

Oakmont Borough Council **September 21, 2009**
Minutes of the Regular Business Meeting (Revised)

CALL TO ORDER

The Regular Business Meeting of Oakmont Borough Council was called to order at 7:02 PM by President Federici in the 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 Favo, Kennedy, Ride, Taliaferro, Williams and President Federici; Solicitor Shoop; Mayor Fescemyer; Chief DiSanti; and Assistant Borough Secretary Jensen

Visitors: Jack Artman, Adeline Brown, Moira Davison, Sophia Facaros, George Coulter, Pat Forest, Paul Jenkins, Teresita Kolenchak, Jeff Lezark, Nat Mastro, John McCollum, Melony Mostel, Rich Panza, Bill Peoples, Matt Provenza, Len Richards, Bertha Shearer and Jonnie Viakley

REGISTERED COMMENTS FROM THE PUBLIC

No one was registered to speak that evening.

COMMENTS FROM THE PUBLIC

No one present in the audience came forward to speak at that time.

COUNCIL PRESIDENT'S MESSAGE

Zentgraf Council Resignation – Council Member Taliaferro offered a motion to accept the resignation of Council Member Cheryl P. Zentgraf, effective August 24, 2009.

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

Resolution No. R22-2009, Facaros Appointment to Council – Mr. Kennedy offered Resolution No. R22-2009, and moved for its adoption, a resolution appointing Sophia Facaros a member of Oakmont Borough Council, to fill the vacancy caused by the resignation of Cheryl P. Zentgraf.

Mr. Taliferro seconded the motion.

On a called vote, the votes were as follows:

Mr. Favo	Yes	Ms. Ride	Yes
President Federici	Yes	Mr. Taliaferro	Yes
Mr. Kennedy	Yes	Mr. Williams	Yes

The motion passed 6 to 0.

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Mr. Kennedy seconded the motion.

On a called vote, the votes were as follows:

Ms. Facaros	Yes	Ms. Ride	Yes
Mr. Favo	Yes	Mr. Taliaferro	Yes
President Federici	Yes	Mr. Williams	Yes
Mr. Kennedy	Yes		

The motion passed 7 to 0.

President Federici declared the resolution adopted. Recorded in Ordinance Book Volume 30, Page 63 as **Resolution No. R15-2009**.

Extension of Billing Agreement with Municipal Authority – Ms. Ride offered a motion to extend the Wastewater Billing and Collection Service Agreement between the Borough and the Municipal Authority of the Borough of Oakmont for one year, beginning January 1, 2010 and expiring December 31, 2010.

Mr. Taliaferro seconded the motion.

There was significant discussion over whether Council had enough information to vote on this motion. Mr. Favo felt that the sewage billing and collection services of the Municipal Authority would cost the Borough approximately \$5,000 more than Pennsylvania Municipal Service Company.

President Federici asked Ms. Ride if she wished to withdraw her motion. Ms. Ride said she did not.

On a called vote, the votes were as follows:

Ms. Facaros	Yes	Ms. Ride	Yes
Mr. Favo	No	Mr. Taliaferro	Yes
President Federici	Yes	Mr. Williams	Yes
Mr. Kennedy	No		

The motion passed 5 to 2.

2008 Borough Audit – Ms. Ride reported that the 2008 Borough Audit was completed. She said that many of the same issues noted in the 2007 Audit were still mentioned for 2008. The new Borough Manager will be charged with addressing these issues as soon as he or she comes on. In the meantime, Ms. Ride asked Council Members to review and call either her or Auditor Rob Lent if they had any questions. She thanked Treasurer Fred Favo for all his work in closing out the 2008 Audit.

Transfer of Funds from PNC to Citizens Bank – Vice President Ride said that Treasurer Favo had spoken with Citizens Bank and received assurances that the Borough could get a higher rate of interest on its money there.

With this in mind, Ms. Ride offered a motion to authorize the transfer of up to \$500,000 in cash from current PNC Bank accounts to Citizens Bank Money Market accounts.

Mr. Favo seconded the motion.

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The motion passed 6 to 1, with Council Member Taliaferro voting “No” because he felt other banks then just Citizens should have been contacted regarding interest rates.

Police Arbitration Award – Vice President Ride announced that the Police Arbitration Award had gone to the Borough. Solicitor Shoop said the police union had not yet signed the document, but that both the Borough’s signature and the Arbitrator’s signature were enough to make the award binding. Pay increases retroactive to 2008 will be given to union members at 3% for the first three years of the contract, and 3.5% for the remaining two years of the five-year contract. Two sergeants’ positions will also be created and selected by utilizing the Civil Service procedures.

