

**CALL TO ORDER**

Due to the Public Hearing for Final Subdivision Approval of the Brooks & Blair development which began at 7:00 PM that evening, the Regular Business Meeting of Oakmont Borough Council was called to order at 7:43 PM by President Federici 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 Favo, Kennedy, Ride, Taliaferro, Zentgraf and President Federici; Attorney Shawn Gallagher; Mayor Fescemyer; Chief DiSanti; Interim Borough Manager Mator and Assistant Borough Secretary Jensen

Visitors: Jack H. Artman, Dorothy Calfe, Victor Calfe, George Coulter, Donna DeTurck, Sophia Facaros, Mark Gleason, Mark Harley, Paul Jenkins, Teresita Kolenchak, Tony Lascola, Jeff Lezark, Tom Meising, Joe Murphy, Mike O'Donnell, Bill Peoples, Dolly Provenza, Fred Reginella, Colette Saxon, Laurie Saxon, Bertha Shearer, Johnny Simone, John Thompson, Kitty Vagley, William Wengerd, Nancy Lee Williams and Rich Williams

**REGISTERED COMMENTS FROM THE PUBLIC**

**Civil Service Commission** – Civil Service Commission Chair Kitty Vagley addressed Council on the revisions to the Civil Service Rules and Regulations recently completed, and the Commission's recommendation that Attorney Michele Harden be appointed as the third member of the Commission to fill the position formerly held by Robert Alexander. She explained why the Rules and Regulations revisions were necessary, invited Council to go over them with the Commission, and asked when their recommendation to appoint Ms. Harden was to be voted upon.

President Federici said he did not feel it was the appropriate at that moment to vote on the Harden appointment. Ms Vagley noted that the Rules and Regulations require the Commission to make recommendation to Borough Council on all Commission appointments. [N.B.: Ms. Vagley later rescinded this statement.]

President Federici suggested that, in order to move forward with the recommended revisions to the Civil Service Rules and Regulations as developed by the Civil Service Commission, Council next needed for the Commission to submit a clearly-marked copy of the Rules and Regulations, showing what specific changes are proposed as *new text*, and what specific *existing text* is proposed to be deleted.

**Bocce Courts** – Recreation Board Member Tom Bland gave a Power Point presentation on the proposed bocce courts to be located next to the Municipal Building. He also introduced Fred Reginella, an Oakmont resident who plays

bocce in Morningside, and who spoke to Council about the advantages of bocce courts for Seniors.

Anthony Lascola said he was a younger person who also supported the proposed bocce courts. He said it was a shame to leave a piece of vacant land untouched.

Dolly Provenza said that former Borough Manager Adeline Brown wanted the lot next to the Municipal Building to be a memorial to Borough fire fighters and police officers. She said the Recreation Board intended to do this, but has not defined a location as yet.

Fire Chief Bill Peoples stated that the new generator in the Municipal Building would extend 8' to 12' away from the Borough Building. He also said that the parking spaces at the west end of the lot were important for the Fire Department for parking during fire calls.

**Treasurer's Comments** – It was agreed that Treasurer Frederick R. Favo would hold his comments until the financial portion of the agenda.

**COMMENTS FROM THE PUBLIC**

**Robberies/Junk Vehicles** – Bertha Shearer asked Police Chief DiSanti for an update on the number of robberies in town and eliminating the vehicles around town with expired license plates.

Mayor Fescemyer said that junked vehicles on private property could not be removed unless proven to be hazard, but added, "We'll continue to work on this."

**COUNCIL PRESIDENT'S MESSAGE**

**Resolution No. R17-2009, R. Williams Appointed to Council** - President Federici called for a motion to appoint Richard Allen Williams to fill the unexpired term of Paula Calabrese on the Oakmont Borough Council until January 4, 2010.

Council Member Taliaferro offered Resolution No. R17-2009, and moved for its adoption, a resolution to appoint Richard Allen Williams to fill the unexpired term of Paula Calabrese on the Oakmont Borough Council until January 4, 2010.

Ms. Zentgraf seconded the motion.

