

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. McLaughlin, 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 Workshop Meeting of January 26 and Regular Meeting of February 2, 2011, which were distributed to the Board of Supervisors for their approval. Motion made by Mr. McLaughlin, seconded by Mr. Gribben. All Supervisors voting yes, motion carried.

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. Mr. Vitale advised citizens that the Moon Township Volunteer Fire Department's annual fish fry will begin on Wednesday, March 9, 2011 for take-outs only and continue throughout Lent on Fridays from 11:00 a.m. to 8:00 p.m.
- B. Mr. Vitale said that MCA-TV will present its annual Public Awareness Weekend this month. This live program will air from 1 p.m. to 9 p.m. on Friday, March 18, and continue from 9 a.m. to 9 p.m. Saturday, March 19. Public Awareness Weekend features live interviews with representatives from a variety of nonprofit organizations in our area. Tune in on Comcast channel 14 or Verizon channel 35 to learn about programs, services and volunteer opportunities.
- C. Mr. Vitale advised citizens that the Moon Township Public Works Department will conduct its spring curbside tree branch pickup during the month of April. Curbside pickup will start on Monday, April 4, and conclude on Friday, April 29. The pickup schedule will

follow residents' regular garbage pickup schedule.

- D. Mr. Vitale called on Capt. Greg Seamon who read an email received from a resident of Alabama who wanted to recognize Moon Township Police Officer Alan Morrow and Public Works Department employee John Stephens for their assistance and compassion when her husband, a truck driver, was driving through Moon Township when he received notification of the death of their son in a traffic accident. Capt. Seamon also read a letter of commendation from Police Chief Leo McCarthy.

NEW BUSINESS:

- A. **Action Item**—Mr. Vitale called for a motion to exonerate the Moon Township Real Estate Tax Collector from the collection of delinquent real estate taxes for property tax year 2010 and vest the power for collection of these delinquent taxes to the delinquent real estate tax collector, Keystone Municipal Collections. Motion made by Mr. Sinatra, seconded by Mr. Eicher. All Supervisors voting yes, motion carried.

B. **Public Hearing – AutoZone**

Mr. Vitale opened the public hearing to consider the application for conditional use requests from AutoZone to deviate from certain requirements of the University Boulevard Overlay District. Those wishing to give public testimony were sworn in by the court reporter. Mr. Lucas listed those documents that will be entered into the record. On behalf of the applicant, Mr. Carmen Didiano made a presentation to the Board. He gave details about the proposed development, explained the reasons for the conditional use deviation requests and answered questions from the Board. Following the presentation, Mr. Vitale called for a motion to close the public hearing. Motion made by Mr. McLaughlin, seconded by Mr. Eicher. All Supervisors voting yes, motion carried.

- **Action Item**—Mr. Vitale called for a motion to approve/deny the conditional use deviation request for the proposed AutoZone Retail Parts Store, which would allow the applicant to have three driveway entrances as shown on the proposed land development plans and as recommended by the Planning Commission. Motion to approve made by Mr. Sinatra, seconded by Mr. Gribben. All Supervisors voting yes, motion carried.
- **Action Item**—Mr. Vitale called for a motion to approve/deny the conditional use deviation request for the proposed AutoZone Retail Parts Store, which would allow the applicant's University Boulevard driveway to be located less than 185 feet from the neighboring driveways as shown on the proposed land development plans and as recommended by the Planning Commission. Motion to approve made by Mr. Sinatra, seconded by Mr. McLaughlin. All Supervisors voting yes, motion carried.
- **Action Item**—Mr. Vitale called for a motion to approve/deny the Preliminary/Final Major Land Development Plan Application for the proposed AutoZone Retail Parts Store, subject to the outstanding issues and conditions referenced in the Township Planning Department's review letter dated January 17, 2011 and the Township Engineer geotechnical review letter dated February 4, 2011, and as

recommended by the Planning Commission. Motion to approve made by Mr. Sinatra, seconded by Mr. Gribben. All Supervisors voting yes, motion carried.

