

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.

Mr. Vitale said that the Board met in executive session to discuss some personnel issues.

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 Workshop Meeting of May 25 and Regular Meetings of June 1 and July 6, 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. Mr. Vitale advised citizens that Spring Run Road Extension between North Flaugherty Run Road and Boggs School Road will close on Monday, August 8, 2011 and remain closed until late spring 2012 for a bridge replacement project by Allegheny County. Detour signs have been posted.
- B. Mr. Vitale advised citizens that the Moon Township Volunteer Fire Department will hold a Classic Car Cruise in Moon Park on Sunday, August 28, 2011 from 8:00 a.m. until dark. There will be refreshments and entertainment.
- C. Mr. Vitale advised citizens that the "Wings Over Pittsburgh" Air Show will be held on September 10 and 11 from 8:30 a.m. to 4:30 p.m. at the 911th Airlift Wing. For more information, call the Air Show Hotline at 412-474-8501 or check the web site at www.wingsoverpittsburgh.com.

- D. In honor of the tenth anniversary of September 11, 2001, Moon Township will dedicate a steel segment from the World Trade Center to stand as a public memorial for the lives lost in the attacks. The Moon Township Volunteer Fire Company invites the community to attend the public dedication ceremony for the September 11 Memorial at 10 a.m. Sunday, September 11. The ceremony will take place in the Township Memorial Garden, 1000 Beaver Grade Road.
- E. Moon Township is announcing the launch of a brick sponsorship program for the Memorial Garden walkway, which is part of a campaign to expand and enhance the Township's memorial space. Community members are invited to add their own lasting message to the Memorial Garden by purchasing an engraved brick to recognize an individual, organization or business. Bricks will be placed in the walkway circling the central memorial area where the September 11, and other township memorials, will be located. Bricks can be purchased for \$65, which includes an engraved message on a 4x8" brick. After the first brick purchase, additional bricks will be available for \$50. Order forms are available at the Moon Township Municipal Building and online at www.moontwp.com
- F. Tonight's meeting marks the official launch of Moon Area Government Television, a sister station to MCA-TV. This is the first evening of active programming on this new dedicated government station, which airs on Comcast channel 18 and Verizon FiOS channel 37. Beginning tonight, viewers should look to Moon Area Government Television as their new source for televised public meetings. This includes monthly meetings of the Moon Township Board of Supervisors, Moon Area Board of Education and neighboring local governments. Viewers can find more information about the station and its program schedule online at www.moongovtv.us. Mr. Vitale recognized MCA-TV director Jim Koepfinger to talk about the new station. Mr. Koepfinger said that this meeting is being simulcast both on MCA-TV and MAG-TV. From this meeting forward, residents can look to MAG-TV for Moon Supervisors' meeting, Moon School Board meetings, Coraopolis Borough meetings, and Cornell School Board meetings. The studio is in the process of producing government-based programs to help educate the citizens on their government, what is available to them not only on the Moon Township level but also at the County and State levels. The reason that we are able to activate this second channel for our citizens is because we have reached a new franchise agreement with Comcast. Mr. Koepfinger introduced Mr. Frank Polito, Comcast government affairs director. Mr. Polito thanked the Board for the opportunity to attend this evening's meeting and launch the second channel. As part of the franchise agreement, Comcast did give the community a grant of approximately \$6,000 to be used for equipment and upgrade of the channel. He hopes that everything is working well with Comcast in the community. He is the liaison for Moon Township and works with Ms. Creese to solve any issues. He also wanted to bring up one thing they are doing now. They are launching a program entitled "Internet Essentials." It is a national program that Comcast is launching this fall in school districts for students who are on the National Free Lunch Program. It gives those eligible students the opportunity to purchase high-speed internet access for \$9.95 per month as well as the opportunity to purchase a new Netbook computer at a reduced cost.
- G. Moon Community Access Television is inviting the community to get their first look at the new MCA-TV production trailer. The production trailer will be publicly unveiled at

5:30 p.m. Wednesday, September 7, at the Moon Township Municipal Building. Moon Township would like to thank Robert Morris University for partnering with the Township to sponsor the new production trailer. Please stop by for a tour, and look for the new and improved trailer at Moon Area High School and Robert Morris University athletic events this fall.

- H. Mr. Vitale read a proclamation recognizing Eagle Scout Jared M. Gallegos.

