

BOARD OF COMMISSIONERS REGULAR MEETING  
MONDAY, APRIL 7, 2014  
7:00 P.M.

CALL TO ORDER: Chairman Samuel Abatta called the meeting of April 7, 2014 to order at the Municipal Complex, 1000 Church Hill Road at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mapel-Present, Barefoot-Present, Kisow-Present, Shiwarski-Present, Abatta-Present. Also in attendance were Solicitor Cambest, Mgr. Silka, Treasurer Kezmarsky, Planning Director Urbano and Mrs. Merks for the purpose of recording minutes.

Presentation of a Proclamation by Pam Rippole on behalf of State Representative Nick Kotik recognizing the Robinson Township Historical Society on their 25<sup>th</sup> Anniversary.

**TOWNSHIP ENGINEER'S REPORT** (Report dated April 7, 2014 is attached)

**Capital Projects:**

Engineer Meyer, CDBG Year 40 final application has been submitted for the remaining 2<sup>nd</sup> floor restroom at the Township Municipal Complex and we are awaiting direction from the OCG.

Baldwin Rd. Landslide - Site visits have been conducted, as well as survey work at the landslide location. A recommendation has been made to cut the trees on the unstable slope. A geotechnical analysis will be conducted to assess the soil conditions. This item is on the agenda this evening.

Robinson Town Center Blvd. Drainage Study – Survey work is being completed to identify various sources of stormwater. We are trying to determine what is causing some of the pipe collapsing in the area of Park Manor.

The 2014 Road Program will be discussed by the Township Manager.

**Developmental Inspection:**

**ISC and Don's Applicance**, work is continuing on the sites.

**Development Reviews:** A conditional use application for **Speedway** was discussed at last week's Planning Commission meeting. A public hearing was held earlier today. The **Taback Plan of Lots** is currently under review.

The **Montour Elementary School Plan** was discussed at the Planning Commission Meeting and a review of the plan has been completed. The applicant's use had been looked at with the Solicitor and it was determined that the proposed use was in conformance with the ordinance due to the existing high school and therefore should be considered as an extension of an existing non-conformity. We are also reviewing the traffic study at this time.

**Providence Presbyterian Church** – the site plan review has been completed. A conditional use hearing was held this evening.

**Penn Center West Building 1** – The plan was discussed at the Planning Commission. The applicant needs to submit further items.

**Two Marquis Plaza** – The Plan was on the Planning Commission agenda for discussion.

**Montour Sports Complex** – A review of the stormwater management plan was done and was sent to Allegheny County for their use in filling out any additional permits.

### **POLICE REPORT**

A copy of the February report is attached to the minutes.

Chairman Abatta, we are in the process of hiring three new officers this evening. Are you so inclined to introduce the officers at this point in time.

Chief Vietmeier introduced Officer Joseph Tomko, Officer John Cronin and Officer Greg Woodhall.

### **ADMINISTRATION UPDATE**

Manager Silka, I have a few items to update the Board. I am in the process of compiling the final data to submit the grant application for the Municipal Assistance Grant. This is for the Comprehensive Plan. I am hoping to have this done for the May meeting so we can have the resolution to approve and submit the application to DCED. The good thing about this grant program is that it is a rolling basis grant program. There is not a hard deadline. They review the applications quarterly, so when we get it in we will not have to wait for a year to get it. It will be reviewed on an ongoing basis so it is a very friendly grant application process. I will keep you apprised of the progress on that issue.

Secondly, Township cleanup day is scheduled for April 26<sup>th</sup> at 8:00 a.m. Once again, Giant Eagle has joined us and they will allow us to use their café as the muster point, as well as provide us with breakfast again. We are very happy that Giant Eagle Market District is going to do that and we encourage any groups or individuals to join us at 8:00 a.m. on Saturday, April 26<sup>th</sup> at Giant Eagle as we embark on our clean-up day efforts. It is on the website, Facebook and we will also make sure that we get it on the cable access channel within the next day or so. We encourage everyone to come out and help keep the community clean.