- C. **Action Item**—Mr. Vitale called for a motion for the Township Consultant for the 2011 Moon Township Comprehensive Plan Update and approve the scope and price proposal as submitted, subject to the execution of an Agreement with the Township in a form acceptable to the Township Solicitor. Mr. Eicher made a motion to appoint Olsen & Associates. He would like to include several conditions to go with the appointment. We have a base bid and some alternates. His proposal is to include the alternate for Mooncrest, the alternate for the overlay district, but not the alternate for Marcellus shale. The reason he has excluded the Marcellus shale alternate is that this plan will take a year to review and he thinks that we need to move more quickly to evaluate the Marcellus shale situation. The applicant has indicated that there might be some potential for some savings from what they bid. He would also like to move that the amount not exceed the quoted amount and would authorize the staff to investigate possible cost savings with the applicant. Mr. McGurk said that there is another alternate to do a community town center review. He does not believe they have a Marcellus shale proposal included in writing in this proposal. Mr. Eicher said that he thinks we should include it in the motion but talk about it later whether we want to exercise that option. Mr. Sinatra made a motion to appoint Trans Associates as the Township consultant for the 2011 comprehensive plan update since they did our last comprehensive plan and did it successfully. He thinks that they can do it in a reasonable amount of time and at a good price. Mr. Gribben seconded the motion to Olsen & Associates. Mr. McLaughlin seconded the motion for Trans Associates. Mr. Vitale called for a roll call vote. Votes for Olsen & Associates were cast by Mr. Eicher, Mr. Gribben and Mr. Vitale. Votes for Trans Associates were cast by Mr. Sinatra and Mr. McLaughlin. Olsen & Associates was retained by a vote of 3-2.
- D. **Action Item**—Mr. Vitale called for a motion authorizing bids for a Telex wireless headset intercom system for the MCA-TV production trailer. Motion made by Mr. Eicher, seconded by Mr. McLaughlin. Mr. Eicher said that he thought this purchase was included in this year's capital budget. Ms. Creese said that was correct. Mr. McLaughlin asked if this could be purchased on State contract. Ms. Creese said that she would have to clarify that with Jim Koepfinger, but not to her knowledge. All Supervisors voting yes, motion carried.

UNFINISHED BUSINESS:

- A. **Action Item**—Mr. Vitale called for a motion to award the bid for the 2011 Moon Township Road Paving Program to Youngblood Paving, Inc. of Wampum, PA for a base bid of \$829,173.40 as recommended by the Township Engineer in his letter dated February 28, 2011. Motion made by Mr. McLaughlin, seconded by Mr. Sinatra. Mr. Petroccia said that this is the third year that the Township has used this firm. They have done very good work the first two years. They were the low bid. They have worked well with the Road Department and the residents. Mr. Eicher asked if we bid this using the PennDOT asphalt price index. Mr. Petroccia said that we did. It has to increase by 10 percent before there is any change in the contract price. All Supervisors voting yes, motion carried.

- B. **Action Item**—Mr. Vitale called for a motion to approve/deny bond reduction request No. 1 for the Moon Flight Car Wash, subject to the Township Engineer’s recommendation letter dated February 17, 2011. Motion to approve made by Mr. Gribben, seconded by Mr. McLaughlin. Mr. Petroccia said that Moon Flight Car Wash had an original letter of credit amount of \$132,535. He did an inspection on February 17 and found that they had completed some of the work and recommends a reduction in the amount of their bond of \$13,475 to a new amount of \$119,060. All Supervisors voting yes, motion carried.

MOTION TO PAY THE BILLS:

Mr. Vitale called for a motion to pay the bills [**check no. 7823 through check no. 7978, EFTs, and Capital Reserve check no. 1211 through check no. 1218**]. Motion made by Mr. Gribben, seconded by Mr. Eicher. All Supervisors voting yes, motion carried.

COMMENTS FROM THE AUDIENCE:

Venus Thompson of 164 Greenlea Drive said that she is here to once again voice her concerns about the Fairweather Lodge planned for 162 Greenlea Drive. There are over 30 children in a 4 – 5 house radius—a good portion under the age of 6. The house at 162 Greenlea Drive is located in a partial cul-de-sac with no direct access to transportation and no 24-hour supervision. She has concern for medication compliance. The model appears to demonstrate a business rather than a group residence. She is concerned about the secretiveness of the purchase and the plan of the Fairweather Lodge as well as the depreciating property values. She is a tax-paying resident and she is asking that the Board amend the current zoning ordinance or table the current occupancy permit filed by Fairweather Lodge owners, TSI, so that you the Supervisors can look at all aspects of the Fairweather Lodge and make an informed decision. There have been many discussions and media reports since the last Supervisors meeting. Sharon Alberts of Transitional Services compared the residence to a group of four college students who live together and pay rent. In Moon Township, you cannot have more than three unrelated people living together in a home. That is why we do not have four college students living together in a residential area. Ms. Alberts said that Fairweather Lodges are typically located in more urban areas near readily accessible transportation. Greenlea Drive does not fit the typical description for a Fairweather Lodge. She is asking again “why is it here?” She and her husband are taxpayers and are raising their children here. It is a shame that some of the Supervisors have nothing to say. Mr. Eicher, she said, she was astounded by his lack of comments. You are an elected Supervisor. Your opinion and leadership (or lack thereof) is truly a shame to the taxpaying residents of Moon Township. She feels that he owes us a comment. Ms. Creese, she is calling for her to resign as Township Manager. It is a conflict of interest. She is a voted Township supervisor and is currently in violation of our own ordinance that she must reside in Moon Township. You live in Rochester and pay lower taxes. You make a salary of \$86,254, violate an ordinance and still collect a salary. You were elected in March of 2009 and asked if two years is not enough to sell her house, which has never been on the Multi-list. How can she be a part of tax-paying residents’ decisions when she herself is violating the rules that are defined by Moon Township? You are not vested here, but are helping to make crucial, life-changing decisions for Moon Township residents. However, you are not one yourself. She thinks that Ms.

