

Oakmont Borough Council
Minutes of the Regular Meeting

150 (Final)
October 13, 2014

CALL TO ORDER

The Regular Meeting of Oakmont Borough Council was called to order at 7:00 PM by President Ride in 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 Briney, Colianni, Facaros, Favo, Friday, Whalen and President Ride; Mayor Fescemyer, Chief DiSanti; Borough Manager Jensen, Assistant Secretary Jeroski; Solicitor Ott

Excused: None

Visitors: Karen Amodeo, Donna DeTurck, William DeTurck, Jonathan Dreher, Phillip Fraley, Paul Friday, George Guido, Chuck Kim, Bonnie Lapiana, Robin Lazor, Tim Lazor, Les Leasure, Mike Lieberth, Dan McGinnis, Jeff McGinnis, John McGoran, Tom Meising, Beth Michael, Rose O'Connor, John Portera, Lisa Reilly, Ed Saxon, Samuel Seen, Bertha Shearer, Ted Sokol, Donald Stoner, Jackie Stoner, Summer Tissue, James Trangle, Richard Williams and Jeff Young

AGENDA ADDITIONS

Ms. Colianni asked for clarification for on the Manager/Mayor/Police Roles in Executive Session, as she felt the topic to be generic and not specific to personnel. Solicitor Ott replied that she sent a confidential memo to Council Members on this matter, and that if there were any questions of a legal nature that Executive Session would be an appropriate forum for discussion. President Ride stated that the matter would be discussed publicly at the Council Work Session in November. Ms. Colianni also asked why the wage rate discussion for a new Wastewater Treatment Plant employee was in Executive Session, as she noted that employee salaries were often discussed in public during development of the budget. Solicitor Ott replied that wage rate was a personnel and labor matter, and that this particular discussion may result in a deviation from the Borough's Collective Bargaining Agreement with Wastewater Treatment Plant employees.

Mrs. Facaros offered a motion to table the discussion of the ordinance relating to dogs in Dark Hollow Woods Park. Mr. Whalen asked the reason. Mrs. Facaros noted that there were several elements to allowing dogs, whether off-leash or leashed, in Dark Hollow Woods Park that needed to be broken down and implemented in an organized process. Mrs. Facaros added that more research needed done on the matter, especially relating to the Borough's liability.

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

Ms. Jensen asked that the Police Officer Job Description discussion be tabled, as there needed to be some clarification on the form. Ms. Colianni asked if this would delay advertising the notice of a Civil Service Exam. Solicitor Ott responded that this was at the discretion of the Civil Service Commission, but that they typically would like to provide a job description to candidates. Ms. Jensen replied that there had been some confusion as to what constituted the job application, which is approved by the Civil Service Commission and the job description, which is approved by Council. There was discussion about the process for developing the job description. Solicitor Ott noted that the job description was not presently a document, just a list. Ms. Colianni expressed concern about delaying the Civil Service Exam another month. Mrs. Friday offered a motion to table the discussion

on the Police Job Description, as she was not comfortable voting on something that she had not previously viewed.

Mrs. Facaros seconded the motion, which passed 5 to 2, with Ms. Colianni and Mr. Whalen voting “Nay”.

REGISTERED SPEAKERS

John McGoran – Mr. McGoran, of Republic Services, noted that his company had been the Borough’s solid waste and recycling hauler for the past five years, and had recently been awarded a contract for the next five years. Mr. McGoran remarked that as part of this new contract, Republic Services would be providing residents of the Borough with new 65-gallon carts for solid waste recycling. Mr. McGoran said that the carts would be delivered in late November and residents would begin using them on December 8, 2014. Mr. McGoran noted that Plum Borough had recently switched to carts for recycling, and had seen a substantial jump in their recycling numbers. Mr. McGoran felt that the larger containers would make cardboard recycling substantially easier. Mr. Favo asked what residents should do with their existing 20-gallon containers. Mr. McGoran replied that they could be used around the house to collect recycling or put out to be taken as solid waste.

Jonathan Dreher – Mr. Dreher presented on an opportunity to partner with Friends of the Riverfront to build kayak/boat launches at the bottom of California Avenue, near Willows Drive, and on the Benjamin Moore Property. Mr. Dreher showed Council Members a design he had prepared of a boat launch on the Benjamin Moore Property, which he felt was an ideal use for the property, given its proximity to 12-mile Island. Mr. Dreher remarked that Friends of the Riverfront would likely fund construction of these boat/kayak launches, but that long-term maintenance would fall to the Borough. Mr. Dreher noted that there are plans to develop an extensive trail network up the Allegheny River to Armstrong County, which would link riverfront access points like the ones being proposed. Mrs. Friday asked if the boat/kayak launches would store private boats or provide boats for the public to use. Mr. Dreher said that these launch points were typically for private boats, but that he liked the idea of providing public boats to be used.

