

MINUTES

The Special/Workshop Meeting of the Moon Township Board of Supervisors was called to order at 5:30 p.m. with the Pledge of Allegiance to the Flag, Chairman Tim McLaughlin presiding. Supervisors present: Tim McLaughlin, Jim Vitale, Marvin Eicher, and Frank Sinatra. Also present: Jeanne Creese, Adam McGurk, Jeff Ziegler, Michael Santicola, Garen Fideles, Jerry Telin of Duquesne Light and Tom Arnold.

The Board commenced discussions in preparation for the 2011 Reorganization Meeting scheduled for January 3, 2011. A discussion ensued on possible candidates to fill vacancies on the various Township boards, commissions and agencies with final appointments being made at the Reorganization Meeting.

Following this discussion, Mr. McLaughlin called for a motion to go into executive session to discuss personnel and litigation matters.

Upon returning to open session, Mr. McLaughlin called to order the Workshop Meeting of December 8, 2010 at 7:00 p.m. All Supervisors were present.

Mr. McLaughlin recognized the representative from Duquesne Light Company. Mr. Jerry Telin said that Duquesne Light is proposing to run a pole line from Flaugherty Run Road up Foxwood Road to provide service to a new development. They are proposing to extend their overhead facilities from Flaugherty Run Road to the entrance of the plan. Duquesne Light is seeking approval to do that. Mr. McGurk said that last month the Board asked if Duquesne Light could bring the line in from the top of the plan as opposed to up from Flaugherty Run Road. Mr. Telin explained the reason they chose not to do that. He said that there is not sufficient capacity to service that development from Moon Clinton Road. Duquesne Light is a regulated utility that must provide service at the least cost for all rate-payers. It would also be quite costly to provide service from Moon Clinton Road. Mr. McLaughlin asked if the line could be installed underground. Mr. Petroccia said that his preference would be the installation of poles. The reason is that for an underground installation they would have to trench through rock. That road is on a very steep slope. From a geotechnical point of view, he would prefer to see poles on the steep slope. The width of the road has already been reduced because of this steep slope. In addition, four of their poles could be used for street lights. To come up from Flaugherty Run Road, they would use nine poles. To come down from Moon Clinton Road, they would have to use at least 20 poles which would cost twice as much. It would also necessitate additional transformers. Mr. McLaughlin asked if there were any cost estimates for this installation. Mr. Petroccia said that he did not have a cost estimate. Mr. Eicher said that this is a bad area anyway as far as soils are concerned. A discussion ensued on both the installation of poles and/or placement of an underground line. The Board said they understand that cost is a consideration, but safety is also a consideration not only for the poles but also the above-ground boxes that are required as part of the underground line. Mr. Telin said that as a regulated utility, Duquesne Light is obligated to extend the facilities from the shortest point in the most cost-effective manner. If it is going to be above and beyond that, somebody needs to pay for that and it shouldn't be the rate-payers. Mr. Eicher asked if it weren't for the hillside, would Duquesne Light install the line underground. Mr. Telin said no. It is an overhead area. Their procedure is to continue to build overhead. Underground is installed in developments over five homes as is required; but poles are run to the development. Mr. Telin said that he understands the Board's concerns about landslides. They did have someone who walked the site before they put the design together. Mr. Petroccia said that we really should look at the geotechnical borings and walk the site to see what we have. Mr. McGurk asked, for the sake of time, if the Board wanted

to give authorization this evening to install above-ground utilities contingent upon the walk-through and approval by the Township Engineer. The Board has done this in the past with other technical issues. Mr. Vitale said he thought that was a good idea because the Board cannot really do an evaluation of the request until some of these questions are answered. Mr. Eicher asked if Duquesne Light would provide a letter stating that they would be agreeable to this once the geotechnical report is evaluated and the walk-through done. Mr. Telin said that Duquesne Light does not do soils evaluations so they would not be able provide such a letter. However, Mr. Petroccia has not yet checked the geotechnical report but would do so. Mr. Petroccia said that he would also like Duquesne Light to come out with him to look at the site. Mr. Telin said that he would be happy to do so.

Mr. McLaughlin called for a motion to approve the above-ground utilities for Foxwood Knolls per Duquesne Light's waiver request in a manner acceptable to the Township Engineer. Motion made by Mr. Sinatra, seconded by Mr. Gribben. All Supervisors voting yes, motion carried. Mr. Telin thanked the Board and left the meeting.