Creese has collected enough of the taxpayers' money and owes it to Moon Township residents to resign. As we saw over the last month, there are political alliances. We do not need an executive session to talk about the potential for litigation regarding Ms. Creese. This decision must be made with an open mind, not a political alliance. You must make a decision that is best for everyone. The Fairweather Lodge on Greenlea Drive is not the best for everyone. Please table or amend this on behalf of the taxpaying residents that have elected you to where you sit today.

Phil Herrle of 169 Greenlea Drive said that he has been a resident of Moon Township for over six years. He moved to Amherst Acres because he saw it as a neighborhood that is friendly and safe and a safe place to raise his daughter who is six years old. He worked for eight years as a psychiatric nursing assistant in a lock-down unit at St. Francis Medical Center. He has knowledge and experience as to the nature and unpredictability of the people that TSI and Our Own Home are trying to move into his neighborhood. It is a well-know fact that people with persistent mental disorders have a history of not taking their medication when they no longer feel they need it. When that happens, they repeat the behavior that caused them to be medicated in the first place. That behavior can be violent, sexual or just plain inappropriate. None of this is acceptable around his child or any child. As a taxpayer in Moon, he is amazed by the complete lack of support or concern that the majority of the Township Supervisors have shown toward this issue involving the Fairweather Lodge group home at 162 Greenlea Drive. He is using the term "group home" very loosely, the reason being that no one seem to know what this place really is. TSI, who owns the property, has filed for an occupancy permit as a group residence. But on TSI's web site, it states group homes have staff on-site 24 hours a day. Yet this residence is slated to have no supervision. Kim Stucke, who identifies herself as a national board member, stated on Moon.Patch.com that lodges are not really group homes. Again, no one seems to know what to call this place or what they want it to be. That, to him, is vague enough for the Board to step up. His wife has been in contact with Mark Mustio who informed her that he has been in contact with individuals involved with the home. Mr. Mustio had two main messages for them. He told them that the other group homes in Moon have 24-hour supervision. He recommends that for this home. In addition, he felt it was a mistake to not have an informational meeting with the neighbors so that both sides can get information out and questions answered. Frank Dorin who is director of operations for Transitional Services stated in the Pittsburgh Tribune-Review on February 17 that "his organization is not required to make its presence known prior to purchasing the house." That may be; however, TSI makes statements like that and expects us to be a welcoming community. This is nothing short of a belligerent attitude toward his neighborhood and the people that live there. Mr. Dorin went on to say that TSI staff would like an opportunity to speak to the concerned residents at a small meeting to address concerns. To this date, there has been no meeting scheduled. If you look at the Fairweather Lodge web site, the No. 2 key to a successful Fairweather Lodge states "an accepting neighborhood." Amherst Acres is not an accepting neighborhood; they may have been. By pushing their agenda with no notice to their neighborhood, TSI, Our Own Home, and Fairweather Lodge have their own selves in mind. Where will he turn if and when there is an incident concerning the people in this house? Who is liable and who is liable is any harm comes to his wife or daughter? Here is where he will turn—Charlotte DiNardo, of Our Own Home, who started this whole mess, Frank Dorin and Sharon Alberts of Transitional Services, and the Moon Supervisors who have shown little to no regard for the residents of this community. You people have the power to make an amendment to the very vague group

home code we have in Moon, but you are choosing not to do so. The people of Moon Township who do not live in Amherst Acres need to be aware that this is just the beginning. Once this group home is allowed to open, it will happen again. He thinks of himself as a responsible, reasonable person. The last thing he would want is to have someone move into his neighborhood and feel unwanted. To that end, he suggested to his neighbors if and when this house comes in to have the signs that state we do not want this house taken down. However, due to the belligerence on the part of Our Own Home, TSI and the lack of concern from the Township, he is leaving his sign up and recommends his neighbors do the same. All of you involved have done a great disservice to those considering residency at 162 Greenlea Drive. Moon Township Supervisors—it is time to rethink your political alliances. He finds it completely incomprehensible that Moon employs a Borough Manager who is making decisions on what happens in Moon in his neighborhood where he pays taxes and herself does not live here. Her only real interest is a paycheck here.

Adrian Sirbu of 171 Greenlea Drive said that in looking for a home, his main criteria was a safe neighborhood. It took him a year to find a house that meets his needs. He has been very happy in this house. His sons enjoy the freedom this neighborhood has and he has never worried about his children playing at a neighbor's house because he knows they are safe. Unfortunately, this is going to become the past. He is here to express his concern about approval of the opening of the Fairweather Lodge. He is concerned about leaving those residents unsupervised so close to his house. Children can be very loud and we have 31 children in the vicinity of this house. Can you imagine what would happen if one resident would not take his medication and one of the children would bother him? He had a bad experience with a mentally ill neighbor at the home where he previously lived. Several years from now, he does not want to hear a comment about why they were not supervised. Why is this house being placed in this type of community with so many children around? What Fairweather Lodge tries to do is put four people who are mentally ill in among us. We know they are going to be unsupervised and he knows a tragedy can happen. Why do we have to fear for the safety of our children every day from now on? Who is going to be responsible if something happens? He purchased his home in Amherst Acres because it is a safe, family-friendly area. He wants it to remain as such. We do not welcome the Fairweather Lodge and its residents on our street. We ask you, our Supervisors, to take action to stop it.

