

**MINUTES OF THE REGULAR MEETING JANUARY 12, 2016
OF THE MT. LEBANON COMMISSION**

The Commission of Mt. Lebanon, Pennsylvania, held a Regular Meeting at 8:00 P.M., on Tuesday, January 12, 2016, at the Municipal Building. President Kelly Fraasch called the meeting to order and led in the Pledge of Allegiance to the Flag. Manager Keith McGill called the roll. Present were Commissioners John Bendel, Dave Brumfield, Steve McLean, Steve Silverman, and Kelly Fraasch. Also present were Chief of Police Lauth, Recreation Director Donnellan, Public Works Director Sukal, Finance Director McCreery, Inspections Officer Berkley, IT Officer Schalles, Business District Officer Milliron, and Public Information Officer Morgans. Also present were Phil Weis of the solicitor's office and Dan Deiseroth of the engineer's office.

COMMISSION/MANAGER'S ANNOUNCEMENTS

Ms. Fraasch summarized the information that was reviewed during the discussion session, including the sharpshooting contract for deer management and deer sterilization. The other two items on the agenda, pedestrian and bicycle safety as well as Commission goals, will be discussed at the next meeting.

Mr. McGill stated that prior to the meeting, the Commission met in executive session to discuss litigation with the solicitor involving Pedder v. Mt. Lebanon, and an appeal to the office of open records by Ms. Gillen. The next adjourned meeting is scheduled for Monday, January 25, at 8 p.m., and the discussion session will be held in Room C at approximately 6:20 p.m.

Mr. Brumfield stated that if you know a talented, committed community volunteer, please consider nominating him or her for the community relations board's new service award, which will recognize an individual who significantly improves the quality of life in Mt. Lebanon. The information is online and in the magazine. Mr. Silverman added that they will be honored at the boards and authorities dinner on April 4.

CITIZEN COMMENTS

Lourdes Castellanos of 962 Summer Place spoke in support of the sharpshooters and giving the venison to food pantries. She also stated that she supports sterilization once the deer population is at a reasonable level.

Rodger Duffy of 120 Markham Drive stated that he strongly supports sharpshooting, archery and sterilization.

Brian Foster of 235 Outlook Drive stated that he is a former Marine officer, who was in charge of setting up rifle ranges worldwide, so he understands the painstaking measures taken to make sure a situation is safe. He spoke in support of sharpshooting, stating that it's the most humane manner to control deer, and he is confident all safety measures will be taken. He said that deer have been a food source for centuries, and the venison from this cull will be donated to people in need.

Jason Margolis of 142 Morrison Drive spoke against sharpshooting to control deer. He stated that the amount of deer/vehicle collisions is a small percentage. He believed that distracted

drivers were the problem. He also didn't feel there was funding to sustain this program annually, and believed that residents didn't support the use of guns to control deer.

Stacey Chick of 177 Sleepy Hollow Road spoke against sharpshooting, believing it was unsafe. She spoke in support of deer sterilization.

Egon Klatt of 280 Parkway Drive spoke in support of culling deer. He also spoke against disclosing the addresses of people who donated their property for the cull. He stated that the cull in 2008 was done safely, adding that culls are done in other communities without incident as well. He also spoke about the effective deer management petition that contains with 1,400 signatures.

Angie Phares of 124 Longuevue Drive spoke in support of sharpshooting, stating that she has a biology degree and views this matter as an eco-system issue.

Shirley Feko of 900 Washington Road spoke in support of sharpshooting.

Darla Duffy of 120 Markham Drive spoke in support of sharpshooting, stating that fawns at six and seven months can have additional babies. She stated that deer management is an ongoing necessity.

Kimberly Schevtchek of 519 Lyndhurst Drive stated that the Commission didn't have all of the information, therefore, the decision to contract with sharpshooters should be delayed until the next meeting so that the public may respond to a specific program. She spoke against the use of rifles being used in the community. She also spoke in support of deer sterilization.

Barb Alsko of 815 Florida Avenue spoke against the use of sharpshooters, stating that a vote on the matter was reckless and irresponsible. She believed the problem was distracted drivers.

Nick Meduho of 101 Castle Shannon Boulevard asked several questions about the sharpshooter contract, the ammunition used for sharpshooting, and the Gillen litigation.

Chris Winters of 815 Florida Avenue spoke against the use of sharpshooters, believing the community was too dense. He supported a deer sterilization program.

Laura Yaremcho of 584 Moreland Drive believed that the community was too dense, stating that the surrounding areas that cull deer are larger communities and less densely populated communities.

