

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. Swen and Mr. Sinatra.

PUBLIC COMMENTS ON AGENDA ACTION:

(There were none.)

APPROVAL OF MINUTES:

Action Item—Approval of the minutes of the Budget/Workshop Meeting of October 28 and Budget/Regular Meeting of November 4, 2009, which were distributed to the Board of Supervisors for their approval. Motion made by Mr. Swen, seconded by Mr. Sinatra. 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 the proposed 2010 Moon Township Municipal Budget is available for public inspection on Monday, Tuesday and Thursday from 8:00 a.m. to 4:30 p.m., on Wednesday from 8:00 a.m. to 7:00 p.m. and on Friday from 8:00 a.m. to noon in the Moon Township Municipal Building, 24 hours a day at the Public Safety Building and at the Moon Township Public Library during their regular hours of operation. The proposed 2010 budget is also available on the Township's web site at www.moontwp.com. The budget will be considered for formal adoption by the Board of Supervisors on Wednesday, December 16, 2009 at 7:00 p.m. The December Workshop Meeting will immediately follow the budget adoption meeting.
- B. Mr. McLaughlin advised citizens that the Moon Township Board of Supervisors is accepting resumes and letters of interest from citizens interested in serving on various

Township boards and commissions. Please check the Township web site for more information.

- C. Mr. McLaughlin advised citizens that the Moon Township Board of Supervisors will hold their annual Reorganization Meeting on Monday, January 4, 2010 at 7:00 p.m. The January Regular Meeting will follow the Reorganization Meeting.
- D. Mr. McLaughlin advised citizens that Moon Township Offices will be closed on Friday and Monday, December 25 and 28, in observance of Christmas and on Friday, January 1, 2010 in observance of New Year's Day.

NEW BUSINESS:

- A. **Action Item** – Mr. McLaughlin called for a motion to approve Bond Reduction Request No. 7 for Cimarron, Phase I, as recommended by the Township Engineer in his letter dated November 17, 2009. 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 Bond Reduction Request No. 3 for Sonoma Ridge, Phase I; Bond Reduction Request No. 3 for Sonoma Ridge, Phase II; and Bond Reduction Request No. 2 for Sonoma Ridge, Phase III, as recommended by the Township Engineer in his letter dated November 17, 2009. Motion made by Mr. Sinatra, seconded by Mr. Swen. Mr. Vitale said that he would be abstaining on this motion as he resides in this neighborhood. Yes votes were cast by Mr. Eicher, Mr. Sinatra, Mr. Swen and Mr. McLaughlin. Mr. Vitale abstained. Motion carried.
- C. **Action Item** – Mr. McLaughlin called for a motion to approve/deny the DiVito Plan of Lots as recommended by the Moon Township Planning Commission and subject to the Township Planning Department's review letter dated November 5, 2009. Motion to approve made by Mr. Sinatra, seconded by Mr. Vitale. Mr. McLaughlin asked Mr. McGurk for clarification on this motion. Mr. McGurk said that the applicant is in attendance this evening to discuss this plan. Mr. Pat DiVito said that he resides and 1237 Maple Street Extension. He is taking one parcel and separating it into two residential lots. There is no development plans at this time. Mr. McGurk said that the Planning Commission did recommend approval at their meeting in November and there is a review letter in the Board's packets. All Supervisors voting yes, motion carried.
- D. **Action Item** – Mr. McLaughlin called for a motion to approve/deny the permit hours waiver request from the Pennsylvania Department of Transportation for the resurfacing project on Business Route 60/I-376 Business Loop to permit work activity between the hours of 9:00 p.m. and 7:00 a.m. seven days a week. Motion to approve made by Mr. Sinatra, seconded by Mr. Swen. Mr. McLaughlin said that this is the same type of approval granted by the Board for work done on Thorn Run Road. Mr. McGurk said that annually PennDOT requests evening and weekend work hours to minimize the impact on the traveling public during the day. This will impact Business Route 60 from the split with mainline Route 60, which is now I-376, to the Air National Guard Drive interchange. Mr. McLaughlin asked if the traffic lights would be retimed also. Mr. McGurk said that there will be some other minor upgrades as well that includes the retiming of the traffic lights and guiderail work. All Supervisors voting yes, motion carried.