In regards to the professional development update, the Chairman had asked that I share some of the classes and courses that I go to from time to time. At the latter part of last month I was in Alexandria, VA for an International Economic Development Council conference and credentialing, as I am a certified economic developer thru the International Economic Development Council and I am one of 1500 people worldwide to hold that credential. It is a very prestigious credential. I am very proud to be able to hold it. Part of the conference was testing and interviewing potential candidates for that certification of CECD. There were 43 people who started the testing process, with

four passing at the end of that day. It is not an easy credential to get. After that, I did attend the Federal Forum, which is an annual federal law update on what is trending in the government.

Right now there are a lot of funding issues. People are not sure where the funds are coming from, especially for infrastructure. That was the key. There are a lot of infrastructure initiatives just waiting for the federal government to pass the authorization bills to get the line items funded. Hopefully, transportation will piggyback on the state transportation bill and we will be able to see bridge work and road work around the county. As federal and state begin work on the roads, so do we as a Township. Joe Bonkowski, Mike Meyer and myself have been working on identifying the preliminary roads for the 2014 road update. We are getting cost figures now to compare to our budget of \$600,000. Probably in the next couple of weeks prior to the next meeting, we will be meeting with Commissioner Shiwarski, who is the public works commissioner to go over the staff's proposed road program and to see any tweaks or modifications that want to be made so that we can hopefully put that together and get that out to bid in the upcoming months. The roads have to be maintained and the cost of doing business goes up every year, so we are very vigilant to make sure that we are getting the best bang for our buck on the road program.

Robinson Township will be hosting the local COG meeting on May 15<sup>th</sup>. It will be here at the Township. Carol Merks is working to put together a fine menu. We will get the venue up and ready and be proud hosts to our COG friends.

Lastly, I had the pleasure to represent the Township Commissioners at the ACTA Annual Lunch and accept on their behalf, the Supporting Act Initiatives Award for the work that the Commissioners have done for the IKEA project. I just wanted to bring that to your attention today.

I will say that we do have enough salt if it does snow again. We are officially going out to bids for next year's salt.

Chairman Abatta, I just have one follow-up question for you. I would like you to speak a little bit about this particular issue because I think it is going to come up a little bit later in the meeting. Explain our comprehensive plan and our zoning ordinance update. We are in the process of updating all of our ordinances. Can you please elaborate a little bit on that?

Mgr. Silka, I think that everyone is familiar with the zoning ordinance. If you want to build, you look at the zoning ordinance. There is a process that you use to get the ordinance and to be able to assign your districts and develop your community. How that is done, is through a comprehensive plan. The comprehensive plan basically is an

umbrella that takes a look at recreational assets, infrastructure assets, government assets, what is in what district, where do you want to focus your development issues, where do you want to restrict or limit your development issues and it gives you the blueprint on which you then form your zoning ordinance and which is the legal way to control and manage development within your community.

A comprehensive plan once formulated and adopted, should be reviewed and adopted at least every five years. The last time our comprehensive plan was updated was in 1995, so we are a little bit behind the eight ball. It is a comprehensive plan, meaning that it is not a simple update. It is not something that we just haphazardly do. What we will do, we will engage a consultant, either an engineering firm or consulting firm to help us guide. There will be community input. There will be public meetings, discussion periods, public hearings to get this comprehensive plan to where it is comfortable for the Board of Commissioners and reflects the community's values and goals moving forward. Once that is done and adopted, we will then start work on the zoning ordinance to make the zoning ordinance congruent with the current updated comprehensive plan. In the meantime, there are a couple of hot button issues that the Commissioners choose to address, outside of the comprehensive planning process. These are priority issues and they will be addressed by being initiated tonight. There are some R-2 and R-3 District issues and a billboard ordinance that are going to be initiated for amendment at the Commissioners level, which will then be sent to the Robinson Township Planning Commission for review, as well as Allegheny County Planning Commission for their review and comment. That will start the process to amend certain aspects of the ordinance. It is not a comprehensive review. It is for the lack of a better term, a surgically centered amendment of the zoning ordinance to get us through until the comprehensive plan is done. We are probably talking about 18 months or 24 months to get that completed.

Chairman Abatta, that is exactly what I wanted to hear because there are some residents that have a specific interest in it. I wanted to get it out there to the public that we are not a one trick pony town anymore. We are not a farming community. Some of our ordinances are what I consider "archaic" and some need updated. There are different things that had to be addressed. This is a process and as Jeff said, there were some hot button issues that we decided needed to be done ASAP and we moved on that. We also realize that there are other things that have to be brought into the 21<sup>st</sup> century. Believe you me, we are working in that regard. We owe that to our taxpayers as Commissioners.

