

## **MINUTES**

The Workshop Meeting of the Moon Township Board of Supervisors was called to order at 6:00 p.m. with the Pledge of Allegiance to the Flag, Chairman Jim Vitale presiding. Supervisors present: Jim Vitale, Andy Gribben, Marvin Eicher, Frank Sinatra and Nancy Mills. Also present: Jeanne Creese, Jeff Ziegler, Lisa Lapaglia, Dana Kasler, Chief Leo McCarthy, Meghan McNamara, Blaine Lucas, Mal Petroccia, Ralph Canterbury, Mike Quigney, Gavin Robb, Bill Napierski, Ed Nelson, William Czyzewicz, Melanie, Kate and Betsy Naugle, Paul Schreiber, Tom Arnold, Kim Lawrence and Jenna Staul.

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

(There were none.)

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

William Czyzewicz of 108 Bradley Drive said that he has an issue with the parking situation by Moon students in front of his house. He as well as several of his neighbors are concerned about this situation. It is getting more difficult not only with parking but also with additional safety concerns. There are students walking down the middle of the street and there are no sidewalks there. They also have an issue with trash and litter. With cars parked along the road, it is difficult to pull in and out of the driveway as he cannot see around the cars. These issues are becoming more and more frequent. He thanked Chief McCarthy for sending the survey to neighborhood residents. Mr. Czyzewicz said that he has been encouraging his neighbors to mail their surveys in. They are happy that this situation is being recognized and hopes that the Board will continue to work toward a solution. Since the residents of Bradley Drive have rather long driveways they would have no objection with a prohibition of on-street parking on the streets in their neighborhood. If a special event occurred requiring on-street parking by visitors, they would have no objection with obtaining a permit for that on-street parking. The second issue that they are concerned about is that it has also come to their attention that the school district has intentions to place a bid to purchase the property at 111 Bradley Drive to extend their parking lot. While he realizes we cannot tell the school district what to buy or not buy, he feels that enough is enough. He thanked the Board for their time.

Melanie Naugle of 110 Bradley Drive said that she wanted to speak about the same issue. She has brought her two daughters with her this evening because they are walkers. She thought it would be good if the Board heard what they are going through when they walk to school. Betsy Naugle said that when she walks to school, she has to walk through groups of teenagers who are smoking and there are clouds of smoke that she must walk through. Her daughter Kate was followed home one day by boys in a car. She is now afraid to walk to school. She invited any Board member that was interested to come and sit at her house and watch the influx that comes into her neighborhood. When school lets out, the students walk down the middle of the street and are very loud. Her concern is that if this does not change, the nature of her street will change. She is afraid that things will start happening that we do not want there. Not only are her children being inconvenienced, but they do not feel safe any more and that bothers her as a parent. She thanked the Board for their time.

Tom Arnold of Crawford Drive said that he may have a comment on Agenda Item (b) of the Planning Department portion of the agenda but will wait to hear the discussion. At the last Workshop meeting, he made a comment about taxes and a house that was constructed but paid no taxes from 2004 through 2007. He asked if there was any follow-up on this matter. Ms. Creese said there was a detailed written memo in the Board's packet from Lora Dombrowski dated September 20, 2011. This matter is being researched by Allegheny County. The Township clearly issued occupancy certification, which is how the Township notifies the County that a home has been built. The county knew the house was there and it should have been added onto the tax rolls. However, there is no clear explanation as to how this problem occurred. It is not the Township's function to add properties to the tax rolls; that responsibility belongs to the Allegheny County Assessment Office. A direct answer has to come from them. We are asking them this question and are participating in the investigation. Our records show that we provided the information to Allegheny County. She explained some things that may cause delays in the process of getting properties on the tax rolls such as the assessment appeal process.

