

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:

Mr. Vitale called for a motion for approval of the minutes of the Regular Meeting of May 4, 2011, which were distributed to the Board of Supervisors for their approval. Motion made by Mr. Gribben and seconded by Mr. Sinatra. 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. Environmental Advisory Council | n. Parks & Recreation Dept. |
| f. Fire Department | o. Planning Commission |
| g. H.A.R.B. Board | p. Police Department |
| h. Local Services Tax | q. Road Department |
| i. Moon Industrial Development Authority | r. Valley Ambulance Authority |
| | s. List of bills to be paid |

ANNOUNCEMENTS:

- A. **Recognition** – Citizen Spotlight – Mr. Vitale recognized Sandy Hershberger with the Citizen Spotlight award. Ms. Hershberger is the volunteer leader of the West Hills Food Pantry and was nominated by Ms. Karen Lewis. Ms. Hershberger was presented with a proclamation by the Board of Supervisors. Ms. Hershberger thanked the Board for the recognition and said that she wanted to share it with all the volunteers at the West Hills Food Pantry.
- B. On behalf of the Board, Mr. Vitale recognized Eagle Scouts Adam J. Shahan of Boy Scout Troop 301 and Jeromy Robin Slaby of Boy Scout Troop 310.
- C. Mr. Vitale advised citizens that Keystone Municipal Collections will have representatives available in the Moon Township Municipal Building on Friday, July 29, 2011 between the hours of 9:00 a.m. to noon and 1:00 to 4:00 p.m.

NEW BUSINESS:

- A. **Action Item** – Mr. Vitale called for a motion to advertise to the public the sale of a former Fire Department personnel carrier, Squad 3, utilizing the Munici Bid web site, bid to be awarded at a future meeting of the Board of Supervisors. Motion made by Mr. Gribben, seconded by Mr. Sinatra. All Supervisors present voting yes, motion carried 4-0.
- B. **Action Item** – Mr. Vitale called for a motion to reduce the Woodlands at Trout Run's performance bond to \$0 as recommended by the Township Engineer in his letter dated June 20, 2011. Motion made by Mr. Sinatra, seconded by Mr. Eicher. Mr. Vitale asked Mr. Petroccia for a brief comment. Mr. Petroccia said that this is a development that has been done for a long time. There were several outstanding items on a punch list that have now been completed and documented. He believes that the bond should be released. All Supervisors present voting yes, motion carried 4-0.
- C. **Action Item** – Mr. Vitale called for a motion to approve/deny the simple subdivision plan for Lot 103, Wiltshire Estates Phase I, as recommended by the Township Engineer in his letter dated July 1, 2011. Motion to approve made by Mr. Sinatra, seconded by Mr. Gribben. Mr. Petroccia said that there was no discussion of this matter at the workshop meeting. This is one of those situations where the townhouses were built, and some of the property lines are running right through the townhouses. The property lines have to be relocated so that they run through the party walls and not through the units themselves. It is part of the PRD. All Supervisors present voting yes, motion carried 4-0.

UNFINISHED BUSINESS:

- A. **Action Item** – Mr. Vitale called for a motion authorizing Contractor Payment Application No. 1 to Youngblood Paving, Inc. in the amount of \$177,528.46 for the 2011 Road Paving Program as recommended by the Township Engineer in his letter dated June 20, 2011. Motion made by Mr. Gribben, seconded by Mr. Eicher. All Supervisors present voting yes, motion was approved 4-0.
- B. **Action Item** – Mr. Vitale called for a motion to approve Pay Application No. 1 (Final) to Sapp Roofing for the Mooncrest Community Center roof replacement in the amount of \$13,828.23. The South Hills Area Council of Governments is responsible for \$12,435.00 of this invoice and Moon Township is responsible for \$1,393.23 as recommended by the Township Engineer in his letter dated June 22, 2011 and to be released to the SHACOG upon approval by the SHACOG. Motion made by Mr. Eicher, seconded by Mr. Sinatra. All Supervisors present voting yes, motion was approved 4-0.

