

August 14, 2006

CALL TO ORDER

The Regular Meeting of Oakmont Borough Council was called to order at 7:33 PM by President Benusa.

ROLL CALL

Present: Messrs. Bland, Favo, Federici, Kennedy, Myers, Taliaferro and President Benusa, members of Council; Mayor Fescemyer; Solicitor Shoop; and, Roger A. Dunlap, Jr., Borough Manager and Ex-Officio Borough Secretary

Visitors: Bernice Berg, Dorothy Calfe, Victor Calfe, Chuck DiNinno, Thomas Dinnin, Jr., Thomas Dinnin, Sr., Chief David DiSanti, Bob McElhose, Cary Mostel, Melony Mostel, Bertha Shearer, Sue Thompson, Jim Trangle 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

Bernice Berg –Tree and Traffic Concerns

Penn Hills resident Bernice Berg was concerned about the condition of a tree whose limb fell and hit her car while at church in Oakmont. She also wanted Council to know that drivers coming down Pennsylvania Avenue were cutting through the Giant Eagle parking lot to avoid the intersection at Allegheny River Boulevard.

Solicitor Shoop explained to Ms. Berg that responsibility for repair of her car was between her and her insurance company. He also commented that it would be up to Giant Eagle to let cars go through their parking lot from Pennsylvania Avenue, or not, and added that it would be hard to enforce such a restriction anyway.

Chuck DiNinno – Request for Public Rebuke

Chuck DiNinno, 888 Fairways Drive, requested that Council Member Tim Favo be publicly rebuked for refusing to notarize a form for Mr. DiNinno in Mr. Favo's place of business. Mr. DiNinno characterized the event as a "First Amendment Issue."

Council Member Kennedy said he would not rebuke Mr. Favo for the event described and felt that Mr. DiNinno's "grandstanding" was not good for the community.

Various other Council Members felt that this was clearly not an infringement on Mr. DiNinno's First Amendment rights.

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Solicitor Shoop told Mr. DiNinno that no one was abridging his freedom of speech, and that there was no legal reason why Mr. Favo had to do business with him, if he preferred not to.

Mr. DiNinno said Mr. Favo's stated reasons for not notarizing his papers had to do with an exchange between the two men at a Council Meeting on December 12, 2005, which was inappropriate given the fact that Mr. Favo is a Council Member. Mr. DiNinno left saying, "I'll see you in federal court."

Melody Mostel – Possession of Alley

Melody Mostel, 43 Morris Street, asking Council who was doing the digging around her house and about taking possession of an eight-foot alley adjacent to her property.

President Benusa said Mr. Dunlap could check the Borough's plat plans regarding the alleyway.

Mr. Shoop, noting that there were many alleys of this kind in the Borough, said determining factors are the current use of the alley and if the alley has ever been vacated or not. He advised Ms. Mostel to have a survey done and, if appropriate, have a new deed filed.

Borough Manager Dunlap commented that this issue was not a Borough-related issue at all, but one that involved private property.

Bertha Shearer – Abandoned Vehicle

Bertha Shearer, 39 Morris Street, asked the Borough to look into an unregistered car near her home that has been sitting there for a while. Mayor Fescemyer said Chief DiSanti would look into this tomorrow.

Thomas Dinnin, Jr. – Reconsideration of Insurance Quote

Tom Dinnin, Jr., of Dinnin and Parkins Associates insurance company, asked Council to reconsider the bid he put in for the Borough's insurance coverage, noting that his bid was approximately \$2,000 less than the proposal from HDH Group, Inc., the accepted bidder.

Mr. Dunlap said he had already reviewed with Mr. Dinnin the discussions Council had regarding the insurance package. One key factor in Council's decision to go with the HDH Group was the property and liability trust in which the Borough is able to participate as part of the HDH Group insurance package. The Borough has received significant dividend checks from this trust in the past, and will most likely continue to do so. Mr. Dunlap also added that HDH's service over the years had been adequate, and that he and Mr. Favo had closely reviewed both bids.

Mr. Dinnin asked for permission to revisit the differences in the two bids, since the Borough had until the end of the month to reject the HDH's accepted bid.

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Mr. Bland and Mr. Favo both remarked that there had been little time for Council to go into much in-depth discussion prior to awarding the bid to HDH. Mr. Bland said he was not comfortable changing agents at this point.

Mr. Favo said he and the Borough Manager would meet again with Mr. Dinnin if he so desired. President Benusa agreed, noting that there were only 14 days left until the end of the month to do this.