Chief McCarthy addressed the Board and residents about the parking situation on Bradley, Springer, Patton and South Patton Drives. Ms. Creese said that she and the Chief became aware that the parking situation did not improve at the start of this school year as they hoped it would with the opening of additional parking at the school. She asked the Chief to do a survey of the residents similar to the one that was done in the area of Robert Morris University and prepare some recommendations to the Board at this evening's meeting. Chief McCarthy explained what has transpired to date with regard to the parking situation. He has been keeping track of the number of cars parked on those streets. He sent out a survey and overwhelmingly the residents wanted "Resident Only" parking on the streets between 7:00 a.m. and 4:00 p.m. Residents did not favor a total prohibition of on-street parking. The residents' responses were all very positive expressing thanks to the Township and police department for keeping them informed. Ms. Creese said that we do not feel there is a safety issue at this time in terms of vehicle traffic. But it clearly remains a nuisance issue in a variety of ways, including snow removal. The increase in the number of parking spaces in the school lots or the current parking restriction on those streets has not alleviated the problem to provide relief to the residents. The next solution is to try the permit parking. We have tried the permit parking in the area near Robert Morris University which has been extremely successful. Chief McCarthy said that he was unsure of how this would work—if we would have to have a new ordinance or add streets to the existing ordinance. Mr. Lucas said that this would require a new ordinance. The advertising of this ordinance would require advertising seven days in advance of adoption. The earliest that this ordinance could be enacted is the Board's next Workshop Meeting on October 26. He can have a new ordinance drafted by tomorrow. Chief McCarthy said that he already has permits in stock so the expense would be minimal. The current signs would also have to be changed. The streets where the parking restriction would be enacted include Bradley, Springer, Patton and South Patton. The Board agreed those should be the streets for resident-only on-street parking and saw no reason why it wouldn't work. Ms. Creese said that she and Chief McCarthy are recommending this restriction only during school hours, not Fridays or weekends. The current system of restricting parking during home football games will remain as is with parking limited to one side of the street only. The Board was in agreement that it was a good idea to restrict the parking as recommended. Mr. Vitale called for a motion to authorize the solicitor and staff to prepare an ordinance and

advertisement for the Board's consideration at their next Workshop meeting providing for resident-only parking Bradley Drive, Springer Drive, Patton Drive and South Patton Drive during the hours of 7:00 a.m. and 4:00 p.m. Motion made by Mr. Sinatra and seconded by Mr. Gribben. All Supervisors voting yes, motion carried.

Mr. Czyzewicz thanked the Board for their cooperation. He did not expect such a timely response to the residents' concerns. Mr. Czyzewicz and Ms. Naugle thanked the Board and left the meeting.

#### **Action Items:**

Mr. Vitale called for a motion to approve the Moon Township 2012 Minimum Municipal Obligation of \$216,430.00 for the Non-Uniformed Pension Plan pursuant to requirements of the Pennsylvania Act 205 of 1984 as submitted on behalf of the Township by the Chief Administrative Officer/Township Manager. Motion made by Mr. Sinatra, seconded by Mr. Gribben. All Supervisors voting yes, motion carried.

Mr. Vitale called for a motion to approve the Moon Township 2012 Minimum Municipal Obligation of \$551,691.00 for the Uniformed Pension Plan pursuant to requirements of the Pennsylvania Act 205 of 1984, with the Township electing to reduce the amortization payment by 25 percent under Act 44 of 2009 subject to Distress Level 1 certification by PERC and only if elected as a voluntary remedy on form PC-204D as submitted on behalf of the Township by the Chief Administrative Officer/Township Manager. Ms. Creese said that the second part of this motion relates to the smoothing. The option without the smoothing would be \$648,730.00. Mr. Eicher asked if this was elected last year as well. Ms. Creese said that it was. By electing the smoothing we are deferring 25 percent with the assumption that the market will change. We do not have to take this option. Distress Level 1 is the lowest level of smoothing that is available and the lowest that we can take because of the performance of our pension plan but we have the option not to participate in this. Mr. Eicher said that the end result is that we have to fund the plan. We either fund it by paying 100 percent now or pay 75 percent now and expect in the future that the market will grow and the funds will be there. Mr. Lucas said that the biggest problem, as an example, is the City of Pittsburgh, that has been going on for decades. Most of the area communities comparable to Moon have not had any problems. It is a financial prudence decision that the Board can either make or not make. After discussion, Mr. Eicher asked the staff's recommendation. Ms. Lapaglia said that the staff's recommendation is that we take the smoothing. Ms. Creese said that it has been recommended to us at the pension management seminars that we have attended and by our pension management and counsel that we consult with that we take advantage of the smoothing. Motion made by Mr. Sinatra, seconded by Mrs. Mills. All Supervisors voting yes, motion carried.

Mr. Vitale called for a motion to approve/deny request for bond reduction from Robert Morris University for the Business School as recommended in the Township Engineer's letter dated September 16, 2011. Motion to approve made by Mrs. Mills, seconded by Mr. Sinatra. Mr. Petroccia said that the business school is completely built and is already being occupied. RMU, unlike other developers, did not do any interim bond reductions and are asking for the complete reduction of their original security amount because everything is built, done, inspected and found to be complete. He is recommending that

the original security amount be reduced from \$386,695 to \$0 because everything is complete. All Supervisors voting yes, motion carried.

