

**MINUTES OF THE REGULAR MEETING OCTOBER 13, 2015
OF THE MT. LEBANON COMMISSION**

The Commission of Mt. Lebanon, Pennsylvania, held a Regular Meeting at 8:00 P.M., on Tuesday, October 13, 2015, at the Municipal Building. President John Bendel 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, Kelly Fraasch, Steve Silverman, Coleen Vuono, and John Bendel. Also present were Chief of Police Lauth, Fire Chief Sohyda, Public Works Director Sukal, Recreation Director Donnellan, Finance Director McCreery, Planning Officer McGill, Commercial Districts Officer Milliron, Inspections Officer Berkley, and Managing Editor Jantz Also present were Phil Weis of the solicitor's office and Dan Deiseroth of the engineer's office.

COMMISSION/MANAGER'S ANNOUNCEMENTS

Mr. Bendel summarized the information that was reviewed during the discussion session including the bond refunding sale, stormwater management, and deer management. One item on the agenda was not addressed regarding a dog park, but it will be on the agenda at the next discussion session meeting.

Mr. Feller stated that prior to the meeting, the Commission met in executive session starting at 4 p.m. to discuss a personnel selection, labor negotiations, easement and right-of-way legal issues, and a court case with the solicitor. The next adjourned meeting is scheduled for Monday, October 26, 2015.

Mr. Bendel said that the consultant for the manager search has set up an email address for any resident or employee who would like to provide input. The address is: mtlebanon@govhrusa.com.

Mr. Bendel stated that this was Mr. Feller's last Commission meeting, as he was resigning his position effective Thursday, October 15. Mr. Bendel expressed his heartfelt thanks for everything Mr. Feller has done over the years for Mt. Lebanon. He presented Mr. Feller with a proclamation of his accomplishments throughout his tenure with the municipality. He thanked Mr. Feller for his service and dedication to the municipality.

State Representative Dan Miller presented Mr. Feller with a proclamation from the state, thanking him for his service to the community.

Mr. Feller stated that it's been a pleasure and an honor to be part of Mt. Lebanon, stating that his success is as a result of a long history of outstanding leaders who strived for excellence. He added that Mt. Lebanon has the best employees of any community, which contributes to its success. He thanked the Commission for the opportunity to work in such a prestigious community.

JUNIOR COMMISSIONER NANCY LU COMMENTS

Ms. Lu stated that an open house was held at the high school on October 11 for the community to see the newly renovated school. She also stated that the alumni award was given to five very special people. She also spoke about student volunteers.

CITIZEN COMMENTS

Michalina Pendzich of 121 Longuevue Drive stated that she had a conversation with Dr. Simmons, a professor of biology from Indiana University of Pennsylvania, and who has been studying ticks and Lyme disease in Western Pennsylvania since 2011. She said that Dr. Simmons emphasized that deer are hosts for ticks, and reducing the herd size with follow-up programs is a means to control the situation. She also spoke in support of sharpshooters stating that archery alone will not reduce the deer herds significantly.

Jan Seybold of 262 ½ Academy Avenue spoke against the use of sharpshooters, believing that deer/vehicle accidents were due to speed and distracted drivers.

Barb Alsko of 815 Florida Avenue spoke against sharpshooters and in support of deer sterilization.

Maureen Barrett of 226 McCully Street spoke against sharpshooters to cull the deer.

Rodger Duffy of 120 Markham Drive stated that he is very concerned about the public health issue involving Lyme disease and the increase of ticks. He supported using sharpshooters to reduce the deer herd.

Wes Smith of 380 Avon Drive stated that studies have shown that there is a direct correlation between deer and Lyme disease. He spoke about an article involving a 13-year study on the effects of reducing Lyme disease by culling deer. He also spoke in support of a sharpshooting program to control the deer herd.

Chris Winters of 815 Florida Avenue inquired about the long term program to manage the deer population.

Shirley Feko of 900 Washington Road spoke in support of sharpshooters to control the deer=. She also spoke against sterilization.

Jay Pullen of 180 Morrison Drive spoke against the use of lethal means to control deer.

Elliott Pullen of 180 Morrison Drive spoke against the use of firearms to control deer, believing it was unsafe.

Jason Margolis of 142 Morrison Drive spoke against the use of firearms to control deer.

Bill Hoon of 456 Coolidge Avenue spoke against the use of lethal means to control deer.

