

**MINUTES OF THE REGULAR MEETING APRIL 9, 2013
OF THE MT. LEBANON COMMISSION**

The Commission of Mt. Lebanon, Pennsylvania, held a Regular Meeting at 8:00 P.M., on Tuesday, April 9, 2013, at the Municipal Building, 710 Washington Road. Vice President Linfante called the meeting to order and led in the Pledge of Allegiance to the Flag. Manager Stephen Feller called the roll. Present were Commissioners John Bendel, Dave Brumfield, Kelly Fraasch, and Kristen Linfante. Commissioner Matt Kluck was not present. Also present were Assistant Manager Taylor, Recreation Director Donnellan, Chief of Police McDonough, Fire Chief Sohyda, Public Works Director Kelley, Commercial District Officer Milliron, Planning Officer McGill, Information Officer Morgans, and Inspections Officer Berkley. Also present were Phil Weis of the solicitor's office and Bryan Flaugh of the engineer's office.

CITIZEN COMMENTS

Kristen Westbrook of 908 Parkview Drive and Jude Ernest of 464 Parkview Drive spoke in support of a dog park in Robb Hollow.

Michalina Pendzich of 121 Longuevue Drive stated that there is a problem with deer in her neighborhood. She said that she has tried various deer deterrent items, but nothing seems to work. She said there is a problem with deer waste, the increase in deer herds, and the dangers of the deer running onto the roadways.

James Scheurmann of 121 Longuevue Drive spoke in support of a deer management program, stating that the deer population has increased dramatically over the years, and he believed it is compromising the safety of the residents.

Dave Egler of 121 Poplar Drive spoke about Twin Hills Park and the room arrangements for the discussion session meetings.

Ken Nowacki of 261 Arden Road spoke in support of allowing dogs on a leash in Twin Hills Park. He stated that the people who use the park to walk their dogs also clean the park by picking up litter, dog waste, etc.

Ms. Linfante stated that during the discussion session, the commission discussed the issue of allowing dogs on a leash in Twin Hills Park. At the meeting on April 22, 2013, the commission will be revisiting the ordinance pertaining to dogs in Twin Hills Park. Mr. Bendel stated that the solicitor will be preparing an amendment to the ordinance pertaining to this matter.

Kerry Descalzi of 805 N. Meadowcroft Avenue spoke in support of allowing dogs on a leash in Twin Hills Park.

Tom Schevtchuk of 519 Lyndhurst Drive stated that the purchase of Twin Hills Park was a wise and good investment, adding that he supports walking dogs in the park.

Deb Wiley, Wentzel Road, a city resident, stated that she walks her dog in Twin Hills Park. She said she appreciates the park's availability for walking dogs.

Kimberly Schevtchuk of 519 Lyndhurst Drive stated that there is an educational display on deer at the library. She also stated that she supports access to greenspace in the municipality, and she believes that allowing dogs in parks helps to promote healthy lifestyles.

**CONSIDERATION OF THE MINUTES FROM
THE ADJOURNED MEETING HELD MARCH 25, 2013**

Mr. Bendel moved and Mr. Brumfield seconded to approve the minutes. The vote was called. The motion passed unanimously.

REPORT BY JUNIOR COMMISSIONER MARK KLEMENCIC

Junior Commissioner Mark Klemencic stated that three Mt. Lebanon students were finalists in the Pittsburgh Public Theatre's 19th Annual Shakespeare Monologue contest. Recently, the student council participated in a Pennsylvania Association of Student Councils with Peters Township, where students met with other student leaders from various schools. He also said that the high school concert choir will be performing at the Pederson Event Center on April 20.

**PUBLIC HEARING ON ORDINANCE (BILL NO. 7-13)
ESTABLISHING A RESIDENTIAL RENTAL
PROPERTY REGISTRATION AND INSPECTION PROGRAM**

Mr. Brumfield said the new ordinance differs from the one considered at the public hearing held February 25, 2013, in areas such as:

- a. The Municipality will be divided into three areas with one area inspected each year. Inspections will not occur on change of occupancy.
- b. Fees will be reduced for the inspection of multiple units in the same building on the same day.

This ordinance was introduced March 25, 2013.

