

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, and Nancy Mills. Also present: Jeanne Creese, Jeff Ziegler, Lisa Lapaglia, Dana Kasler, Meghan McNamara, Tim Bish, Mal Petroccia, Tim Frenz of Janney Montgomery Scott, Ron Stout of Thorp Reed & Armstrong, Sam Mancini, John Love, Scott Snaman, Mr. & Mrs. Larry Bufalini, Tom Arnold, Kim Lawrence and Jenna Staul.

Public Comments on Agenda Action Items:

Tom Arnold of Crawford Drive said that he may want to comment on Item No. 6 of the Township Engineer's portion of the agenda but would wait until the Board reaches that point in the agenda.

General Comments from the Public:

Tom Arnold of Crawford Drive said that he had a comment with regard to the Moon Transportation Authority. For all these years, the MTA board has been made up of two members from the Board of Supervisors. Their terms on the MTA coincided with their terms on the Board of Supervisors. Since the establishment of the MTA, Supervisors have always been on the MTA board and he feels that the bylaws say that. The residents of Moon Township pick the Supervisors through the election as well as members of the school board who are also represented on the MTA board. He cannot understand why Mr. McLaughlin can remain on the MTA even though he is no longer a Supervisor. This affects our taxes for ten years. This is a very important authority. Mr. Vitale said that he understands what Mr. Arnold is saying and we are trying to get clarification. Mr. Bish said this matter was discussed at last month's workshop meeting. No positions on the MTA board are tied to Supervisor terms or Supervisor positions. They are individuals and appointed as individuals whether or not they are elected Supervisors. A discussion ensued on the makeup of the MTA board. After discussion Mr. Arnold said that he hopes that the makeup of the MTA board will remain as two members from the Board of Supervisors, two from the school board and one from the business community.

Action Items:

Mr. Vitale called for a motion to approve/deny the 836 Old Thorn Run Road simple subdivision, as recommended by the Township Engineer in his letter dated November 18, 2011, which supersedes the Board action taken at the August 9, 2011 Board regular meeting. Mr. Petroccia said that this had been approved by the Board in August. It had gone through all the approvals at the County. It went to the Tax Mapping Department and they found that one of the lines did not match one of the deed descriptions and rejected it. It is coming back through with a corrected property line. It is a simple subdivision where a boundary line is simply being moved. Motion to approve made by Mr. Eicher, seconded by Mr. Gribben. All Supervisors present voting yes, motion carried.

Mr. Vitale called for a motion to approve/deny the request for exemption from the Moon Township Amusement (admission) Tax by the West Allegheny Youth Wrestling Association for the youth wrestling tournament to be held at Robert Morris University

on December 18, 2011. Mr. Eicher said that his recollection is that we do not typically approve such exemptions. Organizations have come before the Board in the past making similar requests and the Board has never granted them. Ms. Creese said that both the Township and the school district would have to grant such an exemption independently. A copy of the ordinance has been provided to the Board with the request. Per the ordinance she does not feel that the organization meets the definition for an exemption. Mr. Eicher said that we have an ordinance on the books. If we have that ordinance, then the solicitor and staff should be able to tell us whether or not the organization meets the definition and whether or not an exemption is an appropriate action. If we cannot read the ordinance, interpret and enforce it appropriately then we may need to change the ordinance. Motion to deny made by Mr. Eicher and seconded by Dr. Mills. All Supervisors present voting yes, motion carried.

Discussion Items:

Discussion of Ordinance Prohibiting Residential Parking between 2 AM and 6 AM in areas with no off-street parking – Ms. Creese said that per the Board's request, Supervisor Eicher brought a resident's request forward at the last workshop meeting. The Township provided a copy of the ordinance, police reports and resident's complaints to the Township Solicitor. In the Board's packet is a written email report answering the question. The question was if the Township Solicitor could review the existing ordinance that prohibits on-street parking from 2:00 AM to 6:00 AM and answer whether on a municipal street where signs are not posted and off-street parking is not available how that should be addressed. The summary of the solicitor's opinion explains that in most municipalities, including Moon Township, in areas where off-street parking is not available and signs are not posted and the ordinance cannot be practically enforced, the Vehicle Code does not permit that ordinance to be enforced. Therefore, the municipal ordinance is correct in the way that it is written. The enforcement by the Police Department is also correct. Mr. Bish said that the determining factor is really the fact that the road at issue does not have sufficient signage that an individual parking there would know that parking is not permitted. Therefore, the police cannot enforce the restriction if there is not sufficient signage. If the property in question does not have an area for off-street parking, there needs to be some type of practical solution. The Board needs to decide if they want to enforce it or continue with the current status and not enforce it where there is no signage. A third option would be to establish some type of permit. Ms. Creese said that Chief McCarthy identified about six or seven areas in the municipality where this situation is known to occur. In those areas, there are no 2 AM to 6 AM parking restriction signs posted because there is not adequate off-street parking for all of the residents. In this particular instance, the Police Captain was able to work with the residents to attempt to resolve the situation allowing parking on adjacent areas. However, this may only be a temporary solution because the resident is parking on areas that belong to someone else. Beyond that, there is no area for this one particular resident to park. The Chief's recommendation to the Board is that they really do not need to do anything in terms of his ability to manage the situation. He does not see any public safety issues on any of these streets. In an extreme emergency, the police or EMS have the ability to move a vehicle if they need to do so. From the Police Department's perspective, they do not have an enforcement problem. Where there are no signs, they do not enforce the ordinance. Mr. Eicher said he has done his own investigation. He can understand the concerns from the residents' point of view. Mr. Mancini, who lives on this street, explained his concerns and the problems he is experiencing with the on-street parking

