

## **MINUTES OF THE ADJOURNED MEETING FEBRUARY 23, 2021 OF THE MT. LEBANON COMMISSION**

The Commission of Mt. Lebanon, Pennsylvania, held a virtually run Adjourned Meeting at 8 P.M., on Tuesday, February 23, 2021. Commission President Mindy Ranney called the meeting to order and led in the Pledge of Allegiance to the Flag. Manager McGill called the roll. Present were Commissioners Andrew Flynn, Leeann Foster, Craig Grella, Steve Silverman, and Mindy Ranney. Also present were Assistant Manager/Planner McMeans, Police Chief Lauth, Fire Chief Sohyda, Finance Director McCreery, Public Works Director Sukal, I.T. Manager Schalles, Library Director Vittek, Chief Building Inspector Sarver, and Public Information Officer Lilley. Also present were Phil Weis of the solicitor's office and Dan Deiseroth of the engineer's office.

### **COMMISSION/MANAGER'S ANNOUNCEMENTS**

Manager McGill summarized the information that was reviewed during the discussion session, including a discussion on the 2021 Street Maintenance Program, a continued discussion on the overnight parking ordinance, and heard information from commission liaisons on activities with various boards and authorities.

Manager McGill stated that prior to this meeting, the Commission met in executive session to receive legal advice from the solicitor on various legal issues. The next regular meeting is scheduled to be held on Tuesday, March 9, 2021, at 8 p.m., to be held remotely, with the discussion session meeting starting at approximately 6:30 p.m., to be held remotely, and the executive session starting at approximately 6 p.m. Until further notice, all public Commission meetings will be held on the Zoom webinar format. To watch or participate, you may register at [www.mtlebanon.org/commission](http://www.mtlebanon.org/commission).

Mr. Flynn said the Commission is grateful for the many volunteers who serve on Mt. Lebanon's 18 advisory boards and authorities. Friday is the deadline for applications for this year's vacancies. Apply online at [mtlebanon.org](http://mtlebanon.org) and go under "trending now" to read about the specific openings, meeting dates and requirements for each board.

Congratulations to the 31 residents who will graduate on March 4 from this year's Residents Academy. The Mt. Lebanon Community Relations Board sponsors the academy each January, and the course quickly fills to capacity. Participants hear from all of the major municipal senior staff as well as some of our community partners, including the school district. Thanks to all who participated.

During snowstorms, the Mt. Lebanon Fire Department appreciates it when you clear the snow in a three-foot circle around your neighborhood fire hydrants to help them gain access quickly.

Mt. Lebanon will be proudly observing International Women's Day on Monday, March 8, and leading up to it, we are promoting this year's theme, "Choose to Challenge." A nationwide social media campaign calls for supporters to strike the Chose to Challenge pose, with your hand held high to show your commitment to choose to challenge inequity, call out bias, question stereotypes and help forge a gender-equal world. Over the next few weeks, check out Mt. Lebanon leaders striking the pose on our Facebook page. Find out more about the event at [internationalwomensday.com](http://internationalwomensday.com).

The Low Income Home Energy Assistance Program (LIHEAP) helps families living on low incomes pay heating bills in the form of a cash grant. Households in immediate danger of being without heat can also qualify for crisis grants. The cash grant is a one-time payment sent directly to the utility company or fuel provider to be credited on your bill. These grants range from \$200 to \$1,000 based on household size. For more information, call the LIHEAP hotline at 1-866-857-7095, Monday through Friday. Individuals with hearing impairments may call 711.

Join the Mt. Lebanon Public Library on Zoom tomorrow from 7 to 8:30 p.m. for the free program “Why Louis Armstrong Matters,” and find out how this child from the poorest and most dangerous neighborhood in the deep south rose above poverty and prejudice to become America’s Ambassador of Goodwill. This presentation includes rare and recently discovered images from over 100 years ago and state-of-the-art restorations of Louis’ earth shaking, life-altering recordings. It’s presented by Tom Roberts, one of the leading exponents of early jazz piano in the world today. He has performed on The Tonight Show with Johnny Carson, The Statler Brothers Show on TNN, and A Prairie Home Companion with Garrison Keillor. You must register at the library’s website, [mtlebanonlibrary.org](http://mtlebanonlibrary.org).

