MINUTES OF THE ADJOURNED MEETING AUGUST 22, 2011
OF THE MT. LEBANON COMMISSION

The Commission of Mt. Lebanon, Pennsylvania, held an Adjourned Meeting at 8:00 P.M., on Monday, August 22, 2011, at the Municipal Building, 710 Washington Road. President Miller called the meeting to order and led in the Pledge of Allegiance to the Flag. Manager Stephen M. Feller called the roll. Present were Commissioners Dave Brumfield, Joe DeIuliis, Bonnie VanKirk, Matt Kluck, and Dan Miller. Also present were Manager Feller, Chief of Police McDonough, Public Works Director Kelley, Recreation Director Donnellan, Fire Chief Sohyda, Planning Officer McGill, Inspections Officer Berkley, Acting Finance Director Windstein, and Assistant Editor Jantz. Also present were Phil Weis of the solicitor's office and Dan Deiseroth of the engineer's office.

CITIZEN COMMENTS

David Barclay of 249 Hazel Drive spoke in support of deer management and cat control.

Jay Bedortha of 410 Jefferson Drive spoke in support of the recreation bond for development of McNeilly Park. He said that as a lacrosse coach, he sees firsthand the shortage of athletic fields in Mt. Lebanon. He said the teams travel to different communities, and Mt. Lebanon's athletic facilities have fallen behind compared to what other communities have to offer.

Dave Huston of 505 Sleepy Hollow Road spoke against the proposed recreation bond issue. He believed that the cost of grading the property for athletic fields was too high. He supported trails at McNeilly Park but not fields. He also said that a previous commission voted against bond funding to develop McNeilly Park, believing that it was partially due to the athletic organizations not assisting with the funding.

Mr. Miller stated that if anyone has information that contradicts what the municipality received from the engineer regarding excavation costs, they should submit that information. Mr. Miller stated that since the municipality cannot sell the property, that it should be used in a productive manner.

Suzanne Sieber of 1441 Pueblo Drive supported the development of McNeilly Park. She said that she was involved with girls' lacrosse, and the program is growing. Unfortunately, there are not enough fields to accommodate all of the players, so they may be forced to tell the girls that they can't participate.

Dave Schraven of 337 Sleepy Hollow Road stated that he is a parent of two children as well as the swim coach of the Aqua Club, and he believes recreation is a necessity, not a luxury. He supports the bond issue and the pool improvements.

Mark Frederickson of 290 Orchard Drive supported the bond issue for swimming pool repairs.

Judy Caves of 212 Sleepy Hollow Road supported the bond issue, stating that she also is a master age-group swimmer. She added that the locker room is a disgrace. She said that since 2005, residents have expressed interest in developing McNeilly.

David Franklin of 739 Pinetree Road stated that he is on several athletic boards, and he sees firsthand the need for fields. He stated that there are thousands of participants in various sports and limited field space. Because the fields are overused, the field conditions are stressed. He said that the McNeilly property cannot be sold nor can it be developed for anything other than recreation. He stated that the commission needs to finish what was started 10 years ago and develop McNeilly.

Mr. DeIuliis asked if Mr. Franklin believed the sports associations would contribute to help fund the fields. Mr. Franklin said that he believed they would.

Mr. Brumfield proposed having the athletic associations fund separate items at the fields like lighting, concession stands, etc.

Mr. DeIuliis believed the economic situation in the region should be considered. He also believed the athletic associations should assist with the funding.

Mr. Miller said that even if the associations were to assist with funding, they are a 501c3, which means they could disband at any given time. He didn't believe it was in the municipality's best interest to depend on the associations for funding. Instead he suggested having the associations fund whatever extra amenities they wanted (i.e. lighting, utility shed, etc.).

Elaine Gillen of 735 Vallevista Avenue asked if the municipality had the option of paying back the grant for McNeilly, and Mr. Brumfield said no.

Mr. Miller said that the municipality has repeatedly attempted to get permission to sell the property, but has not been successful in getting approval from the U.S. Department of Interior.

Bill Lewis of 816 Ridgeview Drive talked about the history of Robb Hollow Park, Twin Hills Park and Terrace Park. He believed that the sports associations should assist with funding the development of McNeilly Park.

