pennsylvania
OFFICE OF OPEN RECORDS

January 14, 2016

Sent via Overnight Mail:

Department of Court Records – Civil Division
City-County Building
414 Grant Street
Pittsburgh, PA 15219

RE: Submission of Record in:
Municipality of Mt. Lebanon v. Elaine Gillen,
Civil Division – No. SA 15-0963

Dear Prothonotary:

We hereby submit the record in the above-referenced matter. Section 1303 of the Right-to-Know Law, 65 P.S. §§ 67.101, *et seq.*, ("RTKL"), defines the Record on Appeal as "the record before a court shall consist of the request, the agency's response, the appeal filed under section 1101, the hearing transcript, if any, and the final written determination of the appeals officer." Pursuant to *DOT v. Office of Open Records*, 7 A.3d 329 (Pa. Commw. Ct. 2010), this record includes all "evidence and documents admitted into evidence by the appeals officer pursuant to Section 1102(a)(2)." The record in this matter consists of the following:

Office of Open Records Docket No. 2015-1938:

1. The appeal filed by Elaine Gillen ("Requester") to the Office of Open Records ("OOR"), received September 18, 2015.

2. Official Notice of Appeal dated September 21, 2015, sent to both parties by the OOR, advising them of the docket number and identifying the appeals officer for the matter.

3. Submission by the Municipality of Mt. Lebanon received September 30, 2015.

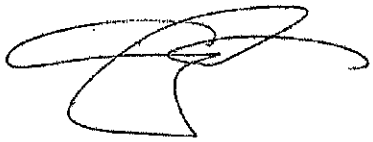
4. E-mail chain dated October 1, 2015, clarifying Requester's appeal.

5. OOR e-mail confirming Requester's agreement to allow until November 24, 2015, to issue a final determination in the matter.

6. The Final Determination dated November 24, 2015, issued by the OOR.

The OOR has discretion to hold a hearing on appeals filed but chose not to do so in this matter. Therefore, there is no transcript to transmit. Certification of the record in this case is attached to this letter. Please feel free to contact us for any reason in connection with this matter.

Sincerely,



Charles Rees Brown
Chief Counsel

Attachments

cc: Philip Weis, Esq., for the Municipality of Mt. Lebanon (for Agency)
Elaine Gillen, (Requester)

IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA

MUNICIPALITY OF MT. LEBANON	:	
Petitioner,	:	**Civil Division**
	:	
v.	:	**No. SA 15-0963**
	:	
ELAINE GILLEN,	:	
	:	
Respondent.	:	

CERTIFICATION OF RECORD

I hereby certify the contents of the record transmitted with this Certification of Record pursuant to Pa.R.A.P. 1952 in *Elaine Gillen v. Municipality of Mt. Lebanon,* OOR Dkt. AP 2015-1938, which is the subject of this appeal.

The record transmitted with this certification is generated entirely from the Office of Open Records database. It is our practice to scan in each and every document submitted in an appeal. Thus, no originals are being transmitted to this Court.

Also, my signature on this Certification of Record and on all other correspondence directed to the Court in connection with this matter may be electronic and not original. I hereby certified that this is my true and correct signature and that I have approved the use thereof for these purposes.

Erik Arneson, Executive Director
Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA 17120-0225
Phone: (717) 346-9903
Fax: (717) 425-5343
E-mail: operecords@pa.gov

Dated: January 14, 2016

IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA

MUNICIPALITY OF MT. LEBANON	:	
Petitioner,	:	**Civil Division**
	:	
v.	:	**No. SA 15-0963**
	:	
ELAINE GILLEN,	:	
	:	
Respondent.	:	

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the Certified Record upon the following persons via email addressed to their email address as follows:

Elaine Gillen
735 Vallevista Avenue
Pittsburgh, PA 15234
EGillen476@aol.com

Philip J. Weis, Esquire
Buchanan, Ingersoll & Rooney, P.C.
301 Grant Street, 20th Floor
Pittsburgh, PA 15219
Philip.Weis@bipc.com

Faith Henry
Administrative Officer
Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA 17120-0225
Phone: (717) 346-9903
Fax: (717) 425-5343
E-mail: fahenry@pa.gov

Dated: January 14, 2016

IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA

MUNICIPALITY OF MT. LEBANON	:	
Petitioner,	:	**Civil Division**
	:	
v.	:	**No. SA 15-0963**
	:	
ELAINE GILLEN,	:	
	:	
Respondent.	:	

CERTIFIED RECORD

Charles Rees Brown
Chief Counsel
Commonwealth of Pennsylvania
Office of Open Records
Commonwealth Keystone Building
400 North Street - Plaza Level
Harrisburg, PA 17120-0225
Phone: (717) 346-9903
Fax: (717) 425-5343
E-mail: CharleBrow@pa.gov

Dated: January 14, 2016

IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA

MUNICIPALITY OF MT. LEBANON	:	
Petitioner,	:	**Civil Division**
	:	
v.	:	**No. SA 15-0963**
	:	
ELAINE GILLEN,	:	
	:	
Respondent.	:	

TABLE OF CONTENTS
RECORD

Elaine Gillen v. Municipality of Mt. Lebanon,
OOR Dkt. No. AP 2015-1938

Office of Open Records Docket No. 2015-1938:

1. The appeal filed by Elaine Gillen ("Requester") to the Office of Open Records ("OOR"), received September 18, 2015.

2. Official Notice of Appeal dated September 21, 2015, sent to both parties by the OOR, advising them of the docket number and identifying the appeals officer for the matter.

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6. The Final Determination dated November 24, 2015, issued by the OOR.

1

pennsylvania
OFFICE OF OPEN RECORDS

RIGHT TO KNOW LAW APPEAL
DENIAL OR PARTIAL DENIAL

RECEIVED
SEP 18 2015
OFFICE OF OPEN RECORDS

Office of Open Records
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225
Fax: (717) 425-5343 E-mail: openrecords@pa.gov

Today's date: September 16, 2015

Requester's name: Elaine T Gillen
Address/City/State/Zip: 735 Vallevista Avenue/Pittsburgh/PA/15234
Request submitted by: ☐ Fax ☐ Mail ■ E-mail ☐ In-Person (Please check one)
Date of Right to Know request: July 30, 2015 Date of Agency Response: 08.05.15, 09.03.15
Telephone and fax number: 4125616505 /----- E-mail: EGillen476@aol.com
Name and address of Agency: Municipality of Mt. Lebanon, PA 710 Washington Rd. Pittsburgh, PA 15228
E-mail Address of Agency sfeller@mtlebanon.org Fax of Agency 412.343.3753
Name and title of person who denied my request: Stephen M. Feller, Municipal Manager

I submitted a request for records to the agency named above. The agency either denied or partially denied my request. I am appealing that denial to the Office of Open Records (OOR), and I am providing the following information:

I was denied access to the following records (attach additional pages if necessary): see attached

The agency's denial of my request is flawed and the requested records are public records because (check all that apply) (REQUIRED):

- ☐ the records document the receipt or use of agency funds.
- ■ the records are in the possession, custody or control of the agency and are not protected by any exemptions under Section 708 of the Right-to-Know Law, are not protected by privilege, and are not exempted under any Federal or State law or regulation.
- ■ Other See attached.

(attach additional pages if necessary)

- ■ I have attached a copy of my request for records. (REQUIRED)
- ■ I have attached a copy of all responses from the agency regarding my request. (REQUIRED)
- ■ I have attached any letters or notices extending the agency's time to respond to my request.
- ■ I hereby agree to permit the OOR an additional thirty (30) days to issue a final order in this appeal.
- ■ I am interested in resolving this appeal through mediation with the agency.

Respectfully Submitted, Elaine T Gillen (must be signed)

You should provide the agency with a copy of this form and any documents you submit to the OOR.

Reason for appeal:

The Municipality of Mt. Lebanon (agency) has no reasonable basis for citing The Act at Section 708(b)(1) as a reason for failing to produce documents containing the requested information. Further, withholding the documents that contain the information sought would be reasonably likely to result in a substantial and demonstrable risk of physical harm to the personal security and/or personal safety of the public-at-large, including the municipality's approximately 33,000 residents, the most vulnerable of which are children.

I was denied access to the following records: the locations of the private properties participating in the archery hunt. We are a walking community. From the School District website: http://www.mtlsd.org/parents/safewalkingroutes.asp

Safe Walking Routes

The Municipality of Mt. Lebanon, along with the Mt. Lebanon Police Department and Juvenile Protection has formulated the following walking routes. These routes are recommended safe walking routes according to pedestrian and vehicle laws of the Commonwealth of PA. The walking routes are all encompassing not simply for routes to each elementary school. They were designed to be used 24 hours a day, 7 days a week. These routes will show the safest area to walk on the street as well as the safest place to cross every street and crossing guard locations. The routes will take you to a signalized intersection with a stop sign or traffic signal making it easier to cross.

For students in elementary school, locate your school map and find your address. You may then follow the blue arrows to the school. The reverse would be done for walking home. For students in middle and high school, locate the elementary school map where you live and follow that towards your school and onto the next elementary school map where the middle or high school is located.

Because the maps are all encompassing for safety, all walking routes will follow a street or sidewalk. Pathways and cut through stairs have been eliminated as safe walking routes.

Foster Elementary School Walking Route

Hoover Elementary School Walking Route

Howe Elementary School Walking Route

Jefferson Elementary School Walking Route

Lincoln Elementary School Walking Route

Markham Elementary School Walking Route

Washington Elementary School Walking Route

Elaine T. Gillen
735 Vallevista Avenue
Pittsburgh, PA 15234
412.561

Elaine T Gillen v Mt. Lebanon appeal 091615.pages

PUBLIC RECORDS REQUEST FORM

Please provide the following information so we may locate your requested record

Record Requested (be specific):	All communication to and/or from municipal staff and, all communication to and/or from the commission concerning Anthony DeNicola's archery program from June 18, 2015 to the present.
Date and Time of Request:	July 30, 2015 6:28 PM
Person Requesting:	Elaine Gillen
Address:	735 Vallevista Avenue Pittsburgh, PA 15234
Phone Number:	412.561.6505
Signature:	Elaine Gillen
Comments, if any:	Please email my Right To Know request to EGillen476@aol.com.

PUBLIC SAFETY RECORDS ONLY

Date/Time of Incident:
Incident Number:
Location of Incident:
Type if Incident:
Person(s) Involved in Incident:

You will be notified within (5) business days of the status of your record request.

Fees per report: Incident: $15*	Accident: $15	Computer-aided Dispatch: $10
Record Release: Approved:	Denied:	
Mt. Lebanon Official Signature:		
Date:		

*Originally adopted with Resolution R-04-03; amended by Resolution R-29-05; amended by ResolutionR-10-08

Mail to: Mt. Lebanon Municipal Manager, 710 Washington Road, Pittsburgh, PA 15228-2018
Or fax to: 412-343-3753

MT. LEBANON
PENNSYLVANIA

MUNICIPAL BUILDING
710 WASHINGTON ROAD
PITTSBURGH, PA 15228
PHONE (412) 343-1400
www.mtlebanon.org

August 5, 2015

Elaine Gillen
735 Vallevista Avenue
Pittsburgh, PA 15234

Dear Ms. Gillen:

Please be advised that my office with the Municipality of Mt. Lebanon (the "Municipality") received your July 30, 2015 Right to Know request (the "Request"). The Municipality is in the process of obtaining a legal review of the Request to determine whether the records you seek are "public records" and are subject to access under the Right to Know Act. The Municipality expects to be able to respond to your Request on or before September 4, 2015.

Very truly yours,

Stephen M. Feller
Municipal Manager

cc: Phil Weis, Esq.

MT. LEBANON
PENNSYLVANIA

MUNICIPAL BUILDING
710 WASHINGTON ROAD
PITTSBURGH, PA 15228
PHONE: (412) 343-3400
www.mtlebanon.org

September 3, 2015

Elaine Gillen
735 Vallevista Avenue
Pittsburgh, PA 15234

Re: Right to Know Request

Dear Ms. Gillen:

Thank you for your request for information pursuant to the Pennsylvania Right-To-Know law (the "Act").

By your request dated July 30, 2015, you requested the following records:

All communication to and/or from municipal staff and, all communication to and/or from the commission concerning Anthony DeNicola's archery program from June 18, 2015 to the present.

I have determined that your request should be granted in part and denied in part for reasons as set forth herein. To the extent the request is granted, the documents are enclosed.

There are 131 pages. The copying charge is $32.75. The documents are now available from my office and will be immediately provided upon receipt of the copying charge.

Several emails were not produced that dealt with persons volunteering to donate their time or property to the program either as an archer or property owner. These were not produced under two exceptions:

(1) The Act at Section 708(b)(1) provides as follows:

(1) A record the disclosure of which:

* * *

(ii) would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual.

(2) The Act at Section 708(b)(13) provides as follows:

(13) Records that would disclose the identity of an individual who lawfully makes a donation to an agency unless the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named

public official or employee of the agency, including lists of potential donors compiled by an agency to pursue donations, donor profile information or personal identifying information relating to a donor.

In addition, emails were not produced based on the attorney client privilege. The term "Public Record" as defined in the Act at Section 102 does not include material that is protected by a privilege. See *Schenck v. Township of Centre*, 893 A.2d 849 (Pa. Commw. 2006).

Finally, under Section 708(6) of the Act, certain personal identification information (such as home addresses, home phone numbers and personal email addresses) is contained in the documents you seek. We redacted these.

You have a right to appeal the denial of information in writing to the Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120.

If you choose to file an appeal, you must do so within 15 business days of the mailing date of the agency's response, as outlined in Section 1101 of the Act. Please note that a copy of your original Right-to-Know request and this denial letter must be included when filing an appeal. The law also requires that you state the reasons why the record is a public record and address the reasons the Agency denies your request. Visit the Office of Open Records website at http://openrecords.state.pa.us for further information on filing an appeal. If you have further questions, please call me. Please be advised that this correspondence will serve to close this record with our office as permitted by law.

Sincerely,

Stephen M. Feller
Municipal Manager

cc: P. Weis, K. McGill

Stephen Feller <sfeller@mtlebanon.org>

Re: right to know of July 30

1 message

Stephen Feller <sfeller@mtlebanon.org> Thu, Sep 3, 2015 at 4:07 PM
To: "egillen476@aol.com" <egillen476@aol.com>
Cc: Julie Garrubba <jgarrubba@mtlebanon.org>
Bcc: Stephen Feller <sfeller@mtlebanon.org>, Philip Weis <philip.weis@bipc.com>

Elaine:
Please see attached letter. The amount is $32.75 The packet will be available from Julie G. tomorrow during normal business hours. Please stop by with the check and Julie will release the packet.
Steve Feller

On Thu, Sep 3, 2015 at 8:19 AM, egillen476@aol.com <egillen476@aol.com> wrote:

> Steve,
>
> If there is a fee associated with this Right To Know, please let me know what it is so that I may receive the RTK on or before September 4, 2015. Since this is time sensitive, I am trying to avoid any delays.
>
> Thanks.
>
> Elaine Gillen
>
> -----Original Message-----
> From: Stephen Feller <sfeller@mtlebanon.org>
> To: E.T. Gillen <egillen476@aol.com>
> Cc: Philip Weis <philip.weis@bipc.com>; Keith Mcgill <kmcgill@mtlebanon.org>
> Sent: Wed, Aug 5, 2015 3:50 pm
> Subject: right to know of July 30
>
> please see attached letter

right to know gillen 090315.pdf
55K

Subject: Re: clarification
From: John Bendel <jbendel@mtlebanon.org>
Date: 7/28/2015 9:26 PM
To: "
CC: "commission@mtlebanon.org" <commission@mtlebanon.org>, "philip.weis@bipc.com" <philip.weis@bipc.com>

Elaine,

For mt. Lebanon's archery program, yes, the archers will be screened.

As you may know, private property owners can use their property for hunting provided they meet all state requirements.

On Jul 28, 2015, at 7:18 PM, _____ _____> wrote:

> Hi John,
>
> Thanks for getting back to me.
>
> So if I understand what you're saying, only archers screened will be permitted to participate, not just any hunter who has a tag. Yes?
>
> Again, thanks for your response.
>
> Elaine
>
> -----Original Message-----
> From: John Bendel <jbendel@mtlebanon.org>
> To:
> Cc: commission <commission@mtlebanon.org>; philip.weis <philip.weis@bipc.com>
> Sent: Tue, Jul 28, 2015 7:09 pm
> Subject: Re: clarification
>
> Elaine,
>
> The Commission has not discussed the disclosure of locations, so we can't answer your question yet. We announced the locations of public property used during the cull this winter. I assume we will do the same this fall for public property to be used.
>
> To participate in mt. Lebanon's program, archers will be qualified through a screening process and will need to have tags.
>
> On Jul 28, 2015, at 3:56 PM, "' via Commission" < commission@mtlebanon.org> wrote:

Commissioners,

This has been posted on the municipal website:

"The hunt will take place this fall. Before beginning the hunt, representatives of White Buffalo will attend the September 8, 2015 commission discussion meeting at 6:30 to describe the final program, including the backgrounds of the manager and hunters, number of public and private properties to be used and safety procedures that will be required."

Will the locations be identified? In other words, will the public places and the street addresses of the private properties be made public? I know that Carolyn Byham has already stated in public that she is offering her 2 acres.

Also, will anyone who has tags be able to hunt during this time?

Elaine Gillen

Subject: Fwd: Archery Deer Management Program
From: Keith Mcgill <kmcgill@mtlebanon.org>
Date: 7/7/2015 11:29 AM
To: John Bendel <jbendel@mtlebanon.org>
CC: Stephen Feller <sfeller@mtlebanon.org>

John,

Does this email address what we discussed?

Keith
---------- Forwarded message ----------
From: **Anthony DeNicola** <tony.denicola@whitebuffaloinc.org>
Date: Tue, Jul 7, 2015 at 11:17 AM
Subject: Re: Archery Deer Management Program
To: Keith Mcgill <kmcgill@mtlebanon.org>
Cc: "Maddock, Jody" <Jody.Maddock@anc-gc.org>, Stephen Feller <sfeller@mtlebanon.org>

Keith,

Jody will handle all aspects of archer selection, team manager selection and training, landowner education, and overall project coordination. Another member of our team, Steve Kremp, also will participate in the site evaluations and hunter/stand placement. The 4 public properties are a good start, but as mentioned in the proposal, without the use of bait they are a relatively small percentage of the overall Township land area. Deer will get smart to the new threat on these properties and you can expect fairly rapid diminishing return (i.e., deer will start to avoid these lands). To offset deer avoiding these properties you will want to have as much private land as possible and as long of a hunting season as possible. The amount of private land is not as critical as the quality of the land. Relative quality is based on size and the deer usage. Jody demonstrated in Upper Makefield that small properties can be very productive, but baiting was a huge factor. If there are natural funnel areas, based on terrain or development, select properties can be disproportionately valuable relative to harvest.

So it would be nearly impossible to predict how many deer can be harvested without knowing the exact properties with access and associated program constraints. But as stated previously, if you are restricted to archery equipment and no bait you will be very fortunate to harvest 100 deer with the Township lands listed from last year's planned program and 10-15 "quality" private properties. Deer use a very high percentage of your community that is nearly 4000 acres. So even if you had the 4 Township lands and 10 private properties you will be lucky to have a quarter of the land area and no way to concentrate the deer on those properties.

Regards,

Tony

Anthony J. DeNicola Ph.D. | President | White Buffalo Inc.
| tony.denicola@whitebuffaloinc.org
Find Us: whitebuffaloinc.org | Facebook | LinkedIn

On Tue, Jul 7, 2015 at 8:05 AM, Keith Mcgill <kmcgill@mtlebanon.org> wrote:

Good morning,

I have a few follow-up questions related to the managed archery hunt proposal you provided.

Please clarify what Jody's role would be. What would he be doing? Is the project manager included in the 2015 Budget you provided? What would be a reasonable expectation of the number of deer that could be removed in 2015? Approximately how many private property owners in addition to public property would be necessary?

Please see the information on the attached link related to the archery program that Mt. Lebanon had approved last year but was not implemented due to tags not being available. The information can be found approximately three quarters of the way down the page.
http://mtlebanon.org/index.aspx?NID=2114

Thank you,

Keith

--
Keith McGill, AICP
Municipal Planner
412-343-3684
kmcgill@mtlebanon.org

--
Keith McGill, AICP
Municipal Planner

Subject: Re: Archery Deer Management Program
From: John Bendel <jbendel@mtlebanon.org>
Date: 7/8/2015 9:13 AM
To: Keith Mcgill <kmcgill@mtlebanon.org>

I understand the need for a permit, but Tony and Jody seem to indicate that not using bait will be a limiting factor in terms of effectiveness this year. I am wondering why not apply for the permit.

On Jul 8, 2015, at 8:15 AM, Keith Mcgill <kmcgill@mtlebanon.org> wrote:

> John,
>
> It is my understanding that to hunt over bait would require a special permit from the Game Commission. It was indicated that given the current population this is not as important in the first year or two as it would be in later years. Also once a program is in place we would have more of the information that the Game Commission is likely to want as part of the permit application.
>
> Keith
>
> On Tue, Jul 7, 2015 at 11:01 PM, John Bendel <jbendel@mtlebanon.org> wrote:
>
> > one more question, why did they not include using bait as part of the program? can it be added?
> >
> > On Jul 7, 2015, at 2:00 PM, Keith Mcgill <kmcgill@mtlebanon.org> wrote:
> >
> > > Jody's response is below.
> > >
> > > Keith
> > > ---------- Forwarded message ----------
> > > From: **Maddock, Jody** <Jody.Maddock@anc-gc.org>
> > > Date: Tue, Jul 7, 2015 at 1:53 PM
> > > Subject: RE: Archery Deer Management Program
> > > To: Anthony DeNicola <tony.denicola@whitebuffaloinc.org>, Keith Mcgill <kmcgill@mtlebanon.org>
> > > Cc: Stephen Feller <sfeller@mtlebanon.org>

Keith,

I agree with the points Tony made.

It is impossible to make an educated guess on deer harvest without being educated. I looked at the material presented on the website for the archery program conducted last year. Considerable time and energy went into it and there are many good things in the plan. Given that the hunting season was late already and the use of municipal employees was the only archer resource, I would guess however that success was limited.

We are far too late in the year to expect a foundation to be created for a significant deer harvest. Success this year should not be measured in deer numbers or deer vehicle accidents but rather setting a proper foundation for future deer reduction and sustainability. It will take significate time just to find 5 archers that are a match for this program. Finding a local manager that I can work through is critical and finding that person will not be easy. A local manger will need to commit a significant amount of time. Perhaps that person will surface as we go through the archer selection process but even that process will be hampered until that person is found.

Once a manager is in place, the process of land acquisition can follow. As I tried to illustrate in my presentation, that process is detailed and time consuming. It is possible that if provided a list of interested landowners, I could bring a team consisting of some of the managers I used in Upper Makefield TWP. That would obviously take some thought and coordinating.

Year one is critical. Don't set unrealistic goals. Don't rush it. Build the foundation for future success. After a season with a relatively small but right approach we will all be more educated about the future and the role archers can play in Mt Lebanon. For now we are not educated enough to make a guess. The education will need to be earned.

Thanks

Jody Maddock

Director of Campus Services

P.O. Box 278 Bryn Athyn, PA. 19009

Office: 267-502-2419

Subject: RE: Contact number Rudy Sukal
From: "Maddock, Jody" <Jody.Maddock@anc-gc.org>
Date: 7/28/2015 8:23 AM
To: Keith Mcgill <kmcgill@mtlebanon.org>
CC: Anthony DeNicola <tony.denicola@whitebuffaloinc.org>, Susan Morgans <smorgans@mtlebanon.org>

OK. I have those in my calendar. I am hoping to have archers selected by that time and I will do the orientation while I am out there.

I will work on revising my power point presentation and send that to Susan in a week or so.

If we can have the PPT set up and ready, that is all I need. Presentation will be about 30 minutes. Questions can take us to 60 minutes or so.

The server has been down here at the school. Please add this email to any future contact: jody.maddock@whitebuffaloinc.org

Thanks

Jody Maddock
Director of Campus Services
P.O. Box 278 Bryn Athyn, PA. 19009
Office: 267-502-2419

From: Keith Mcgill [mailto:kmcgill@mtlebanon.org]
Sent: Thursday, July 23, 2015 2:28 PM
To: Maddock, Jody <Jody.Maddock@anc-gc.org>
Cc: Anthony DeNicola <tony.denicola@whitebuffaloinc.org>; Susan Morgans <smorgans@mtlebanon.org>
Subject: Re: Contact number Rudy Sukal

Hi Jody,

I spoke to Susan Morgans, our Public Information Officer and we both think that Saturday August 15th at 10:00 AM and Monday August 17th at 7:00 PM would allow us to reach the most residents.

If you could please work directly with Susan to coordinate the details for the meetings that would be helpful. Please let Susan know any IT needs so that we can make sure our IT department has everything set up for the meetings.

Keith

On Thu, Jul 23, 2015 at 12:11 PM, Maddock, Jody <Jody.Maddock@anc-gc.org> wrote:

> Thanks.
>
> Dates I can present to property owners:
>
> August 14, 15 (Saturday), 17, 19, 20, 21, 22 (Saturday).

