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; Chief DiSanti; Borough Manager Jensen, Assistant Secretary Jeroski; Solicitor Ott

Excused: Mayor Fescemyer

Visitors: Karen Amodeo, Jack Artman, Emily Baker, Frank Dermody, Donna DeTurk, William DeTurck, Mike Lieberth, Tim Lazor, Greg Macaluso, William McElligot, Tom Meising, John Portera, Matt Provenza, Gary Rogers, Garrett Segelson, Jimmy Sperdute, Robert Springer and James Trangle

President Ride recognized State Representative Frank Dermody, who subsequently presented Council with a resolution passed unanimously by both houses of the PA Legislature congratulating and commending the Borough of Oakmont on its 125th Anniversary. Representative Dermody noted that the resolution recognized that Oakmont was a great place to live, work and raise a family.

AGENDA ADDITIONS

Ms. Colianni noted that she recently saw banners in front of Speedway on Hulton Road, and would like the matter discussed, given conditions placed on Speedway during its Conditional Use Application. Ms. Colianni offered a motion to add this item to the agenda under the Borough Manager's Report.

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

Mr. Briney offered a motion to add a report on the timetable for adopting a new *Zoning Ordinance* and Zoning Map to the agenda.

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

At the request of Ms. Jensen, Mr. Whalen made a motion to move the discussion on the Speedway Traffic Signal Agreement from Executive Session into the Public Meeting, and add a report on the results of a recent Zoning Hearing Board decision under the Borough Manager's Report.

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

Ms. Colianni asked about several items listed in Executive Session, including discussion on a board vacancy, status of property condemnations and a report on arrests on Sixth Street. Solicitor Ott replied that the discussion on appointments to fill a board vacancy were covered under the Sunshine Act, and that the discussion on condemned properties were allowed in Executive Session to the extent that Council was authorizing litigation on the properties. Regarding the arrests on Sixth Street, Ms. Colianni, Mr. Whalen, and Mr. Favo all asked for clarification on the specific issue that would be discussed in Executive Session. Solicitor Ott reported that the Borough had received a letter from a citizen who had retained legal counsel in a matter involving the arrests on the 300 block of Sixth

Street. Solicitor Ott added that the legal counsel had been authorized to file a Freedom of Information Act request on information related to the arrests, and that this threat of potential litigation created a legal obligation to retain all records that could be requested. Ms. Colianni felt that this was a matter of records retention that should be discussed in public session. There was discussion among Council on the legal parameters of the matter as they relate to Executive Session and the public meeting. Ms. Colianni offered a motion to change the title of the topic to "General Litigation Records Retention" and move it into the public portion of the meeting.

Mr. Whalen seconded the motion, which passed 7 to 0 on a called vote.

REGISTERED SPEAKERS

Fred Soilis – Mr. Soilis reported that he was seeking Council's feedback on a request he had submitted to Ms. Jensen to remove a utility pole and hedges, and place a decorative fence along Willows Drive on Greek Orthodox Church's property. Ms. Jensen asked for a lighting plan that shows the footcandles generated by the proposed lamps. Mr. Favo asked for a survey to determine in the improvements would be in the right-of-way of Willows Drive.

COMMENTS FROM THE PUBLIC

Tim Favo – Mr. Favo remarked on his rights to speak at a Council Meeting under the First Amendment and as an elected official. Mr. Favo stated his objection to Chief DiSanti serving on the Lower Valley Ambulance Board of Directors, which Mr. Favo felt, combined with Chief DiSanti's involvement as an officer in three other police organizations, took away from his duties as Chief of Police in the Borough. Mr. Favo proposed instituting a limit on seminar attendance in the Chief's next contract similar to the limit in the Borough Manager's contract.

COUNCIL PRESIDENT'S MESSAGE

Sunshine Laws – President Ride stated that Council was working hard to stay within the bounds of the Pennsylvania Sunshine Law.

SOLICITOR'S REPORT

Sunshine Laws and First Amendment – Solicitor Ott reported on a memo she had sent to Council outlining the legal guidelines of the First Amendment as it related to Council Meetings. Regarding Executive Session, Solicitor Ott noted that there had been lots of items on the Executive Session as of late, and that she was watching them closely to ensure compliance with the Sunshine Law. Solicitor Ott explained the purpose of Executive Session to those present, and added her belief that the Borough listing specific items discussed in Executive Session on the agenda showed its commitment to complying with the Sunshine Law.

General Litigation Records Retention – Solicitor Ott remarked that, to the extent Council Members and officials had written or electronic documents, or text messages, concerning the arrests on the 300 block of Sixth Street, they should not be destroyed or deleted. Solicitor Ott said she would follow-up with a "hold" letter, and that Borough Council and officials were subject to the Pennsylvania Historical and Museum Commission's records retention rules.

CORRESPONDENCE

There was no general correspondence to Council that evening.

BOROUGH MANAGER'S REPORT

Asbestos Remediation at WWTP – Ms. Jensen noted a report sent to Council last week by an asbestos inspector who had visited the Borough's Wastewater Treatment Plant. The inspector informed the Borough that the asbestos at the plant was not a danger to the

employees. Ms. Jensen said she had spoken with Joe Rakowski, the WWTP Superintendent, and both agreed that the current practice of removing the asbestos was acceptable.

