

MINUTES OF THE ADJOURNED MEETING MAY 25, 2021 OF THE MT. LEBANON COMMISSION

The Commission of Mt. Lebanon, Pennsylvania, held a virtually run Adjourned Meeting at 8 P.M., on Tuesday, May 25, 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, Assistant Fire Chief Daniels, 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 Matt Bagaley of the engineer's office.

COMMISSION/MANAGER'S ANNOUNCEMENTS

Manager McGill summarized the information that was reviewed during the discussion session, including review of the responses received for the Parks Master Plan and Recreation Center Feasibility Study, review of the sidewalk assessment program, heard an update on the reopening of recreation and other municipal programs and facilities, 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 Commission will go back into executive session following this meeting. The next regular meeting is scheduled to be held on Tuesday, June 8, 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.

Mr. Flynn said I'd like to open by recognizing that May is both Jewish American Heritage Month and Asian American and Pacific Islander Heritage month. The diversity of our population in Mt. Lebanon improves us all and leads to richer, more meaningful experiences. Please join me in celebrating their history, their cultures and their contributions. You are welcome and wanted here.

Hearty congratulations to Mt. Lebanon Magazine for snagging 11 Golden Quill nominations from the Press Club of Western Pennsylvania. The nominations, which run the gamut from writing to photography to design, spotlight the great care our magazine staff takes in producing the issues, sent to every home and business in Mt. Lebanon. It's especially nice to receive the nominations this year, which is the magazine's 40th anniversary. The awards ceremony will be in September this year.

Please join us for our annual Memorial Day ceremony at 8:30 a.m. on Monday, May 31, at the Veterans Memorial, on Morgan Drive, outside the recreation center, off Cedar Boulevard. If you are unable to join us in person, you can watch the ceremony streamed live on the municipality's Facebook page.

The Commission sends its warmest congratulations to Thomas Martin, Jason Tubbs, Steven Young and Jadon Dodd, four outstanding young men who officially became Eagle Scouts last weekend. You can read about the entire class of 2020 group of Eagle Scouts on page 41 of the June issue of Mt. Lebanon Magazine, which should be in homes this week.

A 5K to benefit Hoover Elementary School will close some roads in that neighborhood, from 8 a.m. to 10 a.m. on Saturday, June 5. A detailed map is on our website, mtlebanon.org, under “trending now.” Best of luck to Hoover for a successful annual event.

The Mt. Lebanon street reconstruction program has begun. For links to projects and an interactive map, you can also go to the “trending now” section of the website. Residents on affected streets will receive written notice at their residences before work begins.

CITIZENS COMMENTS

There were no citizen comments.

CONSIDERATION OF THE MINUTES FROM THE THE REGULAR MEETING HELD MAY 11, 2021

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

PUBLIC HEARING FOR RESOLUTION NO. R-5-21 FOR THE TRANSFER OF A LIQUOR LICENSE TO JP IOVINO LLC

Mr. Silverman said changes in state law allow liquor licenses to be transferred between establishments in different municipalities. Prior to submitting the license transfer to the Liquor Control Board, the municipality into which the license is being transferred must hold a public hearing and act on the transfer.

JP Iovino LLC has a lease for property located at 306 Beverly Road, Pittsburgh, PA 15216, and is seeking to transfer a liquor license to the existing io Deli at this location. JP Iovino LLC has requested a hearing before the Commission for approval of the transfer of a liquor license to this location.

Ms. Ranney declared the public hearing opened.

Stanley Wolowski of Flaherty & O’Hara, legal counsel representing JP Iovino LLC, spoke about transferring a restaurant liquor license to io Deli located at 306 Beverly Road. He stated that the deli has been operating at this location for five years, and prior to that, it operated for four years next door. He stated that the deli sells a variety of soups, salads, sandwiches, burgers, etc., and there is room for seating 30 patrons. Because it sells meal-type food to patrons, it qualifies for a liquor license according to the liquor code. JP Iovino LLC would like to acquire a restaurant liquor license in order to sell beer, wine and mixed drinks for consumption by patrons inside the deli and also to sell beer and wine for takeout. He noted the deli wants to sell alcoholic beverages to insure its continued viability and financial success.

