

**MINUTES OF THE REGULAR MEETING DECEMBER 11, 2012
OF THE MT. LEBANON COMMISSION**

The Commission of Mt. Lebanon, Pennsylvania, held a Regular Meeting at 8:00 P.M., on Tuesday, December 11, 2012, at the Municipal Building, 710 Washington Road. President Brumfield 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 John Bendel, Kelly Fraasch, Matt Kluck, Kristen Linfante, and Dave Brumfield. Also present were Assistant Manager Taylor, Police Chief McDonough, Recreation Director Donnellan, Fire Chief Sohyda, Public Works Director Kelley, Planning Officer McGill, Commercial District Officer Milliron, Inspections Officer Berkley, and Public Information Officer Morgans. Also present were Phil Weis of the solicitor's office and Dan Deiseroth of the engineer's office.

**RECOGNITION OF POLICE OFFICER BEN HIMAN, PARAMEDIC
DAVID GERSTER AND PUBLIC WORKS EMPLOYEE TONY MAZUREK**

Chief McDonough stated that on October 13, one of the citizens was riding his bike when he went into cardiac arrest. He stated that Mr. Gerster is a paramedic for Scott Township, who was not working on this particular day, but he noticed the resident fall to the ground, and realizing something was wrong, he stopped and started to administer CPR. When Officer Himan approached the scene, he used the AED. As a result of their mutual efforts, the citizen recovered.

CITIZEN COMMENTS

Barbara Sollenberger of 120 Newburn Drive spoke in support of an aerial deer survey instead of a ground survey, believing it was more accurate. She also spoke about adjusting the fencing requirements in the municipality.

Kimberly Schevtchuk of 519 Lyndhurst Avenue spoke in support of an aerial deer survey, with the use of infrared technology.

Bill Lewis of 816 Ridgeview Drive stated that he attended a meeting where the business merchants asked if the municipality was offering free parking during the holiday season. Mr. Feller stated that the municipality was once again offering a one-hour grace period during the holiday season.

Dave Egler of 121 Poplar Drive spoke in support of maintaining the delinquent tax collection position in-house, and not contracting this service for years 2011 and before to Jordan Tax.

Elaine Gillen of 735 Vallevista Avenue asked that the municipality consider waiving parking for Shop Small Businesses on Saturday. She also spoke about the lights in the north parking garage. She also inquired about a handicapped parking space being placed at Washington and Cedar. Mr. Feller indicated that Linc was scheduled to replace all of the fixtures and bulbs in the garages in a couple weeks.

Bill Matthews of 1435 Navahoe Drive spoke about the TIF for the Zamagias property on Washington Road.

Egon Klatt of 280 Parkway Drive agreed that one hour was sufficient for free parking for the holiday season. He also inquired about the deer survey and spoke in support of deer management.

REPORT BY JUNIOR COMMISSIONER MADDY SCOTT

Junior Commissioner Maddy Scott stated that the high school collected 2,100 cans of food for the food bank. She also said that the school's holiday show was scheduled for Thursday, December 13, with the proceeds benefiting the American Red Cross for Hurricane Sandy victims, the Leukemia and Lymphoma Society, and the Crones and Colitis Association. She said that Lincoln Elementary students made 600 ornaments to sell in order to benefit the Wounded Warriors project. The freshman class is collecting school supplies to send to a school that was affected by Hurricane Sandy. She also thanked the commission for giving her the opportunity to be the Jr. Commissioner.

**PRESENTATION OF RECOGNITION FOR
SERVICE TO JUNIOR COMMISSIONER MADDY SCOTT**

Mr. Brumfield presented Maddy Scott with a gift, and thanked her for her service to the community in her role as the Jr. Commissioner.

**CONSIDERATION OF THE MINUTES FROM
THE ADJOURNED MEETING HELD NOVEMBER 26, 2012**

Ms. Fraasch clarified the section of the minutes dealing with voting membership on the sports advisory board. Ms. Fraasch moved and Mr. Kluck seconded to approve the minutes as amended. The vote as called. The motion passed unanimously.

**PUBLIC HEARING AND CONSIDERATION OF ORDINANCE
(BILL NO. 17-12) CONCERNING THE MUNICIPALITY'S 2013 BUDGET**

Ms. Linfante said the Commission held scheduled work sessions to review the budget on November 5, 8, and 14. A public hearing was held on November 13 to comment on the Manager's 2013 recommended budget. A second public hearing is being held tonight regarding the Commission revisions to the manager's recommended budget. The amendments are displayed on the side wall of the Commission Chambers.

