.W.A.T. to arrive in the event of an active shooter on the school premises.

Farmers' Market – Mr. Kennedy asked about the Chamber of Commerce-sponsored Farmers' Market being moved to the Giant Eagle parking lot. Mr. Shoop again agreed to review the lease on the parking lot with this in mind.

Free Police Equipment – President Federici asked that, in addition to the letter of thanks that had already been sent from Chief DiSanti, the Borough send a letter also to Chief Robert Full of the Allegheny County 911 Center for his role in obtaining free equipment for the Oakmont Borough Police Department.

Mock Car Accident – Ms. Zentgraf commended Officers Sedlak and Ford, and other emergency groups, for staging the mock vehicular accident at the high school.

OFVD Monthly Report – In Chief Peoples' stead, Fire Department President Craig Olson delivered the Fire Department's monthly report for April.

OVFD Open House – The department will be holding an Open House some time in September or October. This will be announced in the donor letter going out for their annual solicitation campaign.

President Federici asked Mr. Olson to share this information with the Interim Borough Manager and that it be placed on the Borough website. Fire Fighter Jeff Lezark said they would need to close down a portion of Virginia Avenue the day of the Open House.

COMMITTEE REPORTS

Financial and Legal Committee

Warrants – Ms. Ride announced that there would be no approval of warrants this month until some issues, raised by the recent audit of the Borough's financial records, could be discussed in Executive Session.

CPA Hired – Ms. Ride offered a motion to authorize the hiring of Lynn A. Beck, CPA, to provide financial assistance to the Borough, beginning May 12, 2009 and continuing thereafter as recommended by the Interim Borough Manager, at the rate of \$75 per hour, plus travel mileage to and from the Borough Office at the prevailing IRS rate, not to exceed a total of \$6,000.

Mr. Taliaferro seconded the motion.

Mr. Kennedy said this was just another example of the ineptitude of the Interim Borough Manager, and that this was another additional expense just like hiring a Code Enforcement Officer. Mr. Kennedy said former Borough Manager Adeline Brown had performed the code enforcement duties herself in the past.

Code Enforcement/Borough Manager's Compensation - Dr. Calabrese said she had been under the impression that Adeline Brown had been paid for performing code enforcement duties. Council Member Ride said that was not true. She had checked into this by speaking with Mrs. Brown, herself. Ms. Ride said that Mrs. Brown said her salary as Borough Manager was split up into various department budgets, but that she was paid only *one* salary.

Mayor Fescemyer stated that it was actually a police officer who had done code enforcement during the time Mrs. Brown was the Borough Manager. Commenting on the current condition of the Borough's "emaciated sidewalks,"

Mayor Fescemyer said he felt it was great that the Borough had hired a code enforcement officer who was now doing code enforcement in Oakmont “the way it should be done.”

Returning to the motion on the table to hire CPA Lynn Beck, the motion passed 7 to 0.

Oakmont Associates Legal Fees – Ms. Ride offered a motion to pay legal fees, in the amount of \$1,466.50, incurred by Oakmont Associates (formerly Chelsea Products, Inc.) in reviewing and revising necessary documents associated with granting a perpetual easement to the Borough for its Force Main sewer line to go through their property.

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

Public Safety Committee

Lock Box Ordinance – President Federici said that the necessary information to enact the Lock Box Ordinance had been obtained and that Council was prepared to move forward on this.

Planning and Economic Development Committee

Code Enforcement Budget Line Item – Council Member Favo said that Budget Line Item #414.750 for code enforcement was now 100% over budget. Ms. Ride said this was incorrect since many of the code enforcement charges should have been charged to another line item.

Code Enforcement Moratorium – Mr. Favo moved to place a moratorium on all sidewalk code enforcement violations until further discussion had taken place. Both Ms. Zentgraf and Dr. Calabrese said they were not ready to vote on such a motion, but preferred, instead, that the issue be discussed with the Interim Borough Manager first, and any conclusions conveyed through the Interim Borough Manager to the Code Enforcement Officer.

After further discussion, Mr. Favo offered a motion to place a moratorium on all new activity with regard to code enforcement until June 8, pending further Council discussion.

Ms. Ride seconded the motion.

On a voice vote, the motion carried with six “Aye” votes, and one “Nay” vote cast by Dr. Calabrese.

Engineering & Public Works Committee

Advertise Ordinance No. O14-2009, Municipal Authority Charter – Ms. Zentgraf offered a motion to authorize the Interim Borough Manager to advertise Ordinance No. O14-2009, adopting and approving a proposal by the Board of Governors of the Municipal Authority of the Borough of Oakmont, that the Articles of Incorporation of said Authority be amended so as to increase its term of existence fifty (50) years from the date of approval of the Articles of Amendment, and repealing any ordinance or part of any ordinance inconsistent herewith.

Ms. Ride seconded the motion.

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On a called vote, the votes were as follows:

Dr. Calabrese	Yes	Ms. Ride	Yes
Mr. Favo	No	Mr. Taliaferro	Yes
President Federici	Yes	Ms. Zentgraf	Yes
Mr. Kennedy	Yes		

The motion passed 6 to 1.

