

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, Vice Chairman Jim Vitale presiding. Supervisors present: Jim Vitale, Marvin Eicher, Frank Sinatra and Andy Gribben. Also present: Jeanne Creese, Adam McGurk, Jeff Ziegler, Lisa Lapaglia, Dana Kasler, Meghan McNamara, Michael Santicola, Garen Fedeles, Fred Wolfe, Mal Petroccia, Jonathan Kamin, Tony Ross, Jimmy Ross, Pat Cooper, Tom Arnold, Larry and Debbie Bufalini and Kim Lawrence of The Pittsburgh Post-Gazette.

Mr. Vitale said that prior to this meeting, the Board met in executive session to discuss litigation and personnel matters.

Public Comments on Agenda Action Items:

(There were none.)

General Comments from the Public:

Tom Arnold of Crawford Drive said Coraopolis Heights Road has not been swept this year. There is a storm sewer that is clogged near the group home and the catch basin by Snyder Drive is full of debris. He is worried that it may fill with ice in the winter if it is not cleaned out. He is also interested in hearing about Planning Items No. 2(a), 2(b) and 2(c) as well as Item No. 2 of the Solicitor's portion of the agenda.

Action Item:

Mr. Vitale called for a motion to approve / deny the LaRue Drive Intersection Evaluation Study dated May 24, 2010, which would install the warranted traffic control signs, as recommended by the Township Traffic Engineer. Motion to approve made by Mr. Eicher, seconded by Mr. Sinatra. Mr. Eicher said that we are talking about traffic control signs, is it really a sign that we are installing. Mr. McGurk said that we will be installing two signs; one is a stop sign on Laura Lee Drive at LaRue Drive and the other is a "School Bus Stop Ahead" sign 500' before the intersection of Pine Drive and LaRue Drive. Mr. Eicher asked if the Township needs to pass an ordinance for these signs. Mr. Santicola said that the Board can put the signs up by resolution. A motion to adopt such a resolution can be placed on the Board's regular meeting agenda. He remembers that the Township has in place a general resolution authorizing all such stop signs. All Supervisors present voting yes, motion carried 4-0.

Discussion Items:

1. Environmental Advisory Council Ash Tree Proposal – Mr. McGurk said that he thought that Janet Thorne from the EAC would be in attendance to present this proposal. They are proposing to cut all the ash trees from the Township property because they are the trees that are infected by the emerald ash bore, which basically guarantees that the trees will all die anyway. There is a letter in the Board's packets that explains the reasoning for doing this. The Board decided to defer any discussion until Ms. Thorne was present.

2. Planning Department:

- a. Kenny Ross Land Development Plan and Conditional Use Request – Mr. McGurk said that this plan was presented last month and was tabled by the Board. There was a conditional use request for the wall materials used on the building. It was presented to the Planning Commission last evening and they recommended approval of this request. The applicant is here to answer any questions that the Board may have or see if there is any additional information that the Board would like to have prior to next week's public hearing. Jonathan Kamin said that in response to Mr. McLaughlin's request, they do not have a full sample of the material but he does have the specifications of the Alucabond. With regard to the questions that were raised at the last Supervisors' meeting, they were asked if they could provide a calculation of the transparency. They have done that and are in compliance with the ordinance requirement. They were asked to provide some details on the roof parapets which are included in the information he distributed to the Board. Also included is a full architectural rendering of what the building will look like that shows that the roof will be covered with parapets as required by the ordinance. Another question that was raised is if they could provide some planters and other decorative elements as required by the ordinance and they have complied with that requirement. The last item that was brought up was the question of the building material. There was some discussion on whether or not this was a prefabricated metal material and if it was, it was recommended that they apply for a deviation. He provided to the Board a handout describing the composition of the Alucabond. Per the handout, it is made of polyethylene or, in other words, plastic coated with a thin layer of aluminum. This material qualifies as a green construction material. The aluminum provides advantages in terms of maintenance, durability and cleaning. With Toyota, the requirement is that they use this material in order to have an Image 2 Flagship dealership—their highest end prototype dealership. As a result of discussions, they decided that they would apply for a deviation in order to be able to use this material. The Alucabond is also recognized as a green building material whose use would qualify them as a green building as well as meeting the corporate building requirement of Toyota. Mr. Kamin said that he would recommend that the Board look at what Sewickley BMW and Audi has done to their new building and has used Alucabond. The area of the Toyota sign will all be opaque glass. This is permitted under the ordinance.

