

Special Meeting
February 6, 2012

MINUTES

The Moon Township Board of Supervisors met in special session at the Moon Township Municipal Building, 1000 Beaver Grade Road, Moon Township, PA 15108. The meeting was called to order at 8:10 p.m., Chairman Marvin Eicher presiding. Supervisors present: Mr. Eicher, Mr. Vitale, Mr. Sinatra, Mr. Gribben and Mr. Hertzner. Also present: Jeanne Creese and Jeff Ziegler.

Chairman Eicher reviewed with Board that the Township had received three conflict waivers on the Pittsburgh International Business Park. He explained that both the Township Solicitor and Township Traffic Engineer's firms had done work for Continental Real Estate in the past. The Township Engineer had also submitted a conflict waiver; however, this waiver would need more careful review, since in the Chairman's opinion, the conflict was related to work on the same project.

Supervisor Sinatra expressed his opinion that all conflicts are the same and that when they occur the Township has always removed attorneys and engineers and appointed different firms. He explained the current example of Marcellus Shale.

The Township Manager explained the requirements that conflicts checks are the current practice of both the Township Solicitor and Township Engineer's firms; however, when those checks indicate the potential for a conflict, the firm is not always removed. The firms are required to advise the Township, but the conflicts are examined under the different rules that apply to solicitors, engineers and for each project.

The Board continued discussion on the risks to the Township of granting each waiver. Discussion ensued on the time frame for the developer submitting the project and when the Township would need legal and engineering opinions. Discussion was held on the size and complexity of the project and if the Township would face risks by using attorneys or engineers unfamiliar with the municipality's subdivision and land use ordinances.

Motion to grant the waiver of potential or deemed conflict of interest between L.R. Kimball Engineering and Continental Real Estate Companies related to the Pittsburgh International Business Park project as detailed in the Township Traffic Engineer's letter dated January 31, 2012. Motion made by Mr. Hertzner and seconded by Mr. Gribben. Yes votes were cast by Mr. Hertzner, Mr. Gribben, Mr. Vitale and Mr. Eicher. Mr. Sinatra voted no. Motion carried 4-1.

Motion to grant the waiver of actual or apparent conflict of interest between Babst Calland and Continental Real Estate Companies related to the Pittsburgh International Business Park project as detailed in the Township Solicitor's letter dated January 30, 2012. Motion made by Mr.

Gribben seconded by Mr. Vitale. Yes votes were cast by Mr. Hertzner, Mr. Gribben, Mr. Vitale and Mr. Eicher. Mr. Sinatra voted no. Motion carried 4-1.

Motion to deny conflict of interest waiver for land development plan application review services for Michael Baker Jr., Inc. based on the current deemed conflict of interest between Baker and Continental Real Estate Companies related to the Pittsburgh International Business Park project as detailed in the Township Traffic Engineer's letter dated January 26, 2012. Motion made by Mr. Vitale seconded by Mr. Sinatra. All Supervisors voting yes, motion carried unanimously.

The Board discussed the second conflict waiver request submitted by Baker Engineering. Baker advised that they also perform geotechnical engineering for Continental Real Estate. Since Baker is not the Township's geotechnical engineer, the Township will not consider this a conflict. Discussion ensued that if Baker cannot represent the Township, the Board is confident of Continental retaining a competent civil firm such as Baker and will not request Baker refrain from working for this client. Need for second waiver is rendered moot by first action and the Board does not need to act on this request.

The Board discussed replacement engineers. The Board instructed the Township Manager to contact Gateway Engineers and Lennon, Smith and Souleret Engineers and ask both firms to provide price proposals and perform conflict checks. Information will be forwarded to the Board for the February 29, 2012 Workshop Meeting to make the appointment.

There being no further business before the Board, the meeting was adjourned to executive session to discuss a personnel matter at 8:45 PM.