

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, Dana Kasler, Meghan McNamara, Michael Santicola, Garen Fedeles, Fred Wolfe, Mal Petroccia, Tom Arnold, Kim Lawrence of The Pittsburgh Post-Gazette and Michael Pound of The Allegheny Times.

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:

Tom Arnold of Crawford Drive said he wanted to comment on item No. 3(c) of the Planning Department discussion items. He said that the developer put forth an idea of group homes on the site at 1521 Coraopolis Heights Road. However, they never showed what those four group homes would look like. Mr. McGurk said that he had elevation drawings in his office if Mr. Arnold would like to see them. We do require the submission of elevation drawings of the site but not actual artist renderings of the buildings. Mr. Arnold said that he was interested in seeing drawings of what the group homes would look like. Mr. McLaughlin said that we will see what we can do.

Mr. Arnold said that he would also like to comment on item No. 2 under the Solicitor's portion of the agenda regarding Moon First. He can wait until the Board reaches that point in the meeting. He would also like to comment on item No. 7 under the Township Engineer's portion of the agenda regarding bus shelters. He can wait to comment on this item as well.

Jerry Pearl of Eastern Avenue said that he would like to comment on item No. 3(d) of the Planning Department discussion items regarding Walmart. He was at the Planning Commission meeting yesterday with regard to Walmart. He was appalled by the lack of awareness by some of the Planning Commission members who did not understand or even have knowledge of what is in the comprehensive plan and the overlay district ordinance. Ten years ago we spent \$300,000 on a comprehensive plan and an overlay district for Carnot. He was shocked that they had no clue of what is in the comprehensive plan and the overlay district when talking about the Walmart plan. Mr. D'Andrea asked Walmart if they were aware of the overlay district when they first came to Moon Township with their plan and they said yes. So we spent \$300,000 and had community involvement over a two-year period and came up with a town center concept and an overlay district. Then Walmart comes in knowing this and comes forth with a supercenter plan—a 150,000 square foot building with probably an inadequate number of parking spaces. Pedestrian shoppers will have to walk in the interior roadway in at least one of the aisles because there are not enough crossover pathways to the main walkways to the entrance. Not that he is opposed to the Walmart, but it seems to him that Wal-Mart should come forth with a mixed use development. He believes that this is

the perfect place for an Aldi's-like Walmart to be mixed in with a mixed use development. We, as citizens of this community, spent our tax dollars for a comprehensive plan and overlay district for Carnot. He was surprised to hear that two of the Planning Commission members had no idea that Moon First and citizens filled the auditorium two years ago when Walmart came forth with their original plan. Here is an opportunity to get it right. The attorney for Colony West indicated last evening that the traffic back-up in front of their entrance will likely be extraordinary.

Joseph D'Andrea of McIntosh Drive and a member of the Moon Township Planning Commission said that the request that he made to Walmart several years ago was to abide by the University Boulevard and Carnot Village overlay district. He told the architect that Moon deserves a better design—something like Oakmont or Sewickley. Moon deserves more than the minimum standard. He thinks the overlay district zoning amendments need to be studied and analyzed. He asked for the same type of store design that he saw in Naples, FL and in Arizona. What he saw last night was a big box with some trees. This is not what he expected. This should be a showplace for our township.

Christopher Lemaster of Colony West Apartments said that he has been living there for a while. With all of the noise, lights and truck traffic making deliveries at the proposed Walmart, how will the residents of Colony West be able to sleep at night? He is concerned that if Walmart does not have enough parking, customers will park at Colony West and walk to Walmart, which will leave the residents with nowhere to park. He is also worried about the crime rate. The Township will have to hire more police officers because the crime rate will go up in Moon Township as a result of Walmart.

Stuart Devonham of Elm Lane said that he has several comments on the size of the proposed Walmart site. If it comes in at the proposed 150,000 square feet, there is a real possibility that Moon Township will lose the two other shopping centers. Traffic is going to cluster around the Walmart and there will be less of a choice for shopping. Many shoppers are going to try to avoid the traffic in Robinson by coming to the Walmart in Moon, transferring the traffic issues here and reduce the quality of life for Moon residents. He feels that the Walmart shoppers will not patronize other Moon Township stores if Walmart carries the same products these other stores offer.

