

Oakmont Borough Council
Minutes of the Regular Meeting

121 (Final)
February 20, 2018

CALL TO ORDER

The Regular Meeting of Oakmont Borough Council was called to order at 7:00 PM by President Benusa 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 Coulter, DelRosso, Favo, Lokay, Powers, and President Benusa; Mayor Whaley; Solicitor Janocsko; and Borough Manager Jensen

Excused: Council Member Friday

Visitors: Jeff Allen, David Carroll, Sal Colella, Lindsay Copeland, Dave Ivanek, Ken Howard, Erik Huber, Katie Lascola, Dan Mancosh, Craig Olson, Bill Peoples, Amy Reiss, Nancy Ride, Tony Serrao, Laurie Sliben, Steve Strausbaugh, Kate Tunney, Joe Young, and Wanda Young

TAX AFFIDAVITS

President Benusa requested that Rich Lear, President of Pennsylvania Municipal Service Company, come forward and appear before Council. President Benusa read the Affidavit as to Giving Notice and the Affidavit as to Compliance with Tax Collection Law. Mr. Lear attested to both affidavits.

COMMISSION/BOARD/COMMITTEE REAPPOINTMENTS

Resolution No. R7-2018 – Mr. Coulter offered Resolution No. R7-2018 and moved for its adoption, reappointing Robert Springer as a member of the Oakmont Civil Service Commission.

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Mr. Lokay seconded the motion.

The motion passed 6 to 0.

President Benusa declared the Resolution adopted. Recorded in Ordinance Book Volume 33, Page 87, as **Resolution No. R7-2018**.

Resolution No. R8-2018 – Mrs. DelRosso offered Resolution No. R8-2018 and moved for its adoption, reappointing Michael Ehrlich as a member of the Oakmont Boulevard Project Board.

Mr. Lokay seconded the motion.

The motion passed 6 to 0.

President Benusa declared the Resolution adopted. Recorded in Ordinance Book Volume 33, Page 88, as **Resolution No. R8-2018**.

Resolution No. R9-2018 – Mrs. DelRosso offered Resolution No. R9-2018 and moved for its adoption, reappointing Jason McConnell as a member of the Oakmont Boulevard Project Board.

Mr. Lokay seconded the motion.

The motion passed 6 to 0.

President Benusa declared the Resolution adopted. Recorded in Ordinance Book Volume 33, Page 89, as **Resolution No. R9-2018**.

Resolution No. R10-2018 – Mrs. DelRosso offered Resolution No. R10-2018 and moved for its adoption, reappointing Janet Shoop as a member of the Dr. Thomas Robinson Kerr Memorial Museum Board.

Mr. Coulter seconded the motion.

The motion passed 6 to 0.

President Benusa declared the Resolution adopted. Recorded in Ordinance Book Volume 33, Page 90, as **Resolution No. R10-2018**.

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Resolution No. R11-2018 – Mrs. DelRosso offered Resolution No. R11-2018 and moved for its adoption, reappointing Jane Foster as a member of the Dr. Thomas Robinson Kerr Memorial Museum Board.

Mr. Coulter seconded the motion.

The motion passed 6 to 0.

President Benusa declared the Resolution adopted. Recorded in Ordinance Book Volume 33, Page 91, as **Resolution No. R11-2018**.

Resolution No. R12-2018 – Mrs. DelRosso offered Resolution No. R11-2018 and moved for its adoption, reappointing Herman Marini, III as a member of the Dr. Thomas Robinson Kerr Memorial Museum Board.

Mr. Coulter seconded the motion.

The motion passed 6 to 0.

President Benusa declared the Resolution adopted. Recorded in Ordinance Book Volume 33, Page 92, as **Resolution No. R12-2018**.

Resolution No. R13-2018 – Mrs. DelRosso offered Resolution No. R13-2018 and moved for its adoption, reappointing Deborah Ormay as a member Oakmont Carnegie Library Board.

Mr. Lokay seconded the motion.

The motion passed 6 to 0.

President Benusa declared the Resolution adopted. Recorded in Ordinance Book Volume 33, Page 93, as **Resolution No. R13-2018**.