#### **TOWNSHIP SOLICITOR'S REPORT**

Solicitor Cambest had no report.

### **FINANCE REPORT**

Mr. Kezmarsky, there is still nothing really important to report at this time. We are still in a very good position as far as cash flow. As of the end of March we had not received any property taxes, but I did get a transfer of \$196,000 today. That will start coming in regularly. There is nothing unusual to report and no emergencies. The revenues are still steady.

Vice-Chairman Shiwarski, how is our cash on hand compared to last year?

Mr. Kezmarsky, it is pretty comparable. If you go back into deeper time, there may have been some emergencies back then but recent history is pretty static.

Vice-Chairman Shiwarski, how is our annual audit coming along?

Mr. Kezmarsky, we will be having a meeting this Friday and currently I have not heard anything positive or negative about it. It should be pretty cut and dry. That is what I am hoping for.

THE BOARD OF COMMISSIONERS CONDUCTED AN EXECUTIVE SESSION ON MARCH 21, 2014 FROM 8:30 A.M. TO 12:30 P.M. FOR THE PURPOSE OF CONDUCTING INTERVIEWS FOR PUBLIC WORKS, CODE ENFORCEMENT AND COMMUNITY ACITIVITIES COORDINATOR. THE BOARD OF COMMISSIONERS ALSO CONDUCTED AN EXECUTIVE SESSION ON APRIL 7, 2014 FROM 5:15 P.M. TO 5:45 P.M. AND FROM 6:00 P.M. TO 7:00 P.M. TO DISCUSS LEGAL MATTERS AND PERSONNEL MATTERS. THE BOARD WILL TAKE OFFICIAL ACTION, IF ANY, FROM THIS EXECUTIVE SESSION DURING THIS MEETING.

### **OLD BUSINESS**

Discussion to approve the March 3, 2014 Board of Commissioner Meeting Minutes.

Discussion to approve the March, 2014 Treasurer's Report.

Discussion to approve the March, 2014 List of Bills.

### **NEW BUSINESS**

Discussion regarding the hiring of Joseph Tomko as a part-time police officer effective immediately. Officer Tomko will be on a 2080 hour probationary period as per the Civil Service rules and regulations.

Discussion regarding the hiring of Gregory Woodhall as a part-time police officer effective immediately. Officer Woodhall will be on a 2080 hour probationary period as per the Civil Service rules and regulations.

Discussion regarding the hiring of John Cronin as a part-time police officer effective immediately. Officer Woodhall will be on a 2080 hour probationary period as per the Civil Service rules and regulations.

Discussion to extend a conditional offer of employment to Louis Marino for the position of Laborer in the Public Works Department at the current pay rate and benefit level in the Collective Bargaining Agreement. This offer is contingent upon passing a pre-employment physical and drug screen and background check.

Discussion to extend a conditional offer of employment to Darren Eisel for the position of Laborer in the Public Works Department at the current pay rate and benefit level in the Collective Bargaining Agreement. This offer is contingent upon passing a pre-employment physical and drug screen and background check.

Discussion to extend an offer of employment to Jane Tallon for the part-time position of Community Activities Coordinator at a pay rate of \$15.00 per hour.

Discussion to extend an offer of employment to Joseph Schonbeck for the part-time position of Code Enforcement Officer at a pay rate of \$15.00 per hour.

Discussion to authorize the execution of a contract with Pyrotecnico of New Castle, PA for the 4<sup>th</sup> of July fireworks show at a cost of \$9,000.00.

Mgr. Silka, this will be the third year that Pyrotecnico will be doing this show and they were able to do it for the price that we are offering. The cost is the same as last year.

Discussion to initiate the proposed amendment to Chapter 300, Article VI of the Zoning Ordinance of Robinson Township providing for Two-Family Dwellings as a permitted use in the R-2 Single Family Residential District, providing for Multiple Family Dwellings as a conditional use in the R-2 Single Family District and establishing minimum lot area, minimum lot width and minimum lot coverage for the Two-Family Dwellings in the R-2 Single Family Residential District. The Planning Director is hereby directed to submit this proposed amendment to the Robinson Township Planning Commission and the Allegheny County Planning Commission for review and comment.

