

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 Tim McLaughlin presiding. Supervisors present: Mr. McLaughlin, Mr. Eicher, Mr. Vitale and Mr. Sinatra.

PUBLIC COMMENTS ON AGENDA ACTION ITEMS:

(There were none.)

APPROVAL OF MINUTES:

Action Item—Approval of the minutes of the Workshop Meeting of March 31 and Regular Meeting of April 7, 2010, which were distributed to the Board of Supervisors for their approval. Motion made by Mr. Sinatra, seconded by Mr. Vitale. 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. Mr. McLaughlin said that on behalf of the Moon Township Board of Supervisors, I would like to thank everyone who contributed to the success of this year's Moon Township Earth Day celebration. More than 400 children visited Robin Hill Park on Sunday to enjoy eco-friendly activities provided by a variety of local organizations. Children visited educational exhibits, enjoyed a climbing wall and other entertainment and received free t-shirts courtesy of the Moon Township Municipal Authority. The Board sincerely appreciates the participation of all of the organizations that presented interactive exhibits. The Board also would like to thank the Township staff members who organized the event and the volunteers who dedicated a weekend afternoon to staff booths and organize activities. Volunteers from Moon Township Parks & Recreation and other community groups make this event possible year after year. The annual Earth Day celebration is a fun and effective way to raise environmental awareness in our area. As a Township that prides itself on the green space that we are able to preserve, we value this event as a way to educate young people about the environment. Thank you.

- B. Mr. McLaughlin advised citizens that Tuesday, May 18, 2010 is Primary Election Day in Pennsylvania. Polls are open between 7:00 a.m. and 8:00 p.m.
- C. Mr. McLaughlin advised citizens that the Moon Township Environmental Advisory Council will hold Moon Township's Annual Recycling Day on Saturday, June 5, 2010 from 8:00 a.m. to 1:00 p.m. at the Moon Township Municipal Building parking lot. Appliances, electronics, tires and reusable construction material will be accepted for recycling. The program is open to Moon Township residents only and proof of residency is required.
- D. Mr. McLaughlin recognized Chief McCarthy who announced the award of a grant to the Moon Township Police Department in the amount of \$38,791 from the Allegheny County District Attorney's office. This grant is from forfeiture as a result of three criminal cases that resulted in arrests. These funds will be used to purchase a 2010 Ford Expedition. No taxpayer money will be used to purchase or equip this vehicle. Chief McCarthy said that the Police Department also received a grant from the District Attorney's office and the American Academy of Pediatrics for 45 child safety seats that will be used in the department's Child Safety Seat program. Chief McCarthy said that he was proud to say that one of the department's officers, Frank Starko, has completed his second Pittsburgh Marathon this past Sunday. Regarding the grant award that he just mentioned, in addition to the cash, authorities confiscated other items such as two treadmills, three color televisions and other items. These have also been awarded to the Police Department. This could not have happened without many departments and agencies pulling together.

NEW BUSINESS:

Mr. McLaughlin said that he would like to make an announcement before we proceed with the new business agenda items and the presentation and public comment for the Nyetimber Group Residence Land Development Plan. He would ask that we all consider and adhere to the following procedures and courtesies:

- Please remember to sign in if you would like to speak at tonight's meeting.
- Please be respectful of one another and one another's time.
- Please do not speak out of turn and disrupt the speaker when he or she is presenting. Each person is expected to give the speaker the same courtesy they would expect in return.
- Please do not be repetitive.
- Please remember that all public comments are welcomed. However, public comment is not a debate. Any and all questions should relate to the details of this project, its design and the requirements laid out in the Moon Township Code of Ordinances.

Again, I ask that we all respect one another and one another's time. Everyone who would like to speak will be afforded an opportunity. Thank you.

- A. ***Presentation—Nyetimber Group Residence, Revised Land Development Plan:***
Attorney Jonathan Kamin said he is present representing the applicant. With him tonight is Michael Wetzel of Victor Wetzel Associates, who are the planners and landscape architects for the plan. They were here to formally present to the Board the plan known as the Nyetimber Group Residence Plan of Lots. Everyone is familiar with the property,

