

BOARD OF COMMISSIONERS MEETING
MONDAY, AUGUST 5, 2013

CALL TO ORDER: Chairman Samuel Abatta called the regular meeting of August 5, 2013 to order at the Municipal Complex, 1000 Church Hill Road at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL: Cegelski-Present, Mapel-Present, Shiwarski-Present, Forquer-Present, Abatta-Present. Also in attendance were Manager Silka, Engineer Meyer, Planning Director Urbano, Bruce Dice, Esq. Lt. Edward Krall and Secretary Merks for the purpose of taking minutes.

TOWNSHIP ENGINEER'S REPORT

Township Engineer's Report dated August 5, 2013 is attached

Remington, Vernick & Beach is currently working on a grant proposal through COG to update the electrical service at Clever Road Park. They are preparing specifications with alternates to upgrade the existing electrical service, add lighting to the entrance drive and upgrade the lighting at the pavilion. The estimates have been completed with the exception of Duquesne Light. They cannot proceed until they receive their estimate and cost.

Chairman Abatta, are we are going to have our Public Works Department do some of the work?

Engineer Meyer, we are looking at some alternatives. We want to upgrade the electric at the Bicentennial Shelter. The breakers are up to capacity now and that has to be upgraded. We are also thinking of doing some lighting along the driveway entrance to the Park and also a new box up at the top of the Park. That could then be used for the restroom, as well as for the lighting of the Christmas tree lights. However, there is only \$25,000 so we have to figure out what we can do with that money. Any tasks that public works can do to compliment with the grant will be done.

CDBG Year 39 for the renovation of the 2nd floor bathroom to ADA compliance, the apparent low builder for this project is KJ Johnston. The COG is trying to finalize the money through HUD.

CDBG Year 40, the final application for the remaining 2nd floor bathroom has been submitted and they are waiting on direction from the COG.

2013 Road Program, the contractor has started work on the project and will be continuing throughout the month. Most of the micro-surfacing work has been done to date. The next items that will be done are repaving and reconstruction projects.

Chairman Abatta, I believe this information was put on the Township website for the residents?

Mgr. Silka, it is on the website.

Mgr. Silka, just to update the Board, we did receive the \$90,000 from the bonding company for The Oaks Plan of Lots. This is for the paving that will occur this year.

Developmental Inspection:

In regards to Sir Henry's Haven, the contractor has not started work on the project. A pre-construction meeting was held on June 11 to discuss the project.

Advance Auto – the developer is scheduled to begin work in August. A pre-construction meeting has been scheduled for August 12th.

Developmental Review:

Hillebrand Holdings – This is on the agenda this evening. The Planning Commission has recommended approval contingent upon the Developers Agreement being finalized.

Hilton Garden Inn – This is on the agenda this evening. The Planning Commission has recommended approval contingent upon the Developers Agreement being finalized. This property is located on the other side of the Auction Direct site. It was previously approved under the Marriott. There are some changes, but it is significantly the same as the old project.

ACTA PCTI Project Park Manor Boulevard – I have attended recent meetings with ACTA and PennDOT. They are unsure as to when they are going to be starting on this project.

Mgr. Silka, there have been many project delays with ACTA. There are some options out there and one is to start the project now as a night-time project as long as the construction season will allow or to come back in the spring and do it during the daytime and have the project being constructed during the day. What I am suggesting and recommending to the Commissioners, is to invite ACTA to come and give us an actual project update and address some of the issues so the Township can be aware of what is in the pipeline as ultimately it is going to be our project and we will be accepting it. We need to be kept in the loop so we know exactly why these delays are happening and what we can expect during the construction season.

Vice-Chairman Forquer, I see on this other page, Commissioners action requested – none at this time. I would like to fix that problem. The problem that we are having over on Keiner's Lane with this family where we are trying to get a drainage pipe in there, I would like to know where that is at and when it is going to be complete.

Mgr. Silka, we have received the easements. We just received them last week and we are in the process of getting them executed. We have an estimate for our contractor to come in and do tree removal. We are going to have to rent a grading machine to get in there and do it. We are going to do it with force labor. We will have a contractor do the trees and we will use the force labor. We have the pipe for the project in stock. It will be roughly a \$10,000 expenditure. I met with Mr. Bonkowski today. We are prepared to move as soon we get the easements done.

Vice-Chairman Forquer, how long is it going to take to get the easements done? Is all of the engineering work completed?

