

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, Marvin Eicher and Andy Gribben. Also present: Jeanne Creese, Adam McGurk, Lisa Lapaglia, Meghan McNamara, Michael Santicola, Garen Fideles, Mal Petroccia, Jim Chickini and Tom Arnold.

Mr. McLaughlin announced that prior to this meeting the Board met in executive session at 6:00 p.m. to discuss personnel and litigation.

Public Comments on Agenda Action Items:

(There were none.)

General Comments from the Public:

(There were none.)

Action Items:

- Mr. McLaughlin called for a motion to appoint Amy Joyce to the Moon Township Library Board to fill the unexpired term of Bill Repack, term to expire the first Monday in January, 2012. Motion made by Mr. Gribben, seconded by Mr. Eicher. All Supervisors present voting yes, motion carried 4-0.

Guest Presentation:

- Mr. Jim Chickini, developer of Autumn Woods and the Woodlands at Trout Run, said that he has been talking to Mr. McGurk about both projects. Regarding Autumn Woods, Mr. Chickini said that he had a meeting with the enforcement division of the DEP. This is going to help move things along and get everyone on the same page. The meeting was attended by Ms. Creese, Mr. Petroccia and himself. A variety of subjects were discussed. Regarding the wetlands, his consultant said there were no wetlands there. But the DEP said there were wetlands there, although they did not specify where they were. An agreement was finally reached on that. They asked for another letter and a map which he furnished to them. They accepted those, put them in their file and said that we were not going to talk about it any more. The next issue discussed was additional geotechnical work down where the new pond was going to go. Now that the wetlands issue is over, he is able to get in there with drilling equipment and do that work. The geotechnical work will go a long way to finalizing the design. The work will determine the size, depth, and placement of the pond. Another topic discussed is what the hillside will look like once the pond is built. Mr. Chickini said that he is working directly with the enforcement division. They are coming up with some ideas on what is to be done to the top part. He explained a possible scenario for stabilizing the hillside. Mr. Chickini said that when he was here in the fall, the Board granted that three additional building permits could be issued, two of which have been used. Ryan Homes has officially signed a termination that they will no longer be the builder for this development. He is trying to talk them into coming back, but they keep referencing that they cannot get building permits. He is in discussion with Heartland Homes, who is interested. But,

again, the issue of building permits comes up. Now that this is in the hands of DEP enforcement, a settlement is going to be reached. Mr. Petroccia said that once Mr. Chickini is under a consent order to complete things within a schedule, the Township may consider reopening the building permits, provided the schedule does not go into next year. Mr. Chickini said that the contractor is ready to start and the work should be done around the beginning of July. Mr. McLaughlin said that he spoke to a resident of that development and the residents are eager to get the development underway again as it is hurting their home values. He asked Mr. Petroccia if he is comfortable with reissuing the building permits. Mr. Petroccia said that as long as Mr. Chickini completes the pond on a reasonable schedule, he is comfortable with issuing building permits once the consent order is in place. Mr. Eicher had some questions regarding whether the DEP was comfortable with putting more water down there. Mr. Petroccia said that he doesn't have any concerns about it until we get to winter. Mr. Eicher said that his concern is if the Township is subject to any liability should Mr. Chickini not be financially able to do all that he is required to do and walk away from the development. Mr. Santicola said that Mr. Eicher's question is "does the act of issuing a building permit create any liability on behalf of the Township?" His first answer would be not under a consent order. His other answer is no. By simply granting a building permit we are not making ourselves liable for having to fix a problem that was created on a particular piece of property from a development. The fact that there is notice that there is a problem and a halt put on building permits and now we are reissuing building permits might change his analysis. He would need to look into that further. We are only going to issue the building permits upon the consent order and the DEP's advice. They would have to show that the issuance of the additional permits is what caused the problem and we know that is not true. The problem was created prior to our issuing additional building permits. Mr. Eicher said that if we had a letter from both the solicitor and the engineer to say it is not a problem then he feels that the Board would be more comfortable and looking out for the best interest of the Township. Mr. Chickini said that he would come back before the Board when he gets closer to getting the consent order and hopefully he can put more in that document that will give the Board a higher level of comfort. He is not asking for any action on the part of the Board tonight. Let him make some progress and he will come back before the Board.