Mr. McLaughlin said that the Board met in executive session to discuss personnel and matters of litigation on December 1, 2010 and December 8, 2010.

Public Comments on Agenda Action Items:

(There were none.)

General Comments from the Public:

(There were none.)

Action Items:

- Mr. McLaughlin called for a motion to adopt Resolution R-20-2010 to establish a real estate tax rate of 3.08 mills for general purposes for the Township of Moon in 2011 and establish a real estate tax rate of 0.20 mills to purchase and maintain fire apparatus, fire houses and provide fire training for the Township of Moon in 2011 as recommended by the Township Manager. Motion made by Mr. Vitale, seconded by Mr. Sinatra. Ms. Creese said that she and Lisa Lapaglia will talk about the budget. We made one or two minor changes before the Board adopts the final budget. Ms. Lapaglia gave the Board a summary sheet. The Capital Reserve Transfer amount was increased by \$25,000. This was increased based on the bids that Mr. McGurk received for the comprehensive plan. We added \$10,000 to the Local Services Tax fund. This was added to include the purchase of calcium chloride in addition to salt. It does not affect the general fund, only the Local Services Tax fund. Otherwise, the budget that is currently before the Board is identical to the preliminary budget that the Board has approved. All Supervisors voting yes, motion carried. Mr. Eicher said that he wanted to make one comment. He wanted to make sure that the tax collector added together the two millage figures, the 3.08 and 0.20 mills for a total millage of 3.28 mills. Ms. Creese said that the staff has very good communication with our current real estate tax collector.
- Mr. McLaughlin called for a motion to adopt Resolution R-21-2010 to approve the Moon Township Municipal Budget for 2011 as recommended by the Township

Manager. Motion made by Mr. Vitale, seconded by Mr. Sinatra. All Supervisors voting yes, motion carried.

- Ms. Creese said that we wanted to add one more action item before moving on to the discussion items. At last month's workshop meeting, we talked about the winter maintenance program and the recommendation to amend the PennDOT agreement to add the section of Moon Clinton Road. After checking the minutes, the Board discussed this matter but did not vote on it. Therefore, staff would like the Board to make a motion to amend the 2010-2011 PennDOT winter maintenance agreement to include that portion of Moon Clinton Road from Becks Run Road to University Boulevard. Motion made by Mr. Sinatra, seconded by Mr. Eicher. All Supervisors voting yes, motion carried.

Discussion Items

1. Parks – Mr. Petroccia said that the tennis court repair was the last remaining punch list item. They did the concrete work properly. Mr. Liberoni said that he was sending someone to mortar the surface smooth and paint on the sealer coat. When he went out there, the surface was not smooth but the sealer coat was painted on. Dana Kasler took pictures of the repairs. One pole repair was not as bad as the other, but it was a sloppy job. However, he does not feel that the poles will move. There is a crack that has developed by the fence line and Mr. Petroccia said that he would like to hold some of the retainer for the spring to see if anything else happens at the tennis courts. There are still some fixes that need to be made to the tennis courts but those fixes can't be done until spring when the weather warms up.
2. Planning Items:
 - Preliminary/Final Major Land Development Plan, Moon Township Auto Body Addition – Mr. McGurk said that the Township received a land development plan for an addition to Moon Township Auto Body on University Boulevard. The addition is about 6,300 square feet. It is located in the University Boulevard overlay district and they will have to comply with those requirements. It is being reviewed now and it will be before the Planning Commission on December 21. There are quite a few deficiencies to the plan so Mr. McGurk said that he does not believe the Planning Commission will be taking any action at their meeting. The plan may not be before the Board of Supervisors until February. We have had downstream issues with stormwater in that area so Baker is going to check their existing stormwater facility to make sure it is working properly. It is existing impervious area so the stormwater should be handled by their facility. Mr. Petroccia said that Baker will have an inspector there tomorrow.
 - 2010 Comprehensive Plan Update – Mr. McGurk said that he received seven proposals with a wide range of prices. He is starting the review of the scope of work. He will be putting together a matrix with a list of the seven criteria that was put into the RFP with a brief description of how each proposer meets that requirement. Copies of the proposals were also submitted to the Board of Supervisors for their review. His goal is to have a summary prepared in the next week or so for the Board. We can then discuss how the Board wants to proceed. After discussion with the Board, we can then develop a short-list of firms to be interviewed by the Board. That