On a called vote, the votes were as follows:

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

Mr. Favo said he voted "No" because he felt it would have been better to have someone with more experience being on Council, and he was not entirely certain that others had been made aware of the opening.

The motion passed 5 to 1.

President Federici declared the resolution adopted. Recorded in Ordinance Book Volume 30, Page 65, as **Resolution No. R17-2009**.

Mr. Williams then took the Oath of Office, administered by Mayor Fescemyer.

**Vice President Nominations** – Since prior to her resignation, Dr. Calabrese was Vice President of Council, President Federici now opened up the floor for nominations for a new Council Vice President.

Ms. Zentgraf nominated Nancy Ride to be Council Vice President. There were no further nominations.

On a voiced vote, Council voted unanimously to appoint Ms. Ride the new Vice President of Council.

**Executive Session** – President Federici said that Council had met in Executive Session prior to the Public Hearing that evening to discuss litigation matters. He added that Council might also meet after this meeting in Executive Session, too.

### **INTERIM BOROUGH MANAGER'S REPORT**

**Status Report** – Interim Borough Manager Daniel Mator reviewed current projects and their status for those present.

### **MAYOR'S REPORT**

**July Monthly Police Report** - At Mayor Fescemyer's request, Police Chief DiSanti reviewed portions of his July 2009 Police Report for those present. He commended Code Enforcement Officer Sean Gramz for his role in assisting him on a case on Porte Street, Police Officers Killmeyer and Okonak, and Camp Cadet Matt O'Donnell, who was present that evening and thanked Chief DiSanti for his support.

Chief DiSanti also said that the Pittsburgh Police Department was calling for assistance from all area police to help with the upcoming G-20 Summit.

**July Monthly OVFD Report** - At Council Member Taliaferro's request, Fire Chief Bill Peoples reported on the Fire Department's activities through July 2009. He reminded residents to purchase and maintain smoke detectors.

Mr. Williams said he would like to see the community support the Oakmont Volunteer Fire Department more than it does.

### **APPROVAL OF MINUTES**

**Council Minutes of July 13, 2009** – Mr. Taliaferro offered a motion to approve the minutes from the Regular Business Meeting of July 13, 2009, as written.

Ms. Ride seconded the motion.

Mr. Federici asked for that the first paragraph of the Minutes now include the location and street address of the Council Meeting.

The motion passed, 7 to 0, with the changes as noted.

**Council Minutes of July 20, 2009** - Mr. Taliaferro offered a motion to approve the minutes from the Continued Regular Business Meeting of July 20, 2009, as written.

Ms. Ride seconded the motion.

Ms. Zentgraf said that Solicitor Shoop had issued a ruling about the ability to add items to the agenda of a Special Meeting called for a specific purpose. She wanted his ruling included in the Minutes.

The motion passed, 7 to 0, with the changes as noted.

**COMMITTEE REPORTS**

**Financial and Legal Committee**

**Warrants** – Ms. Ride moved to approve the Warrant List for July 2009, dated August 10, 2009, including the following expenditures totaling:

<i>Fund</i>	<i>Amount</i>
General Fund	\$190,632.49
Sewer Fund	\$67,117.33
Sewer Deposit Fund	\$197.47
Capital Projects Fund (Parks)	\$-0-
Capital Projects Fund (Roads)	\$170,637.68
Capital Reserve Fund	\$-0-
Library Fund	\$36,498.15
Liquid Fuels Fund	\$7,944.71
Boulevard Project Fund	\$11,300.93
Kerr Memorial Museum Fund	\$3,949.50
Operating Reserve Fund	\$-0-

Mr. Kennedy seconded the motion, which passed 6 to 1 with Mr. Favo voting “No.”

**Borough Insurance Contract** – Ms. Ride offered a motion to ratify the action of the Interim Borough Manager insuring the Borough generally from August 1, 2009 to August 1, 2010, by MRM Property & Liability Trust, for a total premium of \$35,200.00, with an additional excess liability coverage premium of \$721.00.

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

**Fire Department Insurance Contract** - Ms. Ride offered a motion to ratify the action of the Interim Borough Manager insuring the Fire Department from August 1, 2009 to August 1, 2010, by the Volunteer Firemen’s Insurance Services, Inc., for a total premium of \$9,051.00.

