

MINUTES

The Moon Township Board of Supervisors, Allegheny County, met in regular session at the Moon Township Municipal Building, 1000 Beaver Grade Road, Moon Township, PA 15108.

The meeting was called to order at 7:00 p.m. with the Pledge of Allegiance to the Flag, Chairman Jim Vitale presiding. Supervisors present: Mr. Vitale, Mr. Sinatra, Mr. Eicher and Mr. Gribben.

PUBLIC COMMENTS ON AGENDA ACTION ITEMS:

(There were none.)

APPROVAL OF MINUTES:

Action Item—Approval of the minutes of the Budget/Workshop Meeting of December 8, 2010 and Regular/Reorganization Meeting of January 3, 2011, which were distributed to the Board of Supervisors for their approval. Motion made by Mr. Sinatra, seconded by Mr. Gribben. All Supervisors present voting yes, motion carried 4-0.

Reports as they were received will be available for public review for 24 hours at the Township Office. They include:

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| a. Animal Control | j. Moon Transportation Authority |
| b. Building Permits | k. Moon Twp. Municipal Authority |
| c. CATV Advisory Board | l. Moon Twp. Public Library |
| d. Deed Transfer | m. Moon Twp. Recreation Authority |
| e. EMS Tax | n. Parks & Recreation Dept. |
| f. Environmental Advisory Council | o. Planning Commission |
| g. Fire Department | p. Police Department |
| h. H.A.R.B. Board | q. Road Department |
| i. Moon Industrial Development Authority | r. Valley Ambulance Authority |
| | s. List of bills to be paid |

ANNOUNCEMENTS:

- A. On behalf of the Board of Supervisors, Mr. Vitale read proclamations recognizing Linda Francis and Ron Potter for 25 years of volunteer service with MCA-TV.
- B. Mr. Vitale advised citizens that the Moon Township Parks & Recreation Department will begin taking reservations for shelters in Moon Park on Monday, February 14, 2011 in the Moon Township Municipal Building. The first day of reservations will begin at 9:00 a.m. for walk-ins by Township residents only. Photo ID proving residency will be required. On the second day, February 15, reservations will begin at 9:00 a.m. at the Moon Park Office for all other non-residents.
- C. Mr. Vitale advised citizens that Moon Township offices will be closed on Monday, February 21, 2011 in observance of Presidents Day.

NEW BUSINESS:

A. Defense Commissary Agency/Allegheny County Economic Development Presentation

Patrick Earley of the Allegheny County Department of Economic Development made a presentation to the Board of Supervisors giving an update on the planned commissary and exchange facility that is to be located adjacent to the current 99th Army Regional Readiness Command Center. The proposed project will be a 43,000 square foot commissary and exchange. An RFP for construction will be let out in about two months. They have worked closely with Mr. McGurk and the Planning Commission to address any needs that they might have. They are hoping to break ground this summer. The traffic impact study showed no adverse impact on the local community. Mr. Early said that he would be happy to come back before the Board at intervals to update them on this project. Mr. Eicher said that one of the goals of the Township is to eventually connect Portvue Drive to the Airport Office Park and would have to go across property that is currently owned by the military. He asked if this has been taken into consideration. Mr. McGurk said that was looked at but there are not sufficient funds to accomplish that. The commissary is being designed with sufficient right-of-way for future consideration. Mr. McGurk said that this project would not have been possible without Allegheny County Economic Development and also our Federal delegation in securing the money to bring this facility to Moon Township.

B. PA Army National Guard

▪ **Public Hearing**—Conditional Use Requests

Mr. Vitale opened the public hearing on the PA Army National Guard Combined Support Maintenance Shop. Those wishing to give public testimony were sworn in by the court reporter. Mr. Lucas noted for the record the documents that will be entered into the record, On behalf of the applicant Mr. David Foreman of Foreman Architects/Engineers made a presentation on the project and conditional use requests. Following the presentation, Mr. Vitale called for a motion to close the public hearing. Motion made by Mr. Eicher, seconded by Mr. Gribben. All Supervisors present voting yes, motion carried 4-0.

- **Action Item**—Mr. Vitale called for a motion to approve/deny the conditional use deviation for the PA Army National Guard – Combined Support Maintenance Shop as submitted, which would allow more than ten parking spaces in a row without the provision of an interior landscape island, as recommended by the Planning Commission. Motion to approve made by Mr. Sinatra, seconded by Mr. Gribben. All Supervisors present voting yes, motion carried 4-0.