Ken Behrend, an attorney hired by Moon First, said that he spoke last evening at the Planning Commission and offered some thoughts and observations on some questions that the Planning Commission had. The question you have to look at as Supervisors is why the Township spent \$300,000 to put together the overlay plan with the community's input. It talks about creating a town center, which will be the heart and soul of what is to go into the corridor. What is being proposed by Walmart is anything but that. You have heard about the traffic complications. The traffic study that he believes is on the table was done under the prior design. He may be wrong, but he hasn't seen a new traffic study. The Colony West people have a legitimate concern because the old plan combined their entrances. Now that there are two separate entrances there will be untold additional issues raised. What he wants to get back to is the health, safety and welfare of the community that you are charged to oversee. Mr. McLaughlin asked Mr. Behrend if he is a resident of the Township. Mr. Behrend said that he is not but represents a number of Township residents. He knows that what is there now is absolutely abysmal and agrees that it is a real eyesore. But putting in a newer looking

design with this concept, are you really getting what you want. Although it may be prettier, is it consistent with the overlay plan that the community wants to see. He appreciates that this is not an easy decision as there will be additional tax revenue and improvement to the community. But there is a dark side to this issue. Is there a way to reach a compromise to make both sides work? He knows that Walmart has their standard format plan which is what is being proposed now. But the Board has the power to say to Wal-Mart that they are happy to have them here, but Moon Township has an overlay plan that looks for a town center. Why don't you come back to us with a town center design? What Walmart is giving Moon Township is the least expensive version for them within their thinking model. Moon Township does not have to accept that. We are not saying no to Walmart. But generally speaking people are saying that the Board has an opportunity and duty to make this a very positive impact on Moon Township. You can get everything you want out of this by making Walmart modify their approach. Walmart will still make money if it is the way the Board wants it to be. If the Board has ever been down to the Waterworks in Homestead, one section is a town center. It is a pleasant, comfortable place to shop. He thinks that is what is envisioned in the overlay plan. The Board has the authority to say to Walmart that we want to work with them. When they came into Moon, their eyes were open and they knew about the overlay plan. But they chose to give you what they wanted. We just don't want a big box store on that site. Another concern he has, which was never answered by Walmart, is when the tractor trailers would come in to resupply the store. They come in at off-hours. Colony West and Fox Hollow will be significantly impacted. The last thing that he has grave concerns about is that the Board members were threatened individually with litigation. From what he know, to be sued individually is virtually impossible if you are acting within your capacity and job description, which is what you are doing. If anyone raises such a specter over your head, you have the support of Moon First. It was stated at the Planning Commission meeting last evening that some Planning Commission members indicated that Walmart has been at this for three years so they must support it. Mr. Behrend said that he disagrees with that. They have known for three years that Moon Township has the overlay district ordinance with requirements that Moon Township wants to see met.

Chris Lemaster of Colony West asked what is going to keep Walmart from coming in, constructing the building then abandoning it to keep from paying Moon Township taxes.

Action Items:

Mr. McLaughlin called for a motion to approve / deny the Moon Garden Club temporary sign proposal for the December 4, 2010 Greens Sale as submitted on May 21, 2010. Mr. McGurk said that several weeks ago the Garden Club submitted a request to post signs in the Township for a spring event they were having. The Garden Club ended up cancelling that event and did not need to post signs for it. However, they do have another proposal for their Greens Sale that takes place December 4. It would be six signs in the Township, each sign being 2' by 1.5'. They would be up for two weeks. Motion to approve made by Mr. Vitale, seconded by Mr. Gribben. All Supervisors present voting yes, motion carried 4-0.

Mr. McLaughlin called for a motion to increase the Assistant Manager – Planning Director annual salary to \$65,000 effective July 6, 2010. Motion made by Mr. Eicher, seconded by Mr. Gribben. All Supervisors present voting yes, motion carried 4-0.

Mr. McLaughlin called for a motion to approve/deny the Romasco, Molter, Verland, and Eger drainage easement agreements, for the properties located along Becks Run Road and Cedarwood Drive, as recommended by the Public Works Administrator. Mr. McGurk said that these are four easement agreements that were prepared for two different locations. One is along Becks Run Road, which is the Romasco and Molter agreements, and the other is off Cedarwood Drive, which is the Verland and Eger agreements. The Public Works Department is working along Becks Run Road this season and they thought it was a good opportunity to clean up some of the drainage facilities along that road. The same is true off Cedarwood Drive. John Scott requested that the Township engineer draw up an easement for the property and it is front of the Board tonight. Mr. Eicher asked questions about the location of the property and details of the drainage improvements that are being proposed. Mr. Petroccia explained the work that will take place to correct the drainage issues. Motion to approve made by Mr. Vitale, seconded by Mr. Eicher. All Supervisors present voting yes, motion carried 4-0.

Mr. McLaughlin called for a motion to reapprove 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 made by Mr. Vitale, seconded by Mr. Gribben. Mr. McGurk said that the applicant failed to record the plan within 90 days of signature by the Township. All Supervisors present voting yes, motion carried 4-0.

