

**TO:** Mt. Lebanon Commission  
**FROM:** Keith McGill, Municipal Manager  
**DATE:** March 24, 2023  
**SUBJECT:** Agenda – Adjourned Meeting – March 28, 2023 – 8 p.m. – Mt. Lebanon Municipal Bldg., 710 Washington Road, Commission Chambers – Meeting is Recorded  
**Zoom Link:** <https://us02web.zoom.us/j/86362550618?pwd=YnVuUWZCdFp6QlZYZyt4VE1MbUdBZz09>

Call to Order – Pledge of Allegiance to the Flag – Roll Call

- SS 1. Commission / Manager’s announcements:**
- Summary of discussion session topics (Manager McGill)
  - Manager’s announcements (Manager McGill)
  - Community highlights (Commission Vice President Anne Swager Wilson)
- SS 2. Junior Commissioner Sam Noll comments.**
- SS 3. Citizens Comments / Online Comments.**
- ASW 4. Consideration of the minutes from the Regular Meeting held March 14, 2023.**
- Recommended Action:* Move to approve the minutes.
- MR 5. Public hearing on [Ordinance \(Bill No. 3-23\)](#) Authorizing a Cable Franchise Agreement.**
- Mt. Lebanon Municipality contracted the Cohen Law Group to negotiate a renewal of the Cable Franchise Agreement with Verizon Pennsylvania, LLC. Negotiations have concluded and the new agreement must be adopted by Ordinance.
- This ordinance was introduced on February 28, 2023.
- Recommended Action:* Conduct the public hearing.
- AF 6. Consideration of [Resolution No. R-4-23](#) for the transfer of a Liquor License for Arthur’s Korner Pub.**
- State law allows 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.
- Arthur James, LLC, has a lease for property located at 4 Bower Hill Road, Pittsburgh, PA 15228, and is seeking to transfer a liquor license to the existing Arthur’s Korner Pub at this location.
- A public hearing was held March 14, 2023.

Recommended Action: Move to adopt Resolution No. R-4-23.

CG 7. **Consideration of Resolution No. R-5-23 authorizing the participation of the Municipality in settlements of opioid lawsuits.**

The Commonwealth of Pennsylvania, and other third parties previously filed or joined in suits against various manufacturers and distributors of opioids, including Teva, Allergan, CVS, Walgreens, and Walmart. The parties have asked that Mt. Lebanon join in these settlements, as the ultimate recovery from the suits will be enhanced as municipalities join.

Recommended Action: Move to adopt Resolution No. R-5-23.

ASW 8. **Appointments to municipal boards.**

The Municipality maintains 17 boards and authorities involving 103 citizen volunteers. The Commission thanks all of these dedicated residents for their hours of service to the municipality. At this time, it is necessary to reappoint members who are eligible for another term and to appoint new members to fill vacancies caused by board member retirements or resignations.

Recommended Action: **Move to reappoint:**

Name	Address	Board	Term Expiring
Elisabeth Healey	Shady Lane	Board of Appeals	03/31/28
Margaret Izzo	Woodhaven Drive	Community Relations (Ward 2)	03/31/24
Livia Macedo	Crestvue Manor Drive	Community Relations (At-Large)	03/31/24
Anna Siefken	Woodland Drive	Economic Development	03/31/24
Mary Ellen Donato	Sunridge Drive	Historic Preservation	03/31/24
Marilyn Oberst/Horner	Navato Place	Historic Preservation	03/31/24
Mary Menk	Pennsylvania Blvd.	Library	03/31/26
Bennett Aikin	Colonial Drive	Parks Advisory	03/31/24
Dhanya Elias	Fieldbrook Drive	Parks Advisory	03/31/24
Stacie Hill	Parkway Drive	Sports Advisory (Field Hockey)	03/31/24
Amanda Rost	Osage Road	Sports Advisory (Flag Football)	03/31/24
Ian Smith	Dell Avenue	Sports Advisory (Baseball)	03/31/24
Teresa Cole	Moreland Drive	Traffic (Ward 2)	03/31/24
Matthew Rother	Salem Drive	Zoning Hearing	03/31/26

