

## **MINUTES**

The Workshop Meeting of the Moon Township Board of Supervisors was called to order at 7:00 p.m. with the Pledge of Allegiance to the Flag, Chairman Tim McLaughlin presiding. Supervisors present: Tim McLaughlin, Jim Vitale, Frank Sinatra, Marvin Eicher and Andy Gribben. Also present: Jeanne Creese, Adam McGurk, Lisa Lapaglia, Dana Kasler, Mike Santicola, Colleen Kartychak, Garen Fideles, Mal Petroccia, Mark Turnley, Patsy Trello, Joseph D'Andrea, Lynn McCullough, Peggy Flasiak, John Maloy, Mary Jane Pantzis, Tom Arnold and Kim Lawrence of The Post-Gazette.

### **Public Comments on Agenda Action Items:**

(There were none.)

### **General Comments from the Public:**

Peggy Flasiak of Rosemont Drive asked the status of a proposed cat ordinance. Mr. Santicola said that he does have a report for the Board. He has done some research and reviewed other similar ordinances. He will present that during his portion of the agenda. Mrs. Flasiak said that she spoke to Chief McCarthy today who told her to continue to trap the cats. She can then call the police who will come and get them. She recently had an experience with an employee of Triangle Pets that she took as a threat. She reported the incident to Chief McCarthy who handled the matter. The Chief also provided a written report to the Board of Supervisors. Ms. Creese said that the Township is in the second year of a five year contract with Triangle Pets. The Chief is handling the complaint about Triangle Pets. We do not know, however, if there is any alternative to Triangle Pets. It has been her experience, as it has Chief McCarthy's, that there is no company other than Triangle Pets for animal control services. But the matter with the Triangle Pets employee is still under investigation and will be followed up. The Township took that matter very seriously as did Triangle Pets. Mrs. Flasiak did the right thing by letting the Chief of Police know. Mrs. Flasiak will be provided with a copy of the complaint.

John Maloy of SBA Communications said that he was before the Board last fall about the possibility of a cellular tower on the Moon Golf Course property. At that time the Board did a study on possibly changing the zoning ordinance to allow cell towers in the open space zoning district. He has had several discussions with Adam McGurk. He asked if that matter has been pursued following review of that report. Mr. McLaughlin said that the Board has discussed that matter. The Township will be undertaking an update of its comprehensive plan this year. Mr. McGurk said the report that was provided to the Board indicated the amount of open space in the Township where cell towers could potentially be allowed if permitted in the open space district. The matter was left there and staff was awaiting direction from the Board whether or not they wished to pursue a curative amendment to the zoning ordinance. Mr. McLaughlin said that the Board has not pursued anything since then.

Patsy Trello of Lords International, 914 Beaver Grade Road, said that he had concerns and some problems concerning the Polo Club. He has invested a lot of money in that building and he has been trying to get his problem taken care of. He sent a letter to the township manager and has not gotten a return letter or phone call. Being a resident and

a business owner, all he is asking for is the courtesy of some type of communication. Unfortunately, to date, he still has not gotten a response from Moon Township. Therefore, he is pursuing action; he has no other recourse at this time. His very disappointed that no one has gotten back to him. Ms. Creese asked Mr. Trello if he remembers talking to her on September 10. She has a lengthy phone log of her conversation with Mr. Trello of September 10. He requested to be placed on the Board's agenda and she explained to him in some detail about answering his question, explaining to him that the questions he asked were a legal matter and that she could not respond to them. She referred him to the Township solicitor. She also received his letter of October 22 to which she also responded with a phone call to the telephone number indicated in the letter. She again said in her phone call that it was a legal matter and could not answer his questions. That, too, could be verified by her phone log. Mr. Trello said that he has been dealing with governments for 32 years and has never had this problem before. He thanked the Board and left the meeting.

Joseph D'Andrea of McIntosh Drive said that he would like to comment on Item No. 5 of the solicitor's portion of the agenda. He asked if it is an action item because his recommendation is "no" to an opening of any kind.

#### **Action Item:**

Mr. McLaughlin called for a motion to adopt Resolution R-8-2010 under Section 147(f) of the Internal Revenue Code as requested and recommended by the Moon Industrial Development Authority for the Bridgeville Public Library. Motion made by Mr. Sinatra, seconded by Mr. Eicher. Mr. McLaughlin said that MIDA finances projects. Mr. Santicola said that was correct. Moon Township, as the enabling body that set up MIDA, must approve the action. These approvals have been granted by the Board in the past. The Township bears no financial responsibility. Ms. Creese said that, for the Board's information, MIDA has funded the contribution for Moon Library's Sunday operations. All Supervisors voting yes, motion carried.