Regarding the Woodlands at Trout Run, Mr. Chickini said that there were two issues at the Woodlands at Trout Run. There was some work with the retention pond. They had to put in a permanent discharge structure, for which he has the bids and will sign the contract with the contractor tomorrow. Work will start immediately after that. There is also an issue with the sidewalk along Fallbrook Drive. He showed photographs of the sidewalk. He received a request to tear out the sidewalk, move the utility boxes and straighten out the sidewalk. It is a very difficult thing to track down Duquesne Light and have them move the utility boxes. Duquesne Light informed him that moving the boxes will affect the wiring to the whole neighborhood and they will have to run a considerable amount of new wiring. It would also require the disturbance of the residents' yards. Mr. Chickini requested that the Board allow the sidewalks to remain as is. The sidewalk does meet ADA requirements. Ms. Creese said that by waiving the standard detail would not create any liability from the homeowner or any future homeowner. After discussion, the Board recognized that while the Township has standard details in place, sometimes some utilities and builders just do not adhere to them. It is up to the Township to try to enforce those standard details. In this case, the Board felt that the fix is worse than the problem. Mr. McLaughlin called for a motion to waive the requirement to move the

sidewalk approximately one foot along Fallbrook Drive and accept the as-built condition. Motion made by Mr. Eicher to accept the as-built condition of the sidewalk. Motion seconded by Mr. Gribben. All Supervisors present voting yes, motion carried 4-0. Mr. Chickini thanked the Board and left the meeting.

Discussion Items:

1. Planning Department:
 - a. Nyetimber Group Residence / Revised Land Development Plan – Mr. McGurk said that a revised land development plan has been submitted to the engineer and the Township. Mr. Petroccia has already reviewed it and he is currently reviewing it. We will have revised letters for the Board for their meeting next week. He spoke with the applicant's attorney today and he indicated that they do want to present next week. However, they are not going to ask for any Board action on the plan at this time. This is the four-lot subdivision for the corner of Coraopolis Heights Road and Beaver Grade Road. The attorney did indicate to him that they did want to resubmit for the rezoning for the Board consideration, but will also include the Carnot Village Overlay District as part of that rezoning request. Next week will just be the presentation and there will be no action item on the Board's agenda. Mr. McLaughlin said that he would like to know by Friday how we should handle this. Mr. McGurk said that this is just a public meeting and not the public hearing with testimony. Ms. Creese asked Mr. McLaughlin if he would like the staff to prepare a statement for him to read at the public meeting. Mr. McLaughlin said that he would. Ms. Creese said that she would have something prepared.
 - b. Larue Drive Traffic-Calming Proposal – Mr. McGurk said that a traffic-calming petition was received from the residents of Larue Drive. We have a proposal from Trans Associates regarding this matter. Instead of starting with a full-blown traffic calming study, the petition really asks for a stop sign warrant analysis. That is what Trans Associates has submitted to the Board for review and for the meeting next week. The cost is \$3,550. It is looking at stop sign warrants at the Pine Drive and Laura Lee Drive intersections. Trans Associates is also going to start the follow-up study for the Sharon Road traffic-calming devices. By doing both counts at the same time, there will be some savings. This is one of two proposals we have from Trans Associates that will be on next week's agenda. He asked if the Board wanted a representative from Trans Associates to be in attendance at next week's meeting. The Larue Drive proposal is self-explanatory. But there may be questions on the other proposal. Mr. Eicher asked if we have gotten any feedback from Public Works on the Sharon Road traffic-calming devices following winter snow removal. Mr. McGurk said that will be a part of the follow-up proposal. Ms. Creese said that the snowplow did not damage the speed humps over the winter. Mr. McLaughlin said that he has been made aware that some motorists are driving through residents' yards to go around the speed humps. Public Works did install some type of barriers to prevent that from occurring. Mr. McGurk said that the report will include all the pros and cons that have been received from both residents and the Township staff about the traffic-calming devices.
 - c. Montour Run Road/Cliff Mine Road Signal Modification Proposal – Mr. McGurk said that the next proposal from Trans Associates is to reconfigure the signage at the