Things are cut very close. The archery season opens September 20 and over the counter tags start August 25.

Jody Maddock
Director of Campus Services
P.O. Box 278 Bryn Athyn, PA. 19009
Office: 267-502-2419

From: Keith Mcgill [mailto:kmcgill@mtlebanon.org]
Sent: Thursday, July 23, 2015 11:08 AM
To: Maddock, Jody <Jody.Maddock@anc-gc.org>; Anthony DeNicola <tony.denicola@whitebuffaloinc.org>
Subject: Contact number Rudy Sukal

Good morning,

Rudy Sukal, Director of Public Works has a new office # 412-343-3869.

Keith

--
Keith McGill, AICP
Municipal Planner
412-343-3684
kmcgill@mtlebanon.org

--
Keith McGill, AICP
Municipal Planner
412-343-3684
kmcgill@mtlebanon.org

Subject: RE: # of days
From: "Maddock, Jody" <Jody.Maddock@anc-gc.org>
Date: 8/3/2015 12:09 PM
To: Keith Mcgill <kmcgill@mtlebanon.org>

Hi Keith,

Looking back at old emails. I am requiring that at a minimum every third deer harvested by a hunter will be donated to the HSH program (Hunters Sharing the Harvest).

Thanks

Jody Maddock
Director of Campus Services
P.O. Box 278 Bryn Athyn, PA. 19009
Office: 267-502-2419

From: Keith Mcgill [mailto:kmcgill@mtlebanon.org]
Sent: Monday, July 13, 2015 4:29 PM
To: Maddock, Jody <Jody.Maddock@anc-gc.org>
Subject: # of days

Jody,

Do you have any idea how many days the controlled archery hunt would last under your proposal and does the proposal include a provision to donate the deer to a local food bank? If not can it be amended to include this?

Keith

--
Keith McGill, AICP
Municipal Planner
412-343-3684
kmcgill@mtlebanon.org

Thanks--Marilyn

From page 12 of this document:

Deer Population Estimates: Money Not Well Spent

It is worth noting that knowing the *number* of deer was never mentioned as a component for managing them. Many communities get preoccupied with knowing the number of deer in the area.

Attempting to estimate deer populations before defining goals is a critical error in community deer management. The question then becomes "how many deer should there be?" Communities get distracted with a number that has little meaning instead of focusing on issues that are causing them to consider deer management in the first place.

Deer problems are not defined by the *number* of deer. They are defined by the *impact* of those deer and the *values* of the residents they affect. Communities do not manage deer because there is some number of deer per square mile. They manage deer because residents agree that the number of deer-vehicle collisions, the damage to gardens, parks, and landscaping, or backyards that look like barnyards are unacceptable.

Deer population estimates are overrated as management objectives, difficult to obtain, and usually confuse and divide communities. Attention should be focused on identifying and measuring impacts of deer, not numbers of deer. Trends are important relative to your goals – if your goal is to reduce deer-vehicle collisions, you have achieved this goal when there are less accidents, not when there is an arbitrary density of deer in your community. The number of deer may be linked to deer-vehicle collisions but you don't need to know one to achieve the other.

Once deer management goals are established and agreed to by the community and/or its chosen governing body, population numbers may be helpful in determining cost associated with effective deer removal strategies. In other words, it is helpful to get an idea of how many deer are in the area so costs can be determined based on the number of animals that should be removed to have an effect. Given that a complete count of deer is unlikely, a simple, minimum count of deer in an area would be adequate to get started.

For example, once the goals are set and agreement exists that a deer problem exists, a count is done and it is decided that 50 deer need to be removed. If costs to remove 1 deer are known, then a community can determine the total cost for this management action.

Remember, deer population numbers may be helpful in determining costs, but they are poor justification for taking management actions. Even if deer numbers are *ecologically-balanced* in your community, residents may still be experiencing unacceptable levels of conflict which will require some management action. The first step in community deer management is identifying goals and agreeing there is a problem that warrants management action. To be successful, communities should not justify deer management actions based on population estimates alone.

On Sat, Sep 20, 2014 at 10:56 PM, Kristen Linfante <klinfante@mtlebanon.org> wrote:

Honestly, I am not sure - Steve Feller added him to the agenda - he may be viewing it as an opportunity for him to direct Tom Kelley in getting a plan drawn up. I can also tell you that Tony DiNikola is scheduled to come in on Oct 27 as well. Tony believes we need a cull with possible sterilization plan after we get our numbers down.

Sent from my iPhone
Please forgive any texting typos

On Sep 20, 2014, at 10:28 PM, Marilyn Narey _____ wrote:

> Hi Kristen--
> We understand that Merlin Benner is speaking at discussion meeting on Mpnday. Can you provide some insight as to why?
> Thanks--
> Marilyn
>
> Sent from my iPhone

Subject: Fwd: Bibliography of resources listing why a deer cull does not work
From: John Bendel <jbendel@mtlebanon.org>
Date: 8/3/2015 1:18 PM
To: Keith Mcgill <kmcgill@mtlebanon.org>

Keith

Can you forward this to Jeanne Fleegle to get her impression?

Begin forwarded message:

> **From:** "'Jan Seybold' via Commission" <commission@mtlebanon.org>
> **Date:** August 3, 2015 at 12:44:17 PM EDT
> **To:** Commission <commission@mtlebanon.org>, Stephen Feller <sfeller@mtlebanon.org>, Keith Mcgill <kmcgill@mtlebanon.org>, Kelly Fraasch <kfraasch@mtlebanon.org>
> **Subject: Bibliography of resources listing why a deer cull does not work**
> **Reply-To:** Jan Seybold _____

> Dear Commissioners, Mr. Feller, and Mr. McGill:
>
> As a resident, I would like you to read the following. It is ***science based***, not having an "expert" who will also benefit from you hiring them. If you allowed people outside to speak that know what they are talking about, you would see you are wrong. There are tons of people that work on this out West that are biologists and long term wildlife management folks (not hired for wildlife remediation) that would object to your methods and naivety. Your "expert" people are going to tell you what you want to hear – at least the people that you invited and allowed to speak. That is like the dairy industry telling people they need milk. Give us a break! You don't care what anyone says.... BTW...deer only have predators in the wild (like big cats). There are no big cats that can bring them down in your neck of the woods but hunters. People are deers biggest predators. End of the day this archery idea is worse than sharp shooting...these deer will suffer for hours sometimes days and die a brutal death. Archery is safer for people and quieter, but it's not a humane way to die
>
> Ms. Jan Seybold

http://www.deerfriendly.com/deer-population-control/effect-of-hunting-on-deer-reproduction
Deer Produce More Fawns in Response to an Urban Hunt Since the Food Supply Is Increased for the Remaining Deer

"An additional complication in urban deer management is that per capita reproduction is density-dependent, meaning that the average number of fawns produced and reared by each doe increases as the total population decreases ... " - Cost and Controversy in Managing Urban Deer, NHS Reports March-April 2000

Hunting only lowers deer numbers on a temporary basis. A study by Richter & Labisky, "Reproductive Dynamics and Disjunct White-tailed Deer Herds in Florida," in The Journal of Wildlife Management, determined that the "incidence of twinning was 38% on hunted herds and 14% on nonhunted sites."

Urban wildlife: There are humane alternatives to ineffective culls June 11, 2013 British Columbia, Vancouver Sun
... Nicholas Read, author of a book on urban wildlife ... American studies going back to 1951 have repeatedly found that with urban deer populations, per-capita
reproduction is density dependent, so as population is decreased by slaughter, the number of fawns born and reared to maturity increases in inverse proportion to cull rates. It seems that the best way to stabilize urban wildlife populations might be to allow them to find a natural balance based on what the city environment will support ...

Does Make Up For Losses Of Hunted Bucks November 28, 2000 Science Daily
... Labisky and colleagues examined the reproductive tracts of 380 legally harvested does from four areas of Florida. ... Males comprised 56 percent of the fetuses in the hunted areas but just 39 percent in the non-hunted areas, it found. As if that weren't enough, the researchers also found 38 percent of does on hunted sites carried twins, compared with just 14 percent on non-hunted sites....

Hunted Deer also produce more females: Reproductive Dynamics Among Disjunct white-Tailed Deer Herds in Florida Richter and Labisky Journal of Wildlife Management 49(4): 964-971
... Productivity was higher on hunted than on nonhunted sites. Incidence of twinning was 38% on hunted and 14% on nonhunted sites. The fetal sex ratio was 56% and 39% males on hunted and nonhunted sites, respectively.

Ann Arbor Officials Seek Resident Input To Help Curb Deer Population December 17, 2014

Michigan, WEMU

... Michigan Department of Natural Resources biologist, Kristin Bissell, says a specific goal is needed before any proposal to reduce the deer population can be considered... controlling natural populations is not a quick fix, because "any time you're doing population level management ... you're committing to something long-term, because populations are constantly trying to rebuild themselves." ...

Culling deer ineffective conservationists say, so let's try birth control April 29, 2014 Ohio, Examiner

... the city of Solon, Ohio, spent almost $1 million annually of tax payer money to cull approximately 300 deer ... One reason culling is ineffective is that "Deer also have the biological ability to regenerate themselves under hunted conditions ... Residents of Solon also complained the US Wildlife Service was indiscriminate in gunning down a high number of bucks, when culling should have been does-only ...

Populations Can Stabilize on Their Own
Survey helps Cody plan for urban mule deer herd November 29, 2014 Wyoming, Casper Star-Tribune Online

... Game and Fish wildlife supervisor Alan Osterland said the 2011 deer count of the in-town herd registered 307. The count was 261 in 2012, and 292 in 2013. Those numbers indicate the population is "fairly static," and he doesn't expect to see any major difference in the results in December...

Buffalo: Too Many Deer Near Route 5? New York, WGRZ-TV
... Mark Kandel, a wildlife expert with the state Department of Conservation says the deer population in the area has been high for the past ten years.... Buffalo, Lackawanna and the northern part of Hamburg are closed to deer hunting. "...And have never really been open to deer hunting in the last 75 years, so the population is pretty much unchecked," ... experts have not seen a spike in numbers this year, and the warmer weather has not really impacted the habits of the deer...."The deer may be more visible because the weather conditions ... [no deer cull in this area, yet the population has been stable for 10 years, not doubling each year as some suggest will happen without an urban deer cull]

A text titled "Wildlife Ecology and Management" by William Robinson states quite clearly: "The general theory of harvesting animals is based on the premise that when animals are not harvested at all, growth and recruitment are balanced by natural mortality and that the average growth rate of a population at its carrying capacity is zero. Harvesting reduces the population size, but the reduction results in an increase in the growth rate of the population. This increase in growth rate is brought about because of higher birth rates and lower death rates resulting from decreased competition for resources. This increased growth rate provides a surplus of individuals above the number required to replace the population, and this surplus can be harvested."

Example of The Increase in Fertility Resulting From and Urban Hunt
Watchung, Fifty Deer Killed in Watchung's Hunting Season February 15, 2013 New Jersey, Patch.com
... Killing does is the primary way to control the population, [Councilman] Franklin said. Through this year's hunt, 38 fetuses were killed, he said—some had twins and one doe had triplets ... When the borough had its first deer hunt, professional hunters were hired. But now ... the borough relies on sportsmen and clubs like the Warren Blue Ridge Sportsmen [this is a effectively a recreational hunt] ...

'There is no deer crisis' September 25, 2013 Connecticut, Greenwich Time, Natalie Jarnstedt
... Hunting is the only reason for 38 percent fawn twinning/tripling in hunted herds, dropping to 14 percent in non-hunted herds according to Richter & Labisky, "Reproductive Dynamics and Disjunct White-tailed Deer Herds in Florida." ... There is no deer crisis -- numbers are down and the supposed ideal number of 10-12 deer per square mile is a bait-and-switch tactic, since only a few years ago, that magical number was 15....

From: Jan Seybold
Sent: Friday, July 31, 2015 9:39 AM
To: Undisclosed Recipients
Subject: Fw: letter from Coleen vuono (Commissioner of Mt. Lebanon)

I received this reply from Ms. Vuono in regard to my letter about the deer archery proposal.

Disappointing.

----- Forwarded Message -----
From: Coleen Vuono <cvuono@mtlebanon.org>
To: Jan Seybold ; Commission <commission@mtlebanon.org>; Stephen Feller <sfeller@mtlebanon.org>; Coleen Vuono <cvuono@mtlebanon.org>; Keith Mcgill <kmcgill@mtlebanon.org>
Sent: Thursday, July 30, 2015 9:51 PM
Subject: Re: Hello/safety issue

Ms. Seybold,
I read your email and the article that you sent.
Ms. Nicholas mentions that we should "allow nature to balance itself". Obviously that has not happened and will not happen. The deer here do not have a natural predator that would help to eliminate some of the population.
Also, mentioned in the article is that deer will overbreed to repopulate the area and remaining deer will produce more offspring. Both of these statements were said to be totally false by the experts who attended the meetings the commission held on June 22. And, other local communities that have culling programs have never experienced this.
While Mt. Lebanon did have a deer proofing seminar (Sandy Baker) most people I've talked to say that deer repellants do not work and deer resistant plants are not deer proof. (From personal experience I agree with them).
We have voted to hire a specialist who will train people, who are already archers, in the program Mt. Lebanon will be starting.
I do agree with you that sharpshooting is a more effective and humane way to cull the herd which is why I proposed adding this component to the culling program and why we will be speaking to these specialists on Aug. 11.
Many people who attended the meeting the commission held on July 14 spoke passionately and convincingly about the threat that
such a large herd of deer is in the community. Traffic accidents, attacks on small animals, lyme disease were some of the serious concerns people have. It is our responsibility as commissioners to respond to these concerns by approving a cull that will lessen the number of deer in Mt. Lebanon.
I am committed to doing this.
Coleen Vuono

On Wed, Jul 29, 2015 at 9:13 PM, Jan Seybold wrote:

Dear Ms. Vuono:

As a resident of Mt. Lebanon, I am writing to voice my opinion regarding the safety - or lack of it - in the Commission's decision to hold an archery hunt of our deer.

I have spoken at prior Commissioner's Meetings and I am not a proponent of lethal methods. A good friend of mine from college who is a wildlife biologist and rehabber in Georgia explained it all to well about why and how a cull will not work. Please see the article below that she wrote to the Almanac. She is a Pittsburgh native.

Deer cull will backfire

image

Deer cull will backfire
I don't live in "Mt. Lebo," but I was born and raised in Pittsburgh so I feel very connected with this topic on the letter entitled "Murder in Mt. Lebanon." I am al...

View on www.thealmanac.net Preview by Yahoo

Second, I find it alarming that the Commissioners have selected to PAY a firm to TRAIN archers. Evidently you do not have any experience with hunters or the act of archery itself. My former husband did archery hunting since he was an adolescent - over 30 years. Archery is not something that can be learned in a matter of a few weeks. Do you want inept archers running around in people's yards, and if they miss, you are going to have deer impaled with arrows running amuck on our roads and into cars themselves. In addition, the method of archery is one that is not humane at all. That serrated arrow spins and tears flesh as it enters the animal, inflicting much distress. The deer here are tame, do they deserve such a fate? I do not understand why you don't try non-lethal methods of population control, and then, if only then, perhaps have local hunting groups who are the true EXPERTS do sharpshooting. People from surrounding communities can't understand why Mt. Lebanon has this attitude of wanting to kill. Clearly it puts the community and the Commissioners in an unfavorable light.

Yes, Mt. Lebanon has a lot of deer. However, to blame all the deer-vehicle accidents on the deer is a big mistake. DRIVERS are texting, talking on their phones, and mostly, speeding. They are not paying attention, and the deer are suffering.

May I remind you that the whitetail deer is the state animal. (see below) Image from the Humane Society of the United States, Pennsylvania Chapter.

The Whitetail Deer is the official state animal, as enacted by the General Assembly on October 2, 1959!

Thank you for your time.

Sincerely,

Jan Seybold

Subject: FYI--See our Reminder: Deer Management at Commission Meetings tonight 7/14
From:
Date: 7/14/2015 12:31 PM
To: John Bendel <jbendel@mtlebanon.org>, David Brumfield <dbrumfield@mtlebanon.org>, kfraasch@mtlebanon.org, Stephen Feller <sfeller@mtlebanon.org>, ssilverman@mtlebanon.org, cvuono@mtlebanon.org, smorgans@mtlebanon.org

Dear Commissioners,

Please see our group's recent email regarding tonight's meeting (below). Per our typical past practice, we will respect the Commissioners' and fellow residents' time by limiting the number of our sponsored Lebo Deer speakers to five residents. Although we do not discourage others from signing up for Citizens' Comments,we primarily encourage our remaining members to stay informed on the issue by attending the meetings or watching the video taped versions. Additionally, Lebo Residents for Effective Deer Management (Lebo Deer) continues to emphasize respectful discourse and we respectfully hope that the Commissioners will ensure a meeting environment where our residents can speak without fear of intimidation or reprisal.

Made up entirely of Mt. Lebanon residents, our group, Lebo Deer, continues to advocate for responsible stewardship of our community ecosystem which, from our own research and the many resources that the Commission has made available, means that, in order to achieve ecological balance for the health and safety of all, the Commission must work quickly to cull the large number of deer in our community. We hope that you will base your 2015 actions and future efforts on sound research in order to enact the most effective method to reduce the herd as soon as possible.

Thank you on behalf of the 1400 rMt. Lebanon residents who signed our 2014 petition (plus more new Mt. Lebanon resident members)--
Lebo Residents for Effective Deer Management Core Team

website: lebodeer.org

---------- Forwarded message ----------
From: **lebodeer**
Date: Tue, Jul 14, 2015 at 9:44 AM
Subject: Reminder: Deer Management at Commission Meetings tonight 7/14
To:

Come to the Commission meeting tonight to learn what Commission is planning in regard to Mt. Lebanon's deer problem.

Discussion meeting is at 6:30 and Regular meeting is at 8:00 at the Fine Arts Theater at Mt. Lebanon High School.

Although Lebo Deer will sponsor several speakers to speak on behalf of **Lebo Residents for Effective Deer Management**, anyone may sign up to speak during Citizen Comments. So come out to learn more, to support our designated speakers, or to make a comment yourself. Look for Michalina (one of our Lebodeer Core Team members) if you need assistance.

Also, check out today's news:

http://www.post-gazette.com/local/south/2015/07/14/Mt-Lebanon-expected-to-consider-archery-tonight-control-deer/stories/201507140094

http://triblive.com/news/allegheny/8729669-74/deer-commission-lebanon#axzz3frrRwtSk

Thanks!
Lebo Residents for Effective Deer Management Core Team

---

lebodeer.org

Subject: Fwd: Deer Management Proposal
From: Keith Mcgill <kmcgill@mtlebanon.org>
Date: 7/1/2015 10:06 AM
To: Stephen Feller <sfeller@mtlebanon.org>

FYI
---------- Forwarded message ----------
From: **Anthony DeNicola** <tony.denicola@whitebuffaloinc.org>
Date: Tue, Jun 30, 2015 at 11:19 PM
Subject: Re: Deer Management Proposal
To: Keith Mcgill <kmcgill@mtlebanon.org>
Cc: jody@jdmaddock.com

Keith,

I have included my comments within.

Thanks to both of you. I want to make sure I understand the proposal. For a managed archery hunt, not shooting over bait the municipality would not need a PGC permit, but all hunters would need required licenses, tags etc. and be required to follow all PGC rules and regulations. Is this correct? Jody handled that beautifully. So we would not have to get any permits or approvals other than private land authorization and any setback permission if necessary. Please keep in mind that any participants would need to get several doe tags, so you need to act fast enough for us to select hunters and then they need to buy tags before they sell out.

Also, would you be willing to provide an estimate as to the number of deer you would reasonably expect to remove with the managed archery hunt. I agree with Jody, but in order to cull 100+ you would need **extensive** access without bait and it would probably not be realistic this year.

Finally, what would you project as an annual cost to continue this program and please remind me how many would need to be removed on an annual basis to stabilize our current population. If we found a solid team manager and the Township handled landowners access responsibilities it should not require much more than 3-5 man-days over 2 trips. This only applies if the program parameters stay the same and we are only adding more private land in subsequent years. If baiting becomes an option we would have to reassess with an additional training component. You will need to cull at least 150 deer to stabilize your local population given the data we have available (~450-500 deer in the Township). When I refer to 100+ deer in the previous reply that is slightly over 100 deer and a large stretch to reach 150 deer without bait. You will likely need to cull 200 deer to start to see a measurable population decline.

Regards,

Tony

Anthony J. DeNicola Ph.D. | President | White Buffalo Inc.
tony.denicola@whitebuffaloinc.org
Find Us: whitebuffaloinc.org | Facebook | LinkedIn

Subject: Re: Deer Management Proposal
From: Keith Mcgill <kmcgill@mtlebanon.org>
Date: 6/30/2015 3:56 PM
To: Jody Maddock <jody@jdmaddock.com>
CC: Anthony DeNicola <tony.denicola@whitebuffaloinc.org>

Thanks Jody

On Tue, Jun 30, 2015 at 3:54 PM, Jody Maddock <jody@jdmaddock.com> wrote:

> Keith,
>
> I can answer the first question. Correct, no PGC permit needed and yes we follow all game laws. I spoke to Jeannine last week after the meeting. As time progresses baiting will be important. The best case scenario would be a baiting permit just for the hunters within the program, not unit wide. She thinks this may be worth a try. She was going to look into it. There is time to work this out possibly for the second or third year of the program. Hunters would need training for proper baiting techniques and bait hunting.
>
> Even a "no" from the commission would be helpful as we will know where we stand with baiting.
>
> My feeling is that 5-8 archers have the potential to remove 100+ deer if enough landowner access is provided. There are other factors and I don't like guessing but access is the most limiting factor. It is critical. We are already very late to pull this off for this season and that is why a goal of 5 very skilled archers with access would be a good first year start. We can also expand slowly but in the right way as the season moves along.
>
> Tony may want to add to these comments and he should respond to your final question.
>
> Thanks,
>
> Jody
>
> On Tue, Jun 30, 2015 at 1:51 PM, Keith Mcgill <kmcgill@mtlebanon.org> wrote:
>
>> Thanks to both of you. I want to make sure I understand the proposal. For a managed archery hunt, not shooting over bait the municipality would not need a PGC permit, but all hunters would need required licenses, tags etc. and be required to follow all PGC rules and regulations. Is this correct?
>>
>> Also, would you be willing to provide an estimate as to the number of deer you would reasonably expect to remove with the managed archery hunt.
>>
>> Finally, what would you project as an annual cost to continue this program and please

remind me how many would need to be removed on an annual basis to stabilize our current population.

Thanks,
Keith

On Tue, Jun 30, 2015 at 12:07 PM, Anthony DeNicola <tony.denicola@whitebuffaloinc.org> wrote:

Keith,

Please see attached for your consideration.

Regards,

Tony

Anthony J. DeNicola Ph.D. | President | White Buffalo Inc.
| tony.denicola@whitebuffaloinc.org
Find Us: whitebuffaloinc.org | Facebook | LinkedIn

--
Keith McGill, AICP
Municipal Planner
412-343-3684
kmcgill@mtlebanon.org

--
Jody Maddock
PO Box 596
2610 Alnwick RD
Bryn Athyn PA, 19009

jody@jdmaddock.com

--
Keith McGill, AICP
Municipal Planner

On Tue, Jun 30, 2015 at 1:51 PM, Keith Mcgill <kmcgill@mtlebanon.org> wrote:

Thanks to both of you. I want to make sure I understand the proposal. For a managed archery hunt, not shooting over bait the municipality would not need a PGC permit, but all hunters would need required licenses, tags etc. and be required to follow all PGC rules and regulations. Is this correct?

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Finally, what would you project as an annual cost to continue this program and please remind me how many would need to be removed on an annual basis to stabilize our current population.

Thanks,
Keith

On Tue, Jun 30, 2015 at 12:07 PM, Anthony DeNicola <tony.denicola@whitebuffaloinc.org> wrote:

Keith,

Please see attached for your consideration.

