

**MINUTES OF THE REGULAR MEETING NOVEMBER 14, 2017
OF THE MT. LEBANON COMMISSION**

The Commission of Mt. Lebanon Pennsylvania held a Regular Meeting at 8:00 P.M., on Tuesday, November 14, 2017, at the Municipal Building. Commission President David Brumfield 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, Kelly Fraasch, Steve Silverman, and Dave Brumfield. Commissioner McLean was not present due to a health issue. Also present were Assistant Manager McMeans, Police Chief Lauth, Public Works Director Sukal, Finance Director McCreery, Recreation Director Donnellan, Assistant Fire Chief Daniels, and Assistant Finance Director Windstein. 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 an update on the proposed Uptown public space improvements, discussed the proposed Phase II improvements for the property located at 794 Washington Road with the Mt. Lebanon Historical Society, reviewed the Source Flow Reduction Study, discussed the discrimination ordinance, as well as heard Commission comments regarding activities of boards and authorities.

Manager McGill stated that prior to the meeting, the Commission met in executive session to receive legal advice from the solicitor on several issues as well as discussed appointments to boards and authorities. He stated that the next adjourned Commission meeting is scheduled for Monday, November 27, 2017, at 8 p.m. The discussion session will also begin at approximately 6:15 p.m., in Room C. He noted that a budget workshop was held last night, stating there are also workshops scheduled for Monday, November 20, and Wednesday, November 29, all commencing at 6 p.m.

Ms. Fraasch spoke about the importance of Veterans Day. She recognized the students at Mellon Middle School, stating that each student does a tribute to a veteran. Seven members of the class spoke about a veteran.

Mr. Silverman stated that Uptown Light Night is scheduled for Thursday, November 16, on Washington Road, and also Beverly Bright Night on Thursday, December 7, on Beverly Road. MRTSA is sponsoring a Toys for Tots campaign at both of these events. He noted that leaf pickup will continue through the end of November.

Mr. Brumfield thanked everyone who attended the Halloween Parade in the rain and stayed for the Safe Communities recognition event afterwards.

JUNIOR COMMISSIONER KATHERINE IZZO COMMENTS

Katherine Izzo was not able to attend the meeting.

CITIZEN COMMENTS

Bill Hoon of 456 Coolidge Avenue spoke about various unsafe driving situations that he witnessed.

Barbara Sollenberger of 120 Newburn Drive gave a heartfelt tribute to Nicholas Meduho, who passed away on October 26, emphasizing his unwavering pursuit for information.

Andrew Flynn of 1074 Lindendale Drive spoke in support of the library, stating it is an asset to the community. He asked that funding be allocated for a full-time teen librarian.

Manny Bhojwani of 31 Lebanon Hills Drive stated that he has concerns with the content of certain videos at the library and the fact that there aren't any restrictions on who may check out the material.

Jeremy Snyder of 999 Pine Avenue stated that he has concerns with the proposed gun range that's to be constructed at the golf course. He believed there was an inherent risk to placing the range in a residential community.

Erik Arlet of 1005 Pine Avenue spoke about safety concerns of placing the gun range at the golf course. He also had concerns with increased traffic, lack of parking that exists with the golf course already, constant noise from people using the facility and socializing at night, devalue of property, and the fact that a school is within one thousand feet of the proposed site. He noted that his understanding is that the facility will be used for the police as well as neighboring police, recreation department classes, and school competitions. He stated that there were concerns that the proposed facility would start off as one use and then years down the road become something else. He said that he and his neighbors need more information and clarity on why the current facility can't be renovated and why this site was selected.

Mr. Brumfield indicated that in refiguring the public works yard to make it safer, there won't be enough room at the site to accommodate all of the current structures. Therefore, since the current gun range is too small, it was determined that a new structure could be developed at a different location that would be able to support the needs of the community.

Saverio Strati of 489 Willow Road stated that his son competes on the high school rifle team, and currently they have to travel 45 minutes to practice and compete. He spoke in support of the firing range.

**CONSIDERATION OF THE MINUTES
FROM THE ADJOURNED MEETING HELD OCTOBER 23, 2017**

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

**PUBLIC HEARING ON ORDINANCE (BILL NO. 12-17)
AMENDING THE SOLID WASTE ORDINANCE**

Mr. Silverman said the proposed ordinance would amend Chapter XIV of the Mt. Lebanon Code, entitled "Solid Waste," to clarify certain provisions regarding residential and commercial uses.