should occur in early January. Hopefully, we will have a recommendation by early February. Mr. McGurk said that we received the transportation proposal from Trans Associates for \$22,500. This is just for the transportation component of the comprehensive plan. It does not include a traffic review because they stated that the Township and the Moon Transportation Authority already does a tremendous amount of traffic planning. So Trans would look at pedestrians, bicycles and the transit service. He told Trans that cost seemed somewhat high for the scope of work that they are proposing considering both the cutbacks that the Port Authority has made as well as the fact that the Township already has a Sidewalks and Trails Master Plan in place. Trans will put together a proposal that gives options of what they can study and how much it would cost. The Board could then make the final determination. The last thing about the comprehensive plan is the establishment of a comprehensive plan committee. Last month the Board decided that we should have a representative from each of our advisory boards on the committee. Those boards include the Parks Board, the Municipal Authority, Moon Transportation Authority, MCA-TV, Library, a member from the Planning Commission, EAC, HARB and possibly a Supervisor. Other entities that could be considered are the Airport Authority, RMU, one or two developers, one or two residents, the school district and the Chamber of Commerce. That would total 17 people. The Zoning Hearing Board as a judicial body is not included and the Moon Industrial Development Authority is included. The Board discussed some possible names for inclusion on this committee.

Mr. Sinatra said that he received an email from Mr. Petroccia regarding the Lamar bus shelters, in particular the shelter at the entrance to Hunter's Run. He asked when residents would be given the opportunity to voice their opinions. Mr. McGurk said that we entered into an agreement with Lamar and he gave them guidelines on how and where to place the bus shelters, although specific locations were not specified (with the exception of the location at the park-and-ride lot). Lamar presented a draft list of locations to us. They gave us 60 days to review it. The list was forwarded to the Board and to Mr. Petroccia for an engineering review. We did not lose our ability to provide input into this, but we did lose some authority to have them change where they will be putting the shelters. We do have the right to ask them to change a shelter if there is a safety hazard with sight distance. We did approve the draft list last summer. The bus shelters will be school bus stop shelters, not all Port Authority shelters. The bus stops were confirmed with the Moon Area School District that they are all still active stops. Mr. Petroccia said that after his review of the possible location of a bus shelter at the entrance to Hunter's Run, it made sense to him to slide the shelter down 120 feet away from the Hunter's Run sign. Mr. Sinatra said that he received many emails from Hunter's Run residents and thinks we should give them an opportunity to attend a meeting to voice their views on this particular shelter. Mr. McGurk said that we can certainly ask Lamar to move the shelter, but to force them to move it is a legal question that he cannot answer. Ms. Creese said that the Board will have to address for staff if that if that issue is just going to be addressed for that particular neighborhood or address it as a public issue for all the stops that are in front of every plan. The board reviewed the list of all the proposed locations and has a contract with Lamar. If this matter is going to be revisited for all the locations, is the contract going to be breached? This is a legal question. Mr. Vitale said that at this point, we can let Lamar know that we have some concerns and let them know what those concerns are. Ms. Creese said that she wanted to make sure that the Board has a general policy and has looked at the contract. If we just move that one shelter for that particular neighborhood

and the next neighborhood that wants their proposed shelter moved, are we facing a breach of contract? The Board needs to decide universally whether or not they think these should go in front of neighborhoods. After discussion, Mr. McGurk said that he will contact the school district to verify that the school bus stop is still an active stop and will discuss with Lamar to see if they are agreeable to relocating it to a different location on Beaver Grade Road.