MOTION TO PAY THE BILLS:

Mr. Vitale called for a motion to pay the bills [check no. 8584 through check no. 8818, EFTs, and Capital Reserve check no. 1252 through check no. 1270]. Motion made by Mr. Sinatra, seconded by Mr. Gribben. All Supervisors present voting yes, motion carried 4-0.

COMMENTS FROM THE AUDIENCE:

Mr. Antonio Alvarez-Pedroso of 102 Cottonwood Court said that at the last meeting he asked a question about the recording of public comments into the minutes of meetings and was told that it was too expensive to do so. He was assured that his comments, as well as those of the other public speakers, are being recorded. Mr. Alvarez-Pedroso distributed to the Board meeting minutes from Crescent Township that includes a summary of the speakers' comments. Mr. Vitale said that Moon Township's minutes show those comments as well. Once the minutes are approved they are posted on the Township's web site. Ms. Creese said that sometimes public hearings are held as part of the regular meeting. A transcript of comments is made by a court reporter during those public hearings. She explained the difference between those public hearings and public meetings. Individual comments made at a public hearing are not made a part of the minutes of the public meeting. Regarding Greenlea Drive Mr. Alvarez-Pedroso said that at the May meeting we talked about a study of zoning regulations about the number of group homes and their occupancy. He believes that the Board was going to direct Mr. Lucas to look into that. He asked if that was done. Mr. Lucas said that the question was raised, separate from the details related to Greenlea Drive, whether or not the Township could in the future change its ordinances in a fashion that might affect the placement of group homes or group care facilities in the Township by limiting the areas where they can be located, limiting the number of individuals that could live there or whether the Township can require supervision. He did evaluate that and came to the legal conclusion (and so advised the Board) that, based on the same reasons previously stated, the Township is limited on what it can do with respect to Greenlea Drive by the Fair Housing Act against imposing those kinds of limitations or restrictions on group homes as part of its zoning ordinance.

As part of this effort, the Township staff went through the Township's archives going back to litigation with Verland Homes in 1989-1990. In those records was located a copy of a consent order executed by the Township and the United States Attorney whereby the Township agreed to settle a lawsuit that had been filed against it in Federal Court that it would change its ordinances to allow group homes with the same limitations, or lack of limitations, that would exist for any single-family residence. The Township agreed that in the future it would not impose restrictions on group homes for the disabled that were more limiting than those that would be placed on any other single-family residence in the Township. Even if the Fair Housing Act did not exist, the Township is still bound by that Court Order. The Township has a copy of that Court Order and there is a copy on file with the United States District Court in Pittsburgh. This Consent Order is binding on the Township and cannot be appealed. Mr. Alvarez-Pedroso asked if Mr. Lucas has obtained any assistance from attorneys dealing with the Fair Housing Act. Mr. Lucas explained that it is up to the Board to direct that action. Mr. Alvarez-Pedroso asked about whether the Township can impose a requirement for 24-hour supervision. Mr. Lucas said that the Township cannot impose the supervision requirement on group homes any differently than it can for any single-family home in Moon Township. Mr. Alvarez-Pedroso asked if Mr. Lucas was aware that Crescent Township is studying the possibility of requiring 24-hour supervision to group homes there. Mr. Lucas said that may be. It is up to Crescent Township to seek whatever legal advice they deem appropriate. Mr. Alvarez-Pedroso said that he feels the Board should seek out a firm of attorneys who specialize in the Fair Housing Act to protect the residents of Moon Township, even though he knows it will cost money. Mr. Lucas said that he is not aware of any attorneys

who represent municipalities with respect to the Fair Housing Act. The majority of the firms that he is aware of represent group homes. Mr. Alvarez-Pedroso said that if nothing is done, we will be going back to business as usual. He asked if someone could cite a specific reason of why Moon Township cannot impose a requirement for 24-hour supervision. Mr. Lucas said that the provisions of the Fair Housing Act, as interpreted by multiple Federal district and appellate courts, prohibit it.

Mr. Vitale said that he thinks that what Mr. Alvarez-Pedroso is asking the Board to do is to look at ways to segregate parts of this community and, legally, we are not allowed to do that. Mr. Lucas has done some checking and there is no way we can keep certain people out. The biggest problem is figuring out who we are targeting—people with disabilities, people of color, or anyone that is different—we have to treat them all the same. Our laws have to be open to them like anyone else. We have to keep our doors open to everyone.