Ms. Linfante declared the public meeting opened, and asked Solicitor Weis to summarize the key provisions in the Ordinance. Mr. Weis described the changes in the newly-proposed ordinance.

Christian Sullivan of 462 Marietta Place stated that he's a tenant, who resides in a double, and he believes this ordinance violates his privacy.

Saverio Strati of 489 Willow Avenue spoke against the ordinance. He believed the ordinance was a violation of the Fourth Amendment. He added that there are already remedies in place if there is an issue with a property, including state laws and Allegheny County Health Department guidelines.

Bob England of 115 Locust Lane spoke against the ordinance, stating it violates a tenant's right to privacy. He also thought it was discriminatory not to include condos, co-ops and townhouses.

Robert Dunbar of 400 Cochran Road spoke against the ordinance. He stated that buildings are already regulated by the health department, housing authority, fire department, and state.

Jim Mincin of 101 Parkside Avenue stated that he owns several properties in Mt. Lebanon. He spoke against the proposed ordinance.

David Pirain of 26 Academy Avenue stated that he owns several buildings in Mt. Lebanon, and he spoke against the proposed ordinance.

Steven Dunbar of 400 Hazel Drive stated that he owns over 150 units, and he has never encountered a problem. He said that the market takes care of itself.

Chris Kelly of 541 Navato Place stated that he's uncomfortable with the "emergency" wording in the ordinance.

Katie Orient of 200 May Avenue, Bridgeville, stated that she researched the cause of fires in apartment buildings, and most were the result of cooking. The proposed ordinance would not have prevented these fires from occurring.

Because there were no further comments, Ms. Linfante declared the public hearing closed.

PUBLIC HEARING AND CONSIDERATION OF ORDINANCE
(BILL NO. 8-13) ESTABLISHING PROCEDURES FOR SALE OF PROPERTY

Ms. Fraasch said the proposed Ordinance establishes the procedures for sale of municipal property. This ordinance was introduced March 25, 2013.

Ms. Linfante declared the public hearing opened.

Bill Lewis of 816 Ridgeview Drive asked for a clarification on the bidding process.

David Redding of 453 Sage Drive, vice president of the Historic Society of Mt. Lebanon, stated that he supported the ordinance. The bill's passage would extend an opportunity for the Historic Society to purchase the property and create a permanent history center for Mt. Lebanon. The Society would also like to preserve the property at 794 Washington Road and restore its historic features.

Because there were no further comments, Ms. Fraasch declared the public hearing closed.

Ms. Fraasch moved and Mr. Brumfield seconded to enact Ordinance (Bill No. 8-13). The vote was called. The motion carried unanimously.

**CONSIDERATION OF ORDINANCE (BILL NO. 9-13)
ACCEPTING THE DEDICATION OF A STORM
SEWER WITHIN THE KENNEDY FOREST PLAN OF LOTS**

Mr. Bendel said a storm sewer was constructed through lots located in the Kennedy Forest Plan of lots as recorded in Plan Book Volume 35 Page 64. The storm sewer conveys storm water from Dixon Avenue to Shadowlawn Avenue, but was never accepted into the public system.

The sewer has been inspected, located and easements have been conveyed through lots 44, 45, 46 and 47. On February 26, 2013, the Planning Board recommended acceptance of the public improvements. This ordinance was introduced March 25, 2013.

Mr. Bendel moved and Mr. Brumfield seconded to enact Ordinance (Bill No. 9-13). The vote was called. The motion carried unanimously.

**CONSIDERATION OF RESOLUTION NO. R-3-13
AUTHORIZING FILING AN APPLICATION FOR A GRANT**

Mr. Bendel said the Redevelopment Authority of Allegheny County requires that an applicant for a grant submit a concurring resolution. Mt. Lebanon is applying for \$75,000 to assist with the air rights transit oriented development project.

Mr. Bendel moved and Mr. Brumfield seconded to adopt Resolution No. R-3-13. The vote was called. The motion carried unanimously.