Mr. Eicher said that he was the one that raised the question and wanted to explain why he raised it. He said that if you look at the zoning ordinance, there are certain restrictions put on the property owners. He went on to explain why the University Boulevard overlay district was created, the objectives of the overlay district, some of the ordinance guidelines, permitted uses and conditional uses. The ordinance lists four façades that are not permitted in the district, one of which is metal. The way he interprets the ordinance, those items that are not permitted are not subject to a conditional use. A discussion ensued with Mr. Kamin on their interpretations and the conditional use criteria/deviation requests. Mr. Eicher said that we have had developers, such as Arby's and Sheetz, who have come before the Board and the Board was not happy with what they presented. They subsequently revised their plan and when they came to the Board for their final approval, they did more than what the Board felt they had to

do under the ordinance requirements. The goal was never to discourage businesses from coming in here--only to make University Boulevard better than what it was when the airport was here and come in at a higher level than we had in the past. He is concerned about the next developer that wants to come in who may not have as high a quality as the Kenny Ross development has. But that developer is using the same logic. Now we find we have set a precedent. Mr. Kamin said that he understands Mr. Eicher's concern. But what he is presenting is the highest level dealership offered by Toyota. With regard to setting precedence, this is why they decided to go through the conditional use/deviation process as it provides the Board with the discretion to decide if the ordinance requirement has been met or not. There are certain materials of a lesser cost and quality such as brick or painted wood for which he would not even have to request a deviation as they are not prohibited by the ordinance. Mr. Santicola said that he would agree that this would not be setting a precedence that the Board would have to follow so long as they are within the confines of the conditional use process. Mr. Kamin asked if there are any other questions from the Board or anything else they can do to help the Board make a more informed decision. Mr. Gribben had a question on the construction material of the rest of the dealership. Mr. Kamin said that they have not selected the material for the rest of the building, but it would not be visible.

- b. 1521 Coraopolis Heights Road Rezoning – Mr. McGurk said that this is nothing new and is something that the Board has seen before. The public hearing was opened last month and tabled. The request is to rezone 1521 Coraopolis Heights Road from R-1A to C-1 as well as include it in the Carnot Village overlay district. The public hearing will be resumed next Wednesday during the regular meeting.
- c. 1521 Coraopolis Heights Road Subdivision – Mr. McGurk said that this is a four-lot subdivision that will be thought of as four single-family dwellings. The applicant has proposed group homes, but it is basically four single-family dwellings on four acres on Coraopolis Heights Road. Tom Arnold of Crawford Drive asked if the applicant ever presented any drawings of what the homes would look like. He wants to insure that they are the best things for Nyetimber. Mr. McGurk said that the zoning ordinance does not restrict what a house should look like. The Township does not regulate that. Mr. Arnold said that this would affect everyone in the Township because if the Board starts rezoning residential to commercial, you never know where it will stop. That is why we have comprehensive planning. Mr. Eicher said that he realizes that this is the same property with two different issues. You really have to weigh the merits of rezoning a piece of property. Once the decision is made on the rezoning, it is up to the property owner whether or not to go forward with the subdivision. They are two separate issues. He will make his decision on the rezoning based on the merits of what has been presented. To him, one issue has no bearing on the other. Larry Bufalini of Beaver Grade Road said that this rezoning request has been coming up over the last 30 years. He wants to know how many times a property owner can come before the Board and ask the same question and how many times they need to be told no before the issue can be put to rest. Comprehensive plans have been worked around this rezoning request in the past. The property owners have had ample time during the comprehensive plan period to have the property rezoned and yet we sit back and say, as a resident of Nyetimber, now

we know that the Supervisors of the Township are firm in saying that residential should stay residential and we thought that the boundaries have been set in stone. Yet this keeps coming back again. He thinks it is nerve-wracking for a property owner who wants it to remain residential. Are we going to have a hodge-podge of uses like along Moon Clinton Road? We have had good planning decisions made to prevent that. He does not want his Township dollars spent over and over litigating this thing. Mr. McGurk explained the different requests that have been made with regard to this property. He understands Mr. Bufalini's frustration but technically, three different requests have been brought before the Township. Mr. Bufalini said that it was never intended to have big box structures in the Carnot Village overlay district. This property should not be a part of the Carnot Village overlay district.

