

**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, Mr. Sinatra and Mr. Swen.

**PUBLIC COMMENTS ON AGENDA ACTION:**

(There were none.)

**APPROVAL OF MINUTES:**

**Action Item**—Approval of the minutes of the Budget Review/Workshop Meeting of August 26 and Regular Meeting of September 2, 2009, which were distributed to the Board of Supervisors for their approval. Motion made by Mr. Sinatra, seconded by Mr. Swen. 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:

- |  |                                   |
|--|-----------------------------------|
| a. Animal Control                        | j. 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. McLaughlin advised citizens that Tuesday, November 3, 2009 is General Election Day in Pennsylvania. Polls will be open from 7:00 a.m. to 8:00 p.m.
- B. Mr. McLaughlin advised citizens that Trick-or-Treat Night in Moon Township is scheduled for Thursday, October 29, 2009 from 6:30 to 8:00 p.m.
- C. Mr. McLaughlin advised citizens that due to construction at Moon Area School District, this year's traditional Halloween Parade is cancelled. It is being replaced with a Halloween Movie Night on Tuesday, October 27, 2009 at 7:00 p.m. at the Moon Township Municipal Building. Reservations are REQUIRED due to the limited seating. Please call the Park Office at 412-262-1703 for more information.

- D. Mr. McLaughlin advised citizens that MCA-TV is proud to announce that it will be airing films as part of the station's 2<sup>nd</sup> Annual Film Festival on Saturday, October 10. Residents can watch the winning films and several other quality submissions on Comcast Channel 14 and Verizon Channel 35. Please check [www.mca-tv.com](http://www.mca-tv.com) for a schedule of when films will air.
- E. The Moon Transportation Authority is pleased to announce the creation of a project website to allow the residents, businesses, and property owners to view and track the MTA's projects. Please visit [www.moontwp.com](http://www.moontwp.com) and click the announcement in the "Highlights" box on the Moon Township home page.
- F. Mr. McLaughlin advised citizens that beginning with their October collection dates, Keystone Collections Group will now be collecting wage taxes at the Moon Township Municipal Building. Representatives from Keystone will be available on October 29 and 30 between 10 a.m. and 12 p.m. and 1 p.m. and 4 p.m. For more information please visit [www.keystonecollects.com](http://www.keystonecollects.com) or contact Keystone directly at (412) 672-5900 or (866) 539-1100.
- G. Mr. McLaughlin advised citizens that curbside leaf pick-up will be held on the following four Saturdays:

October 24  
November 7

November 21  
December 5

The leaf waste drop-off site at Downes Fire Station will be open on Saturdays and Sundays from October 31 through December 6. The site will open at 9:00 a.m. and close at 5:00 p.m. In addition to leaves, residents may also bring brush to the site to be chipped by the Road Department.

- H. Mr. McLaughlin advised citizens that the Moon Township Road Department will again be picking up brush at curbside during the month of November, starting on November 2 and concluding on November 25, 2009. Pick-up dates will follow residents' garbage schedule. There will be no pick-up on November 11, 26 and 27, because of Veteran's Day and Thanksgiving, respectively.
- I. Mr. McLaughlin said that he wanted to advise citizens that the Flaugherty Run Road bridge repair is now completed. Flaugherty Run Road opened to traffic yesterday.

**NEW BUSINESS:**

- A. ***Public Hearing*** – Robert Morris University Conditional Use Request

Mr. McLaughlin opened the public hearing on the Robert Morris University Conditional Use Request. Those wishing to give public testimony were sworn in by the court reporter. On behalf of the applicant, Mr. Keith Gindlesperger with H. F. Lenz Company made a presentation on Robert Morris' request for conditional use approval to deviate from Section 208-213, Vegetation Preservation and Bufferyards, of the Moon Township Code of Ordinances. The subject property in question is along University Boulevard at the RMU campus and is part of their parking lot and loop road extension project. This project, which was an approved grading plan as submitted to the Township in the

summer of 2008, included extending the campus loop road near Walton Stadium and the addition of a new parking lot. The border in question is a steep slope along University Boulevard and the proposed deviation will not affect the existing vegetation nor the 10' landscaped perimeter surrounding the new parking lot. The applicant states that there is bedrock near the surface and that it is not visible from University Boulevard given the steep slope and existing vegetation. Following the presentation, Mr. Santicola said that the design, the map and photographs submitted by the applicant will be made a part of the record. Mr. McGurk said that the Planning Commission did recommend approval of this conditional use request. Mr. McLaughlin called for a motion to close the public hearing. Motion made by Mr. Vitale, seconded by Mr. Swen. All Supervisors voting yes, motion carried.