Barbara Sollenberger of 120 Newburn Drive stated that a lot of reported deer/vehicle accidents occur in areas where excessive speed is an issue. She also spoke in support of deer sterilization.

**CONSIDERATION OF THE MINUTES FROM THE
REGULAR MEETING HELD DECEMBER 8, 2015
AND THE ORGANIZATIONAL MEETING HELD JANUARY 4, 2016**

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

**INTRODUCTION OF ORDINANCE (BILL NO. 1-16)
AMENDING THE MT. LEBANON CODE TO INCLUDE NEWLY
ENACTED ORDINANCES OR AMENDMENTS TO
EXISTING ORDINANCES ENACTED SINCE JANUARY 26, 2015**

Mr. Brumfield said Mt. Lebanon's ordinances were codified in 1978 with updates occurring periodically since that time. All of the ordinances have been enacted previously by the Commission, but this action will codify the documents.

Ordinance (Bill No. 1-16) was introduced, and the public hearing was set for Monday, January 25, 2016.

**CONSIDERATION OF AN INVESTMENT POLICY
STATEMENT FOR OTHER POST-EMPLOYMENT BENEFITS TRUST FUND**

Mr. Silverman said on December 8, 2015, the Commission approved an investment advisory agreement with PFM Asset Management, LLC for discretionary management of the Mt. Lebanon Other Post-Employment Benefits Trust ("Trust"). Due to the change in the investment management arrangement of the pension assets, an investment policy statement needed to be created for the Trust. The investment policy statement includes parameters pertaining to investment authority, investment guidelines, guidelines for portfolio holdings, asset allocations, selection of investment managers and voting proxies.

Mr. Silverman moved and Mr. Bendel seconded to approve an investment policy statement for the Mt. Lebanon Other Post-Employment Benefits Trust Fund.

Mr. McCreery explained in detail the contents of this document, stating that it was written in the finance department and given to the pension advisory board for review.

The vote was called. The motion carried unanimously.

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

Mr. McLean 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

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|---|---------------------------|
| 2. Implementation (estimate based on culling 150 deer
at approximately \$451 per deer) | <u>67,670</u>
\$80,750 |
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Phase I was approved at a Commission meeting on October 13, 2015, conditioned on:

1. The Firm will work closely with a Task Force established by the Municipality to promote public safety in the design and implementation of the deer management program; without limiting the generality of the foregoing, the Task Force will be apprised of the features of the sharpshooting program in advance of such that the Task Force will have the opportunity to comment upon and give direction on said features.
2. Part II (sharpshooting) will be implemented only after: (i) a separate vote of the Commission occurring after the date hereof to allow the Commission the opportunity to consider the general effectiveness of the archery program currently being conducted and (ii) the agreement of the parties on any changes in the compensation due the Firm (if any) because of alterations to the overall program under this Appendix C (including any changes that may result in connection with the separate vote referenced herein).

Mr. McLean moved and Mr. Silverman seconded to authorize the proper municipal officials to authorize Part II of the contract, sharpshooting.

Mr. Bendel asked Manager McGill and Chief Lauth to give a report on the task force's findings.

Mr. McGill gave a detailed explanation on what measures were taken involving the task force in developing a sharpshooting program, inclusive of safety zones, the communication process regarding the operation, and times and days of the week the operation would take place. It was determined that the operation would occur seven days a week on private property beginning no earlier than 4 p.m., and five days a week, Monday through Friday, on public property, beginning at 6 p.m. He stated that signage will be posted on public properties where sharpshooting may occur. He added that Chief Lauth submitted a memo to the Commission regarding the safety aspects of the program.

Chief Lauth stated that all safety aspects were looked at including the types of weapons and ammunition used, which it was determined that all comply with urban sharpshooting protocols. Chief Lauth stated they also will vet the sites, both public and private, that are going to be used. Two Mt. Lebanon officers, who are highly trained marksmen, are tasked with going around with White Buffalo employees to each location identified to review the site. There are several factors that will be reviewed to determine if the site is a viable and safe option for the program. The officers will also be in direct contact with White Buffalo at each site that is used and will report the information to Chief Lauth regarding where they are, what time they started, and when they finish. Based on the safety factors put in place, Chief Lauth stated that his confidence level is high regarding this program, stating that White Buffalo's experience and safety record seems to be unblemished based on research results conducted by the police department.