Mike Lieberth – Mr. Lieberth asked that Council accept the Planning Commission’s recommendation to revert to the C-Commercial zoning along Allegheny Avenue and West Woodland Avenue in the Morris Estates area. Mr. Lieberth felt that character of West Woodland Avenue was more commercial than residential. Mr. Lieberth also remarked that rezoning the area to R3-Residential would limit the development potential of his property, especially given its proximity to Speedway.

COMMENTS FROM THE PUBLIC

Robin Lazor – Ms. Lazor spoke in support of allowing designating off-leash dog walking areas in Dark Hollow Woods Park, and noted that she had walked her dog off-leash in Dark Hollow Woods for the last seven-and-a-half years. Ms. Lazor said that she had rarely encountered unruly dogs in the park, and felt that dog walkers were good at policing themselves. Ms. Lazor added that high school students in the area needed to perform volunteer work, and could be a good resource for maintaining Dark Hollow Woods.

Jackie Stoner – Ms. Stoner said that she stopped walking her dog in Dark Hollow Woods Park several years ago when it was attacked by another dog, and she was forced to call the police. Ms. Stoner asked that Council put a lot of thought into any policy change permitting off-leash dogs in Dark Hollow Woods.

Ted Sokol – Mr. Sokol asked Council what had been done to address flooding along Plum Creek. Mr. Briney said that the Borough had put together a committee to address this issue with representatives from Verona, Penn Hills and Plum, and was currently taking steps to remove obstructions from Plum Creek. Mr. Briney noted that obstructions in the creek were the main cause of flooding. Mr. Sokol remarked that the storm sewers along Plum Street began overflowing during a heavy rain event on June 12, 2014. Mr. Briney replied that he would address this matter with the appropriate state officials.

Jeff Young – Mr. Young said that speeding along Hulton Road had become a major safety issue to residents along the roadway. Mayor Fescemyer agreed, and said that he liked the previous speed limit along the road of 25 miles per hour. Mr. Young discussed the possibility of implementing traffic calming measures along Hulton Road to Council. Chief DiSanti said that current state law that prohibits local law enforcement from using radar, but the police could still offer speeding citations under certain circumstances.

Lisa Reilly – Ms. Reilly said that there were serious speeding and traffic issues along Pennsylvania Avenue and at the intersection of Pennsylvania Avenue and Fifteenth Street. Ms. Reilly remarked that her property abutted Dark Hollow Woods Park, and that she had never had problems with people coming onto her property from the park. Ms. Reilly said that she liked to walk her dogs in Dark Hollow Woods, and felt that other dog walkers were generally good people. Ms. Reilly concluded by asking about potential traffic calming and signage improvements along Pennsylvania Avenue. Mayor Fescemyer said he and Chief DiSanti would discuss the situation.

COUNCIL PRESIDENT'S MESSAGE

Camera Installations – President Ride stated that she would be meeting with Ms. Jensen, Chief DiSanti, and Tom Bland of the Recreation Board to establish the wants and needs for cameras on the new dek hockey rink. President Ride noted that Council Members would be involved in the second phase of this effort.

Condemned Properties – President Ride noted the status of condemnation proceedings for dilapidated properties along Maple Way, and ask Council's approval for boarding up these properties to keep vermin out before demolition. Mr. Briney asked a timetable for boarding up the properties. President Ride said the end of November 2014.

Council Chambers AV – President Ride asked to restart the discussion on audio visual upgrades to Council Chambers, and have all ideas for the upgrades submitted by Spring from fellow Council Members.

SOLICITOR'S REPORT

Records Retention – Solicitor Ott remarked on the history of audio tapes recording Regular Council Meetings. Solicitor Ott noted that the purpose of the recordings was for preparation of the Minutes, and that the Commonwealth's Records Retention Law allows for the destruction of the audio recordings after the official Minutes are adopted. Solicitor Ott stated that she was concerned about keeping the tapes after the Minutes were adopted as they can become a burden under the Right-to-Know Law, and be used against the Borough in subsequent litigation, when quotes can be taken out of context. Solicitor Ott noted that the Borough Manager was responsible for keeping all records.