- **Action Item**—Mr. Vitale called for a motion to approve/deny the conditional use deviation for the PA Army National Guard – Combined Support Maintenance Shop as submitted, which would deviate from the buffer yard requirements, as recommended by the Planning Commission. Motion to approve made by Mr. Gribben, seconded by Mr. Sinatra. All Supervisors present voting yes, motion carried 4-0.

- **Action Item**—Mr. Vitale called for a motion to approve/deny the Preliminary Major Land Development Plan Application for the proposed PA Army National Guard Combined Support Maintenance Shop - West, as recommended by the Planning Commission and subject to the Township Planning Department's review letter dated January 12, 2011. Motion to approve made by Mr. Eicher, seconded by Mr. Gribben. All Supervisors present voting yes, motion carried 4-0. MR. Eicher asked if there was a timeline after which they would have to come back before the Board for reapproval. Mr. Lucas said that they are protected from changes in the ordinance for five years.
- C. **Action Item**—Mr. Vitale called for a motion to authorize advertisement of bid specifications for the 2011 Road Paving Program with bids to be opened on March 1, 2011 at 10:00 AM and awarded at the Board of Supervisors meeting of March 2, 2011. Mr. Petroccia said that this is the annual 2011 roadway improvement program. He received from Moon Township a list of prioritized roads to bid this year. He has the project manual out in draft form for review and comments from the staff and Supervisors. Once comments are received the road program will be advertised twice publicly. Hopefully, we will get good bids like we did last year. Starting this year, we will be using the new EVISTA software to track the roads. Motion made by Mr. Sinatra, seconded by Mr. Gribben. All Supervisors present voting yes, motion carried 4-0.
- D. **Action Item**—Mr. Vitale called for a motion to adopt Resolution R-10-2011 under Section 147(f) of the Internal Revenue Code as requested and recommended by the Moon Industrial Development Authority for Villa St. Joseph of Baden. Ms. Creese said that as the Board and residents are familiar, the Township approves resolutions for the Moon Industrial Development Authority. The Moon Industrial Development Authority was created in 1980 by the Supervisors of Moon Township for the public purpose of alleviating unemployment and maintaining existing employment in Moon Township and the surrounding areas by encouraging and financing new industrial facilities and other qualifying projects. The authority has financing authority County-wide and, in some instances, may be broadened. The projects that are financed are done with tax-exempt financing. They are not supported by the credit or taxing power of the Township of Moon or the Commonwealth of Pennsylvania. Moon Township must approve these resolutions because MIDA was created by the Moon Township Board of Supervisors but the projects do not directly impact Moon Township or the taxpayers. Motion made by Mr. Sinatra, seconded by Mr. Gribben. All Supervisors present voting yes, motion carried 4-0.
- E. **Action Item**—Mr. Vitale called for a motion to amend the time of the monthly Workshop Meeting of the Board of Supervisors, held on the last Wednesday of the month, from 7:00 PM to 6:00 PM, and affirming that the Regular Meeting, held on the first Wednesday of the month, will remain at 7:00 PM. Mr. Eicher apologized that he was absent from the workshop meeting when this was discussed but would like to give his comments. Several years ago, the Supervisors had meetings that began at staggered times and complaints were received from residents who were confused by these varying starting times. At that time, it was decided that the starting time would be standardized at 7:00. Over the years we have started deviating from that. His recommendation is that rather than changing the workshop meeting from 7:00 PM to 6:00 PM, we continue starting at 7:00 PM and encourage all Township boards, agencies and authorities to do

likewise. He would like to table this motion and find out when the other boards are meeting. Mr. Eicher made a motion to table this and reconsider the whole approach. There was no second to the motion; motion denied. Mr. Vitale called for a motion to move the monthly Workshop Meeting of the Board of Supervisors from 7:00 PM to 6:00 PM. Motion made by Mr. Sinatra, seconded by Mr. Gribben. Yes votes were cast by Mr. Sinatra, Mr. Gribben and Mr. Vitale. Mr. Eicher voted no. Motion carried 3-1.

