

MINUTES

The Moon Township Board of Supervisors met in special session at 5:30 p.m. in the Moon Township Municipal Building, 1000 Beaver Grade Road, Moon Township, PA 15108 to continue discussion of the proposed 2012 Municipal Budget and address other business as required.

Supervisors present: Jim Vitale, Frank Sinatra, Marvin Eicher and Nancy Mills. Also present: Jeanne Creese, Jeff Ziegler, and Lisa Lapaglia.

Ms. Lapaglia said that the focus of this evening's budget discussion will be the Township's two smaller funds—the Liquid Fuels Fund and the Local Services Tax Fund.

Liquid Fuels Fund—Ms. Lapaglia said that the source of money in this fund is derived from the state gasoline tax and revenue from the turnback of state roads to the Township. A percentage of the proceeds of the state's gasoline tax is distributed to the Township based on 72.7 miles of improved roads and a population of 22,290. This year we received \$451,971.15. This money is normally received in April. From this fund we pay the Township's street lighting bill which is approximately \$27,000 a month for a total of \$364,983.73 for this year. We are also paying for a portion of the chassis for the street sweeper from this fund as the fund also permits the financing of street maintenance, salt, and other similar expenditures. We anticipate a year-end balance of \$129,641.02. Next year's revenue is estimated to be \$468,442.81.

Local Services Tax Fund—Ms. Lapaglia said that this year the Township will collect almost \$800,000 from the local services tax. This is the tax of \$52 per person employed in Moon Township--\$47 of which comes to the Township and \$5 goes to the school district. When the local services tax was instituted, the former occupation privilege tax was eliminated. From this tax fund, property tax relief in the form of the Homestead Exemption is transferred back to the general fund for operating revenues. The Township is required by law to set aside 25 percent of this fund toward public safety, or \$199,000. We will continue to transfer that money to the Fire Department for equipment. This year we will spend \$175,000 for salt. The collection expense is two percent of collections, which is paid to Keystone Municipal Collections. Mr. Eicher asked what happens next year when Keystone Collections is no longer the Township's earned income tax collector. Ms. Creese said that Act 32 does not address the local services tax. The school district is recommending that Jordan Tax Collection collect this tax as well, but after examining their proposal, she saw a flaw in the proposal and wants to get additional information. We solicited proposals from Keystone and wanted to look into that fund. There is a meeting scheduled to talk to Keystone Collections about this matter. She will check further into the proposals and will soon have a recommendation ready for the Board. Ms. Lapaglia said that next year she expects a drop from our actual collections this year because of the transition to another collector.

Our salt purchase this year is based on the current cost of salt. You can budget 125 percent of what we estimate. We do fill our bins based on that price. Our bins are current 2/3 full. We also have other products such as calcium chloride. We do anticipate spending more than we are going to collect, but we have excess money in the local services tax fund. We also discussed going to a salt brine system as a way to decrease costs. However, we will have to buy the equipment. We have been in discussions with the Airport Authority who is very interested in partnering with the Township on the salt brine. We would like to front the cost of the equipment and the Airport Authority would pay us for their usage. Ms. Lapaglia said that we are looking at approximately \$200,000 for a basic production facility. The cost is not so much for the salt brine

equipment but outfitting the vehicles. A discussion ensued on the cost of the equipment and the expected rate of return.

WORKSHOP MEETING

The Workshop Meeting of the Moon Township Board of Supervisors was called to order at 6:10 p.m. with the Pledge of Allegiance to the Flag, Chairman Jim Vitale presiding. Supervisors present: Jim Vitale, Marvin Eicher, Frank Sinatra and Nancy Mills. Also present: Jeanne Creese, Jeff Ziegler, Lisa Lapaglia, Meghan McNamara, Tim Bish, Mal Petroccia, Bill Napierski, John Shaver, Elaine Sollinger, Tom Arnold, Sandy Donovan, Kim Lawrence and Alie Gensheimer.

Public Comments on Agenda Action Items:

Tom Arnold of Crawford Drive said that he may want to comment on agenda item 4(d).