Amendments to the 2013 Manager's Recommended Budget	
GENERAL FUND	
Revenues	
Reduce Reat Estate Tax to meet windfall cap	(60,800)
Contributions - add funds for Veteran's Memorial Irrigation system, Beverly Road pole decorations, and Plein Air painting purchase	21,360
Add revenue for tennis courts 13 & 14	6,000
Miscellaneous Revenue - adjust	(260)
Use of fund balance	<u>274,100</u>
Total Revenue Amendments	<u>240,400</u>
Expenditures	
Fringe benefits - Reduce medical rate increase	(53,770)
Tax collection (EIT) - level 1 - Add assessment for SWTCC	4,790
MRTSA - level 1 - Additional MRTSA assessment	16,210
General Management - add level 4 - development consultant	35,000
General Management - level 3 - hire management assistant April 1	(22,200)
Public Information - add level 4 - Streaming video	13,100
Finance - add level 4 - Personnel conversion	(17,350)
Finance - add level 5 - Assessment appeals	25,000
Community and Economic Development - add level 3 - Beverly Road pole decorations	3,770
Municipal Building - level 3 - add Plein Air painting for building	1,000
Parks Maintenance - add level 5 - Deer survey	12,000
Parks Maintenance - add level 11 - Veteran's Memorial irrigation	18,480
Outreach - add level 3 - Further subsidy	1,000
Ice Rink - level 2 - reduce for sound system console board	(1,200)
Swimming Pool - level 2 - reduce for bathhouse repairs/painting, pool paint, 4 filter baffles	(7,500)
Debt Service - Reduce to 2012 budgeted level	(62,030)
Carryover - National Register Nomination	13,050
Carryover - Comprehensive Plan	28,530
Carryover - Completion of personnel software improvements	23,370
Carryover - Ice rink flooring completion	31,270
Carryover - Street maintenance contract	171,630
Carryover - Public works radios	<u>6,250</u>
Total Expenditure Amendments	<u>240,400</u>

SEWAGE FUND	
<i>Revenues</i>	
Increase assessments from ALCOSAN charges	870,600
Increase municipal assessments	<u>8,100</u>
Total Revenue Amendments	<u>878,700</u>
<i>Expenditures</i>	
Increase payment to ALCOSAN (120% requirement)	870,600
Personnel conversion - add additional collection assistance	<u>8,100</u>
Total Expenditure Amendments	<u>878,700</u>
STORM WATER FUND	
<i>Revenues</i>	
Increase municipal assessments	<u>17,340</u>
Total Revenue Amendments	<u>17,340</u>
<i>Expenditures</i>	
Personnel conversion - add additional collection assistance	<u>17,340</u>
Total Expenditure Amendments	<u>17,340</u>
CAPITAL PROJECTS FUND	
<i>Revenues</i>	
Bond Proceeds - reduce amount of borrowing	(858,730)
Use of fund balance	<u>2,708,730</u>
Total Revenue Amendments	<u>1,850,000</u>
<i>Expenditures</i>	
Bond issue projects - conform to approved bond issue	(920,000)
Bond issue - cost of issuance	61,270
Carryover - Recreation improvements (budget amendment)	700,310
Carryover - Traffic signal projects	265,580
Carryover - Energy service contract	1,236,670
Carryover - Playground/park improvements (budget amendments)	241,940
Carryover - Library grant (Keystone)	71,230
Carryover - Traffic calming	50,000
Carryover - Wildcat/Middle parking	<u>143,000</u>
Total Expenditure Amendments	<u>1,850,000</u>
PARKING FUND	
<i>Expenses</i>	
Personnel conversion - add additional collection assistance	17,350
Carryover - Garage structural studies	<u>82,000</u>
Total Expense Amendments	<u>82,000</u>

Mr. Brumfield declared the public hearing opened.

Ms. Fraasch spoke about the deer survey budget item stating that the item is being perceived by the public to indicate that there will be a deer cull since it mentions acquiring a permit. She asked that the description in the service level be changed to reflect only a deer survey.

Tom Kelley stated that the municipality must get a permit from the state for anything involving the deer population.

Mr. Brumfield also asked that the budget service level description be amended to reflect just information regarding the deer survey.

Bill Lewis of 816 Ridgeview Drive spoke in support of the budget. He also spoke about the real estate taxes, and the subsidy for MRTSA. Mr. Brumfield stated that he and Ms. Fraasch are the municipal representatives on the MRTSA board for Mt. Lebanon, and they advised the board that this is the final year for such a large annual assessment.

David Barclay of 249 Hazel Avenue inquired about the management assistant position. Mr. Feller stated that this position involves working with public works regarding contract management, budget preparation and other administrative assistance to the director of public works, as well as working in the manager's office on human resources issues.