Public Safety Committee

Designated Parking for Library Patrons – Mr. Taliaferro asked for police support in enforcing the Library patron parking in the Giant Eagle parking lot.

Signage – Mr. Taliaferro asked that all Oakmont citizens contact the Borough Office if they notice any downed or damaged signs in the Borough.

Sunken Manhole, Giant Eagle Parking Lot – Mr. Taliaferro noted that there was a manhole on the Giant Eagle parking lot near the dentist’s office which has sunken about two inches. Solicitor Shoop said this would be the Borough responsibility to fix since they are leasing the property from Giant Eagle, d/b/a Echo Real Estate.

Wade Lane No Left Turn – Mayor Fescemyer said noted that the Borough’s “No Left Turn” during school hours sign at Hulton and Wade Lane was illegal. He was advised to contact Representative Dermody’s office to request permission from PennDOT to let the sign remain.

Planning and Economic Development Committee

Resolution No. R24-2009, G. Coulter to Property Maintenance Board – Mr. Favò offered Resolution No. R24-2009, and moved for its adoption, a resolution ratifying the appointment of George Coulter as a Member of the Property Maintenance Board of Appeals of the Borough of Oakmont.

Mr. Kennedy seconded the motion.

On a called vote, the votes were as follows:

Ms. Facaros	Yes	Ms. Ride	Yes
Mr. Favò	Yes	Mr. Taliaferro	Yes
President Federici	Yes	Mr. Williams	Yes
Mr. Kennedy	Yes		

The motion passed 7 to 0.

President Federici declared the resolution adopted. Recorded in Ordinance Book Volume 30, Page 72, as **Resolution No. R24-2009**.

Resolution No. R25-2009, O. Slagle to Property Maintenance Board – Mr. Favò offered Resolution No. R25-2009, and moved for its adoption, a resolution ratifying the appointment of Owen F. Slagle, III as an Alternate Member of the Property Maintenance Board of Appeals of the Borough of Oakmont.

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Mr. Taliaferro seconded the motion.

On a called vote, the votes were as follows:

Ms. Facaros	Yes	Ms. Ride	Yes
Mr. Favo	Yes	Mr. Taliaferro	Yes
President Federici	Yes	Mr. Williams	Yes
Mr. Kennedy	Yes		

The motion passed 7 to 0.

President Federici declared the resolution adopted. Recorded in Ordinance Book Volume 30, Page 73, as **Resolution No. R25-2009**.

Resolution No. R26-2009, Creating UCC Board of Appeals – Mr. Favo offered Resolution No. R26-2009, and moved for its adoption, a resolution establishing a Uniform Construction Code Board of Appeals to hear appeals of all Building Code notices or orders and further establishing related appeal forms and hearing fees.

Vice President Ride seconded the motion.

On a called vote, the votes were as follows:

Ms. Facaros	Yes	Ms. Ride	Yes
Mr. Favo	Yes	Mr. Taliaferro	Yes
President Federici	Yes	Mr. Williams	Yes
Mr. Kennedy	Yes		

The motion passed 7 to 0.

President Federici declared the resolution adopted. Recorded in Ordinance Book Volume 30, Page 74, as **Resolution No. R26-2009**.

2010 Garbage Contract – Mr. Favo stated that the five-year contract for garbage collection in the Borough will be opened at the October 5, 2009 Workshop Meeting and the contract awarded at the October 12, 2009 Regular Business Meeting. He went on to detail some of the highlights of the contract:

- Haulers will be permitted to collect garbage, recycling and yard waste for more than two days a week, if necessary;
- Borough will be collecting and recycling leaf and yard waste, and probably be purchasing 96-gallon containers to hold the yard waste;
- An increase in the garbage fee is possible; and
- Three bidders have expressed interest in the contract this year, when only Waste Management has submitted a bid in the past.

Mr. Kennedy asked about the yard waste containers. Mr. Favo explained that yard waste collection and recycling is necessary to be in compliance with State regulation, adding that the containers will be a significant expenditure in the 2010 budget. He also mentioned that Borough ordinances on garbage and recycling regulations are currently being revised to reflect current State and federal regulations, and will hopefully be ready for review by the October Workshop Meeting.

Illegal Use Violation – President Federici said he had tried to contact Messrs. Donovan, Flynn and Fischetti for a meeting to discuss the alleged use violation of Mr. Fischetti's property at 756 Fifth Street.