General Comments from the Public:

Tom Arnold said in the past the Township Assistant Manager was also a director of the Moon Transportation Authority and was always authorized to sign the MTA checks. Now that the Township does not have an Assistant Manager in that capacity, the Township contracted with Delta Development to administer the MTA. He is concerned that there is no one on the Township staff that oversees the financing of the MTA or signs their checks. He feels that this is a lot of money and someone from the Township should have that oversight function on behalf of the taxpayers. Former Planning Director Adam McGurk was also the executive director of the MTA and attended their meetings. Mr. Eicher said that he agrees with Mr. Arnold's comments. He has raised those same concerns in the past. Delta Development is a lobbyist. He does not see why Delta, as our lobbyist in Washington DC, is administering the MTA. He feels it is not a good situation. Ms. Creese said that one problem we are having with the Planning Director not attending MTA meetings is that the Township no longer gets information to the Board of Supervisors about any problems in Delta Development. We are not getting those normal updates because Mr. McGurk was attending the MTA meetings. A report needs to come into the Township. We always had a staff person attend MTA meetings and without a staff person, that process has slowed down. We need to improve communications with the MTA.

Mr. Sinatra said that he disagrees with Mr. Eicher. While Delta is lobbying for Federal Highway funds for Moon Township through the MTA in Washington, those funds are not forthcoming every year. While we do have to pay Delta, when we do get those Federal dollars they do pay for some very large projects. He feels the expenditure is worthwhile.

Action Items:

Mr. Vitale called for a motion to adopt Ordinance No. 637 creating resident-only parking zones on Bradley Drive, Patton Drive, South Patton Drive and Springer Drive and providing regulations, enforcement and penalties therefor. Motion made by Dr. Mills, seconded by Mr. Sinatra. All Supervisors present voting yes, motion carried 4-0.

Mr. Vitale called for a motion to appoint special counsel in the matter of Greg Smith v. Moon Township. Dr. Mills said that she did not feel that the Township needs to have special counsel at this time. We are not far enough along to have special counsel. Mr. Sinatra asked what portion of the lawsuit the special counsel would handle. Ms. Creese said that the counsel for the insurance company advised us that the Township needs to have special counsel. The Township needs to remove the current attorney that is handling this as he has been named in the litigation and may be deposed. She is unsure if the Township may be risking its insurance coverage by not making this appointment, per the insurance company's attorney. They will be starting the depositions very soon. The Board will need to take action to make this appointment at a public meeting. The Board had no problem tabling this motion at this time.

Mr. Vitale called for a motion to accept the resignation of William Q. Battle from the Moon Township Environmental Advisory Council. Motion made by Mr. Sinatra, seconded by Mr. Eicher. All Supervisors present voting yes, motion carried 4-0.

Discussion Items:

Moon Township Public Library – Mr. John Shaver, treasurer of the Library Board, said that when we last meet on August 10, we went over the future and where all the occupants of the Community Service Center would be housed. MCA-TV said that it would be best for them if there were housed in a different location; the library and the Moon Township Municipal Authority wanted to stay in that building. On September 8 a letter was sent to the Board of Supervisors indicating that the library wants to stay at that location for the foreseeable future. He hoped that letter solidifies the library board's desire to remain there and if the Township was going to move forward on the specifications for a new roof or roof repairs. Mr. Shaver said that he would like to confirm that the Township is going to bid the roof as outlined by John Riley. He asked if the Township has put together new specifications. Ms. Creese said that she does have the numbers that Mr. Riley provided. However, Mr. Riley's quotes do not meet the Township's requirements for bidding this project. The roof repairs/replacement will be a part of the Township's capital budget and/or upcoming bond issue. We have to publicly bid the project and it has to be included in the Township budget. Mr. Sinatra asked if the Township could not simply make a \$125,000 donation to the library and they can make the roof repairs. Ms. Creese said no. It is a publicly owned building and a project this large has to be bid. You cannot circumvent the bidding process. Mr. Shaver said that it is shameful that the Township has let the roof leak to the point where they must keep buckets on the floor and water is leaking into the light fixtures. He is concerned that this moisture could cause mold. The windows in the building also need to be replaced. Mr. Vitale said that the Board is aware of the problems. The Township is on the road to getting this work done. Mr. Shaver said that if we are making the commitment to remain in that building we have to make sure that money is being put into the building. He is aware that the Township Engineer has developed bid specifications but they are much higher than the quotes from Mr. Riley. Ms. Creese reminded Mr. Shaver that the specifications from the Township Engineer also included repairs to the HVAC system, which has also been a source of complaints from the library staff. Mr. Eicher said that Mr. Riley has been in consultation with a local roof consultant. He is convinced that we can do that roof for less money than the original bid. His recommendation is to go to the consultant that John Riley has and ask him to put together bid specifications that still meets the law. Ms. Creese asked him if this is just for the roof repairs or would also include the HVAC system. Mr. Vitale said that we could have the consultant come in, prepare a bid specification, then have the specification reviewed by Mr. Petroccia. Dr. Mills said that we could look at the roof and then have someone else look at the

