

1 **CALL TO ORDER OF REGULAR MEETING**

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3 The Regular Meeting of Oakmont Borough Council was called to order at 7:00
4 p.m. by President Osterhout in Council Chambers of the Municipal Building, 767
5 Fifth Street, Oakmont, Pennsylvania 15139.

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7 **PLEDGE OF ALLEGIANCE**

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9 **ROLL CALL**

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11 Present: Council Members Arnold, Brankley, Holst, Leonardi, Pagnotta, Ride,
12 and Borough Council President Osterhout; Assistant Borough
13 Manager Anderson, Borough Solicitor Kate Diersen, Mayor Facaros,
14 and Chief Ford

15
16 Excused: Borough Manager Fodi

17
18 Visitors: There were four visitors.

19
20 **REGISTERED SPEAKERS**

21 A. Randy Galm, 1st Quarter 2022 Treasurer's Report
22 Mr. Galm delivered the 1st Quarter 2022 Treasurer's Report. Highlights included:

- 23 - Some cash balances have gone down, but that is typical since real estate
24 taxes do not come in until May
- 25 - Revenue is on track for the budget for the year
- 26 - Expenditures are where they are expected
- 27 - The sewer fund rates need to be worked into the budget
- 28 - General fund is on track with the budget
- 29 - Boulevard Project will be doing fundraising later in the year. The LED light
30 project is not part of the Boulevard Project budget. There is a grant and
31 funds in the General Fund Bond Issue.
- 32 - Kerr Museum is behind by \$39,000 due to the cancellation of the Antique
33 Show, but their donations are above where expected. They should be on
34 track later in the year.
- 35 - The Library was high in expenditures due to issues, but there are
36 insurance checks expected to offset the costs.
- 37 - Parks and Recreation: There are several grants that need to be followed
38 up on.

39
40 **PROPOSED ORDINANCE CONSIDERATION**

41 **Proposed Ordinance 01-2022:** Consideration of a Proposed Ordinance of the
42 Borough of Oakmont, Adopting prohibiting the use of polycyclic aromatic
43 hydrocarbons (aka "coal tar") and certain other hazardous substances as
44 pavement sealants.

45
46 i. Council will accept testimony regarding Proposed Ordinance 01-2022.
47 No testimony was given.

48
49 ii. Motion by Mr. Arnold, seconded by Mr. Brankley, to adopt Proposed Ordinance
50 01-2022. Motion carried unanimously.

51
52 **COMMENTS FROM THE PUBLIC**

53 Gregory Saxon, 223 Fourth Street, stated he believes The Oakmont Community
54 Foundation has the best interests of the community and small business owners in
55 mind, and voiced his support for their plan.

56
57 Kristy Bodnar, 910 Washington Avenue, stated that she supports the suggestions
58 from the Borough for the Oakmont Community Foundation’s plans. She also does
59 not support the plan for the owner of the Chelsea Grill to give money to the
60 Foundation, she believes it could disqualify the grant, since it appears to be, in
61 her opinion, what the IRS calls “self-dealing.”

62
63 Sal Coella, 308 Delaware Avenue, stated that he wrote to the Allegheny County
64 Right-to-Know Office regarding 235 Allegheny Avenue and that there was no
65 information regarding the blighted status. He also supports the Borough
66 regarding not giving away property.

67
68 Denise Poole, 1159 Washington Avenue, stated that she supports what the
69 Borough is doing regarding the parking lot development. She supports not setting
70 a precedent by giving away Borough property.

71
72 John McTiernan, 386 California Avenue, expressed support for The Oakmont
73 Community Foundation’s plan. He stated that the roadway wasn’t Borough
74 property until the 1940s when the owner gave it to the Borough. He believes that
75 it’s inappropriate for the Borough to tell the Foundation that they have taken a
76 poll about how OBC will vote.

77
78 OBC discussed the intricacies of the property transfer after the parking lot is
79 completed.

80
81 Tara Goldberg-DeLeo, 623 Maryland Avenue, stated that she is in support of the
82 Borough’s plan. She believes it’s a great plan for the community, and she voiced
83 her support of the Borough Council.

84
85 Leah Powers, 10th Street, stated that she did not recall the vacation of the road
86 when she was on OBC.

87
88 Marie Huber, 415 California Avenue, expressed her support of The Oakmont
89 Community Foundation’s original plan.