#### **Discussion Items:**

**Review of 2007 Independent Audit/Presentation by Mark Turnley, CPA**—Mr. Turnley said that he was here at Ms. Lapaglia's request to answer any questions from the Board related to the audit and the status of the 2008 audit. As the Board knows, we are required to have a report to the Department of Community and Economic Development (DCED) on an annual basis by April 1. Ms. Lapaglia can speak to that delay. The Township has a number of funds and those monies are accounted for separately. It is then consolidated so the Township's financial statements are presented in total. To date, for 2008, we have not addressed what he terms as some of the smaller funds, with the exception of the general fund. He explained that he started the 2008 audit and provided the Township with a punch list of items needed to complete the portions of the audit that weren't done to date. As of now, he has not received that information. Ms. Lapaglia has communicated to him that she is working toward completing those items. He has, therefore, not been able to submit an audited report to the DCED. The DCED used to withhold liquid fuels funds from those municipalities that did not submit their report by the April 1 deadline, but that is no longer the case. What they do is if a municipality is looking to get additional grant funds for any particular project, they will look to see if there are any outstanding reports that are due. Mr. Sinatra asked if the Township has

always been two years late in filing these reports. Mr. Turnley said that this is the worst that it has been. He said that the Township has made progress. The Township used to be on the cash basis of accounting. The Township has subsequently moved to the modified accrual basis of accounting. He explained the differences in these accounting procedures. Back when the Township was doing the cash basis, it was much easier. However, there was an Accounting Board Standard that came out known as GASB-34 that stated that in order for municipalities to say their audit report is in conformity with the rules and regulations of their profession, known as generally accepted accounting principles, they have to go to the full accrual basis of accounting. This means that municipalities have to track their fixed assets with depreciation schedules, etc. This includes the Township's infrastructure, long-term debt, etc. These are things that for-profit businesses have been doing for years. To keep up with that process with the Township's current manpower has created a problem. When the Township went to that method, the ability of the Township to complete that information by the Township's personnel has taken longer. He is sure there are valid reasons for that. There is not a large staff in the Finance Department, based on the Township's budget. Because of these increased requirements, it has pushed their workload further back. A discussion ensued on the length of time that Mr. Turnley has been the Township's appointed auditor and the potential impact on the Township's ability to secure bonds as a result of this delay. Mr. Sinatra asked that the Board being kept informed before things reach a critical state. Mr. Turnley said that he understood that Ms. Lapaglia had communicated to the Board about the delays. Mr. Sinatra said that it wasn't that there wasn't communication. He asked if there was an email sent to Ms. Lapaglia outlining exactly what was needed in order to complete the audit. Mr. Turnley said that there was, as is done prior to every audit. In the upcoming month, his goal is to get the 2009 report to Harrisburg by April 1 so that the Township is caught up to date for 2008 and 2009. As we stand here today, there is still some outstanding information needed for 2008 that he needs to get first before we can transition into 2009. He can only work from information that is given to him. Mr. Sinatra said that in the past year this has become an important issue to the Supervisors. But it should have been an important issue two years ago.

Ms. Creese said, so that the Board understands, it has been an issue for the Board and the staff for all of that time that the reports are outstanding. However, in looking at any other municipality of Moon Township's size anywhere in Pennsylvania, you are not going to find a municipality where you lost in one year a manager, an assistant manager, a planning director, a recreation director, an assistant recreation director, and a finance director. We have communicated that to the DCED and the state; they are aware of that. That issue, combined with what happened in finance and her starting at Moon Township in January, bringing everyone up to speed as well as dealing with a new engineer, was a daunting task. You had a backlog that continued through the first half of 2009. There are compounding issues all through this time period that are separate from finance. We are saying now that this is one of our biggest priorities. It was always a priority—just not the biggest one at that time. It is also a function of the things that the Board gives to her and Lisa to handle and their ability to address them. The Board needs to make it a priority so they can make it a priority to finish it. But the Board needs to remember that all of those things played into that. Mr. Sinatra said that he disagrees. It was talked about adding help for Lisa in the finance office. It was talked about hiring an assistant manager that could help Lisa. The most important aspect in all these discussions comes down to money. The No. 1 priority at all times should be the finances of the Township. He hates excuses when it comes down to the most important thing in