- Montour Run ramps at Cliff Mine road. Trans' proposal for the revised permit would be \$1,250. However, based on their preliminary research they will request to PennDOT to relocate the mast arms for the signs, which will not be as inexpensive. The cost will be between \$3,000 and \$4,000 if it is approved by PennDOT. He explained where the mast arms would be relocated to so that motorists can see them earlier. In addition to that, there will be some minor modifications to the striping. That is the scope that Trans proposed. Mr. Eicher asked if we own that intersection along with Findlay Township. Mr. McGurk said that we do. A discussion ensued on the location of the mast arms and Mr. McGurk said that it is a lot more work than we initially thought of just new signage and new striping. If Trans is in attendance at next week's meeting, they can answer any questions from the Board. It is more than the new signs and new striping. The proposals will be on the Board's agenda next week and we will arrange for Trans Associates to be in attendance to answer questions.
- d. CDBG Year 37 Project Resolution – Mr. McGurk said that we are just underway with Year 36 money but are proposing Year 37 money. Last year we deviated from our typical request, which is sidewalks for Mooncrest, and we requested the roof replacement for the Community Center. The reason we did that is that we wanted to have a full understanding of what sidewalks were going to be completed last year and reassess where we would be this year. He spoke with Mal Petroccia and Jim Henkemeyer and we are looking at sidewalks along Juniper Drive at a scope of about \$30,000. We typically receive half that amount so the Township would have to match it with \$15,000 for an even project split. The resolution will be on the Board's regular meeting agenda next week. Mr. Eicher said that last year USA Concrete did sidewalks in Mooncrest and with this bid we will have another contractor. Mr. Petroccia said that potentially we will have three contractors in Mooncrest. We will have three contractors doing three different sections. Typically, Moon Township's funds are from the road program.
- e. Lamar Advertising, Bus Shelter Update – Mr. McGurk said that we met with Lamar Advertising in mid-April and discussed their proposal for where they will locate their bus shelters. They had a list of 24 shelters that they are proposing to build this year. Based on where these shelters are located, some have to have more amenities than others and they had some errors on their list. They have to revise their list and resubmit it to us. They will start by building seven regular shelters and one landscaped shelter as a prototype. Once we are satisfied with the landscaped shelter, they will do an additional 16 landscaped shelters. Based on the drawings, they will look very nice. Once we get their revised list, we will have 60 days to approve it. We will take that list, compare it to the agreement and make sure it is in compliance. Lamar can then seek their permits. They will have to get approval from Mr. Petroccia for the agreement and building permits from Dave Meinert. In addition to that, there are two payments that they have to make to the Township. One payment is for \$5,000 for future pedestrian amenities that we can use at our discretion—likely along the corridors where the shelters will be located. The other is a one-time payment for Township signage updates. Staff's thought was this could be used for replacement of the signage in front of the municipal building. Lamar has indicated that they have a lot of sign materials in their warehouse so they might include an LED-type sign if the Board was interested. Mr. McLaughlin said that some type of "welcome" sign, such as the one in Murrysville or Greentree, would be nice. Mr. McGurk said that the money could be used for that purpose if that is the Board's

- decision. Ms. Creese said that the Township gets many calls from groups wanting to post notices of their events on the sign in front of the municipal building so it does get a great deal of visual exposure. Mr. Eicher said that there is a bus stop across from the former King's Restaurant where the new sidewalks are being installed. He feels that bus stop should be coordinated with the sidewalk installation. Mr. McGurk said that is part of the reason that the Township engineer needs to look at it.
- f. 2010 Comprehensive Plan Update – Mr. McGurk said that the Planning Commission had a very productive but long discussion on land use and transportation. For the transportation component, Mark Magalotti of Trans Associates was in attendance. He outlined three different options for the Planning Commission to consider in the comprehensive plan update. There is also a fourth option, which is a combination of the other three—depending on what the Planning Commission wants to do. Mr. Magalotti made a Power Point presentation if the Board would like to see it. After he talked about the comprehensive plan options he discussed the Airport/Moon Transportation Development District, which is what the Moon Transportation Authority is working on. It is the latest revision to the transportation district. It was presented on an informational basis to the Planning Commission. They did not take action on it at this time. Eventually they will have to approve the multi-year program for that. It will have to go to the Planning Commission in the next few months. For the land use piece, he has notes and a report that he will forward to the Board. He developed a list of questions for the Planning Commission to consider that he outlined for the Board. If the Board had any questions, they can let him know. The Planning Commission meetings are open to everyone. Mr. Eicher asked if Mr. McGurk can please indicate in the Planning Commission meeting minutes who from the Planning Commission was in attendance. Mr. McGurk said that he would do so.
- g. Proposed Wind Energy Ordinance – Mr. McGurk said that we have a list of proposed ordinance amendments that we have been keeping for the last several months. He feels that the proposed wind energy ordinance is not one we should wait on. Dave Meinert did some research on it last year and found a good model ordinance for us to consider. Right now, if there is a windmill that is proposed in a residential area, other than what is in the building code, we do not have any protection. The thought is to create an ordinance that protects all of us as it relates to wind energy facilities in the Township. This is just informational to advise the Board that the staff is working on this. It will likely be a zoning amendment so it will have to go before the Planning Commission. If it is ready the proposed ordinance can be added to the codification, which would save the cost of advertising. Mr. Vitale asked if we wanted to do anything with solar energy. Mr. McGurk said that may not be a bad idea to consider that. The thought was that we did not want to include anything in the new codification that was too different from the old as we did not want to hold up the Board's vote based on one minor issue.