- E. **Action Item** – Mr. McLaughlin called for a motion to dispose of records in accordance with the Schedules and Procedures for the disposition of records as set forth in the Municipal Records Manual as recommended by the Township Manager and adopt Resolution R-20-2009 accordingly. Motion made by Mr. Vitale, seconded by Mr. Eicher. Mr. McLaughlin asked Ms. Creese to explain this motion. Ms. Creese said that the Township has a policy that follows the rules of the State whereby when we destroy records, we have to document the records that are being destroyed. The State has guidelines telling us how long we are required to retain records. Each record has a different schedule. When we destroy those records, it is required that the Board of Supervisors adopt a resolution that lists what records are being destroyed. Those records are destroyed by being shredded. At this time, the shredding is being done by an outside company who gives us a receipt that those documents have been properly destroyed so all confidential information is properly destroyed. All Supervisors voting yes, motion carried.
- F. **Action Item** – Mr. McLaughlin called for a motion to approve an agreement between Moon Township and the Moon Township Municipal Authority, as documented in a memo dated October 28, 2009, regarding allocation of the cost of Mooncrest Curb, Sidewalks and Handicap Ramps. The maximum amount of MTMA's contribution is \$60,000 for the current contract. Motion made by Mr. Swen, seconded by Mr. Sinatra. Mr. McLaughlin asked Mr. Petroccia for his input on this motion. Mr. Petroccia said that when the contract for the Mooncrest Curb, Sidewalks and Handicap Ramps was originally approved, we thought the Moon Township Municipal Authority would pay more so it was approved for a higher amount. It then came to light that the Municipal Authority was only willing to pay for materials. There was discussion about what the Municipal Authority would pay. In the memo dated October 28, it indicates the amount being paid. Mr. Eicher said that this motion and the next agenda item are tied together. This project goes back several years ago. An arrangement was worked out between the Township and the Municipal Authority. Work was done in Mooncrest by the MTMA and they had to tear up the sidewalks in order to put in new water lines. The agreement was that the Municipal Authority would pay for the materials and the Township would do the labor to put in the sidewalks. The gas company was also tearing up sidewalks in Mooncrest. Here we are two years later and the story has changed. The total cost to do this job is approximately \$377,000. We have contributions from the gas company totaling \$130,000 and \$16,000 from the Municipal Authority. This leaves the Township with \$140,000 plus \$40,000 not covered. Mr. Petroccia said that the \$40,000 will be bid next year. Mr. Eicher asked where that money would be coming from. Mr. Petroccia said that there are funds left over from the road program. Mr. Eicher said that he is raising the question because he believes we had an arrangement set up two years ago that would have gotten these sidewalks replaced at a less cost to the Municipal Authority and a substantially less cost to the Township. But we somehow managed to renegotiated this and it is at the point where we are spending almost \$400,000 to replace the sidewalks in Mooncrest. He thinks that this project has gotten off base and does not believe we should authorize this additional work. He thinks we should go back to the original plan and use the resources we have to get those sidewalks replaced but at a much lower cost. If the Municipal Authority is willing to contribute \$60,000 he will vote yes to accept this. But he is going to vote no on the change order for the Township to spend close to \$200,000 on sidewalks. Mr. McLaughlin said that we had a meeting with the Municipal Authority that he attended. Much to his dismay, there was nothing documented from the previous meetings. So at the most recent meeting, it was documented what each party was going to contribute. He cannot speak to what

happened years ago; all we can do is move forward. All Supervisors voting yes, motion carried.