the Township. Ms. Creese said that she agrees. She cannot offer explanations on how the Township got into this situation; she can only explain how to get out of it. She takes audits very seriously. They speak to the public confidence as well as being necessary in order to get state funds. But in view of the challenges she was handed when she got here in 2009, this was not at the top of the list. If we could not achieve public services, we were not going to have day-to-day financial operations before we could achieve the audit of those operations. We needed to accomplish that first. In her first few months, she worked on getting the necessary people back here to perform those duties. We have talked about an assistant manager for the last year and what that person should do. It was only last month that she received approval from the Board to shift that job focus to be a finance/human resources person, which will relieve the burden in the finance office. Mr. Sinatra said that this is the first time he ever heard of that.

Mr. McLaughlin asked if there is anything the Board can do, such as bringing in temporary help, to get on schedule for April. Ms. Lapaglia said that we have every intention to be on schedule for April. She has scheduled Mr. Turnley's office to come in on March 8. She has already discussed with her department how they are going to proceed to accomplish this. A lot of what has happened over the last two years has required some learning on her part. What Ms. Creese said about the problems as a result of top management personnel changes is absolutely correct. Mr. McLaughlin asked if there is anything that the Board can do, at this point. Ms. Lapaglia said that they can just let us do our jobs. We have a plan in place to proceed. March 8 is the target date to finish up the 2008 and 2009 audit. Mr. Turnley said that, per Ms. Lapaglia's request, he is in the process of preparing what he would call an "unaudited" report to send to the DCED for 2008. He is not in the habit of recommending that. But he is pulling the information together now for submission. When the final audit is completed, a revised copy can be sent to the DCED. This is the same approach that will be used for the April 1 deadline for the 2009 report. Ms. Creese said that we are completing grant close-out audits as well for the same period. We have no state grants being held up at the moment. Ms. Lapaglia said that her department has a staff accountant who has been in place for the last year. She has become more familiar with the operations. The finance office does have an accounts payable clerk. Accounts payable is so cumbersome that all that position can handle is accounts payable. So we ran 2008 without any other accounting personnel except her. We now have staff in place and she needs to coordinate their duties. She would, therefore, appreciate it if the Board would allow her to evaluate how that is working. We will definitely know by the beginning of March if we will be at that point. Ms. Lapaglia said that she would report to the Board again at the end of February at the workshop meeting. Mr. Turnley said that it was a good thing that the Township went away from the cash basis of accounting and would never recommend that the Township go back because we are a large municipality. Full accrual is good for bonds and good for financial reporting. He would not recommend that the Township take a step backwards because it took a lot to do the first fixed asset compilation to get to this point. But, unfortunately, it takes manpower to keep up with it. As many of his other clients have said, the only thing that holds them up is GASB-34. Mr. Eicher had several questions about the audit. In the audit report Mr. Turnley states that the Township does not have a formal investment policy that limits investment maturities as a means of managing its exposure to fair value losses arising from increasing interest rates. He asked if this is something to be concerned about. Mr. Turnley said no; a lot of his municipalities are in that position. Mr. Turnley thanked the Board and left the meeting. Mr. Eicher asked about some legal matters. The audit report

states that the Township is a party to a class action lawsuit filed by several taxpayers in Allegheny County challenging the Allegheny County property assessment increase for tax years 1999 and 2000. Mr. Santicola said that he has not actually looked at the assessment appeals that are pending, but that is what is being referred to. Mr. Eicher said that his final question refers to page 33 of the audit containing the pension information. He asked if Mr. Turnley makes any assessment or if these numbers are inserted from another source. Mr. Turnley said that he makes no assessments; the numbers come from the Township's actuarial report. He does do an audit of pension plan in PNC. Ms. Lapaglia said that the pensions are also audited through the State Attorney General's office and they have completed their audit through 2008. He asked if that lets us know where our funds are, as we have commitments. Ms. Lapaglia said that our MMO and the actuarials that Mockenhaupt develops give that information to show our anticipated costs for those pensions. Mr. Turnley said that for 2008 he has already prepared a profit-and-loss statement for the police pension fund that he can email to Ms. Lapaglia for distribution to the Board for their review. We are just getting the information together for 2009.

Ms. Creese said that this matter is already on the agenda for later. She is going to ask the Board to select a date to have the uniformed and non-uniformed pension administrators come in and do a presentation. This can be done at a workshop meeting or schedule a separate meeting. The reason for this presentation is that the Board is going to be hearing municipal government pensions being discussed more and more. There are some that are in trouble; our does not appear to be. We will be asking the Board to schedule that in the upcoming month. Mr. Turnley thanked the Board and left the meeting.