Property Condemnations – Solicitor Ott brought Council Members up to date on the status of the condemnation proceedings for two properties on Maple Way. Solicitor Ott advised that notice of the properties condemnation be sent to all lien-holders. Solicitor Ott concluded that the legal condemnation process should be done in two to three months, absent an appeal by any property owner.

Anti-Harassment Policy – Solicitor Ott stated that she had received a draft Anti-Harassment Policy from Ms. Jensen and Mrs. Friday, and that it met with her approval. Ms. Jensen noted that the policy would be adopted with an Employee Handbook next year. Solicitor Ott recommended that the Anti-Harassment Policy be adopted sooner.

Elected Officials Liability – Solicitor Ott offered to put together a workshop for Council Members on liability, and felt that it would be a good dovetail into what Borough insurance policies cover. President Ride asked that this workshop be held in January.

CORRESPONDENCE

There was no general correspondence to Council that evening.

BOROUGH MANAGER'S REPORT

2015 Preliminary Budget – Ms. Jensen reported that she would be presenting the Preliminary 2015 Budget at the Borough Council Regular Meeting on November 10, 2014, but that she would have information on the budget for Council prepared for the Council Work Session on November 3, 2014. There was discussion among Council about the need for additional Council meetings specifically for development of the 2015 Budget. It was agreed that Council would meet on November 18, 2014 and December 22, 2014 to work on the 2015 Budget.

MAYOR'S REPORT

September Police Report – Chief DiSanti reviewed the September 2014 Police Report, breaking down major arrests and parking tickets issued. Chief DiSanti reported on a vehicular pursuit that occurred in the Borough, and commended his officers who he felt took action to save lives. Chief DiSanti also reported on his department's response to the fire at St. Paul Baptist Church, as well as a domestic dispute that occurred during the fire. Chief DiSanti concluded by remarking on the recent arrests on burglary charges for theft of appliances from Edgewater homes.

Mr. Favo asked about scheduling a time to view the dashboard video from the high-speed pursuit Chief DiSanti referenced earlier, which resulted in damage to two Borough police vehicles. Mayor Fescemyer replied that a veteran officer was forced to pursue and subsequently stop an impaired driver by any means necessary, and that damages can be expected in the course of a police operation. Mayor Fescemyer felt that Mr. Favo was motivated by anger towards the Police Department and Chief DiSanti. Mayor Fescemyer concluded that the Police Department would be exonerated if any legal action resulted from the vehicular pursuit. Mr. Favo stated that he was not attacking anyone, and felt that Council should perform its due diligence as an oversight body when Borough property is damaged. Chief DiSanti said that the vehicular pursuit would be reviewed by the PA State Police. Ms. Colianni remarked that she did not feel it was productive to question Mayor Fescemyer and Chief DiSanti on this issues, and that Mr. Favo was attempting to micro-manage the Police Department. President Ride asked that Council move on to other matters that evening.

September OVFD Report – President Ride reported that Chief Segelson was unable to attend the meeting that evening. In his absence, Ms. Colianni summarized the September 2014 OVFD Report. The OVFD thanked all those involved with responding to the recent fire at St. Paul Baptist Church.

APPROVAL OF MINUTES

September 8, 2014 Minutes – Mr. Whalen offered a motion to approve the Minutes from the Regular Meeting of August 11, 2014, as amended.

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

COMMITTEE REPORTS

Finance and Budget Committee

Warrants – Mr. Whalen offered a motion to approve the Warrant List for September 2014, dated October 1, 2014, and showing the following expenditures:

Fund	Amount
General Fund	\$146,988.20
Boulevard Project Fund	\$11,118.38
Kerr Museum Fund	\$1,530.69
Library Fund	\$32,964.57
Liquid Fuels Fund	\$ -0-
Sewer Fund	\$94,456.23

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Capital Fund (Parks)	\$475.10
Capital Fund (Roads)	\$30,752.00
Capital Reserve Fund	\$ -0-

Mrs. Friday seconded the motion, which passed 7 to 0.

Borough Treasurer's Report – Mr. Whalen offered a motion to add the Borough Treasurer's 3rd Quarter 2014 Report to the Minutes of the Regular Meeting of October 13, 2014 as an addendum.

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

Emergency Generator Replacement – Mr. Whalen offered a motion to accept the bid of Merit Electrical Group, lowest responsible bidder, for the Municipal Building Emergency Generator Replacement, at a cost of \$63,675.00. Ms. Jensen reported that Merit Electrical Group had managed to shave \$2,700.00 from their initial bid, and were working to cut another \$3,600.00 depending on the size of the gas line. Mr. Whalen asked a timeframe for the project. Ms. Jensen said it would probably be completed in early 2015.