UNFINISHED BUSINESS:

- A. **Action Item**—Mr. Vitale called for a motion approve/deny bond reduction request No. 4 for Sonoma Ridge Phase I, bond reduction request No. 4 for Sonoma Ridge Phase II, and bond reduction request No. 3 for Sonoma Ridge Phase III, subject to the Township Engineer's recommendation letter dated January 12, 2011. Mr. Petroccia said that he did an inspection on January 19 with the Sonoma Ridge representatives. He found seven items that still need to be completed in these three phases, the most expensive of which is the completion of the wearing course on Duckhorn Drive. He cited the amounts of the bond reductions that he is recommending. Motion to approve made by Mr. Sinatra, seconded by Mr. Gribben. All Supervisors present voting yes, motion carried 4-0.
- B. **Action Item**—Mr. Vitale called for a motion to deny bond reduction request No. 2 for Foxwood Knolls Phase I as recommended by the Township Engineer and based on the findings and deficiencies referenced in the Township Engineer review letters dated January 31, 2011 and January 10, 2011, and the Garvin Boward Beitko Engineering, Inc. review letter dated January 24, 2011. Mr. Petroccia said that he first inspected Foxwood Knolls this year on January 4 and found a number of problems with the slope along Foxwood Road. There were 15 deficiencies that he observed on his inspections and on Garvin Boward's inspections. Based on the unknown cost of fixing the problems that he observed this month, he is recommending that the Supervisors deny this bond reduction request so that the developer can put together a remediation plan and the cost to remediate the problems. Mr. Sinatra asked if there were any safety concerns about residents using the road. Mr. Petroccia said that there is no evidence of slippage on the road at this time and the road is being plowed. Motion to deny the bond reduction request was made by Mr. Sinatra, seconded by Mr. Eicher. All Supervisors present voting yes, motion carried 4-0.

MOTION TO PAY THE BILLS:

Mr. Vitale called for a motion to pay the bills [**check no. 7611 through check no. 7822, EFTs, Capital Reserve check no. 1206 through check no. 1210, and 2005 Bond Fund check no. 166**]. Motion made by Mr. Eicher, seconded by Mr. Gribben. All Supervisors present voting yes, motion carried 4-0.

COMMENTS FROM THE AUDIENCE:

Venus Thompson of 164 Greenlea Drive said that she has been a resident in Amherst Acres for over eight years. Amherst has welcomed several group homes to their neighborhood. She is in attendance to express concerns and frustrations about the pending Fairweather Lodge at 162 Greenlea Drive. Her main concern is for the safety of her children, particularly since learning that the residents will not have 24 hour supervision.

Shannon Storm of 175 Greenlea Drive said she is concerned about the planned Fairweather Lodge at 162 Greenlea Drive. She said that residents are concerned about the safety of their children and their neighborhood. She feels it is not the right setting for this facility. There is no bus service in this neighborhood.

Christine Herrle of 169 Greenlea Drive showed a picture that she and her daughter made of their cul-de-sac and the homes where children reside. She is of the opinion that people are being misled about the contents of this house. She is circulating a petition against the Fairweather Lodge as it is not the right neighborhood for this. No one was forthcoming with the neighbors about this property.

Nelson Kletzli, Jr. of 168 Greenlea Drive said that he wants the safety of Amherst Acres to continue. He feels that there are hidden things that are going on. It is one entity hiding behind another entity. He is concerned about where the residents of Fairweather Lodge will work. Placing people with mental disabilities on what is basically an island is not the right thing to do. He thinks that Amherst Acres is not the right location for this facility. It angers people that they were not told about this. He hopes that the Township will review all things involved with this.

Karen Hamilton of 155 Greenlea Drive said that she shares the concerns of her neighbors about the Fairweather Lodge at 162 Greenlea Drive. The guidelines for operating a Fairweather Lodge are that the clients there continue to take their medications. If there will be no 24-hour supervision how will they insure compliance. Many of the residence of Amherst Acres are nurses or work in the medical field and have found that behavioral issues of people with mental illness tends to escalate in the evening hours. Without this supervision who will the provide psychological support or be available if help is needed.