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

**Public Officials Insurance Contract** - Ms. Ride offered a motion to ratify the action of the Interim Borough Manager providing Public Officials and Employee Practices Liability coverage through Darwin National Assurance Company, from August 1, 2009 to August 1, 2010, for a total premium of \$7,915.00.

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

**Police Professional Insurance Contract** - Ms. Ride offered a motion to ratify the action of the Interim Borough Manager providing Police Professional Liability coverage through Darwin National Assurance Company, from August 1, 2009 to August 1, 2010, for a total premium of \$7,139.00.

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

**Accountant L. Beck Contract** – Ms. Ride offered a motion to extend the agreement between the Borough and Accountant Lynn Beck by a dollar amount not to exceed \$5,000.00.

Ms. Zentgraf seconded the motion, which passed 6 to 1, with Mr. Kennedy voting “No.”

**Treasurer’s Report** – At that time, Treasurer Fred Favo presented his report. Topics touched on in Treasurer Favo’s report included:

- status of the 2008 Audit with Maher Duessel
- review of the status of each fund
- amounts owing in Developers’ Accounts
- over expenditures in the Legal and Code Enforcement lines
- lack of promised 3% interest rate from PNC on Borough accounts
- status on Borough’s bond issues
- current balance in Capital Fund (Roads)
- status of Liquid Fuels Fund
- status of Operating Reserve Fund

Mr. Favo also reported that amounts reported as deposits for the Earned Income Tax and Local Services Tax, collected by Pennsylvania Municipal Service Company for the Borough, appear to be higher than the auditors’ calculations.

Finally, he recommended that the Borough make every effort to collect the outstanding Developers’ Accounts, and that Council consider amending the 2009 Budget to adjust for the overextended Legal and Code Enforcement lines.

### **Public Safety Committee**

**Street Signs** – Mr. Taliaferro said he wanted work orders done to erect “Children at Play” signs and speed limit signs installed along the east and west sides of the 600, 700 and 800 blocks of Fifth Street.

### **Executive Session**

At 9:34 PM, Council recused itself to go into Executive Session. No reason was given. The Meeting was reconvened at 9:55 PM.

### **Planning and Economic Development Committee**

**Resolution No. R18-2009, Property Maintenance Board** – Mr. Favo offered Resolution No. R18-2009, and moved for its adoption, a resolution establishing a Property Maintenance Board of Appeals to hear appeals of all International Property Maintenance Code Notices or Orders and further establishing related appeals forms and hearing fees.

Mr. Kennedy seconded the motion.

On a called vote, the votes were as follows:

Mr. Favo	Yes	Mr. Taliaferro	Yes
President Federici	Yes	Mr. Williams	Yes
Mr. Kennedy	Yes	Ms. Zentgraf	Yes
Ms. Ride	Yes		

The motion passed 7 to 0.

President Federici declared the resolution adopted. Recorded in Ordinance Book Volume 30, Page 66, as **Resolution No. R18-2009**.

**Amend 2009 Schedule of Fees** – Mr. Favo offered a motion to amend Resolution No. R2-2009, establishing a fee of \$500.00 for all Property Maintenance Board of Appeals hearings, as per the *Borough Code* and the *International Property Maintenance Code*.

Mr. Kennedy seconded the motion.

Ms. Jensen said that the 2009 Schedule of Fees, reserved as Resolution No. R2-2009, had not yet been enacted.

Mr. Gallagher noted that the \$500.00 was also stipulated in Resolution No. R18-2009, setting up the Property Maintenance Board of Appeals.

Council Members Favo withdrew his motion; Council Member Kennedy withdrew his second.

**Resolution No. R19-2009, E. Colianni to Property Maintenance Board** – Mr. Favo offered Resolution No. R19-2009, and moved for its adoption, a resolution appointing Elena M. Colianni a member of the Property Maintenance Board of Appeals.

Ms. Zentgraf seconded the motion.