Mr. McLaughlin called for a motion to approve/deny the revised easement agreement for 111 Downing Drive as recommended by the Township Manager. Mr. McGurk said that in going back to 1983, 111 Downing Drive is a single-family home that was built on three lots that were consolidated into one. When the three lots were purchased, there is a storm sewer easement that runs between two of the lots and that was exactly where they wanted to put their house. In 1983 the storm sewer was built to go around the house. The house was built in the middle of those three lots; however, the new easement was never recorded. The owners are in the process of selling this home. The buyer had a survey done and noticed this conflict with where the line is located and where the easement is on the plan. They have requested that we terminate the previous easement and approve the new easement for the line that was built around the house. Mr. Wolfe said that he has reviewed it and it looks acceptable. There is really no cost to the Township. Motion to approve made by Mr. Eicher, seconded by Mr. Gribben. All Supervisors present voting yes, motion carried 4-0.

Discussion Items:

1. Dirt Bikes/Nuisance Ordinance – Ms. Creese this is a request from a resident about dirt bikes as a nuisance on a private lane. On behalf of the resident, Ms. Creese submitted a letter to the Board requesting they discuss dirt bike noise and annoyance on a private drive. The Board has had an opportunity to review the request and she will be happy to answer any questions that the Board may have. Otherwise, she will let the resident know that the Board reviewed the information and that she and Chief McCarthy will continue to work with the resident on this issue.
2. Parks Department:

- a. Report on Field Use Policy/Anonymous Complaint Investigation – Mr. Kasler said that the Board received the memo with an attached email that he sent to Ms. Creese regarding this matter. He plans to meet with the gentleman in question regarding the fees. The Park Board is taking another look at this policy to see if some areas need to be adjusted.
 - b. Moon Park Project Update – Mr. Kasler said that he sent Ms. Creese a memo on this matter as well. The project is moving along. But his staff is now very busy getting ready for July 4th. The contractor has completed most of the work, minus the punch list items. He, Mr. McGurk and Ms. Creese toured the park again today. The contractor has done some work, but not to his satisfaction. They will be continuing on the punch list items this week and next week. We have stressed the urgency to get this work done in the next week or two. We are resizing the infield on the baseball field to make it safer for play. He will provide a cost estimate in the near future. His staff has done everything they can to improve the turf. The agreement he reached with the contractor is that the contractor is going to pay the Parks Department's expenses to do that work. If the field does not progress at the rate we want, it falls back on the contractor to make those changes. Mr. Petroccia asked if any weed killer has been applied to the field yet. Mr. Kasler said that it has been applied to the warning track and to the skinned infield. Ms. Creese said that there is also a memo from the Public Works Administrator discussing what their role was in the park project. Specifically, there were some questions as to the lack of progress on the completion of the trails that is explained in the memo.
 - c. Mooncrest Park Event Request – Mr. Kasler said that a request was received from a resident who lives on Delaware Drive who has requested to use the Mooncrest park and surrounding facilities to hold an event in the park with singers, rappers, disc jockeys, etc. It is similar to an event held several years ago. Mr. Kasler said that he does not have an issue with it so long as the resident follows the Township's policy by providing the proper insurance forms. As is required at events at the ARL Amphitheater, if music is being provided Mr. Kasler needs to know in advance of the music's contents. He wants to make sure it is family-appropriate. This event is for the Board's consideration and a motion will be on the regular meeting agenda.
 - d. Batting cage proposal – Mr. Kasler said that he met with several gentlemen from Robert Morris University. They are getting rid of their batting cage system that was used at Island Sports Center and offered them to the Township. The batting cages have not been in use for the last several years. Mr. Kasler had several concerns about accepting these. He does not know if, in fact, they even work and he is concerned about where to put them. He is concerned about how much it would cost to restore them and the associated insurance costs and liability. Robert Morris is getting rid of them one way or the other. On the other hand, if the Parks Department has no use for them, they are metal and do have scrap value. After discussion, Mr. Kasler said that he would further explore whether the value is worth our time to get them.
3. Planning Department:

Mr. McGurk said that the Planning Commission had a busy night last evening. Items (a), (b), (c) and (d) were all action items on their agenda.