### **Planning Items:**

Foxwood Knolls Bond Reduction—Mr. McGurk said that this will be an action item for next week's regular meeting agenda. Baker has prepared a recommendation for the Board. The existing bond is about \$2.2 million. The recommendation is to take it down to about \$1.5 million. It is a total reduction of \$632,476.94.

Crosswinds Bond Reductions—Mr. McGurk said that there are three bonds for this project. For Phase I, Baker is recommending a complete release of \$42,132. Phases II and III are a single bond and that is a reduction from \$133,407 to \$90,147; Phase IV is from \$108,268 to \$53,555. Baker has prepared a letter for all of these recommendations and it should be on the Board's agenda. Mr. Eicher asked if we have any stormwater detention facilities in any of these phases. Mr. Petroccia said yes. There is one approved for the entire development. Mr. Eicher asked if it has been accepted yet. Mr. Petroccia said that it has not. There is still bond money retained for that. Mr. McGurk said that it is not a pond that the Township will accept; but we still want to make sure that it is functioning properly. The pond will be turned over to the homeowners' association for maintenance.

Tarrquinio Rezoning and Nyetimber Group Residence Minor Land Development Plan—Mr. McGurk said that the applicant has requested that both of these applications be postponed another month. The Planning Commission has accepted this postponement for the Nyetimber Group Residence Plan and tabled it until the February Planning Commission meeting. Given the 90 day schedule to approve or deny plans, this means

that the Planning Commission has to take action next month and the Board will have to take action at their March 3 meeting. Regarding the Tarquinio rezoning, he is recommending that the hearing still be opened next week but that the Board immediately continue the hearing in March. This will save the Township from having to readvertise the hearing. There may be residents in attendance at the regular meeting wishing to speak on the matter but he thinks it best if all testimony is taken at next month's public hearing. Mr. Eicher said that we received a letter from the attorney questioning going parallel. Mr. Santicola said that the letter we received asked about the legality of having two pending land development applications for the same piece of property, suggesting that is not legally possible. He disagrees with that, as does Mr. McGurk. You can have two pending applications. Of course, the Board needs to consider them both. It is incorrect, in his opinion, that it is an improper process. Mr. McLaughlin requested that this postponement be communicated to the Nyetimber residents. Mr. McGurk said that he has been in contact with them. They have been advised that the hearing is being postponed until March and their testimony will be accepted at that time. The Nyetimber Plan is a four-lot subdivision. The applicant is proposing four single-family homes to be used as group residences. Both single family homes and group residences are permitted in the R-1A zoning district.

Comprehensive Plan—Mr. McGurk said that there was a memo distributed yesterday to the Board of Supervisors. It gave some background on comprehensive planning and what is required to be in those plans. We are recommending a series of pre-assessment discussions with the Planning Commission on the required items in the comprehensive plan for them to gain a better understanding of what we want to put in the scope of work for when we hire a consultant. Basically, over five months we will be reviewing about ten different items from land use to transportation to housing—all items required to be in a comprehensive plan. Typically, Planning Commissions handle this task for the Board. The Board ultimately adopts the plan and the Board would hire the consultant, but delegates this responsibility to the Planning Commission to put this plan together. Mr. McLaughlin asked if we need to have any public meetings on this. Mr. McGurk said not at this time. But once the consultant is hired and we begin going through the comprehensive plan process, required public meetings will need to be held prior to adopting the plan. Mr. Eicher asked the process for getting the consultant. Mr. McGurk said that is the theory behind doing the pre-assessment. Once the data is collected, we will write a scope of work and it would be sent out as an RFP for consultants to bid. Mr. Eicher said that the last comprehensive plan took over two years and \$300,000 to complete. He does not think we want to do so again. He thinks we have a good comprehensive plan and we need to do our due diligence. But the key is the consultant that we get. Mr. McGurk said that is a good point with what we are trying to do here to get a scope that is well-defined. We are required to update our plan every ten years; we are not required to rewrite it. That is an important thing to keep in mind. One thing to keep in mind is that, historically, Moon has done its comprehensive plan before the census data has been available. This is an opportunity to do most of the data collection and analysis after the census is complete so that we have a better picture of the demographics.

