

**Oakmont Borough Council**  
**Minutes of the Regular Meeting**

**194 (Final)**  
**April 13, 2015**

**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 and Chief DiSanti; Borough Manager Jensen; Assistant Secretary Jeroski; Solicitor Ott

Excused: None

Visitors: Karen Amodeo, Jack Artman, Monica Bonaroti, David Carroll, Bruce Corna, George Coulter, Donna DeTurck, Mark Harley, Kevin Kunak, Rose O'Connor, William Peoples, Gerri Seem, Shelly Shadle and Bertha Shearer

**MOTIONS FOR ADDITIONS TO AGENDA**

President Ride noted a late addition to the Agenda under Ms. Colianni regarding the Light Duty Policy.

**REGISTERED COMMENTS FROM THE PUBLIC**

There were no registered comments from the public that evening.

**COMMENTS FROM THE PUBLIC**

**Bertha Shearer** – Ms. Shearer asked when the Hulton Bridge would be closed during the reconstruction project. Ms. Jensen replied that the current traffic pattern on Freeport Road would be in place till October 2015, but the Borough had not yet been informed when a full closure of the Hulton Bridge would occur.

**Monica Bonaroti** – Ms. Bonaroti addressed Council on a mudslide that happened on her property on April 9<sup>th</sup>. Ms. Bonaroti stated that there was two-and-a-half feet of mud and stones in her basement, as well as appliance damage. President Ride noted this would be discussed further under the Borough Manager's Report.

**APPROVAL OF MINUTES**

**March 9, 2015 Minutes** – Ms. Colianni offered a motion to approve the Minutes from the Regular Meeting of March 9, 2015 as amended.

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

**CORRESPONDENCE**

There was no correspondence to Council that evening.

**COUNCIL PRESIDENT'S REMARKS**

**Job Descriptions** – President Ride noted that the discussion on the Police Chief's job description that evening was being done in the context of a broader development of an employee handbook for Borough employees and Council's work on a contract extension for Chief DiSanti. President Ride remarked that the job description discussion was not meant to

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be about any one individual, but more about policies and procedures to put in place for the position in the future. President Ride concluded that Solicitor Ott had been brought in to assist in this process, and that it would lead to a better definition of the roles of the Borough Manager, Police Chief and Mayor.

**Speedway Hours of Operation** – President Ride stated that Borough Council had decided not to consider additional hours of operation for Speedway until after the Hulton Bridge Reconstruction Project was complete. Borough Council had informed Speedway’s consultant of this decision at the April 6, 2015 Work Session.

**SOLICITOR’S REPORT**

**Creekside Park Takeover** – Solicitor Ott stated that the final review of the Creekside Park site by PA DEP had occurred, and the matter was finally before Council to accept the property. Solicitor Ott said that minor revisions needed to be made to the Deed of Dedication for the property, and that Council would need to adopt a Resolution accepting the property. There was general discussion regarding the language of the Deed, the release of the Recreational Escrow account funds to Kacin Companies upon acceptance of the property and the involvement of the Shade Tree Commissioner in preparing a landscape buffer along Dark Hollow Road. President Ride said that Council would take action on this matter at the May 11, 2015 Regular Meeting.

**BOROUGH MANAGER’S REPORT**

**Mudslide Report** – Ms. Jensen reported on the mudslide at Fifth Street Extension on April 9, 2015. Ms. Jensen said that the situation has gotten worse the past two years, and that despite efforts by the Borough to address the water and mud flow, the problem has not gone away. Ms. Jensen asked for Council’s permission to approve a proposal from Carlucci Construction for emergency work on a retention basin to prevent future mudslides, in the amount of \$25,618.00. There was extensive discussion among Council about the history of water and mud run-off in the area and the merits of Carlucci Construction’s proposal. Ms. Colianni noted that the proposal’s price was above the threshold for bids under the *Borough Code*, and inquired into how Carlucci Construction was selected for this project. Solicitor Ott replied that the *Borough Code* does allow for exceptions in emergency situations. Ms. Jensen added that Carlucci Construction was selected due to their knowledge of the Borough’s storm sewer system. Mr. Whalen asked if the Borough Engineer approved of Carlucci Construction’s proposal. Ms. Jensen replied that the proposal had the Borough Engineer’s approval. It was concluded that a motion to approve the proposal would appear under Mr. Favo on the Agenda.