Carol Masri of Beacon Hill Drive asked if Beacon Hill Drive will be repaved this year. It was scheduled for paving last year but it was not paved. Mr. Petroccia said that Beacon Hill is first on the list for repaving this year. Ms. Masri said that her second concern is in regard to Mr. McLaughlin's seat on the Board of Supervisors. Mr. McLaughlin has left the area and was transferred to North Carolina in 2010. Last month, he was not in attendance at the Board of Supervisors meeting. His house is for sale and is empty. The Pennsylvania Board of Supervisors Handbook lists the qualifications that the Supervisor maintains a presence in the Township. She is asking Mr. McLaughlin to please resign his position on the Board. The reason she is asking this has nothing to do with him. His seat is going to be vacant in December. We should be allowing someone to fill the seat that is a resident and is here daily. She does not understand why he is holding the seat hostage. It is not fair to the residents. She knows that he has lived here for a long time, but he does not live here now. It would be nice of him and respectful of the Township residents to resign. Mr. Lucas said that there are a number of factors that come into play concerning residency and elected officials. As the Township solicitor he is not really

going to voice an opinion on that; it is really an issue that Mr. McLaughlin will have to address. The Township and the Township Board of Supervisors have absolutely no role as it relates to that issue. It has no jurisdiction over that issue or power to remove him from office. It has no authority to determine eligibility or authority to hold a special election. There are remedies that people who are concerned about it can pursue. Ms. Masri said that a representative from the Allegheny County Bureau of Elections has said that he does not understand why the Board of Supervisors is not taking up the issue. Mr. Lucas said that the representative is not a lawyer and is not correct in that regard. This Board has no authority to deal with that issue. The Township does not even have the power to impose a policy. Ms. Masri said that she thinks that as a courtesy to the residents of Moon Township Mr. McLaughlin should resign.

Mary Jane Pantzis of McIntosh Drive said that she is requesting that Tim McLaughlin resign. Mr. Lucas has said that the Board has no power, but who elected you people. It is not fair and the Township should have a policy to protect the Moon Township residents

Nelson Kletzli, Jr. of 168 Greenlea Drive said that he was here last month. We all ask the Supervisors to look at 162 Greenlea Drive and his neighborhood. The Supervisors have seen the layout and where the house sits. He hopes that the Supervisors have investigated this thoroughly. He read from a publication of Fairweather Lodge indicating the number of participants using drugs or alcohol. He does not think that allowing this is responsible. This publication indicates that Fairweather Lodge has a plan for controlling the use of alcohol and street drugs. He is amazed that they need a plan. We as residents don't need a plan. We don't want this type of influence in our neighborhood. There is a sign at Amherst Acres that "Nice People Live Here." We welcome people—all people. These people need a place to go too, but not Amherst Acres. We discussed this last month and he hopes that the Board thought about it. Each of us takes responsibility for our own action. Who is going to take responsibility for these 4-8 adult individuals when they go off their medications or have a problem? We all need to answer that question. He does not think that TSI or Our Own Home is taking that responsibility—but we have not heard from them because they are silent. He assumes that none of the Board knew this was coming because good Supervisors would have been knocking on everyone's door telling the residents that "we just found this out and you need to know." He hopes that the Supervisors have researched this thoroughly. Mr. Kletzli said that he has known Mr. McLaughlin for many years and he is a fine individual. He knows that Mr. McLaughlin has the best interests of the Township at heart and that is why he is serving here. There are others that are not so inclined. Each of you was compelled to run for Supervisor because they wanted to make Moon Township a better place to live. From what he has heard when we first heard about this up until tonight, the Board is failing us because you are not telling us anything. This thing needs to be a conditional use and there needs to be 24-hour supervision if it is to be safe in his neighborhood.

Pete Pavcari of 177 Greenlea Drive said that he has nothing to add to what his neighbors have said. He asked what the Board members would do if the Fairweather Lodge was coming to their neighborhood.

Shannon Storm of 175 Greenlea Drive said that she was here last month and spoke about the Fairweather Lodge. There has been information in the press about this issue and she said that both sides have learned a lot. TSI held a conference call with Ms.

Creese and Mr. Vitale. She would like to know what was talked about during that conference call. Since this Lodge is the first of its kind going into Moon Township, is it going to set precedence for future Lodges to be placed in other neighborhoods? She is asking Ms. Creese and Mr. Vitale if they are comfortable with the Fairweather Lodge now that they know what they know. All of the Supervisors must have researched this and she wants to know if they feel comfortable with it and are comfortable that their safety and property values will not be affected. After she talked to TSI she does not feel comfortable about this. When she read in the media that TSI usually locates these Lodges in more urban areas that are more accessible to transportation, Greenlea Drive does not fit that description of a Fairweather Lodge neighborhood. It is not good for the residents and not good for them. She wants the Board to convince her that they are comfortable with this and it is safe for everyone.