Regards,

Tony

Anthony J. DeNicola Ph.D. | President | White Buffalo Inc.
| tony.denicola@whitebuffaloinc.org
Find Us: whitebuffaloinc.org | Facebook | LinkedIn

--

Keith McGill, AICP
Municipal Planner
412-343-3684
kmcgill@mtlebanon.org

--

Keith McGill, AICP

Subject: Re: Managed Archery Hunt Proposal
From: Jody Maddock <jody@jdmaddock.com>
Date: 7/17/2015 9:12 AM
To: Keith Mcgill <kmcgill@mtlebanon.org>
CC: Anthony DeNicola <tony.denicola@whitebuffaloinc.org>, "Maddock, Jody" <Jody.Maddock@anc-gc.org>, Stephen Feller <sfeller@mtlebanon.org>, Philip Weis <philip.weis@bipc.com>

good
Thanks
Jody

Sent from my iPhone

On Jul 17, 2015, at 8:25 AM, Keith Mcgill <kmcgill@mtlebanon.org> wrote:

> Jody,
>
> It might be a good idea to set up a conference call next week to discuss how the process will work moving forward.
>
> Keith
>
> On Thu, Jul 16, 2015 at 6:53 PM, Jody Maddock <jody@jdmaddock.com> wrote:
>
> > It would be best if all municipal properties start off in play, let me see which I will cross off the list from a bowhunting standpoint. I will then make a case for the one's I want in the program and we can go from there. There are a number of things to consider. As an example it is possible that some areas are acceptable until the leaves come down in late October. A final list of municipal properties should hopefully be determined in the next 4 weeks.
> >
> > Thanks
> >
> > Jody
> >
> > Jody
> >
> > Sent from my iPhone
> >
> > On Jul 16, 2015, at 12:18 PM, Keith Mcgill <kmcgill@mtlebanon.org> wrote:

AGREEMENT FOR PROFESSIONAL SERVICES

This agreement made and entered into this _____day of_____, 2015, by and between the Municipality of Mt. Lebanon, Allegheny County, Pennsylvania, a municipal corporation, hereinafter referred to as "Municipality of Mt. Lebanon" or "the Municipality," and White Buffalo, Inc., hereinafter referred to as "the Contractor."

WHEREAS, the Municipality desires to have certain one-time professional services providing for Deer Management Services; and

WHEREAS, White Buffalo, Inc., desires to provide services identified in the Proposal to the Municipality of Mt. Lebanon as submitted in the Request for Proposal for Deer Management Services dated June 30, 2015 proposal by Jody Maddock and Dr. Anthony DeNicola, White Buffalo, Inc., hereinafter referred to as "the Proposal" made a part of this agreement, included herein by specific reference and attached as Appendix A to this agreement along with the Nondiscrimination Agreement; and,

AND WHEREAS, the CONTRACTOR is equipped and staffed to provide the services set forth in the Proposal;

NOW THEREFORE, the parties mutually agree as follows:

TERMS AND CONDITIONS

THE CONTRACTOR WILL:

Provide professional services as specified in the Proposal and attached hereto.

Assign the following individuals to do the Municipality's required work at the minimum number of hours as indicated:

NAME	POSITION	MINIMUM HOURS
[As per the attached Proposal]		

Any changes to the staffing proposed above shall be subject to the approval of the Municipality, however, staff changes by the Contractor will not be denied where the staff replacement is of equal ability or experience to the predecessor.

THE MUNICIPALITY WILL:

Compensate the Contractor based on the actual hours worked and actual reimbursable expenses for a total amount not to exceed $15,460.00.

Provide reasonable access to all Municipality personnel, facilities and information necessary to properly conduct and complete the work required under this Agreement.

Make payments to the Contractor within thirty (30) days after receipt of a properly prepared invoice for work satisfactorily completed.

Make final payment to the Contractor within thirty (30) days after completion of the contract as reviewed and approved by the Municipality.

FURTHER, IT IS AGREED BY BOTH PARTIES THAT:

Any documents produced by the work of the Contractor pursuant to this agreement, including any emails sent to the Municipality, reports, maps, drawings and other documents prepared by the Contractor will be public records and shall be owned by the Municipality.

In witness thereof, the parties hereto have executed this Agreement on the day and date set forth above.

WITNESS:	THE MUNICIPALITY OF MT.LEBANON
_____	_____
	TITLE: _____
WITNESS:	[WHITE BUFFALO, INC.]
_____	_____
	TITLE: _____

Appendix A

Mt Lebanon, Pennsylvania

REQUEST FOR PROPOSAL

FOR

DEER MANAGEMENT SERVICES

30 June 2015

Proposal By:

Jody Maddock and Dr. Anthony J. DeNicola

White Buffalo, Inc.

A Connecticut 501(c)(3) Non-profit Corporation since 1995

EIN: 06-1431342

Introduction

White Buffalo, Inc. (WBI), is a 501 (c)(3) nonprofit wildlife management and research organization founded in 1995 dedicated to conserving native species and ecosystems. WBI is the leading expert in population control of white-tailed deer in highly sensitive areas such as suburban communities and city parks. WBI offers a high level of direct management and oversight for a broad spectrum of management options, including structured hunting management programs. Case studies of community-based deer management programs clearly indicate that when hunters are screened, trained, and managed they can have a very positive impact on deer densities, and related problems caused by a deer population out of balance.

Communities facing budget issues have been unable or unwilling to provide funding for what they perceive hunters "offer for free". Hunters typically offer informal management, without structure, organization, community driven goals, and the management expertise that is critical to a successful and sustainable deer reduction. Hunters in pursuit of their passion are limited by access to land. Private landowners are reluctant to allow access to hunters they do not know, and are not vetted or trained. Our model brings these two entities together in a cohesive manner that benefits both and the greater community needs.

WBI proposes to screen, train, and manage hunters to participate in a systematic deer management program for Mt Lebanon Township. Managed hunters are screened for skill, responsibility, available time, and cooperation. Managed hunting demands that hunters abide by strict rules, carefully follow protocols and landowner specific requirements, attend meetings, collect data, and harvest female deer. Clearly, and understandably managed hunting is not suitable for most hunters, but for those that participate the pride in serving the community is a tremendous reward.

Screening of hunters will include application, interview, and skill testing. The acronym we use for hunters completing our rigorous screening, and training criteria is S.A.F.E (Sincere, Accomplished, Focused, and Ethical). Cooperating hunters will be asked to put aside personal hunting motives, and make a shift towards meaningful community deer reduction. Hunters that are willing and enthusiastic about helping a landowner or community reduce deer numbers for the sake of the landowner and community will embrace our plan. Participating hunters will agree to follow all rules, restrictions, and protocols determined by WBI, and sign a code of conduct to which we will require strict adherence.

WBI requires participating communities to commit to obtaining access to properties for our S.A.F.E. hunters. WBI staff, and local plan managers will assist, but the community must agree to take to a vital leadership role in this aspect of the plan.

Proposed Plan of Action

Each phase of the Archery Deer Management Program (ADMP) is critical for success and sustainability. Poor implementation in any phase will undermine the plan and compound problems over time. The plan is detailed and intensive for good reason.

A. Communication, Education, and Planning

1. Landowners

   a. Power point presentations and discussions at a location determined by the Township. Two to three meetings are recommended to address the varying availability of landowners.

   b. Meet with all landowners individually that wish to allow hunting. Determine and agree to the following information:
      - Safety zone permission
      - Equipment (tree stand and step type)
      - Hunting days, times
      - Contact information, frequency and circumstance
      - Parking area
      - Deer removal protocols
      - Trespasser protocols
      - Other restrictions?

   c. Meet with all landowners individually that do not allow hunting, but allow deer recovery methods:

      - Safety zone permission
      - Determine contact procedures (call first, is message okay?, etc.)
      - Retrieve deer with or without police?
      - Other requirements

   d. List all landowners not allowing any access to hunters

      - Deer recover will be with PGC assistance only

2. Consult with local Police Department and Pennsylvania Game Commission (PGC) Officials

a. Determine information needed by police to identify participants in the program. This information is likely to include: name, address, driver's license number, hunting license number and vehicle information (year, make, model, color, license plate number). WBI will design a permit for hunters to carry which identifies their participation in the ADMP.
b. Agree to parking areas.
c. Discuss and agree to protocols for handling and reporting incidence that may arise involving trespassers, non-participating hunters, anti-program individuals/groups, and situations resulting from the recovery of deer.

3. Consult with local hunters and hunting organizations

   a. Archer Recruitment methods and procedures.
   b. Proficiency testing locations.
   c. "Bowhunter Education" and training location
   d. Present and explain the overall program

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There are four steps to the selection process;

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- Orientation

C. Manager Selection

Managers are selected based on communication, leadership, and organizational skills. Managers act as the liaison between participating archers, landowners and the project manager. Each manager is required to attend a training seminar conducted by WBI staff.

D. Project Manager

The project manager is a staff member of WBI. The project manager oversees all aspects of the ADMP and is responsible for all communication between landowners, archers, managers, police, PGC officials, and Township officials.

Hunter Selection, Organization, and Training: Budget 2015

WHITE BUFFALO, INC. EXPENSES

PERSONNEL

Program management

11 person-days X $1,000/day	$11,000

DIRECT COSTS

Supplies (Miscellaneous supplies)	$500
Travel	
Mileage (3,500 miles X $0.60)	$2,100
Hotel (6 hotel- nights @ $200/night)	$1,200
Per diem (11 person-days @ $60/day)	$660
TOTAL	**$15,460**

Request for Proposals
Municipality of Mt. Lebanon Managed Archery Hunt Proposal

NONDISCRIMINATION AGREEMENT

Nondiscrimination and equal opportunity are the policy of the Commonwealth and Municipality of Mt. Lebanon in all its decisions, programs, and activities. The purpose is to achieve the alms of the United States and Pennsylvania Constitutions. Executive Order 1972-1, the Pennsylvania Human Relations Act, Act of October 27, 1955, (P.L. 744), as amended (43 P.S. 951, et. seq.) and (43 P.S. & 153), assure that all persons are accorded equal employment opportunity without regard to race, color, religious creed, handicap, ancestry, national origin, age, or sex.

During the term of this contract, the contractor agrees as follows:

(a) Contractor shall not discriminate against any employee, applicant for employment, independent contractor or any other person because of race, color, religious creed, ancestry, national origin, age, sex or handicap. Contractor shall take affirmative action to insure that applicants are employed, and that employees or agents are treated during employment, without regard to their race, color, religious creed, ancestry, national origin, age, sex or handicap. Such affirmative action shall include, but is not limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training. Contractor shall post in conspicuous places, available to employees, agents, applicants for employment, and other persons, a notice to be provided by the contracting agency setting forth the provision of this nondiscrimination certification.

(b) Contractor shall, in advertisements or requests for employment placed by it or on its behalf, state all qualified applicants will receive consideration for employment without regard to race, color, religious creed, handicap, ancestry, national origin, age, or sex.

(c) Contractor shall send each labor union or workers' representative with whom it has a collective bargaining agreement or other contract or understanding, a notice advising said labor union or workers' representative of its commitment to this nondiscrimination certification. Similar notice shall be sent to every other source of recruitment regularly utilized by bidder.

(d) It shall be no defense to a finding of noncompliance with this nondiscrimination certification that contractor has delegated some of its employment practices to any union, training program or other source of recruitment which prevents it from meeting its obligations. However, if the evidence indicates that the contractor was not on notice of the third-party discrimination or made a good faith effort to correct it, such factor shall be considered in mitigation in determining appropriate sanctions.

(e) Where the practices of a union or of any training program or other source of recruitment will result in the exclusion of minority group persons, so that contractor will be unable to meet its obligation under this nondiscrimination certification, contractor shall then employ and fill vacancies through other nondiscriminatory employment procedures.

(f) Contractor shall comply with all state and federal laws prohibiting discrimination in hiring or employment opportunities. In the event of contractor's noncompliance with the nondiscrimination certification or with any such laws, this contract may be terminated or suspended, in whole or part, and contractor may be declared temporarily ineligible for further Municipality of Mt. Lebanon contracts, and other sanctions may be imposed and remedies invoked.

(g) Contractor shall furnish all necessary employment documents and records to, and permit access to its books, records, and accounts by, the Municipality of Mt. Lebanon Manager for purposes of investigation to ascertain compliance with the provisions of this certification. If contractor does not possess documents or records reflecting the necessary information requested, it shall furnish such information forms supplied by the Municipality of Mt. Lebanon Manager.

(h) Contractor shall actively recruit minority and women subcontractors or subcontractors with substantial minority representation among their employees.

(i) Contractor shall include the provisions of this nondiscrimination certification in every subcontract, so that such provisions will be binding upon each subcontractor.

(j) Contractor's obligations under this clause are limited to the contractor's facilities within Pennsylvania, or where the contract is for purchase of goods manufactured outside of Pennsylvania, the facilities at which such goods are actually produced.

_____ _____

NAME OF CONTRACTOR DATE

_____

TITLE

Subject: Deer Management Proposal
From: Anthony DeNicola <tony.denicola@whitebuffaloinc.org>
Date: 6/30/2015 12:07 PM
To: Keith Mcgill <kmcgill@mtlebanon.org>
CC: jody@jdmaddock.com

Keith,

Please see attached for your consideration.

Regards,

Tony

Anthony J. DeNicola Ph.D. | President | White Buffalo Inc.
| tony.denicola@whitebuffaloinc.org
Find Us: whitebuffaloinc.org | Facebook | LinkedIn

—Attachments:

CVLetter 30 June 2015 Managed hunt.doc	161 KB
Managed Archery Program 30 June 2015.docx	20.8 KB

WHITE BUFFALO, INC.

HELPING RESTORE THE NATURAL BALANCE

a nonprofit organization

30 June 2015

Keith McGill, Municipal Planner
710 Washington Road
Mt. Lebanon, PA 15228-2018

RE: MANAGED ARCHERY HUNT PROPOSAL

Mr. McGill,

I have included a managed archery hunt proposal for your consideration. Based on a limited property access model at this point (i.e., public land with a few possible private properties) we will identify 5 archery hunters and one team manager. We also will select 5 back-up personnel. If more access becomes available, then we can consider adding more participants as the program expands.

As we discussed at the meeting and in the follow up communications, simply using archery hunting without bait will have a limited impact and will not meet your stated objective of a 50% reduction in DVCs in 5 years. Our attached budget is approximate and will require significant Township support during the process of obtaining private property access. We only charge for actual time and expenses incurred.

Do not hesitate to email (tony@whitebuffaloinc.org) if you have any questions regarding the enclosed documents and we can schedule a call.

Sincerely,

Anthony J. DeNicola, Ph.D.
President

Encls.

Mt Lebanon, Pennsylvania

REQUEST FOR PROPOSAL

FOR

DEER MANAGEMENT SERVICES

30 June 2015

Proposal By:

Jody Maddock and Dr. Anthony J. DeNicola

White Buffalo, Inc.

A Connecticut 501(c)(3) Non-profit Corporation since 1995

EIN: 06-1431342

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TOTAL	**$15,460**

Subject: Re: Information
From: Keith Mcgill <kmcgill@mtlebanon.org>
Date: 6/29/2015 1:31 PM
To: "Maddock, Jody" <Jody.Maddock@anc-gc.org>

Ok thanks Jody. I appreciate you getting this done so quick.

Keith

On Mon, Jun 29, 2015 at 1:13 PM, Maddock, Jody <Jody.Maddock@anc-gc.org> wrote:

> I worked on this over the weekend and sent it to Tony for review. The ball is in his court. I will be sure he is aware of the Wednesday deadline. Thanks Keith.
>
> Jody Maddock
>
> Director of Campus Services
>
> P.O. Box 278 Bryn Athyn, PA. 19009
>
> Office: 267-502-2419
>
> **From:** Keith Mcgill [mailto:kmcgill@mtlebanon.org]
> **Sent:** Monday, June 29, 2015 8:10 AM
> **To:** Maddock, Jody
> **Subject:** Information
>
> Good morning Jody,
>
> Hope you had a good weekend. I know that you and Tony are working on drafting a budget. I wasn't sure how you were structuring it and I wanted to make sure that I have an estimate of cost if the Commission should decide to move forward with an archery only program.
>
> I need an estimate to setup and manage a program, or find someone to manage a program. Essentially from start to finish. It would be a contract for service.
>
> If I could get the information no later than Wednesday of this week I would appreciate it.
>
> Keith
>
> --

Keith McGill, AICP
Municipal Planner
412-343-3684
kmcgill@mtlebanon.org

--

Keith McGill, AICP
Municipal Planner
412-343-3684
kmcgill@mtlebanon.org

Good Morning Tony,

Attached is the contract document I referenced in my previous email as well as a list of people who have contacted the municipality expressing an interest in participating in the program.

I don't know what municipal properties would be available at this time but if you could provide some recommendations as to size requirements, location, distance from roadways etc. that may be helpful. I am also attaching the maps for the public parcels that were to be included in the archery program that was cancelled last year due to tags not being available.

On Thu, Jul 16, 2015 at 9:40 AM, Anthony DeNicola <tony.denicola@whitebuffaloinc.org> wrote:

Keith,

Please forward contacts as you get them. We have a running list of interested hunters that have come to our website. It would be preferred to see the data build so that we can adjust our timing accordingly. The sooner we select hunters the better so that they can get ample tags and we can start to coordinate them with landowners.

Do you have a definitive list of Town properties that will be used?

Thanks,

Tony

Anthony J. DeNicola Ph.D. | President | White Buffalo Inc.
M: (860) 790-0224 | tony.denicola@whitebuffaloinc.org
Find Us: whitebuffaloinc.org | Facebook | LinkedIn

On Thu, Jul 16, 2015 at 8:16 AM, Keith Mcgill <kmcgill@mtlebanon.org> wrote:

Thanks Tony,

I have started a list of property owners and archers who have expressed an interest in participating in the program.

Keith

On Wed, Jul 15, 2015 at 7:58 PM, Anthony DeNicola

<tony.denicola@whitebuffaloinc.org> wrote:

Keith,

Jody and I will have everything in order. I can be available for the 11 August meeting.

Tony

Anthony J. DeNicola Ph.D. | President | White Buffalo Inc.
M: (860) 790-0224 | tony.denicola@whitebuffaloinc.org
Find Us: whitebuffaloinc.org | Facebook | LinkedIn

On Wed, Jul 15, 2015 at 4:10 PM, Keith Mcgill <kmcgill@mtlebanon.org> wrote:

Good afternoon,

At the Commission meeting last night the Mt. Lebanon Commission authorized the proper municipal officials to enter into a contact with White Buffalo, Inc. for archery management services with the understanding that: (a) Dr. DeNicola and Jody Maddock will follow the rigorous screening and training criteria outlined in their proposal of June 30, 2015: (b) prior to conducting an archery hunt, representatives of White Buffalo, Inc. will attend the September 8, 2015 Commission meeting to describe the details of the final program, including the background of the manager and hunters, number of public and private properties to be used, and safety procedures that will be utilized.

I will forward our standard contract for professional services to you in the next few days for your signature.

Tony,

Would you be available by phone for the Commission discussion session on August 11th to answer any additional questions that the Commission has related to surgical sterilization?