which is located at the corner of Coraopolis Heights Road and Beaver Grade Road. It is the same property for which the applicant has requested a rezoning. They are again going to ask for a rezoning for this property to C-2 commercial and include in the Carnot Village Overlay District. Tonight they are presenting to the Board a fully compliant subdivision that complies with Moon's ordinances. It is the applicant's intention to develop this property one way or another. Having not had the opportunity to develop it commercially, they have proceeded to develop a compliant plan on a residential basis. Mr. Wetzel explained that they are seeking a four-lot simple subdivision known as the Nyetimber Group Residence, which will be developed into group homes that are permitted as a use by right under the R1A Residential zoning district. He explained how the property would be configured for the four lots. They have a Township review letter and an engineer's review letter, which were very clean review letters. He showed where the driveways would be located on Coraopolis Heights Road. Each lot will have the required number of parking spaces. All lots will have access to public utilities. All stormwater management will be handled on site with sumps associated with each home site. All items in the Township's and engineer's review letters have been addressed with the exception of a few minor plat items that needed to be updated. They are here tonight to seek the Township's approval for the four lot subdivision known as the Nyetimber Group Residence home sites. Mr. Kamin and Mr. Wetzel asked the Board if they had any questions. Mr. Eicher asked if a shared driveway is permitted in a residential development. Mr. Kamin said that on the plat they will show an easement. It is permitted under the code. Mr. Eicher said that there were several things on which the engineer commented about stormwater. He asked if those items have all been addressed. Mr. Petroccia said that he felt that the stormwater report had several inadequacies that he listed in his April 28, 2010 letter. It was inadequate in that he really could not review the stormwater management because the way they went about the calculations was incorrect. That needs to be fixed. In terms of the subdivision and land development there are only several minor things remaining. Mr. Eicher said that was his conclusion as well. Mr. Kamin said that they will be happy to address those concerns prior to the Board's action. He has not seen Mr. Petroccia's letter of April 28, 2010. Mr. McLaughlin asked about the buildings' exterior finish or if there is an example of these homes that the Board can look at. Mr. Kamin explained that the buildings will be modular that will be delivered to the site by truck in two halves. They will be traditionally sided homes. He can provide elevations and/or brochures from the factory for the Board to look at. Mr. McLaughlin asked about landscaping. There are many mature trees on the property and he asked if they were going to be saved. Mr. Kamin said that as the Board can see from the site drawings, there will be extensive site grading so there will be removal of trees that exist on the site. But as shown on the landscape plan, additional plantings will be done within the property. The structure that currently exists on the property will be razed. Mr. McLaughlin said that he interested in the quality of the buildings. He wants to see other properties that the architect has done as this intersection is a gateway to our community. Mr. Kamin said that although the architect has not done other work in Moon, he has done these types of facilities in Pittsburgh. Certainly we do not want it to be an eyesore, but we have to defer to the operator as to what is most cost effective for their operation. Mr. Eicher questioned the square footage of each building and the maximum number of residents that would be permitted. Mr. Kamin said that the architect could better answer those types of questions. What he is saying is that they will completely comply with all applicable codes. Mr. McLaughlin asked if there were any comments from the audience. (There were none.) Mr. Firman said that the Board does not have to take any action at this time. Mr. Kamin said that they do not have any objection to the

Board tabling this plan so that when the plan comes before the Board it is completely compliant. Mr. Sinatra made a motion to table this plan until next month. The motion was seconded by Mr. Eicher. All Supervisors present voting yes, motion carried 4-0.

B. **Action Item**—Mr. McLaughlin called for a motion to approve/deny the Larue Drive Traffic Calming proposal dated April 9, 2010 as submitted by Trans Associates. Mr. McGurk said that we received a petition several weeks ago under the Township's traffic-calming policy to study Larue Drive. It wasn't the typical traffic-calming petition in that they were not looking for the unique traffic-calming devices that we have looked at in other areas of the Township. The petition is calling for a stop sign warrant analysis along Larue Drive at two intersections, Pine Drive and Laura Lee Drive. What the Board has in front of them is a proposal from the Township traffic engineer for a three-week study to take traffic counts and look at some other items at a cost of \$3,550. Mr. Sinatra asked if we have to do this. Mr. McGurk explained that typically when a request is made under the traffic-calming policy it is automatically forwarded to the Township traffic engineer, per this policy, to review the merits. This request was somewhat unique since it did not call for traffic-calming devices; it called for stop signs. So instead of an analysis for traffic-calming devices, a stop sign warrant analysis is being proposed. In answer to Mr. Sinatra's question, no we do not have to do this. However, there is a traffic-calming policy in place that residents can utilize to make such a request. Before stop signs can be installed, a stop sign warrant analysis should be done. It would remove the Township from any liability should an accident occur at an intersection with an unwarranted stop sign. Mr. Eicher said that stop signs cannot be used as a means of traffic calming. Stop signs are there for safety purposes. But we have a policy that we put in place for traffic calming that we wanted residents to use to control traffic in their neighborhood. Now we have a neighborhood that is coming to us for consideration. We will be spending money for a study where we probably know what the results are going to be. Mr. McLaughlin said that several years ago Chief McCarthy looked at intersections in Sharon Hill North and reviewed them for safety. Mr. Santicola explained liability issues regarding the placement of stop signs at intersections. Mr. Eicher said that his concerns are that once these stop signs are placed, many other neighborhoods would be requesting them to control speed. He does want to support the residents of Larue Drive and come up with a solution to control the speeding problem. He is just questioning whether we are taking the right approach. Mr. Sinatra said that he agrees. We may need to look at other alternatives instead of spending \$3,500. Mr. McGurk said that he wanted to point out that a majority of the work and the costs associated with the warrant analysis is the first step in the traffic-calming policy anyway. This falls in line with the Board's traffic-calming policy that is already in place. Motion to approve made by Mr. Vitale, seconded by Mr. Eicher. All Supervisors present voting yes, motion carried 4-0.