Mr. Vitale called for a motion to approve/deny request for bond reduction from Robert Morris University for Concord II (Salem Hall) as recommended in the Township Engineer's letter dated September 16, 2011. Motion to approve made by Mr. Eicher, seconded by Mrs. Mills. Mr. Petroccia said that this is the same story. The original security amount was \$491,800. The building is complete and has been inspected. He is recommending that the original security amount be reduced to \$0. All Supervisors voting yes, motion carried.

Mr. Vitale called for a motion to authorize the proper Township officer to execute a term sheet with the Mooncrest Neighborhood Center with regard to improvements to and lease of the property located at 306 Hemlock Drive in the Township. Motion made by Mr. Sinatra, seconded by Mr. Eicher. Mr. Lucas said that this outlines the parameters to negotiate a final lease with the Felician Sisters. It has been executed already by the Mooncrest Neighborhood Center. By approving this, all that is being done is allowing the process to go forward to work out the final detailed lease. All Supervisors voting yes, motion carried.

#### **Discussion Items:**

#### **Planning Department:**

- a. **Marcellus Shale Ordinance** – Ms. Creese introduced Gavin Robb, who is the special counsel from Tucker Arensberg. Mr. Robb has been attending the Planning Commission meetings over the last several months. The Planning Commission asked Mr. Robb to prepare for them several memos which have been distributed to the Board and the Planning Commission. The first memo discussed a review of the Township's current oil and gas ordinance. The Township's current ordinance talks about oil and gas well drilling as an activity but is not specific to Marcellus shale. The Planning Commission also asked for Mr. Robb to give them an update on what current legislation is pending in the State Legislature. The Planning Commission discussed this at their last several meetings. Mr. Robb's latest memo is in the Board's current packet.

Mr. Robb said the Planning Commission was really seeking guidance from the Board as to what the Board wanted them to focus on and what issues were important to them. He is in attendance to answer any questions the Board may have. Mrs. Mills asked Mr. Robb to explain what Senate Bill 1100 will mean for municipalities. Mr. Sinatra asked if we shouldn't delay any discussion until we see if this bill passes as it may supersede anything that the Township may enact. Mr. Robb said that is a good point. Even though there is a bill pending, it may change before it passes. But Senate Bill 1100 does include in its provisions a model zoning ordinance, which would be required to be adopted by all municipalities within the Commonwealth. If municipalities would choose not to adopt it and would like to enact more stringent regulations and restrictions on oil and gas drilling, they would forfeit the impact fees that are also contemplated by Senate Bill 1100. Mr. Robb said that in his most recent memo, he notes that there are at least 50 bills in this session that would in some way alter the oil and gas ordinance. He could not begin to predict which one of those, if any, would

ever be signed by the Governor. An option is to wait and see how things play out. But he does think there will be some type of legislation enacted this session. Most municipalities that he represents have been proactive and have gone ahead and passed an ordinance to try to restrict or regulate (to the extent permissible) oil and gas drilling within their municipality. Moon Township has already taken that first step. The ordinance that Moon Township has on its books is very similar to many of the ordinances passed by those municipalities. He does not feel that there is any need to make any drastic changes to the existing ordinance.

Mr. Robb said that there are probably two things that need to be addressed if the Board wants to move forward. Currently, Moon Township permits oil and gas drilling in all districts within the Township. What he is seeing now is municipalities seeking to limit the ability to drill within residential areas. The other thing that probably needs to be addressed is natural gas compressor stations and processing plants. Neither of those items is addressed in Moon Township's zoning ordinance. Mr. Robb explained the difference between compressor stations and processing plants.

Mr. Robb said that not only is the State Legislature in a state of flux on this topic but the same is true in the court system. South Fayette Township's ordinance has been challenged by Range Resources and discussed with the Board those areas of the ordinance that are being challenged and how it relates to Moon Township's ordinance.