90
91 Tracy Eaton Hatok expressed concerns for the changing of the parking lot plan.
92 She does not agree with the Borough paying \$150,000 for a project that could be
93 covered by a grant with the Foundation.

94
95 Kate Diersen, explained the land development process. She stated that the plan
96 presented to OPC was a preliminary plan. This process allows the OPC to give
97 input. The plan submitted, did not meet Borough requirements for a plan. They
98 did ask the Engineer for a review and stated what would need to be done for OPC
99 to make a recommendation.

100

101 **COUNCIL MINUTES**

102

103 **Minutes of March 21, 2022, Regular Meeting**

104 Motion by Ms. Leonardi, seconded by Ms. Holst, to approve the Minutes from the
105 March 21, 2022, Regular Meeting. Motion carried unanimously.

106

107

108 **DISCUSSION ITEMS (BOROUGH MANAGER)**

109

110 **A. Appointed Boards:**

111 Shade Tree Commission:

- 112 • Nothing to report

113

114 Carnegie Library:

- 115 • Nothing to Report

116

117 Recreation Board:

- 118 • Nothing to report

119

120 Kerr Museum:

- 121 • Nothing to report

122

123 Oakmont Boulevard Project:

- 124 • Nothing to report

125

126 **B. Administration:**

127 1. Motion by Ms. Holst, seconded by Ms. Ride, to approve the 2022 Chamber
128 of Commerce Night Market street closures from 4:00 p.m. to 9:00 p.m. on
129 Allegheny River Boulevard, from Pennsylvania Avenue to Maryland
130 Avenue, on June 17th, July 15th, and August 19th. Motion carried
131 unaniously.

132

133 2. Motion by Mr. Brankley, seconded by Mr. Arnold, to approve **Resolution**
134 **11 of 2022**, listing the uniformed employees' pension contribution rate at
135 3% of compensation for 2022.

136

137 Mr. Arnold raised concerns regarding the verbiage of the motion.

138

139 Motion carried unaniously.

140

141 3. Correspondences

142 a. Letter by President Osterhout (President Osterhout requested a
143 verbatim transcript of what she said. Pauses and interjections, such as
144 "um" have been removed for clarity).

145

146 Ms. Osterhout read the following aloud to OBC and meeting attendees:
147 As stated at the last meeting, the April Work Session, the issue - the
148 question of the project for the old Exxon station parking lot came up.
149 The proposed plan for this parking lot project, to my understanding,
150 was awarded in 2019. It was first brought before this Council in
151 February of 2022. This Council originally had concerns with the ask
152 that we vacate Advance Way. When it was presented to us, we were
153 advised that in doing so, the 20 feet that happens when a road or alley
154 way would be split in the middle and 10 feet would go to each of the
155 owners on each side. And in doing so, that would then become a paved
156 patio walkway for use only by the owner of Chelsea Grille, and in
157 exchange we were told at that time that that business owner indicated
158 that he would be providing money to the project, but we were not told
159 how much. And the Foundation indicated that in exchange for help for
160 landscaping with the plan, they would transfer their 10 feet to the
161 owner of Chelsea Grille to then make that a 20-foot patio.

162

163 Members of Council raised concerns because they thought that would
164 be public space, as this was a state grant for a public parking lot. The
165 Foundation came back to the March meeting with the plan still
166 continuing to have the alleyway vacated. I polled Council at that time; a
167 majority of Council members indicated that they did not support

168 vacating the alley, but supported widening the alley, which would
169 include the sidewalk in the alleyway.

170
171 This plan was presented - the original plan -was submitted to the
172 Planning Commission a couple of days later, in the original form before
173 the vacation of the alleyway. During public comment, I did provide the
174 information to the Planning Commission that two days earlier, or three
175 days earlier, after polling Council, that the Foundation did not have the
176 votes to vacate the alley, but that Council fully supported widening the
177 alley. The Planning Commission gave preliminary approval on the
178 condition that the Foundation meets the Borough Engineer’s concerns.
179 There’s a list of items they have to meet, and also that the alleyway not
180 be vacated, but widened.