Mr. McGurk said that the Township did just receive a letter from the Moon Township Garden Club. They would like to post signs throughout the Township advertising some of their projects. It is a deviation from the sign ordinance and the Board is authorized to make exceptions. The Board would need to approve the request. The Board inquired about the locations and timeframe for the posting of the signs. Mr. McGurk said that the letter did not specify either but he would contact the Garden Club for more information.

2. Parks & Recreation Items – Ms. Creese said that the next agenda items are also waiver requests made to the Parks Department. The first waiver request is from the Moon Township Little League Baseball Association. They are requesting a waiver of the new Parks & Recreation field use policy. They are asking a waiver of the fees. There is a letter from the Moon Area Senior Citizens Association to request the waiver of fees for the Oktoberfest and Breakfast with Santa. There is a request to reserve Robin Hill Park with a fee waiver from Joseph D’Andrea for his organization’s annual event for victims of the Italian earthquake. The fourth letter is from the Robin Hill Trust which was received today. The Trust discussed turning over the funds from their trustee association to the Township to oversee with some restrictions. If the Board chooses to accept the funds, the money would be put into a fund-restricted account to pay for the things the Board would agree to. This can be discussed at this time or the Board can let her know, after review, which stipulations they agree to. There is \$70,000 in the trust and \$10,000 a year for the next six years. The trust is asking that the funds be restricted to agreed-upon uses. The primary restriction is that the funds be spent only on the grounds and not on the building. These requests will be placed on the Board’s regular meeting agenda for next week.

Ms. Creese advised the Board of those items that will be on the regular meeting agenda next month. On the agenda will be proclamations recognizing the Earth Day volunteers and staff. There will also be a proclamation recognizing the Moon Area School District Odyssey of the Mind team that qualified for the world finals. There will be a resolution for PEMA/FEMA. She and Chief Belgie will be attending a mandatory meeting in the Allegheny County Emergency Operations Center to start the process to receive our reimbursement for the snow emergency funding. This resolution is the Board’s authorization to allow her to be the person to sign all the required paperwork. Moon Park Contractor Payment Application No. 9 will be on the regular meeting agenda for the Board’s approval. Ms. Creese asked that the Board schedule an executive session at 6:00 p.m. prior to the upcoming regular meeting next week or at a special meeting. We have a developer that met with her, Mr. McGurk and Mr. McLaughlin today. We need to speak to the entire Board about this matter. It involves the disposition of some Township property. The Board decided to meet at 6:00 p.m. prior to the regular meeting.

Mr. McLaughlin said that he would like to talk to Dana Kasler and/or Mr. Petroccia to see if we can get the bocce court and Moon Park trails done this year. Mr. Petroccia said that he will discuss it with Dana Kasler. Mr. McLaughlin said that he has received many compliments on the plantings at the Thorn Run Interchange by the Road Department.

Township Solicitor:

1. Ordinance Codification – Mr. Santicola said that as he reported at the last meeting, his reviews are done and submitted. We are waiting for Keystate to send back their final revised version. There is nothing further on that at this point.
2. Moon First/Wal-Mart – Mr. Santicola said that rather than disclose the litigation aspects, Moon First has circulated and filed their latest status report which is the sixth status report that the Commonwealth Court continues to ask for to let them know how the settlement negotiations are progressing. They have stalled because of the timeframe it has taken PennDOT to review the new traffic patterns that are being proposed because of the changes. There was a petition to intervene filed by Moon First. They were granted

limited intervention. There was a process to getting them intervened. They petition and Wal-Mart objected. There were briefs written and PennDOT issued a decision. He would expect that at this point in time, based on that intervention, the idea that a settlement is going to take place where a new claim will be approved by the Court through the prior litigation is probably not going to happen. He would guess that they are going to come back with a full proposal.