Mr. Eicher said that as a municipality, the State Legislature has given us the authority to control certain things. We have an obligation to our residents to enact certain ordinances that protect the residents and our community. For example, there may be certain chemicals or dangerous materials that are stored on their sites or are transported over our roads that we may need to be aware of. Mr. Robb said that may be something that could be incorporated into our ordinance. But a lot of the environmental aspects of oil and gas drilling are covered by the Oil & Gas Act. Mr. Eicher said that he understands that we cannot expand our authority to overstep the DEP. A discussion ensued on the transport of hazardous materials over Township roadways. Ms. Creese said that the broader question is that it confuses our residents that a lot of the environmental issues related to Marcellus shale drilling (or oil and gas drilling in general) are not within the Township's jurisdiction. It is regulated by the DEP. Would it not be clearer in our ordinance to point out those areas that are regulated by another agency? Mr. Robb thought that would be a good idea to reference that. Mr. Eicher said that he understands that under current law we cannot zone oil and gas drilling out of the Township; but you can, under current law, determine what zoning districts in which it is permitted. It has to be a conditional use in a district. Mr. Robb said that was his interpretation. But the Board may have heard that some municipalities are banning it outright, including the City of Pittsburgh. He is of the opinion that it would be non-enforceable. What percentage of a municipality or what districts in a municipality it is to be permitted or allowed for as a conditional use has not been defined. If there are appropriate districts, he recommends that the Township provide for it in those districts. Mr. Vitale said that what Mr. Robb is requesting is some direction from the Board to give to the Planning Commission. We need to determine what areas of limitation we want to look at. Mr. Eicher said that it needs to be addressed in the zoning ordinance, list the number of zoning districts we have, and decide if it will be a permitted use or a conditional use. Mr. Robb said that he is generally recommending that it be a conditional use or a special exception. Mr. Eicher

said that we have generally steered away from special exceptions. He would prefer to keep it as a conditional use.

Mr. Sinatra asked if it was possible to restrict it more by creating a zoning district with a conditional use similar to an overlay district. Mr. Robb said that was an interesting idea. It is something that has been discussed quite a bit. He has not heard about it being done anywhere but felt it was doable. Mr. Vitale said that we also talked about including regulations for elimination of compressor stations and processing plants in residential districts, road bonding and an emergency response plan. Dr. Mills questioned about drilling that would cross municipal boundaries. For example, if drilling would occur in Findlay Township can property be leased in Moon Township which is within a five-mile radius of the drilling spot? Mr. Robb said that five miles is long. But any zoning ordinance that would be enacted would be for surface activities. Subsurface activity would be preempted by DEP regulations.

Mr. Eicher asked if development of a drill site represented a land development. Mr. Robb said that it did. Mr. Eicher then asked if it should also then be considered under the Subdivision and Land Development Ordinance. Mr. Robb said that he has steered away from that by simply keeping it as a zoning regulation and not requiring it go through the land development process. This matter is further detailed in his memo. A discussion ensued on whether it is a land development and should go through the land development process.

Mr. Robb said that as he understands it, the Board wants the Planning Commission to take a look at the zoning map and start making the determination on where drilling makes sense in our Township as well as a natural gas compressor or processing plant. We have had some discussions about road bonding and other improvements that could be made to the ordinance but did not get too far with that.

Ms. Creese said that her general feel of the Planning Commission's meetings is that they have not reached a general consensus to change the existing ordinance. Their last instruction was to wait to see what the State does. It would not be money well-spent until that occurs. We can go back and start that process again but there has been no formal vote taken by the Planning Commission. Mr. Eicher said that the average citizen expects us as elected officials to do our due diligence. To that extent we have passed this along to the Planning Commission and hired Mr. Robb who is here to provide us with some good insight on what will stand up in court and what we as a board need to do to protect our residents and still comply with the law. We hired Mr. Robb to advise us and it should be sooner rather than later. Ms. Creese said that the Planning Commission has all this information. We presented them with a large map showing all the zoning districts and attempted to facilitate the discussion about which zoning districts this drilling should occur. The direction from the Planning Commission was that they did not recommend any change to the existing ordinance. They felt that the current ordinance was adequate. They were asked if they wanted Mr. Robb to return to give them advice and continue the discussion and they did not feel it necessary for him to return. They just wanted to be provided with written memos updating them on the status of the legislation. The Planning Commission is recommending that the Board not change the existing ordinance at this time and wait for the State. Dr. Mills said that the Planning Commission has actively discussed this for about three months. When they said that they wanted to wait it was just because

that bill was hot at that time so they were letting it go for one more month. They were going to readdress it this week but their meeting was cancelled. She understands that everyone wants to move ahead and protect the residents, but we don't want to spin our wheels because this is such a hot topic on the State level. Ms. Creese asked the Board if they want to modify the existing ordinance. Ms. Creese said that the Planning Commission's last direction to her following their last meeting was that they were not recommending that the Board change the ordinance—not because they did not think these issues were important but because the State would preempt anything that the Board did. But that was 30 days ago since they did not have a meeting last evening. She will again ask the Planning Commission to give the Board recommendations and they can work on an ordinance at their October meeting.