Elaine Gillen of 735 Vallevista Avenue spoke about the earned income tax revenue. She also inquired about the employee raises, asking where it is written for an increase. Mr. Feller stated that the Administrative Code as well as the Personnel Policy lay out different ways that increases may be given. He said that there is also a merit-based bonus system provision that hasn't been used for several years. Mr. Brumfield said he supports the raise for non-contract personnel because the municipality has been running exceptionally well. He indicated that over the years, the staff has been assigned a heavy workload, and they still perform at an exemplary level.

Bill Matthews of 1435 Navahoe Drive spoke about the real estate tax, earned income tax, human services and community development.

Barbara Sollenberger of 120 Newburn Drive said that the municipality needs to be fiscally responsible.

Dave Egler of 121 Poplar Drive stated that he supports the 2013 Managers Recommended Budget projection for earned income taxes.

Kimberly Schevtchuk of 519 Lyndhurst Avenue thanked the commission for listening to the residents about deer management.

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

Ms. Linfante moved and Mr. Bendel seconded to enact Ordinance (Bill No. 17-12).

The vote was called. Mr. Bendel, Ms. Fraasch, Ms. Linfante and Mr. Brumfield voted in favor of the motion. Mr. Kluck voted against the motion. The motion passed four to one.

CONSIDERATION OF ORDINANCE (BILL NO. 19-12)
FIXING A REVENUE NEUTRAL TAX RATE FOR THE YEAR 2013

Mr. Bendel said the 2012 rate is 5.43 mills. State law limits the amount of revenue which may be generated from real estate taxes for the first year of a reassessment. Because a reassessment will occur in 2013, at some point, the millage will need to be reduced. However, the final calculation cannot be made at this time because appeals have not yet been decided.

Mr. Weis said that in 2013 a reassessment will take effect, and the anti-windfall law requires that a neutral revenue tax rate millage rate ordinance be enacted, and then can be followed with a final tax rate that does not exceed the 5% anti-windfall cap.

Mr. Bendel moved and Ms. Linfante seconded to enact Ordinance (Bill No. 19-12). The vote was called. The motion carried unanimously.

CONSIDERATION OF ORDINANCE (BILL NO. 22-12)
FIXING A FINAL TAX RATE FOR THE YEAR 2013

Mr. Bendel moved and Ms. Linfante seconded to enact Ordinance (Bill No. 22-12). The vote was called. The motion carried unanimously.

CONSIDERATION OF ORDINANCE (BILL NO. 18-12)
ESTABLISHING COMPENSATION FOR EMPLOYEES FOR 2013

Ms. Linfante said this ordinance establishes the pay rates and levels for employees, including those covered by collective bargaining for 2013. It also sets hours of work and overtime, longevity and fringe benefits.

Ms. Linfante moved and Mr. Bendel seconded to enact Ordinance (Bill No. 18-12).

Ms. Fraasch said that she would be voting against this ordinance because she felt that the employee increases should reflect the cost of living.

Mr. Brumfield stated that while he understands the argument for the cost of living being used to determine the increase, in years when the cost of living exceeded three percent, it wasn't applied then, so he doesn't feel it is fair to apply this concept at this time.

Mr. Bendel, Ms. Linfante and Mr. Brumfield voted in favor of the motion. Ms. Fraasch and Mr. Kluck voted against the motion. The motion passed three to two.

**INTRODUCTION AND CONSIDERATION OF ORDINANCE (BILL NO. 23-12)
ADOPTING A SCHEDULE OF REASONABLE COSTS IN
CONNECTION WITH THE COLLECTION OF DELINQUENT EARNED INCOME**

Ms. Fraasch said the municipality is appointing Jordan Tax Service to collect current and delinquent earned income taxes. This ordinance establishes a schedule of reasonable costs of collection to be imposed and collected from delinquent taxpayers. Ordinance (Bill No. 23-12) was introduced.

Ms. Fraasch moved and Mr. Kluck seconded to enact Ordinance (Bill No. 23-12) by special procedure. Mr. Bendel, Ms. Fraasch, Mr. Kluck, Ms. Linfante and Mr. Brumfield voted in favor of the motion. The vote by special procedure carried unanimously.

**CONSIDERATION OF AN AGREEMENT WITH JORDAN TAX SERVICES
FOR COLLECTION PRE-2012 DELINQUENT EARNED INCOME TAXES**

Ms. Linfante said in 2012, Jordan became the tax collector for the Southwest Allegheny County Tax Collection District. This agreement pertains to collection of taxes for the years 2011 and prior.

Ms. Linfante moved and Mr. Bendel seconded to authorize the proper municipal official to execute the agreement. The vote was called. The motion carried unanimously.

**CONSIDERATION OF RESOLUTION NOS. R-26-12, R-27-12 AND
R-28-12 TO AMEND THE MUNICIPAL RETIREMENT PLANS**

Mr. Kluck said the Municipality sponsors General, Fire and Police Pension Plans. These Plans are in need of amendment per IRS regulations to comply with the Heroes Earnings Assistance and Tax Relief Act of 2008.

