

MINUTES

The Workshop/Final Budget Adoption Meeting of the Moon Township Board of Supervisors was called to order at 7:00 p.m. with the Pledge of Allegiance to the Flag, Chairman Tim McLaughlin presiding. Supervisors present: Tim McLaughlin, Jim Vitale, Frank Sinatra, Craig Swen and Marvin Eicher. Also present: Jeanne Creese, Adam McGurk, Lisa Lapaglia, Mike Santicola, Colleen Kartychak, Mal Petroccia and Peggy Flasiak.

Public Comments on Agenda Action Items:

(There were none.)

General Comments from the Public:

Peggy Flasiak of 162 Rosemont Drive said that she has a problem with a neighbor who lives next door to her who has been feeding wild cats and it has become a nuisance. Ms. Flasiak said that she has called Allegheny County as well as the Township office to try to get the neighbor to stop feeding these cats. The cats have been damaging her garden. She feels that she is not getting any help from anyone to try to resolve this problem and she is asking for help from the Board to try to get rid of these cats. She obtained a copy of an ordinance from West View who has an ordinance with regard to cats. Mr. McLaughlin said that he has cats in his neighborhood, but they are pets. Ms. Flasiak asked if an ordinance similar to that of West View can be enacted in Moon Township. Mr. McLaughlin said that it could, but there are many things that have to be taken into consideration. The Board has to come to a consensus that whatever decision is made is in the best interest for all residents. The Board will look into the matter. Ms. Creese said that there is information in the Board's packets from the Police Chief as well as a copy of the West View ordinance for the Board's review. This is a common complaint and also common to other municipalities. There are, unfortunately, two sides to the problem. Cats are not regulated by the State the way that dogs are. You get into problems when, as a municipal government, you attempt to do certain things with cats only. You are going to need some legal help with this matter before you attempt to enact an ordinance as there are two sides to this issue. There are animal rights activists that would challenge such an ordinance. One of the other suggestions she has gotten from one of her attorneys in another municipality where they tried to regulate the problem was to have it address animals in general, not just cats. It is unfortunate, but it is more difficult to regulate than one would think. After discussion, the Board said they would look into the matter further. Ms. Flasiak said that she would appreciate any help that the Township can provide. She does think that we have an outstanding police force who is trying to help her. She thanked the Board and left the meeting.

Action Items:

Mr. McLaughlin called for a motion to adopt Resolution R-21-2009 to establish a real estate tax rate of 3.08 mills for general purposes for the Township of Moon in 2010 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 2010 as recommended by the Township Manager. Motion made by Mr. Sinatra, seconded by Mr. Vitale. All Supervisors voting yes, motion carried.

Mr. McLaughlin called for a motion to adopt Resolution R-22-2009 to approve the Moon Township Municipal Budget for 2010 as recommended by the Township Manager. Motion made by Mr. Sinatra, seconded by Mr. Swen. Ms. Creese said that before the Board votes there is one correction in the 2010 budget. Ms. Lapaglia said that there was an addition error made on the capital reserve budget. In the Fire Department, there is money that is being appropriated from the Local Services Tax and money that is appropriated from the 0.20 mills from the Fire Tax in the general fund. Those two numbers were represented originally as negative numbers same as they are currently in the report. But the other half of that was not appropriated anywhere, meaning that we did not allocate it to a specific item. Because of that, it appeared that in the general fund we were decreasing the allocation by \$211,000. On the summary page, the transfer to the capital reserve account has increased from \$1,131,735 to \$1,342,577. This means that instead of cutting into our carry forward amount that we talked about previously of \$511,000+ we are cutting into the carry forward by \$722,000. Mr. McLaughlin called for a roll call vote. Yes votes were cast by Mr. Swen, Mr. Vitale, Mr. Sinatra and Mr. McLaughlin. Mr. Eicher voted no. Motion carried.