Mrs. Friday seconded the motion, which passed 6 to 1, with Mr. Favo voting "Nay". In explaining his vote, Mr. Favo said that project cost was twice what was budgeted, and that the OVFD had recently installed an emergency generator for a much cheaper price as well.

Cable Franchise Agreement – Mr. Whalen noted he had developed a summary of what the Borough was looking for in the next Cable Franchise Agreement with Comcast, and had sent it to the Cohen Law Group. Mr. Whalen remarked that the next step was to meet with the Cohen Law Group to discuss the negotiations in more detail.

Public Safety Committee

OVFD Eligibility List – Ms. Colianni offered a motion to approve Sean Patrick Creighan for the OVFD Eligibility List.

Mrs. Facaros seconded the motion, which passed 7 to 0.

Local Traffic Only Signage – Ms. Colianni offered a motion to accept the recommendation of the Mayor to post "Local Traffic Only" signs at the intersection of Hulton Road and Wade Lane. Chief DiSanti asked that the hours of the right-turn restriction from Hulton Road to Wade Lane change to 6:00 AM to 9:00 AM. Mayor Fescemyer said that the police needed to be cognizant of residents on Wade Lane trying to get home.

Mrs. Friday seconded the motion, which passed 7 to 0.

Landlord-Tenant Ordinance – Ms. Colianni asked Solicitor Ott the status of the Borough discussions on a Landlord-Tenant Nuisance Ordinance. Solicitor Ott reported that she had provided Council with a sample ordinance from Berwick Borough, which Council could use as a template for discussion of the various goals of any proposed ordinance in Oakmont. Ms. Colianni said that Council would discuss this matter in more detail at the November Work Session.

Planning and Land Use Committee

Zoning Ordinance Revisions – Mr. Briney offered a motion to accept the recommendation of the Oakmont Planning Commission to adopt the draft *Zoning Ordinance*, dated September 2014, with a minor revision to Section 205-315 (Wind Related Systems). Mr. Briney remarked that this motion was specific to the written part of the *Zoning Ordinance*. Mr. Briney stated that the revisions to the ordinance were in response to comments from Allegheny County Economic Development, as well as a desire to ensure that future land use regulations include provisions for energy efficient systems. President Ride applauded the work of the Planning Commission in developing this document, which she felt was impressive.

Mrs. Friday seconded the motion, which passed 7 to 0.

Zoning Map Revisions – Mr. Briney offered a motion to accept the recommendation of the Oakmont Planning Commission to adopt the new Zoning Map so that the properties along West Woodland Avenue, between Allegheny Avenue and Third Street, and Allegheny Avenue north of Hulton Road, will revert back to a C-Commercial District, as shown on the reprinted Zoning Map of January 2006, but change the formerly I-Industrial District properties between Second and Third Street Extensions to an R-3 Residential District.

Mr. Favo said he was glad that the Planning Commission made these changes, as felt that having commercial zoning and industrial zoning along Allegheny Avenue made more sense than having residential zoning about industrial zoning. Mr. Favo also remarked that it would be easier for owners of commercially zoned property to get a variance for a residential use. Mr. Whalen and Ms. Colianni asked the impact on property owners of existing commercial property if it were zoned residential. Mr. Briney replied that these properties could remain as non-conforming commercial uses, but that there would be limitations to any expansion of the non-conforming use that would require a Variance from the Zoning Hearing Board. There was continued discussion of changing the merits of commercial or residential zoning for the properties along West Woodland Avenue and Allegheny Avenue, as well as the Planning Commission's rationale for reverting back to the commercial zoning.

Mr. Favo seconded the motion.

On a called vote, the votes were as follows:

President Ride	Nay	Mr. Favo	Yes
Mr. Briney	Nay	Mrs. Friday	Nay
Ms. Colianni	Nay	Mr. Whalen	Nay
Mrs. Facaros	Yes		

The motion failed on a 2-5 vote.

Mr. Briney offered a motion to adopt the new Zoning Map as presented at the July 14, 2014 Public Hearing.

Mr. Favo felt that residential zoning along Allegheny Avenue was inconsistent with the existing neighborhood, and would lower property values of previous commercially zoned property. President Ride said that the grandfathering of non-conforming uses gave latitude to commercial property owners.

Mr. Whalen seconded the motion.

On a called vote, the votes were as follows:

President Ride	Yes	Mr. Favo	Nay
Mr. Briney	Yes	Mrs. Friday	Yes
Ms. Colianni	Yes	Mr. Whalen	Yes
Mrs. Facaros	Nay		

The motion passed on a 5 to 2 vote.

