

**MINUTES OF THE ADJOURNED MEETING NOVEMBER 28, 2016
OF THE MT. LEBANON COMMISSION**

The Commission of Mt. Lebanon Pennsylvania, held an Adjourned Meeting at 8:00 P.M., on Monday, November 28, 2016, at the Municipal Building. Commission 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 Assistant Manager/Planner McMeans, Finance Director McCreery, Police Chief Lauth, Fire Chief Sohyda, Public Works Director Sukal, and Recreation Director Donnellan. Also present were Phil Weis of the solicitor's office and Stacey Graf of the engineer's office.

Ms. Fraasch stated as President of the Mt Lebanon Commission, with my fellow Commissioners, we would like to make a statement regarding some recent events in our community that are not representative of who we are as a community. Inappropriate or insensitive actions taken because of someone's faith, race, ability or orientation are not and will not be acceptable to the leadership in this community. We stand by the school district as they have had to address issues on their property that represent inappropriate actions to others and will assist the school district whenever appropriate or necessary to prevent future occurrences. This Commission is proud of the community we serve. We are proud of all residents that live within this community, and we especially want visitors to enjoy our business districts, events and activities, and we hope that everyone feels welcome. This is our community, and we have the opportunity to stand against anything that we may see that does not represent who we are and what we are as a whole. We stand by those that represent kindness and respect. We have countless examples of this community coming together to help one person or a group of people. We will not allow these few incidents define us, but we will take them seriously and speak out against actions that promote intimidation of any person or group of people.

PRESENTATION OF MEDALLION BY MOUNT LEBANON HISTORICAL SOCIETY

Members of the Historical Society of Mount Lebanon presented a medallion to the municipality in appreciation for all of the support it receives from the Commission and staff.

COMMISSION/MANAGER'S ANNOUNCEMENTS

Manager McGill summarized the information that was reviewed during the discussion session, including review of the proposed ordinance amending Section 914 of the Home Rule Charter regarding tax rates, reviewed parking restrictions on Main Entrance Drive and neighboring streets, reviewed the Tennis Center electrical project and multi-year contracts, and discussed the Pay As You Throw program.

Mr. McGill stated that prior to the meeting, the Commission met in executive session to receive legal advice from the solicitor, discussed board and authority appointments, and began the manager's review. He stated that the next Commission meeting is scheduled for Tuesday, December 13, 2016, at 8 p.m. The second public hearing on the budget will be held at this time. The discussion session will also begin earlier at approximately 6:15 p.m., in Room C.

Mr. Brumfield spoke about Small Business Saturday. He also stated that the leaf program has been extended through Saturday, December 3. He also thanked the 300 volunteers who helped make the symphony holiday house tour in Virginia Manner a success. Mr. Bendel added that Beverly Bright Night is on December 1, from 7-8 p.m.

JUNIOR COMMISSIONER VARSHA VENUGOPAL COMMENTS

Varsha Venugopal stated that the high school students donated 1,053 canned items to the Brookline Christian Food Pantry. She also stated that the high school's Model U.N. team won first place in a competition held at Penn State, for the fourth straight year. She said that parking continues to be a problem for the students, and the students oppose the proposed parking restrictions, adding that it especially affects after school activities including athletics and clubs. She stated that the students feel there is a parking shortage in the high school's lot, and they have asked to use the commission lot.

CITIZEN COMMENTS

Bill Hoon of 456 Coolidge Avenue believed the gardeners are the reason for the deer culling program.

Barbara Logan of 838 Vallevue Drive thanked the commission for its beginning statement, stating that everyone should feel comfortable and safe in the community. She spoke in support of looking at alternate methods of collecting trash. She also spoke in support of the deer culling program.

Wesley Smith of 380 Avon Drive thanked the Commission for its support of deer management. He stated that other communities establish the amount of deer the community can sustain and questioned if Mt. Lebanon did as well.

Manny Bhojwani of 31 Lebanon Hills Drive stated that he was interested to hear the comments about the community not condoning harassment and asked if this was going to apply to the school children being harassed for parking on streets surrounding the school. He stated that there was not a parking problem. He said that residents park their vehicles on Main Entrance Drive early each morning, along with the high school students, and there are still parking spaces available. He said that every resident in this neighborhood has a driveway that can accommodate 3-6 vehicles. He said that only the students will be affected by the proposed parking restrictions.

Margaret Hooton of 350 Jefferson Drive spoke in support of the archery and sharpshooting programs, stating that it was understood when the program commenced, that it would take several years to see positive results.

Barbara Lowenstein of 325 Orchard Drive spoke in support of deer management, stating that the deer have destroyed many of the trees.