NEW BUSINESS:

- A. **Action Item** – Mr. Vitale called for a motion to authorize advertisement for bids for a new 2011 rescue pumper for the Moon Township Volunteer Fire Department. Motion made by Mr. Sinatra, seconded by Mr. Gribben. All Supervisors present voting yes, motion carried 4-0.
- B. **Action Item** – Mr. Vitale called for a motion to adopt Ordinance No. 635 establishing no-parking zones on the southern side of Springer Drive (between Bradley and Patton Drives) and on the eastern side of Bradley Drive (from Patton Drive to its terminus) Monday through Friday from 7:00 a.m. to 3:00 p.m. from September 1st through June 30th. Motion made by Mr. Sinatra, seconded by Mr. Eicher. Mr. Eicher said that the Board has had considerable discussion about parking on Bradley Drive and Patton Drive. Maybe an explanation should be given so that residents understand what we are about to do. Chief McCarthy said that this issue arose last January when the new high school opened. A lot of the high school students started parking on those residential streets. Chief McCarthy said that he was very fearful that as a result of those students parking there we could not get a firetruck down those streets. As a result, parking was restricted to one side of the street only. A meeting was held with Dr. Milanovich regarding student parking on campus this upcoming school year. Dr. Milanovich assured the Township that there would be a dramatic increase in the number of parking spaces on campus available for student parking. However, by enacting this parking restriction ordinance for just a few hours a day and not over the summer months can assure the residents safety on the roadways and they will continue to get proper delivery of their mail. All Supervisors present voting yes, motion carried 4-0.
- C. **Action Item** – Mr. Vitale called for a motion to adopt Ordinance No 636 creating resident-only parking zones on Greenlea Drive, Centerdale Road and Crosstree Drive Monday through Friday from 7 a.m. to 4 p.m. Motion made by Mr. Sinatra, seconded by Mr. Gribben. Mr. Eicher said that we should get clarification on this motion as well. Chief McCarthy said that the neighborhoods of Greenlea and Centerdale near Robert Morris University have had parking problems for many years. The problems have dramatically increased in the last few years and citizen complaints have been received. The frequency of these complaints has been between 7:00 a.m. to 4:00 p.m. Monday through Friday. After meeting with the chief of the Robert Morris University campus police, he learned that two of the University's free parking lots near Greenlea and Centerdale will now charge students \$140 to park. As a result, their chief anticipated a dramatic increase in off-campus parking in this area. Following a survey of neighborhood residents, the majority wanted some type of restriction between those hours. Residents will be given two visitor permits. A regular resident permit will be given to every car registered to that particular

residence. This restriction is for on-street parking and does not apply to any residence where work is being done by a landscaper or other similar service provider. It has been his experience, however, that the neighborhood residents typically park in their driveways. This will be free to our residents. All Supervisors present voting yes, motion carried 4-0.

- D. **Action Item** – Mr. Vitale called for a motion to approve/deny the 836 Old Thorn Run Road simple subdivision as recommended by the Moon Township Planning Commission and Township Engineer in his letter dated July 22, 2011. Motion to approve made by Mr. Sinatra, seconded by Mr. Eicher. Mr. Petroccia said that this is a simple subdivision where a property line is being move between neighboring properties. He had a few minor comments on the plan that he received. He recommends that it be approved subject to them addressing those comments. All Supervisors present voting yes, motion carried 4-0.

- E. **Action Item** – Mr. Vitale called for a motion to approve/deny the Krupka Lot Consolidation Plan as recommended by the Moon Township Planning Commission and Township Engineer in his letter dated July 22, 2011. Motion to approve made by Mr. Sinatra, seconded by Mr. Gribben. Mr. Petroccia said that this is a consolidation plan. The Krupka lot is near the cul-de-sac at the end of Bertley Ridge Drive. They are combining a small lot near McCormick School into their lot on Bertley Ridge Drive. He had only two minor comments and recommends approval. All Supervisors present voting yes, motion carried 4-0.

Mr. Vitale said that he was going to read the next two action items then call upon the two representatives from Robert Morris University to answer any questions.

- F. **Action Item** – Mr. Vitale called for a motion to approve/deny the preliminary/final major land development plan for the Robert Morris University School of Communication and Information System/Media Arts as recommended by the Moon Township Planning Commission and Township Engineer in his letter dated July 21, 2011. Motion to approve made by Mr. Sinatra, seconded by Mr. Eicher.

- I. **Action Item** – Mr. Vitale called for a motion to approve/deny the preliminary/final major land development plan for the Robert Morris University Facilities Storage Building as recommended by the Moon Township Planning Commission and Township Engineer in his letter dated July 19, 2011. Motion to approve made by Mr. Eicher and seconded by Mr. Sinatra.