Emergency Generator Replacement – Ms. Jensen reported that the financial difference between the original bid on the generator's replacement from Merit Electrical Group and the alternative proposal to have the Borough purchase the generator was negligible. Ms. Jensen said she will be meeting with the Borough's contracted electrical engineer and Merit Electrical Group to further lower the cost of the generator replacement.

Grass Cutting North of Hulton Road – Ms. Jensen stated that she had received a proposal from the Brickman Group to cut the grass and hillside along the railroad right-of-way north of Hulton Road. Ms. Jensen remarked that there were only a few grass cuttings left in the season, and that the landscaping contract would be bid out again next year.

Closing/Re-Opening of Hulton Bridge – Ms. Jensen recognized Gary Rogers of the Oakmont Historical Society. Mr. Rogers said that, with the completion of the Hulton Bridge project, the Oakmont Historical Society would like to put together an event to commemorate the opening of the new bridge and the closing of the old bridge. Mr. Rogers discussed several ideas with Council. President Ride said that Council had no objections to such an event.

25 Potomac Street Complaints – Ms. Jensen reported that the Building Inspector, Ed Crates, was given permission to go inside the proposed apartment of 25 Potomac Street, took pictures, and spoke with the woman who was rumored to be living in the property. Mr. Whalen asked the purpose of the proposed breezeway to connect the two buildings on the property. Ms. Jensen replied that, under the Borough's *Zoning Ordinance*, an apartment cannot exist above an accessory structure. As such, the enclosed breezeway links the two buildings, creating one primary structure on the property. There was continued discussion on the matter of the legal settlement agreement for 25 Potomac Street. Ms. Colianni asked when the property would be habitable. Solicitor Ott answered that it would be habitable when the Occupancy and Zoning Permits were issued. Ms. Colianni asked if it was disingenuous to allow construction going on in the apartment when an occupancy permit was un-issued. Mr. Briney remarked that the Borough could not control the sequence of construction activity that the property owner, Tom Meising, chooses to make. Mr. Briney said that the plumbing and electrical reviews were all steps that lead up to the settlement agreement. Ms. Colianni asked who took responsibility for making sure these steps were followed properly. Ms. Jensen said Ed Crates did under his role as Building Inspector and Code Enforcement Officer.

Creekside Park – Ms. Jensen reported that the Oakmont Recreation Board, Riverview Athletic Association and Twin Boro Soccer met with Kacin Vice President Bruce Corna to develop a punch list for completion of Creekside Park. Ms. Jensen said that the quality of grass and use of unsifted topsoil are major issues that the group has with Creekside Park.

Speedway – Ms. Jensen said that the Traffic Signal Agreement with Speedway was almost finalized, and that Speedway had been provided with a temporary Occupancy Permit. Ms. Jensen reported that banners were placed on Speedway's property at 303 Hulton Road, which were prohibited by the Conditional Use Approval given by Council in 2013. There was extensive discussion among Council as to the validity of temporary banners given the Conditional Use Approval, why the temporary sign permit was issued in the first place, and whether, and in what manner, to ask Speedway to remove the banners. President Ride felt that Solicitor Ott should talk to Speedway's legal counsel to see if an accommodation could be reached. President Ride asked if other Council Members would be agreeable to this approach. Mrs. Facaros, Mr. Briney, Mrs. Friday, and Mr. Favo concurred with this. Ms. Colianni and Mr. Whalen disagreed with the approach.

Zoning Hearing Board – Ms. Jensen said that the Zoning Hearing Board last week granted a Variance to the property owner at 866 Eleventh Street to allow the fence to remain.

MAYOR'S REPORT

August Police Report – Chief DiSanti reviewed the August 2014 Police Report, breaking down major arrests and parking tickets issued. Chief DiSanti reported that the East Hills DUI Task Force would begin in September. Chief DiSanti discussed arrests made in the 300 block of Sixth Street, and a meeting with residents in the neighborhood to explain the situation. Chief DiSanti noted the Police Department's participation in active shooter training with teachers at Riverview School District.

Ms. Colianni read a letter from Bruce Corna thanking Chief DiSanti and the Police Department for being responsive to the concerns of the Edgewater community. Mr. Favo asked to see video of a recent controlled pursuit by the Police Department. Chief DiSanti replied that this was evidence in a pending case and could not be viewed. Ms. Colianni, Mrs. Facaros and Mr. Whalen objected to Mr. Favo's request. President Ride said that Mr. Favo's request would have to be reviewed by Solicitor Ott.

August OVFD Report – Fire Chief Segelson reviewed the August 2014 OVFD Report, noting that the OVFD received 17 emergency calls in the month and have received 106 emergency calls for the year. Chief Segelson said that the OVFD continued to train on the new Self-Contained Breathing Apparatuses, and recently purchased nozzles that allow for more water flow.

APPROVAL OF MINUTES

August 11, 2014 Minutes – Ms. Colianni offered a motion to approve the Minutes from the Regular Meeting of August 11, 2014, as amended.