C. **Action Item**—Mr. McLaughlin called for a motion to approve/deny the Montour Run Ramps and Cliff Mine Road Signal Modifications proposal dated April 9, 2010 as submitted by Trans Associates. Mr. McLaughlin asked Mr. McGurk to comment on this proposal. Mr. McGurk said that we received a complaint about the intersection of Montour Run Road and Cliff Mine Road. He showed an aerial view of the intersection and explained the complaint about the lane change that would have to take place by traffic making a left onto Cliff Mine and wanting to proceed to Aten Road, which would require them to be in the right hand lane. We asked the traffic engineer for some suggestions on way to improve the signage and safety at this intersection. The aerial depiction is Trans' suggestion. It would require two weeks of work. The cost for the

engineering would be \$1,250. It does not include the construction costs. The most expensive part of the work would be to relocate the mast arms. We do jointly own and maintain that intersection with Findlay Township but the work would be in Moon Township. He explained the improved signage. They are also looking to install special road name plaques. Mr. Eicher asked if we would have to get approval from PennDOT. Mr. McGurk said that PennDOT has to approve all traffic signals. They issue the permits for the signals and we own and maintain them locally. We would have to get PennDOT's permission to amend the permit plan to make these changes. He explained why this matter was brought up and why it is of concern to us. Mr. McLaughlin asked if we could work with Findlay Township because the part of the intersection that is in Findlay also contributes to the problem due to traffic coming off the Parkway not stopping. Mr. McGurk said that he knows that the street markings have worn off but the issue with the Parkway traffic can be mentioned to the traffic engineer. A discussion ensued on the traffic flow at this intersection. Mr. McLaughlin said that we have a motion on the floor to approve and a second. He called for a roll call vote. All Supervisors present voting yes, motion carried 4-0.

- D. **Action Item**—Mr. McLaughlin called for a motion to adopt Resolution R-12-2010 for the submission of a Year 37 Community Development Block Grant application for the Juniper Drive Sidewalk Replacement Project as recommended by the Township Planning Department. Motion made by Mr. Eicher, seconded by Mr. Sinatra. Mr. McGurk said that this is the 37th year of the federally funded program that is distributed locally for projects. Mooncrest qualifies through census data and the project is to replace sidewalks along Juniper Drive. Mr. Sinatra asked Mr. McGurk, since the subject of sidewalks has come up, what can residents look forward to so far as sidewalks in the Township are concerned. Mr. McGurk said that we have several projects underway, most of which are in the planning stages in order to get their permits particularly those along State highways. We previously received a grant for sidewalks around McCormick Elementary School and Brooks Elementary School along Hassam Road. Most of these are in the planning stages. We are also working on sidewalks in the area of the Municipal Building. All Supervisors present voting yes, motion carried 4-0.
- E. **Action Item**—Mr. McLaughlin called for a motion to approve parks use specialty requests outlined in the memo from the Parks Director dated April 19, 2010. Motion made by Mr. Vitale, seconded by Mr. Sinatra. All Supervisors present voting yes, motion carried 4-0.
- F. **Action Item**—Mr. McLaughlin called for a motion to accept the gift funding from the Robin Hill Park Trust to be placed in a restricted fund to be used per the stipulations in their letter dated April 24, 2010. Motion made by Mr. Eicher, seconded by Mr. Sinatra. Mr. McLaughlin asked Ms. Creese to explain this funding gift. Ms. Creese said that the Township received a letter from the Robin Hill Trust offering to place in a restricted fund \$70,000 in cash and also a \$10,000 annuity for the coming six years. This money is to be restricted to the use of maintaining the trees, lawn, shrubbery, trails, benches and like items. The only thing it is not to be used on is the building. The money is to be placed in a fund for use by the Township strictly for those items. The Trust asked that if the Board agrees to that, they pass a motion and forward a letter. All Supervisors present voting yes, motion carried 4-0.