Resolution No. R14-2018 – Mrs. DelRosso offered Resolution No. R14-2018 and moved for its adoption, reappointing Shane Michael as a member Oakmont Carnegie Library Board.

Mr. Coulter seconded the motion.

The motion passed 6 to 0.

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President Benusa declared the Resolution adopted. Recorded in Ordinance Book Volume 33, Page 94, as **Resolution No. R14-2018**.

Resolution No. R15-2018 – Mrs. Powers offered Resolution No. R15-2018 and moved for its adoption, reappointing Henry J. Buechli as a member of the Oakmont Municipal Authority Board of Governors.

Mr. Coulter seconded the motion.

The motion passed 6 to 0.

President Benusa declared the Resolution adopted. Recorded in Ordinance Book Volume 33, Page 95, as **Resolution No. R15-2018**.

Resolution No. R16-2018 – Mrs. Powers offered Resolution No. R16-2018 and moved for its adoption, reappointing James M. Joyce as a member of the Oakmont Planning Commission.

Mr. Lokay seconded the motion.

The motion passed 6 to 0.

President Benusa declared the Resolution adopted. Recorded in Ordinance Book Volume 33, Page 96, as **Resolution No. R16-2018**.

Resolution No. R17-2018 – Mrs. Powers offered Resolution No. R17-2018 and moved for its adoption, reappointing Ryan Ehrlich as a member of the Oakmont Recreation Board.

Mr. Coulter seconded the motion.

The motion passed 6 to 0.

President Benusa declared the Resolution adopted. Recorded in Ordinance Book Volume 33, Page 97, as **Resolution No. R17-2018**.

REGISTERED SPEAKERS

Oakmont Bakery Land Development – David Ivanek, P.E. of Bankson Engineers, Inc. presented an overview on the Bakery's Final Land Development Plan. Mr.

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Ivanek stated two new items, increase in permeable surface with the installation of permeable pavers and increasing the size of a stormwater drainage pipe to 24 inch under Third street.

The River's Edge Lot Line Revision- Kate Tunney, of Rothschild Doyno, presented to Council an overview of the two revisions requested for the River's Edge development.

COMMENTS FROM THE PUBLIC

2018 Library Budget – Oakmont Carnegie Library Board member Laurie Sliben wanted to inform Council that she would be happy to answer any questions about the Library or the Library Budget.

Traffic Study– Sal Collela wanted to thank the Street Department on the great job removing snow this winter. He also inquired into the Traffic Study specifics.

APPROVAL OF MINUTES

December 18, 2017 Minutes – Mr. Coulter offered a motion to approve the Minutes of the Regular Meeting of December 18, 2017.

Mr. Favo seconded the motion. Mr. Lokay was concerned that Council was not recording Minutes properly and according to the Right to Know and Sunshine Laws and wanted to keep the December 18th Minutes as is and change procedure in the future.

On a called vote, the votes were as follows:

Council Member	Vote
Mr. Coulter	Aye
Mrs. DelRosso	Aye
Mr. Favo	Aye
Mr. Lokay	Nay
Mrs. Powers	Aye
President Benusa	Aye

Mr. Lokay voted "Nay" due to his opinion that Council Minutes were not conforming with the Right to Know and Sunshine Laws.

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The motion passed 5 to 1.

January 2, 2018 Minutes – Mr. Coulter offered a motion to approve the Minutes of the Reorganization Meeting of January 2, 2018.

Mrs. DelRosso seconded the motion.

The motion passed unanimously on a called vote, 6 to 0.

January 15, 2018 Minutes – Mrs. Powers offered a motion to approve the Minutes of the Regular Meeting of January 15, 2018.

Mrs. DelRosso seconded the motion.

On a called vote, the votes were as follows:

Council Member	Vote
Mr. Coulter	Aye
Mrs. DelRosso	Aye
Mr. Favio	Aye
Mr. Lokay	Nay
Mrs. Powers	Aye
President Benusa	Aye

Mr. Lokay voted “Nay” due to his opinion that Council Minutes were not conforming with the Right to Know and Sunshine Laws.

The motion passed 5 to 1.