Mr. Bill Joyce of Robert Morris University and site engineer Keith Gindlesperger addressed the Board. Mr. Joyce said that he knows that Chief McCarthy has an excellent relationship with Chief Mink of the Robert Morris campus police. But if there is anything he can do to help with the issue of RMU students parking on the neighborhood streets, he is making himself available. The SCIS project before the Board is part of the overall strategy of the university to continue to invest in the Moon Township campus. The Facilities Group (which he is a part of) recently moved from Wayne Center to the former Verizon building on Grant Drive. Wayne Center can now be adapted for this particular project. What is driving this project forward is that RMU has sold its downtown building to Duquesne University. The Media Arts program was located downtown in that building and is being relocated into the newly renovated Wayne Center in 2012. Mr.

Gindlesperger of H. F. Lenz gave details of the project. He presented an architectural and landscape plan for the building showing the 3-story addition in the center of the U-shaped building. The addition is about 11,000 square feet. With the existing building, it will be about 50,000 square feet total. The parking for the facility exists on the north side of the site and will not impact the campus parking. The project reduces the amount of impervious surface and they are not creating any additional stormwater runoff. All of the utilities to which they are connecting already exist for the facility. All of the Township Engineer's comments have been addressed and they have approval from the Allegheny County Conservation District. Mr. Joyce explained the functions in the building stating that there will be an art gallery in the building as well as a café and faculty offices. The art gallery will be a cultural amenity for the community.

Moving on to the second building, it is really just a functional building. With the facilities center moving to the former Verizon Building, this storage building will house those things that are needed on campus but may not be appropriate to move back and forth across University Building such as maintenance items, landscaping equipment, salt trucks, etc. It is a utilitarian building adjacent to the existing soccer field. All of the Township Engineer's comments have been addressed and they have Allegheny County Conservation District approval.

All Supervisors present voting yes to the above two motions, motions carried.

- J. **Action Item** – Mr. Vitale called for a motion to authorize a Resolution executing a “Business Partner Agreement” between Moon Township and the Commonwealth of Pennsylvania, acting through the Bureau of Project Delivery of the Pennsylvania Department of Transportation, as required to participate in the Safe Routes to Schools grant program and to authorize electronic access to PennDOT systems. Motion made by Mr. Eicher, seconded by Mr. Sinatra. Mr. Eicher asked Mr. Petroccia to tell us where we are with this program. Mr. Petroccia said that he had a meeting with PennDOT several weeks ago. As part of that meeting, the drawings were revised and will be submitted to PennDOT. PennDOT requested that the Township sign up for what they call their ECMS system, which is an electronic bidding system. The bid documents will go on their electronic bidding system to be bid. This allows us access to their electronic bidding system. Mr. Eicher said that this is something we started with the Moon Area School District for safe walkways from certain neighborhoods to Moon Schools. Some specific areas were selected. Mr. Petroccia said that there were two areas that were selected initially. One was near McCormick School and the other near Brooks School. The McCormick School location turned out to be very difficult to lay out within the PennDOT right-of-way. Therefore, we are concentrating on the area near Brooks School where the sidewalks can be laid out within the PennDOT right-of-way more easily. The sidewalk will go from Brooks School to Chaucer Drive. All Supervisors present voting yes, motion carried 4-0.
- K. **Action Item** – Mr. Vitale called for a motion to accept the bid of \$55.83 per ton for rock salt bulk delivery from Cargill, Inc. as submitted to the South Hills Area Council of Governments Purchasing Alliance. Motion made by Mr. Eicher, seconded by Mr. Gribben. Mr. Sinatra asked the price difference compared to last year. Ms. Creese said that last year the price was \$51.40 per ton. We budget a dollar amount and a quantity. We are slightly increasing the quantity this year. Mr. Eicher said that we belong to the South Hills Area Council of Governments and this is one of the benefits. The cost of salt

has continually gone up. By the COG doing the competitive bidding for a large number of communities we get the best possible price for western Pennsylvania. Mr. Sinatra asked if we looked at what other COG's are paying for a comparison. Mr. Vitale said that this is actually lower than what PennDOT is paying for their salt. Ms. Creese said that if you are not a member of SHACOG but are a municipality in this area, the majority of them piggyback off this particular COG. All Supervisors present voting yes, motion carried 4-0.