- G. **Action Item**—Mr. McLaughlin called for a motion to extend an offer of employment to Jeffrey L. Ziegler for the position of Assistant Township Manager in Finance and Administration at an annual salary of \$68,000.00 contingent upon successful completion of pre-employment requirements, effective immediately. Motion made by Mr. Sinatra, seconded by Mr. Vitale. Ms. Creese said that when she came to the Township about a year ago, we had vacancies in both of the Assistant Manager positions. Rather than filling those positions immediately, it was her recommendation to the Board that she spend some time getting to know the staff here and assess the needs of the Township. It has been her privilege to get to know all of her department heads and finds that they are exceptional at the positions they hold. It has also been her privilege to spend some time with the new Finance Director and also to recommend the promotion of Adam McGurk from Planning Director to Assistant Manager responsible for Planning. An outside search was done for the position of Assistant Manager responsible for Finance/Human Resources and Administration. She gave a brief summary of Mr. Ziegler's background and qualifications and how the recommendation was made. All Supervisors present voting yes, motion carried 4-0.
- H. **Action Item**—Mr. McLaughlin called for a motion to hire Lisa Shaughnessy as a part-time administrative assistant in the Parks & Recreation Department effective the first Monday in May, 2010. Motion made by Mr. Vitale, seconded by Mr. Eicher. All Supervisors present voting yes, motion carried 4-0.
- I. **Action Item**—Call for a motion to approve Resolution R-13-2010 authorizing Jeanne M. Creese to execute on behalf of Moon Township all required forms and documents for the purpose of obtaining financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act for the February 2010 snowstorms, FEMA disaster No. 1898 DR-PA. Motion made by Mr. Eicher, seconded by Mr. Vitale All Supervisors present voting yes, motion carried 4-0.
- J. **Action Item**—Mr. McLaughlin called for a motion to obtain quotes for the Moon Park tennis court sealing. Bids to be opened on Tuesday, May 25, 2010 at 10:00 a.m. in the Moon Township Municipal Building and awarded at an upcoming meeting of the Board of Supervisors. Motion made by Mr. Sinatra, seconded by Mr. Vitale. Mr. McLaughlin asked Mr. Petroccia how long this will take to be done. Mr. Petroccia said that it is a four-coat acrylic sealer. You have to wait for the asphalt to cure first, which we have done. You have to wait between 24 and 48 hours between each coat so it will be more than a week that the tennis courts will be out of service while we are coating them. He gave the potential bidders 60 days to schedule the work after the bid. Mr. Eicher explained that this coating is for the new tennis courts that were just built. The old courts will still be available. All Supervisors present voting yes, motion carried 4-0.
- K. **Action Item**—Mr. McLaughlin called for a motion to pay Remington, Vernick & Beach Engineers, former Township Engineers, money received by the Township in the amount of \$1,518.57 for outstanding engineering bills from Bundy Development Company for the Staunton Heights Project, Phase III. Motion made by Mr. Eicher, seconded by Mr. Vitale. All Supervisors present voting yes, motion carried 4-0.

UNFINISHED BUSINESS:

- A. **Action Item**—Mr. McLaughlin called for a motion to approve Contractor Payment Application No. 9 to A. Liberoni, Inc. for the Moon Park Phase I Construction Improvement Project in the amount of \$49,265.10 as recommended by the Township Engineer in his letter dated April 23, 2010. Motion made by Mr. Sinatra, seconded by Mr. Eicher. All Supervisors present voting yes, motion carried 4-0.
- B. **Action Item**—Mr. McLaughlin called for a motion to approve the bond release request for Cherrington Manor Phase III, as recommended by the Township Engineer in his letter dated April 30, 2010. Motion made by Mr. Vitale, seconded by Mr. Eicher. All Supervisors present voting yes, motion carried 4-0.

MOTION TO PAY THE BILLS:

Mr. McLaughlin called for a motion to pay the bills [check no. 5813 through check no. 6017, EFTs, Capital Reserve check no. 1100 through check no. 1110, Liquid Fuels check no. 1002, and 2005 bond fund check no. 159 and 160]. Motion made by Mr. Vitale, seconded by Mr. Eicher. Mr. Sinatra said that he would like to make a change to the bills to be paid. He would like check no. 5826 to Campbell Durrant & Beatty in the amount of \$9,404.50 be excluded, pending a discussion with the vendor. He questioned the rate billed for their travel charges included in the bill. Mr. McLaughlin said that there is a motion and second on the floor to pay the bills as presented. Yes votes were cast by Mr. Eicher and Mr. Vitale. No votes were cast by Mr. Sinatra and Mr. McLaughlin. Motion does not carry.

