

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, Frank Sinatra and Andy Gribben. Also present: Jeanne Creese, Adam McGurk, Jeff Ziegler, Lisa Lapaglia, Meghan McNamara, Michael Santicola, Garen Fedeles, Fred Wolfe, Mal Petroccia, Janet Thorne, Tom Arnold, and Kim Lawrence of The Pittsburgh Post-Gazette.

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

Public Comments on Agenda Action Items:

(There were none.)

General Comments from the Public:

Tom Arnold of Crawford Drive said that is interested in hearing about Item No. 1(e) of the Planning portion of the agenda and Item No. 2 of the Solicitor's portion of the agenda.

Action Items:

- Mr. McLaughlin called for a motion to approve the Moon Township 2011 Minimum Municipal Obligation of \$209,959.00 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. Vitale. Mr. McLaughlin asked Ms. Creese to comment on this motion. Ms. Creese said that, if the Board is not familiar, this is the annual State aid that Moon Township receives in October. This has already been received. These motions have to be approved by the Board by the end of the month so that they can be applied to the two pensions. Mr. Eicher had two questions, applicable to this and the following motion. He asked if the salaries are used as the multiplier in these calculations. He asked where these numbers come from as they are not the numbers used in the budget. Ms. Lapaglia said that we provide a figure in August. For 2011, these numbers are based on this year's actual numbers until the end of December of 2010 for the projected number for 2011. Mr. Eicher asked if the fact that we have not settled the police contract an adjustment will be made. Ms. Lapaglia said that adjustments can be made up until the finalization of the budget. We do allow for some percentage of increase on those numbers. All Supervisors voting yes, motion carried.
- Mr. McLaughlin called for a motion to approve the Moon Township 2011 Minimum Municipal Obligation of \$436,132.00 for the 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. Vitale, seconded by Mr. Sinatra. All Supervisors voting yes, motion carried.

- Mr. McLaughlin called for a motion to approve/deny the pedestrian easement agreement between the Township of Moon and 974 Beaver Grade, LLC, as recommended by the Township Planning Department. Mr. McGurk said that 974 Beaver Grade Road is the former King's Restaurant that was converted into two offices. The applicant investigated the fee-in-lieu last spring which the Board approved. However, he was not happy with the fee that he had to pay so he elected to build the sidewalk on his private property and dedicate a pedestrian easement to the Township for public use of that sidewalk. That is what the Board would be approving tonight. Motion to approve made by Mr. Sinatra, seconded by Mr. Gribben. All Supervisors voting yes, motion carried.

Discussion Items:

1. Planning Department:

- a. Gilberti Plan of Lots Subdivision – Mr. McGurk said that this will be an action item for the Board's regular meeting agenda next week. This is a simple subdivision for property at the corner of Old Thorn Run Road and Crestview Drive, which is a private road. One neighbor's driveway encroaches on the other's property line. The properties belong to a mother and son. They are going to correct the property line by shifting it about ten feet.
- b. 945 Brodhead Road Rezoning Request – Mr. McGurk said that this property has a history of rezoning requests. In May 1979 it was rezoning from R-4 to C-2. In 1990 there was a comprehensive zoning map update which mistakenly had it still listed as R-4 and was readopted as R-4 Residential. In July 1993 the mistake was corrected and it was rezoned to C-2. In 2002 another comprehensive map update was done and it was rezoned to R-5 because it sits next to two apartment complexes. It is an existing single-family dwelling so it is used as residential and the structure fits the residential nature of the property. The property owner said that she was not aware that it was rezoned and is asking that it be turned back to commercial again. The initial request by the property owner was to rezone it back to C-2. Through discussions with the Planning Commission last evening, the Planning Commission suggested that the property owner consider requesting a C-1 zoning, which is neighborhood commercial and somewhat less intense. In addition, the adjoining property is C-1 and it would create a contiguous district. The applicant agreed and she amended her rezoning request to C-1 last evening. It will be a public hearing and scheduled for the Board's November 3 regular meeting. The Planning Commission recommended approval of the request. The Planning Commission asked her to wait until we go through the comprehensive plan update and the comprehensive map update can be done then. But the applicant said that she would rather that this not fall behind and wants to move forward with the rezoning request.
- c. Sharon Road Traffic-Calming Meeting – Mr. McGurk said that the follow-up meeting was held on September 15. There were about seven residents who attended. Most of the comments received were positive. They all agreed that the speed humps were effective in slowing down vehicles and reducing traffic volumes. We did receive a few complaints about the noise of the speed humps,