#### **Parks & Recreation Items:**

Agreement with Hollow Oak Land Trust—Mr. Kasler said that there is an agreement in place with the Hollow Oak Land Trust to rent office and storage space in Robin Hill.

Their rent has not been evaluated since 2004. Obviously, in that six-year period, utilities, labor costs, etc. have gone up. He is recommending a slight rent adjustment but does not want to hurt to organization in any way. The Board had no problem with sending HOLT a letter advising of the rent adjustment. If it is a problem for HOLT, Mr. Kasler said that he would invite them to the next Supervisors workshop meeting to discuss the matter with the Board.

Moon Park Phase II—Mr. Kasler said that he met with Michael Baker on several occasions to explore the different possible facilities that have been discussed for Phase II and what those facilities would cost. This is what has been presented to the Board. If the Board has any questions, he or Mr. Petroccia would be happy to answer them. Mr. McLaughlin asked if this could be discussed jointly with the Parks & Recreation Advisory Board. Mr. Kasler said that we have already met with them and these are the facilities that they have recommended to the Board of Supervisors. The Parks Board would be happy if the Board of Supervisors could fund all of them but will leave it up to the Board of Supervisors to decide on a prioritized list. We do not, however, have our cost figures to complete the electrical work for the sports lighting in Phase I. Mr. McLaughlin asked if the Board of Supervisors could again meet with the Parks Board. Mr. Kasler said that he would arrange such a meeting. Mr. Eicher asked about the size of the maintenance building and inquired how it was determined to be the right size. Mr. Petroccia explained that the building would consist of five bays—15' wide and 30' deep. A discussion ensued on the plans for this maintenance building and whether it would meet the long-term equipment/storage needs for the Parks Department. Mr. McLaughlin asked if work has started on the walking trail. Mr. Kasler said that work should start on the trail next week. Ms. Creese asked if the Board wanted to prepare a Request for Proposals (RFP) for bond services. Last year, the Board received several non-solicited proposals for bond counsel and bond management services. Mr. McLaughlin said that he felt we should meet with the Parks Board first. This can also be done simultaneously.

Potential Cell Tower in Moon Park—Mr. Kasler said that since 2007 Verizon has approached the Township regarding putting a tower in Moon Park. At that point, we were not considering having any existing poles that would meet the criteria. With the new development in the park with a lighted baseball field and tennis courts, we will then have an existing facility for an antenna. The original offer that the previous Board had discounted was a \$750 a month lease. He thought this amount was relatively low. On January 15, he received an email indicating that the lease amount would be raised to \$850 per month. It is a good amount of money to bring in. The coverage area would only be Moon Park. But the antenna would also provide coverage for emergency services. He brought to the Board's attention that there was a recent transaction in Franklin Park by Tri-Star for \$20,000 a year for five years plus \$5,000 a year for the first two years during construction. After discussion, the Board directed Mr. Kasler to continue discussions with Verizon and also provide to the Board photographs of similar cell towers in other parks.

Fireworks Bid—Mr. Kasler said that per Township policy, we have decided to bid out the Township's fireworks every three years. We will do a public advertisement. The Township has the ability to reject any offer. Last year, the price was \$12,500.

Mr. Sinatra asked for another copy of the draft athletic field agreement. Mr. Kasler said that this agreement is for all the different user groups. He will finalize it and provide copies for the Board's review prior to the next Workshop meeting.

### **Board Appointments to Intergovernmental Bodies:**

Ms. Creese said that remaining from the reorganization meeting are some outstanding appointments to the two intergovernmental bodies. The first appointment is to the South Hills Area Council of Governments. The Board needs to appoint a representative and alternate representative to attend their meetings. Mr. Vitale said that he would continue to serve as the delegate but hoped the alternate could attend when he is unavailable. Ms. Creese said that the SHACOG also has quarterly advisory committee meetings attended by the township managers as well as a Police Chiefs committee, attended by Moon Township's police chief. The naming of the SHACOG representative and alternate should be done by motion. Mr. Eicher nominated and moved that Mr. Vitale be named as the representative and Mr. Eicher volunteered to be one of the alternates. The motion was seconded by Mr. McLaughlin. Mr. Gribben said that he, too, would be an alternate. All Supervisors voting yes, motion carried.

Ms. Creese said that the next appointment is that of the PSATS voting delegate. The main duty of the voting delegate is to attend the annual convention in Hershey and cast votes on the numerous agenda items. This appointment has traditionally been the Township Manager but it can also be an elected official. If it is the desire of the Board, she has no problem with attending the convention. Motion made by Mr. Vitale that Jeanne Creese be appointed the PSATS voting delegate. Motion seconded by Mr. Gribben. All Supervisors voting yes, motion carried.