- B. **Action Item** – Mr. McLaughlin called for a motion to approve/deny the Robert Morris University Conditional Use request subject to the Township Planning Department's review memorandum dated September 11, 2009, as recommended by the Moon Township Planning Commission at their September 29, 2009 meeting. Motion to approve made by Mr. Swen, seconded by Mr. Sinatra. All Supervisors voting yes, motion carried.
- C. **Action Item** – Mr. McLaughlin called for a motion to reapprove the release of the Cherrington Manor Phase III performance bond in the amount of \$20,751.00 subject to the Township Engineer's letter dated August 30, 2006 as recommended by the Township Solicitor in his letter dated August 5, 2009. Motion made by Mr. Sinatra, seconded by Mr. Vitale. Mr. McLaughlin asked Mr. Santicola to explain this action. Mr. Santicola said that the bylaws from Cherrington had to be approved by the Township because there was some road work that needed to be done. Originally, the bylaws of Cherrington required that a unanimous vote of the homeowners was needed for any change. Since then, their bylaws were amended to change that voting requirement. He was asked to review that vote to make sure it was correct, which he did. Mr. McLaughlin asked Mr. Gurk if this was not going to be a Township road. Mr. McGurk said that it is a part of Cherrington Manor, which is a private community with private roadways. It was bonded in the first place to protect the home buyers in Cherrington so that the road would definitely get put in at some time. But since they have elected to not have a final wearing course added, it is their own road. It is all privately owned and maintained. All Supervisors voting yes, motion carried.
- D. **Action Item** – Mr. McLaughlin called for a motion to approve/deny the Rosemary C. Sullivan Plan No. 1 subject to the Township Planning Department's review letter dated August 12, 2009, as recommended by the Moon Township Planning Commission at their September 29, 2009 meeting. Motion to approve made by Mr. Vitale, seconded by Mr. Swen. Mr. McGurk said that the applicant's engineer is here to make a presentation. Mr. Joe Duganich of Lennon, Smith & Souleret Engineering said that this is the site of the former Wicks property. It is a 28-acre site, most of which is in North Fayette Township. A part of it is in Moon Township and lies between the Montour Run Expressway and the stream that parallels the Montour Trail. The Pit Stop plans to acquire six of the 28 acres. The remainder will remain the property of Ms. Sullivan. The Pit Stop plans to construct a small office building. All Supervisors voting yes, motion carried.
- E. **Action Item** – Mr. McLaughlin called for a motion authorizing Resolution R-17-2009 certifying Moon Township's willingness to participate in an energy audit as part of

Allegheny County's energy program for municipalities financed by a block grant through the U.S. Department of Energy. Motion made by Mr. Swen, seconded by Mr. Eicher. Mr. McLaughlin asked Mr. McGurk if this would involve all municipalities. Mr. McGurk said that this is a project that the Township Manager has been working on and it is through Allegheny County so it does involve several municipalities. Mr. Eicher said that, based on the information he has received, this will be done at no cost to the Township. We have to do two things: first, we have to adopt this resolution to participate; and, secondly, to authorize people to come onto our site in order to do the audit. He feels it is something that we certainly want to participate in. At that point, if it is determined that there is some way to upgrade our energy system Allegheny County would look for monies to help communities upgrade the systems. All Supervisors voting yes, motion carried.

- F. **Action Item** –Mr. McLaughlin called for a motion to enter into a five-year Winter Traffic Services Agreement with the Pennsylvania Department of Transportation and adopt Resolution R-18-2009 accordingly. Motion made by Mr. Eicher, seconded by Mr. Swen. Mr. McLaughlin asked Jim Henkemeyer to comment on this agreement. Mr. Henkemeyer said that it is a standard agreement that has been done in the past. However, there were some issues on State roads that needed attention. PennDOT provided a letter stating that those issues will be addressed. All Supervisors voting yes, motion carried.