Ms. Creese said that an area on which she can advise the Board is insurance and risk management. The risk of a Federal Fair Housing lawsuit is extremely expensive. If the Board passes a zoning ordinance that is illegal or suspected to be illegal they face the risk of litigation from a variety of sources. Such a lawsuit would be extremely expensive and a very high risk to the municipality. When she says “municipality” she does not mean just the Board members; she means every individual taxpayer in Moon Township who would have to bear the cost of the attorneys to defend that lawsuit. You cannot pay an attorney to write a zoning ordinance that would achieve what Mr. Alvarez-Pedroso is seeking to achieve. Part of managing risk is determining the risk of doing something that is illegal and what that would cost the taxpayers. It is not her decision to make but it is something on which she will advise the Board. She explained to Mr. Alvarez-Pedroso how local zoning ordinances, which years ago did put certain restrictions on group homes such as limiting the number of homes in certain neighborhoods and their location, had to be changed to comply with Federal law. This occurred throughout the Commonwealth. Mr. Lucas confirmed that was what occurred and the Consent Order was signed by Moon Township to allow group homes with the same limitations, or lack of limitations, that would exist for any single-family residence and the current zoning regulations were enacted after 1990.

Mr. Eicher said that he too looked into this and read the Fair Housing Act. His concern as a Supervisor is that Mr. Alvarez-Pedroso is encouraging the Board to take some action that would be in violation of civil rights. We have over 20,000 residents in the Township. It is the Board's job to protect the civil rights of all the people. For him as a Supervisor to take some action to deny someone their civil rights by limiting where they can live is why the Civil Rights Act was passed. For any individuals to live in any home in Moon Township, whether they are perfectly normal, have physical disabilities or some mental disability, right or wrong or whether you like it or not, the Federal Government has taken action to protect those people. What Mr. Alvarez-Pedroso is asking is for the Board to violate that or take some action around the intent of the law. While he understands Mr. Alvarez-Pedroso's concerns, what he is asking is for the Board to take some action that, by all the advice that he has received, would be in violation of the Fair Housing Act. Mr. Alvarez-Pedroso again expressed concern about the lack of 24-hour supervision to insure that residents in group homes take their medications. Mr. Eicher said that as he sits here tonight, he cannot tell you how many residents of Moon

Township are on some type of medication for a mental problem. He believes the solicitor has advised us properly.

Mr. Sinatra said that maybe a resolution of the problem can be adjusted in a different way. As any business that would come into Moon (and the Fairweather Lodge is a business) they should come in front of the Supervisors and explain what their business is. Rather than trying to fight fair housing laws, maybe we should consider changing the policies on the way that businesses apply for permits here. This may help out the residents. There was a communication problem that started in January. Maybe our policies should be changed to make the Board more aware of what is going on in the Township. We need to keep the lines of communication open.

Bill Eberts of 1005 Autumn Woods Drive asked for an update on the retention pond for Autumn Woods and how to get further updates. Mr. Lucas said that there has been a lot of activity between his office, the Township, the Township Engineer, Allegheny County Conservation District, and the Pennsylvania Department of Environmental Protection. We are hopeful that this week the developer will execute a consent order with the DEP to set forth a schedule for remediation of the problem. If that does not happen, the Township may take more aggressive action. He encouraged Mr. Eberts to periodically check back with the Township. Mr. Petroccia said that he has met with the developer, the DEP and the Conservation District to go over the draft of that Consent Order and get agreement from the developer that he will go ahead with the approved plans. In the Consent Order there is a schedule to begin construction this year. There is a process to stabilize the landslide this fall and complete construction next year.

REMARKS FROM THE SUPERVISORS:

Mr. Sinatra had no remarks.

Mr. Gribben had no remarks.

Mr. Eicher had no remarks.

Mr. Vitale said that he wanted to commend the Parks & Recreation Department, staff and sponsors for one of the greatest July 4th festivity that he has ever seen. They did a great job and should be recognized.

There being no further business before the Board, the meeting adjourned at 8:08 p.m.

Respectfully submitted,

Janet L. Sieracki
Assistant Municipal Secretary