Discussion to initiate the proposed amendment to Chapter 300, Article VII, R-3 Minimum Density Residential District, Section 300.45 – Area and Bulk Requirements of the Zoning Ordinance of Robinson Township, to increase the minimum yard requirements to forty feet (40') – front yard; increase each yard for single, Two-Family

Dwellings to fifteen feet (15'); increase the rear yard for all principal uses to (35') thirty-five feet. The Planning Director is hereby directed to submit this proposed amendment to the Robinson Township Planning Commission and the Allegheny County Planning Commission for review and comment.

Discussion to initiate the proposed amendment to Chapter 300, Zoning, Article II, Definitions: Word Usage, §300-12, Definitions, of the Code of the Township of Robinson to provide for definitions of display lighting and electronic sign panel and clarifying the definition of changeable copy sign and amending and restating Article XXIII, Conditional Uses §300-2305.C Billboards to limit the size and hours of operation of Billboards based upon the functional classification of the road to which the Billboard is oriented and clarifying various provisions to recognize new technology. The Planning Director is hereby directed to submit this proposed amendment to the Robinson Township Planning Commission and the Allegheny County Planning Commission for review and comment.

Discussion to approve a Settlement Agreement with Robinson Peripheral Developers as submitted.

Discussion to approve the tax appeal settlement for Parcel #335-M-185 (BV-13-4973) in the amount \$800,000.

Chairman Abatta has requested to table this motion at the present time.

Discussion to approve the tax appeal settlement for Parcel #265-R-35, in the amount of \$1,800.00 and Parcel #265-R-30 in the amount of \$1,720,000.

Discussion to approve the tax appeal settlement for Parcel #266-D-193 in the amount of \$1,650,000. (BV-12-6464)

Discussion to authorize the Township Manager to advertise to obtain bids for the resurfacing of the tennis and basketball courts in Clever Park.

Discussion to authorize the Township Manager to establish cellular phone accounts and provide Township issued phones for the Township Commissioners upon request.

Discussion to authorize the engagement of GeoMechanics, Inc. for a geotechnical engineering investigation of the Baldwin Road Extension slope failure at a cost of \$18,950.00.

Chairman Abatta, I have two addendum items that I would like to read into the record.

Discussion to authorize the hiring of summer help for seasonal employees at an hourly rate to be defined by the Township Manager.

Discussion to authorize the hiring of Bill Black as pool manager at a salary of \$9,500.00.

### **CITIZEN'S COMMENTS**

Gary Lafever (63 Norfolk Drive), I am a new resident of Robinson Township. I was the recreation director for Bethel Park for many years. I read on your website that there was a position for community activities coordinator, so I put an application in and thought that maybe I could put my time in and help the residents of Robinson Township by providing some of my expertise and past experiences. I have this nice page here that took me about 10 minutes to write, but Mr. Abatta gave me an out when he said that you are going to review your comprehensive study for your zoning and everything. I did come in and read your comprehensive and open space study and on the agenda as your community activities coordinator position, which I applaud that, but it does not really fulfill what your comprehensive recreation and open space study is really trying to do for Robinson Township to see what your future is going to be in years to come. I see that Ms. Tallon is here and I know that she has had years of experience with what she has been doing for many years as your parks and recreation board chair. I think that your recreation and open space study wants to go further and actually hire a recreational professional, who would be an administrator on the same level as your other municipal employees. I think that you need to fulfill some of your recommendations on your open space study, which was first done in 1991 and revised in 2011. They had some of the same recommendations, one of them being a full-time or part-time recreation director. Being a recreation director from Bethel Park for many years, I look forward to seeing that accomplished. The only reason that I am here is that at the state conference, where there were many other professionals, and you may not know it, but that position came up for discussion. Many people applied for it, and the only negative I have is that some of them were not even contacted for interviews. I thought that was kind of an oversight, but in the future I would like to see more emphasis put into administration of your recreation programs. I have only been here a couple of years, but I was in parks and recreation for 37 years and being on the record, I am a resident of Robinson and I would like to make myself available for my experiences and considerable education in the field of parks and recreation.

Chairman Abatta, Thank you Mr. Lafever. I will address some of the comments that you made under Commissioner's comments.