**MAYOR’S REPORT**

**March Police Report** - Chief DiSanti reviewed portions of the March 2015 Police Report for those present, and noted that Police Department had received 385 calls for service and issued 236 Borough parking tickets. Chief DiSanti reported on an investigation into a hit-and-run, and the purchase of tactical trauma gear. President Ride asked about news reports on a drug that counteracts a heroin overdose. Chief DiSanti responded that the drug was called Narcan, and that the Western PA Chiefs of Police Association was developing a policy for its use.

**March OVFD Report** – Fire Chief Carroll reported that the OVFD had received 7 emergency calls in March 2015, and 43 calls through the first three months of 2015. Chief Carroll reported on a recent upgrade in the Borough’s Insurance Services Office (ISO) rating from a five (5) to a four (4). Chief Carroll noted the importance of ISO ratings to insurance companies, and the criteria by which communities are evaluated based on these ratings. Mr. Favo added that the improved rating was a good honor for the community, though it could cause a decrease in the Foreign Fire Aid that the OVFD receives from the Commonwealth.

Chief Carroll requested that Council consider approving Nick Gigliotti for the OVFD Eligibility List that evening, and stated that Mr. Gigliotti had been properly vetted and gone through his pre-employment checklist. Ms. Colianni agreed to make that motion under her report.

**COMMITTEE REPORTS**

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**Finance and Budget Committee**

**Warrants** – Mr. Whalen offered a motion to approve the Warrant List for March 2015, dated March 30, 2015, including expenditures totaling \$338,496.92 for all funds.

<i>Fund</i>	<i>Amount</i>
General Fund	\$163,776.43
Boulevard Project Fund	\$13,177.11
Kerr Museum Fund	\$4,793.32
Library Fund	\$26,781.04
Liquid Fuels Fund	\$-0-
Sewer Fund	\$128,269.02
Capital Fund (Parks)	\$1,700.00
Capital Fund (Roads)	\$-0-
Capital Reserve Fund	\$-0-

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

**Ordinance No. O23-2015, Attorney's Fees for Delinquent Collection** – Mr. Whalen offered Ordinance No. O23-2015, and moved for its enactment, an ordinance authorizing the assessment of Attorney's Fees and other costs in connection with the collection of Delinquent Taxes.

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

President Ride declared the Ordinance enacted. Recorded in Ordinance Book Volume 32, Page 87, as **Ordinance No. O23-2015**.

**Treasurer's First Quarter Report** – Mr. Whalen offered a motion to add the Treasurer's First Quarter 2015 Report to the Minutes of the Regular Meeting of April 13, 2015.

Mrs. Friday seconded the motion, which passed 7 to 0. A copy of the report is affixed hereto.

**Crown Castle Cell Tower Purchase** – Mr. Whalen stated that the Borough had previously received an offer, in the amount of \$400,000.00, to buyout two leases on a cell tower on Borough property on Ann Street. Mr. Whalen remarked that a financial analysis of the value of the leases to the Borough through 2050 would be over \$775,000.00. Mr. Whalen also added that the requirements of the *Borough Code* required a public auction for sale of Borough real estate.

Mr. Whalen offered a motion for the Borough Manager to draft a letter to Crown Castle rejecting their offer at the price of \$400,000.00 and notifying them of the requirements of the *Borough Code* with regards to selling of property.

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

**Engineering & Public Works Committee**

**Cedar Way Reconstruction Project** – Mr. Favo offered a motion authorize the Borough Engineer to develop specifications and advertise bids for the Cedar Way Reconstruction Project.

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

**Fifth Street Extension Emergency Repairs** – Mr. Favo offered a motion to accept the proposal of Carlucci Construction for emergency repairs to the stormwater catch basin on Fifth Street Extension, at a cost not to exceed \$25,618.00, with the funds coming from the Capital Fund (Roads).

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

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**Legal Fees** – Mr. Favo opined that the problem of the Borough's expenses legal consultation did not fall on any one individual. Mr. Favo felt that Solicitor Ott was doing as instructed by Council, and Council was routinely looking for legal nuances before making decisions. Mr. Favo concluded that Council Members should be prepared to vote, or ask for more time to think about decisions.