Ms. Creese said that on April 8 we sent to the Board a packet of the summary of all the information on the codification. It had all of the most relevant or important Township staff comments. This is all of the things needed when the final draft is reviewed. We also sent a condensed version of Mr. Santicola's comments. The update from the codification company is that they are just about ready to send the final draft. Per the Board's request they will do a consolidated memo that walks you through all of the changes. This will substitute for having the codification company representative here to go over it with the Board. They still owe her the fee ordinance. She expects these items to arrive any day now. Once these documents are received and reviewed the codification will be ready for adoption. The staff will go back through one more time, but we think that we have caught most of the errors and things that we think need to be changed. Mr. Santicola said that he would imagine that once the new draft is sent, everyone that commented on their own section will go back to check those sections to make sure that it was changed. Ms. Creese said that there were certain departments and certain sections where there were some very significant errors made by the codification company. In particular, there was one section in the zoning where there was a table with many errors. The codification company representatives recognized that when they met with the staff. We understand that those errors have been corrected. We will make sure that they have been corrected in the final draft. As we proofread the final draft and see where a significant change has been made, we will alert the Board to that. A discussion ensued on the review process, even going back to the prior Township administration, that the codification went through as well as the changes that were made. The Board discussed the updates and corrections to the zoning ordinance as well as any new proposed ordinances.

Township Engineer:

1. Cherrington Manor Phase III Bond Release – Mr. Petroccia said that he did an inspection and found some significant differences between the as-built and the approved plan. However, it is a private community and the Township is not taking over the road. He is limiting his review to those items that are still bonded to see if they are installed properly, which they are as far as he can determine. The one thing he still needs to determine is whether the boundary pins have been put in. We are going to ask that their surveyor certify that they have. Mr. Petroccia said that the Board will have his letter by this Friday recommending that the bond reduction be complete provided that their surveyor can certify the property markers have been installed. Mr. McGurk said that remaining items on their bonds are street signs, street lighting, shade trees and the survey monuments.
2. Autumn Woods Landslide – This matter has already been discussed.
3. Cherrington Center Roof Replacement – Mr. Petroccia said that the bid documents are available for review. Ms. Creese said that she told the Library that she would send them a copy of the bid documents for them to look at. She asked the Board if they wanted her

to send it now or wait for their comments. The Board felt that she should send it to them as soon as possible. Mr. Petroccia said that drawings are included in the bid document book.

4. Sidewalks Update – Mr. Petroccia said that he had a site view with PennDOT for the Safe Routes to School sidewalks. They had some comments and he will make some minor changes. But their major comment was that their process is so long, do not expect the sidewalks to be done this summer. We need several utility clearances and they want a public information session held for all the people that may be affected. There was a list of things that they wanted to see before they will take the next step. It is going to be a fairly long process. In response to the question about a Highway Occupancy Permit (HOP) that covers more than a single sidewalk, the answer is yes. You can cover as many segments as the Township thinks will be built in the next one or two years. They want to see a design for those. They do not want to go out more than two years because they are afraid that their regulations may change or the road conditions may change. But you can submit for a group of sidewalks and let them know when each segment will be built. It is not open-ended. This information comes from their project manager. We have already mentioned that there are plans to do sidewalk construction on Hemlock Drive this summer. We will apply for money to do Juniper Drive early next year. The Thorn Run Road sidewalk finally got what Jim Henkemeyer wants for that opposite corner for the hill on Thorn Run Road. It is not easy to get the sidewalk to not slope too much. To meet ADA requirements, which we cannot meet, we are going to have to ask for an exemption from some of the ADA requirements. But Mr. Petroccia said that he was also concerned about people who may take a wheelchair down that hill and come out into the intersection. So he created a little flat pad to address that. We are finally ready to submit that to PennDOT for the HOP and the traffic signals.

There being no further business before the Board, the meeting adjourned at 9:20 p.m.

Respectfully submitted,

Janet L. Sieracki
Assistant Municipal Secretary