- a. Kenny Ross Toyota Dealership – Mr. McGurk said that the Board saw this item last month, which is a new Toyota dealership along University Boulevard. The two conditional uses were approved last month. This month the Planning Commission took action on the land development plan. The plan will be on the Board's July 7 regular meeting agenda for consideration. We did have a request from Supervisor McLaughlin to see a sample of what the boards will look like that will be used on the façade of the building. They are going to try to work that out. Mr. McLaughlin said that he was curious to see if the material is close to what the Sewickley Audi dealership used on their building. Mr. McGurk said that Mr. McLaughlin made a good point as it is hard to tell from the architectural drawings exactly what it will look like. Mr. Eicher said that he had two concerns. One of his concerns is similar to Mr. McLaughlin's about the material. His other concern is that our ordinance discourages trying to capitalize on the name. We certainly permit businesses to put up a sign for their business. However, he does not want the first thing to be seen when entering Moon Township to be a Toyota sign that stands out. Mr. McGurk said that the ordinance certainly does discourage buildings from using large corporate identities, but they are not outright prohibited if they meet the design requirements of the overlay district. Mr. Eicher said that if the material falls within the guidelines and the sign identifies them as a business, you can look at it and tell what category it falls into. Mr. McGurk said that he understands that they are trying to get certification as a green building and the material that the façade is made of is a recycled product. Mr. Eicher said that we saw what Arby's did and installed more brick than what was initially approved. Sheetz did the same thing. And we have struggled with Walmart on this topic. He thinks that we should try to encourage Toyota to do likewise and does not feel it will hurt their business. It will do a lot for University Boulevard for it to fit in with the concept that we have. That is what he will bring up and, hopefully, they can address it next Wednesday.
- b. Cora Mae Burke Plan of Lots – Mr. McGurk said that this is a two-lot subdivision off Montour Street Extension. The existing house that is there has access off Rosedale Avenue. The property is being divided in two, one with access off Rosedale Avenue and one with access on Montour Street Extension. This subdivision will create a non-conforming lot as the access onto Rosedale does not have the required minimum frontage. The ordinance requires 70' and they have about 12' of frontage on Rosedale Avenue. They did get a variance for that from the Zoning Hearing Board and the Planning Commission did recommend approval of this plan. It will be on the Board's regular meeting agenda next Wednesday for consideration.
- c. 1521 Coraopolis Heights Road Rezoning Request – Mr. McGurk said that the Board is very familiar with this request. The applicant is proposing to change the zoning from R-1A to C-1. The difference this time is that the applicant is including the Carnot Village overlay district within that rezoning request. The Planning Commission reviewed this last evening. The vote was 2 -2 with 1 abstention so there is no recommendation for the Board of Supervisors. Mr. Eicher said that he would like to make one comment that he would like passed on to the Planning

Commission. With a Planning Commission of 7 members, 5 of which were in attendance, and the vote resulted in a 2 -2 vote with one abstention and it is a difficult vote, the Board needs to know how the majority of the Planning Commission feels. While he knows if someone has a conflict of interest an abstention may be appropriate, but not simply because it is a difficult vote. He feels it important to get the word back to the Planning Commission that the Board needs to try to have 7 members in attendance and cast a vote whenever possible. Mr. McGurk said that the public hearing for this rezoning request will be listed on the Board's regular meeting agenda next week. However, the applicant is not able to attend that meeting. Therefore, since the public hearing has been advertised for next week, we are asking that the Board open the public hearing and immediately ask that it be tabled until the next regular meeting of August 4 when the applicant can be in attendance.

- d. Walmart Supercenter Land Development Plan and Conditional Use Request – Mr. McGurk said that this store has actually increased in size somewhat to 151,175 square feet. It has three outparcels and a new driveway along Brodhead Road. Along with this land development application, there are three conditional use requests, which are the same as they were before. The one that was deleted was the 40' bufferyard deviation along the Colony West border. There are also six design waivers which the Board has seen before. In addition to that, there is one item on which the applicant and Township traffic engineer have asked that the Board make a recommendation and that is whether or not to put a mountable median in the middle of Brodhead Road. The Township traffic engineer hasn't stated that he doesn't believe it is needed; he thinks it is needed. The applicant has stated otherwise; they don't think the median is needed on Brodhead Road. It is something that can be discussed next week during the public meeting when the Township traffic engineer is in attendance as well as their traffic engineer. Walmart was willing to make a presentation tonight, but was informed that this is an informational meeting and the discussion on the project will take place at next week's meeting. Mr. McGurk said that all three conditional uses were recommended for approval by the Planning Commission and the land development plan was recommended for approval as well. Mr. Petroccia said that he would like to make one comment on one of the conditional uses. Regarding the conditional use request for the sidewalk, that is a very expensive area in which to put a sidewalk from the Walmart access road to the Nissan dealership boundary. But at some point, someone is going to have to put in that sidewalk as it is a part of the overlay district. It will be a lot cheaper for Walmart to do it than for the Township to do it because we know that sidewalks are very expensive. He was looking for an equivalent for what would be needed and noticed that Nova Chemicals has a parking lot with a retaining wall that is about 5' or 6' high. Basically, that is what Walmart would have to do in order to get adequate sidewalk space. He can calculate how much Walmart would have to pay as a fee in lieu of and the Township can install a longer sidewalk somewhere else, but eventually someone will have to construct sidewalks there. Also, the Allegheny County Planning Commission pointed out that it was technically feasible to install a sidewalk. A railing along the sidewalk would also have to be installed.