- b. **Tarquinio Property** – Ms. Creese said that the proposed bank on the Tarquinio property was withdrawn on September 22. They have picked up their copy of the plan.
- c. **Resident Grading Permit Fee Waiver** – Ms. Creese said that a request was received to appear before the Board of Supervisors to request a waiver of both the grading permit and the fee for the grading permit. On August 16 the Township received a complaint from a neighbor at 1215 Maple Street Extension. The Township's Code Official went out and witnessed grading activity that was going on without a permit and a stop work order was issued. The resident has since submitted an application. However, the application has been deemed incomplete. She will ask Mr. Petroccia to discuss his written recommendation as to why it is incomplete. The resident has subsequently submitted a request to the Supervisors for a fee waiver. It is the recommendation of the Zoning Officer and Township Manager that the Board not grant the fee waiver. On very rare occasion the Township will come to the Supervisors and ask that they issue a fee waiver but only as the result of a hardship. A hardship would be defined as a natural disaster that would affect a broad category of residents or an event such as a fire. The Township certainly sympathizes if a resident has an economic hardship. However, in this case, nothing in the information received indicates that the work has to be completed and does not meet the definition of an economic hardship. The Township has already expended funds to have the Engineer look at the site. Mr. Petroccia gave a summary of the items that are incomplete. He said that Baker received the application on September 13 that included the completed application form and three 8½ x 11 hand-drawn sketches. Based on that, they found that there were nine items that were missing according to the grading ordinance. They were provided with some additional information, but the application is still incomplete. He is also waiting for an inspection report from the Township's geotechnical engineer who inspected the site.

Mr. Paul Schreiber who owns the property at 1215 Maple Street said that he takes exception with the portrayal of the situation as described. He thinks that he has provided all of the information that is required in the ordinance. He went through the ordinance step by step and provided everything that was required. He started to fill the property because his back yard was left in bad condition after the Municipal Authority installed a sewer line years ago. They left one manhole out of the ground 2' and one buried. The ordinance provides for residents to be able to grade without a grading permit provided that they are doing so within an MTMA right-of-way. The only activity he was doing was within that right-of-way which was within his right to do so. However, the Zoning Officer stopped his contractor. The opportunity for him to

improve his property has been taken away by the Township. He would like the opportunity to have his contractor come back and is willing to do everything that is required by the ordinance. He started out just trying to stabilize the steep-sloped drop off in his back yard and the erosion that is resulting. The top of the hillside is starting to break away. All he wants to do is add some fill at the bottom, bench the hill and lessen the severity of the slope. If the Township had not stopped him from completing the work, it would have been done by now. By stopping the contractor and making him go away, it has caused considerable hardship for him. The ordinance is not clear as to what is defined as a hardship. If there is a hardship, the applicant has the right to petition the Board for a waiver. Ms. Creese said that the Board has been provided with all information including a copy of the ordinance. She did receive a document late today from the Municipal Authority's engineer indicating that they have reviewed the plan and have not granted permission to fill in this area at this time. The Municipal Authority cannot override the Township's provision to have a grading permit and review by the Township Engineer. The Township still received the complaint and had to go on site and verify that the grading ordinance with not being complied with and we do not have the documents at this time that Mr. Schreiber needs to provide. Until the Township Engineer can do a review and deem that this is a safe fill, the Township cannot grant the permit. The Board of Supervisors does not determine whether or not a fill is safe. The request before the Board is the request to waive the fees. At this point the Township has already expended funds. There is nothing about this situation that is an emergency or a hardship. Mr. Schreiber said that it is going to cost him a lot to complete what he started. That cost was put on him by the Township. He did not ask for someone to come in and stop his project. The project could have been completed without him having to be here tonight. He is just trying to comply with something that has been put on him that should have never been put on him. He is trying to cooperate and work with the Township. He is just asking the Board to help him with the fee waiver based on the fact that the hardship was created by the Township.