2008 Road Program Payment – Council Member Zentgraf offered a motion to authorize payment of Application for Payment No. 1, submitted by A. Folino Construction, Inc., for the work completed on the 2008 Road Program, and as further reviewed and certified by the Borough Engineer, in the amount of \$162,443.40.

Mr. Taliaferro seconded the motion.

On a voice vote, the motion carried 7 to 0 with unanimous “Aye” vote.

Recreation, Cultural and Community Assets Committee

Riverside Park Night Sports – Mr. Kennedy offered a motion to approve the Riverview School District request for the annual *Night Events* at Riverside Park, for Thursday, September 17, 2009 (Girls’ and Boys’ Varsity Soccer, 6:00 PM and 8:00 PM), and Friday, September 18, 2009 (Boys’ Varsity Football 7:30 PM).

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

RAA Tree Removal from Borough Property – Mr. Kennedy moved to accept the recommendation of the Oakmont Recreation Board, in coordination with the Borough, to grant permission to the Riverview Athletic Association to remove designated trees from the Borough’s Dark Hollow Road parcel.

Mr. Taliaferro seconded the motion.

Riverview Athletic Association (RAA) Member Gary Lesnick said the RAA was willing to go through a bid process for these tree removals. Solicitor Shoop said there was no need to do so since the cost would be under \$5,000. Mr. Lesnick assured Council that the tree service they had in mind would have skilled personnel and insurance. Solicitor Shoop advised Mr. Lesnick to inform the Interim Borough Manager of the contractor hired for these services.

Riverside Park Entrance Project – After considerable discussion over whether or not to award the contract for the Riverside Park Entrance Project to the lowest bidder, Ms. Ride offered a motion to schedule a properly advertised public meeting on May 28, 2009 to address the awarding of the contract for the Riverside Park Entrance Project, following review and recommendation by the project consulting architect and project consulting engineer as to the lowest *responsible* bidder.

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

Farmers’ Market Relocation – Mr. Kennedy offered a motion to grant permission to the Oakmont Chamber of Commerce to relocate the Farmers’ Market from the Clock Tower area of Allegheny River Boulevard to the western side and northern end of Isabella Street, beginning May 7th and continuing through the end of September, and being held Thursday afternoons from 3:00 PM to 7:00 PM, and Saturday mornings from 8:00 AM to 1:00 PM.

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

Human Resources, IT & Communications Committee

Tribune-Review Blogs - Dr. Calabrese said that she had no committee items to discuss, but asked that the following statement be read into the record. Dr. Calabrese read the statement to those present.

The Trib Total Media hosts a Blog at www.yourtwinboros.com Blogs are, in a sense, an electronic version of Letters to the Editor in hard copy newspapers. One difference is that Blog postings can be submitted anonymously while Letters to the Editor must be signed by the writer. Blogs are considered a social network similar to a town meeting where interested readers of news and opinion can also be writers of news and opinion.

Since January, Oakmont Borough Council meetings have been the focal point of a Blogger using the name Watchdogger. Each month on the Tuesday after the Monday evening Council meeting in late afternoon the Watchdogger posts a personal view of the Council's activities. Hundreds of readers view the Blogs and some of them choose to comment.

Because the Watchdogger appears to be in regular attendance at Council meetings, I've chosen to address the issue that was posted on the Blog on April 14, 2009 at 4:28 pm at this meeting this evening rather than Blog it.

The Watchdogger notes my absence from the Council meeting on Monday, April 13, 2009 and comments that my absence may have been due to a medical condition. I think that the Watchdogger is far too interested in my personal life, my medical history and my whereabouts. Because this leaves me feeling unsettled and concerned for my personal safety, I've made a hardcopy of the original Blog with notes on it that I will give to Chief DiSanti just for the record.

I mention the original Blog since the comments originally posted violated the standards set by the Trib and the Blog Master required the Watchdogger to remove the comments from the Blog. To me that is similar to shaking out a feather pillow and then trying to gather all the feathers back into the pillow case. It's just not possible. Perhaps Council needs to develop a policy requiring absent members to indicate the reason for their absence from a regular meeting or hearing.

So where in the world was Paula Calabrese on the evening of April 13? And also on April 28? Why these 2 absences that provoked such great interest from the Watchdogger Blogger?

Actually, today, the **day after Mother's Day**, is a perfect time to explain my whereabouts. For the past 2 years, my 88 year old mother has been bedridden in skilled nursing and personal care residences. Currently, she is in hospice care in a personal care facility. Although our family always planned to care for our mother personally, we finally became reconciled to the reality that her daily care needs are far beyond our skills and ability to provide.

As we moved our mother from the hospital to one facility after another to find the precise level of care that she needed, we noted that the quality of the care and the quantity of the services provided residents was consistently below our family's expectations and standards. Our in-depth analysis of services to seniors resulted in identifying systemic problems that we knew would be difficult if not impossible to change. We knew that we needed to get involved in the effort to improve care for seniors . . . for our mother and for her peers.