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Engineering & Public Works Committee

Williams appointed to AVN-COG – Ms. Ride motioned to appoint Richard A. Williams as the Borough of Oakmont representative to the Allegheny Valley North Council of Governments (AVN-COG) until January 4, 2010.

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

Salt Shed Motion Withdrawn – A motion was withdrawn by Mr. Taliaferro, seconded by Mr. Williams, authorizing the Borough Engineer to issue to the awarded contractor a 60-day extension on the start of construction of a salt shed base, due to the necessity of obtaining all required surveys, and land development and zoning approvals first.

Discussion on the efficacy of pursuing this project any further in 2009 followed. It was agreed that the Borough Engineer would approach the contractor about putting off the project until 2010.

Third Street Storm Sewers (Morris Estates) – Mr. Taliaferro offered a motion to award the Third Street Storm Sewer Project to Meyer Excavating, Inc., in the Alternate Bid amount of \$55,150.00, and as recommended by the Borough Engineer.

Mr. Williams seconded the motion.

Mr. Favio noted that this expenditure would put this budget item over by \$12,000, and asked if there were any other storm sewer projects pending for 2009. President Federici said he was not aware of any.

Recreation, Cultural and Community Assets Committee

Riverside Park Entrance Project Payment No. 1 – Mr. Kennedy moved to authorize payment of Application for Payment No. 1, submitted by Kishmo, Inc., for the work completed on the 2009 Riverside Park Entrance Project (Concrete), and as further review and certified by the project's volunteer design professional, in the amount of \$33,237.00.

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

Riverside Park Entrance Project Payment No. 2 and Final – Mr. Kennedy moved to authorize payment of Application for Payment No. 2 and Final, submitted by Kishmo, Inc., for the work completed on the 2009 Riverside Park Entrance Project (Concrete), and as further review and certified by the project's volunteer design professional, in the amount of \$3,693.00.

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

Riverside Park Tree Pruning – Mr. Kennedy offered a motion to hire Arboreal Tree Service to perform tree maintenance services at Riverside Park, beginning not earlier than November 1, 2009 and completing by December 31, 2009, at a daily rate of \$1,885, with total work activities not to exceed five working days, as recommended by the Oakmont Recreation Board.

Mr. Williams seconded the motion.

Mayor Fescemyer asked if five days would be enough to address the damaged trees at the Park. Mr. Kennedy said the motion was based on the recommendation of Recreation Board Kyle Reynolds.

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Riverfront Fencing – It was agreed that a Request for Bids should be advertised to replace the fencing along the west end of Riverside Park, bordering the river.

Dangerous Park Trees – Mr. Kennedy expressed dismay that four dead tree branches had fallen in the Park this year, but that Arborel Tree Service had done no work on dead trees as yet. President Federici said he would contact Arborel about this.

Pressure Washing Tennis Courts – Mr. Williams offered a motion to pressure wash and then caulk cracks on the Riverside Park tennis courts at a cost not to exceed \$6,000.00.

Ms. Ride seconded the motion, which passed 6 to 1, with Mr. Kennedy voting “No” because he felt the courts should be redone completely.

Human Resources, IT & Communications Committee

AVN-COG – Mr. Williams said he was looking forward to his involvement with the Allegheny Valley North Council of Governments (AVN-COG). His intent is to survey the other member communities about such things as curfews, conflicts of interest, etc., and then bring the results to Council.

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

PUBLIC COMMENT ON NON-AGENDA ITEMS

Paving Morris Street - Bertha Shearer asked why her street was not getting repaved this year when there was supposedly money in the Borough budget to do so. Mr. Favo said he was confused, too, as to why Morris Street was not repaired this year. President Federici said it was not on the list of streets to be paved in 2009. “That’s what I expected,” said Mrs. Shearer.

Odor from Harmarville WWTP – Melony Mostel asked why the smell was so bad coming from the Harmar Township Wastewater Treatment Plant. Mr. Williams said he would explore this problem at the next AVN-COG meeting.

Ms. Mostel added, “I want to hear a little more togetherness from you guys.” Mr. Williams addressed this remark by saying that he has observed Council both as a member of the audience and as a member of Council; that all Council members are truly concerned but also have varying opinions; and that if you examine the history of Oakmont government you would have a clearer picture of why things are the way they are now.

MISCELLANEOUS ITEMS - There were no miscellaneous items to report that evening.

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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 7 to 0.

The meeting was adjourned at 9:24 PM.

L. C. Jensen
Assistant Borough Secretary
Borough of Oakmont