Chuck Marks (6154 Steubenville Pike – office), the reason that I am here, down in Groveton we have a problem. Mr. Kisow is probably well aware of it. For some reason, residents or people, not from this area think that Station St. says BFI dump site. There are mattresses, television sets, tires of all shapes and size, roofing piles, boats, etc. Last year I started putting a wind row across the building, across from my yards to try and stop some of this dumping. Mr. Bogatay, at that time, asked one of the officials for a dumpster so that we can load it. I am willing to donate my time and machine work to clean this area up. There are residents already going around Groveton with bags picking up the garbage. If the Township is willing to provide a dumpster, I am willing to provide the machines and equipment to help clean this up. If you want, my yards are across the street from this area and I can lock this in to keep free dumpage into the dumpster. With the history, they just dump it on the ground by the dumpster. Another thing, I was asked by a couple of residents to put back the stop sign on Lewis and Royal Ave. That is the road that goes into old Lang Machinery. Residents are coming down Lewis Ave. and trucks are just barreling out of that mill and there have been a couple of close calls there. Also, along with the intersection of Station St. near the water authority at that plant if you go straight you go underneath the bridge and I was asked to see if you can put a stop sign there coming from the Equipment Corp. and McJunkin because those trucks are just gaining speed and there have been a couple of close calls there also. I was also asked if you could put a speed limit on Station St. because of the speed of the trucks.

Lisa Smarra, thank you for allowing me to speak at the meeting this evening. I am the President of the Montour Elementary PTA and our principal place of business is 5501 Steubenville Pike, which is, as you know from your correspondence with you, is directly across the street from Glass Gone Wild or “Wow”, which is what the sign says now. The information that I received from you for the right to know documents is a bit confusing to me in terms of who exactly applied for the permit. I did some research on the Corporation’s Bureau and the manager or owner is not listed in any of the right to know documents. That is my first concern. Obviously you are aware from my correspondence, our PTA, our families, our teachers, our sports teams for the local Robinson Township park that is right across the street from that, we are all concerned about the opening of this particular type of business in the neighborhood where our children go to school and our children play.

I did send some information to you and ask that your solicitor look at the Family Smoking Prevention and Tobacco Control Act. I was wondering if you have had any opportunity to review that and if it is applicable at all to this particular matter. Also, in your alternative, I know the business is already open based on your zoning rules and I was wondering if in the future we can work with you to create a restrictive zoning ordinance so that this kind of business does not open near our schools, or our parks, or our churches, etc. Those are our concerns that we wanted to bring to your attention.

Chairman Abatta, Lisa, I will address some of these issues, just like I told Mr. Marks and the other gentleman during my comments.

**BUILDING INSPECTOR/ZONING OFFICER REPORT**

A copy of the March, 2014 Report by Mr. Urbano is attached.

**AGENDA**

MOTION Kisow, SECOND Barefoot to approve the March 3, 2014 Board of Commissioner Meeting Minutes.

ROLL CALL: Mapel-Y, Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.  
M/C 5-0

MOTION Shiwarski, SECOND Barefoot to approve the March, 2014 Treasurer's Report.

ROLL CALL: Mapel-Y, Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.  
M/C 5-0

MOTION Shiwarski, SECOND Barefoot to approve the March, 2014 List of Bills

ROLL CALL: Mapel-Y, Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.  
M/C 5-0

MOTION Kisow, SECOND Barefoot to hire Joseph Tomko as a part-time police officer effective immediately, Officer Tomko will be on a 2080 hour probationary period as per the Civil Service Rules and Regulations.

Commissioner Mapel, maybe before we move on, maybe now would be a good time to ask the Chief to come up and explain the need for these three part-time positions because we may understand it all too well, but to the general public, it may not be quite that easy.

Chairman Abatta, I have something else that I want the Chief to explain towards the end of the comments, so can you hold off for a couple of minutes here?

ROLL CALL: Mapel-Y, Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.  
M/C 5-0

MOTION Shiwarski, SECOND Barefoot to hire Gregory Woodhall as a part-time police officer effective immediately. Officer Woodhall will be on a 2080 hour probationary period as per the Civil Service Rules and Regulations.

ROLL CALL: Mapel-Y, Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.  
M/C 5-0

MOTION Mapel, SECOND Kisow to hire John Cronin as a part-time officer effective immediately. Officer Cronin will be on a 2080 hour probationary period as per the Civil Service Rules and Regulations.