Mgr. Silka, it is just a matter of us getting the easements signed. Once we do that, we can fast track this. We could not do any work on the project until the easements were obtained

Chairman Abatta, I am speaking for myself here, but the article that was in the paper about that seemed to imply that we were not doing anything or were not trying to head off this problem and come to a conclusion, but we know tonight that we were not dragging our feet on this project. There are i's that have to be dotted and t's that have to be crossed to go on property to perform work. I am glad that we are moving along with this. Everyone will benefit from it.

Vice-Chairman Forquer, the only thing that I would say is, please keep us informed of the progress.

POLICE REPORT

The July 2013 Robinson Township Police Department Report was presented by Lt. Krall and is attached to and made part of the minutes.

PARKS REPORT

Chairman Abatta, at this point in time, I am going to amend the procedure here tonight. As everyone knows, as Chairman I don't get to give my comments until the end of the meeting and most people at home are either asleep or have turned off the television. I am going to have the Chairperson of the Parks & Recreation Board, Ms. Jane Tallon speak and she is going to give the Parks Report. We are coming up on the festival soon.

Jane Tallon, once again the Autumn Festival is around the corner. If you drive thru the Township you can see that the banners are up and that is pretty exciting. I would like to start by saying thank you to public works for doing that for us. This will be the 11th Annual Autumn Festival and it will be held September 14th from 12:00 p.m. to 10:00 p.m. at Burkett Sports and Recreation Center. This is now on the Daniel P. Tallon Memorial Field, and I thank you gentlemen for that. This is free admission and free parking. We have great attractions. We have activities for all ages. The musical entertainment is going to be a blast this year because we are having all Robinson Township based bands. This is a community event so we are really excited. Fireworks will begin at 9:45 p.m. There are over 80 vendors so far. There are many different kinds of food, information booths, church groups, boosters. It is all community. If there is anybody out there who would still like to be part of this festival, you can visit our website at www.townshipofrobinson.com. There is a printable application there. There is also more information on everything that I spoke on tonight. I am going to wrap it up by once again thanking Public Works because without the teamwork of us, Public Works, the Commissioners and the other Township employees, this would not be a reality. The general public appreciates the safety of this event and the cleanliness and we have to hope for the best with the weather. I would like to mention my Board members names: Diane Freese, Vice-Chair, Beth Crawford, Secretary, Janet Hammer, Denise Somma, Mary Ann Johnson and Mike Migliozi. Please mark your calendar and enjoy visiting with your friends and neighbors.

Chairman Abatta, a big thanks to you and your Board. You all do a fantastic job, not only on the Autumn Festival, but year round with all of our events. We really do appreciate it.

ADMINISTRATION UPDATE (Report Attached)

Mgr. Silka spoke on the following issues:

Email/Technology Upgrade – the final transition to the email server will take place this Thursday and Friday. If you email the Township we may not get it as we are switching over our email accounts and email history to the new server. That will complete the update of our email to the Microsoft 365 server.

Bank Transition Update – the bank transition update is going smoothly. You may have seen a \$2 million check on the bill report this month. We are now beginning to transfer some of our lump sums over into new accounts. The transition should be completely finished by September to the First National Bank from our current bank. You will see some big checks coming through and that is simply just taking balances over to the new account from our current accounts.

Recycling – we have received a lot of calls regarding the recycling of televisions and electronics, etc. with the new law that went into effect this year. I just wanted to brief everyone on a recycling event that is going to take place at the Mall at Robinson on Saturday, October 5th from 9:00 a.m. to 1:00 p.m. They are taking electronics, computers, batteries, bulbs, etc. Some things are free and some are a minimal charge. This will be on the website. It is a great opportunity to dispose of some of these items.

Allegheny County Health Department – I received notification that the Health Department is going to be doing some raccoon land based baiting starting on August 12th in Allegheny County. Robinson Township is one of the areas that they are going to be doing some baiting for raccoons. There will not be any fly over baiting this year. The information will be on the website.

Chairman Abatta, we have received in our Administrative Reports, the information about the recycling program. Can you scan this and put this out there so it is on the website?

Mgr. Silka, it has already been sent. We are just waiting for it to be caught up.

Township Solicitors Report

The Solicitor Report dated July 30, 2013 is attached to the Minutes.

Lamar/Lang – Both the deemed approval allegations and the Conditional Use Approval have been combined to one case in front of Judge James. There has already been a conciliation status conference with him on both of those matters and he will now enter into a briefing of these issues before the court.

Duckstein – Use Variance Appeal – a status conference was likewise held in front of Judge James. The matter continues to pend before the Court on both our appeal and the Duckstein appeal. The Intergovernmental Agreement has been approved and signed by Kennedy Township and Manager Silka has the Agreement.