Greg Thompson of 164 Greenlea Drive said that he spoke at the last meeting regarding the possible Fairweather Lodge. In Moon Township, there are two types of group homes. One is called a group care facility. The other is group residences. There are a number of those in Moon Township and they are supervised 24 hours a day, seven days a week. There are some of those in his neighborhood. He has no problem with them and welcomes them. He does not have a problem with those people that would be living in the Fairweather Lodge. He thinks we all have caring hearts. He has a problem with it being put in our neighborhood with no supervision. He said that according to the Moon Code, there are no group residences in Moon Township; this is the first one. Mr. Thompson said that he is a mathematics teacher at Montour High School and knows about what precedence means. When you set precedence, anything else goes. A group residence, such as the Fairweather Lodge, that houses folks with serious and persistent mental illness, according to the Moon Code, is permissible in R-1, R-2, R-3 and R-4 (all of the residential zones). Cherrington Manor is not exempt. He discussed what some of the non-profit organizations said about the Fairweather Lodge and he will then discuss the reality from individuals who have experience with Fairweather Lodge. He said that TSI has indicated that everyone works together and it all sounds great. However, he spoke with a gentleman from Connellsville who opened a bed and breakfast on the main street in town. A non-profit organization bought a property next to his. According to this gentleman, this Fairweather Lodge single-handedly destroyed his business and it has since closed. This man still lives in the bed and breakfast that has closed. He said that the 7 – 8 residents of the Fairweather Lodge next door were not successful in running their own business ventures. None of the residents work so the taxpayers end up paying the tab. He talked about the improvements that were made to the house. He cited several other examples of why he felt this would not be appropriate for Amherst Acres. He hopes that no one knew about this, such as friends of Charlotte DiNardo that sit on this Board today. He spoke to Bob Goodrich of Osceola Township, Pennsylvania. They stopped a Fairweather Lodge from opening there on 95 acres—not ¼-acre in Amherst Acres. There are ramifications as the solicitor will tell you. But Osceola Township, due to the things we talked about tonight, voted against it. It can be done. He talked about the number of Lodge residents that use street drugs while on their medications. Amherst Acres is not an accepting neighborhood. Fairweather Lodge literature states they must be placed in an accepting neighborhood. He can assure the Board that his sign is not coming down. It is not against those people; it is against the politics that go on behind the scenes. Charlotte DiNardo probably wrote the definition for group residence. To the Supervisors, put yourself in my shoes. He knows that Mr. Eicher's children are older than his and he hopes that Mr. Eicher will comment on this issue at the end of the

meeting. What would you do? This is a conflict of interest. This code was around or possibly written when Charlotte DiNardo was a Supervisor in Moon Township. Charlotte DiNardo is on the board of Our Own Home, a non-profit organization. What he asks of the Supervisors is that they consider what he is going through. What would it take to slightly change the zoning laws or definitions? We elected you for that reason. This is more important than stucco or the trees at Wal-Mart. Please look at those definitions in the zoning ordinance and decide if this is right. There will be ramifications. Wouldn't you sue the Township to try to recoup the \$50,000 loss in the value of your house? Because this sets precedence, this is bigger than Wal-Mart because it directly affects a great neighborhood. Look at the definition of "group residence" and see how broad it is and realize it has never been granted in Moon Township. See if something can be added to the definition such as proximity to children. This is the absolute wrong location to put such a place. He actually likes the idea of a Fairweather Lodge; but not in his neighborhood though. He will be curious to hear your comments.

Mr. Lucas said that he would like to comment on the procedure that relates to this. He knows that there is a lot of sympathy and empathy by the Board for the residents' comments. Certainly there have been efforts made to encourage the applicant to have a dialogue with the neighbors to see if they can resolve some of their concerns. As a practical matter, though, the Township received an application. The Township zoning officer is obligated to act on that application looking at the then existing zoning ordinance provision. He knows there has been an appeal filed so he encouraged the residents to discuss this with their legal counsel. Based on the limitations of the Federal Fair Housing Act, Mr. McGurk had to make a decision on whether to issue that permit. Based on those considerations, even if the Township were inclined to change the ordinance moving forward, legally that doesn't impact an application that is already pending. That being said, an appeal has been filed from that decision. That appeal is scheduled before the Zoning Hearing Board on Thursday, March 10. The Supervisors are concerned and interested in your comments. But the zoning Hearing Board is the forum where you will have the opportunity to make your case. You do have remedies. Any property owner also has legal rights. There is a process in place and the applicants have a right to have a decision made on their application. If someone feels that is incorrect, they have a right to appeal.

Robin Pavcari of 177 Greenlea Drive said that Mr. McGurk made a black-and-white decision on the form that he was given. The neighbors have come to her house asking that she sign a petition. Her husband came over to the Township building and asked questions of Mr. McGurk about what was going on and was told that background checks are not run on other neighbors so why would we run a background check on this organization. These people have suffered some type of trauma in their life so she did not put a sign in her yard. But after today, this makes her sick. She understands the Board and lawyer's point of view that your hands are tied, but what do we pay you for. What are you here for? After we are done speaking, will you reply to us today?