Mr. McLaughlin asked Dana Kasler for a progress report on the Moon Park Project. Mr. Kasler said that there are weekly meetings with the contractor and engineer. As of this week the winter grass is in and the infield was sodded. The weather has been perfect for growing. The dugouts are in and they have to complete the roof and surfacing. The base for the tennis courts is in. It has not yet been inspected in order to proceed with the asphalt. That will be weather dependent over the next few weeks. The fencing is also scheduled for this week. The walking trail will be worked on over the winter by the Township staff. He is pleased with the work product to date.

#### **UNFINISHED BUSINESS:**

- A. **Action Item** – Mr. McLaughlin called for a motion authorizing Payment Application No. 3 to A. Liberoni, Inc. in the amount of \$171,663.95 representing work completed and materials stored to date for the Moon Park – Phase I Construction Improvement Project, as recommended by the Township Engineer in his letter dated September 24, 2009. Motion made by Mr. Vitale, seconded by Mr. Sinatra. All Supervisors voting yes, motion carried.
- B. **Action Item** – Mr. McLaughlin called for a motion authorizing Change Order No. 2 to the Moon Park – Phase I Construction Improvement Project between Moon Township and A. Liberoni, Inc. to extend the contract period to May 28, 2010 and adjust plans and specifics in the next amount of \$4,557.00. Motion made by Mr. Sinatra, seconded by Mr. Swen. Mr. McLaughlin asked Mr. Petroccia to comment. Mr. Petroccia said that we are about \$400,000 into a \$900,000 project. The second change order involves some minor changes to the baseball field irrigation system and adding two larger gates to the fence so that larger mowing equipment can be brought in. All Supervisors voting yes, motion carried.
- C. **Action Item** – Mr. McLaughlin called for a motion authorizing the Township Engineer to negotiate Change Order No. 2 to the Olson Park Hiking Trail project with R&B Contracting

& Excavation in an amount not to exceed \$9,775.42 for materials and labor as a result of the flood that occurred on June 17, 2009. Motion made by Mr. Swen, seconded by Mr. Vitale. Mr. McLaughlin asked Mr. Petroccia to comment. Mr. Petroccia said that on June 17, 2009 there was a ten-year storm event that flooded out the construction and washed out the stone, wood chips and curbing. This was an unforeseeable event. The contractor's insurance did not cover flood damage. He provided us his insurance policy. The Township's insurance does not cover flood damage. The contractor has builder's all-risk insurance but this does not involve any structure. So there is no insurance that covers this. His recommendation, based on past experience, is to negotiate this. Mr. Eicher said that when this was presented to the Board initially, it was a change order in excess of \$12,000. The contract documents require the contractor to carry certain insurance, including this all-risk insurance. To this point in time, he has not seen a copy of that insurance policy. So he cannot say what it does or does not cover. He has not seen anything where the contractor has filed a claim with his builder's all-risk insurance coverage. He has seen information on his general liability claim. What you have here is a lump sum contract working at Olson Park. We know by the location, he is working along a stream. Mr. McLaughlin said that we all very well aware of where Olson Park is located. Please get to the point. We do not need a long-standing dissertation. We heard all this at the Workshop meeting. Please get to the point. Mr. Eicher said that he would say no more, other than he will not vote to pay this contractor. Mr. McLaughlin said that this was an act of God. This is not an active floodplain. No contractors are required to purchase flood insurance. There have been other projects that have been built down there in the past two or three years and none have been required to carry flood insurance. This was something unforeseen that happened. It is in the best interest of the Township to pay this and get this project completed. Yes votes were cast by Mr. Swen, Mr. Sinatra, Mr. Vitale and Mr. McLaughlin. Mr. Eicher voted no. Motion carried.