by this resident. John Love also explained his difficulties with the resident parking on the street. Ms. Creese explained that another issue that the Board needs to be aware of is that if the Board makes a decision to attempt to enforce no parking on the street, per the measurement of the existing cartway of the street, there are other residents on this street whose parking pads are currently in the municipal right-of-way. The one particular resident in question has no parking pad. But the other parking pads that are currently on the street are technically within the municipal right-of-way. If the Township posts that street for "No Parking between 2 AM and 6 AM," there are other vehicles that will now be illegally parked. In the past it has never been an issue to the municipality as it is a very old and very narrow street. But if the police would have to enforce the ordinance, they would have to enforce it uniformly; and there will be other homes that would then have no parking. Mr. Vitale said that this is a difficult issue because of the layout of that road and the houses that are that close. The problem that the Board has is that if a law is enacted that the resident cannot park there, it will affect everyone on that street. The Board is contemplating what solution would be best for the most people and that everyone can live with. Ms. Creese said that the police department has been working with the landlord to try to resolve the parking situation. The Board needs to keep in mind that this is not the only street where this issue occurs. Mr. Mancini said that he suggested to the property owner to put in a retaining wall in order to provide the resident with a place to park. Ms. Creese said that the Township cannot mandate a property owner to make such an improvement on his property. After further discussion of the parking issue, the Board felt that contact should be made with the property owner to see what his intentions are as far as any plans to construct a retaining wall in order to provide parking for the occupant who is renting the house or making some other type of parking arrangement. Mr. Eicher said that his concern is that if we start posting signs and enforcing the ordinance in the long run everybody in the neighborhood gets harmed more than helped. A solution needs to be worked out among the residents and the property owner. Everyone needs to sit down to discuss the problem to see what we can do. By sitting in here tonight, we are not going to solve the problem. But Mr. Mancini has brought it to everyone's attention. Some solution has to be arrived at. Ms. Creese said that the Police Captain has been very successful in working with the property owners. Her suggestion is that he continues that relationship. His last report indicates that he believes the situation is resolved. She will have him follow up with more detail on that level of resolution. There is nothing that prohibits residents from parking on the street during the day; it is only the 2:00 AM to 6:00 AM restriction that is the problem. But if the road becomes impassable that is a different situation and the police need to be called. Mr. Mancini, Mr. Love and Mr. Snaman thanked the Board and left the meeting.

Preliminary "Dry Run" Transaction General Obligation Bond Issue / Guests – Ron Stout (Thorp, Reed & Armstrong, Bond Counsel) and Tim Frenz (Janney Montgomery Scott, Financial Advisor) – Mr. Frenz said that he has been running numbers for Moon Township since April 2009 on this transaction. Basically, Ron Stout is the attorney and he is the banker. He would like to give an update on where we are today. We are very close to the finish line. If the Township is agreeable, we can be ready to go and have the bonds sold at the Board's next meeting. If that occurs, Mr. Stout will then go over the documents that the Board will need to execute for that transaction. The only two outstanding Township bond issues (2005 and 2006) will be refunded. Mr. Frenz went over the bond issue proposal booklet explaining the savings that will be realized and said that it is a good time for the Township to be doing this. They have structured this savings in a way that it allows the Township room to borrow