Mr. Eicher said that he had a question with regard to Walmart. We received a memo indicating that they planned to bring a court stenographer to next week's meeting. Since he has been on the Board, he knows that when there is a public hearing, it is required to have a court stenographer. But we have never done that for regular meetings. With that in mind, the Board will be having a public meeting where the applicant will be taking minutes. We will also have the televised version and per the Second-Class Township Code, we will have the Township minutes taken for approval by the Board of Supervisors. With all that said, we have an issue that could potentially end up in court. If that happens, what is the official recording of that meeting and do the others mean anything? Mr. Santicola said that for the public hearing, part of the application fee paid by the applicant covers the cost of the stenographer. He knows that Walmart will also be bringing their own stenographer, which they will pay for. That stenographer's record would be the official record of the public hearing. The minutes are a public document that could be referenced for whatever reason in some form of litigation. The stenographer or whatever type of recording that the applicant wants to make is for their own purposes and can be referenced as an exhibit, but they are not the official record. The official record takes control. There is a time when you certify the official record or object to the official record. A discussion ensued on what constitutes the official record, how this meeting is to be recorded and the format of the meeting minutes for this particular meeting. Ms. Creese said that the Board can change the format of that particular meeting into doing it as a stenographer's transcript, although it is not the format for the minutes we currently use. The only official record of the meeting after 30 days is the minutes. Mr. Santicola said that we can also insure that the recording of this meeting remain intact. We cannot force the applicant to pay for an entire meeting's stenographic record and make that official. We also cannot limit their ability to record the meeting in any way that they want. We can control where they are located to do this recording. Mr. Eicher said that he is not trying to deny anyone their rights, including Walmart. Nor does he want to give Walmart any additional benefits that he would not give any other citizen or person. He just wants to make sure that we are being open and fair. He wants to make sure that when we are done, for the benefit of the entire Township, the Board and Walmart, that we all agree on what is the minutes of the meeting. If anyone wants to request these meeting minutes through the Right-to-Know Act, they can get a copy of the minutes and that was what was recorded. Ms. Creese said for the Board to remember that there are reasons why you do not keep your minutes in that format. You might want to get some legal advice on why you would or would not want to keep your minutes in that format. Mr. Eicher said that is why he is raising the question tonight so that we have a week to decide what we are going to do. He is relying on our solicitor to protect the Township and how this is handled. Mr. McGurk said that when we pay a court reporter at a meeting, we are paying their attendance fee. We do not pay them to develop a transcript; they only develop a transcript if it is appealed. For 99 percent of the hearings that we have, there is no transcript because it was never appealed and never needed.

- e. Beaver Grade Road/Montour Run Road Intersection – Mr. McGurk said that Mr. McLaughlin raised concerns about this intersection at the last meeting. Mr. McLaughlin said that he would like to see if we could get together with Robinson Township officials and perhaps involve Senator Pippy, Representative Mustio

and Representative Kotik to improve this intersection. If we involve representatives from the State, perhaps Robinson Township would see the urgency of this and move forward to improve this intersection. Mr. McGurk said that we can certainly meet with them again. But he did want to say that we have a letter from the Township to Robinson Township dated August of 2005 requesting that this intersection be improved. The Board agreed that this intersection is a problem. Ms. Creese said that we may need a budgetary discussion about this to see what Moon Township is willing to pay. Mr. McGurk said that we have about \$4,300 in a joint account with Robinson Township from years ago for a tourism authority that was formed but is now inactive. The traffic proposal that we got from Trans Associates was about \$4,300. This would not be a full design for the proposed signal, but would be a cost estimate and conceptual drawing of what would be needed. This was sent to Robinson but we got no response. Mr. McLaughlin asked if we couldn't get the transportation authority involved with this request. Mr. McGurk said that we could but transportation funding has been cut substantially by the Federal government. We will attempt to schedule another meeting with Robinson Township to pursue this further.