We may be adding some matters to the agenda tonight under 17A and 30A that will bring the consent order to a conclusion both from the plaintiff's standpoint and the Township's.

Overtime Hockey Center – Use Variance Appeal – this case has been withdrawn since the applicant has withdrawn his application at that particular site.

ISteve Taylor – this matter continues to pend before the court. There is a Consent Order that has been entered. The relief that was agreed to was for an injunction being entered closing the restaurant until there is compliance after so many days. I believe those days have now elapsed. A Motion has been prepared and forwarded to Judge Colville for scheduling. Mr. Taylor has indicated via telephone that he intends to “revoke his consent”, however there is no legal mechanism in the law to do this since the Consent Order was signed by the Judge. He has asked for another meeting on the matter and still claims that nothing further is needed. We will proceed with Judge Colville on the matter and bring it to fruition.

Real Estate Tax Appeals - we have implemented the recommendations which were approved by the Township last month.

Vigilant Insurance Settlement Agreement – we now have the \$90,000 to complete the roads in the MJH Development.

Chairman Abatta, for the public edification, just review the real estate appeals and how we handled that, commercial wise.

Solicitor Dice, we sent some memos. Before we take an appeal, we present each of them to Mgr. Silka. We set a threshold for commercial at \$1 million before any appeal will be taken. You have to remember that the school district is probably much more active in this but the fact remains that we are going to stay vigilant to each of those appeals.

The Board of Commissioners conducted an executive session on August 5, 2013 from 6:00 p.m. to 7:00 p.m. to discuss legal matters. The Board will take official action, if any, from the executive session items during this meeting.

Discussion to approve the July 1, 2013 Board of Commissioners Meeting Minutes as submitted.

Discussion to approve the July, 2013 Treasurer's Report.

Discussion to approve the July 2013 List of Bills.

NEW BUSINESS

Mr. Urbano, everything that is on the agenda has been met on all of the motions that were sent to the Board by the Planning Commission, including the Development Agreements. You can re-word the motions according to how the Solicitor wants you to put them into the record when you vote on them.

Chairman Abatta, you are satisfied with it and your Solicitor is satisfied?

Mr. Urbano, Mr. Butya worked on the Development Agreements and they are all signed and ready to go.

Discussion to recommend approval of the site plan for Hillebrand Holdings, LLC contingent upon receiving and complying with the updated Township Engineer's review letter and completion of the Development Agreement and further contingent upon the approval and recording of the Kisow Plan of Lots 33R – 34R subdivision and approval of the Developer's Agreement upon completion as recommended by the Planning Commission.

Commissioner Shiwarski, Mr. Urbano, was there anything unique in any of this that you would like to elaborate on?

Mr. Urbano, basically there was a concern about the traffic for the Hillebrand Plan I and we resolved that. The Kisow Plan of Development has been going on for a number of years and it is basically one step after another. It is pretty cut and dry. There was some concern over the traffic study. We had it revised and everything is fine on all of these items.

Discussion to recommend approval of the waiver request from Hillebrand Holdings, LLC allowing the relocation of the required buffer yard trees from the bottom of the slope to the top of the slope, as noted, in the Township Engineer's review letter of July 17, 2013, item v. (1) as recommended by the Planning Commission.

Discussion to recommend approval of the waiver request by Hillebrand Holdings, LLC to use SLCPP for the storm sewer pipes on the site that are not within right of ways as recommended by the Planning Commission.

Discussion to recommend approval of the Kisow Plan of Lots 33R-34R subdivision plan contingent upon receipt and compliance with the Township Engineer review letter as recommended by the Planning Commission.

Discussion to recommend approval of the Delmonte Hotel Group Site Plan contingent upon receipt and compliance with the final Township Engineer's review letter and the completion of the Development Agreement as recommended by the Planning Commission.

Chairman Abatta, where is this going to be located?

Mr. Urbano, that is going next to Auction Direct. That is the one that we approved before as a Marriott. It is the same site plan. They just turned the building a different direction from what the Marriott had.

Chairman Abatta, what is Delmonte Hotel Group?

Mr. Urbano, they are a franchisee.

Discussion to recommend the waiver of the buffer yard requirement for Grace Manor for the purpose of a bond reduction per the request letter of Gateway Engineers dated July 5, 2013 as recommended by the Planning Commission.