Keith

--
Keith McGill, AICP
Municipal Planner

412-343-3684
kmcgill@mtlebanon.org

--
Keith McGill, AICP
Municipal Planner
412-343-3684
kmcgill@mtlebanon.org

--
Keith McGill, AICP
Municipal Planner
412-343-3684
kmcgill@mtlebanon.org

<Agreement for professional services Deer Management White Buffalo, Inc.pdf>

<PLAN15036 -- Hunting Spreadsheet (k).xlsx>

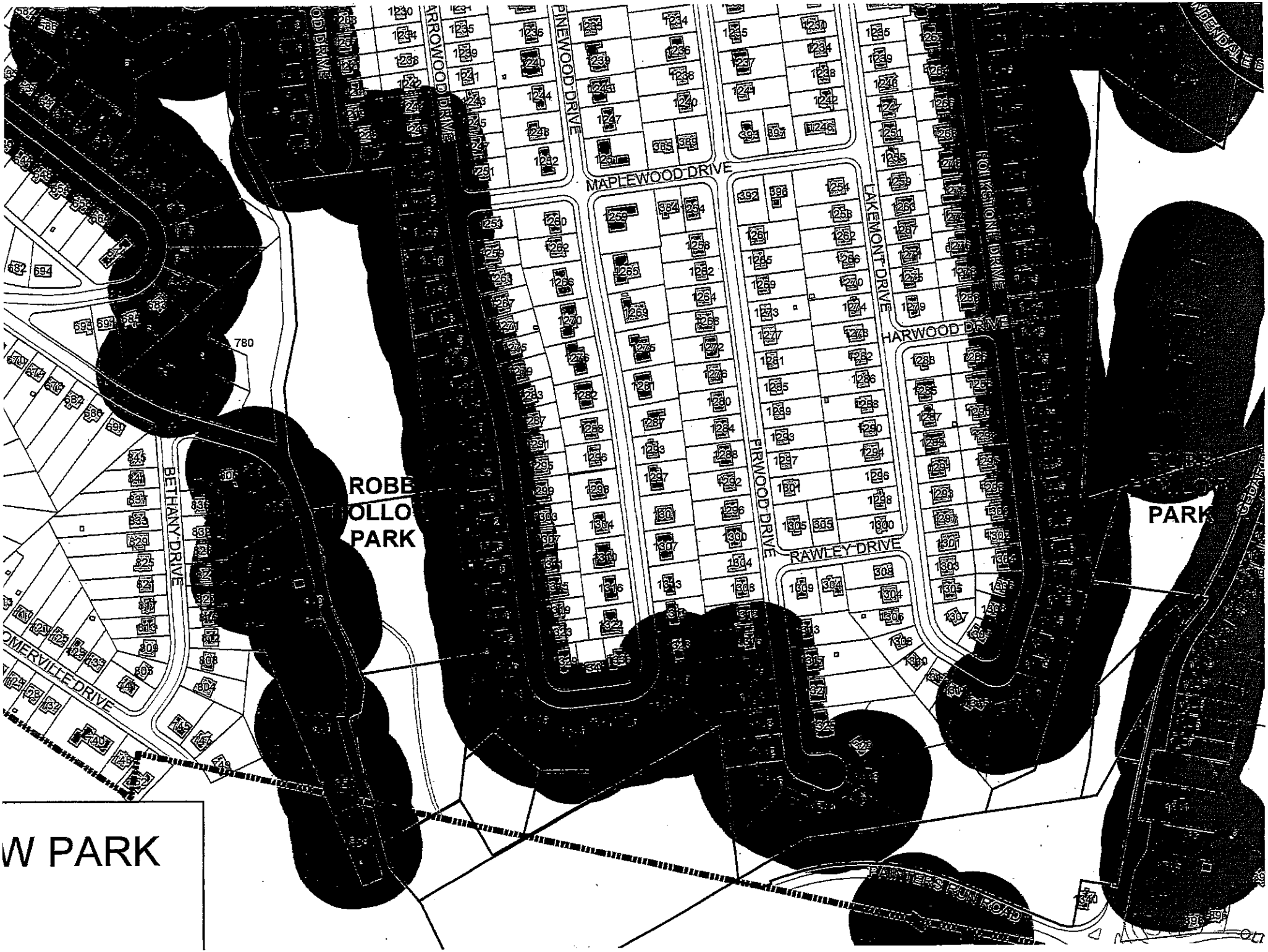
<Robb Hollow Park 50 Yard Buffer.pdf>

<Golf Course 50 Yard Buffer.pdf>

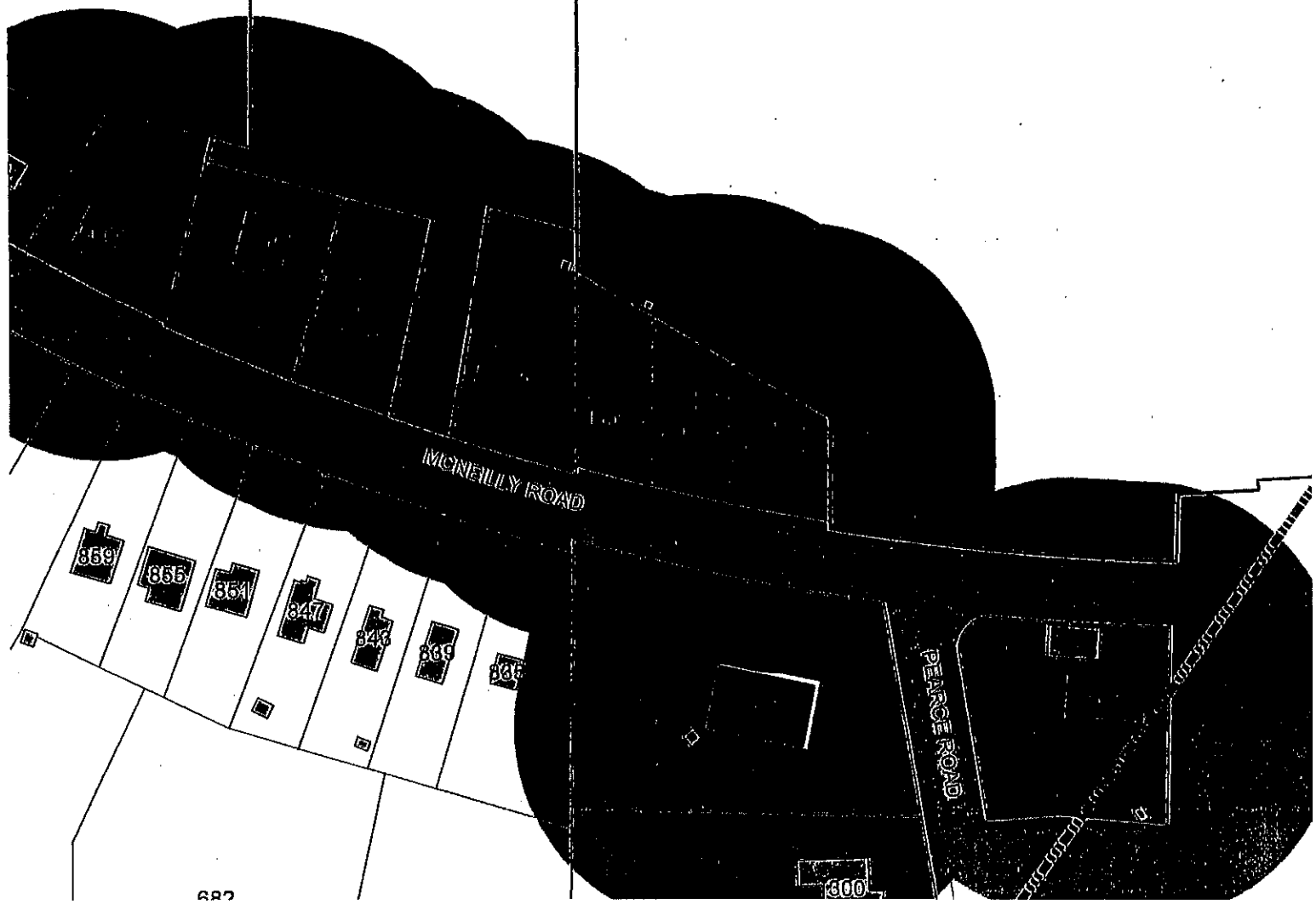
<Bird Park 50 Yard Buffer.pdf>

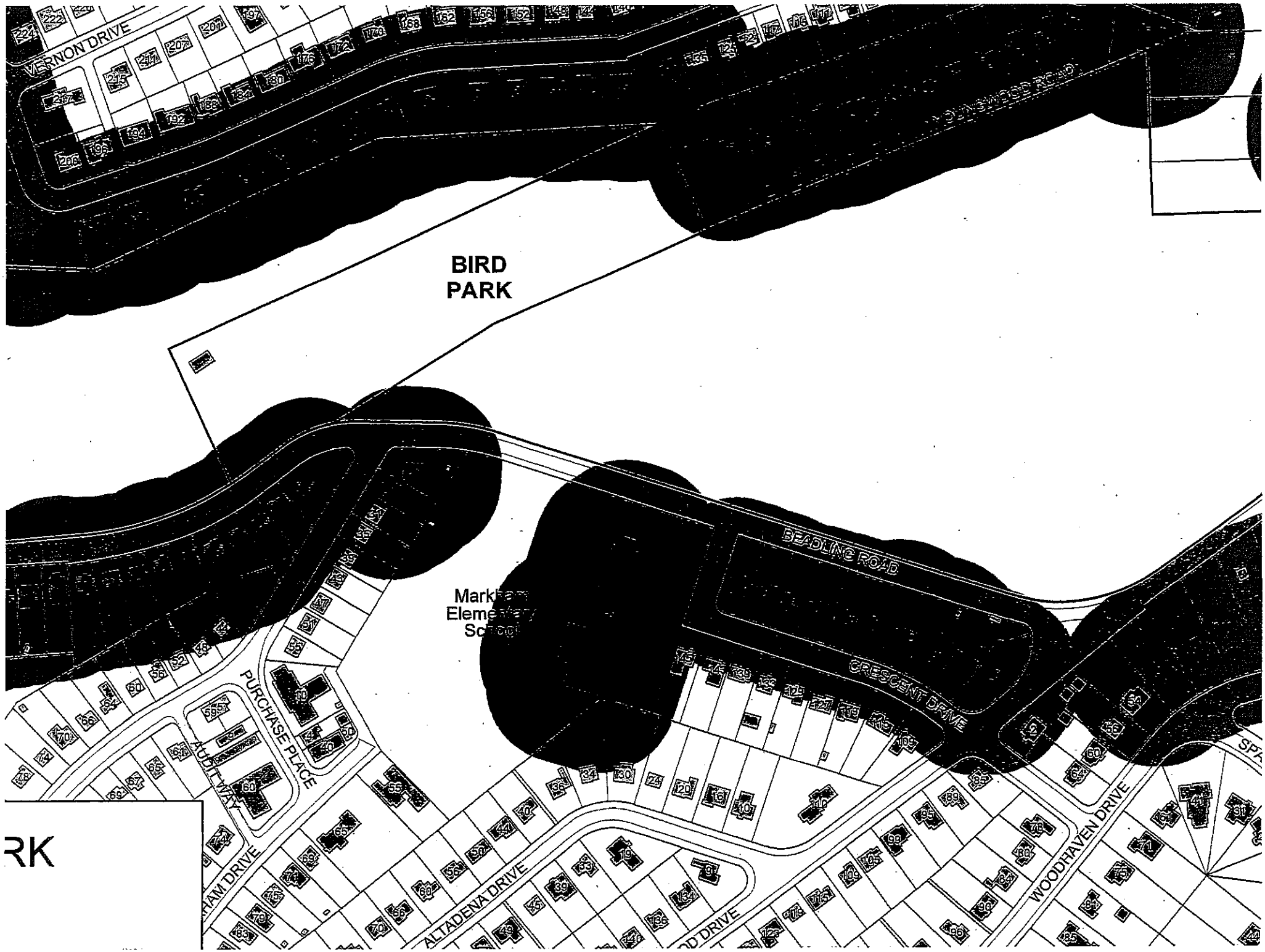
<McNeilly Park 50 Yard Buffer.pdf>

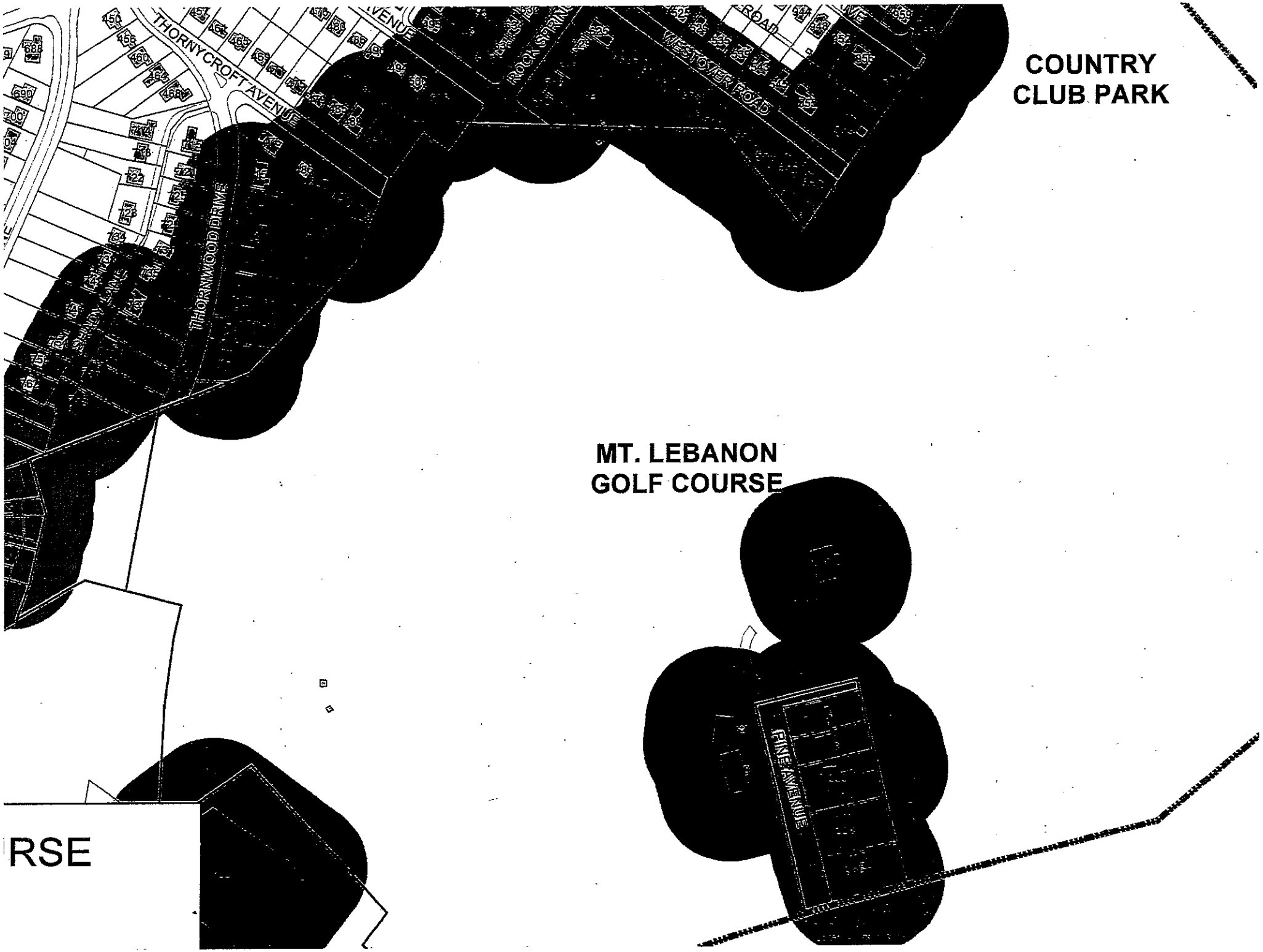
--
Keith McGill, AICP
Municipal Planner
412-343-3684
kmcgill@mtlebanon.org


MAPLEWOOD DRIVE
PINEWOOD DRIVE
ARROWOOD DRIVE
LAKEMONT DRIVE
HARWOOD DRIVE
FIRWOOD DRIVE
RAWLEY DRIVE
BETHANY DRIVE
PAINTERS RUN ROAD
780
ROBE
OLLO
PARK
PARK
W PARK

MCNEILLY PARK




VERNON DRIVE
BIRD
PARK
BEADLING ROAD
CRESCENT DRIVE
Markham
Elementary
School
PURCHASE PLACE
AUDIT WAY
ALTADENA DRIVE
WOODHAVEN DRIVE


COUNTRY
CLUB PARK
THORNYCROFT AVENUE
THORNWOOD DRIVE
ROCK SPRING
WESTOVER ROAD
MT. LEBANON
GOLF COURSE
PINE AVENUE
RSE

Subject: Info for website
From: Susan Morgans <smorgans@mtlebanon.org>
Date: 7/22/2015 3:13 PM
To: keith mcgill <kmcgill@mtlebanon.org>
CC: sandy marek <smarek@mtlebanon.org>

Keith:

After you read this over and make any changes you wish, I think Sandy should get rid of the DEER MANAGEMENT UPDATE currently under News and Announcements and pin this one to the top, at least for a whlle.

--

Susan Fleming Morgans
Public Information Officer
Mt. Lebanon, Pa.
Editor, **mtl** magazine
412-343-3407
Visit mtlebanon.org & lebomag.com
Follow us on Facebook & Twitter

Attachments:

DEER MANAGENENT UPDATE.docx 15.0 KB

DEER MANAGEMENT UPDATE Mt. Lebanon Commission has entered into an agreement with White Buffalo, Inc., http://www.whitebuffaloinc.org/ for deer management services utilizing archery. The contract specifies that White Buffalo's Dr. Anthony DeNicola and Jody Maddock will screen and train bow hunters according to rigorous criteria. ***READ MORE...***

DEER MANAGEMENT UPDATE Mt. Lebanon Commission has entered into an agreement with White Buffalo, Inc., http://www.whitebuffaloinc.org/ for deer management services utilizing archery. The contract specifies that White Buffalo's Dr. Anthony DeNicola and Jody Maddock will screen and train bow hunters according to rigorous criteria outlined in their proposal of June 30, 2015 *(included in contract at end).*

The hunt will take place this fall. Before beginning the hunt, representatives of White Buffalo will attend the September 8, 2015 commission discussion meeting at 6:30 to describe the final program, including the backgrounds of the manager and hunters, number of public and private properties to be used and safety procedures that will be required.

Residents or archers interested donating their time or property to the program should contact White Buffalo directly by emailing tony.denicola@whitebuffaloinc.org or volunteering online at http://www.whitebuffaloinc.org/#!contact/c1z0x. In the subject line of the online form, please type **Mt. Lebanon Archery Program** and complete the rest of the requested information.

Date and times for public meetings for residents who may be interested in donating their properties for participation in the program will be posted here as soon as they are available. Click here to review the contract detailing the June 30, 2015 deer management proposal.

Subject: Please post under news and announcements
From: Susan Morgans <smorgans@mtlebanon.org>
Date: 7/27/2015 5:18 PM
To: Web Requests <webrequests@mtlebanon.org>
CC: keith mcgill <kmcgill@mtlebanon.org>, jody maddock <Jody.Maddock@anc-gc.org>

Also link to deer management page...

MEETING FOR DEER MANAGEMENT VOLUNTEERS If you would like to donate your time or your property for Mt. Lebanon's fall archery hunt, you are invited to attend a meeting at Mt. Lebanon Municipal Building, Commissioni Chambers READ ON...

MEETING FOR DEER MANAGEMENT VOLUNTEERS If you would like to donate your time or your private property for Mt. Lebanon's fall archery hunt, you are invited to attend a meeting at Mt. Lebanon Municipal Building, Commission Chambers, at one of the following times: Saturday, August 15, at 10 a.m., or Monday, August 17, at 7 p.m. White Buffalo Inc., the wildlife management firm that has been hired to screen, train and manage 5-7 hunters, will be on hand to answer your questions. The meeting should take 60 to 90 minutes. You also may contact White Buffalo directly by email, tony.denicola@whitebuffaloinc.org, or online at http://www.whitebuffaloinc.org/#!contact/c1z0z. In the subject line of the online form, please type: Mt. Lebanon Archery Program and complete the rest of the application.

Also, Sandy, could you change the item currently under DEER MANAGEMENT UPDATE to include this as the last paragraph:

If you would like to donate your time or your private property for Mt. Lebanon's fall archery hunt, you are invited to attend a meeting at Mt. Lebanon Municipal Building, Commission Chambers, at one of the following times: Saturday, August 15, at 10 a.m., or Monday, August 17, at 7 p.m.

Thanks,

Susan

Susan Fleming Morgans
Public Information Officer
Mt. Lebanon, Pa.
Editor, **mtl** magazine
412-343-3407
Visit mtlebanon.org & lebomag.com
Follow us on Facebook & Twitter

From: Keith Mcgill [mailto:kmcgill@mtlebanon.org]
Sent: Thursday, July 23, 2015 11:08 AM
To: Maddock, Jody <Jody.Maddock@anc-gc.org>; Anthony DeNicola <tony.denicola@whitebuffaloinc.org>
Subject: Contact number Rudy Sukal

Good morning,

Rudy Sukal, Director of Public Works has a new office # 412-343-3869.

Keith

--

Keith McGill, AICP
Municipal Planner
412-343-3684
kmcgill@mtlebanon.org

--

Keith McGill, AICP
Municipal Planner
412-343-3684
kmcgill@mtlebanon.org

Subject: Website information on White Buffalo
From: Keith Mcgill <kmcgill@mtlebanon.org>
Date: 7/22/2015 8:18 AM
To: Susan Morgans <smorgans@mtlebanon.org>

Good morning Susan,

If you have time later today I need your help in getting some version of the attached on the website.

Afternoon is better for me. Please let me know what works best for you.

Thanks,
Keith

--
Keith McGill, AICP
Municipal Planner
412-343-3684
kmcgill@mtlebanon.org

Attachments:

White Buffalo website info.docx 12.4 KB

At the July 14th meeting the Mt. Lebanon Commission authorized the proper municipal officials to enter into a contact with White Buffalo, Inc. http://www.whitebuffaloinc.org/ for deer management services utilizing archery with the understanding that: (a) Dr. DeNicola and Jody Maddock will follow the rigorous screening and training criteria outlined in their proposal of June 30, 2015: (b) prior to conducting an archery hunt, representatives of White Buffalo, Inc. will attend the September 8, 2015 Commission meeting to describe the details of the final program, including the background of the manager and hunters, number of public and private properties to be used, and safety procedures that will be utilized.

Residents or Archers interested donating their time or property to participate in the program should contact White Buffalo, Inc., http://www.whitebuffaloinc.org/#!contact/c1z0x In the Subject Line please type; **Mt. Lebanon Archery Program** and complete the rest of the requested information.

Residents or Archers may also email Anthony DeNicola at: tony.denicola@whitebuffaloinc.org.

Possible dates and times for public meetings for residents who may be interested in donating their property for participation in the program will be posted as soon as they are available. A copy of the contract containing the June 30, 2015 deer management proposal can be found here (Link to website page)

Subject: Re: Contact number Rudy Sukal
From: Keith Mcgill <kmcgill@mtlebanon.org>
Date: 7/23/2015 2:28 PM
To: "Maddock, Jody" <Jody.Maddock@anc-gc.org>
CC: Anthony DeNicola <tony.denicola@whitebuffaloinc.org>, Susan Morgans <smorgans@mtlebanon.org>
BCC: mcantine@mtlebanon.org

Hi Jody,

I spoke to Susan Morgans, our Public Information Officer and we both think that Saturday August 15th at 10:00 AM and Monday August 17th at 7:00 PM would allow us to reach the most residents.

If you could please work directly with Susan to coordinate the details for the meetings that would be helpful. Please let Susan know any IT needs so that we can make sure our IT department has everything set up for the meetings.

Keith

On Thu, Jul 23, 2015 at 12:11 PM, Maddock, Jody <Jody.Maddock@anc-gc.org> wrote:

> Thanks.
>
> Dates I can present to property owners:
>
> August 14, 15 (Saturday), 17, 19, 20, 21, 22 (Saturday).
>
> Things are cut very close. The archery season opens September 20 and over the counter tags start August 25.
>
> Jody Maddock
>
> Director of Campus Services
>
> P.O. Box 278 Bryn Athyn, PA. 19009
>
> Office: 267-502-2419

Subject: Re: Commission Meeting & Vote
From: Steve Silverman <ssilverman@mtlebanon.org>
Date: 7/16/2015 4:58 PM
To: Rick Sabeh

Dear Mr. Sabeh,
Thank you for your e-mail of support. When I knocked on doors when I ran for office in 2013, the most common complaint I heard was: Do something about the deer.

I am glad that Commission moved forward on Tuesday with an archery program. The Mt Lebanon deer population needs to be reduced. I hope my fellow Commissioners will continue to vote for cost effective Deer Management solutions.

If you have additional thoughts or concerns, please contact me. Thank you for your service to the community.
Sincerely,
Steve

Steve Silverman
Commissioner Ward 2
ssilverman@mtlebanon.org
412-491-3794

On Tue, Jul 14, 2015 at 8:35 AM, Rick Sabeh wrote:

> Dear Steve,
>
> I'm sure you are inundated with emails about this but just wanted to write a quick note to say that we are in full support of an archery deer culling program.
> I believe that this is a much better strategy than the trapping method previously tried.
>
> --
>
> Thanks,
> Rick Sabeh

---

avast! Antivirus: Outbound message clean.

Virus Database (VPS): 150714-0, 07/14/2015

Tested on: 7/14/2015 8:35:28 AM
avast! - copyright (c) 1988-2015 AVAST Software.

Subject: Fwd: Deer Management
From: Steve Silverman <ssilverman@mtlebanon.org>
Date: 7/19/2015 12:52 PM
To: John Bendel <jbendel@mtlebanon.org>

John,
FYI
Steve

Steve Silverman
Commissioner Ward 2
ssilverman@mtlebanon.org
412-491-3794

---------- Forwarded message ----------
From: **Steve Silverman** <ssilverman@mtlebanon.org>
Date: Sun, Jul 19, 2015 at 12:49 PM
Subject: Re: Deer Management
To: MH Google

Dear Ms. Hamstead,
Thank you for your e-mail. I understand your frustration. I have been frustrated by the slow pace of progress on this issue.

I believe that Commission needed to approve an archery program to satisfy the Pa Game Commission requirement from last Spring's attempted cull. Also, I believe the PGC would require an archery cull before they would approve a permit for sharpshooters.

This archery program should allow residents to have deer removed from their property (assuming their neighbors agree to waive the 50 yard buffer zone) when archery season starts September 19th. Many residents have already offered their property for archers.

I have asked that a representative from the USDA sharpshooting program meet with Commission at our next Discussion Session on August 11th. I would like them to outline their plan of action (including likely starting date) and to address concerns Commissioners have about their previous cull. I understand the USDA prefers to sharpshoot December through March.

Thank you for attending both the informational meeting and Tuesday's Discussion session. At the informational meeting, I heard the representative from White Buffalo say he felt we have too many deer to start a sterilization program because it would be too expensive. He did express concern in his written proposal (for the archery program) that archery alone may not

reduce the Mt Lebanon deer population sufficiently.

I appreciate hearing your thoughts about this issue. I hope the USDA presentation will convince a majority of Commission of the merits of the USDA sharpshooting program.
Sincerely,
Steve

Steve Silverman
Commissioner Ward 2
ssilverman@mtlebanon.org
412-491-3794

On Sun, Jul 19, 2015 at 10:07 AM, MH Google wrote:

Steve,
I attended the meeting last Tuesday night. I'm glad that you support deer management of some sort. However, why are we spending more tax-payer money on archery right now? When I attended the information meeting, I heard the expert from White Buffalo say clearly that we have far too many deer to start off with archery; we need to do sharp shooting to get the herd to a manageable number, and then implement archery for maintenance possibly.

I agree with everything that the pro-management residents mentioned at the meeting last week, and I want to make two more points. I wouldn't be allowed to raise a herd of cows in my tiny Mt. Lebo backyard, and yet you Commissioners are making it impossible for me to get rid of the deer herd. (I've had as many as 15 at once according to my neighbor, who took a picture). The second point is that we don't have money to spare while the Commissioners are in this "paralysis of analysis" mode. We don't need anymore experts from anywhere to help us figure this out. We know what the effective, efficient models are for deer management, and we also know--as gardeners--that there is no effective way to prevent deer from damaging landscapes when there's an over-population. We have resident experts at Phipps! My deepest hope is that something can be done before someone is seriously hurt, we have a disease outbreak, property values fall, etc.

I urge you and the other Commissioners to get sharp-shooting "on the table" and get it done quickly. It's safer, quicker, and more humane than archery. We need to fire this up (so to speak!) right now. There are many baby fawns running around my neighborhood, a portend of things to come.

Sincerely,

Margaret Hamstead

Subject: Deer culling comment
From: nrglebo via Commission <commission@mtlebanon.org>
Date: 7/22/2015 11:26 AM
To: commission@mtlebanon.org

We recently sent a "pro" deer culling email to you, and we would like to thank you for voting to take action on this issue. But, wouldn't a sharpshooter option help reduce the deer population more than just archery? We think it is sad that the wildlife have become such a problem, but without natural enemies what choice is there?

We would never recommend the use of guns, of course, unless the program employs trained sharp shooters.

Thank you for your time,
Normajean and John Graybill

Subject: Re: Archery Deer Management Program
From: John Bendel <jbendel@mtlebanon.org>
Date: 7/8/2015 9:13 AM
To: Keith Mcgill <kmcgill@mtlebanon.org>

I understand the need for a permit, but Tony and Jody seem to indicate that not using bait will be a limiting factor in terms of effectiveness this year. I am wondering why not apply for the permit.

On Jul 8, 2015, at 8:15 AM, Keith Mcgill <kmcgill@mtlebanon.org> wrote:

> John,
>
> It is my understanding that to hunt over bait would require a special permit from the Game Commission. It was indicated that given the current population this is not as important in the first year or two as it would be in later years. Also once a program is in place we would have more of the information that the Game Commission is likely to want as part of the permit application.
>
> Keith
>
> On Tue, Jul 7, 2015 at 11:01 PM, John Bendel <jbendel@mtlebanon.org> wrote:
>
> > one more question, why did they not include using bait as part of the program? can it be added?
> >
> > On Jul 7, 2015, at 2:00 PM, Keith Mcgill <kmcgill@mtlebanon.org> wrote:
> >
> > > Jody's response is below.
> > >
> > > Keith
> > > ---------- Forwarded message ----------
> > > From: **Maddock, Jody** <Jody.Maddock@anc-gc.org>
> > > Date: Tue, Jul 7, 2015 at 1:53 PM
> > > Subject: RE: Archery Deer Management Program
> > > To: Anthony DeNicola <tony.denicola@whitebuffaloinc.org>, Keith Mcgill <kmcgill@mtlebanon.org>
> > > Cc: Stephen Feller <sfeller@mtlebanon.org>

Keith,

I agree with the points Tony made.

It is impossible to make an educated guess on deer harvest without being educated. I looked at the material presented on the website for the archery program conducted last year. Considerable time and energy went into it and there are many good things in the plan. Given that the hunting season was late already and the use of municipal employees was the only archer resource, I would guess however that success was limited.

We are far too late in the year to expect a foundation to be created for a significant deer harvest. Success this year should not be measured in deer numbers or deer vehicle accidents but rather setting a proper foundation for future deer reduction and sustainability. It will take significate time just to find 5 archers that are a match for this program. Finding a local manager that I can work through is critical and finding that person will not be easy. A local manger will need to commit a significant amount of time. Perhaps that person will surface as we go through the archer selection process but even that process will be hampered until that person is found.

Once a manager is in place, the process of land acquisition can follow. As I tried to illustrate in my presentation, that process is detailed and time consuming. It is possible that if provided a list of interested landowners, I could bring a team consisting of some of the managers I used in Upper Makefield TWP. That would obviously take some thought and coordinating.