Venus Thompson said that there are legal ramifications about how you amend a zoning ordinance. You can't amend, change or alter it. Yet we can be allowed it to violate it. She is not sure legally how you would be allowed to do that. She wanted everyone to know that Mr. McGurk does not reside in Moon Township. He is not vested here either. If the ordinances are written that we can violate that does not seem right to her.

Marty Griffin of 147 Greenlea Drive said asked if the Board of Supervisors can override the decision by the Zoning Officer or the Zoning Hearing Board. Mr. Lucas said no. Mr. Griffin said that if that is the case, what is the purpose of this Board?

Pete Pavcari said that he is not familiar with Charlotte DiNardo. He asked who approves or inspects the policy that we have to abide by. Everyone is saying that she wrote the zoning law with regard to this group home. Who oversees what goes into the laws in this Township. Did she write it herself? Mr. Lucas said that he is fairly certain that Ms. DiNardo did not write the language of the ordinance. There was a point in time when the ordinance was revised extensively many years ago. Ms. DiNardo may or may not have been on the Board at that point in time. This Board does have the right to write and modify the zoning laws. His only point is that you can't do that on an application that has already been filed. Mr. Pavcari asked how can you, after last month's meeting, just let this pass through. Stop and take a look at it and just wait. Now you are telling us, with the swipe of a pen, we can do nothing about this. Do you understand what you are doing? You are basically wrecking what Moon Township is all about. It is a beautiful, wonderful community. The only thing he does not like about Moon Township is the process (or lack thereof) he sees here tonight.

Mark Wisniowski of 411 Amherst Avenue asked if there are any group homes in the Board members' neighborhoods. Ms. Creese, you missed a good opportunity to buy a nice home at 162 Greenlea Drive.

Carol Masri of Beacon Hill Drive said that she has to agree with these residents because she has been a psychiatric nurse for 30 years. She works at Staunton Clinic. There should be 24-hour supervision of these people. These people are correct. She has worked with these people for 30 years and believe her when she says there are going to be problems.

Tom Arnold of 299 Crawford Drive asked if there are going to be sidewalks at the new AutoZone. Mr. McGurk said that there will be sidewalks.

REMARKS FROM THE SUPERVISORS:

Mr. Gribben said that he is newest member of the Board of Supervisors. Unfortunately, in this role, you have to learn as you go. This is the first time he has had a group residence come into the Township and be an issue. His understanding is that a group home has a lot of protection under Federal law. That is not an excuse to bring a dangerous situation into any neighborhood. It is not fair to our community. You bring forth some compelling information. If it is true, he will say that he does not want Fairweather here. However, they have not come in and made a presentation. As a good Supervisor, he does not think that he can make an informed decision without hearing their side. By just hearing one side, it is not fair to either party. He is not sure if, as a Board, we can request that they come in and present their side and address the residents' concerns. It is only fair to both parties to have that happen. If the trend that you say is true with the drugs and the alcohol in a neighborhood like that, he is not for it. But somebody needs to come in and present their side. He thanked the residents for coming in. It is important for residents to come in here and voice their opinions. Good decisions are not made without it.

Mr. McLaughlin said that he will not be resigning this position because of nights like this. He will be here until the end of this year to fulfill his term as Moon Township Supervisor. He has had numerous phone calls from residents asking him what is going on. They want him to run again. But he will not be resigning because of situations like this tonight. He would like to facilitate an investigation because if this staff knew about this and didn't inform the Board he would be upset. He remembers several years ago with Forest Green there was talk that the staff knew about Forest Green coming in, but it was too late because they already purchased the property. He does not know where the next step for these residents would be after this if they do not succeed in this home. He guesses it would be jail—maximum security with guards. He does not want to take a chance like that. He hears us spending thousands of dollars because we do not like Wal-Mart and we allow something like this to come in. You have said enough. He does not know what went on with this conference call with Mr. Vitale and Ms. Creese. He has not gotten a memo explaining what was discussed. He thinks that we should demand that they come here at a televised meeting and give a full presentation on how they are going to look out for the health and welfare of our residents. This is our job as Supervisors. People talk about traffic. While traffic is important, this is about quality of life. He lives in Sharon Hill North and is a neighbor to you. He is not happy about this either. He still has a residence here and still lives in that home. He thinks that we need to launch an investigation because if staff knew about something like this he will hold them accountable. Now, after it is here, it is hard to do something about it. Now it is up to the Zoning Hearing Board. He wonders if we can legally withhold their occupancy permit. We are putting our residents in danger. He is surprised that we bash a corporation that will bring jobs here and clean up an eyesore, but yet allow something that will be more detrimental to your home values than Wal-Mart. So I am on your side. He will make this statement public: He is not for this. He knows Charlotte DiNardo and does not have anything personally against her. He does not know if she had the power when she was in office to facilitate something like this. In her defense, he does not believe that she did because this has to go through a process. When we go through a comprehensive plan process it is not done by just one person. It is done by a group of varied individuals. It is frustrating for him to sit here and have to deal with something like this. It is really something we need to take a look at. He appreciates your concern. He will do whatever he can to insure that it is a safe place for all. The residents have asked a lot of serious questions and he appreciates their concern. He would like to take this opportunity to ask Mr. Eicher to recuse himself from anything involved with Wal-Mart. He thinks that his opinion is tainted and Wal-Mart will never get a fair shake from Mr. Eicher. He knows that people have their issues with it, but we have an eyesore there that will be cleaned up. We will bring tax dollars here. There could be traffic problems, but we won't know until it comes in. Kenny Ross Development will be putting a top-notch, flagship dealership on University Boulevard. He is for it and thinks it will be a plus for our community. They will be bringing jobs here and yet we were worried about panels. We have done nothing but drive jobs out of this Commonwealth.