Mr. Whalen 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 August 2014, dated August 29, 2014, and showing the following expenditures:

Fund	Amount
General Fund	$180,117.02
Boulevard Project Fund	$11,795.93
Kerr Museum Fund	$4,384.61
Library Fund	$41,311.82
Liquid Fuels Fund	$ -0-
Sewer Fund	$131,310.89
Capital Fund (Parks)	$202.38
Capital Fund (Roads)	$380,644.01
Capital Reserve Fund	$ -0-

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

Public Safety Committee

Ms. Colianni had nothing to report that evening.

Planning and Land Use Committee

NVR Plat Adjustments – Mr. Briney offered a motion to accept the recommendation of the Oakmont Planning Commission to approve the NVR Plat Adjustments for Lots 6-11 of the Edgewater (Kacin) Plan.

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

River's Edge Revised Subdivision – Mr. Briney offered a motion to accept the recommendation of the Oakmont Planning Commission to approve the Revised Subdivision Plan #2 of Brooks & Blair Waterfront Properties, L.P. for the River's Edge Plan.

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

***Zoning Ordinance* and Zoning Map** – Mr. Briney reported that Oakmont Planning Commission was in the process of fine-tuning language in the pending *Zoning Ordinance*, as a result of comments from Allegheny County Economic Development. Mr. Briney added that Oakmont Planning Commission took testimony on potential Zoning Map changes in the Morris Estates area, and that language concerning temporary structures and wind energy conversion devices was being added to the Ordinance. Mr. Briney noted that these changes did not pass the litmus test for substantive changes that would require another Public Hearing.

Mr. Briney concluded that the 90-day period from the Public Hearing on July 14, 2014 ends on Sunday, October 12, 2014. However, Mr. Briney read an e-mail from Zoning Solicitor Mark Christman citing Pennsylvania law that states that the last day of the 90-day period cannot fall on a Saturday, Sunday or legal holiday. Mr. Briney concluded that Council would hence be able to adopt the new *Zoning Ordinance* and Zoning Map at the Regular Meeting on October 13, 2014.

Engineering and Public Works Committee

Mr. Favo had nothing to report that evening.

Personnel, Boulevard Project and Shade Tree Committee

Mrs. Friday had nothing to report that evening.

Culture, Library, & Recreation Committee

Carnegie Library Endowment Fund – Mrs. Facaros offered a motion to approve the Oakmont Carnegie Library Endowment Fund and Investment Policy. Mrs. Facaros and President Ride both remarked that this new policy was a positive step to financially support the Oakmont Carnegie Library.

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

COMMENTS FROM THE PUBLIC

David DiSanti – Chief DiSanti, in responding to Mr. Favo's earlier comments, remarked that he put his heart and soul into his job, and felt that his involvement in outside police organizations enhanced his ability to perform his duties as Chief of Police. Chief DiSanti asserted that he believed Mr. Favo's problems with him were personal, as Chief DiSanti said he had stood up to Mr. Favo on several issues. Chief DiSanti reiterated his frustration with Mr. Favo, and concluded that he loved his job and no one would take it away.

Mike Lieberth – Mr. Lieberth asked if his memo on the pending Zoning Map had been received by Council. Mr. Jeroski responded that Council had not received his memo, as the matter was still being discussed at the Oakmont Planning Commission, and no recommendation had been made. Mr. Briney and Ms. Jensen explained the process for adoption of a new *Zoning Ordinance* and Zoning Map. Mr. Lieberth noted his objection to the re-zoning of his properties on West Woodland Avenue from Commercial to Residential, as he thought the character of West Woodland Avenue was commercial and it limited development opportunities for his properties.

Matt Provenza – Mr. Provenza asked Council Members if they were aware of being invited down to 25 Potomac Street prior to June 19, 2014. No Council Member said they were aware of an invitation. Mr. Provenza also asked that the April 14, 2014 Minutes be amended to reflect a mistake.

Donna DeTurck – Mrs. DeTurck disagreed with Mr. Lieberth's assessment of West Woodland Avenue, as she said it was more residential in character. Mrs. DeTurck further added that several of the commercial properties Mr. Lieberth mentioned in his memo were not on West Woodland Avenue.

Thomas Meising – Mr. Meising stated that he was the owner of 25 Potomac Street, and said he sought to address confusion regarding his property. Mr. Meising said Council Members were invited vicariously through Ed Crates. Mr. Meising extended an invitation to Council Members to come down to 25 Potomac Street at any time to view the work being done. Mr. Meising remarked that the present accessory building had been in place since 2005. Mr. Meising said he will start digging to install the enclosed breezeway to connect the buildings at 25 Potomac Street, to make the building compliant. Mr. Meising said Mr. Meising concluded that the building was presently uninhabitable, and he felt that many of the issues surrounding the work on the property were personal.

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. Whalen offered a motion to adjourn to Executive Session. Mr. Briney seconded the motion, which passed 7 to 0.

The meeting was adjourned at 9:08 PM.

Respectfully submitted,

Lisa Cooper Jensen
Borough Manager

Transcribed by:
Ryan Jeroski