Mr. Wolowski stated that in Pennsylvania, you have to have a liquor license to sell alcoholic beverages; therefore, you need to purchase one from an establishment that already has one. There were no liquor licenses available for purchase within Mt. Lebanon; therefore, JP Iovino LLC entered into an agreement with a facility in Richland Township to purchase a restaurant liquor license. JP Iovino LLC would like to transfer this restaurant liquor license into Mt. Lebanon in order to sell beer, wine and mixed drinks at io Deli. Before the Liquor Control Board can approve

the liquor license to JP Iovino LLC, Mt. Lebanon must first approve the inter-municipal transfer of the restaurant liquor license.

Mr. Wolowski noted that the Iovino's have lived in Mt. Lebanon for 17 years and have two children who attend Mt. Lebanon schools. He also noted that the Iovino's own Café io, which is located three buildings down from this location at 300 Beverly Road, and it has had a restaurant liquor license selling alcoholic beverages for the past 11 years, without any issues from the police, municipality, or local residents. He also noted that they have operated a restaurant across the street for years called Taco Diablo, which held a restaurant liquor license, and again, there were no issues with the municipality, police or local residents. He stated that the Iovino's have a lengthy track record of operating reputable restaurants and selling alcoholic beverages responsibly.

Mr. Wolowski stated that the deli will be open Monday through Saturday, from 11 a.m. to 9 p.m. Right now it's opened until 8 p.m., but it will close at 9 p.m. if granted a restaurant liquor license. The deli will be closed on Sunday. The deli will not have any bands, DJs, entertainment or video games. It's not going to have a bar. The sale of alcohol will occur by service at the tables. The deli is the type of place where people will dine and maybe have a beer, mixed drink or glass of wine with their meal. He noted that the PA Liquor Control Board has a program called RAMP, Responsible Alcohol Management Program, which is a training program to teach licensees and their servers how to sell alcoholic beverages responsibly. He stated that the deli will have eight employees who could be involved in the sale of alcohol beverages, and they will be required to attend the RAMP training.

He concluded by stating that the io Deli will continue to be owned and operated by long-time Mt. Lebanon residents, Jeff and Carol Iovino, who have a track record through the ownership of Café io and Taco Diablo, of running reputable restaurants and selling alcoholic beverages responsibly. The deli is not going to be operated like a bar, and the latest it will close is 9 p.m., Monday through Saturday, and it will be closed on Sunday. He stated that for these reasons, he respectfully is requesting that Mt. Lebanon adopt a resolution permitting the inter-municipal transfer of this restaurant liquor license into Mt. Lebanon.

Ian McMeans stated that he has received responses from the police chief, fire chief, and building inspectors, and none had any concerns, nor were there any current violations. He noted that the school district sent a letter as well summarizing that the school district has a policy to object to any restaurant liquor license transfer requests within 300 feet of a school, which they have consistently followed this policy since 1954. Lincoln Elementary School is within 300 feet of io Deli; therefore, the school district objects to the transfer due to its policy of a liquor license being located within 300 feet of a school.

Mr. Silverman stated that there are already properties on Beverly Road that are closer than 300 feet of the school that have restaurant liquor licenses.

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

**INTRODUCTION OF ORDINANCE (BILL NO. 4-21)
MODIFYING PROCEDURES FOR PARTICIPATION IN
COMMISSION MEETINGS BY TELECOMMUNICATION DEVICES**

Ms. Foster said the Administrative Code establishes requirements for Commission meetings. Commissioners have established rules for meeting by means of telecommunication devices. The Commission now wishes to modify those rules in light of its recent experience to allow greater use of telecommunications devices.

Ordinance (Bill No. 4-21) was introduced, and the public hearing was set for June 8, 2021.

**INTRODUCTION OF ORDINANCE (BILL NO. 5-21) TO AMEND
CERTAIN PROVISIONS OF THE HAZARDOUS TREE ORDINANCE**

Mr. Grella said Mt. Lebanon currently has a hazardous tree ordinance, whereby a hearing can be requested with respect to hazardous trees located on private property. The Commission desires to amend the ordinance with respect to these private trees. The amendment will limit hearings to private trees of two categories. One is trees which are close enough to a public right of way or other public area so as to create a potential hazard to the public. The other is for private trees, regardless of the location of the tree relative to a public area, which are sufficiently damaged, diseased, infested or in such other condition as to constitute a threat to the survival of other trees.