- d. Sonoma Ridge Phase IV Simple Subdivision – Mr. McGurk said that as a simple subdivision, this does not require Planning Commission consideration. It goes straight to the Board of Supervisors. No new lots are being created; they are just changing existing property lines. On one of the estate lots on the private driveway in Phase IV, the potential buyer wanted some additional acreage. So they are cutting off a portion of what the association owns and giving it to the estate lot. Both he and the Township Engineer have reviewed it and it will be on the Board's regular meeting agenda next week.
- e. 2010 Comprehensive Plan Update – Mr. McGurk said that the Planning Commission continued with their pre-assessment discussions at their meeting last evening. Their guests included Dr. Milanovich and Al Bennett from the school district as well as Bill Joyce from Robert Morris University. The discussion is summarized in the Planning Commission monthly report that he provided to the Board. It was a productive discussion with some very good points made. Dr. Milanovich said that many Moon residents relate to their neighborhood schools only and are very tight knit within those schools. That was a point that was brought up during their land use discussion. This is something that has been coming up a lot and worth investigating in the comprehensive plan. Many people have tied that back to the lack of a town center in Moon. Included in his report is information from Bill Joyce regarding the master plan for Robert Morris University. He is hoping to have a scope of work for the comprehensive plan at the August meeting for discussion with the Planning Commission and refer it to the Board of Supervisors to take out to bid in the early fall.
- f. Planning Commission Resolution R-1-2010 – Mr. McGurk said that this is a resolution for Mooncrest. It basically reauthorizes the previous resolution of 2001 that designated Mooncrest as an area in need of redevelopment. It qualifies Mooncrest for CDBG funding. The County let us know that the old resolution expired and it had to be reauthorized. A copy of the resolution was sent to the SHACOG.
- g. Beaver Grade Road/Montour Run Road Intersection – Mr. McGurk said that we sent out an updated proposal from Trans Associates earlier in the week. He, Ms. Creese and Mr. McLaughlin met with Robinson Township to talk about this intersection. They were interested in pursuing a potential study at this intersection. The scope has been updated and sent to Robinson. They will

consider it with their board and is being presented to the Moon Township Board of Supervisors tonight. At this point, we do not need the Board to take any action until we hear back from Robinson. We will keep the Board informed as this moves forward. Mr. Sinatra asked if it would help us in any way for us to send a speaker to the Robinson public meeting. Mr. McGurk said that it couldn't hurt. But one good thing about this meeting as compared to the one last fall is that their planning director Rick Urbano, who was not in attendance at the last meeting, was in attendance at this meeting. He seemed to have a higher level of interest and recognized the need for improvements at this intersection. He talked about some money they have from one of their developers along Montour Run. So there was more interest this time than the last time they met. We do have that joint account for funding the project. There is about \$4,300 in the account and it is enough money to cover the first phase of the proposal.

3. Parks Department:

- a. Moon Park Project Update – Ms. Creese said that we have a few problems at the park. Mr. Kasler sent an email this morning to Mal Petroccia and her which she forwarded to the Board. She showed the Board the photographs of the infield/outfield border. A problem with the fill there was discovered. Apparently, the topsoil was not adequately screened and contains rocks, debris and a broken bottle. This is something that was not on the original punch list. In addition, we are still having problems with the contractor completing items on the punch list as we reported at the workshop last month. We had scheduled a meeting with them on July 9 to do a walkthrough; but the contractor did not show up. There was some work done but not to the Township's satisfaction. She and Mr. McGurk did another walkthrough but there are still some unresolved issues. The contractor has called repeatedly demanding payment based on the motion that the Board adopted at the last regular meeting. However, that motion was contingent on us adjusting that amount based on the walkthrough. However, the contractor did not show up for the walkthrough. Mr. Kasler explained how he discovered the issues with the infield/outfield fill and some of the other issues at the baseball field. He does not recommend releasing any further payments at this time. After discussion, Mr. Petroccia said to make sure that we notify the bond company about anything that needs to be caught. Ms. Creese said that as she told the Board in the email, we are telling the Board that we are at the punch list stage, but that is not going smoothly. Normally, there are some remaining issues on a punch list that are addressed by the contractor in a relatively short period of time. The final payment is made and the retainage is then released. However, the contractor is not being responsive to the punch list of items. These issues are requiring extra meetings with the contractor as well as extra engineering. We have had meetings with Michael Baker looking at the budget for this project because we are right at that point and we are not done yet. As she suggested in her email, we need to talk about that at a budget meeting that we are going to recommend for next month. Mr. Petroccia is going to talk to the Board about the tennis court bid during his report. We also have some questions about the electrical bid that we are working on. We are at the end of the project, but unfortunately the project is not done. Mr. Sinatra suggested that a tally of all the costs be kept of these unresolved issues—both Mr. Petroccia's costs and the Township's costs. Ms. Creese said that she has already forwarded a memo to

the Board of work the Township had to do because the contractor was not there as a recommended deduction from his final payment. Mr. Kasler and Mr. Petroccia both said that they are keeping a tally of their time.