some new money. The goal has always been see how much new money the Township can borrow without increasing the annual payment over what it is now. So with the refunding, the savings and borrowing of some new money, it will all be rolled into one series of bonds. The bonds will be taken out 20 years and the Township will have \$2.4 million to spend on new capital projects. With all of this, the Township will never go over the \$750,000 payment it currently has. The debt will be taken out five years longer than it is now, but that is not unusual either. Interest rates are at an almost all-time low. He went over the details in his proposal. The bond sale would be held on December 7 and closing would occur on January 11. That would be the day the Township would get the money in the bank. December 7 is the date that the interest rates are locked in. The Township has a Standard & Poor AA bond rating, which is a very strong rating and as a result does not have to have insurance on the bond. What is needed this evening is nothing formal, but an agreement by the Board to move forward to the market next week to sell the bonds. He explained how the bonds would be sold. Mr. Stout said that he will present to the Board a copy of the debt ordinance, which will have attached to it the actual rates. It will approve the bond purchase agreement. These bonds bear interest at a tax exempt rate. His job, as the bond attorney, is to issue an opinion that is printed on the bonds themselves indicating that Moon Township's bonds are tax exempt. The plan is to come back here next week at which point the bonds would be sold and the Board would then approve the documents to make it all official. Mr. Frenz and Mr. Stout thanked the Board and left the meeting.

Planning Department:

Marcellus Shale Report from November Planning Commission Meeting – Ms. Creese said the November Marcellus Shale report consisted of the two memos on this subject that are in the Board's packets from Gavin Robb of Tucker Arensberg. The first memo gives an update on the House Bill and Senate Bill that were recently passed. The second memo gives Mr. Robb's opinion on the use of an overlay district that was discussed at some length at the last meeting. It is his opinion that an overlay can be used in an ordinance. The Planning Commission spent a great deal of time discussing the various zoning districts and which of those districts where it would be possible to permit Marcellus shale activity. As the Board is aware, we have to provide for that in the zoning ordinance somewhere; it cannot be completely restricted as that would be illegal. The Planning Commission had a very hard time identifying where it would fit with existing zoning at which time they gave consideration to an overlay district that would capture areas but not necessarily be contiguous with existing zoning districts. That possibility was sent to Mr. Robb who gave his opinion. The Planning Commission discussed this last evening and are again coming back to the Board of Supervisors with a recommendation that, in light of the two bills, Mr. Robb do no further work on this now given the fact that the House and Senate will likely reach some compromise on this legislation. Per the opinions that the Board has already received, the Township's existing ordinance is strong. Dr. Mills said that as we have proceeded, these two bills have passed. Both of these bills would provide for a state-wide zoning ordinance and would supersede anything done here in Moon Township. She talked about the differences in the two bills. As these bills progress, the Planning Commission believes, as does the attorney, that these bills will be passed and signed by the Governor. We would then look at our existing ordinance to see what we can do to comply and still protect Moon Township. But we won't know until they pass. It is anticipated that these will pass before the end of the year. If that is the case we can sit

down in January and see what we are faced with. But right now we are just waiting to see what will be done at the state level and work from there. Once these bills pass, we would like to invite Senator Pippy, Representative Mustio and a representative from Allegheny County to attend a Planning Commission meeting to discuss what can be done. A discussion ensued on who owns the mineral rights on the airport property and possible drilling on airport authority-owned property. But at this point we just need to wait before moving forward.

Finance Department:

Monthly Capital Purchases Report—Lisa Lapaglia distributed copies of the capital reserve payment report. She said that payments will be made to four vendors, all of which are budgeted items except for the Memorial Garden which makes its own money.

Additions/deletions/corrections to minutes or agenda:

Ms. Creese said that there will be two ordinances for the Board's consideration at the upcoming regular meeting in December. We had scheduled the bid award for the Fire Department's multi-purpose vehicle for the upcoming regular meeting. However, after reviewing the two bids and having legal reviews on the results, it is being recommended that the Board reject both bids at the regular meeting. The vehicle will have to go back out for bid. It is her recommendation as well as that of the Fire Department that both bids be rejected and the vehicle rebid.

There will also be two ordinance amendments on the regular meeting agenda. The first ordinance amendment is for the earned income tax. Mr. Bish said that per this ordinance whatever residents are paying in earned income tax or net profits tax is the same as they pay now. This ordinance brings the Township's regulations up to date with the new tax collection process that will occur in 2012 with regard to tax collection districts. Rates will remain the same. This is to comply with Act 32. Ms. Creese said that a mailer was sent to every residence in the municipality to advise them of the new earned income tax collection procedure. It also advises them of the new six-digit political subdivision (PSD) code. The second ordinance that will be on the agenda is a revision to the admissions tax. This is also a result of Act 32 and is also a language correction.

Township Solicitor:

Mr. Bish said that all of the items he will discuss are for executive session.