3. 2011 Township Newsletter – Ms. Creese said that Ms. McNamara will talk about the 2011 newsletter plan. We want to give the final decision and recommendation on the Township newsletter. Ms. McNamara passed around a few samples of the newsletter recommendation. The preferred example of a township newsletter is the Hometown Press newsletter. This option is both the most cost- and time-effective way to distribute a quarterly newsletter. It is both visually appealing and professional-looking. She explained why she and Ms. Creese are recommending Hometown Press to do a Township-wide newsletter. The only cost that the Township would incur is the mailing costs. Ms. McNamara said that In Community magazine is another magazine that typically partners with municipalities and school districts. Today, they are expecting to mail out a Moon Township edition. She has been in discussion with them and is not aware that they are partnering with the school district. It is a new publication that is out there, but felt that Hometown Press better meets the Township's needs. Ms. Creese said that this meets one of the goals of the Board. Moon Township appears in many publications but has no single identifying publication and the Hometown Press newsletter would accomplish that goal. This newsletter would be in addition to the electronic newsletter that is distributed.
4. Mooncrest Community Center Addition – Ms. Creese said that she wanted to give the Board an update on the status of the Mooncrest Community Center addition. As discussed with the Board during the latter part of the year, Sister Rene approached the Planning and Zoning Department earlier this year that she felt that she needed an addition to the Mooncrest Community Center. Her programs were outgrowing the building. She met with Dave Meinert about the permitting and structural issues. We told her she would have to do some fund-raising because the Township would not be able to afford this. She came back to us with some substantial contributions stating that she received a foundation grant for a medical clinic with naming rights. Sister Rene said that she has approximately \$100,000 which should pay for a major portion of the construction. The Township's portion is that we would do the foundation construction for her. Ms. Creese said that she received a call from the accountant for the Felician Sisters' parent organization in Chicago. The question from them is that if Moon Township is going to be able to accept this grant money from these foundations or if Moon Township has a nonprofit status. His concern was that the Felician Sisters would be accepting money for an addition to a building that they do not own as well as have associated insurance issues. Ms. Creese told him that Moon Township does not have nonprofit status as we are not a foundation. However, we can accept donations as evidenced by the Parks Department. The accountant wants a letter from the Township confirming that we are willing to accept this grant money. But as she informed Sister Rene she needs more information from these foundations because many times, there are restrictions on these foundations that the money cannot go to a government. A question and discussion that has come up is whether or not the Township really wants the building at all. If the best arrangement is to have Felician Sisters take the building, would that be something that the Board would be amenable to discussing. The Township does not operate anything in that building, other than do maintenance, upkeep and pay for insurance. Mr.

Vitale asked if the Township could offer the Felician Sisters a 99 year lease. Ms. Creese said that is one option that can be explored. Sister Rene asked if she could just take this money and start building. Ms. Creese said that she informed her that this would be an addition to a public building. As a result, it would have to have bid specifications and go out to bid. There is no way around that requirement. Mr. Eicher asked if there is a problem with us deeding her the building with a deed restriction similar to the one the Township has with the school district for the Carnot garage. The Township could sign a cooperation agreement with the Felician Sister. Mr. Santicola said that could also be an option. After discussion, the Board felt that the Township should continue to work with the Felician Sisters to come to a mutually agreeable arrangement.

Ms. Creese said that she forwarded to the Board an email she received from Dana Kasler with current information on the waterfront park project and his recommendation for a committee and scope of work. She asked the Board to review this information and get their comments to Dana Kasler by December 15. Mr. Eicher suggested that Ron Potter be a part of the committee and Mr. McLaughlin recommended that Roy Kraynyk be included.

Ms. Creese said that we went to a breakfast meeting with Robert Morris University. It was well attended. Mr. Vitale said that RMU is looking for cooperation and working with the Township in various areas. They seem motivated to do that because of their capital expansion program. Ms. Creese said that they are continuing their effort to expand their campus and become more of a university community. We also talked to them about our plans for University Boulevard. They have some concerns about the types of businesses that will be located there and how our planning process works. She talked to them about the comprehensive planning process. Mr. McGurk will reach out to them early in the process. They seem to have an internal disconnect about the fact that normally a university would be contributing to the municipality in terms of traffic planning. Because of their planned expansion, their intersection with University Boulevard is going to have to change and we cannot do that alone; they will have to partner in it. They understand how that corridor impacts the university. She suggested to Dr. Dell'Omo that he meet with the Board of Supervisors sometime after the first of the year. But it was a very good meeting and the meetings are vital in keeping each other informed. Mr. Gribben asked the status of the new signs that were approved by the Board of Supervisors. Mr. McGurk said that the university has to receive PennDOT approval since the signs will be in the PennDOT right of way.

Mr. McGurk said that in the early part of 2011, the Board will hear a presentation from the Airport Authority on their master plan that they are updating. It is for the non-aviation development. The Board will also hear a presentation on the commissary that will be built. The final design plans will show what the site and the building will look like. They want to go out to bid in the spring and start work in the summer. They do not have to comply with our zoning but they tried to do so.

