

## **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, Dana Kasler, Lisa Lapaglia, Meghan McNamara, Supervisor-elect John Hertzler, Tim Bish, Mal Petroccia, Lynn Foltz, Scott Frasier, John Love, and Sam Mancini.

**Public Comments on Agenda Action Items:** (There were none.)

**General Comments from the Public:** (There were none.)

### **Action Items:**

1. Mr. Vitale called for a motion to adopt Resolution R-17-2011 to establish a real estate tax rate of 3.08 mills for general purposes for the Township of Moon in 2012 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 2012 as recommended by the Township Manager. Motion made by Mr. Gribben, seconded by Mr. Eicher. All Supervisors present voting yes, motion carried 4-0.
2. Mr. Vitale called for a motion to adopt Resolution R-18-2011 to approve the Moon Township Municipal Budget for 2012 as recommended by the Township Manager. Motion made by Dr. Mills, seconded by Mr. Eicher. Ms. Lapaglia said that two items have changed. The first item changed is that she changed the debt service to reflect the numbers based on the 2012 bond issue. It is a decrease of \$6,400 for next year's budget. She also had to add an item on the capital reserve allocation for the library. So the capital reserve transfer is \$20,000 more than it was shown in the preliminary budget. All Supervisors present voting yes, motion carried 4-0.
3. Mr. Vitale called for a motion authorizing a professional services contract with Clio Consulting as a Cultural Consultant for the HARB / Mooncrest National Register of Historic Places project in an amount not to exceed \$22,000.00. Motion made by Mr. Gribben, seconded by Dr. Mills. Ms. Creese said that this is part of the grant that was applied for and received by the Historical Architectural Review Board (HARB) in cooperation with Robert Morris University. This portion of the grant involves having a consultant write a community outreach program that will be used by the Moon Area School District in their curriculum. It will discuss the history of Mooncrest, both the buildings and the cultural history of that neighborhood, for a variety of reasons. One of the reasons is to promote that important history and to promote a sense of community among the people that live there, particularly the school students. Some of the match for this grant includes in-kind services by both our staff and Robert Morris University. Mr. Eicher asked if there has been a commitment from the school district to use this in their curriculum. He is concerned that while this is a worthwhile effort that it would not be used. Ms. Creese said that she agrees but does not believe there has been a firm commitment yet. HARB in combination with Robert Morris will follow up with the school district administration to discuss this matter. Mr. Eicher said that if we find that the school district is not interested, do we still want to move

forward with this matter. Ms. Creese said that she believes so. There is potentially another school district(s) could utilize this as it is meant to be used regionally such as the Catholic schools and Cornell School District. There is also value to Sister Rene for use at the Mooncrest Community Center. All Supervisors present voting yes, motion carried.

**Discussion Items:**

**1. Planning Department:**

- a. PRD Revision – Mr. Lynn Foltz, developer of the Cimarron plan, said that he would like to give the Board an update of the status of the Cimarron project. He said that he and Mr. Frasier work jointly on the construction and development of the project. He showed the plans for the subsequent phases of Cimarron. There are only two lots remaining in Phase 1 and they have started to market Phase 2. The market had slowed so they came back to the Township with a revised PRD which made the lots smaller but longer. However, they have only sold one lot. But since they have redesigned the lots, they have sold six lots, with two more lots going through the approval process. About 18 months ago Pennsylvania said that all single- and multi-family homes shall have a sprinkler, or fire suppression, system installed. Per Mr. Petroccia's review letter, he said that Cimarron Phase 2 could forego the sprinkler system if they had 16' between structures. In the meantime, the state rescinded the sprinkler law. Mr. Foltz explained what had transpired and why he is making the waiver request. The Township staff is not opposed to the 10' side yard. Ms. Creese said that there are copies of emails from the Township staff that they are not opposed to the 10' setback with the understanding that this situation arose due to the change in the Statewide Building Code with regard to sprinklers. Now that the sprinkler requirement has been rescinded, both the Building Code Official and Fire Marshall concur with Mr. Foltz's request that it is not a good practice for the municipality to be requiring sprinkler systems or setbacks that conflict with the Statewide Building Code. The only condition that the Building Code Official and Fire Marshall are noting is that the minimum 10' building setback has to be completely unobstructed by chimneys, roof overhangs, bay windows, etc. and not encroach on that 10' setback. That distinction is important for Fire Department access. Those comments are included in the Board's packets. Ms. Creese said that this change will not occur tonight; a public hearing will have to be held. The public hearing can be scheduled for the Tuesday, January 3, 2012 regular meeting. We do not normally schedule public hearings at the reorganization meeting but we have potential homeowners with issues pending so this is being done as expeditiously as possible. Mr. Eicher said that he believes the Township's PRD section of the zoning ordinance requirement of a 16' setback precedes the Statewide Building Code requirement for sprinklers. We should look at our ordinance to see if it should be corrected. Mr. Bish said that Township zoning ordinance PRD restriction is for 16' for anything or if a developer wants less than 16' the buildings must be sprinklered. The waiver request is for modification from the requirement in the zoning ordinance PRD regulations. A change to the Township zoning ordinance can be made as a part of the new codification whenever it is adopted. The Board was agreeable to having the public hearing at the regular meeting of January 3, 2012. Mr. Foltz and Mr. Frasier thanked the Board and left the meeting.