HVAC system and they can work together. Mr. Shaver said that it is clear from the library board's letter that they want to stay in that building so he is very hopeful that the Board will keep the building in good condition as it is an asset of the Township. They also want to put some money into the interior of the building by upgrading the children's story room, craft room and purchase new drapes for the building. On September 7 the library board met with a fund-raising company to talk about the feasibility of raising \$1 million to put an addition onto the building. He inquired about the legal issues of building such an addition because he feels there must be a plan in place in order to begin fund-raising. They would need to have an architectural rendering before this fund-raising can begin. Ms. Creese cautioned that the Township was not ready to issue an RFP for an architect. Last year Baker did a facilities study on all of the Township-owned buildings, including the Community Service Center. She said to remember that the building was originally a clubhouse for a golf course and donated to the Township. While the Township certainly got good use of the building, it was not designed for anything other than a clubhouse. Also before an addition can be considered, we would have to examine whether it would fit on that site and still comply with the zoning regulations and parking requirements. Mr. Vitale said that the Board would have an answer for the library board by the end of the year. Mr. Shaver thanked the Board and left the meeting.

Planning Department:

- a. Marcellus Shale Ordinance – Ms. Creese said that special counsel Gavin Robb went back to the Planning Commission meeting last evening, which went very well. There is a memo in the Board's packet which summarizes some of the recommendations from the Planning Commission. Dr Mills said that while everyone realizes that we would like to ban drilling in Moon Township, we need to create an ordinance that is reasonable. The Planning Commission then explored if it was possible to ban drilling in all of the residential zoning districts. However, that was determined to be too restrictive as well. Ms. Creese said that the creation of an overlay district was subject to challenge as well. At the next meeting of the Planning Commission, they will examine a zoning map and all the zoning districts to determine where they thought drilling should be allowed. The airport property should, of course, be a part of this discussion. This seems to be the biggest sticking point for the Planning Commission. The Planning Commission thought that the best option at this point is to amend the Township's existing Oil & Gas Ordinance. The Planning Commission will continue its discussion of Marcellus shale drilling.
- b. Wal-Mart HOP application – Ms. Creese said that Wal-Mart has filed for its HOP application. The township traffic engineer has prepared the Township's review comments. PennDOT has continued MoonFirst as an intervener in the HOP process. Wal-Mart has called and asked for a meeting of all parties. The meeting will be held at PennDOT's offices. Mr. Eicher said his view is that it really served no purpose for the Township to attend this meeting. After discussion, the Board directed Ms. Creese to attend the meeting for informational reasons only and not to comment on the HOP application.
- c. Resident Requests for Traffic Control – Ms. Creese said that several requests have been received from residents for traffic control. The first request is for a stop sign at the intersection of Chaplin Drive and McCaffrey Drive. Chief McCarthy prepared a memo regarding this request outlining his observations. This stop sign ordinance can be added to the codification. The second request is a repeat of a request from the resident that

lives at 206 Foxwood Road indicating that his driveway is more dangerous due to the new development on Foxwood Road. The resident will be submitting a petition for traffic-calming. Ms. Creese said that she received a telephone call and email for a traffic signal at Beaver Grade Road and Montour Run Road from Lynn Delorenzo. This has been discussed with Robinson Township since the intersection is in Robinson Township. Robinson Township was not willing to spend the money on a signal at this location. A signal is estimated to cost about \$120,000. Mr. Eicher said that Mon Township has about \$60,000 from the Sonoma Ridge development. He feels that since we are talking about a bond issue, this signal should be included as it is a safety issue.

- d. Signage request – Ms. Creese said that she received a letter from the Ohio River Trail Council. They are requesting to place a sign in Moon Township although a specific location was not made. After discussion, the Board directed that Dana Kasler work with the Ohio River Trail Council on where to place the sign.