181
182 At our last meeting, the April Work Session, Council indicated their
183 support of the plan as drawn. The first picture, and offered to take over
184 the cost of the sidewalk that would run along Chelsea Grille’s building,
185 as you heard our treasurer indicate, because the Oakmont Boulevard
186 Project was awarded a grant, the money had set aside to help with the
187 lighting on the Oakmont Boulevard Project could now be used to
188 provide the sidewalk so that it would be a public space. We then, we
189 did indicate at the time that this offer did not change the drawing in
190 anyway because there was concern about their June 2022 deadline for
191 the grant. So, this plan did not change in any way - it only, if anything,
192 had the Borough provide money and funds to the plan instead of an
193 individual business owner.

194
195 We then also indicated that with this space, as with any business
196 owner in this community, it can file a permit for outdoor dining. At the
197 last meeting as well, the solicitor had indicated that a plan with final
198 steps with items, such as surveys and things, actually has not yet been
199 submitted to the Borough. So, at that time there was nothing that was
200 even before Council for us to take action on.

201
202 You will see we did send a letter, as we indicated, and there were
203 copies in the back for anyone who would like a copy. At this time,
204 Phyllis is going to read the letter that we sent to the Foundation, and
205 then read the response that we received from the Foundation today.

206
207 b. Letter to The Oakmont Community Foundation dated April 7, 2022
208 Ms. Anderson read the letter sent to The Oakmont Community
209 Foundation. It was read as follows:

210
211 Dear Members of The Oakmont Community Foundation,
212 I wanted to write you directly and convey Borough Council’s
213 perspective, as presented by Members of Council at the April 5th Work
214 Session, on the proposed parking, roadway and site aesthetic
215 improvements along Allegheny Avenue between Maryland and
216 Delaware Avenues. For this correspondence, I will be referring to the
217 one-sheet plan submitted to Planning Commission, dated March 11,
218 2022, and titled simply “Concept Plan”.

219
220 First and foremost, Council supports this project. This project
221 improves vehicular traffic in this block of Allegheny Avenue and
222 comprehensively addresses pedestrian safety both perpendicular and
223 parallel to Allegheny Avenue. The design and components proposed
224 within site—sidewalk brick pavers, improved landscaping, the bus
225 stop shelter, and stamped pavement—connect this area of the Borough
226 to the “railroad station” on the Avenue and clock tower above on

227 Allegheny River Boulevard. Obviously, the enhancements also provide
228 parking—on and off-street—for a total of thirty-nine spaces plus two
229 spaces that meet accessible design standards. The four (4) vehicle
230 charging stations is a great offering.

231
232 Please remember that Council absorbed all the design concepts in this
233 plan for the first time during the March 1 Work Session; and yes, the
234 Council members have changed since the Foundation was awarded
235 the grant in 2019. The current Council members have weighed all
236 options individually about the improvements, reaching out to me when
237 they had a specific question. The project is high in the Council’s agenda
238 to have completed, and they have mulled over this project since that
239 first introduction at the Work Session.

240
241 The only issue with the Concept Plan raised by Council was the
242 vacating and relocation of the right-of-way for Advance Way. Council
243 concurs with and supports the reasoning behind the relocation of
244 Advance Way. However, Council encourages the Foundation to keep
245 the right-of-way as it exists now and merely widen the right-of-way to
246 accommodate the proposed realignment. Council views it a challenge
247 to convey existing public property (half of the existing Advance Way
248 right-of-way) during a redevelopment to a private property owner,
249 when that property could continue to benefit all residents of
250 Oakmont. Council discussed the possibility of the Borough contributing
251 funding to go towards the paving of the widened alley. Outdoor seating
252 for the adjacent restaurant could be available in that area through the
253 Borough’s standard permitting process.

254
255 This is not a determination from Council, but rather a summary of
256 comments from a public meeting. In order for Council to make a
257 determination and consider granting approval of the proposed
258 development, the plan will need to go back to the Planning
259 Commission for consideration as a Final Plan.

260
261 For a Final Plan to be placed on the agenda for the next Planning
262 Commission meeting, which is scheduled for Thursday April 28th, a
263 Final Plan will need to be submitted to the Borough no later than April
264 18, 2022. Please refer to the March 23, 2022 review letter from the
265 Borough’s Engineer, LSSE, for the additional information that is
266 required under the Borough’s Zoning, Subdivision and Land
267 Development, and Stormwater Management Ordinances. Only after
268 Council receives a recommendation from the Planning Commission for
269 a Final Plan, can Council take official action.

270
271 Please do not hesitate to contact me with any questions regarding this
272 letter, or the process to move this project forward.