- b. Foxwood Knolls—Ms. Creese said that we have another proposed amendment to a PRD, which is relatively minor. Foxwood Knolls is requesting to change a rear perimeter setback. Mr. Petroccia said that within the PRD itself the rear setbacks are 25' but around the perimeter they are 50', separating the property of Foxwood Knolls from the adjacent property owners. They appeared at the Planning Commission meeting in November. However, the Foxwood Knolls developer did not approach the adjacent property owner to obtain their permission to encroach into that bufferyard. The Planning Commission requested that they do so. They need to return to the Planning Commission at their January meeting. If they do so, they asked if we could potentially have their PRD hearing in February. Assuming that they come back with that permission, we will have the public hearing in February. Copies of the plan will be given to the Board prior to that meeting.

2. **Parks Department:**

- a. Bon Meade Playlot—Mr. Kasler said that the Bon Meade Playlot Committee came to the Board at a previous meeting. He gave a memo to Ms. Creese and the Board outlining where they are with their fundraising efforts, which have been phenomenal. Included with the memo is an estimate from their playground provider. This would be used for equipment at the Meade Drive playlot. Some the equipment at the Loch Shin Drive playlot has been rehabilitated. We do need accessible new equipment at the Meade Drive playlot. All of the playground equipment providers are on state contract. The committee and staff picked out the equipment. Mr. Eicher asked how the equipment would be installed. Mr. Kasler said that it would be installed by the staff with assistance from the neighborhood group. The equipment will be delivered in the spring. The funds will be taken from the Parks Department capital reserve account. The only thing not included in the quote is the rubberized surfacing. Mr. Kasler said that he needs approval from the Board of this price which is effective through December 16. It is a 2011 budget item so it would be easier to take action on this matter this evening rather than in January. Motion made by Mr. Eicher to approve the amount of \$24,000 from the capital budget for this purpose. The motion was seconded by Dr. Mills. All Supervisors present voting yes, motion carried 4-0. Ms. Creese said that as noted in Mr. Kasler's memo, she wanted to ask the Board to recognize the volunteers and residents who spearheaded this effort as well as the cooperative efforts of the Assistant Parks Director Lance Welliver. This project is a very good example of what happens when the residents and Township staff work together on a project. Many of our Township departments, particularly the Fire Department, work with volunteers. Many of the things that happen here could not be accomplished without the efforts of the residents. With the Board's approval recognition will be made at the upcoming regular meeting. The Board thought that was a good idea.

3. **Finance Department:** Ms. Lapaglia said that the Finance Department will be printing checks and dated for the end of the year that the Board can sign at their regular meeting in January. Mr. Vitale thanked Ms. Lapaglia for all the work she did on the budget. Since he has been on the Board, this has been the most seamless process of getting it approved.

Ms. Creese said that the Township received a petition and request for a traffic-calming device from a resident, per the Township's traffic-calming ordinance. A copy of the

request is in the Board's packet. The request was submitted by Mr. Kraynyk and the Board is familiar with the location. He has appeared before the Board to talk about the impact from the Foxwood Knolls development on his father's home. The request was submitted to the Township's traffic engineer to see if that area complies with the first step outlined in the ordinance. To date, she has nothing new to report but wanted to alert the Board that the petition has been received by the Township. She also provided to the Board for their information a copy of the traffic-calming ordinance and a history of the complaint. A follow-up report will be given to the Board in January.