- D. **Action Item** – Mr. McLaughlin called for a motion authorizing the Township to execute a contract with USA Concrete Specialists, Inc. for the Mooncrest Curb, Sidewalk and Handicap Ramp Reconstruction Project for the gas company and Township portion of the work not to exceed \$188,255.51, as recommended by the Township Engineer in his email dated September 24, 2009. Motion made by Mr. Sinatra, seconded by Mr. Swen. Mr. McLaughlin said that the Board did award a contract on August 5. Mr. Petroccia said that we awarded the contract on August 5 to USA Concrete based on the agreement of July 21 for an amount of \$377,302. At that time, we expected to allocate that cost among the Moon Township Municipal Authority, the gas company and the Township. The gas company and the Township allocations were acceptable. However, we were not able to come to an agreement with the Municipal Authority. The bids are only valid for 60 days, which have come and gone. If we do not award at least part of the bid, we have to go back and rebid. Mr. McLaughlin said that we are awarding part of this contract to them until we come to an agreement with the Municipal Authority. All Supervisors voting yes, motion carried.

Mr. McLaughlin said that he would like to place a motion on the floor to pay Remington, Vernick & Beach, the Township's former engineers, the amount of \$9,784.85 for invoices PAM02002, PAM02001 and PAM02008. Motion made by Mr. Sinatra, seconded by Mr. Vitale. All Supervisors voting yes, motion carried.

Mr. McLaughlin asked Jim Henkemeyer to come forward as he has some questions for him. The Board is going to be acting on a partial payment for the salt facility contractor,

Creative Concrete. He asked if there were more problems than the Board was previously advised of. Mr. Henkemeyer said that he reviewed the last email he received, as well as all the documentation he received to date. It is the same information that he has received all year. The contractor has not supplied the documentation that he needs to provide. He again reviewed the contract and survey plan done by the landscape architect, Joe Hajnas. He called Mr. Hajnas to visit the site to look at the landscaping installed by the contractor, which he did. He has not heard back from him yet. Several of the trees were tagged and not the class of trees that we paid for. Mr. Santicola said that the Board's position is to try to make a payment on that, minus the costs that will be necessary to make repairs. We will need to get that cost from Mr. Henkemeyer. Mr. Henkemeyer said that he will contact Mr. Hajnas tomorrow to come up with a cost figure. Mr. McLaughlin called for a motion to authorize payment to Creative Concrete, Inc. related to work done on or around the salt storage facility in the amount owed, minus the amount determined to be necessary to replace or repair the defective work or products pertaining to landscaping. Motion made by Mr. Swen, seconded by Mr. Sinatra. All Supervisors voting yes, motion carried.

#### **MOTION TO PAY THE BILLS:**

Mr. McLaughlin called for a motion to pay the bills [**check no. 4255 through check no. 4497, EFTs, Capital Reserve check no. 1038 through check no. 1054, Liquid Fuels check no. 2067 and 2006 bond fund check no. 188 through check no. 196**]. Motion made by Mr. Sinatra, seconded by Mr. Swen. All Supervisors voting yes, motion carried.

#### **COMMENTS FROM THE AUDIENCE:**

James Copenhaver of Jackson Road said that he would like to thank the Board for their consideration overall and to confirm the Board's knowledge and judgment of their employees and their expertise. In completing the repairs to Jackson Road, all the employees acted more as citizens of the community rather than employees. They were really great. Again, thank you all. He appreciates everything that was done by the Township and the Supervisors. Lastly, he noticed that the Board mentioned that Flaugherty Run Road is open. Down at the bottom of Jackson Road on Flaugherty Run Road, there are four barrels there indicating erosion from Flaugherty Run. He asked the Board to look into that. Mr. Henkemeyer said that is one of the outstanding items on his list for PennDOT. Mr. Copenhaver thanked the Board for their time and patience with him.

#### **REMARKS FROM THE SUPERVISORS:**

Mr. Vitale said a special thank-you to the staff. Chief McCarthy and his group faced the great unknown with what everyone experienced here. It was one of the biggest undertakings that we have had here in the Township. It gave us a lot of press, both national and worldwide. He thanked the Chief and his department.