273
274 Respectfully,

275
276 Scot E. Fodi
277 Borough Manager
278 BOROUGH of OAKMONT

279
280 c. Letter to Oakmont Borough Council from The Oakmont Community
281 Foundation
282 Ms. Anderson read the correspondence sent to the Oakmont Borough
283 Council. It was read as follows:

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285 Dear Council Members:

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The foundation received Manager Fodi's letter of April 7, 2022. Council's words of support are appreciated. We worked with Mr. Fodi, Council President Friday, Planning Commission Member Gass and the community stakeholders who have helped make Oakmont the community that it is today. We expected that council would provide its wholehearted support for this tremendous project that will be completed without any local tax money.

Council's actions have not met with its statements of support. After sending a last minute invitation to the April 5th work session, Council members indicated that the foundation was invited but chose not to attend this meeting, even though council was informed that the foundation's team was unable to attend due to scheduling conflicts. It is difficult to comprehend what council was hoping to accomplish with this approach.

Council has made it very clear that it will not approve this project unless the foundation drops its request to vacate Advance Way, Council's basis for this position is that it doesn't want the new owner of the Chelsea Grille to receive the land beneath a 10 foot by 90 foot section of Advance Way that the owner is legally entitled to under state law. Council has never stated its reasoning for discriminating against one landowner.

The plan before council was developed prior to the sale of the Chelsea Grille. It was developed to eliminate the dangerous intersection of Advance Way and Allegheny Avenue, to make this portion of Allegheny Avenue safer for vehicles and pedestrians, to incorporate the unique streetscape along the Arboretum Trail to the western side of Allegheny Avenue and to create a small parking lot. All of these goals are consistent with Oakmont's Comprehensive Plan and Pedestrian Plan.

Council's solution is to create a 4 lane Advance Way between Cedar Way and Allegheny Avenue with the stated purpose of keeping the new owner of the Chelsea Grille from receiving the 0.021 acre piece of land. It has even offered to provide \$150,000 of borough funds to pay for improvements simply to deprive this property owner of land that he, or any other similarly situated landowner, would receive automatically upon vacation of any public street.

The foundation has concerns in moving forward with the project under the conditions imposed by council:

- Does the borough have the legal authority to repurpose Advance Way for sidewalks, landscaping and a patio? This land was dedicated for a 20 foot wide alley in 1908 by the abutting landowner in a subdivision plan. According to borough records provided, it was accepted in 1940.

- Is it discriminatory for the borough to take this action to disadvantage one landowner?

Due to the potential for legal action related to the above, the foundation has paused this project until council acts on its request to vacate the existing Advance Way and accept the not right of way. This is the only way to enable the project to proceed as planned

344 without resulting in compliance issues or litigation. Once council
345 votes on the request, the foundation will determine its next steps.
346 The foundation is committed to completing this project as planned
347 and designed in cooperation with Oakmont Borough. We are aware
348 that a new group is the majority of council now. But the borough is an
349 institution that must honor the commitments made by prior officials.
350 Otherwise, projects will be impacted every time there is an election.

351
352 In closing, we would like to remind everyone of how this project was
353 initiated. Local restaurateur, Mr. Danny Monaco, personally solicited
354 the support of the OCF, the Boulevard Project, the Garden Club, the
355 Oakmont Chamber and Oakmont Borough. He paid for the costs to
356 prepare the preliminary plans for grant applications, appraisals and
357 application fees. He volunteered countless hours. His plan was simple –
358 tear down a blighted building and build a small parking lot. But it grew
359 to the vision that we have today with the contributions of the borough
360 and other stakeholders. Mr. Monaco embraced this vision. Not because
361 it was good for him, but because it was good for Oakmont!

362
363 Oakmont lost a community champion when Danny passed away. We
364 have treated this project as a monument to his decades of service to
365 our community and his tenacity in advocating for Oakmont.

366
367 The new owner of Danny's restaurant had no input in the design
368 of this project. He acquired the property after design was
369 complete.

370
371 Our foundation was founded to promote Oakmont and our business
372 community, to pursue projects that benefit all of us. This project is
373 clearly beneficial to our entire community. We hope you can join us in
374 moving it forward.

375 Sincerely,

376
377 Ray Rogers
378 Oakmont Community Foundation

379

380

381

382 **C. Community Planning:**

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384 1. No items currently.