- f. & g. Mr. McGurk said that he will not go into the details of the traffic studies because the township traffic engineer will be in attendance at next week's meeting. Regarding LaRue Drive, the all-way stop signs were not warranted. However, a stop sign at Laura Lee Drive at LaRue Drive was warranted and will be a recommendation as will be the installation of School Bus Stop signs along the road. Regarding the Sharon Road traffic calming, Mr. McGurk said that his understanding from their review is that the speed humps are highly effective in reducing speed. Regarding the volumes, unfortunately, Trans realized after the fact when they took traffic counts that Robert Morris University was not in session so the results cannot be certified at this time. Mr. Vitale asked about the number of accidents on Sharon Road. Mr. McGurk explained that we have had some complaints at the Township but he is not aware of any accidents as a result of the speed humps. Mr. Eicher asked if it would be worthwhile to seek feedback from the group that had initially requested the speed humps. Mr. McGurk said that we can send out a mailer or do an email survey to solicit feedback from the residents in this area. Ms. Creese said that she noticed that Trans did not get feedback from the Township departments with respect to the speed humps, but that can be done easily enough.
- 4. Grants – Ms. Creese said that she wanted to advise the Board of two grants that the Township received. The Felician Sisters renovation and expansion project was awarded \$50,000 from the Robert and Mary Weisbrod Foundation. This grant is in the Felician Sisters' name; however, it is a Township-owned building. Therefore, when we go to do the work, the project will have to be bid. The \$50,000 is not enough to do the entire project so we will need some additional funding. There will be naming rights associated with this project. The second grant is a \$4,000 renewal on the Aggressive Driving Grant that will start on July 1 through September 30. There are focus areas that are included.
- 5. Newsletter/Website Projects – Ms. Creese said that she forwarded to the Board a memo from Communications Director Meghan McNamara. Ms. McNamara will discuss with the Board some projects that we have been working on internally to update newsletters and

websites. Ms. McNamara said that the memo that the Board has outlines our current newsletter outputs and she gave details of each. She explained the two alternatives that she has laid out. The first option is through Hometown Press that does local township newsletters. It is funded through advertising revenue from local businesses. The Township is only responsible for the mailing costs. The second option is for a quarterly newsletter that the Township would put out on its own. The issue that we have with our current publications is that information is put out in several publications and sometimes they overlap. Mr. Eicher asked Ms. McNamara if she had a preference. Ms. McNamara said that if it is feasible, she would prefer a quarterly newsletter. It would be more consistent for residents. There are several drawbacks to producing a township newsletter ourselves however; one of which is cost and the other is obviously staff time to produce it. It would not include advertising revenue. She explained the pros and cons of each option. Ms. Creese encouraged the Board to look at each option and samples presented by Ms. McNamara. She talked about the different audiences that each of the current publications reach. Ms. McNamara said that we want to make sure that we are reaching as many residents as possible with the element of recognition. The same holds true with the website. The staff was directed to look at their section of the website with the goal of making it more user friendly and the information easier to find. She asked that the Board review the information and direct any questions they may have to her or Meghan.

6. 2010 Bond Issue – Ms. Creese said that she sent everyone by email a draft of the RFP for bond counsel. Hopefully everyone has had a chance to review that. We would like to get that advertised shortly. She needs to know if the Board had any questions, comments or changes. A lot of it is general language for an RFP but the important part for the Board to look at is any of the questions they would like to see legal counsel answer in the proposal. She would like to get it out in order to have responses by the August meeting. She also gave the Board a large packet of information, including the building assessment report from Michael Baker. This will be the first item when we start to work with bond counsel. There is a prioritized ranking at the end of the report that will need to be discussed in preparation for the capital budget and a bond issue. There are also memos concerning MCA-TV, Moon Park Phase II, the Police Department and Public Works discussing capital and bond issue budgets. We are going to need to develop a bond schedule and capital budget. A special meeting may need to be scheduled. Ms. Lapaglia also has a handout for the Board. We have spent considerable time dealing with those budgets in terms of the way those budgets were established. Last year, there were some concerns about items in the capital budgets and bond budgets that were allocated for previous years. She and Ms. Lapaglia talked about this and felt it was not necessarily clear language for the Board. It is also causing a problem for the department heads, the Finance Director and the Manager as we attempted to develop the new schedule. There were multiple projects from years ago that were allocated but the funds were not necessarily used and they remain on the books. What we are proposing to the Board is that we use different language in going forward. We will change the language from where you use “allocations.” Instead, we will propose the budget and restrict the funds. It will give the Board more budget control and add clarity. She asked the Board to review the schedule and the projects. Ms. Lapaglia said that she entered some entries from 2009 and explained how she has clarified the new balances and line item allocations and how to move forward. The Board felt that they may need a special meeting to discuss these issues. Ms. Creese said that she wanted to be sure that the Board got a progress report and some of the basic information. Much of this is