Mr. Petroccia said that he has a problem that he created with the tennis court sealing. He told the Board that we could do the sealing of two tennis courts for less than \$10,000. In his mind, there are two tennis courts in the park that would go for less than \$10,000. However, he designed four tennis courts and the contractor said that he cannot do four tennis courts for less than \$10,000. At this point, Mr. Kasler is trying to get a pre-qualified sealer through Costars. Mr. Kasler said that per the vendor he talked to as of tomorrow PA Costars will now put that on their web site. It will be a viable product. This will obviously make it easier as we will not have to write the bid specifications. That vendor has already given him a lump sum price for the four courts, which will be on the State contract. The vendor indicated that he would need two weeks to mobilize and be on site. He would complete the work in a few days.

4. 2010 Bond Issue/Bond Counsel RFP – Ms. Creese said that we advertised a Request for Proposals (RFP) for the 2010-2011 bond counsel that ran twice in the newspapers. While we received several inquiries and bid packets were sent out, we received only one proposal from Thorp, Reed & Armstrong. This firm did the Township's 2005 and 2006 bond issues. The Board received copies of this proposal and she would be happy to answer any questions that the Board may have. Otherwise, she would like to recommend that the Board award the RFP to Thorp, Reed & Armstrong so that we can move forward with the bond issue. Mr. Sinatra said that when the MTA board talked about this, they went out and got the money first. They then went out and got bond counsel. So the Township is doing it opposite from how the MTA has done it in the past. We do not even know what our costs are until we determine how much of a bond we would want. Ms. Creese said that Thorp, Reed & Armstrong is quoting a flat fee, not on a sliding scale. She cannot answer as to how the MTA did theirs. The DCED's recommendation for a municipality is the first step in doing a bond issue is to retain bond counsel who can participate throughout the process. Authorities can issue different types of bonds. The Township does not have to have bond counsel at this point, but she would not recommend that. Mr. Sinatra said he is hesitant to make a decision with just one proposal submitted and nothing to compare it to. He thinks that we should have at least three quotes. Ms. Creese asked Mr. Sinatra how he wanted that to proceed because we issued a publicly advertised request for proposals and had other firms review it but only received one response. The Township proceeded by all legal means. We did receive inquiries from other firms that were sent the proposal packet but they did not respond. Mr. Eicher said that when the Township did a bond issue in 2006 a comparison of the proposals was done. This could be used to compare those rates to the 2010 rate proposed by Thorp, Reed & Armstrong. Ms. Creese said to be careful in reviewing the proposal as she had them quote two different types of bonds; the first the normal type of bond that a municipality would secure and the other is a tax anticipation note. After discussion, Mr. Sinatra said that he would be more comfortable if more quotes could be obtained. The Board agreed that they would like to see more information. Mr. Wolfe said that he and Mr. Santicola could come up with a list of firms that do this type of work and provide it to Ms. Creese to move forward with obtaining other quotes. Ms. Creese said that she was surprised at how reasonable Thorp, Reed & Armstrong's bid was, which was the basis for her recommendation, but she will be happy to get more information.

5. Finance Workshop/2nd Quarter Budget and Capital Review – Ms. Creese said that the Board needs to schedule a workshop to begin the process for the bond issue. After discussion, the Board scheduled the budget/capital review for August 25, 2010 at 5:15 prior to the next workshop meeting.
6. Resignation/Appointment to the Moon Township Recreation Authority – Ms. Creese said that there was a resignation by a member of the Moon Township Recreation Authority. Shirley Trkula submitted a letter of resignation to Mr. McLaughlin. MTRA Chairman Ron Barker as well as Ms. Trkula recommended that Ron Faherty be appointed to fill her unexpired term. Mr. Sinatra said that in the past where there has been a vacancy, the opening was advertised on MCA-TV. By doing so gave everyone in the community an opportunity to serve. Mr. Eicher said that in view of fact that Mr. Faherty served on the MTRA since its inception and all he has done for the community, as well as the need for the golf course to make money, it would be in their best interest to appoint Mr. Faherty. After discussion, Ms. Creese said that a motion for this appointment will be on the Board's regular meeting agenda.
7. Army Strong Community Center "Virtual Installation"/Community Covenant – Ms. Creese said that she put information in the Board's packets on the Army Strong Community Center Virtual Installation and a Community Covenant. This is a pilot program that is being sponsored by the U.S. Army for reserve bases. It is an Army-sponsored program that will serve all four branches of the military. This pilot program was started by the wife of the Chief of the Army Reserve and designed to serve deployed Army reservists and the families of active duty servicemen that do not have the advantage of being connected to a large-scale base. The third of these pilot programs is being started in Moon Township. They came to ask our help with their grand opening and we responded that we absolutely would. Moon has always actively supported our bases. They have asked if we would be willing to be a part of the ceremony on September 18 and sign the Community Covenant Agreement. The Board members said they would check their schedules and get back to her.
8. Ms. Creese advised the Board that there will be a MIDA motion on their regular meeting agenda. It will be for an amount not to exceed \$4,400,000 for Cellone Bakery, Inc.