This ordinance was introduced September 25, 2017. A public hearing was held October 23, 2017, and a second public hearing will be held tonight.

Mr. Brumfield declared the public hearing opened.

Mr. McMeans gave the background on the solid waste ordinance. He stated that 120 properties would be affected, which totals about 1,000 dwelling units.

Mr. Silverman asked how condominiums are qualified in the code, and Mr. McMeans stated that condominiums are considered multi-family buildings; therefore any building containing four or more units will need to provide a private hauler.

Mr. Bendel asked if the other 13 communities in SHACOG used the same definition, and if so, when did they commence utilizing this definition as a guideline. Mr. McMeans stated yes, that all other communities use this definition as a guideline. He stated that some communities date back to the 60s and 70s when they enacted their ordinances, and others commenced doing so in 1990 when the Allegheny County solid waste plan was put into effect. He noted that while Mt. Lebanon did enact an ordinance at that time, there was no language pertaining to this definition.

Saverio Strati of 489 Willow Road stated that most of his tenants are young people under 30 who have just come out of college, are working their first real job, paying off school loans, and often times are living pay to pay. He stated that they are already paying taxes for services through the EIT. He believed it would be an undue burden on tenants if rent had to be increased to off-set the cost of providing a private hauler for refuse collection. He added that there will be an increase in the amount of large refuse trucks on the streets as well as accumulated refuse.

Jim Stuber of 101 Lawncroft Avenue, board member of the Rose Court Condominium Association in Central Square, stated that he is representing the 44 unit owners. He stated there are seven three-story buildings, with six or seven units in each building. He said that each person owns their own unit and pays property taxes on that unit. He compared these properties to those in Woodridge, stating that Woodridge contains side by side units that connect with a wall horizontally whereas Rose Court units connect with a wall and stands vertically.

Mr. Brumfield inquired about the language in the ordinance regarding this issue. Mr. McMeans noted that the ordinance states that structures like Woodridge are considered single-unit attached or townhouses since they spread out horizontally, and Rose Court is considered a condominium since it goes up.

Mr. Stuber said that they pay \$6,000 a year to have someone take 28 cans to the curb for weekly collection. He added that there is no area to place dumpster containers on the property. He stated that the people in these buildings will be paying for refuse collection twice, once through their taxes and again by paying a private hauler.

Barbara Sollenberger of 120 Newburn Avenue stated that she resides in a single-family home that is surrounded by apartment buildings. She stated that refuse collection is a service paid for through taxes. She said that unless the municipality is prepared to make an adjustment in terms of relieving the multi-family dwelling residents of that tax obligation, they are being required to pay for the removal of other people's refuse while paying a separate fee to a private hauler for removal of their own trash. She said if there are multiple providers throughout the community and different days of collection, the results will be an increase in the amount of refuse trucks in the community, trash sitting out at various locations, wear and tear of the roadways, additional noise, the possibility of additional accidents, and a continual food source for rodents.

David Pirain stated that he owns four properties in the Mt. Lebanon area. He stated that this policy is discriminating against people who already pay taxes. He said safety is a factor, noting that he oversees properties in Dormont, and refuse collection is a nightmare with different vendors, different times, different days. He questioned the savings. He stated that he will have to appeal his property taxes.

Brett Shafer stated that he owns property on Shady Drive East. He noted that he will incur additional costs with this ordinance, which will affect the amount of money available to invest in the property. He added that he got a couple of bids, and the lowest bid was \$500 per unit per year. He stated that he would appeal his property taxes as well.

Kate Orient of PPM Realty stated that they oversee several rental properties in Mt. Lebanon. She noted that they oversee properties in Dormont, and there are myriad of problems with refuse collection, including refuse on the street constantly, missed pickups, an increase of refuse trucks traveling the streets leading to congestion and traffic. She stated that this ordinance would affect 120 properties; therefore, imagine what the community will endure with an additional 120 refuse trucks on the streets. She noted that the municipality wanted to make Academy Avenue a one-way street, stating this is just one example of the problems Mt. Lebanon will incur if additional refuse trucks are traveling the streets. She asked if there was any way the landlords could piggyback for a cost-savings.