staff recommendation and staff driven. But we need to have Board input and vision for a bond issue. We would look at basically the same limits as previous bond issues. The first step is obviously getting bond counsel on board. Ms. Lapaglia gave the Board an update on the Township's bond rating. She said that she had an interview with Standard & Poor's yesterday and sent them financial information. They have not updated our financial status since 2006. She received a phone call from them this morning stating that in 2006 the Township's bond rating was an A+. They have increased our bond rating to AA, which is better than the A+ rating. They will be sending a letter to the Township to that effect. Mr. Eicher said that when we start looking at the capital funds, he has never been happy with the fact that each month he votes on paying bills. Money comes out of the capital funds and he sees where it went but does not know what it was for. The public sees our general fund budget of \$13 million, which is what the residents see. But the residents do not see the whole picture. We have control but he does not think the control is at the level he would like to see it. Ms. Creese said that she and Ms. Lapaglia both recognize that issue from Board comments and from their review of the previous accounting system. They are not telling you that they think there was any flaw in that accounting system. They just do not think it reports clearly enough to the Board and to the department heads the status of those capital accounts. Where it is causing a problem is that if a project is completed or disappears as a priority, the money still sits there allocated. There is no mechanism to remove that. Having lost so many administrative employees, that knowledge was lost and did not get updated. We will be looking at mechanisms for restricting and unrestricting that money and the Board will see better reporting. Some recommendations from staff will be forthcoming. There is a significant difference in what is paid out of a capital budget and a bond budget. Bonds are essentially restricted to purchasing items that equate to the life of a bond. If a 30-year bond is taken out, it should be paying for something that has a life of 30 years. That being said, the acts that regulate bonds have allowed the purchase of vehicles or other items that have less than a 30-year lifespan. We will help the Board walk through those schedules and make decisions about what is going to be capital and what is going to be bond and get some better reporting. The first step in that is to update what money and balances currently exist in those accounts now so we know what to do in moving forward.

7. Township Meeting Agenda Items – Ms. Creese said that we have been advised that we will be having someone presenting a Patriot Award to the Parks & Recreation Director at the regular meeting. One of our employees is currently serving in Afghanistan. He nominated the Parks & Recreation Director for a Patriot Award, which is given to employers who demonstrate extraordinary or exceptional assistance in providing employee benefits to someone serving in the military. A representative will be here to present the award. Also on the agenda will be the annual resolution for the Rotary Club banner sign. There is also a Moon Park contractor payment scheduled, but that is for further discussion.

Township Solicitor:

1. Ordinance Codification – Mr. Santicola said that there is nothing new to report on the codification. Ms. Creese said that she requested an update on June 4. Mr. Rotz of Keystone Publishers advised us that the revised draft is in the process and should be here in the next 30 days, including the consolidated editorial notes. Since that update, we have sent him a few additional comments.

2. Moon First / Walmart – Mr. Santicola said that the litigation is still pending from the original plan. A sixth status report was filed and approved. It is virtually identical to the first five status reports. He questioned the rightness of that case. It is not necessary for us to do anything legally now. In his opinion, the fact that the new plan is before the Board now renders the entire case moot because the only issue on appeal is the 40' bufferyard by Colony West. The other items were dropped by Moon First on the appeal. That bufferyard deviation now no longer exists. Moon First has petitioned to intervene in the PennDOT T.I.S. application process. In line with that petition, there have been some subpoenas for information for Moon First filed by Walmart. He does not believe it has any direct effect on the traffic impact study. or H.O.P. process. If the Board has any questions on the Walmart plan that will be before the Board next week, he is available to answer any questions. He is sure that the Board is aware of the parameters of where their vote can or cannot be.

Township Engineer:

1. Autumn Woods Landslide – Mr. Petroccia said that there was a site visit on June 11 that showed that the landslide continued to move as the beginning of June was very wet. He distributed a report to the Township, the developer and the regulatory agencies showing that the E & S controls had been breached by the continuing movement of the landslide. The landslide at the upper end is right on the bank of Flaugherty Run. Farther downstream it is 30' to 40' away from the bank. If we have another long, wet period it could cause Flaugherty Run to be cut off and run over the road. At the top of the slope, the high walls continue to fail. It is essential to get that weight off the top. He talked to L.L. Kimball today who said the geotechnical borings were done last week. They will be doing their analyses and getting them in to PennDOT as soon as possible in order to get the stormwater pond built and remediate the landslide this year. They are on schedule to meet that goal.
2. Cherrington Center Roof Replacement – Mr. Petroccia said that bids are due tomorrow. We had ten roofing contractors look at the roof. They uniformly told him that the HVAC ductwork needs to be removed in order to do a good job of replacing the roofing on the south wing. Mr. Petroccia said that he did an addendum to the bid documents and gave the roofers and extra week to get a subcontractor to move the HVAC ductwork as part of their contract. He should have a bid tabulation by Friday for the Board which will include a base bid and two alternates.
3. 2009-2010 MS4 Permit – Mr. Petroccia said that this is a required report that goes in to the Pennsylvania DEP every year for small municipal separate storm sewer systems, otherwise known as the MS4 Report. There are approximately 300 discharge points that we track in Moon Township. Last year we put all these discharge points into a single database that was able to collect more information which was then linked to the G.I.S. system. It is about a \$25,000 effort to go through all of the requirements every year for this program. Lora Dombrowski does a great job in keeping up with the administrative portion and Baker does the field work. We have found six locations where there is significant ecoli bacterial contamination. We will have to track those from the discharge point upstream within the watershed or storm sewer system to try to find the source for that ecoli. This is a major effort that the Board pays for every year and is required by the DEP. Mr. Eicher asked if there is a labeling component to this. Mr. Petroccia said that we are up to date with the labeling.

4. Buildings Facility Assessment – Mr. Petroccia said that the Baker engineers that did the assessment agree with the Board and the library people that the Community Service Center is the building that is in the worst shape. It took the five highest spots on the priority list. Regarding the HVAC system, although we have replaced two units, there are two more that are a serious problem. Rezoning the HVAC would help considerably. Replacing the roof is a high priority item that is being addressed. The next building most in need of repair is the Carnot Fire Station which has roof leakage and then the Downes Fire Station. All the findings are contained in his report. There was no effort to provide a cost estimate. If the Board would like him to provide cost estimates they can let him know. Ms. Creese said that the Board needs to consider this report in preparation for a bond issue.
5. Moon Park Pay Application – Mr. Petroccia said that Baker had recommended a portion of the retainage for Liberoni be released. They have completed all of the work required by the change orders and the original contract. He had estimated, based on his original punch list, that four men for four days plus equipment and materials would take care of the punch list. Ms. Creese said that she and her staff inspected the park this afternoon. There is progress but the punch list is not completed. Mr. Petroccia said that we would still be holding the \$5,500 so we would have enough money to complete the punch list. He is, therefore, recommending a release of the retainage of \$45,000. Mr. Eicher said that the seeding is terrible and showed photographs that he had taken of the baseball field. He explained the problems that he observed and still remaining to be addressed. A discussion ensued on the outstanding punch list items at Moon Park.
6. 2010 Road Program Pay Application – Mr. Petroccia that very late in the day he got a 2010 road program pay application for \$357,728.55. He has gone over the contract and the numbers are right. But we are still missing the proper payroll certifications and cannot recommend it for payment tonight. If we do get the payroll certifications, he would recommend that it be placed on the Board's regular meeting agenda for payment.
7. Bus Shelter Scope of Work – Mr. Petroccia said that Adam McGurk asked Baker to put together a scope and budget for the 22 bus shelters that Lamar has proposed to put in Moon Township. He has done that and put together a checklist. They will be reviewed for right-of-way, feasibility for a sidewalk, ADA compatibility and other criteria. Baker will do a site review of each of the 22 proposed shelters and included a summary page. The level of effort was 44 man hours at a cost of \$7,400 to complete that work. The Lamar contract requires that it be done within 60 days. Mr. McGurk said that given the timeframe, we would like the Board to give Baker authorization to move forward with this. A motion will be on the Board's regular meeting agenda.

Comments/questions from the Board:

Mr. Eicher said that at the intersection of Moon Clinton Road and University Boulevard the post for the crosswalk signal is still down. Mr. McGurk said that regulations say it has to be within five feet of the ADA ramp. Trucks coming down Moon Clinton Road that make right turns onto University Boulevard often hit it without even knowing that they do. We have repeatedly pointed out this problem to PennDOT.

Audience comments:

Jerry Pearl said that he knows that the Board is looking at areas of the Township that need repair and know it is a priority. We need to allocate our funds to our priorities. We need to look at the trees that are in Moon Park and Robin Hill Park. The trails at Robin Hill are narrow and overgrown. There are trees that took a beating over the winter, some of which are dead and need to be removed before they fall and injure someone.

Joseph D'Andrea said that the Township has gas stations that are empty. He asked how long they can remain closed before it can be determined if the land is contaminated. Ms. Creese said that the DEP regulates the tanks. Mr. Petroccia said that there is a huge backlog of abandoned underground storage tanks.

There being no further business before the Board, the meeting adjourned at 9:40 p.m.

Respectfully submitted,

Janet L. Sieracki
Assistant Municipal Secretary