Matt Wood of 34 Lebanon Hills Drive stated there are visibility and safety issues around the triangle section of the restricted parking plan, but he didn't believe there was a parking issue near his house. He stated that the solution should be the responsibility of the school, not the residents. He stated that the church across from the school is an option for parking, but there are ingress and egress issues. He believed the proposed restrictive parking plan would result in students parking their vehicles near his house.

Brian Foster of 235 Outlook Drive stated that Mt. Lebanon is a beautiful place to live and raise a family. He also spoke in support of deer management. He stated that two friends of his son asked if they could park in front of his house, and his reply was that it's a public street. He stated that kids have a lot of extracurricular activities, including sports and jobs, and the proposed parking restriction would be letting the kids down. He said that if the restrictions take effect, the kids will find another place to park. He asked that the municipality put the kids first.

John Franz of 665 Osage Road spoke in support of culling the deer. He stated that there's been an explosion of Lyme disease in the community.

Barbara Sollenberger of 120 Newburn Drive stated that she does not feel safe in the community when seven months of the year are used to hunt deer, and the locations of the activity cannot be ascertained. She also had concerns with people who may hunt in the community that aren't vetted or evaluated. She noted that Pennsylvania is a hot spot for ticks, and she recently had one removed.

Kimberly Schevtchuk of 519 Lyndhurst Avenue stated that she opposed the imposition of rifle shooting in the community, believing this procedure was a safety risk. She stated that deer management does not work, adding that the deer/vehicle accidents have increased. She also stated that deer management is divisive to the community, and it doesn't allow parents to protect their children and pets because the municipality will not disclose the location of the hunters. She spoke in support of non-lethal measures, including sterilization.

John Lankford of 211 Outlook Drive supported the parking restriction proposal. He stated that Outlook is a narrow road, and it's difficult to navigate in and out of the driveways.

Denise Brzezinski of 504 Milbeth Street stated that kids park on the street mainly because they drive infrequently and don't want to purchase a permit. She stated that when you purchase a house by a school, you have to expect school traffic. Assessed values of homes are usually higher around schools, and inconveniences have to be expected. She stated that a solution needs to be found, and both the students and residents should have input on the situation. She agreed that blocking a fire hydrant or driveway is an issue on any street that needs dealt with. She added that these are public streets. She also stated that restricting some roads will spill over into parking on other streets.

Nancy Klucher of 131 Main Entrance Drive agreed that this situation is a school district issue, but they won't deal with it. She stated that Main Entrance is a busy road, and the parking situation was never this bad until construction started at the high school. She said because vehicles are parked on the street, the residents are not receiving services that they pay for like leaf collection. She felt that parking restrictions should be implemented on all streets near the high school.

Sam Rothschild of 25 Sunnyhill Drive stated that he is a junior at the high school, and he parks on Main Entrance. He stated that Mt. Lebanon is among the most walkable communities in Pennsylvania if not the country. Restricting access to parking on public streets is to restrict access to one of the most attractive reasons to live in this community. He asked that residents take pride in this aspect and sacrifice a little inconvenience. He stated that when you choose to purchase a house by a school, you have to expect traffic. He added that he lives near the Unitarian Church, and there are parking situations on his street, but no one complains because they knew the church was there when they bought their homes. He also said that the construction has been a problem for residents and students alike. He stated that he has known nothing but construction during his high

school days, and the students are as eager as the residents to have it end and parking return to normal. He said that he and his friends have been met with intimidation by some of the residents who have stared at him, walked up to him stating that he can't park on the street, and notes have been left on students' vehicles. He stated that the students are also residents of this community too.

Thomas Heagy of 523 Sandrae Drive stated that public streets should not restrict parking to anyone. He agreed that vehicles that park in front of a driveway should be towed. He said that a lot of roads in Mt. Lebanon are congested, and nothing is being said about those streets. He believes it's because this situation involves students. He said that a student driving only a few times a year has to be taken into account as well.

Kim Sampson of 8 Lebanon Hills Drive spoke in support of the parking restrictions.

Faith Williard of 250 Park Entrance Drive stated that other streets around the high school have parking restrictions, and this situation is no different. She believed that it was a safety issue at Lebanon Hills and Main Entrance. She stated that she's a realtor, and curb appeal is critical. If a person has to walk to a house due to lack of parking, that will dissuade someone from purchasing a house.

Normajeane Graybill of 59 Connecting Road stated that the parking situation has never been this bad. She stated that leaves can't get collected, and had concerns with what's going to happen when the snow starts to fall.