Year one is critical. Don't set unrealistic goals. Don't rush it. Build the foundation for future success. After a season with a relatively small but right approach we will all be more educated about the future and the role archers can play in Mt Lebanon. For now we are not educated enough to make a guess. The education will need to be earned.

Thanks

Jody Maddock

Director of Campus Services

P.O. Box 278 Bryn Athyn, PA. 19009

Office: 267-502-2419

From: Anthony DeNicola [mailto:tony.denicola@whitebuffaloinc.org]
Sent: Tuesday, July 07, 2015 11:18 AM
To: Keith Mcgill
Cc: Maddock, Jody; Stephen Feller
Subject: Re: Archery Deer Management Program

Keith,

Jody will handle all aspects of archer selection, team manager selection and training, landowner education, and overall project coordination. Another member of our team, Steve Kremp, also will participate in the site evaluations and hunter/stand placement. The 4 public properties are a good start, but as mentioned in the proposal, without the use of bait they are a relatively small percentage of the overall Township land area. Deer will get smart to the new threat on these properties and you can expect fairly rapid diminishing return (i.e., deer will start to avoid these lands). To offset deer avoiding these properties you will want to have as much private land as possible and as long of a hunting season as possible. The amount of private land is not as critical as the quality of the land. Relative quality is based on size and the deer usage. Jody demonstrated in Upper Makefield that small properties can be very productive, but baiting was a huge factor. If there are natural funnel areas, based on terrain or development, select properties can be disproportionately valuable relative to harvest.

So it would be nearly impossible to predict how many deer can be harvested without knowing the exact properties with access and associated program constraints. But as stated previously, if you are restricted to archery equipment and no bait you will be very fortunate to harvest 100 deer with the Township lands listed from last year's planned program and 10-15 "quality" private properties. Deer use a very high percentage of your community that is nearly 4000 acres. So even if you had the 4 Township lands and 10 private properties you will be lucky to have a quarter of the land area and no way to concentrate the deer on those properties.

Regards,

Tony

Anthony J. DeNicola Ph.D. | President | White Buffalo Inc.

| tony.denicola@whitebuffaloinc.org

Find Us: whitebuffaloinc.org | Facebook | LinkedIn

On Tue, Jul 7, 2015 at 8:05 AM, Keith Mcgill <kmcgill@mtlebanon.org> wrote:

> Good morning,
>
> I have a few follow-up questions related to the managed archery hunt proposal you provided.
>
> Please clarify what Jody's role would be. What would he be doing? Is the project manager included in the 2015 Budget you provided? What would be a reasonable expectation of the number of deer that could be removed in 2015? Approximately how many private property owners in addition to public property would be necessary?
>
> Please see the information on the attached link related to the archery program that Mt. Lebanon had approved last year but was not implemented due to tags not being available. The information can be found approximately three quarters of the way down the page. http://mtlebanon.org/index.aspx?NID=2114
>
> Thank you,
>
> Keith
>
> --
>
> Keith McGill, AICP
> Municipal Planner
> 412-343-3684

kmcgill@mtlebanon.org

--
Keith McGill, AICP
Municipal Planner
412-343-3684
kmcgill@mtlebanon.org

--
Keith McGill, AICP
Municipal Planner
412-343-3684
kmcgill@mtlebanon.org

Subject: Nice work, commissioners
From: " via Commission" <commission@mtlebanon.org>
Date: 7/10/2015 5:45 PM
To: commission@mtlebanon.org

The agenda for Tuesday's Commission Meeting, to be held at the Mt. Lebanon High School Fine Arts Theatre, has been posted. Looks like an archery hunt is a go!

13. Consideration of a proposal for professional deer management services.
White Buffalo, Inc. has submitted a proposal to select and train archery hunters and work with property owners on an archery hunt. The contract proposal totals $15,460. Recommended Action: Move to authorize the proper municipal officials to enter into a contract for archery management services, with the understanding that: (a) Dr. DeNicola and Jody Maddock will follow the rigorous screening and training criteria outlined in their proposal of June 30, 2015; (b) Prior to conducting an archery hunt, representatives of White Buffalo will attend the September 8, 2015, Commission meeting to describe the details of the final program including the background of the manager and hunters, number of public and private properties to be used, and safety procedures that will be utilized.

You've made up your minds already. Why did you bother with the dog and pony show? Just make your decisions without listening to citizen comments.

I see your house is being showcased this Sunday, Coleen.

The dead tree is still standing. No one has accepted my invitation to see the tree that is not on my property.

Elaine Gillen

Subject: deer agenda item
From: "Lourdes M. Castellanos"
Date: 7/12/2015 12:20 AM
To: <jbendel@mtlebanon.org>, <kfraasch@mtlebanon.org>, <dbrumfield@mtlebanon.org>, <ssilverman@mtlebanon.org>, "Steven Feller" <sfeller@mtlebanon.org>, <cvuono@mtlebanon.org>

Dear Commissioners:

I support your approval of this agenda item for July 10, 2015. Please make sure you obtain enough archery permits in time to actually cull the deer in Mt. Lebanon in the near term.

Consideration of a proposal for professional deer management services.
White Buffalo, Inc. has submitted a proposal to select and train archery hunters and work with property owners on an archery hunt. The contract proposal totals $15,460.
Recommended Action: Move to authorize the proper municipal officials to enter into a contract for archery management services, with the understanding that: (a) Dr. DeNicola and Jody Maddock will follow the rigorous screening and training criteria outlined in their proposal of June 30, 2015; (b) Prior to conducting an archery hunt, representatives of White Buffalo will attend the September 8, 2015, Commission meeting to describe the details of the final program including the background of the manager and hunters, number of public and private properties to be used, and safety procedures that will be utilized.

Lourdes M. Castellanos

Subject: A Call to Reason
From: "Dr. Jason Margolis"
Date: 7/13/2015 9:42 PM
To: "commission@mtlebanon.org" <commission@mtlebanon.org>, "sfeller@mtlebanon.org" <sfeller@mtlebanon.org>

MTL Commissioners:

I am writing to strongly urge you to vote NO on the absurd proposal to use archery as a method of deer management in our parks and backyards. Such Medieval public policy will make Mt. Lebanon laughable. This time, please avert in advance a decision you will regret later.

There is a reasonable middle-ground approach to this issue, which I outline in the commentary (see below) just published in The Trib. Please consider these ideas when you vote tomorrow evening.

http://triblive.com/opinion/featuredcommentary/8715408-74/deer-lebanon-management#axzz3fpBKsUHT

Resolving Mt. Lebo's deer management | TribLIVE

The Mt. Lebanon deer-management issue is about to erupt again as the commissioners' 'cooling off' period has come to a quick end. To some, the ...

Read more...

Thanks,

Dr. Jason Margolis
Associate Professor of Education
Chair, Department of Instruction and Leadership in Education
Duquesne University
Pittsburgh, PA
Visit the DILE website: http://www.duq.edu/academics/schools/education/dile

"The well-traveled child exceeds a gray-haired person in knowledge. Knowledge does not come from age: One who travels is very knowledgeable." - Igbo Proverb

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Subject: Fwd: last night's meeting
From: Coleen Vuono <cvuono@mtlebanon.org>
Date: 7/15/2015 9:36 PM
To: Commission <commission@mtlebanon.org>, Stephen Feller <sfeller@mtlebanon.org>

---------- Forwarded message ----------
From: **Becky McDermott**
Date: Wed, Jul 15, 2015 at 6:32 AM
Subject: last night's meeting
To: cvuono@mtlebanon.org

Coleen,
I spoke at last night's meeting. You appear to be the only commissioner who clearly is in favor of an aggressive approach to reducing the deer problem.
There were so many stories from residents that clearly illustrate the severity of this problem. It amazes me that this issue is even up for debate.
If I had been the woman who had a deer come through her front door, I would have been on my commissioner's doorstep the very next day. I don't know how she kept her cool.
Why is Mt. Lebanon the only municipality that seems to have such strong opposition to a deer management program? You'd think we were talking about reducing the human population!
I understand that the vote was 4-1 in favor of the archery program. I'm sure I know who opposed it.
I don't believe that this is enough. Like you, both archery and sharp shooting should be implemented.
What else can residents do to get through to the rest of your colleagues?
Thank you.
Becky McDermott

Subject: Fwd: letter
From: Coleen Vuono <cvuono@mtlebanon.org>
Date: 7/17/2015 10:40 AM
To: Commission <commission@mtlebanon.org>, Stephen Feller <sfeller@mtlebanon.org>, Keith Mcgill <kmcgill@mtlebanon.org>

---------- Forwarded message ----------
From: **Becky McDermott**
Date: Fri, Jul 17, 2015 at 7:02 AM
Subject: letter
To: cvuono@mtlebanon.org

I submitted this letter to the PG for publishing. In case it doesn't make the cut, please share it with your colleagues. BTW, I just went down to my kitchen, looked out my back door and there were 4 deer in my yard. Please let them know that also.
Thank you for supporting an aggressive approach.
Becky McDermott

On Tuesday night, I got the opportunity along with many of my neighbors, to "comment" on Mt Lebanon's deer (mis)management program.
The comments were numerous real life accounts that illustrated the dangers these ANIMALS present including a deer breaking through the glass door of a home causing
thousands of dollars in damages. Except for a few who want to "co-exist" with deer,everyone expressed their concerns about the impact----public health, traffic accidents, financial, environmental, and personal safety.
Why should residents have to spend money on various deer sprays and devices (that are minimally effective), install expensive fences (which deer can leap over) or only grow deer resistant plants.
Who owns property and pays taxes, the deer or me?!
It should never have gotten to this point but nothing has been done to manage this problem since the last cull in 2008.
They approved an archery hunt on Tuesday night. That is something but it's not enough. Experts have told the commissioners that the most effective way to reduce the deer population is sharp shooters.
The only commissioner who supports an aggressive approach is Coleen Vuono. The others need to stop trying to please the small number of people who want to "co-exist" with deer or act as if it will be the wild, wild west if sharp shooters are brought in.
Listen to your constituents who are frustrated and tired of the needs of the deer being placed above theirs.
Grow a set and do something!
Becky McDermott

Subject: my letter to the PG
From: "Becky McDermott"
Date: 7/18/2015 6:35 AM
To: <commission@mtlebanon.org>

In case Coleen hasn't had a chance to forward this, I thought I would. I have shared the letter with a number of my neighbors
who wholeheartedly agree.

Coleen,
I submitted this letter to the PG for publishing. In case it doesn't make the cut, please share it with your colleagues. BTW, I just went down to my kitchen, looked out my back door and there were 4 deer in my yard. Please let them know that also.
Thank you for supporting an aggressive approach.
Becky McDermott

On Tuesday night, I got the opportunity along with many of my neighbors, to "comment" on Mt Lebanon's deer (mis)management program.
The comments were numerous real life accounts that illustrated the dangers these ANIMALS present including a deer breaking through the glass door of a home causing
thousands of dollars in damages. Except for a few who want to "co-exist" with deer,everyone expressed their concerns about the impact----public health, traffic accidents, financial, environmental, and personal safety.
Why should residents have to spend money on various deer sprays and devices (that are minimally effective), install expensive fences (which deer can leap over) or only grow deer resistant plants.
Who owns property and pays taxes, the deer or me?!
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They approved an archery hunt on Tuesday night. That is something but it's not enough. Experts have told the commissioners that the most effective way to reduce the deer population is sharp shooters.
The only commissioner who supports an aggressive approach is Coleen Vuono. The others need to stop trying to please the small number of people who want to "co-exist" with deer or act as if it will be the wild, wild west if sharp shooters are brought in.
Listen to your constituents who are frustrated and tired of the needs of the deer being placed above theirs.
Grow a set and do something!
Becky McDermott

Subject: FW: Please see attached.
From: "Nita M. Fandray"
Date: 7/14/2015 4:58 PM
To: <commission@mtlebanon.org>, <sfeller@mtlebanon.org>

From: Nita M. Fandray [mailto:nita14@verizon.net]
Sent: Tuesday, July 14, 2015 4:53 PM
To: 'commissioners@mtl.org'
Cc: 'sfeller@mtl.org'; 'philip.weis@bipc.com'
Subject: Please see attached.

I drafted this press release and circulated it. Please do not force any more people to move from here because of bullets and arrows. I am embarrassed to say that I live here. If you continue to kill deer based on the 8% of deer-related vehicular accidents and simultaneously ignore the other 92%, your reputations and Mt. Lebanon's, within and outside the community, will continue to decline. Mt. Lebanon has the highest population density of ALL the other towns that kill for recreation. We have researched it and have the figures available, at your request. Our children are at grave risk.

I will not stop drafting press releases and op-eds detailing your gross incompetence. I will hold you and your hired killers to the letter of the law, just like I did during the last kill. You will have yet another battle on your hands and a big one, at that. I will follow and critique your misguided, meritless decisions as you remain on the commission. Strangely, you call yourself Democrats. If you want to find out what a REAL Democrat is like, follow me around.

Sincerely,

Nita Fandray

—Attachments:

cfcpr.docx 32.1 KB

FOR IMMEDIATE RELEASE:

Monday, July 13, 2015

The newly formed Mt. Lebanon Coalition for Coexistence is marking territory throughout the municipality. An advocacy group and progressive think tank, the Coalition opposes violence and objects to municipal-sponsored deer killing in Mt. Lebanon's public spaces and private property. The group, which is comprised of Mt. Lebanon stakeholders, claims that its growing solidarity stems from residents' dismay over the municipal government's preoccupation with pursuing violent remedies to an unproven problem with the White-Tailed Deer living in the community.

On Friday, the municipality announced that tomorrow evening's commission meeting will include Commissioner Steve Silverman's recommendation of a proposal to hire professional killers, once again, to eliminate Mt. Lebanon deer. The proposal, dated June 30, 2015, has not been made available to the public. Nor has the municipal government mentioned an issuance of a request for proposals that has historically preceded any proposal submissions. The Mt. Lebanon Commission consists of five registered Democrats.

According to the Coalition, Mt. Lebanon residents are still reeling in the wake of the horrific, inhumane, municipal-sponsored deer killing in public parks last spring. Undeterred, in late June, the government invited a small panel to speak to the commissioners about various ways to solve the perceived deer problem facing Mt. Lebanon. Together, two of those speakers submitted the June 30 proposal that will involve the use of bows and arrows to kill deer on public and private property. If the Commissioners have their way, "recreational archery" soon will take the place of recreation in Mt. Lebanon.

While urging the commissioners to reconsider using lethal weapons on Mt. Lebanon deer, the number of which is anyone's guess, the Coalition promotes non-violence, including deer sterilization or birth control programs. Further, the group suggests that no additional action be taken until the government provides competent evidence to support its position that deer pose significant problem. Mt. Lebanon officials cite deer/vehicular accidents as the driving force behind their sponsored deer kills.

The Coalition's general mission is threefold. First, the group asks the commissioners to take a step back from a decision to sponsor another violent operation and, instead, take a realistic look at the statistics regarding vehicular accidents. According to Mt. Lebanon's most recent published statistics, deer related vehicle encounters amounted to only nine percent of the total vehicular accidents in 2014. The Coalition for Coexistence questions the government's insistence on continually expending enormous amounts of municipal time and resources only to ultimately reduce that already low percentage by half, or to approximately four percent. And, the Coalition finds it staggering that reasons and proposed solutions for the 91% of <u>non-deer</u> related accidents evidently are not on the commissioners' radar screens.

Second, the Coalition expects to be a positive force in steering the community away from its culture of violence. Recalling Mt. Lebanon's former stellar reputation, the group represents a weary population, growing increasingly tired of the municipal government's apparent obsession with killing. The commissioners seem to thrive on the negative energy that has pitted neighbors against neighbors and has thrust the community's dark side into the media spotlight. The Coalition views public parks and places as contaminated by municipal-sponsored deer kills and is optimistic that residents will begin to mend fences for the purpose of restoring Mt. Lebanon to its previous posture of stability and character.

Finally, but equally important, the Coalition for Coexistence contends that public safety issues and population density statistics necessarily prohibit the use of archery or firearms for the purpose of killing deer within its borders. The two contractors who submitted the June 30 proposal, both professional killers, conceded at last month's panel presentations that Mt. Lebanon poses difficult challenges to any future deer killing operation. But the commissioners continue to show a complete lack of regard for the health and welfare for the community-at-large.

Several residents plan to represent the Coalition for Coexistence at tomorrow evening's scheduled meetings of the Mt. Lebanon Commission, at 6:30 and 8 PM. Instead of its usual venue, the commission will meet tomorrow at the Mt. Lebanon High School's fine arts theater, located on Cochran Road.

####

For confirmation, please contact Nita M. Fandray, a media relations member of the Coalition for Coexistence, at

The above release consists of two (2) pages.

Subject: Re: Hunting
From: Keith Mcgill <kmcgill@mtlebanon.org>
Date: 7/17/2015 8:07 AM
To: Coleen Vuono <cvuono@mtlebanon.org>
CC: Stephen Feller <sfeller@mtlebanon.org>

Good morning Coleen,

The information you requested is attached. It can be found on page two. We are in WMU (Wildlife Management Unit) 2B.

Essentially Archery Season is September 19 - Nov 28th and Dec 26th - Jan 23rd.
Gun- November 30th - Dec 12th
Flintlock - Dec 23rd - Jan 23rd.

As to your second question there is no season for sharpshooting. Sharpshooting requires a control permit issued by the Game Commission. These type of permits are typically issued to begin no sooner than the end of hunting season. Sharpshooting is typically done for a much shorter duration. 20 nights is what is in the proposal from USDA Wildlife Services.

Please let me know if you have any other questions.

Keith

On Thu, Jul 16, 2015 at 9:01 PM, Coleen Vuono <cvuono@mtlebanon.org> wrote:

> Hi Keith,
> For my information...
> What are the dates for the different hunting seasons in PA?
> John told me that sharpshooters could not start a cull until January. Is that the beginning of their hunting seasons?
> What are the different dates for the different types of hunting?
> Thanks
> Coleen

--

Keith McGill, AICP
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—Attachments:

PA Game Commission Hunting Seasons and Bag Limits 2015-2016.pdf 219 KB

2015-16 Hunting Seasons and Bag Limits

These are the seasons and bag limits for most hunting and trapping seasons from July 1, 2015 through June 30, 2016.

Downloadable Calendar of PA Hunting & Trapping Seasons

SQUIRRELS, Red, Gray, Black and Fox (Combined): Special season for eligible junior hunters, with or without required license, and mentored youth – Oct. 10-16 (6 daily, 18 in possession limit after first day).

SQUIRRELS, Red, Gray, Black and Fox (Combined): Oct. 17-Nov. 28; Dec. 14-24 and Dec. 26-Feb. 29 (6 daily, 18 possession).

RUFFED GROUSE: Oct. 17–Nov. 28, Dec. 14-24 and Dec. 26-Jan. 23 (2 daily, 6 possession).

RABBIT (Cottontail) Special season for eligible junior hunters, with or without required license: Oct. 10-17 (4 daily, 12 possession).

RABBIT (Cottontail): Oct. 24-Nov. 28, Dec. 14-24 and Dec. 26-Feb. 29 (4 daily, 12 possession).

PHEASANT: Special season for eligible junior hunters, with or without required license – Oct. 10-17 (2 daily, 6 in possession). Male pheasants only in WMUs 2A, 2C, 4C, 4E, 5A and 5B. Male and female pheasants may be taken in all other WMUs. There is no open season for the taking of pheasants in any Wild Pheasant Recovery Areas in any WMU.

PHEASANT: Male only in WMUs 2A, 2C, 4C, 4E, 5A and 5B. Male and female may be taken in all other WMUs – Oct. 24-Nov. 28, Dec. 14-24 and Dec. 26-Feb. 29 (2 daily, 6 in possession). There is no open season for the taking of pheasants in any Wild Pheasant Recovery Areas in any WMU.

BOBWHITE QUAIL: Oct. 24-Nov. 28 (4 daily, 12 possession). **(Closed in 5A, Open in all other WMUs.)**

HARES (SNOWSHOE RABBITS) OR VARYING HARES: Dec. 26–Jan. 1, in all WMUs except WMUs 3B, 3C and 3D, where season will run from Dec. 26-29 (1 daily, 3 possession).

WOODCHUCKS (GROUNDHOGS): No closed season, except on Sundays and during the regular firearms deer seasons. No limit.

PORCUPINES: Sept. 1-March 31, except during overlap with the regular firearms deer season. (3 daily, season limit of 10).

CROWS: July 3-April 10, on Friday, Saturday and Sunday only. No limit.

STARLINGS AND ENGLISH SPARROWS: No closed season, except during the antlered and antlerless deer season. No limit.

WILD TURKEY (Male or Female): WMU 1B – Oct. 31-Nov. 7 and Nov. 26-28; **WMU 2B (Shotgun and bow and arrow)** – Oct. 31-Nov. 20 and Nov. 26-28; **WMUs 1A, 2A, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B and 4D**– Oct. 31-Nov. 14 and Nov. 26-28; **WMUs 2C, 4C and 4E** – Oct. 31-Nov. 20 and Nov. 26-28; **WMU 5A** – Nov. 5-7; **WMUs 5B, 5C and 5D** – CLOSED TO FALL TURKEY HUNTING.

SPRING GOBBLER (Bearded bird only): Special season for eligible junior hunters, with required license, and mentored youth – April 23, 2016. Only 1 spring gobbler may be taken during this hunt.

SPRING GOBBLER (Bearded bird only): April 30-May 31, 2016. Daily limit 1, season limit 2. (Second spring gobbler may be only taken by persons who possess a valid special wild turkey license.) From April 30-May 14, legal hunting hours are one-half hour before sunrise until noon; from May 16-31, legal hunting hours are one-half hour before sunrise until

one-half hour after sunset.

BLACK BEAR (Statewide) Archery: Nov. 16-20. Only 1 bear may be taken during the license year.

BLACK BEAR (Statewide): Nov. 21-25. Only 1 bear may be taken during the license year.

BLACK BEAR (WMUs 2C, 4B, 4C, 4D and 4E): Dec. 2-5. Only 1 bear may be taken during the license year.

BLACK BEAR (WMUs 2B, 5B, 5C and 5D): Nov. 30-Dec. 12. Only 1 bear may be taken during the license year.

BLACK BEAR (WMUs 3A, 3B, 3C and 3D): Nov. 30-Dec. 5. Only 1 bear may be taken during the license year.

BLACK BEAR (WMUs 2B, 5C and 5D) archery: Sept. 19-Nov. 14. Only 1 bear may be taken during the license year.

BLACK BEAR (WMU 5B) archery: Oct. 3-Nov. 14. Only 1 bear may be taken during the license year.

BLACK BEAR (WMUs 2B, 5B, 5C and 5D) muzzleloader: Oct. 17-24. Only 1 bear may be taken during the license year.

BLACK BEAR (WMUs 2B, 5B, 5C and 5D) special firearms: Oct. 22-24, for junior and senior license holders, disabled hunters with a permit to use a vehicle as a blind and resident active duty military.

ELK (Antlered or Antlerless): Nov. 2-7. Only one elk may be taken during the license year.

ELK, EXTENDED (Antlered and Antlerless): Nov. 9-14. Only one elk may be taken during the license year. Eligible elk license recipients who haven't harvested an elk by Nov. 8, in designated areas.

DEER, ARCHERY (Antlered and Antlerless) WMUs 2B, 5C and 5D: Sept. 19- Nov. 28 and Dec. 26-Jan. 23, 2016. One antlerless deer with each required antlerless license. One antlered deer per hunting license year.

DEER, ARCHERY (Antlered and Antlerless) Statewide: Oct. 3-Nov. 14 and Dec. 26-Jan. 9. One antlered deer per hunting license year. One antlerless deer with each required antlerless license.

DEER (Antlered and Antlerless) WMUs 2B, 5A, 5B, 5C and 5D: Nov. 30-Dec. 12. One antlered deer per hunting license year. An antlerless deer with each required antlerless license. GUN

DEER (Antlered Only) WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E: Nov. 30-Dec. 4. One antlered deer per hunting license year. *(Holders of valid DMAP antlerless deer permits may harvest antlerless deer on DMAP properties during this period.)*

DEER (Antlered and Antlerless) WMUs 1A, 1B, 2A, 2C, 2D, 2E, 2F, 2G, 2H, 3A 3B, 3C, 3D, 4A, 4B, 4C, 4D and 4E: Dec. 5-12. One antlered deer per hunting license year. An antlerless deer with each required antlerless license.

DEER, ANTLERLESS (Statewide): Oct. 22-24. Junior and Senior License Holders, Mentored Youth Permit Holders, Disabled Person Permit (to use a vehicle) Holders, and Pennsylvania residents serving on active duty in U.S. Armed Services or in the U.S. Coast Guard only, with required antlerless license. Also included are persons who have reached or will reach their 65th birthday in the year of the application for a license and hold a valid adult license, or qualify for license and fee exemptions under section 2706. One antlerless deer with each required antlerless license.

DEER, ANTLERLESS MUZZLELOADER (Statewide): Oct. 17-24. An antlerless deer with each required antlerless license.