Mr. Urbano, the reason why this is on the agenda, Mr. Meyer asked me to put it in front of the Planning Commission about an existing bufferyard, so we accommodated him.

Chairman Abatta, what we are doing, and correct me if I am wrong, but we are using the trees and shrubs that currently exist as opposed to pulling them out and replanting?

Mr. Urbano, that is correct.

Chairman Abatta, I have an item that I would like to add to the agenda as 17A.

Discussion on a consent order to dismiss Duckstein litigation. This will be added to the agenda.

CITIZENS COMMENTS

Bernie Neuworth- 849 Falck Rd., I would like to thank the Commissioners for the support that they have given us over the last few years regarding Falck Rd. and the Stafford Plan. It has been quite a battle, but again thank you for your support. We are here again to request your continued support. You have in your hands now a petition signed by all of the residents of Falck Rd. concerning the attachment of Falck Rd. to Stafford Plan. This is nothing new. This is a restatement that we made in 2007. We are concerned about Falck Rd. becoming a thruway. It is our understanding today that the plan is to connect Falck Rd. and Stafford Park. Nobody on the road wants it. Some of the folks present this evening are very concerned about it. I understand that there are even some people who live on Silver Lane who requested to sign the petition as well. They are also concerned about the traffic that they may see on the corner of Falck Rd. and Silver Lane. We heard that new plans should have two accesses. That has been stated by a couple of people. I did a little bit of research and I found several plans, new plans and they are attached to the back of your petition. All of them are larger than Stafford Park and they have a single access. I would say that the position of two accesses lacks consistency throughout the Township. These are relatively new plans that I am talking about. In addition to that, there are older developments in Robinson that are quite larger than Stafford Park, including South Petrie Rd., Beaver Acres and Indian Pines. It would be our position that our life would change significantly if Falck Rd. became a thruway. We foresee people cutting off the light at Silver Lane and Clever Rd. to avoid that traffic light. We foresee Friday night football games to turn Falck Rd. into a thoroughfare. We would like to avoid that problem if at all possible. Just as a side thought, I doubt that there is a more pressing issue for the people who live on Falck Rd. or the people who live near the intersection of Falck Rd. and Silver Lane. I would assume that there is no more pressing issue in the Township for these people than this issue right now. Thank you for your time and we would appreciate your support in this matter. If there is anything that we can do or any information that you need, we would be more than happy to supply it.

Phil Lynch – 853 Falck Rd., I was told that if they made that a thruway on Falck Road that they would have to widen the road. Do you know if this is true?

Mr. Urbano, we never got into that.

Phil Lynch, I was just wondering who is going to be paying to widen the road?

Mr. Urbano, just for the record, Phase II has not even been submitted to the Township yet. All of these rumors that are going around out there, as far as I am concerned, until we receive the application and filing for Phase II, it is all speculation.

Chairman Abatta, I was going to ask Mr. Neuworth, where is this information coming from because this is something new to this Board?

Mr. Lynch, these are just things that we are hearing.

Chairman Abatta, is this grapevine stuff? Where are you hearing it? I am just wondering where this information is coming from because we have never said that Falck Rd. is going to be a secondary road coming in. The only ingress and egress that we talked about is off of Clever Rd.

Mr. Neuworth, a sketch that a potential homebuyer in Stafford Park showed me last week showed Falck Rd connecting to Stafford Park. Evidently he received that from the developer.

Chairman Urbano, if I may respond. Basically, the preliminary plan that was deemed approved was the whole plan with two phases. There is a Phase II that connects to Falck Rd., but it has not been submitted. I cannot even tell you if it is going to come to fruition. The original plan and traffic study was done with a connection to Falck Rd.

Mr. Neuworth, that certainly fuels our concerns.

Chairman Urbano, I know that, but it has not been submitted yet.

Mr. Neuworth, we really would have no way of knowing that. We are just reacting to what we are hearing and all of a sudden the trees disappeared last week. We are concerned and we would like to nip this in the bud if we can do it.

Chairman Abatta, I appreciate your concern and I am glad that you are on top of this, but I think that they started to do some grading work on Phase II and that is probably why those trees were removed.

Mr. Urbano, cleared and grubbed.

Mr. Neuworth, I don't have that type of information. We just see something happening and that has been a concern for us. It boiled to the stop whenever they started removing the trees.

Commissioner Shiwarski, Solicitor Dice, if I am not correct, any developer can do anything on his own property at his own risk, even before any approval. Is that correct?