- G. **Action Item** – Mr. McLaughlin called for a motion authorizing Change Order No. 1 to the Mooncrest Curb, Sidewalks and Handicap Ramps contract increasing the contract value from \$188,255.51 to \$327,916.00 in recognition of the additional contribution by MTMA and other sources of funding, as recommended by the Township Engineer in his letter dated November 19, 2009. Motion made by Mr. Sinatra, seconded by Mr. Vitale. Yes votes were cast by Mr. Sinatra, Mr. Swen, Mr. Vitale and Mr. McLaughlin. Mr. Eicher voted no. Motion carried. Mr. McLaughlin mentioned that the other source of the funding is coming from Columbia Gas Company.
- H. **Action Item** – Mr. McLaughlin called for a motion to approve Pay Application No. 1 for Mooncrest Curb, Sidewalks and Handicap Ramps in the amount of \$169,429.51 as recommended by the Township Engineer in his letter dated December 1, 2009. Motion made by Mr. Sinatra, seconded by Mr. Eicher. All Supervisors voting yes, motion carried.
- I. **Action Item** – Mr. McLaughlin called for a motion to approve Pay Application No. 5 for Moon Park in the amount of \$196,471.74, as recommended by the Township Engineer in his letter dated November 25, 2009. Motion made by Mr. Sinatra, seconded by Mr. Vitale. All Supervisors voting yes, motion carried.
- J. **Action Item** – Mr. McLaughlin called for a motion to approve Pay Application No. 2 (Final) for the 2009 Road Program in the amount of \$42,289.90, as recommended by the Township Engineer in his letter dated November 18, 2009. Motion made by Mr. Swen, seconded by Mr. Sinatra. Mr. McLaughlin asked Mr. Petroccia for clarification of this motion. Mr. Petroccia said that this is just the retainage. The contractor has met all of the necessary requirements of the contract. All Supervisors voting yes, motion carried.

UNFINISHED BUSINESS:

- A. **Action Item** – Mr. McLaughlin called for a motion to award the bid for the sale of a former police vehicle to Chuck Butera of Moon Township for \$2,627.00 as recommended by the Police Captain. 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. 4726 through check no. 4921, EFTs, Capital Reserve check no. 1072 through check no. 1082, Liquid Fuels check no. 2069 and 2006 bond fund check no. 200 through check no. 202**]. Motion made by Mr. Sinatra, seconded by Mr. Swen. All Supervisors voting yes, motion carried.

Mr. McLaughlin asked Dana Kasler to give an update on the park project. Mr. Kasler said that in the last month a lot of the visual things that we have been waiting for have been completed. All the fencing is up and all the fabric is on the fence. The contractor is working on the curbing. The inclement weather has slowed the work somewhat. But there are photographs of the park work on the Township's web site. The sanitary sewer laterals have been installed by the park crew.

They will also be working on the walking trail that goes around the perimeter. There will be sporadic closures of the park when the workers are in certain areas. He is very pleased with the work of the contractor.

COMMENTS FROM THE AUDIENCE:

Cliff Ardinger of 101 Bertley Ridge Drive said that he would like to talk about the sidewalk that was just installed on Beaver Grade Road. His attorney said that the Township's attorney said that he is not going to be compensated for the trees that were taken down. He has photographs of the trees that were removed. He is concerned about the way the sidewalk was raised and feels it will create water runoff into his yard. When he purchased his house in 1987 he has a letter stating that the fence has to be 3' off the road. He is looking for compensation for the loss of his trees and reinstallation of his fence. Mr. Santicola said that he has spoken to Mr. Ardinger's attorney. The Township's plans were given to him. As a general rule, anything built within the right-of-way is not permitted and that fact was communicated to him through his attorney.

REMARKS FROM THE SUPERVISORS:

Mr. McLaughlin asked the Supervisors to please keep their comments to three minutes.

Mr. Sinatra said that this Board worked very hard on the 2010 budget and Finance Director Lisa Lapaglia presented us with a balanced budget. The budget will be on display for the next several weeks. He encouraged residents to take a look at the budget. He is happy that we were able to accomplish that. He wanted to say how nice the sidewalk looks at Bertley Ridge Drive. He did not get to say Happy Thanksgiving to everyone but he would like to say Merry Christmas and Happy New Year. If anyone would like to volunteer for a Township board or commission, they can submit their letter of interest to the Township.

Mr. Vitale said that he wanted to thank all the employees and staff of the Township. It has been a great year. He also thanked Supervisor Swen for taking over after Supervisor Hopper had to resign due to health issues. He looks forward to working with Mr. Gribben. He wished the entire community a blessed Christmas.