ROLL CALL: Mapel-Y, Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.  
M/C 5-0

MOTION Barefoot, SECOND Kisow to extend a conditional offer of employment to Louis Marina for the position of Laborer in the Public Works Department at the current pay rate and benefit level in the Collective Bargaining Agreement. This offer is contingent upon passing a pre-employment physical and drug screen and background check.

ROLL CALL: Mapel-Y, Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.

M/C 5-0

MOTION Barefoot, SECOND Shiwarski to extend a conditional offer of employment to Darren Eisel for the position of Laborer in the Public Works Department at the current pay rate and benefit level in the Collective Bargaining Agreement. This offer is contingent upon passing a pre-employment physical and drug screen and background check.

ROLL CALL: Mapel-Y, Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.

M/C 5-0

MOTION Shiwarski, SECOND Barefoot to extend an offer of employment to Jane Tallon for the part-time position of Community Activities Coordinator at a pay rate of \$15.00 per hour.

ROLL CALL: Mapel-Y, Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.

M/C 5-0

MOTION Shiwarski, SECOND Barefoot to extend an offer of employment to Joseph Schonbeck for the part-time position of Code Enforcement Officer at a pay rate of \$15.00 per hour.

ROLL CALL: Mapel-Y, Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.

M/C 5-0

MOTION Shiwarski, SECOND Barefoot to authorize the execution of a contract with Pyrotecnico of New Castle, PA for the 4<sup>th</sup> of July fireworks show at a cost of \$9,000.00

ROLL CALL: Mapel-Y, Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.

M/C 5-0

MOTION Shiwarski, SECOND Barefoot to initiate the proposed amendment to Chapter 300, Article VI of the Zoning Ordinance of Robinson Township providing for Two-Family Dwellings as a permitted use in the R-2 Single Family Residential District, providing for Multiple Family Dwellings as a conditional use in the R-2 Single Family District and establishing minimum lot area, minimum lot width and minimum lot coverage for the Two-Family Dwellings in the R-2 Single Family Residential District. The Planning Director is hereby directed to submit this proposed amendment to the Robinson Township Planning Commission and the Allegheny County Planning Commission for review and comment.

Commissioner Mapel, at this particular time with respect to this Motion and the two that follow it, were it not for the fact that we have multiple residential districts that make provision for both multi-family dwellings, as well as single-family dwellings. I would say that this is a good motion. I don't know, and I have always just been one vote here and that is what you pay me for is my opinion, with that said, I just want to go on record and it is going to go one way or the other with or without my vote, but I will say that this is a gross injustice to people that have spend a half a million dollars on a home and now that they have invested their whole life savings in something they are going to pay for the rest of their lives, someone decides they are going to build a townhouse or some type of multi-family dwelling in their backyard or next door to them, which obviously is going to be detrimental to their property values. So, with that said, this is going to be a tough one for me to understand, where it not for the fact that we have those provisions in R-1 and C-3. It does give those opportunities for people to look for those zoning areas that are currently existing. Those are my thoughts on that.

ROLL CALL: Mapel-N, Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.

M/C 4 Yes, 1 No.

MOTION Shiwarski, SECOND Barefoot to initiate the proposed amendment to Chapter 300, Article VII, R-3 Minimum Density Residential District, Section 300.45 – Area and Bulk Requirements of the Zoning Ordinance of Robinson Township, to increase the minimum yard requirements to forty feet (40') – front yard; increase each yard for single, Two-Family Dwellings to fifteen feet (15'); increase the rear yard for all principal uses to (35') thirty-five feet. The Planning Director is hereby directed to submit this proposed amendment to the Robinson Township Planning Commission and the Allegheny County Planning Commission for review and comment.

ROLL CALL: Mapel-N, Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.

M/C 4 Yes, 1 No.

MOTION Shiwarski, SECOND Barefoot to initiate the proposed amendment to Chapter 300, Zoning, Article II, Definitions: Word Usage, §300-12, Definitions, of the Code of the Township of Robinson to provide for definitions of display lighting and electronic sign panel and clarifying the definition of changeable copy sign and amending and restating Article XXIII, Conditional Uses §300-2305.C Billboards to limit the size and hours of operation of Billboards based upon the functional classification of the road to which the Billboard is oriented and clarifying various provisions to recognize new technology. The Planning Director is hereby directed to submit this proposed amendment to the Robinson Township Planning Commission and the Allegheny County Planning Commission for review and comment.