385

386 **D. Finance:**

387

388 1. Motion by Ms. Ride, seconded by Ms. Pagnotta, to approve the Warrant
389 List for March 2022, in the amount of \$527,582.48. Motion carried
390 unanimately.

391

392

<i>Fund</i>	<i>Amount</i>
General Fund	\$179,658.97
Boulevard Project Fund	\$5,736.49
Kerr Museum Fund	\$5,575.14
Library Fund	\$81,082.63
Liquid Fuels Fund	\$0.00
Sewer Fund	\$200,681.95
Capital Fund (Parks)	\$0.00

Capital Fund (Roads)	\$54,847.30
Capital Reserve Fund	\$0.00
American Rescue Plan	\$0.00
TOTAL	\$527,582.48

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E. Public Safety:

1. Office Of the Mayor:

- Monthly Police Report, March 2022:
Chief Ford directed OBC to review the supported report. He commended the OVFD, Police Department, Road Crew, and BJ Tree Service for their work when the tree fell on Hulton Road on Friday, April 15th.

F. Public Works

1. Engineer’s Report

- a. No report currently.

2. Plum Creek Project Updates

Mr. Arnold asked if the Crystal Drive preplanning meeting was occurring on April 20th.

Ms. Anderson stated she would have to find out.

G. Capital Improvements Projects:

1. Wastewater Treatment Plant Update

No update.

H. Council Remarks

1. President of Council, Lindsay Osterhout

President Osterhout thanked the family picking up trash along the trail she was running along.

2. Vice-President of Council, Nancy Ride

Ms. Ride stated the “greater good” is the project. It does not matter to her which individual receives the property.

Ms. Ride requested a review of the traffic studies on Hulton Road be in the next Work Session as well as parking along Allegheny River Boulevard.

3. Council Member John Arnold

Mr. Arnold stated the OBC should bear in mind the idea of “greater good” when it comes to the parking lot plan, and “swallow” concerns and go forward with the project as proposed.

OBC discussed The Oakmont Community Foundation’s plan.

Mayor Facaros explained that the original plan from 2019 did not include vacating Advance Way. The latest plan presented in March 2022 did include the vacation of Advance Way.

4. Council Member Brankley

No comments were made.

5. Council Member Tracey Holst

No comments were made.

447

448 6. Council Member Jamie Leonardi

449 No comments were made.

450

451 7. Council Member Amanda Pagnotta

452 Ms. Pagnotta requested OBC continue to consider permit parking for
453 events near the proposed parking lot on Delaware Avenue.

454

455 Ms. Pagnotta stated she received an email of concern that there was not a
456 shelter in place text sent out while the suspect was being searched for.

457

458 **COMMENTS FROM THE PUBLIC**

459 Ray Rogers, Oakmont Community Foundation, stated the original plan was to
460 eliminate the alley, but they decided to move Advance Way over 22 feet and
461 abandon the road. Twelve drawings have been completed of the plans for the lot.

462

463 OBC discussed the logistics of the plan.

464

465 Mr. Rogers stated that they will not do anymore with the plans if OBC does not
466 agree to the plans presented.

467

468 President Osterhout asked if a final plan has been submitted to OPC, because OBC
469 cannot vote on plans without final plans being submitted.

470

471 Mr. Brankley stated that OBC loves the plan, the only concern is the ownership of
472 the land.

473

474 Mr. Rogers stated that as a taxpayer he is opposed to the Borough using funds to
475 redevelop the land.

476

477 OBC discussed the plans for the lot and how to move forward.

478

479 Kristy Bodnar, 910 Washington Avenue, read from the March meeting regarding
480 the plans. They stated they were fine with not vacating the land. However, they
481 submitted a letter about a lawsuit. Ms. Bodnar asked who the person is that feels
482 upset, since Mr. Rogers stated he was fine vacating the land.

483

484 Sal Coella, 308 Delaware Avenue, expressed disappointment in the conversation
485 about a letter from the Foundation threatening to sue the Borough. He asked
486 OBC to vote on the plans.

487

488 OBC discussed the options to cast a vote on the parking lot plans.

489

490 Jennifer Chapparo, 613 Tenth Street, thanked OBC for the work they do for the
491 community.

492

493 **ADJOURNMENT**

494

495 Motion by Mr. Arnold, seconded by Ms. Leonardi, to adjourn the meeting.

496

497 The meeting adjourned to Executive Session at 9:07 p.m.

498

499 Respectfully submitted,

500 Bianca Labrador