### **Board Schedule / Request for Meetings:**

Ms. Creese said that the Board needs to schedule several meetings. The Library Board would like to continue discussions with the Board of Supervisors regarding their space needs and funding. Mr. McLaughlin suggested that the meeting with the Library Board and Parks Board could be done in the same evening. Ms. Creese said that the Allegheny County Airport Authority has also requested the scheduling of their bi-annual meeting. The Board requested that the meeting be scheduled for sometime in March. Ms. Creese said that as she said earlier, a meeting to review the pension plan also needs to be scheduled. She will provide the Board with a list of possible dates.

### **Regular Meeting Agenda Items:**

Ms. Creese said that there will be a motion on the regular meeting agenda to authorize advertisement of the 2010 road program. Mr. Petroccia said that he met with John Scott and Jim Henkemeyer to compile a list of roads. John Scott is getting an updated list of quantities for those roads. Baker has been updating the specifications. He is expecting to advertise on February 10 and February 17 with the bid opening on March 1. He said that the asphalt price index has jumped 10 percent since last fall. He and Jim Henkemeyer are recommending that the asphalt price index remain in the contract. He is hopeful of getting a good price again this year.

### **Township Solicitor:**

Ordinance Codification—Mr. Santicola said that he brought the book of the latest and final draft of the codification. He is reviewing the draft. What he did not take into consideration was the comprehensive plan. He will complete his review and give it final

approval. The final draft looks pretty good. He found very few errors. Ms. Creese said that, to give an update from the staff's perspective, she does have all the comments from the department heads following their final read. The staff has found that the majority of the things picked up in the initial read were corrected. However, we are still finding some errors and issues of concern. All of these comments will be sent in as one group. We are going to request a meeting with the codification company to discuss these issues. She recommended that if any Board member had a particular section that they have found during their experience as supervisor that they use frequently, they can review that section only and not the entire book.

Moon First/Wal-Mart—Mr. Santicola said that the legal status of the stay is still in place. Per some emails that Adam McGurk has sent out, there has been a new traffic study submitted. We are expecting comments back from PennDOT soon. The thing he wants the Board to consider at this point is the change in the plan from a traffic standpoint is what is going to be presented to the Township and is what is being reviewed by PennDOT. The footprint of the building (all the things that the Board has already approved for the structure) has not changed. The only thing that has changed is the ingress and egress to the site and some traffic patterns. From the time this stay was negotiated by Moon First and Wal-Mart on the appeal, the idea was that Wal-Mart's lawyers, Moon First's lawyers and Moon Township (since we are a party to the action), because of what happened with Colony West, were going to try to come up with a new traffic plan. That traffic plan—if approved by all parties—would end the litigation. But we have to decide if the new plan as presented to the Township is going to be considered a new plan that needs to have Board approval and a public hearing or if this new plan can be approved as a minor deviation and settled with the court's approval. He is not prepared to give that opinion yet.

Proposed Change to Resolution R-16-1987—Mr. Santicola said that he has written a change to that resolution. As the Board recalls, there are some questions that were raised. He is not sure if the questions are still relevant or if there are still questions from the Board whether there needs to be a change. Resolution R16-1987 is the resolution that controls the conduct of Boards at the meeting, how the meeting is run and agenda prepared. There is a provision at the end of this ordinance that states that anything that is inconsistent with the law shall be deemed null and void, which is common. There are some things in the resolution that are null and void, such as the public not being able to comment at a workshop meeting. He asked direction from the Board as to whether they want him to do anything further. Mr. Sinatra said that if there are things on the current ordinance that are null and void, why would we not want to look at an update. Mr. Santicola said that he would prepare an update and make some suggestions.

Proposed Cats as Nuisance Ordinance—Mr. Santicola said that he did some research on a proposed cat ordinance. He forwarded to the Board a memo on this matter. On the Pennsylvania Game Commission web site does not offer any guidance or resources concerning wild cats. After some internet research, he provided some ideas of how this issue is looked at and offered some suggestions. South Fayette Township has a good ordinance addressing the issue and cited some of the ordinance requirements. This problem is not something specific to Moon Township; it is a national problem. The problem still remains with enforcement. If the Board directs, he can finalize the draft of the ordinance for their review and consideration. Mr. McGurk said that there is language in the Township's zoning ordinance that applies to a kennel. But as Mr. Santicola has

said, enforcement is extremely difficult. Ms. Creese said that she and Chief McCarthy have reviewed the draft and think it is a good ordinance. Nothing in that ordinance is in conflict with what we currently do. But there may be areas of the ordinance and its enforcement that may be challenged.