debris coming off some of the vehicles and property damage by vehicle driving around the speed humps. The majority of the comments, however, were positive and showed that the speed humps accomplished what they were designed to do. Mr. McLaughlin asked if there were any complaints received from the Fire Chief on the effect of the speed humps on the equipment. Mr. McGurk said that the Fire Chief reissued his comments from when the Township first was considering putting in the speed humps. But there are no complaints on record of any damage to equipment. We do need to have some type of closure to this project by an official decision by the Board on whether or not to leave the speed humps in place. This can be accomplished by reapproving the speed humps, if that is the Board's desire, or simply a statement on whether or not the speed humps would remain. After discussion, the Board decided that a statement will be made at the regular meeting that, according to the policy, the follow up meeting was held and that although there were some negative comments, the positive comments outweighed the negative and the speed humps will remain in their current locations.

- d. 2010 Comprehensive Plan Update – Mr. McGurk said that we mailed the draft scope of work to the Board earlier in the month and asked if they had any comments for the Planning Commission before they considered the scope of work at their meeting last evening. He did not receive any comments back and the Planning Commission did take action on this. They recommended it be sent to the Board of Supervisors for consideration. Mr. McGurk asked the Board for their consideration on how they wanted to move forward with this. There is a base scope of work to write a plan that complies with the Municipalities Planning Code. There are also three alternate items that will be looked at—(1) review of the overlay districts that were implemented since the last plan was in place; (2) investigate a town center/community center idea; and (3) the impact of the Mooncrest historic district. Mr. McGurk gave an explanation of aspects and questions pertaining to each of the three alternate items. Ideally, we would like to have a consultant on board by the beginning of 2011. It will not be as expensive as the first comprehensive plan. It was not decided by the Planning Commission whether or not to include a budget in the scope of work. We can wait until the end of October to send out the scope of work, conduct interviews and make decision on a firm by the end of the year. He suggested that the Board review the draft scope of work to see if they had any comments. If, by the next meeting, the Board has no comments, the scope of work can be sent out. If there are minor comments, it can be amended; if there are significant comments, it will have to be discussed further next month. The Board agreed.
- e. Lamar Bus Shelter Update – Mr. McGurk said that he, Mal Petroccia and Dave Meinert met with Lamar. Lamar is seeking permits for three bus shelters. Mr. McLaughlin asked if we are sure that we will have bus service to support those shelters. Mr. McGurk said that was one of the matters that came up during the meeting. Service to several of the shelters they were considering has been eliminated by the Port Authority. They will be building three shelters that will definitely have service, whether it is a school bus stop or Port Authority bus stop. One is going to be a landscaped shelter and two will be regular shelters. This will get Lamar familiar with Moon Township's building permit process and get us familiar with their prototype landscaped shelter. Once we are all familiar with

these processes, they will be coming in for permits for additional shelters. He thinks that Lamar wants to have the initial three shelters constructed before winter. It is still to be determined where the initial three shelters will be located.