Ms. Creese said that, again to be clear, the reason the stop work order was issued was because a complaint was received by the Township that the work was occurring. It was verified on-site that there was no permit. The Township has no written documentation that the Municipal Authority Manager or engineer that there is approval for fill on the Municipal Authority easement on Mr. Schreiber's property. Based on the past history of such activity on Mr. Schreiber's other properties the Township is recommending that the stop work order remain in place. If Mr. Schreiber is able to produce a written document from the Municipal Authority, that would be included in the review. But the review still needs to show the Township's Engineer's review that the grading and fill can occur in a safe manner. For that review to occur, the Township also needs the fees and permits that accompany every application. She has had considerable communication with Mr. Schreiber and the Municipal Authority, copies of which have been provided to the Board. There is nothing at this point that would warrant a waiver for a hardship. At this point she would recommend that the work proceed no further. That will address the residential complaint as well as protect the Township and the Municipal Authority. She asked Mr. Schreiber if he was able to provide to the Township written documentation from the Municipal Authority that he was permitted to work within their easement or provide to the Township Engineer the documents that he plans to fill only within their easement. Mr. Schreiber said that if he fills within their easement, he does not need the Township's

approval. The Municipal Authority has sent him an email that they will review any permit before going forward. He will be happy to comply with that. If his project is turned down, he plans to proceed regardless and will go back to working with the Municipal Authority.

Ms. Creese said that was not correct; the Municipal Authority is not willing to supersede the Township's authority. It is the Township's jurisdiction to issue grading and fill permits. Mr. Schreiber said that it is very clear that the Township's ordinance allows for work within municipal right-of-way. Mr. Petroccia said that we have not seen any proof or written approval from the MTMA nor do Mr. Schreiber's sketches show the MTMA right-of-way. After discussion, Mr. Petroccia again went over those items he needs from Mr. Schreiber and he needs a written response to his comments. Mr. Schreiber disagreed stating that he submitted any documents required.

Mr. Vitale said that we first need to determine if a permit is needed. Mr. Schreiber needs to get all the required information to the Township and let our Township Engineer review them as well as additional information from the Municipal Authority. At that point, we will review if a permit is necessary.

Mr. Lucas said that whether or not Mr. Schreiber needs a grading permit is not a decision for the Board of Supervisors; it is an administrative decision. Whether he is entitled to a fee waiver, depending on the interpretation of the ordinance, is a decision for the Board. He would suggest that if Mr. Schreiber has any additional information along the lines of what is being requested by the Township Engineer, including permission or other communications from the MTMA, that he submit that to the Township as soon as possible. Staff, in consultation with the appropriate professionals, can review that and determine whether their position has changed at all. At that point the Board can make a decision on whether it is appropriate to consider the waiver. Mr. Schreiber said that he would do that.

#### **Parks Department:**

**Waterfront Parks Consultant Recommendation** – Mr. Kasler said that as the Board knows we went out for RFP's on the waterfront park master plan. He provided the Board with a memo detailing the recommendation. We got 12 submissions and narrowed the list down to six from those 12. Those firms were interviewed and the steering committee forwarded their top three selections. We are recommending the firm of Stromberg, Garrigan & Associates for the reasons given in his memo. Mr. Vitale asked if their fees would be covered by the grant money that was received. Mr. Kasler said that was correct. We received \$30,000 in matching funds from the Pennsylvania DCNR and it would be a "not to exceed" amount. He explained the unique qualities of this firm. Mr. Lucas's firm has drafted a lease agreement with the Moon Township Municipal Authority who owns the property. The MTMA director is on the steering committee so they are deeply involved in the project. Mr. Eicher said that he wants to make sure that the Township is protected in the event any environmental conditions are discovered. A motion will be on Wednesday's regular meeting agenda.

**Finance Department:**

**Moon Golf Course June/July 2011 Lease Payment Deferral Repayment Plan –**

Ralph Canterbury and Mike Quigney addressed the Board and said they were in attendance to answer any questions the Board may have. They addressed the Board in May and talked about the effect the wet weather had on the golf course. At that point, they were down about \$100,000 in revenue and they felt they could not make up that lost revenue. They have had a decent summer. When they were here in May they asked the Township to consider deferring the payment that the Recreation Authority makes to the Township in June and July. They are prepared to make their payment in September. They are asking the Township to defer that payment so that they can make up the working capital they need to get through as a result of the weather. They are watching their money and have not done any capital projects this summer and they need the cash to get through the winter. Their preference is to put the payment at the back end of the lease. A discussion ensued of the golf course's financial condition. Mr. Sinatra said that even though the golf course operates separately from the Township, the Township is still a co-signer on their loans and has a responsibility to see the golf course succeed. You are providing the residents with a Township asset. Mr. Canterbury said they, too, see it as an asset. Mr. Vitale said that everyone recognizes that the Recreation Authority and golf course staff do a great job and we are trying to help you succeed. Mr. Eicher said that if we refinance the 2006 bond and restructure the debt, they would be in good shape and the Township would not be paying any more of the debt. Ms. Lapaglia said that was correct and was definitely an option. Mr. Eicher suggested that the Board defer the two payments for six months. In the meantime, we will look at a bond issue. The other Board members agreed. Mr. Canterbury and Mr. Quigney thanked the Board and left the meeting.