#### **JUNIOR COMMISSIONER RUBY SIEFKEN COMMENTS**

Ms. Siefken stated that Mt. Lebanon High School will offer a four-day in-person curriculum commencing next week, in addition to the current options. She also said that winter sports are coming to a season end. Spring sports are scheduled to occur, with tryouts beginning March 8 through 13. She noted that seniors will be having a prom or some form of one, on May 26. She stated that student council elections for next year will begin soon.

#### **COVID-19 UPDATE/INFORMATION PRESENTED BY LAURA PACE LILLEY**

Ms. Lilley gave an update on COVID-19, stating that numbers regarding infection rate, hospitalizations, ventilators, etc., are trending down. She stated that Mt. Lebanon’s supply of PPE is good, with no issues in obtaining it. She stated that there is a Facebook Page, Getting Pittsburgh Vaccinated COVID-19 Appointment Page, which explains different means on where to get the vaccine. The University of Pittsburgh students have a website as well, [www.vaccinatepa.org](http://www.vaccinatepa.org) where it identifies locations to get the vaccine. If you are in the St. Clair Hospital service area, you can get on their list as well at [www.stclair.org](http://www.stclair.org). You can also call them at 412-942-2960. You can also get on a list with UPMC at [www.vaccine.upmc.com](http://www.vaccine.upmc.com) or you can call them at 844-876-2822. There is also Allegheny Health Network at [www.ahn.org/coronavirus](http://www.ahn.org/coronavirus) or call them at 412-DOCTORS. MRTSA will also be assisting with distribution of the vaccine at the Castle Shannon Fire Hall. You can sign up for Allegheny County alerts for this information or call 211. All of this information is on our website at [www.mtlebanon.org](http://www.mtlebanon.org).

Ms. Lilley also gave an update on the school district’s plan for students returning to the classroom as well as an update on recreation programs.

#### **CITIZENS COMMENTS**

Tessa Watkins of 644 Royce Avenue spoke in support of the police department signing the M.O.R.E. petition for the use of force policy as well as more transparency.

Bryce Yeager of 370 Parkway Drive spoke in support of the road reconstruction program, thanking the Commission for its consideration in including Parkway Drive in the program for this year.

Donna DiNardo of 29 Mission Drive stated that she serves on the steering committee of a group called M.O.R.E., which is an acronym for Mt. Lebanon Organization for Racial Equity. She wanted more transparency on the use of force policy, asking that it become a public document.

Holly McCullough of 1130 Firwood Drive spoke about the police use of force policy, asking that it become a public document. She had concerns that Lexipol is driven by limiting liability.

Stephanie Myers of 118 Morrison Drive stated that she is a member of M.O.R.E., and she supports making the use of force policy more transparent.

Vickie Piontkowski of 373 Atlanta Drive stated that she is a member of M.O.R.E. She asked the Commission to comment on its views of the police use of force policy.

Ms. Ranney provided a brief response. She stated that once a policy is implemented, it will be made available to the public. She also spoke about the DEI committee, explaining its purpose, stating that at the end of the year, the committee would be recommending policies and initiatives to the Commission. Ms. Ranney also noted that the Commission committed to the DEI committee as one of its top five priority projects for 2021. She also stated that the Mt. Lebanon Police Department is working with an outside source to develop procedures and policies, including use of force.

Ms. Ranney read into record the following public comments received through e-mail:

Hello, my name is Ediri Montoya and I live at 1235 Washington Rd. I am concerned about the lack of transparency with the Mt. Lebanon Police Department's Use of Force policy. I feel it should be added to the police department website, in full, so all residents and visitors are aware of the department's approach and policy regarding the use of force. Research shows that police departments that adopt a policy of transparency can lead to more trust and support between them and the people they serve, especially people of color. As my Commissioners, will you please sign M.O.R.E.'s pledge to state your support on the record for making the MLPD's Use of Force Policy public as soon as the redraft is finalized? Thank you.