The Commission discussed Part II of the contract, with Mr. Silverman indicating that it is a time and materials contract. Mr. McGill concurred that it's a time and materials contract.

Mr. Bendel stated that he'll be voting in favor of the sharpshooting proposal. He stated that in 2013, the Commission set a goal to reduce the deer/vehicle collisions by 50%. Since that time, the number of accidents has increased 66%, and the number of dead deer pickups has increased 41%. He referenced the sterilization program, stating that it has not been done in Pennsylvania yet, and the state has not provided guidance to the municipality as to how it would operate. At this point, the deer population needs reduced, and sharpshooting is the most viable option. He stated that Dr. DeNicola spoke about having a long-term strategy, suggesting that Mt. Lebanon consider implementing the sharpshooting program now and then consider a combination program in the fall involving sterilization and archery, which Mr. Bendel agrees with. He also stated that he is comfortable with the safety aspect of the program.

Mr. Silverman stated that culling deer is not a new concept, and it occurs in many areas of the county. Archery alone will not get Mt. Lebanon to the goal that was set, and sterilization has not been approved yet by Pennsylvania. He added that the venison is being donated to food banks to help people in need. He stated that he'll be voting in support of the sharpshooting contract.

Mr. Brumfield stated that he'll be voting against the sharpshooting program. He believes the Commission has set up the program to be safe, and White Buffalo's record is exemplary. He also addressed concerns about excessive vehicle speed, stating that while traffic safety is a large part of the police department, there is a limit. He added that the escalation of deer/vehicle accidents is troubling.

Mr. McLean stated that he would be voting in favor of the sharpshooting contract. He stated that he has confidence in Mt. Lebanon's police to make certain the program is safe. He said that sterilization should be considered at a later date. He stated that deer management should be a comprehensive concerted plan.

Ms. Fraasch stated that there isn't a deer management plan in place for future years. She spoke in support of deer sterilization. She also believed that traffic was part of the problem, and she didn't feel this issue had been addressed. She stated that she was going to curtail her children's outdoor activities during this program, which she said was disheartening for a community like Mt. Lebanon.

The vote was called. Mr. Bendel, Mr. McLean and Mr. Silverman voted in favor of the motion. Mr. Brumfield and Ms. Fraasch voted against the motion. The motion passed three to two.

CONSIDERATION OF A SETTLEMENT

Mr. Bendel said Mt. Lebanon is a party in the case of Pedder v. Mt. Lebanon filed at Docket No. GD-15-006521 in the Court of Common Pleas of Allegheny County, Pennsylvania ("the Lawsuit"). The parties and the Municipality's carrier have tentatively agreed upon a settlement of the Lawsuit.

Mr. Bendel moved and Mr. Silverman seconded to approve the settlement and to authorize the Manager to take any required action to settle Lawsuit. The vote was called. The motion carried unanimously.

**CONSIDERATION FOR THE AWARD OF
THE STUDIO ICE RINK BEAM PAINTING PROJECT**

Mr. Brumfield said four bids were received for the Studio Ice Rink Beam Painting Project. This project includes the painting of the interior beams and duct work at the studio ice rink as well as the painting of the exterior entrance way lintel, doors and trim at the recreation center.

The Municipal Engineer has verified the bid as follows:

	Saints Painting	Nasoco LLC	Liokareas Construction	Andreas Painting
Base Bid - Removal and Replacement of the paint at the Studio Rink	\$23,230.00	\$33,800.00	\$62,123.00	\$68,000.00
Alt Bid – Removal and Replacement of the paint on the entrance doors, lintel and trim	\$1,560.00	\$2,400.00	\$2,800.00	\$8,200.00
Total	\$24,790.00	\$36,200.00	\$64,923.00	\$76,200.00

The Municipal Engineer has reviewed the bids and determined the low bid to be accurate, and recommends the project be awarded to the low bidder. The Engineer's estimate for the project was \$50,000.

Mr. Brumfield moved and Mr. McLean seconded to award both the Base Bid and Alternate No. 1 of the Studio Ice Rink Beam Painting Project to Saints Painting in the amount of \$24,790. The vote was called. The motion carried unanimously.

**CONSIDERATION OF THE EXPENDITURE
LIST FOR NOVEMBER TOTALING \$4,044,662.20**

Mr. Silverman moved and Mr. Bendel seconded to approve the expenditure list for November totaling \$4,044,662.20. The vote was called. The motion carried unanimously.

DEPARTMENTAL REPORTS

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

ADJOURNMENT

The meeting adjourned at 10:05 p.m.