Mr. Eicher said that we have had people come tonight with a real concern about their community. He thinks it is a fair question why he did not make any comments last month. As the residents are going through this for the first time, he is also going through this for the first time. He has been on the Board for seven years and the first time he has had to deal with this is now. But last month he sat and listened to the residents talk. He put himself in your place. He believes whether it is his neighborhood or any neighborhood in Moon Township, if there is something that is going to happen to

jeopardize those children, then this Board has a responsibility to do what we can do. He is always looking for an answer or solution. As he sat here and listened last month, he did not have a solution. As he sits here tonight, he still has not formulated in his mind a solution that we can make happen. Does that mean he is not going to try? Absolutely not. As he sits here on this Board he is obligated to represent you as best he can and he is legally bound to represent everybody. If there is something in our ordinance that should not be there, he cannot sit here tonight, snap his fingers and make it go away. As he sits here and tries to put himself in your place, please try to put yourself in my place. He ran for this office only because it afforded an opportunity to try to serve this community. His goal when he came on this Board, like any organization he came to, was to leave it a little better than he found it. But you are saying that he failed. The community is not better than when he took office. Is he going to be able to solve this issue? He doesn't know. The subject of executive sessions was brought up. He is going to ask that at the end of this meeting the Board go back into executive session because this is a legal matter. We need to ask our solicitor what we can do. But you need to understand that there is a Federal Fair Housing Act. We know that there are provisions in there to protect certain people. The question becomes when you step over the line because we also need to protect the people. He does understand and is concerned about these things. But he is also concerned that as a Board we do not take some action and find out that the end result is what was planned to come is still there and this Township must pay a huge fine or has a huge legal problem. He is searching to find how to get there. He is trying to find a way to solve it. He hasn't got that solution. He sat here last month and didn't speak because he didn't have an answer. As he sits here tonight, unfortunately he still does not have an answer. But regardless of what you think, there has been nothing going on behind the scenes on his part. He does understand your concerns. As we go forward, he will do everything he can to look out for your interests.

Mr. Sinatra thanked the residents of Amherst Acres for coming out again this evening. He disagrees that this Board cannot do anything at this time. Three votes on this Board can change a lot. Three votes can rescind an occupancy permit; three votes can file an injunction. Mr. Lucas said that the Board can direct him to take certain actions. But in terms of permits that is not something that is within your purview. Mr. Sinatra asked what about health and safety. Mr. Lucas said that there are certain decisions under the Township's ordinances that you, as a Board, make. Certain decisions fall in others' domains. This is something that goes to the zoning officer and it is now on appeal to the Zoning Hearing Board. Mr. Sinatra said that he would have to say that three votes can do a lot on this Board and it could help the people of Amherst. It is not about denying Fairweather Lodge; it is about havinh TSI come in. We have 60 residents here and had 60 last month talking about what is going to affect their home values. He would have to say that he was invited to listen in on that phone call with TSI, but he declined. The reason why he declined is that we had 60 residents that have come out in public to tell their story. TSI could have come last month or this month and tell their side of the story. This is not something that is new. He does believe that three members of this Board with a vote can do a lot. He has seen a lot of things done legally with Wal-Mart. He can tell you at this time that he cannot remember spending one cent for our solicitor on Amherst Acres. But he can tell you that we spent \$10,100 January 1 – 15 on Wal-Mart. How do you compare these two things? He does not see three votes protecting the people in Amherst. This Board needs to do more and the politics have to be set aside. This is important. He also agrees that the people in Moon outside of Amherst Acres need to wake up and get involved. There are places in Moon where Fairweather Lodge can work

fine. We want them here in Moon. But we just don't feel at this point in time that Amherst Acres—a residential community with over 30 children—is the proper place. I am tired of executive sessions. We can say that executive sessions are for our strategies and what we plan to do. We can talk about whether we can do an injunction or rescind an occupancy permit or give this Board some type of meat to bite into to help these people of Amherst. He does have a problem right now. We have the Township Manager not living in Moon Township. We used to have a solicitor living in Moon Township. Now we don't. He does not know in what direction this Board is going. But he can say that he feels that the majority of people running this Board are not protecting the citizens of Moon Township, especially the people in Amherst Acres. There are things that can be done. He is not going to say that he is going to sit back here and think of a way to solve the problem. You elected me. We hire consultants to find the answers for us. We pay good money for these consultants. You deserve answers. This is your second month. We talk about the Zoning Hearing Board and he hopes you go to that. He also hopes that you pick up the phone and call your Supervisors and tell them to wake up. At this time, he would like to make a motion to terminate Ms. Creese as Township Manager immediately. Mr. McLaughlin seconded the motion.