Finance Department:

Ms. Lapaglia said that since last Friday when she sent the Board the capital purchases report two more invoices were received for a chipper for the Parks Department and rifles for the Police Department. We also received an invoice from PNC Equipment Leasing which is the last payment for the Fire Department pumper. It is a budgeted payment.

Ms. Lapaglia said that in the Parks Department capital budget last year they requested a vehicle and \$22,000 was budgeted for a parks vehicle. We have made a determination that the Parks Department does need a vehicle but could share one with Administration. An SUV is being requested for this purpose with an additional \$5,000 taken from the Administration capital budget. The Parks Department Director's current truck would then be available for parks maintenance purposes. This type of vehicle would be better suited for the Parks Director as he often has to transport people rather than materials. After discussion, the Board felt that a truck with a crew cab would be better suited for the Parks Department. Mr. Eicher questioned why the Police Department has so many vehicles. Ms. Creese said that the Police Department has enough vehicles for each officer to have a vehicle for special events such as the air show. Mr. Eicher said that his view is that we may need to examine if that many vehicles are really necessary in the Police Department. Ms. Creese said that she would discuss that question with Captain Seaman.

Ms. Lapaglia said that there is information in the Board's packet on the replacement of the boiler for the Public Safety Building. One of the two boilers is completely shot and the other boiler is about seven or eight years old. After discussion with CS&E the best route to take is the replace what is there now with one new, state-of-the-art boiler that is 99% efficient. It has the newest and best technology in power burner and boiler designs. The cost of this one new boiler would be \$17,170. This boiler is on the COSTARS program. The second boiler could be pulled out and sold on Municibid or sold for scrap which could help to defray some of the cost. The Board agreed with the purchase of the one new boiler.

Board Vacancies: Ms. Creese said that there are still vacancies on the Historical Architectural Review Board, the Environmental Advisory Council and the Parks & Recreation Board. Letters of interest from a resident wishing to serve on the EAC and one from someone wanting to serve on the Parks Board have been received. Motions making these appointments will be on the Board's regular meeting agenda. With regard to the Moon Transportation Authority, Mr. Bish

said former Supervisor Tim McLaughlin still holds a seat on the MTA. The MTA enacting ordinance indicates that two members of the board of directors shall be selected by the Moon Township Board of Supervisors from the citizenry of Moon Township. While historically those selections have been members of the Board of Supervisors, it is not a requirement that they be Board of Supervisors members. While Mr. McLaughlin may have resigned from the Board of Supervisors, he has not resigned from the MTA. This matter can be discussed further in executive session.

Pending Meeting Requests: Ms. Creese said that the Airport Authority has requested their biannual meeting with the Board of Supervisors. The suggested dates are November 7, 14 or 21. After discussion, the Board said that the November 21 date best fits their schedule. Ms. Creese said that she would contact the Airport Authority to confirm that date. The last meeting with the Airport Authority was held in the Municipal Building and assumes that this upcoming meeting would be held in the offices of the Airport Authority. She will confirm that as well.

Ms. Creese said that the Board has been invited to attend the dedication of the new Ewing Road Roundabout on Monday, October 31, at 11:00 a.m.

Ms. Creese said that she was contacted by the manager of Cherrington Corporate Center, Mr. Bob Zapko, to discuss a potential real estate matter. After discussion, the Board suggested they meet with Mr. Zapko at 6:00 p.m. prior to the November 2 regular meeting. Following the regular business meeting, the Board will then continue the 2012 budget discussion.

“Citizen Request System” – Ms. Creese said that the Township has implemented a new interactive web application as an easy way for citizens to communicate with the Township staff and receive a timely response. There is a memo in the Board’s packet from Communications Director Meghan McNamara explaining this new feature.

Regular Meeting Agenda Items: Ms. Creese said that Mr. Jonathan Potts of Robert Morris University will be addressing the Board at the regular meeting. There will also be an announcement about the Disabled American Vets Van coming to the Moon Township Volunteer Fire Department. In addition, there will be a motion on the agenda to award the bid for the addition to the Mooncrest Community Center.

Township Solicitor:

Mr. Bish said that as the Board may be aware there is legislation that has been passed that is awaiting the Governor’s signature. This legislation would raise the minimum purchase amount that requires the advertisement of bids from \$10,000 to \$18,500. The legislation would also increase the minimum purchase amount for telephone quotes from \$4,000 to \$10,000. The new bidding requirements will go into effect on January 1, 2012 with an annual three percent increase starting in 2013.