Mr. Eicher said that he would like to make his comments on the 2010 preliminary budget. It was approved a week and a half ago by a vote of 4-1. He cast the one no vote. He would like to take some time tonight to say why he voted no. The primary reason for his no is that this budget has a \$1 million increase in spending from the general fund from 2009 to 2010. There are a whole series of increases in costs. Two major items are funds to hire an Assistant Township Manager, a part-time employee in the Parks Department and two people for the Road Department. It includes a four percent across the board increase in wages for every employee. We find ourselves at a point in time where our revenue is flat. In fact, from 2008 to 2009 the earned income tax revenue went down \$600,000. That says there is less income coming into this Township, yet we are spending more money. When we have a bad economy (the worst since the great depression), with national unemployment over 10 percent and state unemployment at almost nine percent, with the private sector laying people off, we continue to spend. Where are we getting that money? Instead of raising taxes we are taking \$500,000 out of the fund balance. We are cutting our capital spending by \$500,000. In essence, we have no money that we are putting into capital for the coming years. It's like they do in Washington DC—we spend; we spend. We don't want to raise taxes so we go into debt. Unfortunately, as a township, we can't do that; we have to balance the budget. He raised the question to the Chairman of how we are going to handle that. His answer to him was that we are not a distressed community and we can afford this. If we are going to cut any money, you would have to cut services. He asked how he are going to handle capital spending. The answer was that we will issue bonds. We will borrow

money and buy equipment that will not last the life of the bond. How can you run a sound financial institution with sound financial management of the Township if you are going to borrow money to buy resources and equipment that won't last the life of the bond? I know if he asks any department head tonight, they will give a good argument of why they need the money they need. But he sees no reason why, under these circumstances, the Township should increase spending by \$1 million. He voted no on the preliminary budget and, unless some changes are made, he will vote no on the final budget. He wished everyone a Happy Holiday and see everyone in 2010.

Mr. McLaughlin recognized Mr. Swen. He appreciated having him on the Board this year, particularly during the budget process. He showed fiscal responsibility toward the budget and asked many good questions. Mr. Swen said that, obviously, he was one of the Board members who voted for the budget. When you do a budget, it is always unique. This Township is evolving and growing in many different directions as we come through a challenging economic time. The Board is saddled with the responsibility that the residents gave us to pass a budget that is sound and makes sense. Keep in mind, when you do pass a budget, you have the responsibility to think about the residents and think of the level of services that the Township has committed to them. Think about what we promised to deliver. Then look at the reserves and the capability of our Township to deliver on those promises while maintaining sound fiscal responsibility. There are times in a budget, whether a personal budget or a business budget, that you will have economic peaks and valleys. It does not mean that they will be sustained. It does not represent "gloom and doom." It does not represent a path to demise. While we look at last year's budget, there was a projected deficit—one that would have to tap the fund balance. Through the hard work of the Township Manager and all the great staff, we will be coming in almost right on the dollar of a balanced budget. What that says to him is that we have the fiscal responsibility to manage that budget into an acceptable range so you, the residents, can feel comfortable that the money we are spending is on core items like protection, police services, safety, fire, roads, etc. These are all services that benefit the residents. He did not take his vote cavalierly. He analyzed the budget, just like everyone else did. We all have an opinion. He believes his opinion is based on sound judgment and the ability of our staff to deliver a balanced budget. He thinks they can deliver one in these tough economic times. There are some leading indicators that say we can step out of this economy much better than we did last year and 2009 represents the worst that we have ever seen. As Supervisor Eicher so eloquently articulated his point of view, he feels that the residents need a window in the other Board members' points of view as well. This has been a fantastic opportunity to serve the community and he does not believe this is the last that time that people will see him here. He will not be stepping away from the community. He will continue his volunteer work on the Planning Commission and any other board that will have him. He is here for Moon Township. During his term, residents saw exciting things happening. We broke ground at Moon Park; we saw a balanced budget this year in 2009. We saw major renovations in Moon Park. We saw stabilization of the staff that went through some major changes. You saw an organization come together and a Board that was able to make some very sound decisions to pull the community together. We are on the way to a very strong future here in Moon Township with the leadership that we have in place. He thanked everyone for the opportunity to serve and hopes that we can do it again.