**And to appoint:**

Name	Address	Board	Term Expiring
		Civil Service	03/31/29
		Community Relations (Ward 4)	03/31/24
		Community Relations (At Large)	03/31/24
		Community Relations (At Large/Unexp.)	03/31/24
		Economic Development (Unexpired)	03/31/24
		Economic Development	03/31/24
		Environmental Sustainability	03/31/24
		Environmental Sustainability	03/31/24
		Historic Preservation (Unexpired)	03/31/24
		Historic Preservation (Unexpired)	03/31/24
		Historic Preservation (Unexpired)	03/31/24
		Library	03/31/26
		Library	03/31/26
		Parking Facilities	03/31/24
		Parks Advisory	03/31/24
		Pension	03/31/24
		Sports Advisory	03/31/24
		Sports Advisory (Sports Entity)	03/31/24
		Sports Advisory (Sports Entity)	03/31/24
		Traffic (Ward 1)	03/31/24
		Traffic (Ward 4)	03/31/24
		Traffic (Ward 5)	03/31/24
		Zoning Hearing Alternate	03/31/26

**MR 9. Consideration for the Award of the 2023 Main Road Assessment Sidewalk Maintenance Program.**

Bids were received on March 7, 2023, for the 2023 Main Road Assessment Sidewalk Maintenance Program Contract. This project includes the removal and replacement of concrete sidewalks throughout the Municipality.

The Municipal Engineer has verified the bids as follows:

G. Pasquale and Sons Construction Company	\$ 90,712.50
Palombo Contracting, Inc.	\$109,475.00

The Municipal Engineer has reviewed the bids and determined the low bid to be accurate. The Engineer recommends the project be awarded to G. Pasquale and Sons Construction Company. The contractor has completed similar projects for the Municipality in a satisfactory manner.

The budgeted amount for this contract is \$110,000, and the Engineer's estimate for the project was \$109,000. The project is within budget and is to be funded through the transportation portion of the Operating Budget.

Recommended Action: Move to award the 2023 Main Road Assessment Sidewalk Maintenance Program Contract to G. Pasquale and Sons Construction Company in the amount of \$90,712.50.

AF 10. **Consideration of the expenditure list for February totaling \$5,722,427.65.**

*Recommended Action:* Move to approve the expenditure list for February totaling \$5,722,427.65.

CG 11. **Departmental reports.**

*Recommended Action:* Ask that the reports be received and filed.

SS 12. **Adjournment.**

Bill No.: 3-23  
Introduced: February 28, 2023  
By Commissioner: Ranney  
Enacted: \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE OF THE MUNICIPALITY OF MOUNT LEBANON AUTHORIZING  
EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE MUNICIPALITY  
AND  
VERIZON PENNSYLVANIA LLC**

**WHEREAS**, the Franchisee is a “cable operator” and the Municipality is a “local franchising authority” in accordance with Title VI of the Communications Act (see 47 U.S.C. § 522(5), (10)) and the Municipality is authorized to grant one or more nonexclusive cable franchises to operate a Cable System within the Municipality pursuant to Title VI of the Communications Act;

**WHEREAS**, the Municipality granted to the Franchisee, effective as of August 13, 2007, a nonexclusive initial Franchise to install, maintain, extend, and operate a Cable System in the Municipality for a term of twelve (12) years (the “Initial Franchise”);

**WHEREAS**, the Franchisee has operated a Cable System in accordance with the Initial Franchise as of the Effective Date on its existing Telecommunications Facilities consisting of a Fiber to the Premises Telecommunications Network (“FTTP Network”) in the Municipality which also transmits Non-Cable Services pursuant to authority granted by applicable state law and Title II of the Communications Act, and which are not subject to Title VI of the Communications Act or this Agreement;