On a called vote, the votes were as follows:

Mr. Favo	Yes	Mr. Taliaferro	Yes
President Federici	Yes	Mr. Williams	Yes
Mr. Kennedy	Yes	Ms. Zentgraf	Yes
Ms. Ride	Yes		

The motion passed 7 to 0.

President Federici declared the resolution adopted. Recorded in Ordinance Book Volume 30, Page 67, as **Resolution No. R19-2009**.

**Resolution No. R20-2009, Dominic Dozzi to Property Maintenance Board** – Mr. Favo offered Resolution No. R20-2009, and moved for its adoption, a resolution appointing Dominic Dozzi a member of the Property Maintenance Board of Appeals.

Ms. Ride seconded the motion.

On a called vote, the votes were as follows:

Mr. Favo	Yes	Mr. Taliaferro	Yes
President Federici	Yes	Mr. Williams	Yes
Mr. Kennedy	Yes	Ms. Zentgraf	Yes
Ms. Ride	Yes		

The motion passed 7 to 0.

President Federici declared the resolution adopted. Recorded in Ordinance Book Volume 30, Page 68, as **Resolution No. R20-2009**.

**Resolution No. R21-2009, G. Thompson to Property Maintenance Board** – Mr. Favo offered Resolution No. R21-2009, and moved for its adoption, a resolution appointing George Thompson a member of the Property Maintenance Board of Appeals.

Mr. Kennedy seconded the motion.

On a called vote, the votes were as follows:

Mr. Favo	Yes	Mr. Taliaferro	Yes
President Federici	Yes	Mr. Williams	Yes
Mr. Kennedy	Yes	Ms. Zentgraf	Yes
Ms. Ride	Yes		

The motion passed 7 to 0.

President Federici declared the resolution adopted. Recorded in Ordinance Book Volume 30, Page 69, as **Resolution No. R21-2009**.

**Edgewater Properties Development Agreement** – Mr. Favo offered a motion to authorize the proper Borough Officials to execute a finalized development agreement with Edgewater Properties, L.P. (i.e., A. Richard Kacin, Inc.) for the Edgewater Plan Development, subject to the approval of the Borough Solicitor.

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

**Ordinance No. O23-2009, Amending Weed Ordinance** - Mr. Favo offered a motion to authorize the Interim Borough Manager to advertise Ordinance No. O23-2009, amending "Chapter 73: Brush, Grass, and Weeds" of the *Code of the Borough of Oakmont*, as per President Federici's edit of June 5, 2009.

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

**Municipal Lot Consolidation** – Mr. Favo offered a motion to authorize the Borough Solicitor to begin the process of combining the Borough lots located approximately at 765 Fifth Street, and otherwise identified as Parcels #362-R-204 and 362-F-206, as necessary to consolidate the properties. [N.B.: The actual addresses for these lots were 755 Fifth (former Jakovac property) and 757 Fifth (former Garbo house). Lot & Block Nos. 362-F-204-01 and 362-F-206-01 were at the rear of these respective properties.]

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

**Tree Removal Costs** – Mr. Favo offered a motion to indefinitely suspend the practice of collecting one-half the cost of Borough right-of-way tree removal from residents and setting the fee collected at \$0.00.

Ms. Zentgraf seconded the motion, which passed 5 to 2, with Messrs. Favo and Kennedy voting "No."

Mr. Kennedy said he did not agree with not charging residents some amount to remove a Borough tree and preferred the old policy that charged residents one-half the cost for a removal adjacent to their properties.

Mr. Favo said he did not agree with the new policy either, but since it was going to be adopted, it should be adopted *officially*.

### **Engineering & Public Works Committee**

**2009 Paving Projects Contract Award** – Ms. Zentgraf offered a motion to award the 2009 Road Program Alternate #1 bid to A. Folino Construction, Inc., in the amount of \$87,294.20.

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

**3<sup>rd</sup> Street Parking Lot** – Ms. Zentgraf offered a motion to authorize payment of Application for Payment No. 2 and Final, associated with the 2008 Third Street Lot Paving Program, to Casper Paving, Inc., in the amount of \$6,135.67.