**CONSIDERATION OF RESOLUTION NO. R-4-13 CONCERNING A
REIMBURSEMENT AND MAINTENANCE AGREEMENT WITH THE
PENNSYLVANIA DEPARTMENT OF TRANSPORTATION (PENNDOT)
FOR THE CONSTRUCTION OF DRAINAGE FACILITIES ALONG
WASHINGTON ROAD FROM GALLERIA DRIVE TO ORDALE BOULEVARD**

Mr. Brumfield said during 2013 PennDOT will be making improvements along State Route 19 (Washington Road) from Conner Road to Alfred Street. Improvements will include: resurfacing; traffic signal replacement at three intersections; stormwater improvements, and updating pedestrian facilities (ADA curb ramps) to meet current accessibility standards. As part of the project PennDOT has agreed to construct Stormwater Drainage Facilities (inlets and stormwater pipes) from Galleria Drive to Ordale Boulevard. The new collection and conveyance facilities will eliminate ice spots along the north bound lane and correct other drainage issues. The estimated total cost is \$150,000 and the local match is \$30,000 (20%). To move forward with the project PennDOT has prepared and submitted a reimbursement and maintenance agreement to the Municipality for signature by the Manager. The municipal share is budgeted in the stormwater fund.

Mr. Brumfield moved and Mr. Bendel seconded to adopt Resolution No. R-4-13. The vote was called. The motion carried unanimously.

**CONSIDERATION OF A LICENSE AGREEMENT WITH
MATTHEW J. KLUCK FOR FEE-BASED PROFESSIONAL GOLF INSTRUCTION**

Ms. Fraasch said the recreation department advertised for proposals to provide instruction at the golf course. Three proposals were received. The municipality is still discussing the opportunity with two of the professionals, and has reached agreement with Mr. Kluck to continue at the course.

Mr. Kluck has operated under a license agreement since 2008. The license is for one year and may be renewed in increments of one year by both parties. The annual fee is \$13,500 or 12% of the professional's gross receipts.

Mr. Weis stated that the contract was publically advertised. Two other bids were received from Christopher A. Schulz and Kent W. Stauffer. Mr. Schultz has been offered the same contract as Mr. Kluck, and the staff is discussing the matter with Mr. Stauffer. The contracts contain a clause such that no one can have more favorable terms than another. Mr. Weis stated that this contract meets the requirements of the Pennsylvania Ethics Act such that its award to Mr. Kluck is in compliance with, and not a violation of, the Act.

Ms. Fraasch moved and Mr. Brumfield seconded to authorize the proper municipal officials to execute the agreement. The vote was called. The motion carried unanimously.

**CONSIDERATION OF AN AGREEMENT WITH D&P VALET SERVICE LLC
TO OPERATE A VALET PARKING SERVICE ON WASHINGTON ROAD**

Mr. Brumfield said D&P Valet Service has temporarily used three spaces on Washington Road for a valet parking service in the Central Business District. The service has operated successfully, and the operator wishes a more permanent arrangement. This arrangement requires the execution of an Agreement and an amendment to Appendix A to Chapter X of the Mt. Lebanon Code.

Steven Jason, co-owner of D & P Valet, thanked the commission for the opportunity to offer valet services in the business district.

Mr. Brumfield moved and Mr. Bendel seconded to authorize the execution of an agreement with D&P Valet Service LLC and a change to Appendix A to Title X of the Mt. Lebanon Code, subject to approval by the Solicitor. The vote was called. The motion carried unanimously.

CONSIDERATION FOR THE AWARD OF A STREET MAINTENANCE CONTRACT

Mr. Bendel said bids were received on April 3, 2013 for Street Maintenance. The major bid items include the milling of existing materials, leveling with one-inch thick bituminous pavement, 1-1/2" thick minimum bituminous overlay and bituminous binder.

The Municipal Engineer has verified the bids as follows:

A. Folino Construction, Inc.	\$276,275.50
El Grande Industries, Inc.	\$294,002.50
Amity Asphalt Paving	\$299,770.00
Peter J. Caruso & Sons	\$313,583.75
T.A. Robinson Asphalt	\$324,095.00
Michael Facchiano Contracting	\$336,987.50

The contractor has previous experience with similar projects and the Municipal Engineer recommends that the project be awarded to the low bidder. The budgeted amount was \$290,000.

Mr. Bendel moved and Mr. Brumfield seconded to award the Street Maintenance contract to A. Folino Construction in the amount \$276,275.50. The vote was called. The motion carried unanimously.