Helen Billak of 800 Larchmont Road spoke in support of sharpshooters to control the deer herd, stating that the deer situation has become a public safety issue. She also wished Steve Feller the best of luck with future endeavors.

Ed Modaro of 125 Longuevue Drive spoke against the use of lethal means to control deer, believing that gardeners were the main reason for the deer management program.

Ford Modaro of 125 Longuevue Drive spoke against the use of firearms to control the deer herd.

Nita Fandray of 125 Longuevue Drive spoke against the use of sharpshooters to control deer. She stated that dead and dying deer have been spotted in various areas, including on Hazel Drive. Chief Lauth stated that a deer was hit by a vehicle on Washington Road and sustained two broken legs; therefore, the police had to shoot it, which occurred on Hazel Drive where the deer wound up after being hit.

Nick Meduho of 101 Castle Shannon Boulevard spoke about ethics forms, the Virginia Manor historic district plan, and the excessive speeds on Washington Road.

Bill Lasko of 167 Lancaster Avenue stated he was opposed to the use of lethal means to control deer, adding that he'd like to see a solution to control the herd.

Tom Schevtchuk of 519 Lyndhurst Avenue inquired about when the sharpshooting would occur. He also spoke in support of sterilization.

Bruce Slater of 140 Skylark Circle spoke about the municipality's bond rating. He also spoke in support of drafting an ordinance that would require joggers, walkers and bicyclist to wear reflective clothing at night. He spoke in support of the archery program and use of sharpshooters to reduce the deer herd, and he spoke against the sterilization program.

Gail Sieg of 10 Inglewood Drive asked that the Commission commit to a program to reduce the deer for five years. She also asked that a huge fine be assessed to anyone feeding deer. She said that the deer are taking away the habitat for smaller animals. She added that both she and her husband have been diagnosed with Lyme disease.

Cori Vipperman of 63 Mt. Lebanon Boulevard spoke in support of archery and sharpshooters to reduce the deer herd.

Stacey Chick of 177 Sleepy Hollow Road spoke against the use of lethal means to control deer.

Jeannie Hoefl of 986 Summer Place spoke in support of archery and sharpshooters to control the deer herd.

Sally Myton of 140 Baywood Avenue spoke against reducing the deer herd, stating that pedestrians are the problem.

Barbara Sollenberger of 120 Newburn Drive stated that no information is being released about the archery program regarding locations, what's occurring, the amount of deer, etc. She spoke against the use of lethal means in the community to control deer. She also spoke in support of sterilization for deer.

Claire Pullen of 180 Morrison Drive spoke in support of deer sterilization.

**CONSIDERATION OF THE MINUTES FROM
THE ADJOURNED MEETING HELD SEPTEMBER 28, 2015**

Ms. Fraasch moved and Mr. Brumfield seconded to approve the minutes. The vote was called. The motion carried unanimously.

PUBLIC HEARING ON THE CAPITAL IMPROVEMENT PROGRAM (CIP)

Mr. Brumfield said as required by the Charter, the Capital Improvement Program (CIP) for 2016-2020 was submitted to the Commission on July 31, 2015. A public hearing is required to be held on this program prior to the issuance of the Manager's Recommended Budget.

Mr. Bendel declared the public hearing opened.

Mr. Feller explained that the CIP is a five-year plan and not a budget that is updated annually to determine what the capital needs will be over the next five years. There are 28 proposed projects for 2016. Mr. Feller stated that the CIP is on the website.

Nick Meduho of 101 Castle Shannon Boulevard spoke about Summer Place, asking if it was a private or public street. Mr. Weis stated that it was dedicated but never accepted; therefore, it's a private street.

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

**PUBLIC HEARING AND CONSIDERATION OF ORDINANCE (BILL NO. 12-15)
AUTHORIZING GENERAL OBLIGATION BONDS IN A PRINCIPAL AMOUNT NOT
TO EXCEED \$9,900,000 FOR THE PURPOSE OF REFUNDING PORTIONS OF THE
MUNICIPALITY'S GENERAL OBLIGATION BONDS, SERIES A AND B OF 2010**

Ms. Vuono said the proposed Ordinance is necessary for the Municipality to issue General Obligation Bonds, Series of 2015 in the amount not to exceed \$9,900,000 with the proceeds being used to refund portions of the General Obligation Bonds, Series A and B of 2010 and to pay the costs of issuance of the 2015 bonds. The savings in debt service costs achieved are expected to be approximately \$400,000, or 4.1% for outstanding 2010 series. The ordinance was introduced September 28, 2015.