4. **Review for 2012 Reorganization Meeting:** The Board discussed the appointments to be made at the upcoming 2012 reorganization meeting on January 3, 2012. Ms. Creese said that a draft of the reorganization meeting agenda is in the Board's packet, which she went over with the Board. She said that last year the staff made a recommendation that the Board consider a change to the geotechnical engineer. The administration is going to renew that request this year. We have a good relationship with the current geotechnical engineer. It is a local firm and we have worked with that firm for a long time. However, there have been some recent large projects that may have been beyond their scope to handle and we may want to consider a larger firm. If the Board is concerned with severing the relationship with this local firm, we can consider which firm to use on a case-by-case basis. She will show the Board several examples of what the concern is prior to the reorganization meeting. Staff feels very comfortable using the current firm on smaller residential work. For the advisory board appointments, the Board has a list of the various people who have applied for appointment that can be discussed in executive session as advised by the solicitor. The last section of the agenda is appointment to the various intergovernmental bodies, which are Board and/or staff appointments. The Board will need to consider representatives and alternates to the SHACOG, the Allegheny County Association of Township Officials and a voting delegate to the Pennsylvania State Association of Township Supervisors. The PSATS delegate usually attends the state convention and has traditionally been the manager. The Board also received copies of the usual resolutions, R-1 through R-7, for their review. The R-4 was discussed with Steve Korbel of Babst Calland during discussions of the updated personnel manual. This will be the last year that the R-4 will be used, per the recommendation of Steve Korbel. It has been greatly reduced from prior years. Mr. Eicher said that he is concerned about changes in the R-4 other than wages that people are paid and as a Supervisor, he is not apprised of those changes. He is concerned about voting for something that he was not aware existed. Ms. Creese said that there have been no changes to either the granting or removal of any benefits to employees included in the R-4. The R-4 has been reviewed by the solicitor. There were significant changes to the R-4-2011. There were considerable deletions from that resolution where things were redundant. The wage rate increases are listed in the R-4-2012 and listed at 2.5 percent. The R-7 is a list of all the Township fees. There is a section in that ordinance that may be inaccurate. She believes that the section that references the fee for research services and fee for document requests may no longer be legal as it no longer complies with the Open Records Act. She asked the solicitor to review that section which he said that he would do. Mr. Eicher questioned the escrow language in that resolution and wanted to make sure that the escrow amounts were sufficient and clearly stated. Ms. Creese said that she would check that as well.

Ms. Creese asked the Board their views about the wooden identification sign in front of the municipal building and if they wanted to make any changes to that signage. One suggestion is to remove the sign and have the Supervisors' names put on the outside door of the municipal building or the meeting room glass using decals. At one point, there were also photographs of the Board members on display in this meeting room. She asked if the Board wanted to continue that practice. After discussion, the Board felt that the photograph was unnecessary and a more modern sign showing the Board's names in a decal would be preferable to the brown wooden sign out front.

Ms. Creese said that a request was received from the Local Government Academy. The LGA has a Leadership Circle that they ask municipalities to sponsor. They have three levels of sponsorship—a \$100 sponsor, a \$250 sponsor and a \$500 sponsor. The Board directed sponsorship at the \$250 level.

**Township Solicitor:**

Mr. Bish said that he wanted to give the Board an update on the County-wide reassessment. As the Board may have seen in the newspaper, there was a status conference before Judge Wettick, who is handling the litigation and the orders that require the County-wide reassessment. He has finally acknowledged that there is an issue or problem with the reassessment figures coming in 2012 and the impact to municipalities on not being able to issue tax bills on their normal deadline since the reassessment values have been delayed. Now it is up in the air when the Township will receive its assessed values for 2012. Everyone hopes that tax bills will be able to go out in the second quarter of the year. But this project is taking longer than anyone had expected. The Judge has given the City of Pittsburgh and Mount Oliver preferential treatment so that they could issue their tax bills by the end of December for residential properties and the beginning of January for commercial properties. Allegheny County has appealed the Judge's order which gives the City of Pittsburgh preferential treatment. That appeal will go before Commonwealth Court and potentially the PA Supreme Court. The Judge has refused to issue a stay of the County-wide reassessment while those appeals are proceeding. The Judge had a status conference with the suburban solicitors to discuss what the potential relief could be to assist municipalities that are looking at financial issues with the delay in the reassessment values and the delay in mailing out their tax bills. The Judge would allow municipalities, if they want to, to send out two tax bills in 2012. The first bill could be 50 percent of the property tax bill utilizing the 2011 reassessment and the 2012 millage rate. The second bill could be using the 2012 reassessment, or basically the difference. There is concern among municipalities with that proposal. The Judge is adamant that the 2012 assessment be used whenever they come out. The mailing of the two tax bills would be voluntary to municipalities. Mr. Bish said that he would keep the Board updated as things develop. The Judge has also given municipalities the ability to reopen their budget and tax ordinance at such time when the reassessments come out. There is a windfall provision that states that a municipality cannot take more than 105 percent of the prior year's revenue. Mr. Eicher asked about the appeals and how they would be handled. Mr. Bish said his recommendation is to set up some type of escrow as the appeals will not likely be concluded for years. Whenever the new values come out and the Township sets its new millage rate, the anti-windfall statute provision requires that the Township has to take two votes. The first vote is Township will have to vote to set it at the 100 percent value of the prior year's revenue.