Forest Glen/McIntosh Drive Emergency Access Entrance—Mr. Santicola said that Mr. McLaughlin wanted this matter put on the agenda as this matter has not been taken care of. Legally, if there is a question as to whether that can be opened for emergency access, the answer is yes. There are boulders that were placed at the end of McIntosh Drive by the Township. These boulders block the ability for vehicles to cross that property. Without those boulders there, vehicles could physically have the ability to drive across the property. But the Township vacated the right-of-way in 2000. The Township has an ordinance on file that reflects that vacation. The land is owned by the property owners on either side of McIntosh Drive. Mr. McLaughlin said that he talked with Chief McCarthy who did not have a problem with that being an emergency access. However, Mr. Santicola said that he wondered why, if the Township vacated the property, the boulders were placed there. Ms. Creese said that she had no answer to that. However, she has found other instances where the Township has put structures on private property to address residents' complaints. The placing of the structure does not define the ownership. Mr. Santicola said that the boulders are on private property and the property owners are not complaining about them. Nothing has been shown to him to prove it is a problem or a safety issue. The Board directed Mr. Santicola to make sure that the vacation was done correctly and confirm whether or not it has been recorded.

Mechanics Lien—Mr. Santicola asked if the Board had an opportunity to review his memorandum on this matter. The Township does not need to file them any more, but there is a strong suggestion that we should to cover any potential issues. Mr. Eicher said that it is his understanding that if it is a public use, there are no lien rights. If it becomes a private project, then there are lien rights. Mr. Santicola said that was correct. The question that may arise is the definition of whether it is a public or private project. A discussion ensued on the filing of mechanics' liens. Mr. McLaughlin asked Mr. Petroccia if it is required in our bids. Mr. Petroccia said that he is taking it out of the bid documents. It has been in there for quite some time as a matter of insurance under some old construction law, but laws have changed and they have been taken out. Some other municipalities still have it in their bid documents and other solicitors have said that they would rather pay for that insurance. But the current law is now that it is not worth filing. Mr. McLaughlin said that he wants to make sure that we are doing the right thing.

Mr. Santicola said that there are two cases that he is being copied on—the HUB property appeal and the Elmhurst property appeal. There have been decisions rendered on both cases and he forwarded copies of the decisions to the Board. He believes that both of these decisions will be upheld on appeal, if filed. Obviously, the school district is leading the effort on both of those.

Mr. Eicher said that before we move away from the solicitor's portion of the agenda, there was a question about the solicitor's November invoice. He asked if that has been resolved. Mr. Santicola said that there are still some outstanding amounts. He has had some conversations with Ms. Creese about it in December. Part of the issue was Ms. Creese not having documentation showing work that was billed on the labor portion of the bill. Ms. Creese said that there were two items in question. One item was for items