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

**2009-2010 Salt Contract Award** – Ms. Zentgraf offered a motion to enter into an agreement with Cargill, Inc. for the Borough Rock Salt at a price of \$52.75 per ton, to be in effect until June 30, 2010, with an option for the Borough to extend the agreement up to three additional years.

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

### **Recreation, Cultural and Community Assets Committee**

**Riverside Park Fence Columns** – Mr. Kennedy offered a motion authorizing Chip Fisher to construct the Riverside Park fence columns, according to the original design, at a cost not to exceed \$3,000.00.

Mr. Taliaferro seconded the motion, which passed 6 to 1, with Mr. Kennedy voting "No."

**Riverside Park Fence** – Mr. Kennedy offered a motion to authorize the Interim Borough Manager to compile bid specifications and advertise bids for the 2009 Riverside Park Fence (River Wall) Project.

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

**Field House Showers** – Mr. Kennedy announced that the project to replace the existing showers in the Field House has been cancelled. Per the School District's direction, the players will now shower in the high school gym facilities and store their equipment in a trailer at the rear of the school.

**Riverside Park Tennis Courts** – Mr. Kennedy said he felt the Park tennis courts were dangerous because of the tree sap dripping onto the courts, making them very slippery when wet. He felt the courts should either be replaced or condemned.

**Riverside Park Trees** – Mr. Kennedy offered a motion to authorize the Interim Borough Manager to solicit bids for tree pruning and removal in Riverside Park.

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

**Bocce Courts** – Ms. Zentgraf offered a motion to authorize the Oakmont Recreation Board to act of behalf of Oakmont Borough Council and Oakmont Borough to seek the necessary zoning approvals from the Oakmont Borough Zoning Hearing Board to construct a bocce court on lots located approximately at 765 Fifth Street, and identified as parcels 362-R-204 and 362-R-206.

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

### **Human Resources, IT & Communications Committee**

**Council Committee Assignments** – Referring to the resignation of Paula A. Calabrese, Ph.D. from Council and as chair of the Human Resources, IT & Communications Committee, and the recent appointment of Richard Williams to Council, President Federici said he had no intention of reworking committee assignments at this time. Therefore, Mr. Williams is to assume the chairmanship of the Human Resources, IT & Communications Committee.

Mr. Williams thanked Council for their support, and gave credit to Allan Kennedy and Elmer Gross, his former social studies teachers, for his decision to become a teacher. Mr. Williams also thanked his wife and his two best friends for their support, adding that being a middle child in his family would probably help him to address human resource and communications issues.

**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, except for the Recreation Board meeting which will take place on Wednesday, August 12, 2009 at 7:00 PM.

### **PUBLIC COMMENT ON NON-AGENDA ITEMS**

**Budget Amendment Recommendation** – Borough Treasurer Fred Favo said that since his recommendation to perform an audit of the first quarter of 2009 has not been taken up, he repeated that it would be appropriate to amend the 2009 Budget at this point to correct so much that is currently askew with underfunded line items. He felt the 2009 Budget will have lost all its validity, otherwise.

**Bocce Courts** – Dolly Provenza asked what the next step was in getting the bocce courts next to the Municipal Building approved. Mr. Mator explained that the lot consolidation had to be accomplished first with the Planning Commission's recommended approval. Then, a Variance would have to be applied for before the Zoning Hearing Board. If the Variance is granted, it would be a "done deal," said Mr. Mator.

Council Member Favo noted that all phases for approval were to be handled by the Recreation Board, except for the lot consolidation which will be handled by the Borough Engineer. Tom Bland is to provide Mr. Mator with the necessary information on the bocce courts.

**MISCELLANEOUS ITEMS**

**Zentgraf Resignation** – President Federici read a letter from Council Member Cheryl Zentgraf announcing her resignation from Oakmont Borough Council, effective August 24, 2009.

President Federici said he was “saddened and happy” for Ms. Zentgraf, and described her as a “diligent representative on Council.”

He added that the 30-day clock will start once again, on August 24, to replace Ms. Zentgraf’s position on Council.

**Executive Session** – President Federici said there would be no Executive Session following this 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 to 0.

The meeting was adjourned at 11:05 PM.

L. C. Jensen  
Assistant Borough Secretary