Mr. Bendel declared the public hearing opened.

Mr. Feller stated that the savings is more than anticipated, indicating it was \$567,546.

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

Ms. Vuono moved and Mr. Silverman seconded to enact Ordinance (Bill No. 12-15). Mr. Feller called the roll call. Mr. Brumfield, Ms. Fraasch, Mr. Silverman, Ms. Vuono and Mr. Bendel voted in favor of the motion. The motion passed unanimously.

**CONSIDERATION OF ORDINANCE (BILL NO. 11-15) ADOPTING
A SCHEDULE OF REASONABLE COSTS IN CONNECTION WITH THE
COLLECTION OF CURRENT AND DELINQUENT LOCAL SERVICES TAX**

Mr. Silverman said the municipality intends to appoint Jordan Tax Service to collect current and delinquent local services tax. This ordinance establishes a schedule of reasonable costs of collection to be imposed and collected from delinquent taxpayers. This ordinance was introduced September 28, 2015.

Mr. Silverman moved and Ms. Vuono seconded to enact Ordinance (Bill No. 11-15). The vote was called. The motion carried unanimously.

**INTRODUCTION OF ORDINANCE (BILL NO. 13-15) ADJUSTING
THE COMMISSION'S UNASSIGNED FUND BALANCE GOALS**

Mr. Brumfield said the Administrative Code includes a requirement that the unassigned fund balance shall have a goal of 10% of total expenditures and shall not fall below 8% of total expenditures without corrective action.

The proposed ordinance would adjust the levels as follows:

1. The stated unassigned fund balance goal of 10% in Section 143.3.2 shall be adjusted to 12%;
2. The unassigned fund balance shall be progressively increased above the 12% with the target being 15%;
3. The stated unassigned fund balance minimum level in Sections 143.3.3, 143.3.4, and 143.3.5 shall be increased from 8% to 10%.

Ordinance (Bill No. 13-15), and the public hearing was set for October 26, 2015.

**CONSIDERATION OF A REIMBURSEMENT AND MAINTENANCE AGREEMENT
WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION (PENNDOT)**

Ms. Fraasch said in the spring of 2016, PennDOT will be awarding a contract to resurface Cochran Road from Washington Road to Beverly Road. As part of this contract, Mt. Lebanon has asked PennDOT to include new pedestrian facilities that meet current ADA designs guidelines on the side streets at 16 separate intersections. PennDOT will be requiring a reimbursement agreement for the cost to do this work. The current estimate is \$189,731, and the cost-sharing portion of this project will be included in the Manager's Recommended 2016 Budget. At a future meeting, the Commission will also consider a reimbursement agreement for additional stormwater facilities on Cochran north of Beverly totaling approximately \$100,000.

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

**CONSIDERATION OF A CONTRACT FOR A WHITE-TAILED
DEER MANAGEMENT PROGRAM UTILIZING SHARPSHOOTING**

Ms. Vuono said the Municipality has been developing a multi-faceted deer management program. Mt. Lebanon recently began an archery program that utilizes trained and licensed sportsmen to cull deer on private and public property. The archery program will continue through January 23, 2016. The Municipality desires to follow-up on the archery program with sharpshooting under a PA Game Commission political subdivision permit. This activity would occur from February 1, 2016 to March 31, 2016.

The Municipality issued a request for proposals for sharpshooting services on September 11, 2015. One proposal was received from White Buffalo, Inc., dated September 25, 2015. There are two components to the program as listed below:

	<u>Estimated Costs</u>
1. Program management, communication, education, planning, and PA Game Commission permitting	\$13,080
2. Implementation (estimate based on culling 150 deer at approximately \$451 per deer)	<u>67,670</u>
	\$80,750

Ms. Vuono moved and Mr. Silverman seconded to authorize the proper municipal officials to execute the contract.

Ms. Vuono stated that the last time the deer herd was culled was in 2008, and since then, the proliferation of deer has brought serious issues to the community. She believed that sharpshooting would assist in addressing the serious health and safety issue that has occurred as a result of the overpopulation of deer.

Mr. Brumfield stated this is a serious issue that is worthy of Commission attention; however, he wanted to forego the vote on this matter until the results of the archery program are determined. He also spoke in support of sterilization.

Mr. Silverman spoke about the proposals, stating that the does are the target more so than bucks. He spoke about Upper St. Clair's deer management program which originally started off using archers, and when the goal couldn't be achieved, Upper St. Clair commenced using sharpshooters, which brought the number of deer in line with what they desired. He asked that the deer management program be expedited.