CORRESPONDENCE

Ms. Jensen read an email, dated December 11, 2017 from Dimitri Facaros regarding honoring Riverview coaches at Riverside Park. Council agreed to defer this issue to the Oakmont Recreation Board along with creating a Borough-wide policy. Manager Jensen was to add it to the March Work Session Agenda for discussion.

Ms. Jensen read a memo, dated January 25, 2018, from Oakmont Police Chief Mike Ford recommending ratification of the Part-Time Officers recently hired.

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Ms. Jensen read an email, dated January 31, 2018 from Chuck Wooster regarding the revised traffic study proposal. Council requested further discussion of when to do the study at the next Work Session.

Ms. Jensen read a letter, dated February 14, 2018 from Oakmont Volunteer Fire Department Chief Dave Carroll regarding their want to move ahead with the Act 172 Tax Credit. Council agreed to discuss this at the March Work Session.

Ms. Jensen read a letter, dated February 16, 2018 from Valerie Beichner, Executive Director of Friends of the Riverfront, regarding withdrawing funding support for the proposed Kayak Park. Manager Jensen wanted to get clarification from Friends of the Riverfront since an earlier letter from them offered \$37,000 for initial site preparation.

COUNCIL PRESIDENT'S REMARKS

Comments on Priority Maintenance and Park Project Lists - President Benusa asked Solicitor Janoski if she was familiar with the MOU on the Plum Creek Watershed Group. She was not, President Benusa said he would update her later.

President Benusa asked Councilwoman Powers if she had an update on the Park Project List. She stated that she had received a list from the Recreation Board and asked Council to look it over and provide any comments.

President Benusa asked Council to identify any immediate maintenance issues on the Capital Reserve List.

Crystal Drive Outfall Issues – President Benusa gave a quick explanation of runoff issues in the Crystal Drive area to newer members of Council.

Council agreed to have Mrs. Friday, Mrs. Powers, and the Borough Manager meet with resident, Mr. Erickson, on swale maintenance and send the Borough Engineer to the area for design inspection.

SOLICITOR'S REPORT

Gas & Oil Ordinance Review – Solicitor Janocsko, standing in for Solicitor Turnbull, stated that at the next Oakmont Planning Commission meeting on

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February 22nd, the Commission should be finalizing edits to recommend to Council.

MAYOR'S REPORT

Mayor Whaley read the monthly report.

BOROUGH MANAGER'S REPORT

Dark Hollow Road Mudslide – Manager Jensen reported on the recent Mudslide closing Dark Hollow Road. Clean-up is to begin once weather is dry and the hillside stable.

Polymerization at North End of ARB – Manager Jensen gave an update to the project stating it was postponed due to inclement weather at the end of 2017. The contractor would call the Borough when the weather was better to continue the project.

Swearing In of Oakmont Volunteer Firefighters – Manager Jensen asked Council if they wanted to implement swearing in new firefighters. Council agreed to begin doing this with tonight's new Firefighter on the Agenda.

Police CBA – Manager Jensen reported that CBA had been signed.

Action Items from 2/5/2018 – Manager Jensen reviewed completed action items from the previous Work Session.

COUNCIL LIAISON REPORTS

Finance & Technology

December Warrants – Mr. Lokay offered a motion to approve the Warrant List for January 2018, dated January 31, 2018, including expenditures totaling **\$715,034.48** for the following funds:

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Fund	Amount
General Fund	\$571,612.22
Boulevard Project Fund	\$1,335.99
Kerr Museum Fund	\$4,422.36
Library Fund	\$24,352.26
Liquid Fuels Fund	-0-
Sewer Fund	\$101,748.26
Capital Fund (Parks)	\$3,803.63
Capital Fund (Roads)	\$7,759.76
Capital Reserve Fund	-0-

Mr. Coulter seconded the motion, which passed 6 to 0.

Resolution No. R18-2018 – Mr. Lokay offered Resolution No. R18-2018, and moved for its adoption, a resolution accepting and approving the Tax Return of Pennsylvania Municipal Service Company, Agent for Real Estate Tax Collection for the Borough of Oakmont, for all taxes collected for the Year 2017, contingent upon confirmation by audit.