Marjon Boyce of 202 Main Entrance Drive had concerns with safety in the Main Entrance area. She stated she'd rather see the safety issues addressed and not restrictions on parking.

Jim Cannon of 145 Main Entrance Drive stated that the parking lots at the school and Lutheran Church are not full. He believed the kids preferred parking off-site to avoid paying for a parking permit. He stated that the parking situation started when the construction at the high school commenced. He spoke in support of parking restrictions.

Lee Oleinick of 86 Park Entrance Drive stated that getting out of his driveway is a challenge. He stated that parked vehicles on the street present a safety hazard. He said that if the parking restriction signs are posted, that the kids will park further down the street in front of his house. He didn't feel it was fair to the residents on the street to have school kids park in front of their homes. He also said that this is a drop-off spot for parents dropping their kids off for school. He stated that the school construction created this problem, and the school district should be part of the solution.

Matthew Dalesandro of 134 Mohawk Drive stated that he is a student who only drives four to five times a semester; therefore, it doesn't make sense for him to purchase a parking permit. He stated that he supports police enforcement for anyone not adhering to the law. He said that he drives safely and doesn't text and drive. He also stated that the Lutheran Church regulates how many spots the high school students are permitted to use; therefore, those open spots are not always available to the students.

**CONSIDERATION OF THE MINUTES FROM
THE REGULAR MEETING HELD NOVEMBER 7, 2016**

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

**INTRODUCTION OF ORDINANCE (BILL NO. 9-16)
ESTABLISHING COMPENSATION FOR EMPLOYEES FOR 2017**

Mr. Brumfield said this ordinance establishes the pay rates and levels for employees, including those covered by collective bargaining for 2017. It also sets hours of work and overtime, longevity and fringe benefits.

Ordinance (Bill No. 9-16) was introduced.

**INTRODUCTION OF ORDINANCE (BILL NO. 10-16)
AMENDING THE CHARTER REGARDING TAX LIMITS**

Mr. McLean said the Home Rule Charter Section 914 contains limitations on increases in taxes, including a 2-mill limit on increases in annual real estate tax, and a restriction on increasing earned income tax only when there is a corresponding reduction in real estate. The 2-mill limit was added to Section 914 at a time when Allegheny County used a predetermined ration of 25% for assessments, whereas now it uses 100%. The 2-mill limit in Section 914 would allow a tax increase of approximately \$5,000,000 a year; the proposed 10% limit would lower this amount to approximately \$3,500,000.

Section 914 allows a tax increase in excess of the stated limitations only if the increase is approved by a referendum or by unanimous vote of all Commissioners in office. Therefore, the Commission desires to change the Charter regarding the limitations and taxes.

Ordinance (Bill No. 10-16) was introduced, and the public hearing was set for December 13, 2016.

**CONSIDERATION OF RESOLUTION NO. R-22-16 AUTHORIZING
REIMBURSEMENT FROM THE SERIES 2017 BONDS FOR
IMPROVEMENTS TO THE ICE RINK AND PUBLIC WORKS FACILITY**

Mr. Silverman said a resolution is required to allow the municipality to make payments from the Capital Projects Fund and then be reimbursed from the proceeds of the bonds for items related to the improvements to the Ice Rink and Public Works Facility to be completed in 2017. This will be necessary if the required payment is needed prior to the bond closing. IRS regulations require a resolution be passed in order to have a reimbursement.

Mr. Silverman moved and Mr. Bendel seconded to adopt Resolution No. R-22-16 authorizing reimbursement from the Series 2017 Bonds for improvements to the Ice Rink and Public Works Facility. The vote was called. The motion carried unanimously.

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

Mr. Bendel said the Municipality has been developing a multi-faceted deer management program. Mt. Lebanon has an archery program that utilizes trained and licensed volunteer hunters to remove deer on private and public property. The archery program will continue through January 28, 2017. 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, 2017 to March 31, 2017.

The Municipality received a proposal from White Buffalo, Inc., to provide deer management sharpshooting services. The municipality has also received a Deer Control - Political Subdivision Permit from the Pennsylvania Game Commission permitting this activity. White Buffalo's proposal contains two options: one to remove up to 100 deer at a cost of \$83,477 or an option to remove up to 150 deer at a cost of \$132,038.

Mr. Bendel moved and Mr. Silverman seconded to authorize the execution of this agreement with White Buffalo, Inc., for the removal of up to 100 deer at a cost not to exceed \$83,477, subject to the approval of the Manager and the Solicitor, provided that the safety protocols that were in place for the 2016 sharpshooting program are also in place for the 2017 sharpshooting program. The vote was called.