Solicitor Dice, that is correct. He can go in after he has received preliminary plan approval and begin to put in improvements at his own risk and cost. At a certain point when he gets them inspected and they meet the criteria of the Township, they would be accepted. Ordinarily though, developers post a performance bond of 110% of the value of the improvements. A developer is free to do it the other way and that can be done.

Chairman Abatta, but we have the last word correct?

Solicitor Dice, absolutely to the extent that it must comply and that is part of the court order. They have to comply with your ordinances that are in place at the time of his submission.

Commissioner Shwiarski, so at this point in time he can do anything that he wants?

Solicitor Dice, within the bounds of the preliminary plan approval, as it pertains to the public improvements such as street lighting, sewers, etc. They cannot put in a foundation of a home until he has final plans, but he can certainly go as far as putting in the improvements in lieu of posting a bond at his risk.

Patty Harding (852 Falck Rd.), I lived in Pleasant Hills for the last 25 years and we moved over here for peace and quiet and to build our retirement home. We actually drained both of our 401K's to do this. We were in a wooded, last lot on Falck Rd. and now there are just two trees left. He has taken every tree when we were promised a buffer. I would like to know what is the definition of a buffer because one tree does not cut it for me. Right now we are very disappointed that we did the whole lot. I talked with and worked with Rick a lot and he could not guarantee me anything either, but the deal was a buffer. Now to connect a road when we distinctly sought out for three years this lot, would just completely ruin what we were looking forward to. We appreciate your support.

Phil Lynch, I just want to make sure that our road does not turn into an access road for this construction site. That was one of my other statements.

FINANCE UPDATE

Vice-Chairman Forquer, the balance in the general fund account as of July 31st was \$4,233,389.00. The market value of the police pension fund as of the close of business day on Friday, August 2nd was \$11,743,543. This is up from the June 28th report, which was \$11,368,782.00. The police pension fund is funded every year by the Township, the State and the police. A good portion of this is in stocks and bonds funds, so the balance is subject to market volatility. Real estate taxes collected for July were \$182,855.00. This brings the year to date to \$4,129,420.00. The process of resolving property tax appeals continues and will likely extend to the end of the year and possibly into next year.

As the assessments drop, we find ourselves having to make refunds and we did the best that we could to set our rate. We don't believe that we have a tax increase. The earned income tax collected for July was \$112,956 and year to date \$1,780,407. That is the highest amount that we have seen collected by the end of July. In going back to July of 2012, it was \$1,468,000. The LST collected in July was \$24,181. The year to date collected was \$484,118.00. The budget for the year is \$900,000. Real estate delinquent taxes collected by Jordan year to date are \$53,040. The budget for the year is \$100,000. We may come in slightly under that. The real estate transfers for July were \$26,865 and year to date is \$246,938. The budgeted amount for transfers was \$190,000, so we are doing very well on those. That concludes my report.

BUILDING INSPECTOR/ZONING OFFICER REPORT

The July, 2013 Building Inspection Report is attached.

MEETING MOTIONS

MOTION Forquer, SECOND Cegelski to approve the July 1, 2013 Board of Commissioners Meeting Minutes.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-A, Forquer-Y, Abatta-Y
(Commissioner Shiwarski was absent from July 1st meeting.)

M/C 4-0.

MOTION Cegelski, SECOND Mapel to approve the July, 2013 Treasurer's Report

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y

M/C 5-0.

MOTION Forquer, SECOND Cegelski to approve the July 2013 List of Bills.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y

M/C 5-0.

MOTION Shiwarski, SECOND Forquer to approve the site plan for Hillebrand Holdings, LLC contingent upon receiving and complying with the updated Township Engineer's review letter and completion and execution of the Development Agreement and further contingent upon the approval and recording of the Kisow Plan of Lots 33R- 34R subdivision as recommended by the Planning Commission.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y

M/C 5-0.

MOTION Mapel SECOND Shiwarski to approve the waiver request from Hillebrand Holdings, LLC allowing the relocation of the required buffer yard trees from the bottom of the slope to the top of the slope, as noted, in the Township Engineer's review letter of July 17, 2013, item v. (1) as recommended by the Planning Commission.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y

M/C 5-0.

MOTION Shiwarski, SECOND Forquer to approve the waiver request by Hillebrand Holdings, LLC to use SLCPP for the storm sewer pipes on the site that are not within right of ways as recommended by the Planning Commission.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y
M/C 5-0.

MOTION Forquer, SECOND Shiwarski to approve the Kisow Plan of Lots 33R – 34R subdivision plan contingent upon receipt and compliance with the Township Engineer review letter as recommended by the Planning Commission.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y
M/C 5-0.