Mrs. Powers seconded the motion.

The motion passed unanimously on a called vote, 6 to 0.

President Benusa declared the Resolution adopted. Recorded in Ordinance Book Volume 33, Page 98, as **Resolution No. R18-2018**.

Resolution No. R19-2018 – Mr. Lokay offered Resolution No. R19-2018, and moved for its adoption, a resolution appointing Richard Lear to the Borough of Oakmont Real Estate Tax Collector.

Mr. Coulter seconded the motion, which passed 6 to 0.

President Benusa declared the Resolution adopted. Recorded in Ordinance Book Volume 33, Page 99, as **Resolution No. R19-2018**.

Mr. Lear, who had already left the meeting, will be instructed to contact the Mayor to be sworn in.

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Resolution No. R20-2018 – Mr. Lokay offered Resolution No. R20-2018, and moved for its adoption, a resolution appointing Pennsylvania Municipal Service as Agent of tax collection for the Borough of Oakmont.

Mr. Coulter seconded the motion, which passed 6 to 0.

President Benusa declared the Resolution adopted. Recorded in Ordinance Book Volume 33, Page 100, as **Resolution No. R20-2018**.

2018 Budget Adjustments – Mr. Lokay offered a motion to add an additional \$20,000 to General Fund Line Item #446.310, Professional Services, for additional work on the Stormwater Study for a total in the Line Item of \$30,000, and to delete \$28,000 from line Item #408.316, Engineering Services- Storm Water, originally allocated for the Stormwater Study.

Mrs. Powers seconded the motion.

On a called vote, the votes were as follows:

Council Member	Vote
Mr. Coulter	Aye
Mrs. DelRosso	Aye
Mr. Favo	Nay
Mr. Lokay	Aye
Mrs. Powers	Aye
President Benusa	Nay

Mr. Favo stated his “Nay” vote was due to the motion being unclear. President Benusa voted “Nay” based on his agreeing with the original request from the December 18 Budget discussion.

The motion passed 4 to 2.

Mr. Lokay offered a motion to transfer \$12,500 from Capital Reserve Line Item #279.100, Stormwater Management, and \$800 from Capital Reserve Line Item #279.801, Borough Vehicles and Equipment, and reassign \$1,700 from the Library Fund Line Item #456.115, Wages- Part Time, to Library Fund Line Item Nos. 456.216, 456.217, 456.239, 456.240, 456.241, and 456.247, for a total of \$72,500, or 12% of the total 2018 Library Fund Budget, in compliance with Regional Asset District Requirements for Community Funding.

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Mrs. Powers seconded the motion.

Mrs. DelRosso read aloud, an email she had written, addressed to Beth Mellor, Oakmont Carnegie Library Director, overviewing budget issues from a meeting attended by Ms. Mellor, Mrs, DelRosso, and Mssrs. Favo and Lokay.

Both Mrs. DelRosso and Mr. Favo agreed that this issue should be discussed further and not voted at tonight's Meeting.

Mr. Lokay offered a motion to table the previous motion.

Mrs. Powers seconded the motion.

On a called vote, the votes were as follows:

Council Member	Vote
Mr. Coulter	Aye
Mrs. DelRosso	Nay
Mr. Favo	Aye
Mr. Lokay	Aye
Mrs. Powers	Aye
President Benusa	Aye

Mrs. DelRosso voted "Nay" because she wanted the motion to be withdrawn, instead.

Then motion passed 5 to 1.

Mr. Lokay offered a motion to transfer \$20,200 from the General Fund from the sale of the old fire truck to the Capital reserve Fund, Restricted Account Line Item #279.800, OVFD Vehicles.

Mr. Favo seconded the motion.

The motion passed unanimously on a called vote, 6 to 0.

Mr. Lokay offered a motion to clarify in Budget notes that \$30,000 of the \$35,000 allocated in Capital Fund (Parks), Line Item #454.732, Creekside Park Construction Projects, be used for parking lot resurfacing and emergency stabilization of the Plum Creek streambank.

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Mrs. Powers seconded the motion.