John Ewing of 904 Lovingston Drive apologized to Mr. Miller for his remarks on a blog site. Mr. Ewing also spoke against the proposed recreation bond.

Rodger Delonga of 820 Robb Hollow Road agreed that the municipality needed more fields. However, he said that $3,000,000 for McNeilly is a lot of money, and he thought the money would be better spent elsewhere. He felt it was a matter of "needs vs. wants."

CONSIDERATION OF THE MINUTES FROM THE REGULAR MEETING HELD AUGUST 9, 2011

Mr. Kluck moved and Mr. DeIuliis seconded to approve the minutes. The vote was called. The motion carried unanimously.

PUBLIC HEARING FOR RESOLUTION NO. R-10-11 FOR THE TRANSFER OF A LIQUOR LICENSE TO MT. LEBANON FOOD ASSOCIATES, INC.

Mr. DeIuliis said state law allows liquor licenses to be transferred between establishments in different municipalities. Prior to submitting the license transfer to the Liquor Control Board, the municipality into which the license is being transferred must hold a public hearing and act on the transfer.

Mt. Lebanon Food Associates, Inc. is seeking to open a restaurant at 1539 Washington Road in the property formerly occupied by Coldwell Banker. Mt. Lebanon Food Associates, Inc. has requested a hearing before the Commission for approval of the transfer of a liquor license to this location.

Mr. Miller declared the public hearing opened.

Charles Caputo, solicitor representing Mt. Lebanon Food Association, stated that his client wants to convert the former Caldwell Banker building on Washington Road into a Primanti Bros. restaurant. He noted that there was a restaurant at this location several years ago. He stated that Primanti Bros. has been in Pittsburgh since the 1930s, and it is a very established restaurant. He stated that the owner will invest about $2,000,000 on the property, and the restaurant will employ 50 people.

Because there were no further comments, Mr. Miller declared the public hearing closed.

INTRODUCTION OF AN ORDINANCE (BILL NO. 18-11) AUTHORIZING EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE MUNICIPALITY AND COMCAST OF CALIFORNIA/ PENNSYLVANIA/UTAH/WASHINGTON, INC.

Mr. Brumfield said the franchise agreement that Mt. Lebanon has with Comcast for cable television has expired and a new agreement has been negotiated. The new franchise was negotiated by four communities, however each community must approve its own agreement. The proposed agreement contains a number of provision, including franchise fees, franchise grant, cable drops to municipal facilities, customer service standards, PEG channels, system specifications, reporting requirements, competitive equity and enforcement,. The franchise term is for 10 years.

Ordinance (Bill No. 18-11) was introduced, and the public hearing set for September 13, 2011.

CONSIDERATION OF ORDINANCE (BILL NO. 16-11) REQUIRING MAINTENANCE OF A STREET RECONSTRUCTION PROGRAM AT AN ACCEPTABLE LEVEL

Ms. VanKirk said this ordinance requires the budget to include an appropriate level of funding (as determined by the Commission) in order to maintain the municipality's streets at an "acceptable" overall condition index rating throughout the length of the annual street reconstruction program. The ordinance was introduced June 27, 2011, and the public hearing was held August 9, 2011.

Mr. Miller stated that the language in two sections of the ordinance was reviewed by the solicitor and changed for clarification purposes. Section 140.1 reads: the manager's annual recommended

budget as well as the final approved annual budget shall include an appropriate level of funding for the annual street reconstruction program. That funding level is designed to maintain the municipality's streets at an acceptable rating as determined by the Overall Condition Index rating throughout the length of the annual street reconstruction program that would be done in conjunction with the municipal engineer and the commission and with the commission's approval.

Section 141.3 reads: the Capital Improvement Program shall include an appropriate level of funding for the annual street reconstruction program. That funding level shall be designed to maintain the municipality's streets at an acceptable rating as determined by the Overall Condition Index throughout the length of the annual street reconstruction program that would be designed in conjunction with the municipal engineer and the commission and meet the approval of the commission.

Ms. VanKirk moved and Mr. Brumfield seconded to enact Ordinance (Bill No. 16-11).