**CONSIDERATION FOR THE AWARD OF
THE TENNIS CENTER PATIO RESURFACING CONTRACT**

Ms. Fraasch said bids were received on April 3, 2013 for the Tennis Center Patio Resurfacing Contract. This project consists of the removal of the existing patio membrane surface, installation of trench drains and new coating system and the painting of all steel on the structure at the Tennis Center.

The Municipal Engineer has verified the bids as follows:

Mariani & Richards	\$52,763
Arch Masonry	\$65,000

The low bidder has completed similar work in the area in a satisfactory manner, and the Municipal Engineer recommends the award. The Engineer's estimate for this contract was \$68,000.

Ms. Fraasch moved and Mr. Brumfield seconded to award the Tennis Center Patio Resurfacing Contract to Mariani & Richards in the amount of \$52,763. The vote was called. The motion carried unanimously.

**CONSIDERATION FOR THE AWARD
OF THE CEDAR BOULEVARD PARKING LOT CONTRACT**

Mr. Brumfield said bids were received on April 3, 2013 for the Cedar Boulevard Parking Lot Contract. This project includes all items associated with the installation of a new parking lot along Cedar Boulevard including clearing of the site, grading, installation of parking lot, rain garden, storm sewer system and restoration of the site. Base Bid #1 includes standard paving and a large rain garden. Base Bid #2 includes porous paving and a smaller rain garden.

The Municipal Engineer has verified the bids as follows:

Contractor	Base Bid #1	Base Bid #2
El Grande Industries	\$117,440.00	\$122,435.00
T.A. Robinson Asphalt	\$119,419.00	\$118,843.50
Amity Asphalt	\$125,900.00	\$120,340.00
Pampena Landscaping	\$145,070.00	\$158,373.00
A. Merante Contracting	\$156,281.54	\$158,930.53
A. Folino Construction	\$168,155.90	\$169,469.50
Michael Facchiano Contracting	\$172,465.00	\$157,270.00
Peter J. Caruso & Sons	\$177,890.00	\$191,445.00

The low bidder has completed similar work for the Municipality in a satisfactory manner, and the Municipal Engineer recommends the award of Base Bid #1. The Engineer's estimate for this work was \$130,000.

Mr. Brumfield moved and Mr. Bendel seconded to award the Cedar Boulevard Parking Lot Contract to El Grande Industries in the amount of \$117,440 for Base Bid #1. The vote was called. The motion carried unanimously.

**CONSIDERATION FOR THE AWARD OF THE
RECREATION CENTER FLOOR REPLACEMENT CONTRACT**

Ms. Fraasch said one bid was received on March 6, 2013 for the Recreation Center Floor Replacement Contract. This project includes all items associated with the removal and replacement of the floor on the Second Floor of the Recreation Center, the Community Room and the Founders Room.

The Municipal Engineer has verified the bid as follows:

Contractor	Base Bid #1	Base Bid #2	Alt Bid #1	Alt Bid #2
Viper General Contracting	\$35,215.00	\$18,254.00	\$18,339.25	\$9,232.70

The Engineer's estimate for this contract was \$96,000 and sufficient budgeted funds exist for the award. The Municipal Engineer recommends the award after interviewing the contractor and determining their ability to complete the contract.

Ms. Fraasch moved and Mr. Bendel seconded to award the Recreation Center Floor Replacement Contract to Viper General Contracting in the amount of \$81,040.95 for Base Bid #1, Base Bid #2, Alternate Bid #1 and Alternate Bid #2. The vote was called. The motion carried unanimously.

MANAGER ANNOUNCEMENTS

Mr. Feller stated that prior to tonight's meeting, the commission met in executive session to discuss a property acquisition matter, legal issues regarding an agreement and a zoning issue, and appointments to boards and authorities. There will be a meeting with PennDOT and Lindy Paving concerning the upcoming road project that will begin on Washington Road, S.R. 19, later this month. The project will have lane closures, delays, and nighttime work that will affect all residents. Residents are encouraged to attend the meeting and learn more about the project on April 15, at 7 p.m. in commission chambers.

The next adjourned meeting of the commission is scheduled for Monday, April 22, 2013 at 8 p.m.

ADJOURNMENT

The meeting adjourned at 10:30 p.m.