President Benusa noted that the \$30,000 was designated for the parking lot resurfacing and the remaining \$5,000 for the stream bank restoration engineering design.

Mr. Lokay amended the motion to clarify the Budget Notes to state that \$30,000 of the \$35,000 was allocated in Capital Fund (Parks), Line Item #454.732, Creekside Park Construction Projects, be used for parking lot surfacing and \$5,000 for the emergency stabilization of the Plum Creek streambank.

Mr. Coulter seconded the motion.

The motion passed unanimously on a called vote, 6 to 0.

Swearing In of OVFD Firefighter- Mayor Whaley swore in Erik Huber as a member of the Oakmont Volunteer fire Department.

Environment/Recreation

Park Designation – Mrs. Powers offered a motion to designate the Borough’s leaf pile at the east end of Dark Hollow Road be designated as a Borough Park.

Mr. Lokay seconded the motion.

The motion passed unanimously on a called vote, 6 to 0.

Watershed Study (formerly “Stormwater Study”) Parameters - Mrs. Powers deferred to President Benusa on this subject. President Benusa said he would re-write the requirements that may redefine it for the March Work Session. Council agreed on this next step.

Creekside Streambank Erosion Project - Mrs. Powers deferred to President Benusa on this subject. President Benusa wanted to readdress the safety issue. He requested from Mrs. Powers to make a motion to authorize Bankson Engineering to apply for a GP3 permit after re-evaluation of the area.

Mrs. Powers offered a motion to request that Bankson Engineers apply for a GP3 Permit and re-evaluate their proposal from August 2017.

Mr. Coulter seconded the motion.

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The motion passed unanimously on a called vote, 6 to 0.

Council instructed the Borough Manager to issue a Work Order to extend the fence along the eroded streambank and add a “Danger” sign to the area.

Friends of the Riverfront Funding for Kayak Park – President Benusa said the opportunity for the Kayak Park has not ended even without their funding.

Mrs. Powers updated Council on the Recreation Board, that they will present information on two new grant opportunities at the March Work Session.

Public Safety

OVFD Eligibility List – Mr. Coulter offered a motion to approve the addition of Erik Huber to the Oakmont Volunteer Fire Department Eligibility List.

Mr. Lokay seconded the motion, which passed 6 to 0.

Part-Time Patrol Officers – Mr. Coulter offered a motion to ratify the hiring of Part-Time Patrol Officers Nathan Roy and David Johnston to the Oakmont Borough Police Department.

Mr. Lokay seconded the motion, which passed 6 to 0.

Education/Cultural

Library Budget Update – Mrs. DelRosso wanted to confirm that this discussion would be added to the March Work Session Agenda.

Riverview School District Update – Mrs. DelRosso questioned Chief Ford about the safety of the Oakmont Bakery demolition and said she would like information on any future developments. The Chief stated that she call him anytime for information pertaining to the new bakery concerning the school.

Sunshine Law – Mrs. DelRosso wanted to insure members of Council that on a previous email discussion concerning the Library Budget, it was a discussion and did not involve Policy or make any decisions. She felt that neither the Right to Know or Sunshine Laws had been violated.

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President Benusa reiterated to Council to be aware of the Right to Know and Sunshine Laws.

Public Works

Mr. Favio directed the Borough Manager to report on how many projects funded in 2017 would be completed in 2018.

Mr. Favio also inquired into the status of the Plum Street check valves.

2017 Paving Project - Mr. Favio offered a motion to approve the \$51,922.47 cost increase from the original contract price of \$296,220.78 for the 2017 Paving Projects, primarily due to the additional work and materials required for paving at the north end of Wade Lane.

Mr. Coulter seconded the motion.

The motion passed unanimously on a called vote, 6 to 0.

2017 Dark Hollow Road Paving Project – Mr. Favio offered a motion to approve the \$41,451.87 cost increase from the \$25,000 budgeted costs for the 2017 Dark Hollow Road paving Project, due to the inclusion of additional drainage at Council’s request and the additional paving materials needed to stabilize the road surface per the Borough Engineer.

Mr. Lokay seconded the motion.

The motion passed unanimously on a called vote, 6 to 0.