Mr. McLaughlin said that he heard some comments and concerns from residents about the budget. But first he would like to address some safety concerns in the Township that were brought to his attention by residents. One issue concerned FedEx Drive. He asked Jim Henkemeyer the status of repairs to FedEx Drive and noted that the Jersey barriers are still in place. The Jersey barriers will stay there until the hillside is stabilized, even though it is winter.

Mr. Henkemeyer said that was correct. There was a rockslide on FedEx Drive this past summer that undermined a portion of the rock cliff. The Township's geotechnical engineer reviewed the site and determined that it was unsafe. FedEx has done a study as well and are in the process of determining a resolution of what to do to remedy the situation. Until that time, that lane of the roadway must remain blocked, per the recommendation of our geotechnical engineer. Mr. McLaughlin asked about the crosswalk at Moon Clinton Road and University Boulevard. Mr. Henkemeyer said that we have a new design for the crosswalks. Back when the school district did the study of this intersection, they looked at the handicapped and ADA requirements for the crosswalks. In order to comply, they changed the crosswalk to the high side of the intersection. At the time it met the ADA requirement, but there was still a bus stop on the lower side of Moon Clinton Road. So the crosswalks at this intersection were redesigned and approved by PennDOT. There is still some work that remains on this intersection. The traffic signal on University Boulevard by Primanti Brothers is also being repaired. Mr. McLaughlin said that regarding the sidewalk at Bertley Ridge Drive, he understands Mr. Ardinger's situation. Hopefully, we can work with Mr. Ardinger to come to a resolution that is good for everyone—good for Mr. Ardinger and good for the children that walk to the school—to keep everyone safe. Regarding the budget, he said that he thinks he saw the Board members more than he saw his family for over three weeks. The budget was discussed very thoroughly. The bottom line is that we did not raise taxes and will have no decrease in services. Quite honestly, when he talked to the staff, one of the things that we talked about cutting was not replacing a police officer who is retiring. We have had the same staffing in the Police Department for over ten years, yet our Township is growing. He cannot understand how we could consider doing that and still have a safe community. Another area that troubled him was cutting the July 4th celebration. He thinks that the residents would have been truly upset if July 4th was cut, especially after how well it has been supported by the community over the last few years. We just did all this work on the new fields in Moon Park and it will take money to maintain these fields. We would have had to cut funds from our road budget. He feels that we would be stepping back in time. Last year, we projected an \$888,000 decrease in our fund balance. He asked Ms. Lapaglia if we used any of that figure. Ms. Lapaglia said that we used about \$100,000. Just because we project \$500,000 from our fund balance does not mean that we are going to use all of it. He has had numerous discussions with the staff and was assured that we will really be watching the budget this year. He believes we did the right thing for the Township. He appreciates Mr. Eicher's comments and concerns. Residents and the Board can be assured that Mr. Eicher will look at every penny that we spend to make sure that it is spent wisely. If not, we will hear about it. That is part of being an elected official. But we also have four other Board members that took time to examine things and talk to the staff to come up with this budget. There will be no tax increase so we are trying to be fiscally responsible. At the same time, residents who live here deserve a first-class township and one they can be proud of. We have talked about a bond issue, but nothing is etched in stone. While he appreciates Mr. Eicher's comments, he does not think it is the gloom and doom that we are hearing. He is proud to serve this township. We heard the same gloom and doom a year ago about how bad off Moon Township was in losing three top officials and we were in a downward spiral. He commended this Board and this staff for the work they did when our other managers left. We all worked hard to keep this township moving forward. He is very proud of the staff this year in what they have done. He wants the township to know that they have a great staff that serves them here. Next year at this time when we look at things, hopefully we can say we were right again. He wished everyone a Merry Christmas and Happy New Year. He looks forward to serving with Mr. Gribben next year.

Mr. McLaughlin adjourned the meeting at 7:53 p.m.

Respectfully submitted,

Janet L. Sieracki
Assistant Municipal Secretary

APPROVED:

THE 3rd DAY OF FEBRUARY, 2010

Jeanne M. Creese, Township Manager

Township Seal []