Bob McElhose

Retired Edgewater Steel employee Bob McElhose, 710 California Avenue, asked that the memorial to Edgewater Steel founder Davitt Bell, currently situated on the former Edgewater Steel property, be moved to the Arboretum Trail near College Avenue.

Mr. Bland asked Mr. McElhose if he would still want the memorial moved if it could remain intact where it is. Mr. McElhose said his only concern was that the memorial would be destroyed entirely by the new property's developers.

President Benusa said that RIDC would be contacted about saving the memorial.

MINUTES APPROVED

February 6, 2006

Mr. Taliaferro offered a motion to accept the minutes of the Special Meeting of February 6, 2006, as circulated to the members of Borough Council.

Mr. Federici seconded the motion, which passed unanimously.

July 10, 2006

Mr. Bland offered a motion to accept the minutes of the Regular Meeting of July 10, 2006, as circulated to the members of Borough Council.

Mr. Taliaferro seconded the motion.

Mr. Federici offered two corrections: 1) on Page 322, first paragraph, second line – the word “amendment” should be changed to “amended”; and, 2) Page 324, bottom, comments regarding Carlucci Construction were attributed to Mr. Favo, but made by Mr. Federici. [N.B. Corrections were made and distributed to Council on 8/15/06.]

All those members of Council present voted in the affirmative to accept the Minutes of the Regular Meeting of July 10, 2006, with the corrections made as noted.

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MAYOR'S REPORT

July Police Report

Mayor Fescemyer introduced Police Chief David R. DiSanti and asked him to give the Police Report for July. Chief DiSanti reviewed highlights of the report, commending Officer Ralph Marsico for his investigative work and listing the names and crimes of those arrested during the month. Chief DiSanti made note of the "exemplary teamwork" on the part of the Police Department.

To date, Chief DiSanti has also met with the Auxiliary Police, set up a booth at Oakmont's annual street fair, attended other meetings he noted, and reported that the police training for FEMA was almost complete.

Mayor Fescemyer commended Chief DiSanti on the quality of his work since beginning on June 21, 2006.

BOROUGH MANAGER'S REPORT

2006 Paving Program

Borough Manager Dunlap announced that the contract for the 2006 Paving Program had been awarded to Russell Standard, Inc. at the most recent meeting of Oakmont Borough Council. The bids came in higher than expected, so the number of streets to be paved were reduced to a total expenditure of \$225,000.

The streets to be paved this year are:

- Elmcrest Lane, from Wade Lane to Woodland Avenue
- Eighth Street, from Virginia Avenue to Hulton Road
- Third Street, from Archie Street to Pennsylvania Avenue
- Oak Street, from Fourteenth Street to Fifteenth Street
- Washington Avenue, from Eleventh Street to New London Lane
- Second Street, from Pennsylvania to Riverside Park

Washington Avenue Storm Sewer Repair

Mr. Dunlap announced that a grant had been awarded for the Washington Avenue storm sewer project, in large part due to the efforts of Senator Jim Ferlo. The project has gone out to bid; bids will be opened on August 23, 2006.

Mr. Bland asked when the street paving would start. Mr. Dunlap said they would have to begin soon before the weather got cold.

Riverside Park Lightning Detector

The Borough Manager reported that the lightning detector for Riverside Park had been delivered and would be installed by the following week.

Brooks & Blair Modification Request

The Planning Commission will meeting with developer's Brooks & Blair on August 16 to review their request for modifications to the *Zoning Ordinance*.

COMMITTEE REPORTS

Finance, Personnel & Legal

Warrants

Mr. Favo moved to approve Warrant List #07-02-2006, dated July 31, 2006, for payments drawn from the following Borough funds:

<i>Fund</i>	<i>Amount</i>
General Fund	\$ 111,344.73
Library Fund	\$10,214.97
Sewer Fund	\$26,465.83
Capital Fund	\$-0-
Centennial Foundation Fund	\$113.63
Highway Aid Fund	\$7,109.96

Mr. Bland seconded the motion, which passed unanimously.

Mr. Favo moved to approve Warrant List #08-01-2006, dated August 14, 2006, for payments drawn from the following Borough funds:

<i>Fund</i>	<i>Amount</i>
General Fund	\$69,731.11
Library Fund	\$132,435.32
Sewer Fund	\$54,912.29
Capital Fund	\$13,255.00
Centennial Foundation Fund	\$2,092.20
Highway Aid Fund	\$556.08

Mr. Federici seconded the motion, which passed unanimously.