Mr. Brumfield stated that he is satisfied that all safety precautions have been taken with this program. He agrees that there is a deer issue in the community, and there aren't any other alternatives at this time because of the Game Commission. He noted that a lot of time and funding has been utilized for traffic safety in order to assist in making the roads safer. He also stated that the contractor conducted the culling program in a safe manner; therefore, he would support the program.

Mr. Bendel stated that some residents mentioned the lack of criteria for the program. He stated that the deer/vehicle accidents are the measurement for the program. The goal of the Commission was to reduce the number of accidents by 50%, but there's been a steady increase in accidents. He stated that when the culling program stopped in 2008, the amount of deer increased as did the amount of deer/vehicle accidents. He said that he would be supporting the program.

Mr. Silverman stated that he concurs with Mr. Bendel's comments, adding that the state has been approached on many occasions regarding the use of non-lethal methods to control deer including sterilization, but to no avail. He stated that the contractor has worked in many communities, including Mt. Lebanon, in a safe manner. He added that the deer issue needs addressed; therefore, he would be voting in support of the program.

Mr. McLean stated that safety precautions were taken last year to insure the safety of the community and will continue this year. He added that the program has a three-year window for results according to the professor from Cornell. Therefore, he would be supporting the program.

Ms. Fraasch stated that she doesn't believe the program is working. She stated that she's gone to Harrisburg and has been contacting and communicating with people about the non-lethal methods. She stated that she would not be supporting the program.

Mr. Bendel, Mr. Brumfield, Mr. McLean and Mr. Silverman voted in support of the motion with the condition that all safety protocols and other requirements followed in the program conducted in 2016 be followed in this contract. Ms. Fraasch voted against the motion. The motion passed four to one.

CONSIDERATION TO ESTABLISH PARKING RESTRICTIONS ON A TRIAL BASIS ON MAIN ENTRANCE DRIVE, CIRCLE DRIVE, OUTLOOK DRIVE AND LEBANON HILLS DRIVE. THE RESTRICTIONS AS PROPOSED WOULD PROHIBIT PARKING BETWEEN THE HOURS OF 7 – 9 A.M. MONDAY THROUGH FRIDAY

Mr. McLean said residents of Main Entrance Drive and Lebanon Hills Drive have expressed a concern over increased parking on these streets. The residents attended several traffic board meetings to express their concerns.

The Home Rule Charter and Municipal Code contain a provision allowing for the establishment of traffic regulations for a trial period to determine their effectiveness before making such regulations permanent. At the expiration of the designated trial period, the Commission shall evaluate the effectiveness of such regulations and shall either:

- make such traffic regulations permanent;
- revise, modify or rescind such traffic regulations; or
- establish an additional trial period to permit further study and evaluation of such traffic regulations.

Temporary traffic regulations, when established in accordance with this Part 3, shall have the full force and effect of law.

Mr. McLean moved and Mr. Brumfield seconded to establish parking restrictions on a trial basis on Main Entrance Drive, Circle Drive, Outlook Drive and Lebanon Hills Drive to prohibit parking between the hours of 7 – 9 a.m. Monday through Friday and post the appropriate signage, and to further move that the parking restrictions be reevaluated in six months.

The Commission discussed this issue at length, consulting with the traffic engineer and chief of police.

Mr. Brumfield moved and Mr. McLean seconded to amend the motion to reduce the parking restriction area to an area extending to Circle Drive and the equivalent on Main Entrance and Lebanon Hills so that the entrances are clear of parking between the hours of 7 – 9 a.m. on school days, and post the appropriate signage, and to further move that the parking restrictions be reevaluated in three months. The vote was called. The motion carried unanimously.

The vote on the original motion with the amended verbiage was called. The motion carried unanimously.

CONSIDERATION OF AN APPOINTMENT TO THE HOSPITAL AUTHORITY

Mr. Brumfield said Ian Donaldson's term on the Hospital Authority expires December 31, 2016. The Commission thanks him for his service.

Mr. Brumfield moved and Mr. McLean seconded to appoint Amanda Lewis of 619 Vermont Drive to a term effective January 1, 2017 and ending December 31, 2021. The vote was called. The motion carried unanimously.

**CONSIDERATION OF THE EXPENDITURE
LIST FOR OCTOBER TOTALING \$6,572,304.69**

Mr. Bendel moved and Mr. Silverman seconded to approve the expenditure list for October totaling \$6,572,304.69. The vote was called. The motion carried unanimously.

DEPARTMENTAL REPORTS

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

ADJOURNMENT

The meeting adjourned at 10:25 p.m.