Township Solicitor:

1. Ordinance Codification – Mr. Santicola said that he has not heard anything new since their last meeting. Ms. Creese said that she just received an email that they will have the most recent revision ready in about a week. They did transmit two items to the Township that they needed to include in the revision; one is a request for any new resolutions or ordinances that have been changed since the last update, which were transmitted today, and the other was a question on the floodplain regulations that are currently being revised by the DCED that will be sent by staff and/or Mr. Petroccia. We should have the revisions prior to the next workshop meeting.
2. Moon First/Walmart – Mr. Santicola said that after the meeting last week and the votes that were taken by the Board, the decision letters (conditional use letter and land development letter) were sent out within the required timeframe. It was confirmed that the letters were received by Mr. Wilhelm. Moon First has been silent other than to respond to the discovery request that we discussed in executive session. Walmart

attached the wrong exhibit to one of the first discovery requests of Moon First. Moon First's response was incorrect as they were dealing with that original mistake. Mr. Santicola said that he did not get anything back from the Moon First attorney once the original mistake was noted and corrected. We will have to wait for the official responses. The Walmart attorneys indicated in a telephone conversation to Mr. Santicola that they were looking at the extra conditions that were placed on them to see if they were acceptable or would be challenged.

3. Mr. Santicola said that he received an email and phone call from a lawyer representing an individual owner of a small sliver of property along Thorn Run Road who wants to donate it to the Township. Mr. McGurk said that the property is vacant and consists of 8,700 square feet. The largest benefit that he saw is that the open space district to the north of the property is owned by the Township. This piece would make the Township's property a little bit larger. After discussion, the Board felt that it would not hurt to check into it further and walk the property to make sure that the Township would not also be acquiring some stormwater issues along with the property.

Township Engineer:

1. Autumn Woods Landslide – Mr. Petroccia said that he spoke to the representative from L. Robert Kimball. They completed the geotechnical borings at the end of June and they were aware that there was significant movement of the landslide during June. They had to resurvey the property at the beginning of July in order to get a new topographic map to do their slope stability analysis, which is currently ongoing. They expect to complete that shortly and will have a meeting with the Township and the DEP to report the results sometime in August.
2. Cherrington Center Roof Replacement Project – Mr. Petroccia said that he has been up on the roof with roofing and HVAC contractors making changes to the bid documents, based on their recommendations to make it more contractor-friendly. Part of the problem was that the roofing contractors complained that they couldn't put the roofing down with the duct work in the way. The duct work is going to be removed and replaced by the HVAC contractor. Since 300 feet of this duct work is in bad shape and connected to HC-1 (heating/cooling unit no. 1), replacement of that unit is being put in the bid document as an alternate. This revised bid spec should be finished this week. Mr. Petroccia said that roofers are not being big bidders this year. He is hopeful of getting bids this time.
3. Moon Park Phase I Project – Mr. Petroccia said that this matter was already discussed. He owes the Township some justification on costs which he is working on.
4. Polo Club Stormwater Detention – Mr. Petroccia said that he met with J. C. Pearce, construction manager of the school district project, and his contractors. Mr. Petroccia showed them what needed to be done to fix the Polo Club stormwater basin. The contractors were going to give a bid to do that work and it looks like they are planning to do it this summer. Mr. Santicola said that they have asked for a meeting with a representative from the Township and the school district. He will try to set that up.

There being no further business before the Board, the meeting adjourned at 8:50 p.m.

Respectfully submitted,

Janet L. Sieracki
Assistant Municipal Secretary