Mr. DeIuliis didn't feel the municipality should be locked into a situation that required annual funding, which he believed would result in a tax increase.

Mr. Brumfield stated that it's crucial to maintain the infrastructure at an appropriate level.

Mr. Miller stated that by enacting this ordinance, the municipality is being responsible to its constituents. He said that if the municipality continued with the process that it had for the past two years, the municipality would be faced with a debt cycle that would be overwhelming and result in streets in disrepair.

Mr. Kluck stated that two years ago, the budget was passed by using a $2.2 million bond issue, and last year, the budget was passed by using undesignated funds, which is now down to 10%. He said that these methods were used to avoid a tax increase. He believed the community deserved to know the true costs involved in running a government.

The vote was called. Mr. Brumfield, Mr. Kluck, Ms. VanKirk and Mr. Miller voted in favor of the motion. Mr. DeIuliis voted against the motion. The motion passed four to one.

CONSIDERATION OF RESOLUTION NO. R-11-11 CONCERNING THE POSITION OF JUNIOR COMMISSIONER

Mr. Brumfield said this Resolution clarifies the Commission's intent regarding this program to:

- Allow for separate appointments for the fall and spring semesters.
- Confirm that all high school students residing in Mt. Lebanon are eligible to apply for the program.

Mr. Brumfield moved and Ms. VanKirk seconded to adopt Resolution No. R-11-11. The vote was called. The motion carried unanimously.

CONSIDERATION OF APPOINTMENTS TO SERVE AS JUNIOR COMMISSIONER

Ms. VanKirk said the Commission received applications from six highly qualified applicants for Junior Commissioner.

Ms. VanKirk moved and Mr. Brumfield seconded to make the following appointments:

Connor Hayes of 110 Piper Drive for the fall 2011 semester.

Bill Postufka of 162 James Place for the spring 2012 semester.

The vote was called. The motion carried unanimously.

CONSIDERATION OF FINAL APPROVAL FOR THE RELIANCE PITTSBURGH, LLC/HOLY CROSS GREEK ORTHODOX CHURCH PLAN OF LOTS

Mr. Kluck said the Planning Board reviewed the plan at its meeting on July 26, 2011 and granted preliminary approval and recommended final approval for the Plan of Lots.

The owners of 1600 Washington Road and 123 Gilkeson Road are requesting a minor property transfer to increase the area of 123 Gilkeson Road. The increased property area is intended to satisfy setback requirements for the communication tower. No new lots are being created.

All Engineering comments related to this application have been satisfied.

Mr. Kluck moved and Mr. DeIuliis seconded to grant final approval of the Reliance Pittsburgh, LLC/Holy Cross Greek Orthodox Church Plan of Lots. The vote was called. The motion carried unanimously.

RECEIPT OF THE CAPITAL IMPROVEMENT PROGRAM (CIP)

Mr. DeIuliis said as required by the Charter, the Capital Improvement Program (CIP) for 2012-2016 was submitted to the Commission on July 30, 2011. A public hearing is required to be held on this program prior to the issuance of the Manager's Recommended Budget.

The Commission acknowledged receipt of the 2012-2016 Capital Improvement Program (CIP), and the public hearing was set for October 11, 2011.

CONSIDERATION OF THE EXPENDITURE LIST FOR JULY TOTALING $2,666,794.14

Mr. Brumfield moved and Mr. Kluck seconded to authorize the expenditure list for July totaling $2,666,794.14. Ms. VanKirk abstained from voting stating that her husband is a shareholder at Buchanan, Ingersoll and Rooney. The vote was called. The motion passed with four votes.

DEPARTMENTAL REPORTS

Mr. DeIuliis asked that the reports be received and filed.

MANAGER ANNOUNCEMENTS

Mr. Feller said that prior to tonight's meeting, the Commission met in executive session to discuss a pending lawsuit regarding a pension matter, a personnel appointment and other legal issues with the solicitor. The next regular meeting will be held Tuesday, September 13, 2011, at 8 p.m. at the municipal building.

ADJOURNMENT

The meeting adjourned at 10:30 p.m.