Hello, my name is Josh Niebler and I live at 245 Parker Dr. I am concerned about the lack of transparency with the Mt. Lebanon Police Department's Use of Force policy. I feel it should be added to the police department website, in full, so all residents and visitors are aware of the department's approach and policy regarding the use of force. Research shows that police departments that adopt a policy of transparency can lead to more trust and support between them and the people they serve, especially people of color. As my Commissioners, will you please sign M.O.R.E.'s pledge to state your support on the record for making the MLPD's Use of Force Policy public as soon as the redraft is finalized? Thank you.

Hello, my name is Meagan Niebler and I live at 245 Parker Dr. I am concerned about the lack of transparency with the Mt. Lebanon Police Department's Use of Force policy. I feel it should be added to the police department website, in full, so all residents and visitors are aware of the department's approach and policy regarding the use of force. We know the community that Mt.

Lebanon can be, however this is a necessary step in order to move us toward a more transparent, equitable, and just community for all Mt. Lebanon and Allegheny County residents.

Research shows that police departments that adopt a policy of transparency can lead to more trust and support between them and the people they serve, especially people of color. As my Commissioners, will you please sign M.O.R.E's pledge to state your support on the record for making the MLPD's Use of Force Policy public as soon as the redraft is finalized? Thank you.

Hello, my name is Andrea Cipriani, and I live at 627 Shady Dr E. I am a member of the municipal DEI committee and I am concerned about the lack of transparency with the Mt. Lebanon Police Department's Use of Force policy. I feel it should be added to the police department website, in full, so all residents and visitors are aware of the department's approach and policy regarding the use of force. Research shows that police departments that adopt a policy of transparency can lead to more trust and support between them and the people they serve, especially people of color. As my Commissioners, will you please sign M.O.R.E's pledge to state your support on the record for making the MLPD's Use of Force Policy public as soon as the redraft is finalized? Thank you.

Hello, my name is Gregory Garbinsky of Marlin Drive West. My wife Cathy and I are Mt Lebanon residents in Ward 1. I would like to voice our concern about the lack of transparency exhibited by the Mt. Lebanon Police Department in its stance of not making their Use of Force policy (and other policies) public. Building trust and establishing legitimacy are foundational principles underlying the relations between law enforcement agencies and the communities they serve. As our Commissioners, my wife Cathy and I ask you to **please sign M.O.R.E.'s pledge to state your support on the record for making the MLPD's Use of Force Policy public** as soon as the redraft is finalized.

Many police departments nationwide have made their Use of Force policies public, including Pittsburgh, Allentown and Bethlehem, Pennsylvania. The City of Seattle PD has not only made their Use of Force Policy publicly available on the internet but they even solicited citizen and community input into the drafting of the policy when it was recently revised. I believe that if a large city like Seattle can have this level of transparency, with unquestionably a larger population and more complex issues than Mt Lebanon, then it stands to reason that our ML community could do so as well.

As I understand it, the MLPD has engaged a private, for-profit contractor, Lexipol, to assist in revising their policies including the policy on use of force. As a taxpayer I have concerns over the use of a for-profit company to develop policies that affect our community and the public safety of our citizens and visitors. Furthermore, I understand that Lexipol's chief intent is to minimize the legal liability of the police departments they work for and are not concerned or as focused on the protection of human rights and public safety of the individuals that may have encounters with the police. How are we to know that these policies reflect my and my community's values if we don't know what they are and if they seek to reduce and prevent crime by improving relationships with the community, treating people with respect, increasing citizen and resident engagement and fostering cooperation? Or the opposite? Or somewhere in the middle?

I feel the MLPD use of force policy should be added to the police department website, in full, so all residents and visitors are aware of the department's approach and policy regarding the use of force. Research shows that police departments that adopt a policy of transparency can lead to more

trust and support between them and the people they serve, including people of color, immigrants, people with special needs and all who make up our community. Thank you.

Hello, my name is Mykie Reidy and I live at 99 Parkridge Lane. I am concerned about the fact that Mt. Lebanon Police Department's Use of Force Policy is not public and, further, that both the Commission and the Chief of Police have back-peddled from prior support for making it public.