The second vote would be if the Township wants to exceed 100 percent and go to something between 100 percent and 105 percent.

**Township Engineer:**

**Autumn Woods Landslide**—Mr. Petroccia said that he and Ms. Creese met with Jim Chickini and a representative from Dollar Bank. Mr. Chickini said that he didn't have enough money to finish the project to remediate the landslide and asked the Township to make a claim against the bond and take over the project somehow. They told him that the Township was not going to do that. In the end they gave him two options to continue to fund the project. The first option is to obtain a short-term bridge loan from Dollar Bank and the other option is to pre-sell his existing vacant lots even though he doesn't have building permits for those lots. He was going to see what he could do about raising money. Mr. Chickini also told them that he turned down a \$700,000 settlement offer in the litigation he has against the geotechnical engineer and their insurance company. He may reach a settlement before the litigation goes to trial or it will go to trial in January so he should be receiving at least that amount to complete the project. He never came back to the Township so that is a good sign. Work continues on the site. It is about a month behind schedule and should be completed by June 1.

**Sonoma Ridge Road Dedication**—Mr. Petroccia said that a letter was received from the developer of Sonoma Ridge requesting the dedication of one of the roads in Phase 4, Penfolds Place. He did the inspection earlier this week. The only outstanding item is receipt of a videotape of the storm sewer. Mr. Petroccia said that he is in the process of writing a letter recommending the road dedication. A motion will be on the Board's regular meeting agenda of January 3, 2012. There will also be a motion recommending a bond reduction for that same phase.

**AutoZone Revised Plan**—Mr. Petroccia said that AutoZone has come in with a revised plan which removes the third driveway. The site is located on University Boulevard across from RMU. They have two main entrances off University Boulevard and a third entrance from the back to the shopping plaza. They want to remove the access from the rear of the lot and remove five parking spaces. That will allow them to reduce the size of their retaining wall. This is because the cost of the retaining wall is making it economically unfeasible to build on that lot right now. Mr. Bish is recommending that they go through the entire Planning review process again. We would like to do that as expeditiously as possible. The Planning Commission will be meeting on January 24 and the plan will come before the Board of Supervisors on January 25 for their review and approval. By removing the five parking spaces and altering the retaining wall, it will give more space for truck movement into and out of the loading dock.

**Polo Club Stormwater Management**—Mr. Petroccia said that he thought that we had resolved this by bypassing the sediment below the stormwater pond. In response to a request from the Polo Club's engineer, a stormwater management report was found that provides design calculations for the outlet structure, which is just a concrete box with three holes in the side of it. None of the three holes match the sizes that are in the stormwater management report calculations. Mr. Petroccia said that he has not gotten any further in his research than that. He will continue to look into this matter. There are no design drawings showing what the contractor was told to build.

**Public Comments:**

Mr. Sam Mancini asked if anything has been done regarding the parking problem he brought to the Board's attention on November 30 on Ridge Road. Ms. Creese said that there is a report that the Board has been given by the Moon Township Police Captain. Per the Board's request in an attempt to resolve the issue, the Township prepared a survey that was sent to the residents in the four homes on the street. The report gives the results of the survey. Two of the four homes on the street did not want a 2 AM to 4 AM parking restriction and the other two want a more restrictive parking regulation. Clearly, there is no consensus of the residents. A discussion ensued of the parking situation on Ridge Road. Mr. Mancini said that he is still interested in sitting down at a meeting with all the affected parties to try to resolve his situation. Ms. Creese said that if the street is impassable, residents should call the police and the vehicle will be moved.

There being no further regular business before the Board, the Board went into executive session at 8:10 p.m.

Respectfully submitted,

Janet L. Sieracki  
Assistant Municipal Secretary