MOTION Cegelski, SECOND Mapel to approve the Delmonte Hotel Group Site Plan contingent upon receipt and compliance with the final Township Engineer's review letter and the completion of the Development Agreement as recommended by the Planning Commission.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y
M/C 5-0.

MOTION Cegelski, SECOND Forquer to approve the waiver of the buffer yard requirement for Grace Manor for the purpose of a bond reduction per the request letter of Gateway Engineers dated July 5, 2013 as recommended by the Planning Commission.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y
M/C 5-0.

MOTION Shiwarski, SECOND Forquer to authorize the Township Manager to execute an Agreement for Maintenance with Compu-Fix, Inc. of West Mifflin, PA for the Township's I.T. equipment for a twelve month period for the sum of \$253.30 per month.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y
M/C 5-0.

MOTION Shiwarski, SECOND Forquer to approve the Duckstein Consent Order

Commissioner Mapel, I would like to talk about this a little bit. Before we vote on this, there are some things that I would like to air. I believe that it is my responsibility to represent the interests of everyone in this Township who has an issue that they bring before us. In fairness to both the developer and also the taxpayers at large, I feel compelled from time to time to go beyond and do a little more research to better enlighten myself as to what some of the issues are associated with the vote that I have make. After having done that with this particular issue, I still am not completely comfortable that I have a good grip on the facts as well as I should to be confident that whatever vote I make on this is going to be the right one. Everything is not always black and white. There are shades of gray and that is where we are with this. This is difficult and I have struggled with this. Mr. Duckstein is sitting here in the audience and he knows this to be true, that I have worked probably more so than another member

of this Board to try to resolve this with multiple opportunities and solutions that have been put forth before the developer and this Board to consider. With that said, I look at the black and white of this and I say to myself "a use variance has certain criteria that needs to be met.." I have also had this conversation with the Chairman of the Zoning Hearing Board, who is also here tonight. I was not satisfied with the answer that I got from him or from one of his colleagues either. So, if I were to ask the question to our Township Engineer, who is also here tonight, very simply put, "Mr. Meyer, could a developer build a single family dwelling on this piece of property, which is a permitted use in R-2? What would your answer be?"

Engineer Meyer, yes, you can build single family.

Commissioner Mapel, therefore what I conclude from that answer is clearly that the criteria for a use variance has not been met, so if this were to be a black and white issue, on that merit alone, in good conscience I could not vote to support a use variance. This means that I would not be able to support withdrawing the appeal. However, that said, there are always those shades of gray and now we are talking about a piece of property that is pretty much useless and undevelopable. Since we last met, I promised Mr. Duckstein that I would do some more homework and do some more research and find out what the specifics here and the issues that were associated with that particular piece of property that does have another piece adjoining it that he does not own. There is a piece between yourself and the currently developed homes that exist in Robinson. Is that correct?

Mr. Duckstein, that is correct.

Commissioner Mapel, this then creates a different scenario for trying to make a decision based on what would be typically a black and white issue. With that said, I think that we have some other issues that now take on shades of gray and makes it more complicated and more subjective. On that basis, I think we all have that information available to us to make a decision.

Vice-Chairman Forquer, I would like to say one thing here. If I vote a certain way, there are people out there who may have questions as to why I am voting a certain way. This piece of property that Mr. Duckstein has is a little sliver of land that is actually part of a parcel that is into Kennedy Township. He came to us and wants to put a retention pond on that and he wants to put a structure on that, which is going to bring tax dollars to Robinson Township. Between any single family dwelling area along there, which is on Coraopolis Rd., there is a 5 acre parcel that is a buffer that is not owned by Mr. Duckstein. That is a different issue. If somebody decides that they want to put multiple family dwellings on that up against those homes, that is a different issue. It does not really have any legal connection to what we are doing here. I think this is something we are working together and cooperatively with Kennedy Township on. We have other issues on roads, fire companies, police, etc. It is a good thing if we work together with them on issues and I think this is one of them. A lot of that development is going to be in Kennedy Township. We are going to get the tax dollars off of that. That is my view of it.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y
M/C 5-0.