**2011 Bond Issue / Financial Consultant Recommendation –** Mr. Ziegler said that we started talking last month about selecting a financial advisor. We also talked about the advice we are getting that now is the time to borrow money because it is inexpensive to do so. He and Lisa Lapaglia have been speaking to three different firms which are contained in the memo he provided to the Board. The first two firms on the list were recommended by bond counsel; third was an unsolicited proposal. The fees of the first two firms were identical and their presentations were good. A slight edge was given to Janney, Montgomery & Scott. All of their references were good. Tim Frenz of Janney, Montgomery & Scott is a Township resident. He wondered if the Board had any preference on either of the two. Ms. Creese said that we would have no qualms about recommending either of the two firms. But with all things being equal, we would recommend Janney, Montgomery & Scott. A motion will be on the Board's regular meeting agenda next Wednesday.

**2012 Budget Preparations/Meeting Schedule –** Ms. Lapaglia said that in the Board's packet is a draft of a budget schedule. All of the potential dates for budget meetings are Wednesdays. After discussion, the first budget meeting was scheduled for Monday, October 17. Subsequent meetings were scheduled for October 26 at 5:30 p.m. prior to the regular October workshop meeting, November 2 at 6:00 p.m. prior to the regular meeting and November 9 at 6:00 p.m. Preliminary budget approval is schedule for November 16 and the November workshop will be on November 30. Approval of the preliminary budget needs to take place on November 16 in order to have the preliminary budget on display for the required 20 days. The Board's regular meeting is scheduled for

December 7. Final budget adoption and the December workshop meeting will be on December 14. Ms. Lapaglia said that she would prefer that the Board be in attendance at the first budget meeting where revenue will be discussed.

**Former Manager/Transfer of Deferred Compensation Plan Trustee** – Ms. Lapaglia said that the former manager had a deferred compensation trust. There was a trustee appointed to that trust who has resigned her position as the trustee. We, therefore, need to appoint a new trustee. We would make a recommendation that Cathy Tress be appointed as the trustee for that trust. It is in the agreement that the trustee be a third-party and not someone who is an employee of the Township. Her term coincides with the end of that agreement. The only responsibility of the trustee is to provide support documentation on withdrawals from the trust. We are still responsible for reporting of those distributions and taxes paid on that trust. Mr. Vitale called for a motion to appoint Cathy Tress as the trustee of the former manager's deferred compensation plan trust. Motion made by Mr. Eicher, seconded by Mr. Gribben. All Supervisors voting yes, motion carried.

**Monthly Capital Purchases Report** – Ms. Lapaglia said that she sent the monthly capital reserve listing electronically. This month there will be \$26,000 in payments. There will be a \$13,000 payment to Microsoft included on the list that has not yet been billed. Most of the other items listed are equipment for the MCA-TV trailer and the road program. Ms. Creese said that next Thursday there will be a company coming in to give us a demonstration on paperless agenda systems. This is an item we will be talking to the Board about in conjunction with the capital budget or bond issue.

**Moon Township Public Library** – Ms. Creese said that the library did request to be on this evening's agenda and confirmed that they will be here but have left. Their concern was about the proposal that we received from Waste Management about the vacancy in their building and if the Board had changed their mind about the potential to relocate the library to that facility. Mr. Ziegler said that Mr. Shaver asked if the Board had any discussion about the library relocating to that Waste Management building. He told Mr. Shaver that they had not had any discussions as a group. Ms. Creese said that we also have never received any firm offer on that building.

**Board Vacancies as of September 28, 2011** – Ms. Creese said that a resume was received from Jack Cicone who is interested in serving on the Environmental Advisory Council. She also followed up on the Board's request to communicate with Mark Scappe, chairman of the Moon Transportation Authority. Mr. Scappe said that he has not had any communication with former Supervisor Tim McLaughlin about whether he is resigning from the MTA. He does not believe Mr. McLaughlin attended any meetings since he was appointed. Mr. Scappe said that he will again attempt to contact Mr. McLaughlin but his preference is to just wait until after the election. Mr. Vitale said that he believes that we have to have a Supervisor sit on that board and Ms. Creese said that would have to be confirmed by looking at their charter. Dr. Mills said that she knows of someone who may be interested in serving on the Parks & Recreation Advisory Board. Mr. Sinatra made a motion to appoint Jack Cicone to the EAC. The motion was seconded by Mr. Gribben. All Supervisors voting yes, motion carried.