Disposition of Equipment

Mr. Favo offered Resolution No. R19-2006, a resolution setting forth the criteria for and authorizing the Borough Manager to implement procedures for the disposition of certain surplus equipment in the possession of the Borough.

Mr. Bland seconded the motion.

Mr. Kennedy asked for examples of “surplus equipment.” Mr. Dunlap said the resolution would apply to any property the Borough wished to dispose of, valued at \$1,000 or more. These kinds of surplus equipment had to be sold through a public bidding process or auction. He added that municipal regulations had changed in the recent past regarding these procedures.

The motion passed unanimously.

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President Benusa declared the resolution adopted. Recorded in Ordinance Book Volume 29, Page 88, as **Resolution No. R19-2006**.

CDBG for Handicap Ramps

Mr. Favo offered Resolution No. R20-2006, a resolution authorizing the filing of a CDBG application for funds with the Allegheny County Department of Economic Development in the amount of \$24,600.00 for the Handicap Ramps Project.

Mr. Taliaferro second the motion, which passed unanimously.

President Benusa declared the resolution adopted. Recorded in Ordinance Book Volume 29, Page 89, as **Resolution No. R20-2006**.

CDBG for Maple Alley Retaining Wall

Mr. Favo offered Resolution No. R21-2006, a resolution authorizing the filing of a CDBG application for funds with the Allegheny County Department of Economic Development in the amount of \$76,065.00 for the Maple Alley Retaining Wall Project.

Mr. Federici seconded the motion, which passed unanimously.

President Benusa declared the resolution adopted. Recorded in Ordinance Book Volume 29, Page 90, as **Resolution No. R21-2006**.

Paving - Allegheny River Boulevard, Porte to Hulton

Mr. Favo offered Resolution No. R22-2006, a resolution authorizing the filing of a CDBG application for funds with the Allegheny County Department of Economic Development in the amount of \$220,000.00 for the Allegheny River Boulevard Project, paving the road from Porte Street to Hulton Road.

Mr. Bland seconded the motion, which passed unanimously.

President Benusa declared the resolution adopted. Recorded in Ordinance Book Volume 29, Page 91, as **Resolution No. R22-2006**.

Planning, Zoning & Community Development

OPC Meeting – Brooks & Blair

Mr. Bland reminded residents that the Planning Commission meeting with Brooks & Blair was opening to the public, and could be attended by any interested parties.

Culture & Recreation

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Summer Program

Mr. Kennedy reviewed the Summer Program at Riverside Park, which was coming to a close. He commented that participation in the program could have been better, but felt nonetheless, that it had been a worthwhile program.

Hole-in-One Contest

The Hole-in-One golf contest will be held on September 2 at Riverside Park.

Community Affairs

Riverside Park Gas Well Lease Extended

Mr. Myers offered a motion to authorize a one-year extension to the existing Oil and Gas Lease Agreement with Snyder Brothers, Inc. of Kittaning, Pennsylvania, pertaining to Riverside Park; authorizing the Borough Solicitor to prepare said extension agreement; and, authorizing the President of Council and the Borough Manager to execute said extension agreement.

Mr. Kennedy seconded the motion.

Mr. Taliaferro noted that the extension agreement would end in November 2007.

Solicitor Shoop stated that the Snyder Brothers intended to work from November 2006 through March of 2006, so that the Riverside Park gas well would be completely installed before the Park started its regular spring athletic schedule.

Mr. Bland asked if it were possible to get a written commitment from Snyder Brothers that the project would be completed in this time frame. Mr. Shoop noted that the lease would expire anyway. Mr. Taliaferro asked if all approvals had been received. Mr. Shoop said they had.

On a called yea and nay vote to extend the Riverside Park gas well lease with Snyder Brothers, Inc., the vote was as follows:

President Benusa	Nay	Mr. Kennedy	Yea
Mr. Bland	Yea	Mr. Myers	Yea
Mr. Favo	Nay	Mr. Taliaferro	Yea
Mr. Federici	Yea		

The motion carried by a 5-to-2 vote.

Edgewater Plan

Bertha Shearer, 39 Morris Street, asked if there would be condominiums in the new Edgewater Plan. President Benusa said there would be, and suggested that she attended the Planning Commission meeting.

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Public Remarks

Mr. Bland asked if it would be advisable to limit the time for public comment to the beginning of the meeting, rather than at the end also. Mr. Benusa noted that all those who spoke that evening had kept their remarks under five minutes.

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 unanimously.

The meeting was adjourned at 8:59 PM.

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

Transcribed by: L. C. Jensen