COMMISSIONERS COMMENTS

Commissioner Cegelski, my comments are going to be Commissioner Comments light this evening. My committees have been on summer hiatus, so I do not have all that much information to give to you. The Char-West Council of Governments did not have a July meeting, nor did the Robinson Township Library Board. I have no reports on those. I do want to extend a continued safe and enjoyable summer vacation. Some of us will be back in school when we have our next meeting, I know that I will be. Just to say that I appreciate the residents who are in attendance this evening from Falck Rd. I have to tell you that at least two Commissioners that sit on this Board, Mr. Forquer and Mr. Mapel have had continued issues that they have really brought to light as far as Stafford Park, but I am going to defer to the legal people here, our Solicitor and also Mr. Butya who know that when you get down into a court in front of a judge who does not always live here, they tend to make decisions no matter what ordinances that we have in the Township. That to me is something that is very unfortunate. I hope that things work out for the Falck Road residents, but I will tell you that legally that is usually where it will be decided. I appreciate you coming this evening and calling attention to that matter. I understand your concerns there and I appreciate Mr. Urbano's information there. It did not come before us yet. There has not been any approval, but when and if it does, I do hope that it works out in your best interest and the best interest of Robinson Township. Like I said, a lot of times these things end up in front of a Judge to make a final determination. I appreciate hearing, we need to know that. Also, Mr. Duckstein, Godspeed to you on your project. I am glad that has finally come to a resolve.

Commissioner Maple, I hope that we are all enjoying our summer break. Very quickly we are moving towards the school year starting again. As soon as you see the 4th of July come and go and you see Halloween stuff in all of the stores, you know that it is right around the corner. It is going to be here before we realize it, so with the turning of the seasons here and some of the issues that we are very aptly dealing with, let me go back with the Mr. Duckstein issues. We struggled through some of these issues that are not always exactly black and white. They are issues you struggle with and sometimes you know that the best decision that you can possibly make is going to offend or disrupt the comfort level of some folks that you are helping on this hand and you are making unhappy on the other hand. It sometimes is a very undesirable position to be in, but I think as we have taken on the responsibility to do what is best for the entire community at large. We have to weigh all that and there are always going to be those folks who say that they have been imposed upon and disadvantaged. I really cannot comment on what has happened prior to me being here, but I certainly do the best that I can in looking at all of the objective issues that I have had the opportunity to research. With that said, I hope

that your project goes well and that is becomes an attribute to both communities that are counting on you to do that. We will monitor that process as we go. The one message that I hope we have sent as a result of this all thing is, all of the departments that work under this administration are responsible basically to us and we have to take ownership of the decision making. We are watching and monitoring what every department in this Township does, whether it be right of wrong. There is no other place to pass the buck. It stops here with us. Whether it is public works, the police department, the Zoning Hearing Board or Planning, whatever it happens to be. Those people who sit on those board were appointed by us, so therefore we have to take some ownership of the job that they do. That said, I would like to touch on a couple of things and I will be brief tonight. I am sure that most of you have received your August present, meaning your Montour school taxes. I don't see many smiling faces here this evening, so join the crowd. It may be of some interest to you, and I know that Mr. Abatta has shared this with you in the past, but I will make it a little easier by saying that although our Township taxes seem to be high, we were 120th on the list of 134 municipalities and our school taxes are 41st on a list of 46 school districts in Allegheny County. I think that is pretty incredible. Not that it makes the sting of reaching deeper into your pocket any easier or any less painful, but the bottom line is that we are holding our own and we are doing a pretty decent job by comparison of not only your Township taxes, but also your school taxes. I will say this, and you have heard me say this in the past, the reason this is so painful right now is because we have had a decade of frozen property assessments. They have kept things from moving very much at all and now we are trying to fix that problem through the court system in one calendar year. That is insanity. It does not make one bit of sense. I have said to Rich Fitzgerald and to our County Treasurer, why can't we at least consider undoing this problem (not audible) one year at a time?. That just makes too much sense for anybody to give me an answer. I would encourage you, as we see engaged people sitting here because they have a common problem, I would encourage you to write letters to your state senators, representatives, the governor and anybody that you can find an ear with. This is an unprecedented legal matter here that we are dealing with that has never been dealt with before to my knowledge. The way it is being handled and the hardship it is creating, particularly people on a fixed income, it is literally running people out of Allegheny County. I would encourage all of you that are dissatisfied with the way that this has proceeded to take action by writing and communicating with your local and state officials as well and see where it takes us.

I would like to conclude with one final thought. Since we met last month, we have had yet two more fatalities of violent crime; one suicide and one murder. I am very grieved to report on both. As the Police Commissioner, I do understand this rash of violent crime. It just seems to me that we could avoid so much of this by thinking and demonstrating some restraint. If you think about the things that you say and do a little longer and act a little less, then maybe you have less to go back and be remorseful for. You cannot take back things that you do and say. Unfortunately, the family of Bill Menni right now is grieving for a terrible loss. Bill was a good friend of mine. He helped me personally, he was an attribute to this community and he will be sorely missed. I hope you have a good month coming up. Be safe out there and be kind to one another.