Township Engineer:

Autumn Woods Landslide: Mr. Petroccia said that last month he reported that the contractor was making good progress. He cannot say the same this month. We have had three wet weeks of weather that has held up his progress. The stormwater pipe is not yet connected. He was hoping to get down to 14’ or 16’ but ran into rock. He is going to ask the Supervisors for a waiver to allow the manholes to set the pipe in 6’ to 8’ because of the rock. This will save them

several days of work by not having to dig through all that rock. He is proposing that the Board consider a motion to approve/deny a deviation from the standard detail that limits manholes. Mr. Eicher made a motion to approve a waiver from Standard Detail General Notes limiting manhole drops to 2 feet, to allow an 8 foot drop in a new manhole 2B at the Autumn Woods Pond Remediation project. The motion was seconded by Mr. Sinatra. All Supervisors present voting yes, motion carried 4-0.

Safe Routes to School: Mr. Petroccia said that PennDOT called Baker asking when they will get the drawings into them. The drawings cannot be given to PennDOT yet as there are still two properties where the right-of-way acquisition has to be finalized. PennDOT is eager to finalize this because funds from the Federal Highway Administration have been drying up. All of the funds will be transferred for the sidewalks in the area Brooks Elementary School. It was determined that to install sidewalks in the area of McCormick School would have been cost prohibitive. We are still attempting to get the right-of-ways so that the sidewalks can be installed.

Sunridge Development: Mr. Petroccia said that an interesting meeting was held with Mr. Pappan, the former developer of the Breezewood Plan and Sunridge Plan. Mr. Austin indicated that he would like to take over the entire development. Mr. Austin would like to pave the roads before the asphalt plants close in November. We will be doing a development agreement with Mr. Austin which would supersede the agreement with Fourway Properties. We would then release the bond and then have a fresh, new agreement and new financial security. All the issues with Mr. Austin and Mr. Pappan have been resolved. There will be a motion on the Board's regular meeting agenda next week. Two street lights are still missing. Ms. Creese said that the Township has provided winter maintenance for the few residents that live there and has been billing Mr. Pappan for that winter maintenance. However, he has never paid the invoices and Mr. Austin was not willing to assume those bills. He is asking if the Township will provide the winter maintenance. If the new developer can get the streets paved, he will dedicate the streets to the Township anyway.

Foxwood Road Slope Repair: Mr. Petroccia said that all the slope failures have been repaired. There are some minor connections that still need to be completed. Joe Boward did a final inspection and the work is being completed nicely. The road is not yet ready to be dedicated.

Mooncrest Community Center Addition: Mr. Petroccia said that we received seven bids for the base bid and alternate, which is the foundation and floor pad, for the Mooncrest Community Center addition. We do have enough money to do the whole bid, which is \$62,600. He is recommending the bid be awarded to the low bidder, C. W. Smith Contracting. He has checked out their references and their bid bond has checked out. A motion will be on the regular meeting agenda.

Kenny Ross Toyota: Mr. Petroccia said that this project has been an ongoing problem. There have been complaints about dirt on the road and dust. They brought in a boom that was taller than the air space limitation, resulting in complaints from the airport. They have had a problem with the retaining wall but Baker is recommending conditional approval of the proposed retaining wall, based on comments in their letter of October 13, 2011

Sonoma Ridge Phase V: Mr. Petroccia said that this plan is going well. They have three crews working as hard as they can to get the roads in. The grading is nearly completed and should be done by the end of next week so they will be ready to pave before the asphalt plants close.

Ms. Creese said that there is a memo in the Board's packet from the Moon Township Municipal Authority regarding the Paul Schreiber grading permit matter. There is also a letter about this matter from the solicitor.

Comments from the Board

Mr. Eicher asked about the water and sewer service in the park and why we are paying so much for sewer service since the water is being used for irrigation.

Mr. Vitale said he had a meeting with Jonathan Potts of Robert Morris University. He agreed to give Mr. Potts an updated list of Township contacts and Mr. Potts will provide the Township with a list of RMU contact names and phone numbers.

Mr. Vitale asked the Board if they would consider buying a brick for the Township's memorial garden. The Board agreed and would further discuss what to put on the brick.

There being no further regular business before the Board, the Board went into executive session at 10:05 p.m.

Respectfully submitted,

Janet L. Sieracki
Assistant Municipal Secretary