- f. Beaver Grade Road/Montour Run Road Intersection – Mr. McGurk said that Trans Associates has submitted their study to us. The executive summary of this study was copied for the Board's packets. It has been determined that the signal is warranted. Trans can design it so that the mast arms are placed back far enough to accommodate future widening. At this point, the signals can be installed for between \$130,000 and \$150,000 according to Trans' estimate. Mr. McLaughlin asked if turning lanes would need to be installed. Mr. McGurk said that the turning lanes would not have to be put in at this time. Trans does recommend that after the signal is put in, the traffic movement at the intersection be re-evaluated. Trans is confident that they can get the signal approved by PennDOT and installed without any lane configuration changes. Mr. Sinatra said that he feels that turning lanes are definitely needed, particularly for traffic making a left turn from Montour Run onto Beaver Grade Road during peak hours. Mr. McGurk said that he sent a copy of the study to Robinson Township and told their manager that this would be discussed with the Moon Township Board of Supervisors and was told that he would do likewise with his board. We will meet in the near future to talk about it. We have a little over \$90,000 now in our escrow account from Sonoma Ridge for future improvements at this intersection. The Board directed staff to continue to meet with Robinson to move this project forward and have Trans submit the study to PennDOT.
- g. Conditional use fee waiver request – Ms. Creese said that there is a request in the Board's packets labeled "Request for fee waiver for occupancy permit." Technically, the resident is requesting a conditional use fee waiver. The resident is requesting to move her day-care business that is currently located in Mooncrest on Juniper Drive to her residence on Boggs School Road. The request is due to some structural issues with the Mooncrest location that the landlord is unwilling to fix. She is asking the Board for a hardship waiver of the fee. Obviously, the waiver has to go before the Board of Supervisors as neither she nor Adam McGurk has the authority to grant the waiver. It was explained to the resident that the Board does not normally grant such waiver requests as they have had similar requests in the past. The resident indicated that if she had to pay the fee, she would not be moving her day care. After discussion, the Board directed the staff to determine if her current location is unsafe and have further conversations with the resident.

Parks Department:

Mr. Kasler said that he gave the Board a memo updating them on capital expenditures in the Parks Department for Moon Park Phase I and Olson Park Phase II. We have exhausted the bond funds and the memo lists the items that need to be finished. These funds will be expended over the winter. If the Board has any questions, they can send him an email. Mr. McLaughlin asked the status of the trail construction in the park. Mr. Kasler said that he has a meeting tomorrow with the water authority to finalize the waterline plan. Once we have that, we will know where the line will cross the trails. We did not want to cut a completed trail to install a waterline. The work should soon be underway. We have Olson Park work to complete as well.

2. 2010 Insurance Review/Renewal Proposal – Ms. Creese said that there is a copy of a proposal in the Board’s packet of a proposal from Bailey Raabe. This firm does a review of the existing property and liability insurance coverage. The Township has used this firm on two prior occasions. They also do a review of all the asset schedules, which we are required to do as part of the audit. They also do a market (similar to an RFP) to all of the agents and do an evaluation of them. This has not been done for the last two years and she is recommending that we do this again this year as part of the insurance renewal. The insurance expires on December 31. The cost is \$6,250. That is a not-to-exceed figure. It may not cost that much as they may be able to use prior information. It takes between 75 to 90 days which puts us in the timeframe that we need to get started on this. Our insurance costs did go down last year. The last time we used this firm, the Township realized a \$63,000 savings in insurance costs. To insure that the current firm that we are using is the best price and that all of our coverage is at the acceptable level, she would like to go ahead and do this again. She asked that the Board adopt a motion tonight so that the contract can be signed. Mr. McLaughlin called for a motion to award the insurance review renewal proposal to Bailey Raabe at a cost not to exceed \$6,250 for insurance property and liability review. Motion made by Mr. Vitale, seconded by Mr. Gribben. All Supervisors voting yes, motion carried.
3. Library Board Resignation/Reappointment – Ms. Creese said that a resignation was received from a Library Board member and a recommendation for a reappointment. This will be on the Board’s agenda next week.

Ms. Creese said that in the Board’s packets is a copy of the notice that we run in the newspaper with dates and times for the 2011 budget meetings. She asked that the Board check their calendars and get back to her to confirm the budget meeting dates. She said that on Friday, October 15, the staff will have for the Board’s packets a preliminary budget. This will include the general fund and the smaller funds. This will be a first draft for the Board to review. The only item that will not be included is the capital budget as that will require some further discussion. This will enable the Board to review the preliminary draft prior to the first budget meetings. There are some additional meeting days built into the schedule if needed.

4. Township Meeting Agenda Items – Ms. Creese said that the announcements and resolution listed on the workshop agenda are items for the Board’s regular meeting agenda. On last month’s agenda, there was an announcement about the Allegheny County Bar Association clinic for seniors. Moon Township resident David Blaner of the Bar Association will be in attendance at the October 6 regular meeting to personally talk about the clinic.