Ordinance (Bill No. 5-21) was introduced.

**INTRODUCTION OF ORDINANCE (BILL NO. 6-21) TO AMEND
CERTAIN PROVISIONS OF THE EMPLOYEE'S PENSION PLAN**

Mr. Silverman said Mt. Lebanon sponsors the Mt. Lebanon, Pennsylvania Employee's Pension Plan. The Plan calculates pension benefits based on average monthly compensation occurring before retirement. The Commission desires to amend the Plan to change the definition of Final Average Monthly Compensation to prevent any adverse effect on participants' pension benefits resulting from an Authorized Leave of Absence, such as a furlough.

Ordinance (Bill No. 6-21) was introduced.

**CONSIDERATION OF ORDINANCE (BILL NO. 3-21) TO REGULATE POLYCYCLIC
AROMATIC HYDROCARBONS AND CERTAIN OTHER HAZARDOUS SUBSTANCES**

Mr. Flynn said the U.S. Environmental Protection Agency, the US. Agency for Toxic Substances and Disease Registry, and other agencies have determined that exposure to certain Polycyclic Aromatic Hydrocarbons ("PAHs") pose risks to human health. Products sold to property owners for the purpose of sealing driveways, parking lots and other paved areas are often based on coal tar derivatives and used motor oil and often contain high levels of PAHs. This Ordinance proscribes the use in the Municipality of certain PAHs.

This ordinance was introduced May 11, 2021.

Mr. Flynn moved and Mr. Silverman seconded to enact Ordinance (Bill No. 3-21). The vote was called. The motion carried unanimously.

**CONSIDERATION OF RESOLUTION NO. R-6-21 FOR A
SIDEWALK ASSESSMENT PROGRAM FOR MUNICIPAL SIDEWALKS**

Ms. Foster said this resolution is for the replacement of deteriorated sidewalks on the following streets: Bradley Court, Eisenhower Drive, Halsey Court, Hoodridge Drive, MacArthur Drive, Marshall Drive, Ridgway Court, Roycroft Avenue, Stilwell Court, Vermont Avenue and Woodland Drive. This Resolution orders the replacement of deteriorated sidewalks by property owners or the municipality will cause the work to be done and invoice the owners.

Ms. Foster moved and Mr. Flynn seconded to adopt Resolution No. R-6-21. 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.

**INTRODUCTION OF A CONDITIONAL USE REQUEST FOR THE
EXPANSION OF THE PLATFORM TENNIS WARMING HUT AT MAIN PARK**

Mr. Grella said Mt. Lebanon Municipality owns the warming hut associated with the existing platform tennis courts in Main Park. The Mt. Lebanon Platform Tennis Association (MLPTA) is proposing to renovate the existing warming hut with the addition of a second story, bathrooms, and outdoor seating deck. The platform tennis hut is located in Main Park which is part of the OS-A Open Space Active zoning district. Facilities incidental to the operation of public recreational uses are a conditional use in the OS-A District.

The Planning Board recommended approval of the conditional use request on May 18, 2021. The Planning Board also granted preliminary approval to the Site Plan on May 18, 2021.

The Conditional Use Request was introduced, and the public hearing was set for June 22, 2021.

**CONSIDERATION OF THE AWARD OF A CONTRACT
TO PROVIDE PARKS MASTER PLAN AND RECREATION
CENTER FEASIBILITY STUDY CONSULTANT SERVICES**

Mr. Flynn said the municipality issued a Request for Proposals to engage a consultant to conduct an update to the Parks Master Plan and a Recreation Center Feasibility Study. This is one of the Commission priority projects identified as the result of a Commission retreat held in March of this year.

The municipality received six responses, which are as follows:

<u>Primary Firm</u>	<u>Cost</u>
Environmental Planning & Design	\$126,000
Herbert, Rowland, and Grubic	\$126,615
Mackin Engineers & Consultants with WTW Architects	\$134,400
Mackin Engineers & Consultants with Hayes Design Group	\$148,065
Pashek + MTR	\$148,600
LaQuatra Bonci & Associates	\$185,500

Mr. Flynn moved and Mr. Silverman seconded to authorize the Manager and Solicitor to prepare and execute an agreement and any ancillary documents with Environmental Planning & Design in an amount not to exceed \$126,000. The vote was called. The motion carried unanimously.