DEER, ANTLERED OR ANTLERLESS FLINTLOCK (Statewide): Dec. 26-Jan. 9. One antlered deer per hunting license year, or one antlerless deer and an additional antlerless deer with each required antlerless license.

DEER, ANTLERED OR ANTLERLESS FLINTLOCK (WMUs 2B, 5C, 5D): Dec. 26-Jan. 23. One antlered deer per hunting license year, or one antlerless deer and an additional antlerless deer with each required antlerless license.

DEER, ANTLERLESS EXTENDED REGULAR FIREARMS: (Allegheny, Bucks, Chester, Delaware, Montgomery and Philadelphia counties): Dec. 26-Jan. 23. An antlerless deer with each required antlerless license.

DEER, ANTLERLESS (Military Bases): Hunting permitted on days established by the U.S. Department of the Army at Letterkenny Army Depot, Franklin County; New Cumberland Army Depot, York County; and Fort Detrick, Raven Rock Site, Adams County. An antlerless deer with each required antlerless license.

2015-16 FURBEARER HUNTING SEASONS

COYOTES: No closed season. Unlimited. Outside of any big game season (deer, bear, elk and turkey), coyotes may be taken with a hunting license or a furtaker license, and without wearing orange. During any big game season, coyotes may be taken while lawfully hunting big game or with a furtaker license.

RACCOONS and FOXES: Oct. 24–Feb. 20, unlimited.

OPOSSUM, STRIPED SKUNKS and WEASELS: No closed season, except Sundays. No limits.

BOBCAT (WMUs 2A, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E): Jan. 16-Feb. 9. One bobcat per license year. Licensed furtakers may obtain one permit each.

2015-16 TRAPPING SEASONS

MINKS and MUSKRATS: Nov. 21–Jan. 10. Unlimited.

COYOTES, FOXES, OPOSSUMS, RACCOONS, STRIPED SKUNKS and WEASELS: Oct. 25–Feb. 21. No limit.

COYOTES and FOXES (Statewide) Cable Restraints: Dec. 26-Feb. 21. No limit. Participants must pass cable restraint certification course.

BEAVERS (Statewide): Dec. 26–March 31 (Limits vary depending on WMU).

BOBCATS (WMUs 2A, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E): Dec. 19-Jan. 10.

One bobcat per license year. Licensed furtakers may obtain one permit each.

FISHERS (WMUs 1B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4D and 4E): Dec. 19-24. One fisher per license year. Licensed furtakers may obtain one permit each.

RIVER OTTERS (WMUs 3C and 3D): Feb. 21-23, 2016. One river otter per license year. Licensed furtakers may obtain one permit each.

2015-16 FALCONRY SEASONS

SQUIRRELS (combined), BOBWHITE QUAIL, RUFFED GROUSE, COTTONTAIL RABBITS, Sept. 1-March 31, 2016.

SNOWSHOE OR VARYING HARES, RINGNECK PHEASANTS (Male or Female combined): Sept. 1-March 31. Daily and Field Possession limits vary. (Migratory game bird seasons and bag limits for falconers will be set in accordance with federal regulations in August.)

No open season on other wild birds or mammals.

Waterfowl and Migratory Game Bird seasons to be established in accordance with federal regulations this summer.

Subject: Deer Solution (Volunteer Property Usage for Culling/Archery/)
From: Haya Eason <heason@mtlebanon.org>
Date: 7/16/2015 10:11 AM
To: Micki Cantine <mcantine@mtlebanon.org>, Julie Garrubba <jgarrubba@mtlebanon.org>, Teri Romani-Corbin <tromani@mtlebanon.org>
CC: Keith Mcgill <kmcgill@mtlebanon.org>

Ladies,

I spoke with Keith yesterday as I had a call from a resident who wanted to volunteer their property. He said to take the resident's info and once a process has been put in place someone will contact them. I have been taking their name, address, phone number and as of today and email address, too and giving it to him.

Haya

Subject: Fwd: informational meetings
From: Susan Morgans <smorgans@mtlebanon.org>
Date: 7/29/2015 7:33 PM
To: Web Requests <webrequests@mtlebanon.org>

Sent from my iPhone

Begin forwarded message:

From: _____
Date: July 29, 2015 at 6:25:00 PM EDT
To: smorgans@mtlebanon.org
Cc: commission@mtlebanon.org, sfeller@mtlebanon.org
Subject: Fwd: informational meetings

Susan,
For accuracy, please change the date when you update the website. The date shows July 23, 2015 on the Deer "Management" Update, but the information has changed since I emailed the commissioners yesterday about this. This is not what appeared on the website yesterday.
Thank you.
Elaine Gillen

-----Original Message-----
From:
To: commission <commission@mtlebanon.org>
Sent: Wed, Jul 29, 2015 5:52 pm
Subject: informational meetings

From the Mt. Lebanon website:

White Buffalo Inc. needs more residents to donate their private properties for the program. Informational meetings will be held in the commission chamber of the municipal building Saturday, August 15, at 10 a.m. and Monday, August 17, at 7 p.m. Resident also may contact White Buffalo directly by emailing tony.denicola@whitebuffaloinc.org or applying online at http://www.whitebuffaloinc.org/#!contact/c1z0x. Please type "Mt. Lebanon Archery Program" in the subject line of the online form and complete the rest of the information requested. Properties in dense residential areas with few trees will not be suitable for the program. Please do not contact Mt. Lebanon Municipality directly.

Commissioners,
Is this a public meeting? Will there be a quorum? Will the meeting be recorded? Who will be presenting?
Thanks for any information you can share.

Elaine Gillen

Subject: Re: Weekly Report
From: Susan Morgans <smorgans@mtlebanon.org>
Date: 7/30/2015 10:19 AM
To: Nicholas Sohyda <nsohyda@mtlebanon.org>

Public Information (take your pick, Nick)

We are working with White Buffalo to get correct information out to the public regarding volunteering private properties for the fall archery hunt.

We are working with the historic preservation board and the consultants in preparation for the August 13 meeting on the proposed Virginia Manor Historic District.

We are completing a video of the new high school that will accompany our September magazine issue, which will feature the school.

Susan Morgans has been elected secretary of the Press Club of Western Pennsylvania.

On Thu, Jul 30, 2015 at 9:39 AM, Nicholas Sohyda <nsohyda@mtlebanon.org> wrote:

> If you have not done so, please send me your weekly report by noon today.
>
> Thanks
>
> --
> Nicholas W. Sohyda
> Fire Chief, EFO, CFO
> Mt. Lebanon Fire Department
> Internationally Accredited Agency
> ISO Class 1 Fire Department
> 555 Washington Road
> Pittsburgh, PA 15228
> 412-343-3402
> facebook.com/mtlebanonfire
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Anthony J. DeNicola Ph.D. | President | White Buffalo Inc.
| tony.denicola@whitebuffaloinc.org
Find Us: whitebuffaloinc.org | Facebook | LinkedIn

Subject: Deer management
From: Keith Mcgill <kmcgill@mtlebanon.org>
Date: 7/22/2015 4:37 PM
To: "Fleegle, Jeannine" <jefleegle@pa.gov>
CC: ceyler@pa.gov

Good afternoon Jeannine,

I just wanted to keep you up to date as to where the municipality is on the issue of deer management.

Attached is the information that I will be posting on our website later this week as well as a copy of the proposal from White Buffalo that was accepted by the Municipality.

Thanks again for all your assistance and I will continue to keep you up to date on deer management efforts in Mt. Lebanon.

Keith

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Keith McGill, AICP
Municipal Planner
412-343-3684
kmcgill@mtlebanon.org

—Attachments:

DEER MANAGENENT UPDATE.docx	13.0 KB
Agreement for professional services Deer Management White Buffalo, Inc.pdf	318 KB

Subject: Deer Management PowerPoint
From: Keith Mcgill <kmcgill@mtlebanon.org>
Date: 6/23/2015 3:33 PM
To:

Matt,

As we discussed.

Thanks,
Keith

--
Keith McGill, AICP
Municipal Planner
412-343-3684
kmcgill@mtlebanon.org

—Attachments:

Deer Management Powerpoint Final.pptx 166 KB

Deer Management

In Mt. Lebanon

June 22, 2015
6:00 P.M. Mount Lebanon High School
Fine Arts Theater
155 Cochran Road, Pittsburgh, PA 15228
Commissioner Work Session and Discussion on
A Goal to Improve Deer Management

Speakers: Keith McGill, Municipal Planner
Jeannine Fleegle, PA Game Commission
Jody Maddock, Director of Campus Services, Bryn Athyn College
Dr. Anthony DeNicola, White Buffalo, Inc.

Agenda:

1. General overview of deer management in Mt. Lebanon and Upper St. Clair — Brief history, reports/statistics, deer/vehicular collisions, (Keith McGill, Municipal Planner)

2. General problems with deer, Pennsylvania Game Commission approach, where to get accurate i need for a management plan and why deer numbers are not appropriate for management deci these areas. (Jeannine Fleegle, Wildlife Biologist, Pennsylvania Game Commission)

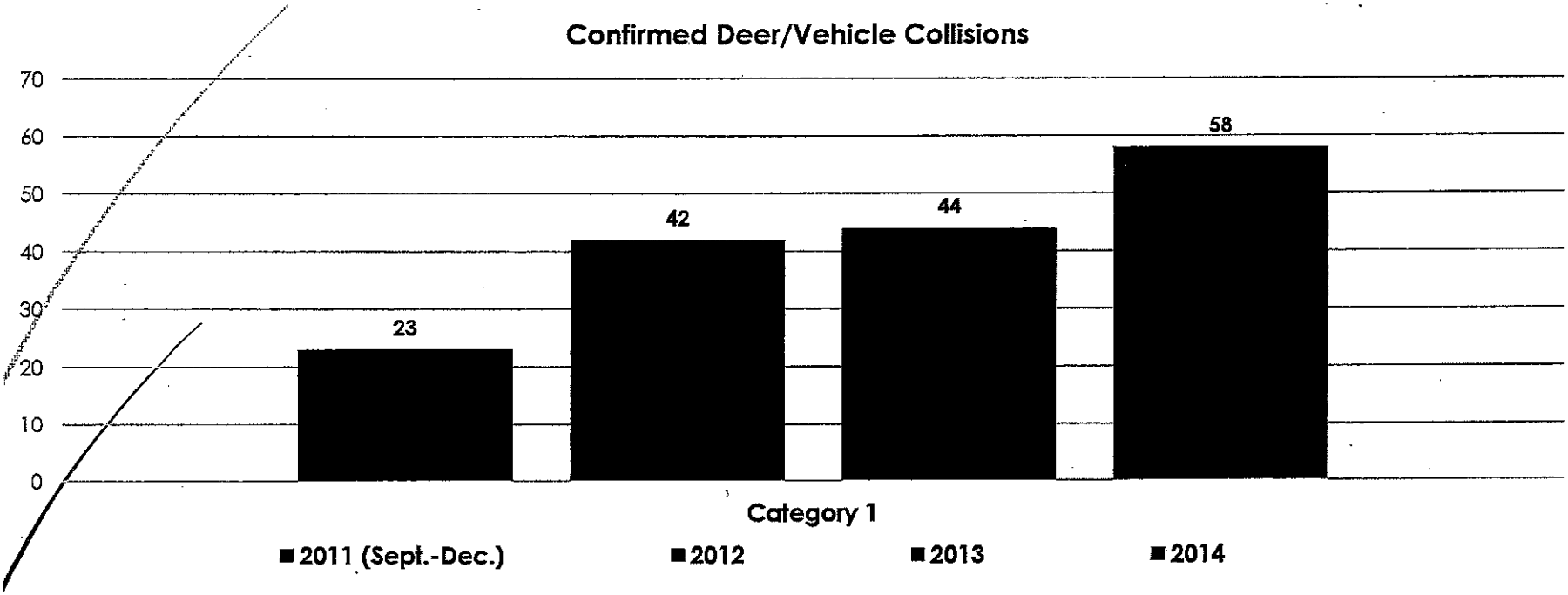
3. Development of a deer management plan and discussion of suburban "managed hunts" utilizing recreational archers (Jody Maddock, Director of Campus Services, Bryn Athyn College)

4. Sterilization/contraception, costs/issues, status of response to previous PGC questions and other de management issues, (Dr. Anthony DeNicola, Founder/President, White Buffalo Inc.)

5. Commission Q & A

6. Commission discussion on next steps.

Deer Management Overview 2015

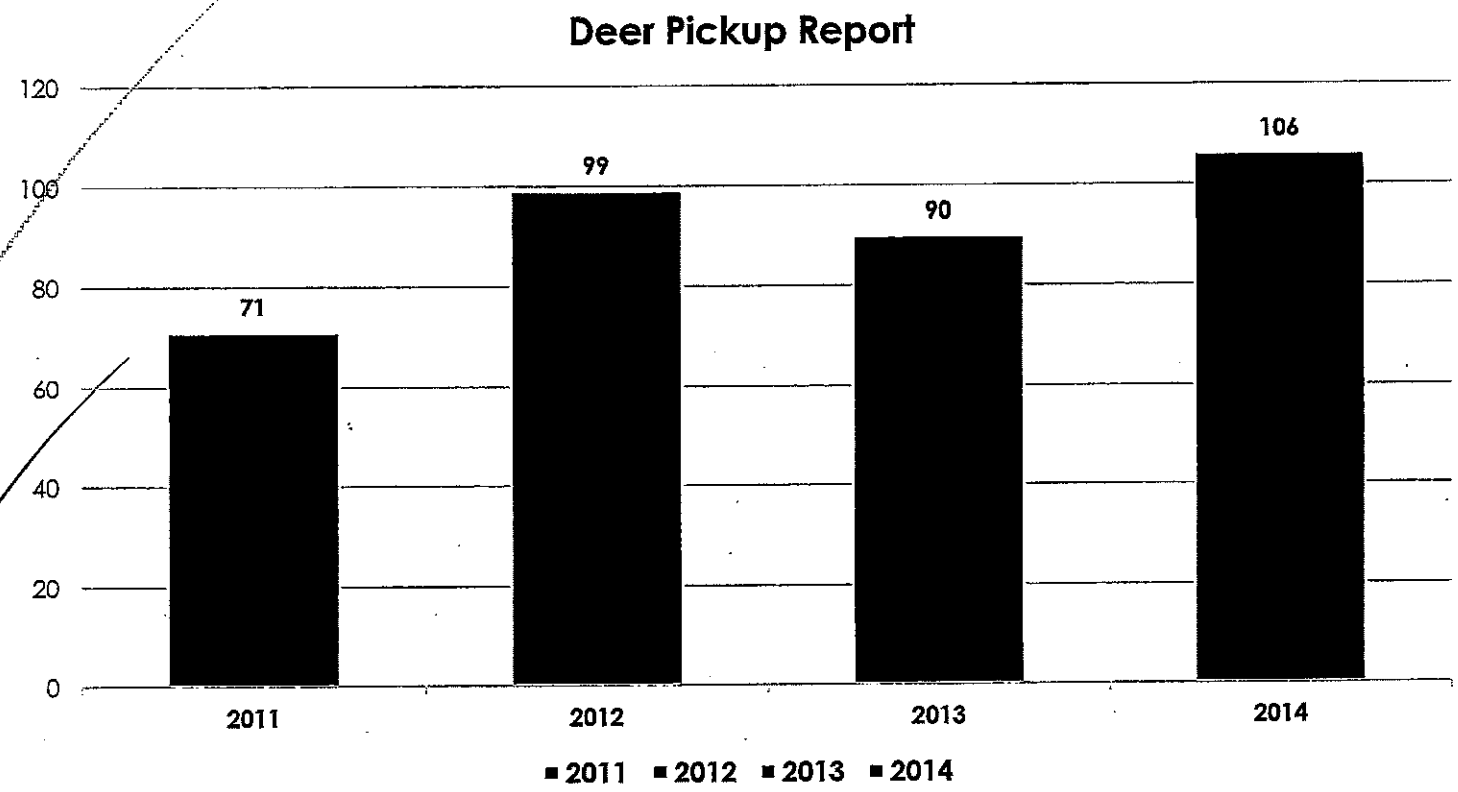


Source: Mt. Lebanon Police Department

. Lebanon is interested in a comprehensive deer management program, the goal of ıich is to ***reduce deer/vehicular collisions*** within the municipality by 50% within five years

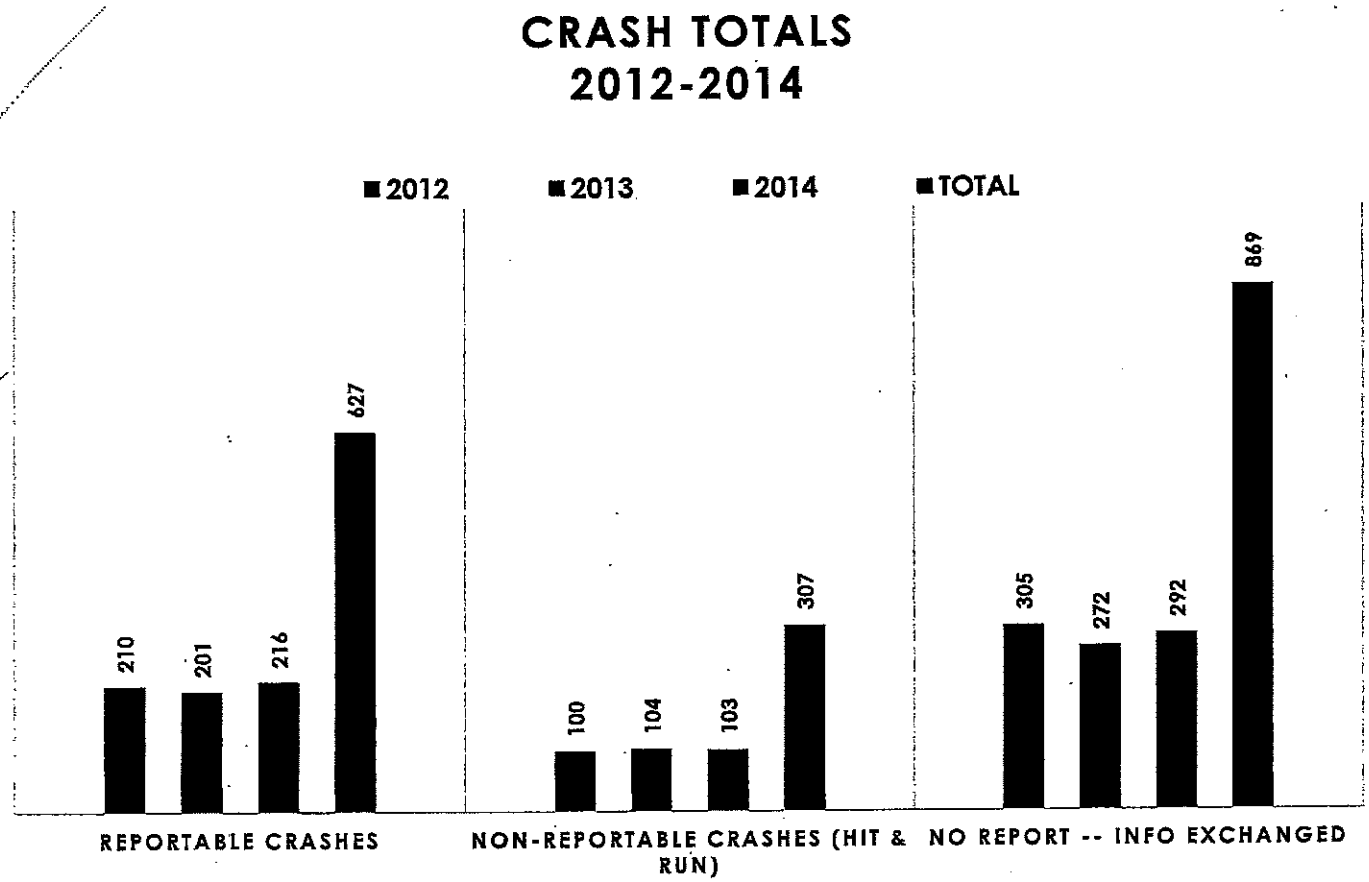
onfirmed deer/vehicular collisions only count those incidents in which the police ·partment has definitive proof that a car and a deer are involved.

Deer Management Overview 2015



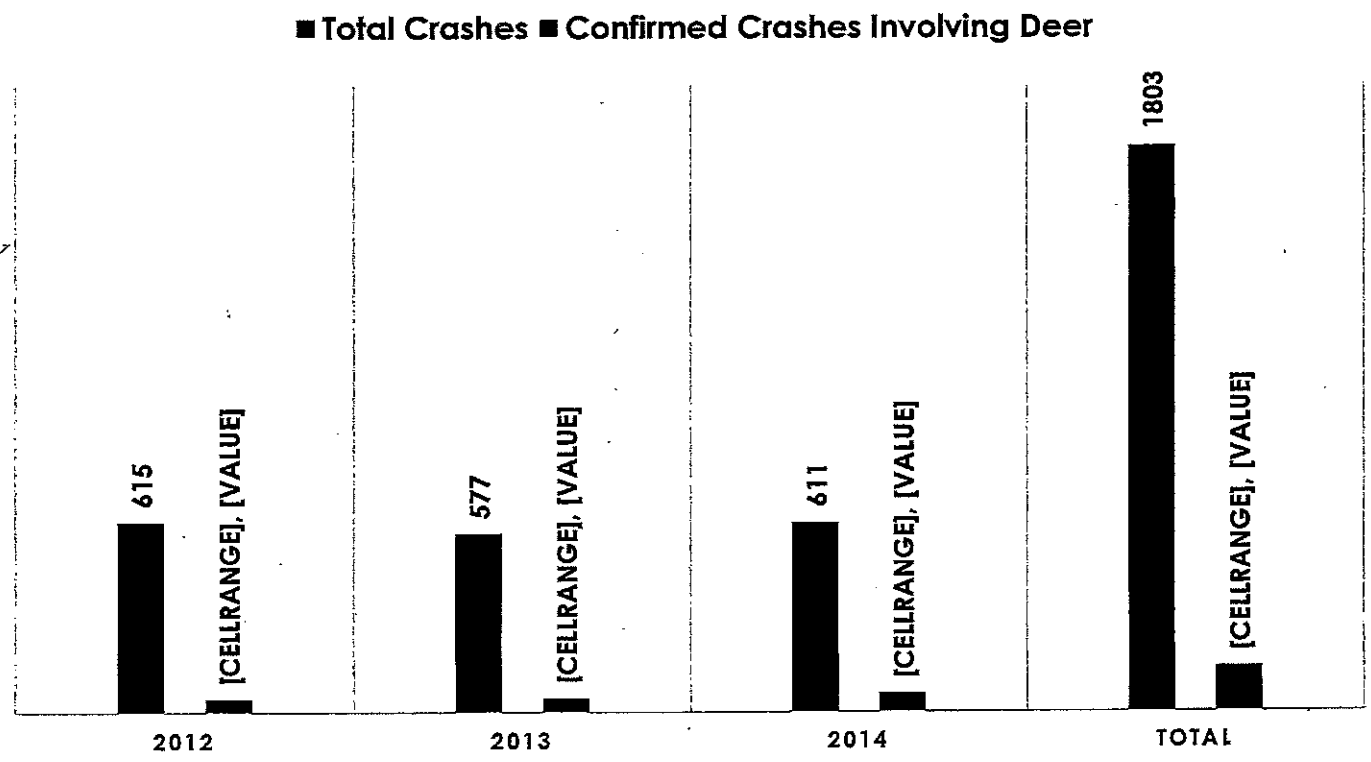
- South Hills Community Animal Control has picked up **366** dead deer in Mt. Lebanon in the last four years.

Deer Management Overview 2015



- Total vehicular collisions by year, as per Mt. Lebanon Police Department.

Deer Management Overview 2015



- Total vehicular collisions by year, as per Mt. Lebanon Police Department.

Management Options

Non-removal deer management methods:

- Take no action
  - Outcome: population continues to increase
- Deer crossing signs
  - 28 deer crossing signs have been installed on state, county and local roads based on accident or dec deer pickup history.
  - 2 additional locations have been identified on state (2) roads and requests for installation at these locations has been submitted.
- Deterrents
  - Deterrents include scare devices using motion, auditory deterrents using sound and visual deterrents including flashing or strobe lights. Deterrents can be effective at deterring deer damage initially but because of their adaptable nature deer quickly become habituated to deterrents.

Management Options

- Non-removal deer management methods:
  - Public Education
    - Sandy Baker retained by the municipality to provide a series of presentations and to speak with residents and elected officials about deer deterrent strategies as part of a comprehensive deer management plan. (April 25-27, 2015)
    - Deer Forum: In June of 2014 a deer forum was held and included District Justice Blaise Larotonda (moderator), Dr. Anthony DiNicola (White Buffalo), Jeannine Fleegle (PA Game Commission), Laura Simon (Humane Society of the United States) Tom Kelley (Mt. Lebanon Public Works Director), Sandy Feather (Penn State Cooperative) and Lt. Aaron Lauth (MLPD). Panelists were asked a series of questions on the issue of deer.
    - Commission Discussion sessions and meetings. The issue of deer management has been discussed at numerous Commission Discussion and Regular meetings over the past several years.
    - Municipal Website: information, reports, articles and more are available on the municipal website.