Mr. McMeans stated that when the municipality goes through the bidding process, Mt. Lebanon is trying to include in the contract, verbiage stating that the same price rate the municipality gets will be available through a private contract for property owners that are affected.

Mr. Brumfield stated that this ordinance amendment is not about money; it is an attempt to define commercial property in the Code. We consulted with other communities to obtain that information, and four units or more is the standard for commercial property.

Because there were no further comments, Mr. Brumfield declared the public hearing closed.

**PUBLIC HEARING AND CONSIDERATION OF
ORDINANCE (BILL NO. 11-17) REGULATING DISCRIMINATION
IN EMPLOYMENT, HOUSING AND PUBLIC ACCOMMODATION**

Ms. Fraasch said that Mt. Lebanon Commission desires to establish and adopt an ordinance barring discrimination in Mt. Lebanon in all matters involving employment, housing and use of public accommodations. The ordinance also establishes a Mt. Lebanon Human Relations Commission and provides for remedies for violations.

This ordinance was introduced September 12, 2017. A public hearing was held September 25, 2017, and a second public hearing will be held tonight.

Mr. Brumfield declared the public hearing opened.

Mr. Brumfield stated that the board will be called the Equal Opportunity Board.

Rachel Butler Pardi of 320 Beverly Road spoke in support of this ordinance.

Peter DiNardo of 29 Mission Drive stated that he is a teacher in the school district, and he noted that the school district adopted a policy in 2013. He spoke in support of the ordinance.

Because there were no further comments, Mr. Brumfield declared the public hearing closed.

Ms. Fraasch moved and Mr. Silverman seconded to enact Ordinance (Bill No. 11-17).

Each commissioner gave their opinion of this ordinance, all stating they would vote in favor of it.

The vote was called. The motion passed unanimously.

PUBLIC HEARING OF ORDINANCE (BILL NO. 13-17)
AMENDING THE 2017 BUDGET FOR REVENUE
AND EXPENDITURES NOT ANTICIPATED IN THE 2017 BUDGET

Mr. Bendel said the following adjustments are proposed:

General Fund

Revenue:

Contributions for Platform Tennis Gas Service	\$	5,000
Reimbursements from contractors for Traffic Details		135,000
Use of Fund Balance		405,680
	<u>\$</u>	<u>545,680</u>

Expenditures:

Mt. Lebanon Park Basketball Court Improvements	\$	55,700
Parks Lighting System		88,000
Recreation Center Light Pole Replacement		147,520
Digital Video Security System		7,000
Concrete Sidewalk Repairs		10,000
Platform Tennis Court Gas Service		20,460
Tree Removal at Golf Course		22,000
Increased Police Traffic Details for State Road Projects		135,000
Transfer to Capital Projects Fund		60,000
	<u>\$</u>	<u>545,680</u>

Capital Projects Fund

Revenue:

Transfer from General Fund	\$	60,000
	<u>\$</u>	<u>60,000</u>

Expenditures:

Increase to Street Reconstruction Program	\$	60,000
	<u>\$</u>	<u>60,000</u>

This ordinance was introduced October 23, 2017.

Mr. Brumfield declared the public hearing opened.

Because there were no comments, Mr. Brumfield declared the public hearing closed.

**PUBLIC HEARING ON THE 2018 MANAGER'S RECOMMENDED
BUDGET AND THE PROPOSED TAX RATE FOR THE YEAR 2018**

Mr. Silverman said the Manager's 2018 Recommended Budget, prepared pursuant to the Home Rule Charter, was submitted to the Commission November 1, 2017. Residents may inspect the budget during normal business hours at 710 Washington Road (Municipal Building) and at the library. The Recommended Budget is also available on Mt. Lebanon's website at www.mtlebanon.org.

Tonight citizens have the opportunity to provide written and oral comments and suggestions regarding the budget and tax rate for 2018. The tax rate is proposed at 4.71 mills. The public will also have an opportunity on December 12, 2017 to comment on the Commission's proposed adjustments to the Manager's Recommended Budget.

Mr. Brumfield declared the public hearing opened.

Cherie Moshier of 363 Newburn Drive spoke in support of the library, noting it has been available to the community for 85 years. She asked that funding be allotted for a full-time dedicated teen librarian, stating that currently, other librarians have to take time away from their duties to assist in this area.