Mr. Sinatra made a motion that we pay the bills listed minus check no. 5826 to Campbell Durrant & Beatty in the amount of \$9,404.50 to be removed to have discussion of their traveling charges. There was no difference on their bill between their traveling charges and regular hourly charges. He thinks their traveling charges need to be negotiated. In addition to that, once again he notices that Sainovich & Santicola are not listed on the check registry. This is for work done between March 25 and April 23 in the amount of \$7,063.45. His motion includes paying Sainovich & Santicola \$7,063.45 for work done between March 25 and April 23 and subtracting the check to Campbell Durrant & Beatty until their charges can be discussed. Motion was seconded by Mr. McLaughlin. Mr. Eicher said that the reason that we are even getting bills from Campbell Durrant & Beatty is because they were brought on to look into complaints filed by members of the staff against members of the Board. He knows that they have been traveling out here for police negotiations, which is one aspect, but there is another aspect of what they were traveling here for. Mr. McLaughlin said that he is not aware of any other aspects. Mr. Eicher asked if Mr. McLaughlin is not aware of any other aspects for which they have been retained. Is he not aware of complaints that have been filed by members of our staff pertaining to members of this Board? We passed several months ago a motion to bring Campbell Durrant & Beatty in to look into those complaints. If Mr. McLaughlin will look at the March meeting minutes, he will see that they were brought in for a specific reason. Mr. Sinatra said that he is not saying that we will not pay them for the work that they are doing. He is questioning their travel charges of \$185 an hour. He feels that charge should be negotiated. Ms. Creese said that she can clarify this matter for the Board. The labor counsel that we replaced with Campbell Durrant Beatty also charged us the same rate for their travel time. When we

reviewed their bill for negotiating the police contract and the public works contract we repeatedly noted that the amount that they were present for meetings did not equate to the amount of time that we attended the meetings. The explanation that we were given was that included travel time which is billed at the same rate. It was also the practice of the previous firm. All of our firms charge the same rate for travel. It is not a change in practice. Mr. Eicher said that, unfortunately, when you start dealing with personnel issues and legal issues, you talk about those in executive session. Unfortunately, the public is not privy to that. There is always a question, as a Supervisor, how much do you say in public? We obviously have problems that this Board is trying to deal with. His opinion is that we should never have had to have Campbell Durrant & Beatty help us with anything other than police negotiations. But we have situations that are occurring that the Board, in looking out for the best interest of the Township, had to take some action. We've ended up bringing in a law firm that provides services to us at a cost that we should never have had to spend. He believes that the objections that are being raised tonight about billing are simply a backlash that is part of what we are trying to deal with behind the scenes in this Township. That is unfortunate. Ms. Creese said that the Finance Director, Assistant Manager and Manager recommended approval of the Campbell Durrant & Beatty bill because the charges were in line with the agreement that the Board paid. We did not recommend payment of the April 23 Sainovich & Santicola bill because the charges did not match the actions and approval of the Board. We provided the Board with a letter detailing what those errors were. Those same errors repeat month to month. We are not recommending payment of the April 23 bill until those issues are resolved. Mr. McLaughlin called for a roll call vote. Yes votes were cast by Mr. Sinatra and Mr. McLaughlin. Mr. Eicher and Mr. Vitale voted no. Motion did not carry.

Mr. Vitale made a motion to pay all the bills listed with the exception of Campbell Durrant & Beatty and the Sainovich & Santicola bill. He would like to take steps internally where we can get this resolved and work this out. Motion seconded by Mr. Sinatra. All Supervisors present voting yes, motion carried 4-0.

COMMENTS FROM THE AUDIENCE: (There were none.)

REMARKS FROM THE SUPERVISORS:

Mr. Vitale said that he would like to reinforce what we said earlier about Earth Day. He was there and it was really a nice event. It is different and something people may not always get to experience. Next year, put it on your calendar to go see.

Mr. Eicher had no comments.

Mr. Sinatra had no comments.

Mr. McLaughlin said that we have talked about speed tonight and we have talked about stop signs. Please watch your speed through residential neighborhoods. Please watch your speed on Beaver Grade Road. We have pedestrians and bicyclists who use this road and we need to be mindful of those people using the road. Please be alert driving through the neighborhoods and encourage your children to do likewise.

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

Respectfully submitted,

Janet L. Sieracki
Assistant Municipal Secretary