I am aware that the Use of Force Policy is in the process of being revised and that those revisions represent important positive steps towards better policing in our community. That process, however, should not have an impact on the Commission's willingness to commit to making it public upon completion. If the citizens of Mt. Lebanon, as well as visitors, will be subject to the new policy upon review and acceptance by the Commission, then it should be published as soon as it is in force.

Transparency is the hallmark of good government, and there is no reason, except delay and obfuscation, not to have the Mt. Lebanon Police Department's Use of Force Policy, in full, on its department website as soon as it has been adopted. All residents and visitors should be able to find complete information on policies to which they are subject. Many cities, including the city of Pittsburgh, have made this kind of transparency an important part of their anti-racism reforms, and Mt. Lebanon ought to do the same.

I am asking my Commissioner, Steve Silverman, as well as the other members of the Commission to please sign M.O.R.E's pledge, stating your support on the record for making the MLPD's Use of Force Policy public as soon as the revision is finalized. Thank you.

**CONSIDERATION OF THE MINUTES FROM THE  
THE REGULAR MEETING HELD FEBRUARY 9, 2021**

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

**CONSIDERATION FOR THE RENEWAL OF THE  
STREET CRACK SEALING PROGRAM FOR 2021**

Ms. Foster said bids were received on February 19, 2020 for the 2020 Crack Sealing Program, which included crack sealing approximately 40,000 LF of various streets throughout the Municipality. Crack sealing is a cost-effective way to extend the life of the asphalt pavement and has been used successfully by the Municipality for over 20 years.

The original contract included a base year, 2020, with three optional renewal periods. This would allow the contract to be extended, at Mt. Lebanon's sole discretion, until 2023 to maintain continuity.

The Municipal Engineer verified the bid in 2020 as follows:

	<b>Russell Standard Corporation</b>
2020 Project	\$ 22,600.00
1 <sup>st</sup> Renewal – 2021	0% increase on the 2020 price
2 <sup>nd</sup> Renewal – 2022	0% increase on the 2020 price
3 <sup>rd</sup> Renewal – 2023	0% increase on the 2020 price

The proposed 2021 increase of 0% over the 2020 contract is fair. The Municipal Engineer and the Public Works Department, based upon past performance of the contractor, recommends extension of the contract to Russell Standard Corporation. The budget for the program in 2021 is \$26,250. Therefore, the quantity of work will be adjusted to meet the current budget.

Ms. Foster moved and Mr. Grella seconded to extend the Crack Sealing Program into 2021 with Russell Standard Corporation in the amount of \$22,600. The vote was called. The motion carried unanimously.

**CONSIDERATION FOR THE RENEWAL OF THE  
STREET REJUVENATOR PROGRAM FOR 2021**

Mr. Grella said bids were received on February 19, 2020 for the 2020 Street Rejuvenator Program, which included the application of approximately 39,750 SY of Reclamite pavement rejuvenator throughout the Municipality. Reclamite is a cost-effective way to extend the life of the asphalt pavement and has been used successfully by the Municipality for over 20 years.

The original contract included a base year, 2020, with three optional renewal periods. This would allow the contract to be extended, at Mt. Lebanon’s sole discretion, until 2023 to maintain continuity.

The Municipal Engineer verified the bid in 2020 as follows:

	<b>Pavement Technology, Inc.</b>
2020 Project	\$ 36,570.00
1 <sup>st</sup> Renewal – 2021	3% increase on the 2020 price
2 <sup>nd</sup> Renewal – 2022	4% increase on the 2020 price
3 <sup>rd</sup> Renewal – 2023	5% increase on the 2020 price

The Municipal Engineer and the Public Works Department, based upon past performance of the contractor, recommends extension of the contract to Pavement Technology, Inc. The total contract value would be \$37,667.10 based upon the 3% increase; however, the budget for the program is \$36,400 for 2021. Therefore, the quantity of work will be adjusted to meet the current program budget.

Mr. Grella moved and Ms. Foster seconded to extend the Street Rejuvenator Contract into 2021 with Pavement Technology, Inc., in the amount of \$37,667.10. The vote was called. The motion carried unanimously.