Traffic Study Proposal – Mr. Favio offered a motion to accept the Traffic Study proposal of David E. Wooster and Associates, Inc., dated January 29, 2018, at an estimated cost not to exceed \$28,740, to include Allegheny Avenue, Cedar Way, Pennsylvania Avenue, Washington Avenue, Allegheny River Boulevard, Third Street, Archie Street, and Delaware Avenue.

Mr. Coulter seconded the motion.

Discussion over when to begin the study – before or after completion of the new bakery – followed. This discussion will continue at the March 5th Work Session.

The motion passed 6 to 0.

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Pennsylvania Avenue and ARB Intersection Project - Mr. Favo offered a motion to authorize the Borough Engineer to draw up specifications for the Pennsylvania Avenue and Allegheny River Boulevard intersection restoration.

Mr. Lokay seconded the motion, which passed 6 to 0.

ARB Restoration and Trench Drain Project – Mr. Favo offered a motion to authorize the Borough Engineer to complete the specifications for the Washington Avenue and Allegheny River Boulevard Restoration and trench drain project to be done through the AVNCOG.

Mr. Lokay seconded the motion, which passed 6 to 0.

Di Mario ARB Restoration Bond Proposal - Mr. Favo said this would be discussed at the March Work Session.

Administration/Planning

Preliminary/Final Land Development, Brenntag Northeast, Inc. – Mr. Lokay offered a motion to include in the Preliminary/Final Land Development Application of Brenntag Northeast, Inc., 1085 Allegheny Avenue, in addition to the Planning Commission’s conditions, the Borough Engineer’s conditions per her letter dated January 26, 2018, and the review comments of the Allegheny County Planning Department.

Mrs. Powers seconded the motion.

Mrs. DelRosso asked about the Borough Engineer comments that referenced the containment dikes and what would be the next step. Manager Jensen said that Brenntag would respond to those comments.

The motion passed unanimously on a called vote, 6 to 0.

Revision No. 8b of The River’s Edge – Mr. Lokay offered a motion to accept the recommendation of the Oakmont Planning Commission to approve Revision No. 8b Lot Line revisions of The River’s Edge of Oakmont plan, dated January 29, 2018, pending review by the Borough Engineer and Allegheny County Planning Department.

Mrs. Powers seconded the motion.

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The motion passed unanimously on a called vote, 6 to 0.

Revision No. 9 of The River's Edge – Mr. Lokay offered a motion to accept the recommendation of the Oakmont Planning Commission to approve Revision No. 9 of The River's Edge of Oakmont plan, dated January 29, 2018, pending review of Borough Engineer and the Allegheny County Planning Department.

Mr. Coulter seconded the motion.

The motion passed unanimously on a called vote, 6 to 0.

OPC Solicitor Reappointment –Mr. Lokay offered a motion to reappoint Goehring, Rutter & Boehm as the Oakmont Planning Commission Solicitor for 2018, at rates per the Letter dated November 2, 2017.

Mr. Coulter seconded the motion, which passed 6 to 0.

Final Land Development Plan, Sweet Properties Oakmont, LLC - Mr. Lokay offered a motion to approve the Final Land Development Plan for Sweet Properties Oakmont, LLC, 840 Third Street, dated December 2017, pending recommendation from Oakmont Planning Commission, and review of Borough Engineer and Allegheny County Planning Department.

Mrs. Powers seconded the motion.

The motion passed unanimously on a called vote, 6 to 0.

MISCELLANEOUS ITEMS

There were no miscellaneous items discussed.

COMMENTS FROM THE PUBLIC

Library Budget – Laurie Sliben thanked Council for their time and attention to the 2018 Library Budget.

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Bakery Development – Sal Colella wanted to know who would maintain the rain gardens on the Bakery property. Manager Jensen responded that it was the property owner’s responsibility.

ADJOURNMENT

There being no further business to conduct that evening, Mr. Coulter offered a motion to adjourn.

Mr. Lokay seconded the motion, which passed 6 to 0.

The meeting was adjourned to Executive Session at 10:23 PM.

Respectfully submitted,

Carol Moore
Assistant Borough Manager/Secretary