It was at this time that my sister and I learned about the Department of Human Services, Allegheny County Area Agency on Aging and their Ombudsman program. Ombudsman means citizen representative, and advocate for people living in long term care facilities. Currently there are 6 Ombudsman employed full time by Allegheny County to visit and annually assess each of the **64 nursing homes and 192 personal care homes** in the county. These long term care facilities serve more than **41,000 individuals** with a broad continuum of service needs. Consequently, my sister and I decided to become volunteer ombudsman so we could visit the residents of long term care facilities to ensure that they and their families know their rights and how to report violations of their rights.

You'll recall the woman who wandered from her room at UPMC and was found dead on the roof of Montifiore (sic) Hospital. Just today the owner of a long term care facility in Hampton was charged for forging a check for \$22,102.53 from a resident's account. I visited a 90 year old woman in a Turtle Creek nursing home who had been brutalized; her whole face was actually purple and green, by a nurse's aide because she complained. The aide was arrested and the resident was moved to another facility. You remember the situation at Kane Hospital where a woman was abused and neglected by several staff members.

There are dozens of stories like these and 6 ombudsmen (who each have a roster of approximately 43 residences) don't have enough time to visit every resident and to conduct the Quality Assurance Assessments. That's why volunteers are important. In fact, my sister and I thought it was important enough to become volunteer ombudsmen and do the same work as the employed ombudsman do . . . to honor our mother and to recognize all those residents who never get visitors and have no one to advocate for them.

To become a volunteer ombudsman, the commonwealth of PA requires 8 full days of training. Last year, my sister and I were certified as Tier 1 Ombudsman in Somerset. The week of April 13, we were certified as Tier 2 Ombudsman in Harrisburg. The week of April 27, we completed an additional 3 day training program in Camp Hill PA. These training sessions are only offered once a year so it was important to get into this round of training so we could get to work quickly. Consequently because I needed to make the 3 ½ hour drive to Harrisburg and be present for 8 am training workshops, I could not attend the April regular business meeting or the Edgewater Property public hearing.

While I certainly don't take my responsibilities as a Council member or my attendance at Council business meetings or any other Council related meetings or hearings lightly, there are occasional, unique circumstances that require the choice of one over another. In this case, I chose family.

I respectfully request that these comments be added to the minutes of this meeting for future reference. Thank you!

UPCOMING PUBLIC MEETINGS – President Federici referred those present to the list of public meetings itemized in the Agenda, noting that the Special Meeting of Council on May 28 should be added, and that the dates listed were correct as of publication of the Agenda.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Paving – Bertha Shearer said that Council had said Morris Street would be “fixed” in 2008 and she hoped that was still going to happen. She also commended Dr. Calabrese for her statement, saying the blogger “should be ashamed.”

Sidewalks – Sue Martin said that the town of Northfield, Massachusetts had received a federal grant to replace all the sidewalks in their community. Ms. Martin agreed to find out more details about this grant.

Newspaper Blogs – Dick Williams said that newspapers should require names for those bloggers who speak about public officials. He thanked Council for the paving that was recently done, and congratulated both political parties for having “good slates.” He suggested that Council ask community groups to send a liaison to Council Meetings since there has sometimes been a lack of communication between Council and these groups.

Matt Mehalik, noting that this Council focused well on the positive, cited a *Tribune Review* blog from March 9 where he felt the comments were clearly taken out of context at a Council Meeting. Also remarking about the personal comments made about the Interim Borough Manager and Dr. Calabrese, he said he felt the blogs had evidenced “a sad trend in discourse,” and that they clearly lacked credibility due to their biases.

April 28 Public Hearing/Shawn Gallagher – RAA Representative Gary Lesnick said he was dissatisfied with the unprofessional manner of Hearing Officer Shawn Gallagher at the Kacin Public Hearing on April 28, and that Council should select someone more prudently in the future.

Solicitor Shoop, who identified Attorney Gallagher as a member of his law firm, said he had heard many comments about that meeting and felt that Mr. Gallagher was getting a “bad rap” in this regard. Citing Mr. Gallagher’s many accomplishments with regard to the Kacin development, Mr. Shoop explained that the Kacin hearing was held specifically for the purpose of granting final approval for their subdivision plan and that the concerns of the RAA were not what the hearing was about.

Mr. Favo said he did not know if anyone had apologized to the RAA already, but that he wanted to apologize personally for the way they had been treated at the April 28 meeting. Ms. Ride remarked that Mr. Gallagher had apologized for losing his temper.

Mr. Kennedy noted that a flyer had gone around prior to the hearing inviting people to attend because it was the last chance to discuss their recreational needs. He added that he thought it was deplorable that Council began the hearing 20 minutes late and that no chairs had been provided for the overflow crowd.

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Mr. Lesnick said he would be happy to give Mr. Gallagher “the benefit of the doubt” after hearing this explanation.

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 to 0.

The meeting was adjourned at 9:16 PM.

Daniel Mator
Interim Borough Manager

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