Township Engineer:

Autumn Woods Landslide—Mr. Petroccia said that the Autumn Woods remediation had been going well. The stormwater pipe was completed on November 11. They started the sanitary pipe installation on November 25 and expect to finish it this Friday. They remain about a month behind schedule and the wet weather continues to be a problem with that slope. In putting in the new sanitary line the Moon Township Municipal Authority has requested a 10' wide bench over their sanitary line which wasn't included in the design. In order to do that we have had to adjust some of the top of the slope which is not a problem because of the hard rock. A meeting was held

yesterday with Pennsylvania Soil & Rock's geotechnical engineers who agreed with that. The contractor has also addressed one of his concerns. There is one piece of the original berm remaining up on the hillside. He was afraid it was going to slide down over the winter. During discussions, the contractor indicated he is going to cut and slope those high walls back and use that material to build a ramp and a raised loading area near the toe of the slope. This will help build a buttress at the toe of the slope to keep the toe of the slope from moving further toward Flaugherty Run. That is a good change to the overall construction schedule. Then Ms. Creese got a call this afternoon from Jim Chickini who told her that he did not get the bank loan that he thought that he had gotten several months ago. As a result, he has no money to pay his contractor. Mr. Petroccia said that he called the contractor and asked if he had been paid and they said that they had sent out two invoices for payment. He will be meeting with Jim Chickini on Friday to find out more about his financial status. Mr. Chickini is looking to the Township to make a claim on the bond to pay the contractor. Mr. Petroccia said that he does not feel the Township should be paying the contractor. This is a fairly serious issue with the contractor. Mr. Bish said that the only way the Township can place a claim on the financial security is if the developer is in default. It is his understanding that the developer is not in default of any of the agreements. Mr. Creese talked about her discussion with Mr. Chickini on the matter. There will be more information for the Board next week following Friday's meeting with Jim Chickini.

Safe Routes to School—Mr. Petroccia said that that this has not been a high priority. We need to get in touch with the landowners in the area of Brooks School, ask for the right-of-way and get an appraisal done of the land.

Foxwood Road Winter Maintenance—Mr. Petroccia said that this had been an issue last month but our solicitor convinced the developer to do winter maintenance themselves this winter.

Mooncrest Community Center Building Addition—Mr. Petroccia said that this project is under contract. Our Public Works Department did a good job in fixing the sanitary sewer line from the existing bathroom under where the new addition is going to be and creating a new lateral for the new bathroom. The contractor will start putting in the footer tomorrow. Block will be put in next week. Hopefully the weather will hold so that construction can proceed over the winter.

Sonoma Ridge Phase V—Mr. Petroccia said that this also went very well. They had three construction crews working simultaneously over the last four weeks to get the Phase V three roads completed and paved. The only thing that needs to be completed is the sealing of the cracks along the curbs and inlets. If the weather is favorable, that should be completed very soon.

Beaver Grade Road/Thorn Run Road Traffic Signal and Sidewalks—Mr. Petroccia said that he contacted Trans Associates to inquire where the plans and specifications were for the traffic signal. They were received at the end of October. He put together the bid document which is available for review by the Board and the Public Works Department. As soon as the comments are received in December, we can go out to bid in January. This will allow for left-turn signals in two directions on Beaver Grade Road and the installation of sidewalks. Mr. Eicher said that his recollection is that left-turn signals were to be installed in all four directions. Mr. Petroccia said that he would check into that.

Mr. Petroccia said that he went back out to the Polo Club site and met with their engineer and explained to the maintenance people at Polo Club how to drain the pond. He thought they were going to fix the sediment so that it did not plug up the lower edifice. But it is full of water again and they are not doing what they said they would do. We need to follow up on this matter. Mr. Bish said this would be discussed further in executive session.

Mr. Petroccia said that Mr. Bish made good progress with the new Sunridge developer's agreement.

Comments/questions from the Board:

Mr. Eicher asked about the Brodhead Road trailer park. He said some of those trailers are in deplorable condition. Some of the trailers have been demolished and some are in the process of being demolished. Those trailers that are occupied must be living in a rodent-infested environment. He asked what can be done about this. If a trailer is removed, can another trailer be put in? Mr. Bish explained that as long as the property is being leased and intended to be used as a trailer park, they have a non-conforming use. Until the property owner takes action to discontinue the use as a trailer park he has the non-conforming use right. Ms. Creese said that we have an enforcement action with the owner and an agreement is in place. The owner is attempting to comply but is in bad health. She gets frequent calls and emails about the condition of the property. She will contact the owner about trying to make better progress.

Mr. Gribben said that he came in from the airport this evening and as he went by that site he noticed smoke billowing from a pipe at one of the trailers. Ms. Creese said that a wood stove has been installed. While it may not be the safest thing, it is probably not illegal. She will check into it further.

Ms. Creese said that for the Board's and Supervisor-elect John Hertzler's information another area that receives frequent complaints is the auto salvage business on Flaugherty Run Road. That, too, is grandfathered.

There being no further business before the Board, the meeting adjourned 8:35 p.m.

Respectfully submitted,

Janet L. Sieracki