Management Options

- Non-removal deer management methods:
  - Landscaping alternatives
    - The municipality has been provided and posted a selection of unpalatable (less preferred) herbace and woody plans to reduce deer browsing on ornamentals. *(Penn State Extension Deer Resistant Plants) *Municipal Planting Areas*
  - Ban on deer feeding
    - Ordinance #3212 was enacted in June 2012 prohibiting feeding deer. Enforcement is through the Inspection Office when a complaint is received.
  - Repellents
    - A list of products that may be applied to plants to reduce attractiveness or palatability posted on municipal website. *(Alabama Cooperative Extension)*
  - Fencing
    - As provided by the Mt. Lebanon Zoning Ordinance

Management Options

- Non-removal deer management methods:
  - Fertility Control
    - Use of contraceptive drug, vaccine or surgery to reduce reproductive rate of deer population. Application submitted to PA Game Commission (PGC) by the municipality.
  - Trap and Relocate
    - Currently ***not*** approved for use in any area in Pennsylvania. (*A guide to Community Deer Managem in Pennsylvania Version 2.4 May 2014 PGC Deer and Elk Section*)

Management Options

- Non-removal deer management methods:

Non-removal deer management methods	
Municipal	**Resident**
Deer crossing signs	Landscaping alternatives
Public education	Repellents
Landscaping alternatives	Fencing
Ban on deer feeding	
Fertility control *(permit required)*	

Management Options

- Removal deer management methods:
  - Predator Reintroduction
    - Reintroduction of deer predators into an area
      - ***Not*** approved for any area in Pennsylvania (*A guide to Community Deer Management in Pennsylvania Versior 2.4 May 2014* ***P****ennsylvania* ***G****ame* ***C****ommission Deer and Elk Section*)
  - Hunting
    - By licensed sportsman within the community as defined by the PGC. Regulations set forth each year. *(Requires a license but no permit from the PGC.)*
  - Community-managed hunts
    - Hunting by licensed sportsmen within the PGC regulations with increased restrictions defined by the community or landowner. *(Requires a license, but no permit, from the PGC.)*
  - Deer control permits
    - Permitted control agent hired to remove deer from specified areas within the community. *(Requires a permit from the PGC.)*

Management Options

- Mt. Lebanon deer control permits:
  - 2005
    - Representatives from PGC and Whitetail Management Associates attended Commission discussion sessions and provided an overview of how archery hunting could be implemented in Mt. Lebanon parks; Commission decided not to pursue bow hunting.*
  - 2007
    - The municipality executed a cooperative service agreement with USDA Wildlife Services permitting removal by sharpshooting, or capture and euthanasia. All activities were conducted between 9 p.m and 6 a.m. 79 deer were culled.*
  - 2008
    - In October 2007 the Commission extended the culling program from November 2007 through September 2008; 146 deer were culled.*

**2012 Mt. Lebanon Deer Management Status Report*

Management Options

- Mt. Lebanon deer control permits:
  - 2014
    - The PGC issued a permit to Mt. Lebanon to capture and euthanize to reduce deer population.
    - Wildlife Specialists was contracted to cull up to 150 deer at $500/deer in five public park areas.
    - Six deer were culled.

Management Options

- Mt. Lebanon deer control permits:

Removal deer management methods	
Municipal	Resident
Hunting	Hunting
Community managed hunts	
Deer control permit issued by PGC	

Management Options

- Deer density:
  - 2014
    - 342 – February 2013 infrared flyover
    - 193 – February 2014 infrared flyover
      (Vision Air Research, Inc.)

According to the 2009-2018 Game Commission Whitetail Deer Management Plan deer management objectives are no longer defined by deer densities. Deer management is defined instead by measures deer health, forest habitat health and deer-human health conflict.

A deer population estimate is NOT a requirement for the issuance of a deer control permit (PGC)

Management Options

2015 Budget	$75,400	As of 5/20/15 (Finance Department)
Expenditures	475	Deer crossing signs
	3,000	Wildlife Specialists
	2,500	Sandy Baker (estimate)
Remaining	$69,825	

Management Options

- Other Issues:
  - Lyme Disease and Deer
    - Deer are a dead-end host for the Lyme disease bacteria. They do not infect ticks and the bacteria tl cause Lyme disease, nor do they contract the disease when an infected tick feeds on them. They pl no direct role in the transmission cycle. Tick populations are not affected by deer abundance unless deer are eradicated or severely reduced. ***(PGC Lyme Disease & Deer Revelation or Red Herring)***
  - Reproduction
    - Removing deer from a healthy population will ***not*** increase reproductive rates of the remaining deer Deer in Pennsylvania breed once a year; average reproductive rate for adult doe in PA is 1.8 fawns/adult doe with 15% producing one fawn; 79% producing twins; 6% producing triplets. Reproduction in females is already close to maximum. ***(PGC Deer and Deer Management in Develop Areas Facts and Fiction)***

Management Options

- Other Issues:
  - Sterilization/Contraception
    - Recent field studies suggest that sterilization of female deer remains expensive. Sterilization may provide an alternative management technique for reducing suburban deer herds in communities willing to endure the costs of a long-term effort and where lethal deer removal is unacceptable or impractical. **Surgical sterilization is scale-limited based on the ability to capture and sterilize a significant percentage of the female deer in a population and maintain that proportion of the population treated over time.**
    - Overall success will be greatest for closed or insular deer herds where the effects of immigration can minimized. ***(Human-Wildlife Interactions 6(2): 273-282, Fall 2012 Sterilization as an alternative deer control technique; a review)***

Whitetail Deer Management in Upper St. Clair

- On **August 3, 1998**, after considerable public input, the Upper St. Clair (USC) Board of Commissioners adopted parameters for its Whitetail Deer Management Program.
- The Board's first action to initiate the program was to authorize a controlled archery hunt at Boyce-Mayview Park.
- "In spite of various deer management initiatives the number of deer-vehicle collisions within USC Township continues to be relatively high." ***(Township of Upper St. Clair 2003 Executive Report on Deer management initiatives April 26, 2004)***
- The report examines the efficacy of the Deer Management Program in USC and attempts to determine next steps to contend with the issue of public safety raised by the high incidence of deer vehicular collisions.

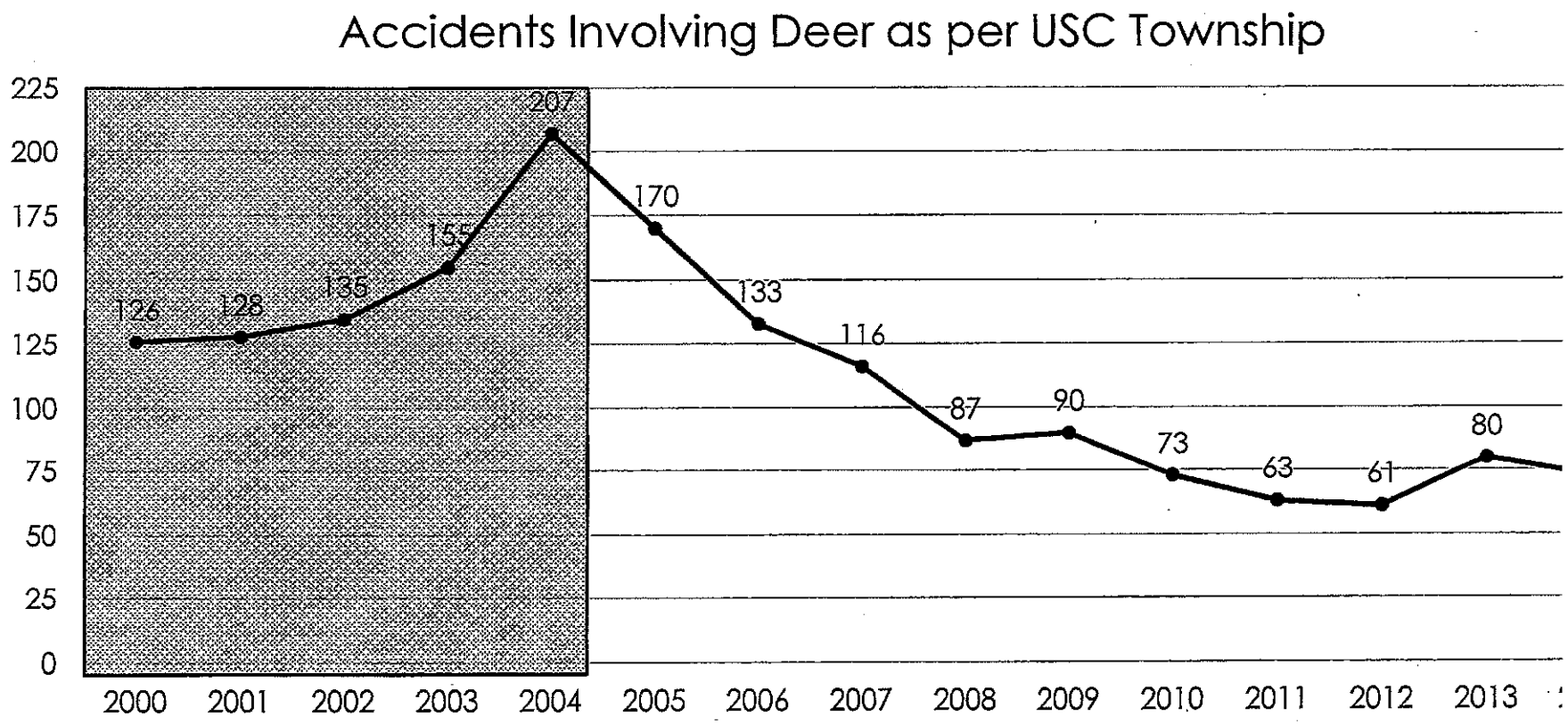
Whitetail Deer Management in Upper St. Clair

- Actions taken:
  - Wildlife biologist(s): worked briefly with two biologists. Dr. Paul Curtis, Cornell University spoke about non-lethal deer control methods including contraception, repellents and fencing.
  - Development of a communication program and library materials-links on website.
  - Installation of deer warning and crossing signs.
  - Test Installation of Strieter –Lites (1999-2003). Removed in 2003 when it was determined that they were not effective in reducing deer-vehicular collisions.
  - Deer population survey 2000-2003 using heat detection technology.
  - Controlled Archery Hunts: Started in 1998 (Whitetail Management Associates South, WMAS) Boyce-Mayview Park. Strict protocols in place to ensure safety of the residents, background check, proficiency test, elevated tree stands. **Even with this program in place the township continued to see a high number of deer-vehicular collisions.**

Whitetail Deer Management in Upper St. Clair

- Actions taken:
  - Evaluation of PZP Deer Birth Control Program: In 2000 USC made application to conduct an experiment using PZP. Approval from the PGC, FDA and Humane Society was mandatory. PGC gave the township a qualified approval subject to approval from the FDA and HSUS but **HSUS backed away after a determination that this option was impractical due to the free-ranging nature of the herd.**
  - Recommendation of the 2003 report was to consider a controlled culling (sharpshooting) program.
  - Fall 2004 USC received a "Special Use Permit" from the PGC to use sharpshooters. Entered into a contrac with USDA Wildlife Services to carry out culling operations. Concentrated on areas that would have the highest impact on reducing accidents on the Route 19 corridor. Cost was approximately $17,500. 117 dee taken; 39 additional taken through the archery season. ***(Township of USC Whitetail Management report M 2005)***
  - Culling is conducted throughout the township and on designated private properties. USDA prepares an annual report that is posted on the township website.
  - USDA Wildlife Services has culled **1,249 deer since 2005** from USC. Archery hunting within USC continues. Ir 2013 approximately 5,600 pounds of venison was processed and distributed via soup kitchens, shelters an PGC personnel. USC is in its sixth consecutive year of keeping deer/vehicular collisions at fewer than 100 p year. ***(2013 White-Tailed Deer Management Program USC, September 2013)***

Whitetail Deer Management in Upper St. Clair



2000-2004 represents Archery Only
2005-2014 represents Archery & Sharpshooting

Whitetail Deer Management in Upper St. Clair

Additional Information as per USC Township:

- The Township occasionally receives calls during the program to report a gunshot. Most residents are aware of the program and with the newer suppressed weapons calls have become less frequent.
- There have been very few cases of a wounded deer since the program began. These incidents are reported to the Township by the contractor USDA and no cases have been reported by a resident that have not be reported by USDA.

Whitetail Deer Management in Upper St. Clair

Additional Information as per USC Township:

- The hours of operation are cover of dark although operations typically c timed as to be as non-detectable by the general public as possible.
- The contract with USDA-WS has remained at $37,500 since 2008. The net cost is less, as there are savings from animal control (deer removal charg and related police response/reporting costs. (65.50/call in Mt. Lebanon)
- There have been no program related accidents/fatalities or injuries

Management Options

- In other communities:
- Allegheny County- Deer management in all 9 County Parks (17 Communities) since 1996 through Whitetail Management Associates. December –January No special permit require County does not track deer/vehicular collision statistics. Removed just under 500 deer durir 2014 season and donated 7,000 pounds of deer meat.(Andy Baechle, Allegheny County Parks Director)
- Peters Township- 1997-present. Archery. The program is approved by the Township and supervised by officers of the Police department. Utilizes Public and Private properties. *Polic department has noted a 20% reduction in deer vehicle crashes during the hunting season. (Peters Township News)
- Fox Chapel- 1992-present. Combination Archery and Police Sharpshooters. Utilizes Public and Private properties. Deer/Vehicular collisions declined from 81 in 1993 to a low of 19 in 2007. (Fox Chapel newsletter and Mt L 2012 Deer Management report)

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pennsylvania
OFFICE OF OPEN RECORDS

September 21, 2015

Via E-Mail only:

Elaine Gillen
735 Vallevista Avenue
Pittsburgh, PA 15234
EGillen476@aol.com

Via E-Mail only:

Stephen M. Feller
Open Records Officer
Municipality of Mt. Lebanon
710 Washington Road
Pittsburgh, PA 15228
sfeller@mtlebanon.org

RE: OFFICIAL NOTICE OF APPEAL - DOCKET # AP 2015-1938

Dear Parties:

Please review this information carefully as it affects your legal rights.

The Office of Open Records ("OOR") received this appeal under the Right-to-Know Law, 65 P.S. §§ 67.101, *et seq.* ("RTKL") on September 18, 2015. The process to follow in submitting information to the OOR is attached. A binding Final Determination will be issued in 30 calendar days as set forth in the RTKL.

The Supreme Court of Pennsylvania has held that an agency is permitted to assert exemptions on appeal, even if the agency did not assert them when the request was originally denied. *Levy v. Senate of Pa.,* 65 A.3d 361 (Pa. 2013). Accordingly, the agency may supplement its response within the time frame set forth below.

You may submit information and legal argument to support your position by 5:00 p.m. seven (7) business days from the date on this letter. Please include the docket number above on all submissions.

The law requires that your position must be supported by sufficient facts and citation to all relevant sections of the RTKL, case law, and Final Determinations of the OOR. **Statements of fact must be supported by an affidavit made under penalty of perjury by a person with actual knowledge.** An affidavit is required to demonstrate nonexistence of records. Blank sample affidavits are available on our website.

The agency has the burden of proving that records are not subject to public access. Any written information you provide to OOR must be provided to all parties.

Agency Must Notify Third Parties: If records affect a legal or security interest of an employee of the agency; contain confidential, proprietary or trademarked records of a person or business entity; or are held by a contractor or vendor, **the agency must notify such parties of this appeal immediately and provide proof of that notice to the OOR within 7 business days.**

Such notice must be made by 1) providing a copy of all documents included with this letter; and 2) advising **that interested persons may request to participate in this appeal** (*see 65* P.S. § 67.1101(c)).

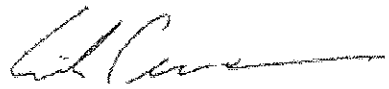
The Commonwealth Court has held that "the burden [is] on third-party contractors ... to prove by a preponderance of the evidence that the [requested] records are exempt." *See Allegheny County Dep't of Admin. Servs. v. A Second Chance, Inc.*, 13 A.3d 1025, 1042 (Pa. Commw. Ct. 2011). **Failure to participate in an appeal before the OOR may be construed as a waiver of objections regarding release of the requested records.**

Law Enforcement Records of Local Agencies: District Attorneys are required to appoint appeals officers to hear appeals regarding access to criminal investigative records in possession of a local agency. If records were denied in part upon that basis, requester may consider filing a concurrent appeal with the District Attorney of the County where the agency is located if the records were denied, in part, because they are criminal investigative records of a local agency.

Informal Mediation Program: Mediation is a voluntary, informal process that provides an alternative method for parties to resolve records disputes before the OOR. Mediations are conducted by a trained OOR mediator and helps parties produce a mutually agreeable settlement. To participate in mediation, both parties are required to sign and submit an agreement to mediate, which is available on the OOR's website.

If you have questions, please contact the assigned Appeals Officer in writing and provide a copy of any correspondence to the other party.

Respectfully,



Erik Arneson
Executive Director

Enclosures:
Assigned Appeals Officer contact information
Entire appeal as filed with OOR

REQUEST TO PARTICIPATE BEFORE THE OOR

Please accept this as a Request to Participate in a currently pending appeal before the Office of Open Records. The statements made herein and in any attachments are true and correct to the best of my knowledge, information and belief. I understand this statement is made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsifications to authorities.

NOTE: The requester filing the appeal with the OOR is a named party in the proceeding and is NOT required to complete this form.

OOR Docket No: _____ **Today's date:** _____

Name:_____

IF YOU ARE OBJECTING TO THE DISCLOSURE OF YOUR HOME ADDRESS, DO NOT PROVIDE THE OFFICE OF OPEN RECORDS WITH YOUR HOME ADDRESS. PROVIDE AN ALTERNATE ADDRESS IF YOU DO NOT HAVE ACCESS TO E-MAIL.

Address/City/State/Zip_____

E-mail_____

Fax Number:_____

Name of Requester: _____

Address/City/State/Zip_____

Telephone/Fax Number:_____/_____

E-mail_____

Name of Agency: _____

Address/City/State/Zip_____

Telephone/Fax Number:_____/_____

E-mail_____

Record at issue: _____

I have a direct interest in the record(s) at issue as (check all that apply):

- ☐ An employee of the agency
- ☐ The owner of a record containing confidential or proprietary information or trademarked records
- ☐ A contractor or vendor
- ☐ Other: (attach additional pages if necessary) _____

<u>I have attached a copy of all evidence and arguments I wish to submit in support of my position.</u>

Respectfully submitted, _____(must be signed)

Please submit this form to the Appeals Officer assigned to the appeal. Remember to copy all parties on this correspondence. The Office of Open Records will not consider direct interest filings submitted after a Final Determination has been issued in the appeal.

pennsylvania

OFFICE OF OPEN RECORDS

APPEALS OFFICER:	**Jill S. Wolfe, Esquire**
CONTACT INFORMATION:	**Commonwealth of Pennsylvania Office of Open Records Commonwealth Keystone Building 400 North Street, 4th Floor Harrisburg, PA 17120-0225**
PHONE:	**(717) 346-9903**
FACSIMILE:	**(717) 425-5343**
E-MAIL:	**JiWolfe@pa.gov**
Preferred method of contact and submission of information:	**EMAIL**

Please direct submissions and correspondence related to this appeal to the above Appeals Officer. Please include the case name and docket number on all submissions.

You must copy the other party on everything you submit to the OOR.

The OOR website, http://openrecords.state.pa.us, is searchable and both parties are encouraged to review prior final determinations involving similar records and fees that may impact this appeal.

pennsylvania

OFFICE OF OPEN RECORDS

IN THE MATTER OF	:	
	:	
ELAINE GILLEN,	:	
Requester	:	
	:	
v.	:	**Docket No.: AP 2015-1938**
	:	
MUNICIPALITY OF MT. LEBANON,	:	
Respondent	:	

This correspondence confirms the above-referenced Requester's agreement to an additional thirty (30) day extension of time to issue a Final Determination in this matter as indicated in the Requester's appeal form. Accordingly, pursuant to 65 P.S. § 67.1101(b)(1), the Office of Open Records will now issue a Final Determination in the above-captioned matter on or before November 17, 2015.

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IN THE MATTER OF:	)	
	)	
ELAINE GILLEN,	)	
	)	
Complainant,	)	
	)	OOR DKT. AP.: 2015-1938
v.	)	
	)	
MT. LEBANON, PENNSYLVANIA,	)	
	)	
Respondent.	)	

APPEAL – DOCKET # AP 2015-1938

LEGAL ARGUMENT

I. Background of Request

Ms. Gillen filed a right to know request via email on July 30, 2015. The request was for "All communication to and/or from municipal staff and, all communication to and/or from the commission concerning Anthony DeNicola's archery program from June 18, 2015 to the present" ("Request").

Mt. Lebanon, Pennsylvania (the "Municipality") responded via letter on August 5 that a legal review was necessary and that a response would be made by September 4. The legal review was completed within the 30 day extension period. Ms. Gillen's requests were granted in part and denied in part in an emailed response letter dated September 3, 2015.

The denial portion included the following:

> Several emails were not produced that dealt with persons volunteering to donate their time or property to the program either as an archer or property owner. These were not produced under two exceptions:
>
> (1) The Act at Section 708(b)(1) provides as follows:
>
> (1) A record the disclosure of which:
>
> * * *
>
> (ii) would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual.

(2) The Act at Section 708(b)(13) provides as follows:

> (13) Records that would disclose the identity of an individual who lawfully makes a donation to an agency unless the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public official or employee of the agency, including lists of potential donors compiled by an agency to pursue donations, donor profile information or personal identifying information relating to a donor.

Ms. Gillen filed an appeal. In her appeal, the following was stated with respect to the basis for the appeal.

> The Municipality of Mt. Lebanon (agency) has no reasonable basis for citing The Act at Section 708(b)(1) as a reason for failing to produce documents containing the requested information....I was denied access to the following records: the locations of the private properties participating in the archery hunt.

II. Factual Background

The Request relates to deer management in Mt. Lebanon. The subject of deer management has been discussed for years. It is an issue that is contentious and devisive in the community. The primary areas of disagreement center on: whether the deer population in Mt. Lebanon needs to be controlled; whether it should be controlled by non-lethal means; whether it should be controlled by lethal means; and if lethal means are used, what methods should be implemented.

One deer management technique that was attempted last year was a program referred to as "trap and euthanize." This program, conducted under permit from the Pennsylvania Game Commission, had a contractor build corrals. These corrals were intended to lure deer with bait, trap the deer with an automatic, remote-controlled closing gate, after which the contractor would arrive at the corral and shoot the deer. With regard to the corral program, the following incidents occurred: (a) car horns used to frighten deer near corral locations; (b) spraying of the bait with urine; and (c) wedging sticks in corral doors to prevent closing.

In July, Mt Lebanon awarded a contract to White Buffalo, Inc. for an archery program. This wildlife management firm was hired to screen, train and manage archers to conduct a bow hunt this fall. The hunt is occurring on public and private properties. Interested private property owners contacted White Buffalo directly offering to donate their properties for participation in the project. Officials from White Buffalo contacted each applicant and the applicant's neighbors for any additional permissions needed to comply with Game Commission hunting and safety rules. Each property was rated based on White Buffalo's discretion, with more weight given to areas of heavy vegetation or woods.

III. Discussion – The Appeal changed what was requested

The Request was for communication to/from Municipal Staff or communications to/from the Commission related to the archery program within a certain time frame. This was the parameter for the records search.

On appeal, the Request was modified to seek particular information. It is no longer necessary that it be communicated to particular person. The OOR has repeatedly held that a requester may not modify, explain, or expand upon a request on appeal. See Krize and WNEP News v. Lycoming County, Docket No.: AP 2014-0258; Pennsylvania State Police v. Office of Open Records, 995 A.2d 515, 516 (Pa. Commw. Ct. 2010).

The Municipality is required, in good faith, to ascertain if a record is public and whether it has possession or control of a record. See Section 901 of the Act. The Records Officer complied with this duty. All records responsive to the Request were either produced or were referenced along with the relevant exception to disclosure.

The records officer provided an affidavit that a list of properties was not sent to Municipal Staff or the Commission. In addition to the normal procedures to ascertain if anyone received or had such a list, relevant staff and the Commissioners were asked if they had a list of properties used in the archery hunt outside of their Mt. Lebanon email accounts. No one had such a list.

This process verified that no records, as requested, exist. The remaining arguments would not need to be addressed.

IV. Donations

Certain records were not produced based on the donation exemption. This part of the decision was not referenced in the appeal. As it is an independent basis for denying access to the listed records and was not appealed, it renders any discussion of the personal security exemption unnecessary.

The Act at Section 708(b)(13) provides an exception for donations, including lists of potential donors.

The emails that were withheld fit squarely within this exception. Disclosure would reveal persons who want to donate their time or use of their property.

The following is from the online Merriam Webster Dictionary, located at http://www.merriam-webster.com/dictionary/donate. Highlighting was added.