Commissioner Shiwarski, I would just like to recognize the time and effort spent by all of the residents in the Falck Rd. area. Believe me, the one thing that I did hear from the speakers, and it is obvious by the amount of you in the audience, is the passion and concern in your comments and in your faces. Your attendance and your decorum are appreciated. You are concerned and are pursuing this very democratically and professionally. That is appreciated. Tonight was very refreshing to see residents take a concern and use the vehicle and avenues open to them. It might seem limited to express their feelings. Believe me, I heard what you said. Also, I would like to thank the Parks Board members in advance because as Jane Tallon was up here and recognized her members, that is a year long commitment that they make. It is not two days or two months before the Autumn Festival. I would like to thank them for that. In the same venue, I would like to thank Public Works employees for prepping all of the roads that they do for our road program. That does enable us to expand the program and that saves us dollars off of the total program, so their efforts are appreciated. Lastly, Jeff and Mike, the citizens concerns on Keiners Lane, let's just make sure that we stay on that. I know that we have protocol, procedures and processes that we have to go through, but please keep the communication open with them. Thank you everyone for your attendance this evening.

Vice-Chairman Forquer, I have nothing written to say here. I am going to try to keep this brief. I too have heard loud and clear from you residents over on Falck Rd. I understand your issues. You made some very good points and I think that those things will be dealt with shortly here. Also, I think this Coventry/Stafford Park project has been a pain in the neck for the Township from day one. We had a developer that came in here and told the Township that he did not need to comply with our ordinances and it went on from there. An agreement was made and our lawyers took care of that, making an agreement with Mr. Victor. The agreement was that he could stop the mining process. That left the remediation of the mines solely to developers to handle on a house by house basis as they are building, and as well they should have taken care of the roads in there. They still have not done that as far as I know. One of the things that turned things around with our dealings with Mr. Victor was the fact that I spent an awful lot of time looking at the Pennsylvania Soil and Rock Reports and I could see the various drillings that they did and they showed a lot of mine subsidence. We also know from drawings that we got from the repository in California, PA, that there are a lot of mines on the other side of that property. My concerns are that those need to be addressed properly because somebody has to provide surveillance here. I think that is something that goes beyond our Township. I think that the DEP needs to be doing that. Initially, I wrote a letter to the DEP and we received a letter back that this was pastureland and I think we are going to have to do something like that again. There are going to have to keep a close eye on that property.

I don't know if some of you know, but I am the director of security for the Montour Trail. I operate a group of about 16 bike patrols and I am the emergency contact with about 4 police jurisdictions in this area. You say some things on your television fairly recently here with the police chief out in Moon Twp. where we had a problem with a guy that was making a nuisance out of himself. That was actually on the Moon section of the trail, just

down from our gazebo. Be assured that my bike patrols are down there. We have the police with bike patrols down there and as well, there are probably about 15 police officers who use that trail to exercise on their own time and they are not in their uniforms at that particular point. Do not be afraid of what you see there. Any issues that have arisen down there have been dealt with swiftly. That concludes my report.

Chairman Abatta, again, almost everything that has to be said, was said this evening. I also want to commend the residents of Falck Rd. for coming and presenting their case. I know a lot of you people personally and I just want to reiterate and tell you "I work for you people. I will always try to make the right decision. I know that you hear a lot of rumors, conjuncture and backsides stories. As I stated before earlier in the meeting, the buck stops here with the Board of Commissioners. We have the last word and the last say as far as what happens and what does not happen and our intention, speaking personally for myself and for the Board, we will do what it takes to serve our residents in the Township. You support us and we appreciate it. With that said, I wish everyone a happy vacation this summer. I will be headed out with my family to Florida. I get a lot of calls from residents, so what I am going to do Jeff, I am deferring all of my calls for the next 7 or 8 days to you so anyone out there who has a problem they can contact Jeff and he will get to me.

Mgr. Silka, I will be glad to take them.

Chairman Abatta, I hope that everyone takes advantage of the amenities that the Parks Board offers. They work very hard for us and we will see you again before the Autumn Festival.

MOTION Forquer, SECOND Cegelski to adjourn the meeting

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y.

M/C 5-0

Meeting was adjourned at 8:15 p.m.

Respectfully submitted,



Carol Merks
Secretary