Commissioner Mapel, again I only want to say that everyone that knows anything about me knows that safety has always been the highest priority with me. Anything that compromises or jeopardizes the health, safety and welfare of our residents or anybody that is traveling through our Township, it is incumbent upon us to do and think through any type of ordinance change that would put people in harm's way by distracting them.

For example, if Route 60 was a divided highway where there was a safe medium between the two opposing traffic patterns, I would say maybe this is a good idea. However, under the circumstances, I think this is a terrible traffic hazard for people that are not paying close enough attention. Anything to district them, could be very difficult and damaging to somebody's health, their property or whatever. I just wanted to bring that up.

ROLL CALL: Mapel-N, Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.  
M/C 4 Yes, 1 No.

Chairman Abatta, I am just going to deviate. I was going to wait until my session for comments, but I just want to quickly reiterate and I will probably address it again, as far as motions 44 and 45 are concerned. I think that I addressed this a little bit earlier during the meeting. We are not a one horse town anymore. It is 2014 and these particular motions and what they address are structures that I feel at my age that I would be looking into and what I would want to live in. We are not talking about little single family apartments here. We are talking about townhouses. Most of you people know a lot about the market out there and some of these townhouses are going to be priced probably as much as a single family dwelling. These structures are available in any other county. Robinson Township is lacking for this particular type of housing. We have beautiful single family homes, but as far as the townhomes are concerned, these executive type homes, we are lacking. I know there is a group of people out there that are my age that are looking to get rid of the bigger houses, but still want to maintain the value and move into something maybe a little bit less square footage, but still maintaining value. Like I say, we are lacking this in Robinson Township. I think these two motions will address that particular type of structure.

Item #46 deals with signage. Again, if you go to any other community, be it the North Hills, North Fayette, etc. There are electronic signs. Kennedy Township has electronic signs. Our ordinances are out of date. They need updated. It is time to move on and make the best decisions for all of the residents of the Township and that is why I voted for these particular motions.

MOTION Kisow, SECOND Shiwarski to approve a Settlement Agreement with Robinson Peripheral Developers as submitted.

ROLL CALL: Mapel-Y, Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.  
M/C 5-0

MOTION Barefoot, SECOND Mapel to table the motion for a tax appeal settlement for Parcel #335-M-185 (BV-13-4973) in the amount of \$800,000.

ROLL CALL: Mapel-Y, Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.  
M/C 5-0

MOTION Shiwarski, SECOND Barefoot to approve the tax appeal settlement for Parcel #265-R-35 in the amount of \$1,800,000 and Parcel #265-R-30 in the amount of \$1,720,000.

ROLL CALL: Mapel-Y, Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.  
M/C 5-0

Motion Shiwarski, SECOND Barefoot to approve the tax appeal settlement for Parcel #266-D-193 in the amount of \$1,650,000. (BV-12-6464)

ROLL CALL: Mapel-Y, Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.

M/C 5-0.

MOTION Mapel, SECOND Barefoot to authorize the Township Manager to advertise to obtain bids for the resurfacing of the tennis and basketball courts in Clever Park.

ROLL CALL: Mapel-Y, Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.

M/C 5-0.

MOTION Barefoot, SECOND Shiwarski to authorize the Township Manager to establish cellular phone accounts and provide Township issued phones for the Township Commissioners upon request.

ROLL CALL: Mapel-Y, Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.

M/C 5-0

MOTION Shiwarski, SECOND Barefoot to authorize the hiring of summer help as seasonal employees at an hourly rate to be defined by the Township Manager.

Chairman Abatta, these are the people who are hired for this particular venue. We are coming up on the spring and summer season. Our pools are going to start to open up shortly and all of our recreation facilities will be crowded, but what we generally do every year at this time in April, we hire a number of kids to help our pool manager sign people up for pool passes, recreational swim lessons and things of this nature. We had a significant amount of applicants. What we have done in the past and what we will continue to do this year, there will be two separate hirings. This particular list that I am going to read tonight, is just for 15 individuals that will help get the pools up and running. They are as follows: Megan O'Brien, Vanessa Kessel, Kelsey Benigni, Gianna Boburka, Stephanie Boburka, Christina Boburka, Chedel Beck, Elizabeth Coleman, Alyssa Schott, Gina Richardson, Lauren Marasti, Garret Freese, Diane Freese, Kaitlin Gray and Lindsay Crawford.