**Regular Meeting Agenda Items:**

Mr. Vitale asked if the school board members have been invited to the regular meeting for recognition of the Police Department. Ms. Creese said that they have been invited but she was not sure how many would be attending. Dr. Milanovich and Mr. Scappe will be in attendance. There will be proclamations on the agenda recognizing everyone who participated in the September 11 ceremony. There will also be an Eagle Scout proclamation on the agenda as well as a bond reduction.

Ms. Creese said that the Board should have received invitations for a Regional Transportation Forum. The new Secretary of the Department of Transportation is being hosted at Michael Baker's corporate headquarters. The Chamber of Commerce is also involved in this event.

**Township Solicitor:**

**Sunridge Development** – Mr. Lucas said he will defer his comments on this matter to executive session.

**Township Engineer:**

**Sunridge Development** – Mr. Petroccia said that the engineer for the bond company called him and there is a meeting scheduled for next Wednesday to see the site. Mr. Lucas said that he thinks it would be a good idea if Tim Bish from his office attended that meeting as well.

**Autumn Woods Landslide** – Mr. Petroccia said this will also be discussed further in executive session. The current status is that the contractor, Forbes Excavating, is on schedule. They have built the access road across Flaugherty Run which is working well. They are doing their clearing and grubbing, which will take another few weeks. Their stormwater pipes and manholes will be on-site by the end of this week. That will bring them to the point where they will start excavating next week except that we do not have a geotechnical engineer to do the construction inspection on behalf of the developer.

**Safe Routes to School** – Mr. Petroccia said that he submitted the drawings per PennDOT's format. We are waiting for Jim Henkemeyer and the Planning Director to review them. Once we get that done, we will send them in.

**Foxwood Road** – Mr. Petroccia said that the road slope repair is progressing. It should be completed in the next month or so.

**Moon Area School District** – Mr. Petroccia said that last month we talked about the 111 Bradley Drive lot that has become available. The school district had two options for that property. One is to extend the existing parking lot and the other is to use it as a central receiving facility. The property is not zoned for a central receiving facility. The school district was told that if they wanted to do that, they would have to consolidate that into their educational property and seek a conditional use. The parking lot is a permitted use. The school district will be coming back to us, and they are not the only ones interested in the property. There is also a parking lot lighting issue that came up. The band is apparently getting sports-style lighting on the parking lot adjacent to the Polo

Club. This caused glare onto the Polo Club. They were told it had to be fixed and it has been fixed.

Mr. Petroccia said that he has heard that the Polo Club has cleaned out the pond and he will have an inspector there tomorrow to confirm that.

**Mooncrest Community Center** – Ms. Creese had mentioned that we need a cost estimate. We have gone out for bids and bids are due on October 20. There is a pre-bid meeting on October 11 at the site. We should have a tabulation for the Board at the October workshop meeting. A discussion ensued on the lease arrangement of this public building to the Felician Sisters. If the cost of the project exceeds the grant funds, the Township is not committed to doing anything yet.

**North Flaugherty Run Road Bridge** – Mr. Petroccia said that over the summer we received a notice from PennDOT about the North Flaugherty Run Road Bridge over Boggs Run needing guiderail. As discussed, instead of installing guiderail, we are postponing that because we have talked about replacing that bridge. The beams underneath and ties are corroding. It is a 50-year-old bridge and needs to be replaced. Assuming the Township secures the bond issue, he has drafted a letter to PennDOT stating that rather than installing the guiderail by December 15, per their letter, the Township is requesting an extension in order to install a new bridge. The new guiderail will be installed all at once. This assumes that the new bridge will be included in the capital budget. Ms. Creese said that the bridge will either be a 2012 capital item or bond issue item. The Board had no problem with sending the letter to PennDOT.

**Remarks from the Supervisors:**

Mr. Vitale said that there are three things on which he would like to get started. He understands that there are Federal funds for the recruitment of fire fighters. He would like to explore that. Secondly, he would like to speak to a higher elected official about approaching Glaxo Smith Kline and seeing what their intention is here in the Township. Lastly, he would like to start a promotional arm for Moon Township promoting Moon Township to developers and potential new residents. He has spoken to the Public Relations Director for Robert Morris University and he wants to sit on this committee. Dr. Mills said that we have had a lot of those discussions during the comprehensive plan committee meetings and she thinks they are very important.

There being no further regular business before the Board, the Board went into executive session at 9:55 p.m.

Respectfully submitted,

Janet L. Sieracki  
Assistant Municipal Secretary