Mr. Vitale said that there are certain things that can or cannot be discussed in public. He asked Mr. Lucas for a definition of those things for which we can have an executive session. Mr. Lucas said that there are several items that are for discussion in executive session. One is for legal strategy or get legal advice. On the Greenlea Drive matter, he would strongly recommend that the Board receive his legal advice. With respect to personnel matters, those should be addressed in executive session. Mr. Sinatra asked if the Board is able to vote in executive session. Mr. Lucas said that ultimately any vote needs to take place in public. Ms. Creese said that the Township Manager has no objection to what is discussed in executive session being released to the public. However, she understands that she is not permitted to discuss that in public; that is the Board's privilege. If Mr. Sinatra or Mr. McLaughlin cares to have that discussed, she will happily submit to a name-clearing hearing so the result of that investigation can be discussed in public. Again, it is the Manager's understanding that she is not permitted to discuss that in public. That would have to be the majority of the Board releasing that report. Mr. Sinatra said that he is not asking anyone to discuss anything in public. He put a motion on the floor and it was seconded by Supervisor McLaughlin. The motion on the floor is to terminate Ms. Creese as Township Manager immediately. Mr. Vitale called for a roll call vote. Yes votes were cast by Mr. Sinatra and Mr. McLaughlin. Mr. Gribben said that before he votes, he has knowledge of Ms. Creese's situation. He cannot vote to terminate her based on her not living here. There are extenuating circumstances. Based on that and knowing what her situation is and the fact that she should be terminated because she does not live here, it does not warrant it. His vote is no. Mr. Eicher and Mr. Vitale also voted no. Motion did not carry.

Mr. Eicher said that he would like to make a motion. We had an investigation done by Campbell, Durrant & Beatty about 6 – 8 months ago. That has been kept confidential and discussed in executive session. He would like to make a motion that the report, and the back-up information associated with that, be made public. His motion is to release the Campbell, Durrant & Beatty study and all back-up data associated with that. Once it is released, everyone will know what it is. Mr. Vitale said that he understands that the public wants to know everything. But if the Board can meet in executive session to discuss this, these are sensitive issues. You have to respect our position. We have to

look at everybody. Ms. Creese said for the residents here and all the residents of Moon, she certainly understands the reasons that you are here and understands why you would direct that at her. She certainly understands the concern that you have that your manager does not live in the Township. She has repeatedly addressed that issue and it is her intent to sell her home. Again, as Mr. McLaughlin alluded to, there are issues in the housing market and she has addressed that. She apologizes that she cannot address those personnel issues at this time. The only answer that she can give is that for the majority of time that she was here, there was a personnel investigation that was ongoing that impacted her ability to address residency. She cannot discuss that with you and for the protection of the Board and residents, she is fine with that remaining confidential. But she can't sit here and continue to hear complaints that she failed to achieve something that is out of her control. If that continues to be an issue raised by Supervisor Sinatra and Supervisor McLaughlin, it needs to be addressed. The recommendation for termination, to the best of her knowledge, is not performance-based. It is based on other issues. If that is to be released to the public, then it will be at the discretion of these gentlemen. She would like to remind you that we are still in court with the previous manager and she would not want to go there again.

Mr. McLaughlin said that his only issue is that our Township Manager has been here for two years. She could rent an apartment for \$400 a month. There is not an issue.

Ms. Creese said that there was no requirement, nor was it disclosed to her that she had to be a resident of the Township upon being hired or by any certain date. It was discussed with the Board at the time she was hired and those discussions need to occur in executive session.

Mr. Vitale said that he had a resident express his concern to him that since the days are getting longer and the weather nicer, if people are out walking to please wear reflective clothing for safety reasons. He also thanked the residents for attending this evening's meeting. He had offered before to be a mediator between the residents and the group home. No one took him up on that offer. His offer still stands. When he looks at his position here and the Board's position, there is not a lot we can do legally. His thought is that if you cannot do it legally, then you search out other avenues. Again, he will say if the residents want him to act as an intermediary he would be glad to do that. The first step is for the Board to meet in executive session to discuss this. We need to find out what we can do. A lot of people tonight have made a lot of statements—both the public and the Board. He does not necessarily say they are all correct. We need to find out what is correct and what we can do.

Pete Pavcari asked how did it get this far? How did you let it get this out of control? Mr. Vitale said that this is all a process. When someone initiates an action, we have to respond to that action.

There being no further regular business, the Board adjourned into executive session at 9:45 p.m.

Respectfully submitted,

Janet L. Sieracki
Assistant Municipal Secretary