**First Quarter Financial Reports** – Mr. Favo noted previous concerns by Mrs. Facaros and Mr. Whalen on the Fourth Quarter 2014 Treasurer's Report, and asked why they had not expressed similar concern for the First Quarter 2015 Treasurer's Report. Mrs. Facaros said her concerns about the Borough's finances were mainly centered on not being able to support many of the capital requests for the 2015 Budget. President Ride remarked on the different perspectives on the Borough's finances, from the Treasurer's accounting perspective and Mrs. Facaros' view of trying to meet capital requests. Mr. Whalen concurred that his viewpoint on the Borough's finances was long-term, and reiterated his desire to see a five-year capital budget. Mr. Whalen concluded that he agreed with the Treasurer's First Quarter 2015 Report. There was some discussion afterwards on the Borough's millage rate in comparison to other communities.

**Planning and Land Use Committee**

**River's Edge Revised Subdivision Plan** – Mr. Briney offered a motion to accept the recommendation of the Oakmont Planning Commission to approve the Revised Subdivision Plan #3 of Brooks & Blair LP for the River's Edge Plan.

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

**Edgewater Amended Land Development** – Mr. Briney offered a motion to accept the recommendation of the Oakmont Planning Commission to approve the Amended Land Development Plan for the Edgewater (Kacin) Plan. Mr. Briney noted that this new plan would replace three (3) stacked flat units consisting of 18 units with eight (8) townhomes, for a net reduction in density for the Edgewater (Kacin) Plan.

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

**Culture, Library, & Recreation Committee**

Mrs. Facaros had nothing to report that evening.

**Personnel, Boulevard Project & Shade Tree Committee**

Mrs. Friday had nothing to report that evening.

**Public Safety Committee**

**Ordinance No. O24-2015, Handicapped Parking** – Ms. Colianni offered Ordinance No. O24-2015, and moved for its enactment, an ordinance amending the *Vehicle and Traffic Code* relative to parking regulations and penalties.

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

President Ride declared the Ordinance enacted. Recorded in Ordinance Book Volume 32, Page 88, as **Ordinance No. O24-2015**.

**OVFD Eligibility List** – Ms. Colianni offered a motion to add Nick Gigliotti to the OVFD Eligibility List.

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

**Police Chief Job Description** – Ms. Colianni reiterated that the job description discussion as generic, and added that she had developed the job description before Council from research and the existing job description in the Police Manual. President Ride felt that a committee should review and finalize the draft job description, and receive any comments from other Council Members. After discussion among Council, it was decided that the committee would

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be made up of Mr. Whalen, Ms. Colianni, Mrs. Friday, Ms. Jensen and Mayor Fescemyer, and that all comments on the job description should be to the committee by April 20<sup>th</sup>. Mrs. Friday asked the reason for a new job description for the Police Chief position. Ms. Colianni replied that she did not feel the existing job description to be adequate. There was discussion among Council about the existing job description for the position in the Standard Operating Procedures and how it differed from the Police Manual developed by Mayor Fescemyer and Chief DiSanti. There was additional discussion on the oversight roles of the Borough Manager and Mayor to the position of the Police Chief. Ms. Jensen noted that whatever job description came out of the committee would have to be reviewed by Solicitor Ott.

**Light Duty Policy** – Ms. Colianni described the draft Light Duty Policy that was provided in to Council over the past weekend, highlighting provisions on timing and who could request a light duty assignment. Mrs. Friday offered some comments on adding training and court duty to the policy and clarifying the provision approved healthcare providers for an employee to visit. There was limited discussion on the policy for physician choice for employees on Worker's Compensation, and the role of the physician in determining the light duty policy for an employee. Ms. Jensen expressed concern about the costs of the Light Duty Policy to the Borough. Mayor Fescemyer replied that these costs had already been discussed by Council. Mrs. Friday asked that revisions be made to the policy based on the discussion that evening, and that a vote on the policy be at the Regular Meeting in May.

**COMMENTS FROM THE PUBLIC**

There were no comments from the public to end the meeting.

**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 to discuss that evening.

**REVIEW OF SOLICITOR ASSIGNMENTS**

Solicitor Ott will communicate with Attorney Solomich, representing Kacin Companies, on the Deed for Creekside Park.

**ADJOURNMENT TO EXECUTIVE SESSION**

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

The meeting was adjourned at 9:12 PM.

Respectfully submitted,



Lisa Cooper Jensen  
Borough Manager

Transcribed by:  
Ryan Jeroski