Ms. Fraasch spoke against the use of sharpshooters, stating that Mt. Lebanon should think out-of-the-box, speaking in support of sterilization.

Mr. Bendel spoke about the various proposed methods of deer management. He made a motion to amend the agenda item (Amendment #1) to implement a municipal team of police, public works, manager, public information officer to work with White Buffalo and be advocates for the community to review the program to make certain it is safe and effective. Mr. Silverman seconded the motion. The vote was called. Mr. Brumfield, Mr. Silverman, Ms. Vuono and Mr.

Bendel voted for the amended motion (Amendment #1). Ms. Fraasch voted against the motion. The motion passed four to one.

Mr. Brumfield moved to amend the motion (Amendment #2) asking that prior to implementation of the sharpshooting program in January, and once the results of the archery program are known, that another vote be taken before the program implementation commences. Mr. Bendel seconded the motion. The vote was called. Mr. Brumfield, Ms. Fraasch and Mr. Bendel voted for the motion. Mr. Silverman and Ms. Vuono voted against the motion. The motion (Amendment #2) passed three to two.

Mr. Silverman moved to make an additional amendment (Amendment #3) to the motion to adjust the vote approving the onset of the sharpshooting program as well as reviewing the archery program at the December 8, 2015 meeting; thereby, having the current commission make the decision to implement the sharpshooting program. Ms. Vuono seconded the motion. The vote was called. Mr. Silverman and Ms. Vuono voted in favor of the amended motion. Mr. Brumfield, Ms. Fraasch and Mr. Bendel voted against the motion. The motion (Amendment #3) failed two to three.

Ms. Fraasch moved to make an additional amendment (Amendment #4) to the motion to have staff dedicate time to create a comprehensive deer management program, inclusive of residents, that includes education as well as intervention methods that this commission can do throughout the year and not just during the months of hunting. Mr. Brumfield seconded the motion. After discussing the amendment, it was withdrawn. The consensus of the Commission was to ask staff to draft a comprehensive deer management program.

The vote was called on the original agenda item with the added amendments (Amendments #1 and #2). Mr. Silverman, Ms. Vuono and Mr. Bendel voted in favor. Mr. Brumfield and Ms. Fraasch voted against the motion. The motion as amended passed three to two.

CONSIDERATION TO RESTATE THE INVESTMENT POLICY STATEMENT FOR THE PENSION PLANS

Mr. Silverman said on September 8, 2015, the Commission approved an investment advisory agreement with PFM Asset Management, LLC for discretionary management of the Mt. Lebanon police, fire and employees' pension plans. Due to the change in the investment management arrangement of the pension assets, the investment policy statement for all three plans needs to be restated to allow full discretion to the appointed investment advisor. Changes to the existing investment policy statement include restatement of investment authority, investment guidelines, guidelines for portfolio holdings, asset allocations, selection of investment managers and voting proxies.

Mr. Silverman moved and Ms. Vuono seconded to approve the restatement to the investment policy statement for the pension plans. The vote was called. The motion carried unanimously.

CONSIDERATION OF APPOINTMENTS TO ADVISORY BOARDS

Ms. Fraasch said the Commission would like to fill vacancies on the Environmental Sustainability Board, Parks Advisory Board and the Sports Advisory Board.

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

Appoint Jamie Moore of 117 Vernon Drive to the Environmental Sustainability Board to fill an unexpired term ending March 31, 2016.

Appoint Pamela Burrett of 302 Inglewood Drive to the Parks Advisory Board to fill an unexpired term ending March 31, 2017.

Appoint Dave Franklin of 739 Pinetree Road to the Sports Advisory Board with a term ending March 31, 2018.

Appoint Christopher Heck of 511 Oxford Boulevard to the Sports Advisory Board with a term ending March 31, 2018.

The vote was called. The motion carried unanimously.

APPOINTMENT OF KEITH MCGILL AS INTERIM MUNICIPAL MANAGER

Before voting on the appointment of an interim manager, the Commission expressed its appreciation to Steve Feller for his hard work and dedication to the community during his tenure as municipal manager.

Ms. Vuono moved and Mr. Silverman seconded to appoint Keith McGill as Interim Municipal Manager effective October 16, 2015. The vote was called. The motion carried unanimously.

ADJOURNMENT

The meeting adjourned at 11:25 p.m.