Mr. Sinatra said that in reference to the Library Board resignation/reappointment, in the past when positions on boards and agencies have come open, we advertise the opening on MCA-TV so that all residents of Moon have an opportunity to serve. He does not think this Board is being transparent. Ms. Creese said that when she first received these resignations from and reappointments to their board, she asked the library about it as it was a different process than she was used to. She was told that their bylaws contain language that outlines their method of reappointment that is subsequently confirmed by the Board of Supervisors. Ultimately, under the Second Class Township Code the Board of Supervisors has the authority to make the appointment. But the Library Board has language spelled out in their bylaws about how the process is to unfold. As a Board of

Supervisors, you have adopted their bylaws. If the Board wants to make a change in how they make their appointment, they would have to discuss it with the Library Board and look at their bylaws. The Library board feels that they are following procedures set by the Board of Supervisors at one time. The Board directed that Ms. Creese get a copy of the Library Board's bylaws for their review. Mr. Eicher said that he is unsure on how the Library board even functions. They are getting funds from the Township as well as RAD funds. They establish a budget and they spend money. He knows how authorities and advisory committees work but there has to be something that he is not aware of that outlines how the library board is established and what gives them the right to do what they do. Ms. Creese said that she would look into this matter further and report back to the Board.

Township Solicitor:

1. Ordinance Codification – Mr. Santicola said that we did receive the emailed version of the latest version of the codification. Ms. Creese said that she sent a copy to the Board to review. The version has a deadline and is only available for 28 days. Mr. Santicola said that his plan was to open the file and review it for some of the suggestions he made. Hopefully, this is the last version. Ms. Creese said that the department heads are reviewing their sections.
2. Moon First/Wal-Mart – Mr. Santicola said that Moon First is not involved in the ongoing litigation. The land use appeal that was filed by Wal-Mart is being briefed by his firm and Wal-Mart's firm. They have appealed certain levels of the approval that they received. Those levels of approval that they received will be decided by Judge James on briefs. Judge James will not hear oral arguments. He explained the process undertaken in preparing the briefs. If the Board had any other thoughts on the matter, they can forward those to him but the issues are very straightforward. If he receives something from Wal-Mart that is an offer of some sort, he will forward it to the Board in a more formal fashion. The briefs will be submitted by next Friday. Judge James has a period of time to make a decision. Mr. McLaughlin said that he read in the Charlotte newspaper about Wal-Mart building a smaller store. Mr. Santicola said that the Township can't tell them to build a smaller store. Mr. McLaughlin said that he would just like them made aware that we know that Wal-Mart is building smaller stores in other areas.

Mr. Santicola said that the only other business he has involves litigation.

Township Engineer:

1. Autumn Woods Landslide – Mr. Petroccia said that Autumn Woods' engineer, Kimball, did submit a set of plans to the DEP and copied the Township. Those plans are being reviewed. The stormwater is being reviewed by Baker and the geotechnical portion is being reviewed by Garvin Boward. We have committed to the DEP to have our comments in this week and next week. The DEP is looking to set the schedule for beginning the remediation this fall. This fall is really not a good time to start work on that hillside. It is already going to start to get wet. Maybe they can at least get the high wall taken care of this fall and the remainder of the work done next spring. There is progress being made but it may be a little bit late.