Mr. McLaughlin called for a motion to approve the emergency replacement of heating/cooling unit HC-3 located on the southern wing of the Community Service Center roof as quoted by Wade Heating & Cooling and recommended by the Township Engineer. Motion made by Mr. Vitale, seconded by Mr. Sinatra. Mr. McLaughlin asked the total cost for this work. Ms. Creese said that the total is \$7,300--\$6,700 for the unit and \$600 for the maintenance. This is the second unit recommended for replacement by the end of this year in Baker's assessment letter of August 19. Mr. Eicher said that this is not the worst unit that had to be replaced. Mr. Petroccia said that the worst unit has already been replaced, which was the one over the Municipal Authority office. This is the second worst unit. There are leaks through the unit into the library. The replacement of this unit should not only help with the heating and cooling of the library, it should also alleviate those leaks. Mr. Eicher asked if there is an overall plan for the roof of the Community Service Center and when the roof replacement is going to happen. Mr. Petroccia said that there is a plan as outlined in his August 19 letter. Ms. Creese said that, as the Board will see, later in the agenda she will be asking for Board approval for the scope of work for Baker to do the Township facilities survey, not only for the Community Service Center but also for the other buildings. The August 19 letter contains some cost estimates to replace either the partial roof or the entire roof. But that is a large amount of money and the question is do we want to spend that at this time without looking at all the facilities and knowing what issues we have there. We have two major boiler issues at this time—one in the police station and major repairs to the boiler in this building. We are also having boiler and heating issues at Robin Hill. So we need to have the facilities survey done in order to put a plan together for the Board for capital budgeting. All Supervisors voting yes, motion carried.

Township Management:

1. Township Audit—Ms. Creese said that there was a copy of the 2007 audit in the Board's packets. The copies have been forwarded to the DCED and other appropriate agencies. She asked the Board to review the audit and if they wanted to have Mark Turnley come in before the Board to review the document. Mr. McLaughlin asked about Mr. Turnley's comment that Moon Township has not presented Management's Discussion and Analysis as part of the basic financial statements. Mr. Swen said that is nothing to be

concerned about. The Management's Discussion and Analysis is a review of the financial statements, citing things that jumped out abnormally to a layman. Ms. Lapaglia said that the Township has prepared them in the past. But it was decided that since it was so late with this audit, we would forego it for this year. We will likely not do it for the 2008 audit, but will do so from 2009 forward. Ms. Lapaglia said that every effort will be made to have one done for the 2008 audit, if possible. After discussion, the Board felt it was a good idea to have Mr. Turnley attend the next Workshop meeting in January to discuss the audit and answer any questions that the Board may have.

2. Planning items:

Mr. McGurk said that the Planning Commission will be meeting on December 22. There will be two action items on their agenda.

- The first action item is the Adair-Blonski subdivision. This is a two-lot subdivision off Spring Run Road Extension. They are also expanding an existing lot, which is a non-conforming lot because it has no frontage on a public road. Therefore, the applicant sought and obtained a variance for that lot. It will be in front of the Planning Commission and then in front of the Board of Supervisors in January.
- RMU Business School Land Development Plan. This was presented to the Planning Commission in August. They had some pretty significant utility/stormwater conflicts that had to be addressed. RMU revised their plans and submitted them to the engineer. Mr. Petroccia said that he reviewed their most recent plan and it is significantly better. He has some minor comments that they have yet to address. This will also be on the Planning Commission's agenda next week and the Board's agenda in January.
- RMU Entrance/Welcome Signs. Mr. McGurk said that they revised the design of the signs and increased the Moon Township logo by about 40 percent. He showed the new designs for the signs, one illuminated and one not illuminated. These are the signs that are being proposed to replace the existing signs at the Route 60 split and at the end of the Sewickley Bridge. Mr. Sinatra asked if they plan to replace the sign at Montour Run. Mr. McGurk explained that this is not their complete plan for signage, just to replace the ones that have badly deteriorated. Mr. Sinatra asked if it has been determined who is responsible should the signs be defaced. Mr. McGurk said that we discussed certain responsibilities for ownership/maintenance, but it was never determined. This evening, RMU is just looking for any review and comments by the Board and if they can move forward with installing the signs at those locations. After discussion, the Board said that they would like to invite representatives from Robert Morris University to attend an upcoming meeting to discuss the signage.
- Fallbrook Drive Road Dedication. Mr. McGurk said that this is the main driveway into the Woodlands at Trout Run development. The developer has requested that the Township take over this road and preferred that we not wait until January. He would appreciate the Board's consideration this evening. Baker did an inspection several months ago. Mr. Petroccia said that the developer paved the road to the Township specifications. There is one outstanding issue following that inspection with a utility box that is to be moved and the sidewalk replaced in a straight line.