- L. **Action Item** – Mr. Vitale called for a motion to extend an offer of employment to Thomas J. Connelly for the position of Planning Director at an annual salary of \$59,000.00 effective August 29, 2011. Motion made by Mr. Eicher, seconded by Mr. Sinatra. All Supervisors present voting yes, motion carried 4-0.
- M. **Action Item** – Mr. Vitale called for a motion to accept the resignation of Timothy A. McLaughlin as a member of the Board of Supervisors effective August 1, 2011 and to invite interested Township residents to submit letters of interest for the vacant position to the Township Manager on or before August 19, 2011. Motion made by Mr. Sinatra, seconded by Mr. Gribben. Mr. Sinatra said that Mr. McLaughlin served 5½ years of a six-year term. It is quite a commitment by any Supervisor to serve requiring time away from your family. Mr. McLaughlin served two years as Chairman. He grew up in Moon and lived here his entire life. His grandfather was also a Supervisor so he carried on the legacy. He thanked Mr. McLaughlin for his service to Moon. He did a lot of work and cared about the parks and cared about the safety of the residents. He wished him the best of luck. He got a new job living in North Carolina and thinks he will have as much success in the future as he had in the past. Mr. Eicher said that he also served on the Board with Mr. McLaughlin. Anyone who watched knew that there were a number of issues on which they did not agree. But throughout that Mr. McLaughlin spoke what he believed and stood behind what he believed in. He has a great family and Mr. Eicher wished him the best in North Carolina. He thanked Tim for his service. Mr. Gribben said that he wanted to mirror what the other two Supervisors have said. Tim was a dedicated Supervisor and cared deeply for the community. He wishes him well in North Carolina. Mr. Vitale said that we wish him nothing but the best and continued success. All Supervisors present voting yes, motion carried 4-0.

UNFINISHED BUSINESS:

- A. **Action Item** – Mr. Vitale called for a motion to approve Pay Application No. 1 (Final) submitted by John Varrati Cement Contractor, Inc. as recommended by the Township Engineer in his letter dated July 13, 2011. Motion made by Mr. Gribben, seconded by Mr. Sinatra. Mr. Petroccia said that this is for work that was contracted by SHACOG and will be paid mostly by the SHACOG. We have to approve the work that he did on Hemlock Drive and Short Cedar. All Supervisors present voting yes, motion carried 4-0.
- B. **Action Item** – Mr. Vitale called for a motion to approve Pay Application No. 3 to USA Concrete Specialists, Inc. in the amount of \$61,802.25 as recommended by the Township Engineer in his letter dated July 28, 2011. Motion made by Mr. Sinatra, seconded by Mr. Gribben. Mr. Sinatra asked what we have left on this contract. Mr. Petroccia said that there is \$14,822 left in that budget. We are basically done with the work that we have contracted him to do. We are holding retainage of \$28,057.75. There are some outstanding issues with a vendor of his that needs to be paid. We are

holding onto that to make sure he pays his vendor. He is recommending that the Board approve this pay application as he has completed the work. All Supervisors present voting yes, motion carried 4-0.

MOTION TO PAY THE BILLS:

Mr. Vitale called for a motion to pay the bills [**check no. 8819 through check no. 9009, EFTs, and Capital Reserve check no. 1271 through check no. 1283**]. Motion made by Mr. Gribben, seconded by Mr. Sinatra. All Supervisors present voting yes, motion carried 4-0.

COMMENTS FROM THE AUDIENCE:

Mr. Nelson Kletzli of 168 Greenlea Drive said that he wished Mr. Joyce of RMU was still here because he wanted to thank him for being a good neighbor. Would it not have been refreshing if TSI/Our Own Home had done the same thing and relate how they were going to better the community instead of sneaking into the community like they did. Following up on last month's meeting, once the Consent Order was found in the Township archives from a lawsuit of years ago, the Board has been advised by Mr. Lucas to basically do nothing. He feels that is very wrong. The Fair Housing Act that this Board is hiding behind was designed to protect individuals from discrimination. That is its sole purpose. It was not designed to leave municipalities helpless against businesses that are manipulating the system. TSI and Our Own Home have not been held to any accountability by the Board of Supervisors. The CEO of TSI was not in attendance at the meeting that was held with them, only their representatives. He finds that odd. Mr. Vitale and Mr. Sinatra both attended that meeting and it was greatly appreciated. But TSI did not answer their questions to the residents' satisfaction regarding their programs and their selection of properties. They do not have a business plan. Yet they can come right in and conveniently move people into an area that is less than perfect for their conditions and this Township let it happen. It is irresponsibility on the part of TSI for what they have done here or was that their plan all along? But what is done is done. Now the residents of Amherst Acres will have to live with the results. But what the future holds is something that we have some control over. He suggests that the Board of Supervisors meet with the Moon Advocates for Community Safety and draft new amendments to the way a business (which TSI is) applies for an occupancy in the Township. The residents must be informed. If that had taken place, this whole issue would have had an entirely different outcome. The current zoning is too broad based and needs to be revised and revised in a timely manner—not in three years. This can be done in a matter of a few months. One of the biggest issues that the residents have had to date is that this board lied to us and it is on the record. That is unthinkable as Supervisors and none of the Supervisors had the integrity to own up to it. It is time to own up and get these things changed. Let's get it right and make a better Moon Township.