**WHEREAS**, the Franchisee has requested that the Municipality renew the Franchisee’s Franchise to provide Cable Service to residents of the Municipality;

**WHEREAS**, pursuant to and in accordance with applicable federal and state law, the Municipality undertook a process to determine whether it should renew the Initial Franchise and the terms for such a renewal;

**WHEREAS**, the Municipality has examined the past performance of the Franchisee and has identified the Municipality’s future cable-related needs and interests;

**WHEREAS**, following good faith negotiations between the parties, the Municipality and the Franchisee have agreed on the terms for a Franchise Renewal Agreement under which the Franchisee will continue to operate its Cable System in the Municipality; and

**WHEREAS**, the Municipality has determined that this Agreement and the process for consideration of this Agreement complies with all applicable federal, state and local laws and regulations.

**NOW THEREFORE, BE IT ORDAINED** that the Municipal Board of Commissioners does hereby approve the cable franchise agreement negotiated with the Franchisee, including all of the terms and conditions contained therein, and does hereby authorize the execution of such agreement.

**ENACTED AND ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

MUNICIPALITY OF  
MOUNT LEBANON

\_\_\_\_\_

\_\_\_\_\_  
Chairman, Municipal Board of Commissioners

**MT. LEBANON, PENNSYLVANIA  
RESOLUTION NO. R-4-23**

*WHEREAS*, Arthur James, LLC, has requested approval for the transfer of Pennsylvania restaurant liquor license no. R-3188 (“License”) from Papa Ristorante, LLC, 200-210 E. Main Street, Carnegie, PA, 15106, to Arthur James, LLC, for restaurant facilities within Mt. Lebanon located at 4 Bower Hill Road, Pittsburgh, PA 15228; and,

*WHEREAS*, the Municipality has held a public hearing on March 14, 2023 to receive comments and recommendations of interested residents concerning the requested transfer; and,

*WHEREAS*, the Commission has decided to approve the transfer of the License Arthur James, LLC.

*NOW, THEREFORE, BE IT RESOLVED* by the Commission of Mt. Lebanon, Pennsylvania, that the transfer into Mt. Lebanon of the License to Arthur James, LLC, is approved, subject to final approval of the Pennsylvania Liquor Control Board.

*FURTHER RESOLVED*, that this approval is limited to the transfer of the License and does not in any way constitute a zoning, land development, building or other necessary approval under any other applicable law.

ADOPTED by the Commission of Mt. Lebanon, Pennsylvania this 28th day of March 2023.

ATTEST:

MT. LEBANON, PENNSYLVANIA

\_\_\_\_\_  
Manager/Secretary

\_\_\_\_\_  
Commission President

**MT. LEBANON, PA**

**RESOLUTION NO. R-5-23**

**A RESOLUTION AUTHORIZING THE MUNICIPALITY TO ENTER INTO SETTLEMENTS REGARDING OPIOID LAWSUITS**

WHEREAS, the Commonwealth of Pennsylvania, and other third parties (collectively, the "Agencies") previously filed or joined in suits against various manufacturers and distributors of opioids, including Teva, Allergan, CVS, Walgreens, and Walmart; and

WHEREAS, the Agencies have reached settlements in these cases, and may in future cases reach settlements ("Settlements"), and have requested that the Municipality be authorized to join in the Settlements to help increase the amount of the recovery; and

WHEREAS, the Commission believes it will be in the best interests of the Municipality to join in the settlements.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the Municipality that the proper officers, officials and agents of the Municipality are authorized to take any and all appropriate actions to join in the Settlements and to otherwise effectuate the terms of this Resolution.

ADOPTED by the Commission of the Municipality on this 28th day of March, 2023.

ATTEST:

MT. LEBANON, PA

\_\_\_\_\_  
Manager/Secretary

By: \_\_\_\_\_  
President of Commission