Manny Bhojwani of 31 Lebanon Hills Drive agreed with converting the part-time position in I.T. to a full-time position. He stated that more funding should be allotted to technology, as it is a vital part of any operation. He compared the IT budget to the public information budget, disagreeing with public information receiving more funding. He also questioned the choice of articles in the magazine.

Mr. Bhojwani asked why the employment benefit rose to 21%. Mr. McCreery stated two issues are driving that number. The state pension calculation went up 8% in addition to anticipated employment benefits that have to do with negotiation of contracts.

Tom Schevtchuk of 519 Lyndhurst Avenue, member on the Nature Conservancy, thanked the manager and commission for their continued support, stating the \$5,000 allotted funding for combating invasive species will help. He asked that funding be allotted for the intensive invasive species project for Twin Hills, similar to what was done in Bird Park several years ago.

Because there were no further comments, Mr. Brumfield declared the public hearing closed.

**INTRODUCTION OF ORDINANCE (BILL NO. 14-17)
CONCERNING THE MUNICIPALITY'S 2018 BUDGET**

Mr. Bendel said the Commission held a scheduled budget work session to review the budget on Monday, November 13. Additional budget work sessions will be held on Monday, November 20, and Wednesday, November 29. A public hearing was just held to comment on the Manager's 2018 recommended budget. A second public hearing is scheduled on December 12, regarding any Commission revisions to the manager's recommended budget. The 2018 budget ordinance is scheduled for consideration at the December 12, 2017 meeting.

Ordinance (Bill No. 14-17) was introduced.

**INTRODUCTION OF ORDINANCE (BILL NO. 15-17)
FIXING THE TAX RATE FOR THE YEAR 2018**

Mr. Silverman said the municipality will be reaffirming its tax rate in accordance with the adopted budget. The tax rate for general purposes is currently 4.71 mills. The tax shall continue in force for each successive calendar year unless the tax is subsequently changed.

Ordinance (Bill No. 15-17) was introduced.

**CONSIDERATION OF RESOLUTION NO. R-17-17
ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM**

Ms. Fraasch said on October 25, 2004, the municipality adopted Resolution No. R-26-04 to adopt the National Incident Management System. This Resolution will supersede that Resolution to reflect new language that is required to adopt the National Incident Management System.

The Adoption of NIMS allows reimbursement to a political subdivision for costs expended during and after a declared emergency or disaster and for training and preparation for such disasters or emergencies.

Ms. Fraasch moved and Mr. Silverman seconded to adopt Resolution No. R-17-17. The vote was called. The motion carried unanimously.

**CONSIDERATION OF RESOLUTION NO. R-18-17 ADOPTING A 2017
EDITION OF THE EMERGENCY OPERATIONS PLAN OF MT. LEBANON**

Mr. Silverman said this plan supersedes previous Mt. Lebanon Municipality plans developed for a response to a major emergency disaster.

Mr. Silverman moved and Mr. Fraasch seconded to adopt Resolution No. R-18-17. The vote was called. The motion carried unanimously.

**CONSIDERATION FOR FINAL APPROVAL
FOR THE GOSAI-GOSWAMI SUBDIVISION PLAN**

Mr. Bendel said the property owner of 969 Osage Road is seeking to acquire property from the adjoining parcel at 973 Osage Road. The plan would divide the property at 973 Osage Road into two parcels with a section of 9,864.53 square feet to be acquired and consolidated with the property at 969 Osage Road.

The Planning Board reviewed the plan and recommended final approval at its September 26, 2017 meeting.

Mr. Bendel moved and Mr. Silverman seconded to grant final approval to the Gosai-Goswami Subdivision Plan. The vote was called. The motion carried unanimously.

CONSIDERATION OF A REQUEST FROM COMMISSIONER MCLEAN

Ms. Fraasch said the Home Rule Charter provides that Commissioners shall not miss three consecutive regular meetings of the Commission without being excused by the Commission.

Due to a health issue, Commissioner McLean has asked to be excused from the regular Commission meetings in November and December of 2017.

Ms. Fraasch moved and Mr. Silverman seconded to approve the request of Commissioner McLean to be excused from the Commission meetings in November and December of 2017. The vote was called. The motion carried unanimously.

ADJOURNMENT

The meeting adjourned at 10 p.m.