**CONSIDERATION FOR THE AWARD OF THE  
ROBB HOLLOW PARKLET-PHASE 1 PROJECT**

Mr. Silverman said 11 bids were received on February 16, 2021 for the Robb Hollow Parklet-Phase 1 project. The project includes but is not limited to the removal of an existing stockpile with associated site grading.

The Municipal Engineer has verified the bids as follows:

<b>Contractor</b>	<b>Bid Amount</b>
Michael Facchiano Contracting, Inc.	\$120,000.00
Plavchak Construction Co., Inc.	\$141,425.00
CTM Construction, Inc.	\$164,900.00
Independent Enterprises, Inc.	\$171,825.00
Murin & Murin, Inc.	\$179,950.00
A. Merante Contracting, Inc.	\$198,980.00
Dom Folino Construction, LLC	\$202,603.00
TA Robinson Asphalt Paving, Inc.	\$206,008.25
Arcon Contracting, Inc.	\$231,030.00
Niando Construction	\$249,000.00
DeFrank Development, Inc.	\$308,400.00

The budgeted amount for the overall Robb Hollow Parklet project is \$360,000 and the Engineer's estimate for Phase 1 of the project was \$256,795. The project is within budget and is to be funded through the Capital Projects Fund.

The Municipal Engineer has reviewed the bids and determined the low bid to be accurate. The contractor has completed previous work in the Municipality in a satisfactory manner.

Mr. Silverman moved and Mr. Flynn seconded to award the Robb Hollow Parklet-Phase 1 Contract to Michael Facchiano Contracting, Inc., in the amount of \$120,000. The vote was called. Mr. Flynn, Ms. Foster, Mr. Silverman and Ms. Ranney voted in support of the motion. Mr. Grella voted against the motion. The motion passed four to one.

**CONSIDERATION TO PURCHASE ONE READY-TO-USE FOUR-WHEEL  
DRIVE SNOWPLOW TRUCK FROM WOLTZ AND WIND FORD  
THROUGH THE PENNSYLVANIA COSTARS PURCHASING PROGRAM**

Mr. Flynn said this truck will replace truck #222, a 2012 model Ram 5500, which will be auctioned upon receipt of the new vehicle. The new snowplow truck includes a 2021 Ford F-550 four-wheel drive cab and chassis, 6.7L Ford Turbo diesel engine, 6 speed automatic transmission, snowplow preparation package, 9-foot Morocco aluminum dump body, central hydraulic system, stainless steel tailgate auger-spinner spreader, 9-foot snowplow, and trailer tow package at a total cost of \$93,785. Funding for this vehicle has been appropriated in the 2021 municipal budget at \$105,400.

Mr. Flynn moved and Mr. Silverman seconded to purchase one ready-to-use four-wheel drive snowplow truck from Woltz and Wind Ford through the Pennsylvania Costars Purchasing Program, contract number 025-032 at a total cost of \$93,785. The vote was called. The motion carried unanimously.

**CONSIDERATION OF COMMENCEMENT OF PENSION BENEFITS**

Ms. Foster said Mt. Lebanon sponsors three defined pension benefit plans for their employees: General Employees, Police and Firefighters. The Commonwealth of Pennsylvania's Department of the Auditor General requires that all benefit commencements for the Police Pension Plan be approved by the Commission.

The employee detailed below has requested benefit commencement in accordance with the terms of their respective pension plans.

<b>Employee Name Title</b>	<b>Pension Plan Department</b>	<b>Benefit Start Date</b>
James Zeiler Deferred Vested Participant	Police Police	09/01/20

Ms. Foster moved and Mr. Grella seconded to approve benefit commencement for James Zeiler. The vote was called. The motion carried unanimously.

**CONSIDERATION OF THE EXPENDITURE  
LIST FOR JANUARY TOTALING \$5,331,715.13**

Mr. Grella moved and Ms. Foster seconded to approve the expenditure list for January totaling \$5,331,715.13. The vote was called. The motion carried unanimously.

**DEPARTMENTAL REPORTS**

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

**ADJOURNMENT**

The meeting was adjourned at 9:10 p.m.