Mr. McLaughlin asked Chief McCarthy to comment. Chief McCarthy said that there were a lot of unknowns involved with the recent G-20 Summit. We had 15 officers out for 12 hours each day. We were doing traffic control points, counter surveillance and work with the United States Secret Service. There were approximately 24 heads of state, one of which was the President of the United States. We had a fear that we would have

disruptive protesters, but that did not happen. But we were ready for it. The whole event ended up costing us about \$14,500. Had we had the air show which was cancelled we would have spent between \$16,000 and \$18,000. He is still looking for avenues of some possible reimbursement. However, only those communities within the city limits of the city of Pittsburgh will possibly get some reimbursement. He will still deliver a budget that is under budget. The week before the G-20, he met with the President personally who said that he appreciates everything that the police department does. Mr. McLaughlin said that he, too, appreciates everything that Chief McCarthy does to keep us safe and still watch how the money is spent.

Mr. Sinatra said that he notices many Robert Morris students in the audience. He surmises either one of two things—they either did something wrong or they want to be journalists. In starting off on their journalistic avenue, he hopes they treat the politicians in a favorable light. With Halloween approaching, he encouraged people to watch out for the children. Chief McCarthy said that Halloween will be on Thursday, October 29, between 6:30 and 8:00 p.m. This is typical in Moon Township to celebrate Halloween on a weekday. Our volunteer fire department will be patrolling the neighborhoods. All available police officers will be out as well on patrol. If anyone encounters suspicious candy or suspicious activity, please dial 911. He does not anticipate anything different than prior years. Mr. McLaughlin said that numerous residents have talked to him about the number of deer in Moon Township. Chief McCarthy said that there have been a lot of deer crashes. Jim Henkemeyer deals with this all the time as a deputy game warden. He encouraged motorists to be cautious driving, particularly at dawn, dusk and during darkness.

Mr. Eicher said that he wanted to comment on the exchange that occurred in the meeting between the Chairman and himself. As a Board, we discuss many things in executive session or at the workshop meeting that most people do not attend. We certainly agree on some things and disagree on others. We sometimes have heated discussions on what we perceive to be best for the Township. Before he casts his vote, he feels he has an obligation and a right to express why he is casting his vote the way he does. He thinks that is why he was elected and is a part of his job. In his six years on this Board, this is the first time he has ever had another Board member interrupt him and say that we have heard enough. Rather than have a confrontation, he would simply stop there and cast his vote. He feels that the way he was treated tonight was unfair to him and to the residents.

Mr. Swen said that the Harvest Mile 5K race will be taking place on October 24. He encouraged people to support that run. He and Chairman McLaughlin will be participating. Please be careful on Halloween as there will be many children out.

Mr. McLaughlin said that at this time of year, we talk about leaves and brush. Leaves on wet pavement are very slippery. Please be careful, especially around the bus stops. He thanked Dana Kasler for the update on the park. He also thanked him for putting in the extra time and for meeting with the Board, particularly Mr. Swen, Mr. Eicher and Mr. Vitale. He is especially excited about the walking path. We will be talking to the Parks and Recreation Advisory Board about some additional work for Phase II and come to some agreement. Concerning Mr. Eicher's comments, he did not ask him to stop; he just asked that he not give a dissertation. He was very clear that Mr. Eicher could continue on; he chose to stop. At the Workshop meeting, he heard Mr. Eicher attack our

engineering firm that has done numerous projects for us and performed satisfactorily with the staff, the Supervisors, the developers and on many projects. He personally did not like to hear that. He thinks that our engineer could have gone to his legal department against the Township for that attack or for defaming them or questioning their integrity. He took great exception to hearing that. If Mr. Eicher is upset, he can be upset. But he chose that path this evening because he did not want to go through what he heard the other night. It was an embarrassment to him to be on this Board and hear those antagonistic comments. He was within his right as Chairman of this Board to ask his staff to inquire about this. He talked to numerous staff members here, to the engineer, and to the solicitor and he was within his legal right to put these items on the agenda this evening for a vote. Everyone had their fair chance to vote based on the facts that we were given. No one was told not to finish; he simply asked not for a dissertation.

There being no further business before the Board, the meeting adjourned at 8:00 p.m.

Respectfully submitted,

Janet L. Sieracki  
Assistant Municipal Secretary