The more important issue that he was not made aware of until late-November is and issue with the stormwater basin. The developer has agreed to put up a performance bond to do the work in the spring. With the performance bond in place, Mr. Petroccia said that he is recommending that the Township accept the road dedication. Mr. Eicher asked who would own the stormwater system. Mr. McGurk said that the Township will own everything in the right-of-way. Once the water leaves the right-of-way, it falls on the homeowners' association or the developer. After discussion, Mr. McLaughlin called for a motion to accept the dedication of Fallbrook Drive and adopt Resolution R-23-2009 accordingly as recommended by the Township Engineer. Motion made by Mr. Vitale, seconded by Mr. Sinatra. All Supervisors voting yes, motion carried.

3. Cats as Nuisance—Ms. Creese asked if the Board had any other questions on this matter that has not already been discussed. Otherwise, all the pertinent materials are in the Board's packets. Information from Chief McCarthy has also been included. The Chief is also doing some additional research and will provide additional information. Mr. Santicola said that the Board can have a leash requirement if they want. You would also want to blend in whatever animal control is already in place into the ordinance. Most of the problems involve policing whatever ordinance you have. He can look into drafting the most comprehensive cat ordinance possible but it will not likely change the situation for the resident on Rosemont Drive. Enforcement of such an ordinance would be a challenge. A discussion ensued of the services provided by Triangle Pets for the control of animals.
4. Changes to Regular Meeting Agenda for 2010—Ms. Creese said that this actually refers to the format of the agenda. There is a resolution that was enacted in 1987 that lists the format for the agenda, which is the last document staff could find. If the Board wants to make any changes, they would have to do so by changing this resolution to supersede the 1987 resolution. Mr. Santicola said that he has not had an opportunity to review the 1987 resolution but would do so. Mr. McLaughlin said that he has no problem with Supervisors commenting so long as they do not belittle people or attack someone individually. If it is a matter that has been discussed in detail during a workshop meeting, he does not see the need to have that repeated by the Supervisors at the regular meeting. There are some municipalities that do not have comments from the Supervisors at all during the regular meeting. After discussion, Mr. Santicola suggested if the Board so choose, there could be a section added to the regular agenda entitled "old business" where any action taken by the Board at the workshop meeting could be announced at the televised meeting in order to better communicate that action to the public. Ms. Creese said that unless there are timing issues on a particular item, votes taken by the Board of Supervisors are done at a regular televised meeting. After discussion, Mr. Santicola said that he would further explore how, if any, modifications can be made to the Board's agenda.
5. 2010 Reorganization Meeting—Ms. Creese reminded the Board that the reorganization meeting is scheduled for Monday, January 4, 2010 at 7:00 p.m. The Board discussed scheduling an executive session to discuss appointments to Township boards and commissions prior to the reorganization meeting.

Township Solicitor:

1. Ordinance Codification—Mr. Santicola said that he is happy to say that we are 30 days from receiving our codification. The final process for completion of the codification can start after the first of the year.
2. Moon First/Wal-Mart—Mr. Santicola said that a new status report was filed. There was nothing of significance in the status report.

Mr. Eicher said that there was an email sent out with regard to the Mooncrest sidewalks and a no-lien agreement. Mr. Santicola said that the no-lien agreement means that the subcontractors hired by the contractor will agree not to file any liens against public property in case of a dispute involving their work. Every municipality that he has handled has a no-lien agreement in their contracts. Mr. Eicher said that he feels that the lien waiver laws do not apply to the public domain. A discussion ensued on the applicability and filing of no-lien agreements.

Township Engineer:

1. Moon Park Progress Report—Mr. Petroccia said that the contractor is making good progress. The tennis court parking lot curbing is in, the millings are being put down and compacted. The weather has gotten too bad for the installation of asphalt. They will be finishing up in the next week or two and will likely not be able to do any more until spring. The last time he was there, they built their slopes shallower around the tennis court parking lot than the 2:1 slopes that were in the drawing documents. Part of the reason they are down somewhat on the maintenance facility is they do not have as much fill. The good thing is, as a result, we do not need guiderail around the tennis court parking lot because of the shallower slope. The guiderail will be taken out of the contract. Mr. McLaughlin asked the status of the walking trail around the park. Mr. Petroccia said that the Township crew will be working on the walking trail over the winter as well as the sanitary sewer laterals.
2. Autumn Woods Landslide at Detention Pond Progress Report—Mr. Petroccia said that there is nothing new to report on this matter since last month.
3. Mooncrest Sidewalk Replacement Project—Mr. Petroccia said that the contractor has completed the Cypress and Cedar loop. They will not get back to do Hemlock because the weather has gotten too bad. It will be done next spring.
4. Bertley Ridge / Safe Routes to School Grant Sidewalks—Mr. Petroccia said that the contractor got that work finished up. He will be doing a final inspection on the work. A pay application came in today from the contractor. That pay application will be on the Board's regular meeting agenda in January for approval. Mr. Vitale asked the status of a decision on the homeowner's fence. Mr. Eicher said that he spoke to the homeowner on several occasions. The homeowner, Mr. Ardinger, was concerned when the school district removed the trees behind his house and asked about the sidewalk connection to the school's walking trail. Mr. Eicher said that he made no commitment on the part of the Township with regard to the fence; he just listened to Mr. Ardinger's concerns. Mr. Santicola said that it was made very clear to Mr. Ardinger and his attorney that the Township is not responsible to replace the fence. Ms. Creese said that she met with Mr.

Ardinger's attorney and showed him the plan that included the right-of-way. She is unsure of how well the information is getting back to Mr. Ardinger from his attorney. Mr. Swen questioned if there was anything that the Township could do to help the homeowner with the replacement of the fence. Mr. Sinatra said that when he bought his home, he was told that there is an easement through his back yard. If he built anything on that easement and the Township had to access it, the structure would be taken down and not replaced. He was concerned about setting precedence if the Township replaced the fence. Mr. Santicola said that he would not recommend replacing the fence. Regarding the Safe Routes to School Grant, Mr. Petroccia said that the forms and scope of work were submitted on December 3 showing the sidewalks. He had two conversations with PennDOT. They are trying to set up a viewing schedule, which most likely will be at the beginning of January.

5. Cherrington Community Center Roof and HVAC Replacement—Mr. Petroccia said that this matter has already been addressed.
6. Township Facilities Survey—Mr. Petroccia said that the scope of work was submitted in a letter dated November 19. He went through and laid out a scope of work that evaluates the structural integrity of the buildings. We identified the Public Safety Building, three fire stations, Municipal Building, Community Service Center, Robin Hill Mansion, the Carriage House, the Mooncrest Community Center, the old Public Works garage, and the Moon Park Office and barn. He will evaluate the structural integrity of those buildings, the HVAC system, the condition assessment and replacement schedule. A general assessment of ventilation will also be taken as well as an assessment of the roof condition. A check of the electrical system will be done, but not an in-depth review of the electrical system. A review of the doors and windows is included as is a review of the plumbing system. Mr. McLaughlin asked if the rear of the Municipal Building can be adapted for a handicapped entrance because he feels that the front handicapped accessible entrance and parking is too far for the elderly or handicapped to navigate. Mr. Sinatra asked Mr. Petroccia if his completed facilities survey would contain some type of rating system for any needed repairs/replacement. Mr. Petroccia said that the facilities survey would contain a prioritized list of what is needed with the likelihood of failure and the consequences of failure. Ms. Creese said that she and Ms. Lapaglia met with Mr. Petroccia and the mechanical engineer from Baker that will be working on this project to try to outline what we thought would be a reasonable cost and the level of detail to go through. This is the scope that was developed for the Board's review. We wanted to start out with this level of assessment. We may find when we get to a certain point that in any one of these buildings there is something that needs to be looked at in further detail. But we want to start out with a general assessment in order to develop a prioritized list. This will aid in capital budgeting. The Board will obviously have an input into this process. She asked the Board to review this scope of work to see if it matched what they had in mind. We did talk about whether we wanted to put dollar amounts on the work that was going to be done or just the priorities. It will be difficult putting cost estimates on the work until we know the priorities because the work will be spread over a very long time. The estimate for Baker to do this work is in their proposal.

There being no further business before the Board, the Board went into executive session and adjourned the workshop meeting at 9:05 p.m.

Respectfully submitted,

Janet L. Sieracki
Assistant Municipal Secretary