2. Cherrington Center Roof Replacement – Mr. Petroccia said that the library building looks fine when you walk in the front door but if you go up on the roof, it is a “snake pit.” The roof project was rebid after not getting any bids the first time. This time there were five potential bidders and we received two bids, both of which came in fairly high. The lower of the two bids was by G & W Roofing and Construction. The base bid was \$133,690. Considering all of the add alternates, the total is about \$246,830. He checked the references for G & W Roofing. Two of the references said their work was acceptable. The third reference, West Virginia University, had negative comments and gave a very negative reference. The bids with all of the alternates cover all the work that needs to be done on the southern wing of the Library. There are still four HVAC units that need to eventually be replaced and the north wing needs to be replaced with replacement of two more HVAC units at some point in the future. He questioned whether or not it is worth all the money put into this building given its age. This roof has a lot of problems and it is a very difficult roof to work with. These two roofing contractors worked very hard on their bids and he does not fault them. He wants the Board to consider G & W as the low bidder. If the Board is going to award a bid, it would be the base bid and alternates 2 and 3 because the two HVAC units fit into the duct work that is in the base bid. He thinks the Board should carefully consider putting all that money into the roof and the HVAC. Mr. Sinatra asked Mr. Petroccia if there was any way he could have gotten this information to the Board any earlier rather than handing it out at this meeting. Mr. Petroccia said that he apologized for the lateness in getting this to the Board but he was at a funeral on Monday and just got this yesterday. A discussion ensued on the name of manufacturer of the roof and the installation process. Mr. Petroccia said that he would get the name of the roofing manufacturer and installer and provide that information to the Board.
3. Moon Park Phase I Tennis Courts – Mr. Petroccia said that when the nets were being tightened down, two of the net poles, pulled out of line. Liberoni was notified of the defect and told they had to get back to us with a solution by the end of the week. This may mean pulling out the poles and installing deeper concrete. A discussion of the repair procedure ensued.
4. Polo Club Stormwater – Mr. Petroccia said that Mr. Santicola was going to talk about that. Mr. Santicola said that this matter has already been discussed.
5. Foxwood Knolls Road cross-section – Mr. Petroccia said that there were discrepancies in the approved plans for the Foxwood Knolls road cross section. Both of the cross-sections that were in the approved plans were less than currently required. He was urging the developer to come up to the current standards for asphalt, which is about 8” of asphalt, versus the 6¼” of asphalt that he had. We ended up with 6¼” of Superpave with 8” of limestone subgrade. But this was the Township’s standard back in the 90’s. Therefore, it is what he was required to do. A discussion ensued on when and why the standard detail for asphalt was changed. Mr. McGurk said that we will not be accepting the road right away so we can evaluate how the road holds up. The Board expressed some concern about the steepness of the road leading up to Foxwood Knolls from Flaugherty Run Road.

Mr. Sinatra said that Mr. Petroccia is doing a good job for the Township. However, he would like to be included on all emails from Mr. Petroccia going to the Township. He received in his packet tonight a copy of an email that Mr. Petroccia sent to Ms. Creese and Mr. Kasler regarding the tennis court posts in Moon Park. If he were in Mr. Petroccia’s position, he would copy everyone

on all emails that he sends out. This is how the Board gets information if the solicitor is working on something. Ms. Creese said that Mr. Petroccia's emails normally come to the staff. The email regarding the posts had a sense of urgency so she forwarded it directly to the Board as it will be a subject of discussion at this workshop meeting. Most of the emails are reports that the Board will get by hard copy. If the five Board members instruct Mr. Petroccia to forward the emails to the entire Board, he can do so but the Board will end up with a lot of duplication. Mr. Petroccia said that Ms. Creese is in a much better position than him to know what is important to the Board. Many of the emails are more of a routine administrative nature. Unless the Board directs otherwise, he would prefer to send his emails to the staff for dissemination to the Board. After discussion, Mr. Sinatra said that he still would like to be included on all emails, particularly if it involves an expenditure by the Township.

Mr. McLaughlin asked if Michael Baker has a traffic engineering department. Mr. Petroccia said that they have a very large traffic engineering department. Mr. McLaughlin asked if they represent municipalities in western Pennsylvania. Mr. Petroccia said that they do mostly traffic and bridge studies primarily; not the way that Trans Associates is a municipal representative. Mr. McLaughlin asked Mr. Petroccia to provide him with some information on their traffic division; Mr. Petroccia said that he would be happy to do so.

Comments from the Board:

Mr. Eicher said that regarding the discussion about emails, he is unsure about how much information the Board needs to have and when. We have a manager, a staff and an engineer. There are certain things that the Board needs to know about. Mr. Sinatra said that he wants included on anything for which Mr. Petroccia will be billing the Township. Ms. Creese said that whatever policy is set for her, the staff or the engineer should be a Board policy. It is not a good idea for one Supervisor to have information that the other Board members do not. Otherwise, the Board members are looking at information on differing time schedules.

Mr. Vitale said that the soccer association dedicated the new soccer field on Boggs School Road last Friday. He asked if the Board wanted to recognize Mr. Ray Pronto for what he has done for the community.

Mr. Eicher asked the status of the erection of the traffic signs on Larue Drive as he has gotten several emails inquiring. Ms. Creese said that the Road Department is in the middle of the paving program but she would check with John Scott as to when the signs would be installed.

There being no further business before the Board, the meeting adjourned at 9:30 p.m.

Respectfully submitted,

Janet L. Sieracki
Assistant Municipal Secretary