that we have not received dating back to October in the labor portion. The Township did receive those items on December 30 and 31 so those items are approved. Mr. Santicola said that he spoke to Mr. McLaughlin about the second item and that can be removed from the bill. Mr. Eicher asked Mr. Santicola to explain what that work entailed. Mr. Santicola said that it was something that Mr. McLaughlin asked him to look into pertaining to Mr. Sinatra's ethics form that is on file in the Township office and showed up on a political flyer sent out by Mr. Mustio. Mr. McLaughlin felt it should have been requested by a Right-to-Know request. Ms. Creese said that we do not require elected officials, advisory board members, attorneys, etc. to fill out Right-to-Know requests. We require the public to fill out Right-to-Know requests. If the Board wants to change that policy, we can do so. If the Board directs her to investigate that, she will investigate it. But she did not find it odd that there was no Right-to-Know request filed for that document. If anyone that was a board member, advisory board member, attorney or anyone from an organization asked for that, it would not have been odd for any of the staff members to provide it. A Statement of Ethics form isn't something that we hold here as confidential or a personnel document. We all fill one out ourselves, as do all of the Board members. When that form is filled out, she assumes, as does everyone here, that it is an extremely public document. People ask for them all the time. This is the answer that she gave Mr. Santicola—that we could not really help in that investigation. There is nothing about a Statement of Ethics Form that is confidential, which is why she did not understand the reason for that direction to Mr. Santicola. We have had this general discussion dating back to August that staff cannot sign off on the solicitor's invoices without knowing that the Board directed a particular item (either at a public meeting or in executive session) or whether we can verify a particular document for which there is a charge. That is the same standard for any professional invoice. Staff does the same thing for Mr. Petroccia's invoices. Items also need to be in the correct category. The bill goes to the Board before a meeting so that they have time to look at it. Mr. Eicher said to note the day that the work was done—November 3. That was Election Day. His wife observed Mr. Santicola campaigning most of that day. Mr. Santicola said that he did review his emails that day. He will check on his computer for the time of day that he reviewed that particular email. Mr. Sinatra asked the policy on the solicitor's billing. Are we going to require three votes on anything Mr. Santicola is going to be asked to look at? Ms. Creese said that it has never been required that there be three votes on every item. But if staff has not seen an item directed by a majority of the Board that we are aware of or can reference, we cannot verify it or recommend payment for it. The bill goes to the Board before a meeting so that they can direct the staff. The Board needs to set the policy and direct the staff. If the discussion and direction happens in a meeting of the Board of Supervisors, then the staff is aware of the action as there is a quorum of Board members present. The Board may or may not take a formal vote. This occurs with Mr. Petroccia as well. It is probably best not to have individual Board members call Mr. Santicola and directing him to do something. Normally that work funnels through the manager as that is the administrative chain of command of the Board. The work of the Board needs to be done in this room and not outside of it. Mr. Sinatra made a motion that he feels it is a ridiculous request to have Mr. Santicola check to see if he read an email, as directed by Mr. Eicher, and to see if he read it on a certain date and time for which the Township would be charged. Mr. Eicher said that he would withdraw his request. He has made his point.

**Township Engineer:**

Moon Park Progress Report—Mr. Petroccia said that progress has been slow due to the weather. The curbing was put in when the weather was above freezing. There have been some payment requests submitted in December that will be on the Board's regular meeting agenda. The contractor is working on the parking lot and tennis court area. Mr. Kasler said that the contractor is working on finishing up the small items.

Autumn Woods Landslide at Detention Pond Progress Report—Mr. Petroccia said that he received an email from Mr. McGurk documenting that matter. Jim Chickini has bought the property at the bottom of the landslide for the detention pond. He talked to Kimball's project manager about the wetland that is in the area that the stormwater basin is designed to go into. Rather than apply to PADEP for a wetland fill permit, they are appealing to the Army Corps of Engineers to see if the Corps of Engineers will deem this wetland not to exist. If there is more than 100 acres of drainage basin above that area, the Corps of Engineers may take jurisdiction. They may come up with a different opinion. Otherwise, they need to file their permit application.

Cherrington Communication Center Roof and HVAC Replacement—Mr. Petroccia said that some of the HVAC has been replaced. We are up to the point where this summer we need to make some roof replacement. He asked the Board if they wanted him to put together bid specifications. Mr. McLaughlin asked if the whole roof needs to be replaced at one time. Mr. Petroccia said that there are three different areas in three different conditions. The smallest area is modified bituminous that is leaking the most. That really needs to get done this summer. The south wing of the library is the next worst. If we have \$45,000 that would be the next thing to get done. The north wing is the newest and can be put off until next year. He would recommend bidding the first two together and get them done this summer. If the Board want to bid all three as alternates, that is fine. But they may want to use that money elsewhere as he knows there are other issues in this building. A discussion ensued on what the roof material would consist of and how the specs would be written. Mr. Petroccia said that the work would be bid as a base bid and alternates.

Township Facilities Survey—Mr. Petroccia said that he submitted a proposal for \$23,200 that the Board received at their November workshop. He is awaiting approval from the Board to proceed. Ms. Creese said that she thought this work was approved but would check into it further. If not, a motion will be on the Board's regular meeting in February. Mr. Petroccia said that it has recently been in the newspaper that Kennywood Park settled for \$2 million when one of their roofs collapsed following a microburst. As a result, he is adding the pavilions in Moon Park for structural checks. The Board felt this was a good idea.

There being no further business before the Board, the meeting adjourned at 10:05 p.m.

Respectfully submitted,

Janet L. Sieracki  
Assistant Municipal Secretary

APPROVED:

THE 7<sup>TH</sup> DAY OF APRIL, 2010

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Jeanne M. Creese, Township Manager

Township Seal [ ]