REMARKS FROM THE SUPERVISORS:

Mr. Gribben had no comments.

Mr. Eicher said that he sits here not only as a Supervisor but also as a resident of Moon Township. He serves because he is concerned about the Township. He can say unequivocally that he has not lied pertaining to 162 Greenlea Drive or any other issues.

It seems like an innuendo that he had some prior knowledge and that cuts very deeply. It is one thing to say that someone did not like the way he voted on a particular issue but when he sits here in a public office and some residents think he is sitting here with a hidden agenda or lying to residents about what he does, if that is a fact then it is time for him to move on. But he is telling Mr. Kletzli that is not a fact. Mr. Kletzli may disagree with what he has said, but he has tried at every point to say exactly what he understood, what he knew about it and when he knew it. He understands why residents are coming to this board because we are the lowest level of government where people can walk right in and look their representative in the eye and tell them what they think. When someone looks me in the eye, along with these other Supervisors, and make that statement, it characterizes him and the others in a way that is totally unfair. But the accusation that Mr. Kletzli is directing toward him is inaccurate and just not true.

Mr. Sinatra said he is asking the Solicitor that when we look at this, what changes (if any) can we make to better the situation that we are in right now? As Mr. Kletzli said, what is done is done. But in looking to the future he does not know if we took an in-depth look at how we do business here when businesses come in and we can take care of situations before they escalate. He thinks it would be a good idea for us to meet with the residents of Amherst Acres to get everyone on the same page

Mr. Vitale said that his final comment is that he takes exception to Mr. Kletzli's comment that we lied because he knows that we did not. He would make himself available to anyone from Amherst that wants to meet. After this meeting we can schedule a date and time to meet.

Ms. Creese said that she wanted to make sure that the public was clear on the facts. We have gone over this matter month after month. Our zoning officer is not here to speak for himself, but it is the zoning officer's responsibility to review applications to a certain level. In this particular matter, it was the zoning officer's responsibility to review an application when it is submitted. He cannot make judgment on it prior. Any application that comes before the Township, whether it is reviewed at the administrative level or whether we make a recommendation to the Board, we review them based on what the law is—the municipal law, the State law and the Federal law. We also have County regulations that we must follow. We have to review those based on what the law is and without prejudice or discrimination. We ask questions, but those questions are based on what the law dictates. We do not ask questions of businesses based on their character or certain other items. We have to base them on the law. She understands that there are times when people may not think the applicant is a perfectly good fit. But we can only do what the law allows us to do. If not, we present huge risks to the municipality for lawsuits from a variety of directions. She understands the objections and how unpopular that might be, but that is not a body of law that we are qualified to interpret. Any suggestion that is made that we did not notify the elected officials of this issue the moment we became aware of it (that was far before the permit was submitted) is factually incorrect. We have it documented that they were notified. You need to make sure you understand the responsibilities of the administration. We cannot put our prejudice into any situation to determine whether or not we think the interpretation of the law is correct. We can only administer the body of laws that exist. In this case, it has been examined very carefully to make sure the zoning officer acted correctly. All indications are that he did.

Mr. Gribben said that Mr. Kletzli said that we five have lied to him. It is very difficult for the five of us to get together and agree on anything. There is always at least one person that has a different point of view. He is sorry that Mr. Kletzli thinks that five of us could band together and agree to lie to the residents of Greenlea Drive. If that had happened, at least one of us would have taken Mr. Kletzli's perspective and let you know. He takes exception to what Mr. Kletzli has said.

There being no further regular business before the Board, the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Janet L. Sieracki
Assistant Municipal Secretary