Township Solicitor

1. Elmhurst/Whispering Woods Stormwater Detention Pond/Maintenance Bond Release Request – Mr. Santicola said that the Township entered into an agreement to accept \$5,000 for a \$4,000 bond and take over the pond ourselves. The check was received and forwarded to Mr. McGurk. They accepted a letter written by Mr. McGurk confirming

that the issue has been taken care of. The pond is working and operating pursuant to Mr. Petroccia's analysis.

2. Ordinance Codification – Mr. Santicola said that there is nothing new on this matter.
3. Moon First/Walmart – Mr. Santicola said that he has nothing new to report on this issue either.

Township Engineer

1. Woodlands at Trout Run Stormwater Basin – Mr. Petroccia said he had promised Mr. Spagnol to reinspect the stormwater pond, which he did after a 3" rainfall. That pond had nearly completely drained itself. From an engineering point of view, it is operating as it was designed. Most of the water was coming out of end wall from the development, running into a channel and out the outlet structure. The only thing he could recommend doing at this point is a small dye test. He is recommending that the Supervisors not do anything else to the pond. The inspection report was sent to Mr. Spagnol.
2. Moon Park Phase I Project – This matter has already been discussed.
3. Foxwood Knolls Duquesne Light Waiver Request – This matter has been discussed.
4. Polo Club Stormwater Basin Remediation – Mr. Petroccia said that he was at the site after the 3" rainfall and it was still full. He saw where the contractor had attempted to drive down the wetlands and remove the 24" conduit that was 200' from the basin's embankment. He removed that and left some very deep tracks. He cut a bench along the toe of the slope on the Polo Club side and put in the drainage pipe and manholes. The basin is dry today and operates as designed. The contractor has a proposal to remove the sediment in the basin that has collected over the years. He is there on site with his equipment and can do the work for \$28,000. That information was given to Mr. Petroccia as well as the school district. Mr. Petroccia said that he does not know who should give it to the Polo Club—probably the school district's attorney. The removal of the sediment is the last piece of the fix.
5. Autumn Woods Landslide – Mr. Petroccia said that he also inspected that landslide after the rainfall and it was very messy. The water from the development is rushing down the hill and formed a delta where it comes out on the flat part behind the silt fence and discharges into the creek. We definitely need to keep pushing the DEP and the developer to get that fixed. At the top, the high wall is continuing to collapse. It looks like over this winter the portion of the stormwater pipe that is underground will collapse and the water will continue down the landslide. The inspection report is in the Board's packet this evening. There is ponding at the top and the landslide is saturated. So far, their temporary stormwater pipe around the landslide is holding. At the toe of the slope the landslide is into the creek. It doesn't take any more movement and we will be in serious trouble there. It is a serious concern and he will send his report to the DEP, the developer and his consultant. He will continue to push them to remedy this situation. Mr. Sinatra asked if there are any safety issues with this problem. Mr. Petroccia said that they have installed construction fence around it and posted signs to keep people out. To the extent that they can, they have addressed the safety issues. The DEP is the agency for enforcement action. An enforcement order and fine should be forthcoming. Mr.

Santicola said that the DEP is supposed to be protecting the Township's interest so it is not something that the Board should be directing him to address. But when the landslide hits the creek, it becomes DEP's problem. Mr. Petroccia said then he will call the DEP's hotline of an environmental emergency. But in all likelihood it will be the Township's equipment that will have to clear a path through the stream so the water does not go over the road and wash out the road. Ms. Creese said should that occur, the municipality would respond and remediate the damage. Then Township would then attempt to recoup the cost from the developer. There are varying degrees to when the DEP would step in and attempt to assist the municipality. She just wanted to warn the Board that expenses may be incurred. It falls on the local jurisdiction to handle the emergency initially. Mr. Eicher said that he understands that there are no more building permits being issued for that development. Mr. McGurk said that they were approved for three building permits; two were issued. They went forward with one house.

6. PennDOT Changes to Stormwater Policy – Mr. Petroccia said that he made a call to PennDOT on their changes to their stormwater policy but has not gotten a response. He will be following up with them and will be reporting back to the Board at the next workshop meeting. Mr. McGurk said that he has talked to a few of the developers and they understand the situation that the Township is in.

There being no further business before the Board, the meeting adjourned at 9:20 p.m.

Respectfully submitted,

Janet L. Sieracki
Assistant Municipal Secretary