James Copenhaver of Jackson Road asked the Board the status of the remediation work of the landslide on Flaugherty Run Road. The hillside is continuing to edge toward Flaugherty Run. It is already at the bank of the creek and if it continues, it can potentially dam up Flaugherty Run. If this should happen, it would cause Flaugherty Run Road to be closed. Flaugherty Run Road is a main access from everywhere to the airport. There continues to be development along Flaugherty Run Road but it is still two lanes. He is concerned about this happening and would appreciate the Township looking into this matter. Mr. Petroccia said that this has been a concern to the Township Supervisors, the Township Engineer and DEP for the last year. The developer has signed a consent order with a remediation plan in it that will start in March or April. Both the Township and the DEP are watching it closely. The intent is to start the construction in the spring and be completed by this summer to remediate that landslide.

Greg Thompson of 164 Greenlea Drive said that we are very compassionate people and he is a teacher at Montour High School. While he realizes that there is nothing on the table with regard to the Fairweather Lodge, we are trying to get a leg-up on this. He hopes that if they come before the Board seeking some type of variance to allow four unrelated people with mental problems to live together without 24 hour supervision the Board not vote to approve it. This would not be a safe situation.

REMARKS FROM THE SUPERVISORS:

Mr. Sinatra said that the Fairweather Lodge provides a great service for its clients. There are places for this lodge. However, he agrees with the citizens that Amherst Acres probably is not the correct spot. There should be a way we could get the person in charge, (TSI, Our Own Home or Fairweather Lodge) to see about 24-hour supervision. Would I want this next to me? No. Do I want it next to you? No. I feel your pain. You are good neighbors and put an investment into your houses. He has done some research on Fairweather Lodge and the one they have in Erie is located in a more city-like community making it easier for the residents to get around. Security is an issue and our main thing is keeping our residents safe. Really, they have a right to move in there as long as they fall under the definition of a group home and fall under our ordinance. However, we have not yet granted them an occupancy permit for that house. Mr. McGurk said that he appreciates the conversation tonight, but we have not received an occupancy permit application from them yet. Mr. Sinatra said that it is good to bring this up. The lines of communication have been opened and they want to be good neighbors. The safety of your children is No. 1 with the Supervisors. He feels the passion that the residents have expressed and he hopes this Board will take the necessary steps to make everyone safe. Being honest, we are hearing from one side only. This board has to determine what it wants in its community. Hopefully we will move in the right direction on this matter. Mr. Sinatra said that as a follow-up from last month, he wanted an update on the Manager living in the Township. After receiving phone calls and emails from residents, it is this Board's fiduciary responsibility to follow up on these issues. He asked the Manager for an update on where she stands with moving into the Township. Mr. Vitale said that he feels we should discuss this at another meeting as this is not the proper time or place for such a discussion. Ms. Sinatra said that he disagrees. We have just heard from residents who are upset about safety. She is violating an ordinance. Mr. Vitale said that discussion of personnel issues are done in executive session. Ms. Creese said that she answered this for the public last month but will answer it again. She has no problem complying with the residency requirement. But in order to do so she has to sell her current residence which has not sold. As the Board of Supervisors is aware, there are personnel issues that she is not able to discuss in public. If the Board authorizes those to be discussed in public, she will concur. But at the present time, those must be discussed in executive session and she wants to protect the Township from further litigation. But she does understand the ordinance and understands the legal documents she has to address that. She owns a house and she knows that residents understand the issues with selling a house and moving. If we have to discuss this at every public meeting, she can give an update on the sale of her house; otherwise, she will defer to the Chairman or the Solicitor about the ability to discuss personnel matters. Mr. Sinatra said that he does not see how this is a personnel matter. He thinks that three years is long enough. Mr. Vitale asked the Solicitor to comment. Mr. Lucas said that personnel matters are normally discussed in executive session.

Mr. Gribben thanked the residents for coming in this evening. Better decisions are made with public input and open discussion. He commends everyone for coming in. Come back as this situation comes to a head.

Mr. Eicher had no comments.

Mr. Vitale said that the Board does hear the residents' concerns and he thanked them for their opinions and keeping their discussions civil. He would like to mention the Road Department and the work they have done this winter. There have been minimal problems or issues and they have done a great job. He was asked to mention the new high school. They will be having a dedication on Saturday, February 19, 2011 at 10:00 a.m. with an open house following until 2:00 p.m. The public is invited to attend. If people get an opportunity, they should attend because it is really a gem. It is a beautiful facility.

There being no further business before the Board, the meeting adjourned at 8:30 p.m.

Respectfully submitted,

Janet L. Sieracki
Assistant Municipal Secretary