**CONSIDERATION TO PURCHASE ONE LEAF LOADER TO REPLACE
A UNIT THAT HAS REACHED THE END OF ITS USEFUL LIFE**

Mr. Silverman said Commission approval is requested to purchase one trailer-mounted leaf loader from A&H Equipment at a total cost of \$67,160. There has been \$67,000 appropriated in the 2021 Operating Budget. A & H Equipment participates in the Pennsylvania Costars Purchasing Program, Contract #25-044.

Mr. Silverman moved and Mr. Flynn seconded to purchase one trailer-mounted leaf loader through the Costars Purchasing Program from A&H Equipment for \$67,160. The vote was called. The motion carried unanimously.

**CONSIDERATION TO EXECUTE A ONE-YEAR EXTENSION OPTION WITH
CARGILL INC. TO SUPPLY ROCK SALT FOR THE 2021-2022 WINTER SEASON**

Ms. Foster said in 2019 bids for rock salt were solicited through the SHACOG Purchasing Alliance, and Cargill Inc. submitted the winning bid. Mt. Lebanon entered into a contract with Cargill, which allows for two, one-year extension options. Cargill Inc. has agreed to execute the second one-year extension, which will decrease the cost per ton from \$82.24 for the winter of 2019/2020 to \$78.82 for the upcoming winter of 2021/2022, a decrease of \$3.42 per ton or 4.2%.

Ms. Foster moved and Mr. Grella seconded to execute a one-year extension option with Cargill Inc. to supply rock salt for the 2021/2022 winter season at an initial cost of \$78.82 per ton delivered. The vote was called. The motion carried unanimously.

**CONSIDERATION OF AN AWARD FOR
MT. LEBANON'S 2021-2022 INSURANCE PROGRAM**

Mr. Grella said the non-employment-related insurances for the municipality expire on June 5, 2021. This includes property, equipment, crime, automobile, general liability, professional, and umbrella coverages. For the upcoming year, staff is recommending the quote from our current broker of record, HUB International Limited, with the insurance providers outlined below.

<u>Vendor</u>	<u>Policy Type</u>	<u>Amount</u>
MRM PLT	Property, Equipment, Inland Marine, Crime, General Liability, Automobile	\$220,978
Greenwich Ins. Co.	Public Officials, Employment Practices, Law Enforcement	\$73,591
American Alternative Ins. Co.	Excess/Umbrella Liability	\$41,984
Total		\$336,553

There are minimal changes to the coverage, deductibles or limits for the next year. The general fund will be responsible for \$317,817, and the parking fund will pay \$18,736.

Mr. Grella moved and Ms. Foster seconded to authorize the placement of insurance for 2021-2022 through HUB International Limited at a cumulative premium of \$336,553. The vote was called. The motion carried unanimously.

**CONSIDERATION FOR THE REJECTION OF THE
PARKWAY DRIVE BRICK STREET RECONSTRUCTION**

Mr. Flynn said bids were received on March 24, 2021 for the reconstruction of Parkway Drive with brick.

The bids were received and verified as follows:

	A.Merante Contracting, Inc.	Niando Construction, Inc.
Total Base Bid	\$ 1,119,872.00	\$2,320,793.00
Total of Alternate Bids	\$ 504,525.00	\$1,309,490.00
Total	\$ 1,624,397.00	\$ 3,630,283.00

At this time, Parkway Drive is not planned to be reconstructed.

Mr. Flynn moved and Mr. Silverman seconded to reject the bids received for the Parkway Drive Brick Street Reconstruction program. The vote was called. The motion carried unanimously.

**CONSIDERATION OF THE EXPENDITURE
LIST FOR APRIL TOTALING \$5,041,408.87**

Mr. Silverman moved and Mr. Flynn seconded to approve the expenditure list for April totaling \$5,041,408.87. The vote was called. The motion carried unanimously.

DEPARTMENTAL REPORT

Ms. Foster asked that the reports be received and filed.

ADJOURNMENT

The meeting was adjourned at 8:40 p.m.