Full Definition of DONATE

transitive verb

1: to make a gift of; especially: to contribute to a public or charitable cause

2: to transfer (as electrons) to another atom or molecule

intransitive verb

: to make a donation

Examples of DONATE

The computers were donated by local companies.

We donated our old clothes to charity.

people who donate money to political candidates

He donates some of his free time to volunteer work.

Everyone is encouraged to donate.

People are encouraged to donate blood.

Please sign this form if you would like to donate your organs when you die.

You can donate at the blood bank every eight weeks.

Under the ordinary usage of the word donate, the participants in this program are donating the use of their land or their time for a particular cause. It is being done on a voluntary basis, i.e. no compensation is being received. Any records along these lines, requested or not, fit within this exception.

V. Personal Security

The emails are also exempt under the personal security exemption. As mentioned above, it does not seem necessary to reach this exemption as the donation exemption was not challenged.

The issues regarding the deer population in Mt. Lebanon have been debated at length. The issues are contentious and divisive.

The corral program was a good example of the acrimony caused by the deer issue. This program generated much controversy, and many spoke in favor of and against the program. The speakers were very passionate about this issue.

Once the program started, persons did attempt to disrupt the corral program by: spraying the bait with items such as urine; honking horns and making noise to scare the deer away; and putting sticks in corral doors so they would not close.

Mt. Lebanon supplied an affidavit from its Chief of Police regarding this issue. In his professional opinion, and based in part on this history, release of the names of the persons or property locations would be reasonably likely to subject persons identified in the documents to a substantial and demonstrable risk of similar problems as encountered with the corrals, including: (a) Harassment; (b) invasion of privacy; and (c) personal security. This evidence demonstrates that the exception in the Act found at section 708(b)(1) has been met.

VI. Conclusion

In conclusion, for all of the reasons set forth herein, Mt. Lebanon respectfully requests that the Appeal be dismissed.

Philip J. Weis, Esq.
Buchanan Ingersoll & Rooney
One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, PA 15219-1410
412-562-3937
philip.weis@bipc.com

#12107065-v1;PGH1_GENERAL

IN THE MATTER OF:	)	
	)	
ELAINE GILLEN,	)	
	)	
Complainant,	)	
	)	OOR DKT. AP.: 2015-1938
v.	)	
	)	
MT. LEBANON, PENNSYLVANIA,	)	
	)	
Respondent.	)	

AFFIDAVIT OF STEPHEN FELLER, MT. LEBANON RECORDS OFFICER

On the 30th day of September, 2015, before me, a Notary Public, personally appeared Stephen Feller, who being duly sworn according to law and intending to be legally bound, deposes and says:

1. That the deponent is Stephen Feller (the "Affiant"), the Manager and Records officer for Mt. Lebanon, Pennsylvania ("Mt. Lebanon").

2. I am responsible for responding to Right-to-Know requests filed with the Agency.

3. In my capacity as the Open Records Officer, I am familiar with the records of the Agency.

4. The subject of this appeal is a request ("Request") for the following documents:

> *All communication to and/or from municipal staff and, all communication to and/or from the commission concerning Anthony DeNicola's archery program from June 18, 2015 to the present.*

5. Upon receipt of the Request, I conducted a thorough examination of files in the possession, custody and control of the Agency for records responsive to the Request.

6. I produced all records except those listed in the response letter.

7. On appeal, the following was given as the basis for the appeal:

> *I was denied access to the following records: the locations of the private properties participating in the archery hunt.*

8. Such document was not withheld. It was not within the parameters of the Request. There was no list of private properties participating in the archery hunt that was sent to or from either the Municipal Staff or the Commission that was uncovered in my search.

9. Additionally, after the Appeal was filed, I inquired with relevant Municipal Staff and the Commission as to whether a list of properties participating in the archery hunt was ever in their possession or was sent to them. No one has such a document.

10. After conducting a good faith search of the Agency's files and inquiring with relevant Agency personnel, I have made the determination that the record requested on appeal, if it even exists, was never sent to or from any Municipal Staff or Commissioner.

11. The subject of the Request is a deer management program.

12. The issue regarding the deer population in Mt. Lebanon is one that has been, and continues to be, hotly debated and contentious.

13. A history of deer management in Mt. Lebanon can be found at: http://mtlebanon.org/index.aspx?NID-2248. This link provides a good summary of the aspects of deer management in Mt. Lebanon.

14. The archery program that generated the Request is designed to be legal hunting (i.e., one in which a hunter is in compliance with all Game Commission rules). Mt. Lebanon hired a third-party contractor to locate and test qualified hunters, determine locations where hunting would occur and determine compliance with all relevant Game Commission rules. The documents provided under the Request describe the archery program accurately.

15. Mt. Lebanon made five of its public lands available for hunting in the program.

16. Private property owners could also donate the use of their land in connection with this program.

17. Private individuals, if they meet the requirements of the program, can donate their time and ability to the program.

18. Because of the publicity associated with hunting, these donations were conditioned upon the location of private properties being kept confidential.

19. No property owner or archer is receiving compensation from the Municipality or any other party for participation in this program.

Affiant avers that the foregoing statements are true and correct to the Affiant's knowledge.

Sworn to and subscribed before me, a Notary Public, the day and year aforesaid.

Notary Public

By: _____
Stephen Feller
Manager and Records Officer,
Mt. Lebanon

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Julie A. Gambba, Notary Public
Mt. Lebanon Twp., Allegheny County
My Commission Expires March 10, 2019
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

#12101862-v1

IN THE MATTER OF:	)	
	)	
ELAINE GILLEN,	)	
	)	
Complainant,	)	
	)	OOR DKT. AP.: 2015 - 1938
v.	)	
	)	
MT. LEBANON, PENNSYLVANIA,	)	
	)	
Respondent.	)	

AFFIDAVIT OF MT. LEBANON POLICE CHIEF AARON LAUTH

On the 29th day of September, 2015, before me, a Notary Public, personally appeared Aaron Lauth, who being duly sworn according to law and intending to be legally bound, deposes and says:

1. That the deponent is Aaron Lauth (the "Affiant"), the Chief of Police of the Mt. Lebanon, Pennsylvania Police Department (the "Department").

2. Affiant joined the Department in 1998. He was promoted to Corporal in 2002, Lieutenant in 2004, Deputy Chief in 2014 and Chief in 2015.

3. Affiant reviewed the Right-to-Know Law request dated July 30, 2015 (the "Request"), the response, and the appeal.

4. The subject of the Request is a deer management program.

5. The issue regarding the deer population in Mt. Lebanon is one that has been, and continues to be, hotly debated and very contentious.

6. The history of deer management in Mt. Lebanon is extensive and can be found at: http://mtlebanon.org/index.aspx?NID-2248.

7. One deer management technique that was attempted last year was a program referred to as "trap and euthanize." This program, conducted under permit from the Pennsylvania Game Commission, had a contractor build corrals. These corrals were intended to lure deer with bait, trap the deer with an automatic, remote-controlled closing gate, after which the contractor would arrive at the corral and shoot the deer.

8. This program generated a great deal of controversy and passionate pleas to the Commission. Beyond just this program, the overall subject to deer management has and continues to generate passionate arguments on whether and/or how to best mange the deer

population in Mt. Lebanon, including, but not limited to, whether to use lethal methods of population control, and if so, what methods to use.

9. Videos of Commission meetings are available on the Mt. Lebanon website. The following meeting videos (particularly the lengthy citizen comment portions) reflect the controversy of the deer issue. The following dates in particular should be reviewed: February 10, 2015, February 23, 2015; March 10, 2015; March 23, 2015; April 27, 2015; June 22, 2015; and August 11, 2015.

10. With regard to the corral program, the following incidents occurred:

(a) Car horns used to frighten deer near corral locations.

(b) Spraying of the bait with urine.

(c) Wedging sticks in corral doors to prevent closing.

11. The corral program and these incidents were widely known in Mt. Lebanon and received a substantial amount of press coverage.

12. The archery program that generated the Request is designed to be legal hunting (i.e., one in which a hunter is in compliance with all Game Commission rules). Mt. Lebanon hired a third-party contractor to locate and test qualified hunters, determine locations where hunting would occur and determine compliance with all relevant Game Commission rules. The documents provided under the Request describe the archery program accurately.

13. Mt. Lebanon made five of its public lands available for hunting in the program.

14. Private property owners could also donate the use of their land in connection with this program.

15. Because of the publicity associated with hunting and deer management, the private property use was conditioned upon the location being kept confidential.

16. In Affiant's professional opinion, the information not produced in the Municipality's response would be reasonably likely to subject persons identified therein to a substantial and demonstrable risk of similar problems as encountered with the corrals, including:

(a) Harassment;

(b) invasion of privacy

(c) personal security.

#12102952-v1

Affiant avers that the foregoing statements are true and correct to the Affiant's knowledge.

Sworn and subscribed before
me, the day and year aforesaid.

Amy L. Kostelich
Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Amy L. Kostelich, Notary Public
Mt. Lebanon Twp., Allegheny County
My Commission Expires June 29, 2016
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

By: _____
Aaron Lauth
Chief of Police
Mt. Lebanon, Pennsylvania

Wolfe, Jill

From: Weis, Philip <philip.weis@bipc.com>
Sent: Wednesday, September 30, 2015 4:10 PM
To: Wolfe, Jill; egillen476@aol.com
Cc: Stephen Feller
Subject: Gillen v. Municipality of Mt. Lebanon, Docket No.: AP 2015-1938
Attachments: Gillen.pdf

Information and Legal Argument in the above referenced appeal is attached.

If you have any questions, please let me know.

Phil

Philip J. Weis, Esq
Buchanan, Ingersoll & Rooney, P.C.
301 Grant Street, 20th Floor
Pittsburgh PA 15219
(412) 562-3937
(412) 562-1041 (fax)
philip.weis@bipc.com

CONFIDENTIAL/PRIVILEGED INFORMATION: This e-mail message (including any attachments) is a private communication sent by a law firm and may contain confidential, legally privileged or protected information meant solely for the intended recipient. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is prohibited and may be unlawful. Please notify the sender immediately by replying to this message, then delete the e-mail and any attachments from your system.

4

Wolfe, Jill

From: egillen476@aol.com
Sent: Thursday, October 01, 2015 9:50 PM
To: Wolfe, Jill
Cc: sfeller@mtlebanon.org; philip.weis@bipc.com
Subject: Fwd: Gillen v. Mt. Lebanon, OOR Dkt AP 2015-1938

Oops, sorry Mr. Weis. I used a bad email address. I am resending this email.

Elaine Gillen

-----Original Message-----
From: egillen476 <egillen476@aol.com>
To: jiwolfe <jiwolfe@pa.gov>
Cc: sfeller <sfeller@mtlebanon.org>; phillip.weis <phillip.weis@bipc.com>
Sent: Thu, Oct 1, 2015 9:30 pm
Subject: Re: Gillen v. Mt. Lebanon, OOR Dkt AP 2015-1938

Ms. Wolfe,

I asked for all communication that I was denied access to. I am not asking for new records. I asked for records concerning Anthony DiNicola's archery hunt from June 18, 2015 to the present, which was July 30, 2015 - the date of my request. The dates that Mr. Weis advised you to watch for February, March, and April were for a corral and shoot program done by Wildlife Specialists, involving guns. It had nothing to do with the archery hunt. Different method with different contractors.

The archery program was presented to Mt. Lebanon on June 22, 2015. It was presented by Jody Maddock, project manager for Anthony DeNicola's company White Buffalo. The public was not permitted to speak at that informational meeting. The video to the June 22 presentation, along with the PowerPoint presentations, are here. http://mtlebanon.org/index.aspx?NID=2114

The only minutes that would pertain to my request would be the July 14, 2015 meeting, available here: http://mtlebanon.org/ArchiveCenter/ViewFile/Item/2434 In those minutes, you will see names and addresses of those supporting archery hunts. Those are public records. In fact, Natalie Kukla was on WTAE TV news where she volunteered her property during a public meeting. http://www.wtae.com/news/new-deer-cull-proposals-to-be-discusses-in-mt-lebanon/35167020 Here are the minutes from that meeting. Please note that the minutes do not indicate that Ms. Kukla volunteered her property, even though she said it at the meeting. Residents have consistently been public about wanting their properties to be used, however, the minutes never reflect their wants.

However, the minutes from the August 11, 2015 meeting, which Mr. Weis made reference are here http://mtlebanon.org/ArchiveCenter/ViewFile/Item/2448 and support my statement that information was not being shared with us. See Nick Meduho's comment. At the August 11, 2015 meeting, I had also asked about private properties giving notification to neighbors.

I am not asking for new records. I am not an attorney, so I apologize for giving the wrong impression. I wrote the following reason in my appeal: *I was denied access to the following records: the locations of the private properties participating in the archery hunt. We are a walking community.* What I meant to say is that I was denied access to the following records: emails discussing the private properties potentially participating or permitting archery. I was responding to Mr. Feller's denial letter. He wrote:
"Several emails were not produced that dealt with persons volunteering to donate their time or property to the program either as an archer or property owner."

Regarding donations, it never occurred to me that the people who own the private killing properties were "donors." The municipality and the taxpayers are the donors. The private property owners are the recipients of a municipal sponsored program.

I hope that this email clarifies my appeal. I apologize for the confusion.

Sincerely,

Elaine Gillen

-----Original Message-----
From: Wolfe, Jill <jiwolfe@pa.gov>
To: egillen476 <egillen476@aol.com>
Cc: sfeller <sfeller@mtlebanon.org>; phillip.weis <phillip.weis@bipc.com>
Sent: Thu, Oct 1, 2015 1:59 pm
Subject: Gillen v. Mt. Lebanon, OOR Dkt AP 2015-1938

Dear Ms. Gillen:

Reviewing your appeal form you indicate that the records that you requested (i.e., communications) are not exempt under Section 708 of the RTKL and on your attached sheet you state that the records you were denied access were the location of properties taking part in the archery hunt. Could you please clarify whether you are appealing to the OOR to review the denial of the withheld e-mails/communications that you were denied access to on September 3, 2015 and/or are you seeking new records, ie. locations of the property owners?

I appreciate your clarification on this matter.

Kindly,

Jill Wolfe

Jill S. Wolfe | Attorney
Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level | Harrisburg, PA 17120-0225
Phone: 717.346.9903 |http://openrecords.pa.gov|@OpenRecordsPA

The OOR's Annual RTKL & Sunshine Act Training takes place Oct. 21, 2015, in Harrisburg. Register here: http://oor-training-2015.eventbrite.com

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Wolfe, Jill

From: Wolfe, Jill
Sent: Tuesday, November 17, 2015 10:49 AM
To: 'egillen476@aol.com'
Cc: philip.weis@bipc.com
Subject: RE: Gillen v. Munic. of Mt. Lebanon, OOR Dkt AP 2015-1938

Dear Parties:

This confirms the Requester's agreement to allow the OOR until November 24, 2015 to issue a final determination in this matter.

Thank you,

Jill Wolfe

Jill S. Wolfe | Attorney
Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level | Harrisburg, PA 17120-0225
Phone: 717.346.9903 |http://openrecords.pa.gov|@OpenRecordsPA

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From: egillen476@aol.com [mailto:egillen476@aol.com]
Sent: Tuesday, November 17, 2015 10:46 AM
To: Wolfe, Jill
Cc: philip.weis@bipc.com
Subject: Re: Gillen v. Munic. of Mt. Lebanon, OOR Dkt AP 2015-1938

Yes, that is fine.
Elaine Gillen

-----Original Message-----
From: Wolfe, Jill <jiwolfe@pa.gov>
To: egillen476 <egillen476@aol.com>
Cc: philip.weis <philip.weis@bipc.com>
Sent: Tue, Nov 17, 2015 10:37 am
Subject: Gillen v. Munic. of Mt. Lebanon, OOR Dkt AP 2015-1938

Dear Ms. Gillen,

Pursuant to the RTKL, the Requester may agree to allow the OOR an extension of time to issue a Final Determination. 65 P.S. § 67.1101(b)(1). As such, the OOR requires additional time to issue a Final Determination in this matter. Are you agreeable to a one week extension, until November 24, 2015, to issue a final determination?

Thank you for your attention to this matter.

Kindly,

Jill S. Wolfe | Attorney
Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level | Harrisburg, PA 17120-0225
Phone: 717.346.9903 |http://openrecords.pa.gov|@OpenRecordsPA

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pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
ELAINE GILLEN,	:	
Requester	:	
	:	**Docket No.: AP 2015-1938**
v.	:	
	:	
MUNICIPALITY OF MT. LEBANON,	:	
Respondent	:	

INTRODUCTION

Elaine Gillen ("Requester") submitted a request ("Request") to the Municipality of Mt. Lebanon ("Municipality") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq.*, seeking e-mails pertaining to a deer management hunting program. The Municipality partially denied the Request, withholding from public disclosure certain e-mails that would threaten personal security and reveal the identities of donors. The Requester appealed to the Office of Open Records ("OOR"). For the reasons set forth in this Final Determination, the appeal is **granted**, and the Municipality is required to take further action as directed.

FACTUAL BACKGROUND

On July 30, 2015, the Request was filed seeking "[a]ll communications to and/or from municipal staff and, all communication to and/or from the commission concerning Anthony DeNicola's archery program from June 18, 2015 to the present." On August 5, 2015, the

Municipality invoked a thirty-day to respond to the Request. *See* 65 P.S. § 67.902. On September 4, 2015, the Municipality partially granted the Request, providing 131 e-mails to the Requester. The Municipality denied access to certain e-mails that would identify the private properties being used for the archery hunt, arguing that public access of those records would result in a substantial and demonstrable risk to the personal security of the property owners. *See* 65 P.S. § 67.708(b)(1). The Municipality also denied access to those e-mails stating that the e-mails would identify those individuals making a donation to an agency. *See* 65 P.S. § 67.708(b)(13).

On September 18, 2015, the Requester appealed to the OOR, challenging the denial and stating grounds for disclosure. The OOR invited both parties to supplement the record and directed the Municipality to notify any third parties of their ability to participate in the appeal. *See* 65 P.S. § 67.1101(c).

On September 30, 2015, the Municipality submitted a position statement, reiterating the same reasons for withholding the records from public disclosure. The Municipality also submitted the sworn affidavits of Stephen Feller, Manager and Open Records Officer for the Municipality, and Chief Aaron Lauth, Chief of Police for Mt. Lebanon. In its submission, the Municipality provides a discussion of the deer management techniques in the Municipality that was attempted last year, which was "trap and euthanize." The Pennsylvania Game Commission permitted a program wherein deer were lured into corrals resulting in the deer being entrapped and shot. This year, the Municipality awarded a contract to White Buffalo to institute an archery program to manage the deer population. The contractor would screen, train and manage archers for the hunt which is occurring on public and private properties. The contractor contacted the

property owners and neighbors for permissions required under the Pennsylvania Game Commission's hunting and safety rules.

On October 1, 2015, the Requester submitted her position statement, stating that during public meetings, certain individuals indicated their support for the hunting program and the minutes reflect the names and addresses of these individuals.

LEGAL ANALYSIS

"The objective of the Right to Know Law ... is to empower citizens by affording them access to information concerning the activities of their government." *SWB Yankees L.L.C. v. Wintermantel*, 45 A.3d 1029, 1041 (Pa. 2012). Further, this important open-government law is "designed to promote access to official government information in order to prohibit secrets, scrutinize the actions of public officials and make public officials accountable for their actions." *Bowling v. Office of Open Records*, 990 A.2d 813, 824 (Pa. Commw. Ct. 2010), *aff'd* 75 A.3d 453 (Pa. 2013).

The OOR is authorized to hear appeals for all Commonwealth and local agencies. *See* 65 P.S. § 67.503(a). An appeals officer is required "to review all information filed relating to the request." 65 P.S. § 67.1102(a)(2). An appeals officer may conduct a hearing to resolve an appeal. The decision to hold a hearing is discretionary and non-appealable. *Id.* The law also states that an appeals officer may admit into evidence testimony, evidence and documents that the appeals officer believes to be reasonably probative and relevant to an issue in dispute. *Id.* Here, neither party requested a hearing; however, the OOR has the necessary, requisite information and evidence before it to properly adjudicate the matter.

The Municipality is a local agency subject to the RTKL that is required to disclose public records. 65 P.S. § 67.302. Records in possession of a local agency are presumed public unless

exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. Upon receipt of a request, an agency is required to assess whether a record requested is within its possession, custody or control and respond within five business days. 65 P.S. § 67.901. An agency bears the burden of proving the applicability of any cited exemptions. *See* 65 P.S. § 67.708(b).

Section 708 of the RTKL clearly places the burden of proof on the public body to demonstrate that a record is exempt. In pertinent part, Section 708(a) states: "(1) The burden of proving that a record of a Commonwealth agency or local agency is exempt from public access shall be on the Commonwealth agency or local agency receiving a request by a preponderance of the evidence." 65 P.S. § 67.708(a). Preponderance of the evidence has been defined as "such proof as leads the fact-finder ... to find that the existence of a contested fact is more probable than its nonexistence." *Pa. State Troopers Ass'n v. Scolforo*, 18 A.3d 435, 439 (Pa. Commw. Ct. 2011) (quoting *Pa. Dep't of Transp. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)).

The Municipality states that certain e-mails were not produced that would identify the persons volunteering time as an archer or permitting the use of their property to conduct the archery program. The Municipality argues that the release of these e-mails would threaten personal security of these individuals. Section 708(b)(1)(ii) of the RTKL protects "a record, the disclosure of which ... would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual." 65 P.S. § 67.708(b)(1)(ii).

Under the RTKL, "reasonable likelihood" of "substantial and demonstrable risk" is necessary to trigger the personal security exception. The term, "substantial and demonstrable risk" is not defined in the RTKL. By construing these terms in accordance with their plain

meaning, 1 Pa.C.S. § 1903(a), the risk of harm must be material, real and ample. The risk of harm must also be demonstrable, which is defined as being obvious or apparent. *See Swartzwelder v. Butler County*, OOR Dkt. AP 2009-0632, 2009 PA O.O.R.D. LEXIS 129. Mere belief that the release of a record would cause substantial and demonstrable risk of harm is insufficient. *Zachariah v. Dep't of Corrections*, OOR Dkt. AP 2009-0481, 2009 PA O.O.R.D. LEXIS 216; *see also Lutz v. City of Philadelphia,* 6 A.3d 669, 676 (Pa. Commw. Ct. 2010) (holding that "[m]ore than mere conjecture is needed" to establish that this exemption applies).

Chief Lauth explains that deer management in the Municipality has been "hotly debated and very contentious." He provided the OOR with the Commission's public website to view the community's comments at Commission meetings arguing against a lethal deer management program. Chief Lauth further explains that past deer management programs have also been controversial and resulted in numerous incidents, such as tampering with the bait, wedging sticks in corral doors to prevent deer from being caught and loud noises to scare deer away. With respect to this deer management program, Chief Lauth attests that the Municipality hired a third party to locate and test qualified hunters, determine the hunting locations and determine compliance with Game Commission rules. The Municipality made five of its public lands available and private property owners could also provide access to their land. The Municipality has chosen to keep the location of the private property confidential because of what it believes is a reasonable likelihood that property owners and those associated with the program may encounter problems such as those encountered in previous years.

Although the Municipality has provided evidence of incidents in past years which involved tampering with traps and scaring deer, none of the evidence demonstrates that there were any threats to individuals involved in the deer management programs, either past or present.

As Section 708(b)(1) requires more than conjecture, the Municipality has failed to demonstrate that the e-mails are not subject to public disclosure under Section 708(b)(1) of the RTKL.

2. Section 708(b)(13) of the RTKL does not apply

The Municipality denied access to e-mails identifying landowners that are allowing the access to their land for the deer management program as records that would reveal the identity of an individual making a donation to the agency. Section 708(b)(13) of the RTKL, which exempts from disclosure:

> [r]ecords that would disclose the identity of an individual who lawfully makes a donation to an agency unless the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public official or employee of the agency, including lists of potential donors compiled by an agency to pursue donations, donor profile information or personal identifying information relating to a donor.

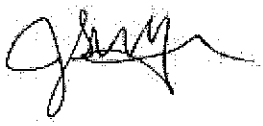
65 P.S. § 67.708(b)(13). Here, the Municipality provides the Merriam-Webster definition of "donate", which states, in pertinent part: "to make a gift of; especially: to contribute to a public or charitable cause." The Municipality argues that the participants in the program are donating the use of their land. However, the landowners are not gifting their property to the program, they are simply allowing temporary access to their property and it will at all times remain the property of those individuals, not the program. Section 708(b)(13) does not apply in this matter, as nothing is being donated.

CONCLUSION

For the foregoing reasons, Requester's appeal is **granted**, and the Municipality is required to provide all e-mails within thirty days. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal to the Allegheny County Court of Common Pleas. 65 P.S. § 67.1301(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity

to respond as per Section 1303 of the RTKL. This Final Determination shall be placed on the OOR website at: http://openrecords.pa.gov.

FINAL DETERMINATION ISSUED AND MAILED: November 24, 2015



APPEALS OFFICER
JILL S. WOLFE, ESQ.

Sent to: Elaine Gillen (via e-mail only);
Philip Weis, Esq. (via e-mail only);
Stephen Feller (via e-mail only)