Ordinance No. 038-2014, Zoning Ordinance – Mr. Briney offered Ordinance No. O38-2014, and moved for its enactment, an ordinance restating the Borough of Oakmont *Zoning Ordinance* of 1997, and all subsequent amendments.

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

President Ride declared the Ordinance enacted. Recorded in Ordinance Book Volume 32, Page 54, as **Ordinance No. O38-2014**.

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Mr. Briney acknowledged the work of the Planning Commission in developing the new *Zoning Ordinance*, and felt that Council owed them a debt for their diligence. Mr. Briney noted it was a rare occasion for Council to take a position opposite the recommendation of a Borough commission. Mr. Briney concluded that the *Zoning Ordinance* was a living document that can change as patterns of land use change.

Ordinance No. 039-2014, Zoning Ordinance – Mr. Briney offered Ordinance No. O39-2014, and moved for its enactment, an ordinance adopting the *International Property Maintenance Code*, 2012 edition, as the *International Property Maintenance Code of the Borough of Oakmont*.

Mrs. Friday seconded the motion, which passed 7 to 0.

President Ride declared the Ordinance enacted. Recorded in Ordinance Book Volume 32, Page 55, as **Ordinance No. O39-2014**.

CEA Contract – Mr. Briney offered a motion to accept the proposal of Code Enforcement Associates (CEA), LLC to provide Code Enforcement, UCC/Building Inspection and Zoning Official services to the Borough of Oakmont.

Mr. Whalen felt that the CEA proposal was unacceptable, as it lacked insurance, indemnity and termination without cause provisions. Ms. Colianni said she had circulated an e-mail that noted terms of the contract she was uncomfortable with. Ms. Jensen stated that the contract was typical of what was received from other firms offering building inspection and code enforcement services. Solicitor Ott said she had reviewed the contract and added language on semi-mutual indemnification, independent contractor reporting and anti-discrimination. Solicitor Ott recommended Ms. Jensen draft a Memorandum of Understanding with CEA describing their duties with the Borough. There was continued discussion among Council regarding code enforcement services provided by CEA and various clauses within the contract.

Mr. Favo seconded the motion, which passed 6 to 1, with Mr. Whalen voting “Nay”. In explaining his vote, Mr. Whalen said that his vote was not a comment on CEA’s quality of work, but felt that the indemnifications provisions of the contract were bad for the Borough.

Engineering and Public Works Committee

Mr. Favo had nothing to report that evening.

Personnel, Boulevard Project and Shade Tree Committee

Maintenance Bids – Mrs. Friday offered a motion authorizing the Borough Manager to advertise bids for the maintenance of the Arboretum Trail and landscaping north of Hulton Road. Mrs. Friday remarked that the Boulevard Project would oversee the landscaping of all railroad right-of-way from Hulton Road to Plum Creek, and that the bids this year would include additional mowing of the grass north of Hulton Road.

Mrs. Facaros seconded the motion, which passed 7 to 0.

Culture, Library, & Recreation Committee

Mrs. Facaros had nothing to report that evening.

COMMENTS FROM THE PUBLIC

Bertha Shearer – Ms. Shearer remarked that she was tired of complaining about the grass not being cut on the railroad property north of Hulton Road, and fighting for Morris Street to get paved. Ms. Shearer presented Council Members with portions of the pavement from Morris Street. Ms. Colianni said that Council would be looking at paving Morris Street in the coming budget discussions.

Les Leasure – Mr. Leasure, Chairman of the Civil Service Commission, noted that the Commission had requested a copy of the Police Officer job description in May 2014, but did not receive the description until August 2014. Civil Service Commission Solicitor Shon Warner made 10 comments on the job description, the most important of which, Mr. Leasure noted, was a clause for compliance with the Americans with Disabilities Act. Mr. Leasure concluded that the Commission could not provide candidates with a job application without a job description.

UPCOMING PUBLIC MEETINGS – President Ride referred those present to the list of public meetings itemized in the Agenda, noting that dates were correct as of publication of the Agenda.

MISCELLANEOUS ITEMS

There were no Miscellaneous Items that evening.

ADJOURNMENT TO EXECUTIVE SESSION

There being no further business to conduct that evening, Mr. Briney offered a motion to adjourn to Executive Session. Mr. Whalen seconded the motion, which passed 7 to 0.

The meeting was adjourned at 9:27 PM.

Respectfully submitted,



Lisa Cooper Jensen
Borough Manager

Transcribed by:
Ryan Jeroski