Mr. Kluck moved and Ms. Fraasch seconded to adopt Resolution Nos. R-26-12, R-27-12 and R-28-12. The vote was called. The motion carried unanimously.

**CONSIDERATION OF RESOLUTION NO. R-22-12
ADOPTING THE CAPITAL IMPROVEMENT PROGRAM (CIP)**

Mr. Bendel said as required by the Charter, the Capital Improvement Program (CIP) for 2013-2017 was submitted to the Commission on July 31, 2012. A public hearing was held on September 24, 2012.

Ms. Fraasch recommended that the language in the CIP remain consistent with the budget regarding the deer survey. Ms. Fraasch moved and Mr. Kluck seconded to amend the CIP language so that it remains consistent with the budget regarding the deer. The vote was called. The motion carried unanimously.

Mr. Bendel moved and Ms. Linfante seconded to adopt Resolution No. R-22-12. The vote was called. The motion carried unanimously.

**CONSIDERATION OF RESOLUTION NO. R-23-12
DESIGNATING A DEPOSITORY FOR THE FUNDS OF MT. LEBANON**

Mr. Kluck said the Municipality must designate a depository each year for its funds.

Mr. Kluck moved and Ms. Fraasch seconded to adopt Resolution No. R-23-12. The vote was called. The motion carried unanimously.

**CONSIDERATION OF RESOLUTION NO. R-24-12
ADOPTING THE 2013 COMPREHENSIVE FEE SCHEDULE**

Ms. Fraasch said the Commission has reviewed the proposed 2013 Comprehensive Fee Schedule for municipal operations and activities.

Ms. Fraasch moved and Mr. Kluck seconded to adopt Resolution No. R-24-12. The vote was called. The motion carried unanimously.

**CONSIDERATION OF RESOLUTION NO. R-25-12 ESTABLISHING
EMPLOYEE CONTRIBUTIONS TO THE PENSION PLANS FOR 2013**

Ms. Linfante said each year the employee contribution levels must be set for the municipality's pension plans. The calculation is done in accordance with state law, and the contribution levels are collectively bargained with employee groups.

For 2013, the uniformed police and fire officers will contribute 4% of total compensation, and the general employees will contribute 5% of total compensation.

Ms. Linfante moved and Mr. Bendel seconded to adopt Resolution No. R-25-12 establishing contribution levels for the pension plans at 4% of total compensation for uniformed police and fire and 5% of total compensation for general employees. The vote was called. The motion carried unanimously.

CONSIDERATION OF TAX APPEAL STIPULATIONS

Ms. Fraasch said the School District, Allegheny County, and Municipality have agreed to settle the following assessment appeal:

Name:	McKnight Development, Penndale Towers
Lot & Block:	98-P-50 – 450 Washington Road
	<u>2013</u>
Total Assessed	\$6,000,000
Fair Market Value	\$6,000,000

Ms. Fraasch moved and Mr. Kluck seconded to authorize the Solicitor to execute the tax appeal stipulations. The vote was called. The motion carried unanimously.

CONSIDERATION OF AN APPOINTMENT TO THE PLANNING BOARD

Mr. Bendel said Alan London has resigned after serving on the Planning Board since 2004. The Commission thanks Mr. London for his service to the community.

Mr. Bendel moved and Ms. Linfante seconded to appoint Dennis Pittman of 375 Anawanda Avenue to fill an unexpired term ending March 31, 2013. The vote was called. The motion carried unanimously.

CONSIDERATION OF AN APPOINTMENT TO THE HOSPITAL AUTHORITY

Ms. Linfante said Karl Jarek's term on the Hospital Authority expires December 31, 2012. The Commission would like to extend his term until March 31, 2013, or until a replacement is appointed.

Ms. Linfante moved and Mr. Bendel seconded to reappoint Karl Jarek to the Hospital Authority until March 31, 2013, or until a replacement is appointed, whichever occurs first. The vote was called. The motion carried unanimously.

**CONSIDERATION OF THE EXPENDITURE
LIST FOR NOVEMBER TOTALING \$3,712,804.17**

Mr. Kluck moved and Ms. Fraasch seconded to seconded to authorize the expenditure list for November totaling \$3,712,804.17. The vote was called. The motion carried unanimously.

MANAGER ANNOUNCEMENTS

Mr. Feller said that prior to tonight's meeting, the Commission met in executive session with the solicitor to discuss salary and performance evaluation, appointments to boards and authorities, and other legal issues with the solicitor. There will be a combined organizational and regular meeting held Monday, January 7, 2013. Following tonight's meeting, the commission will go back into discussion session to talk about the ad hoc parking facilities committee.

ADJOURNMENT

The meeting adjourned at 9:43 p.m.