ROLL CALL: Mapel-Y, Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.

M/C 5-0

MOTION Kisow SECOND Barefoot to authorize the hiring of Bill Black as Pool Manager at a rate of \$9,500.00.

ROLL CALL: Mapel-Y, Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.

M/C 5-0

Mgr. Silka, there was an omission on Number 30 on the discussion to authorize Geo-Mechanics.

MOTION Shiwarski, SECOND Barefoot to authorize the engagement of GeoMechanics, Inc. for a geotechnical engineering investigation of the Baldwin Rd. Extension slope failure at a cost of \$18,950.00 as amended.

ROLL CALL: Mapel-Y, Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.

M/C 5-0

### **COMMISSIONER COMMENTS**

**Commissioner Mapel**, I don't have a whole lot for you, but a couple of think I would like to briefly discuss. Maybe we can get the Chief up here at some point and he can discuss the need for these police officers. I don't even want the appearance of contentious posturing to be misrepresented from this Board. You have heard me say it many times. Sometimes we are going to look at issues from different perspectives and we are going to take different approaches to the answers to those questions. We are not always going to agree. I have always said that when we disagree, we need to respectfully agree to disagree. It is not personal. It has nothing to do with anything that becomes politically driven or anything else. I think that one of the things that I want to stress that is my highest priority is that I understand the questions and the decisions that need to be made, based upon what is good for all of the community, residents and taxpayers, not just a group that has their own agenda. Sometimes we have that. I have to look at a broader scope of where the decision needs to come from and what needs to go. I think we have done a pretty good job over the past few years, as least since I have been on this Board to address some of the safety concerns, even though somebody else has picked up that ball recently. If I were to walk away from this job today, which I have no intention of doing by the way, but if I had to do that, I would feel pretty good about the accomplishments that this Board has made towards public safety. We have a police dog for our police department that we didn't have a few short years ago. We have an access road going in at the high school that was vitally important to our children's safety, our faculty and all of the people that work up at that campus. Coming on with another project, the elementary school, is only going to compound the need for that. We have done some pretty good work here that is all for a purpose. It has all been driven by expanding the community and making it as safe as it can be. As Mr. Abatta said earlier, we are an older community that is trying to retrofit twice as many people in the same real estate. That is a real challenge and I think in so doing, even though we want to bring things into the 21<sup>st</sup> century as some have said, I think we have to use common sense about the fact that we only have so much geography to work with until such time that we have an opportunity, such as on Route 60. It is a dangerous road right now. Giving people something to gawk at and stare at and have their attention distracted away from their driving, could become a very serious problem. How do you put a value on human life? I cannot begin to do that. With that said, I am generally pleased with the things that we have been able to accomplish as far as public safety is concerned, but at the same time I think it is important and incumbent upon us to do our diligence on still making those decisions moving forward with regard to some of the decisions that we have to labor over here this evening.

Before we meet again, the majority of us will celebrate Easter, so I would like to wish you all a happy Easter and be safe out there and be kind to one another.

**Commissioner Kisow**, just two quick things, this time of year is construction season and there are a lot of us that work on the roads. Be mindful of your texting and talking on the phone. Not only construction workers, as I am myself, but the police, firemen, etc. I actually got hit this winter on I-79 by a car. Fortunately, I walked away from it. Cell phones are in your hand, just be careful. Also, in regards to the dumping, it is pretty bad. I understand where Chuck Marks is coming from. The people have gone underneath I-79 and sometimes they have decided to light it on fire. We have been under there a few times putting fires out. The dumping is pretty bad there and hopefully we will be down there helping to rectify that dump. It is not a public dump, but it seems to be to people.

**Commissioner Barefoot**, just being here a short period of time, I am looking at the people and the staff that we have on board from our police department, our planning, our zoning, we have a lot of checks and balances. When you see us up here going through these motions, we have done a lot of work, the people, our staff has done a lot of work to get these motions made. I just want to recognize the staff that we have on board.

**Vice-Chairman Shiwarski**, just a couple of real quick things. First of all, thanks to the residents who spoke tonight. I would like to congratulate and welcome aboard, all of the new hires in whatever positions that we approved tonight. Welcome to the Township. We are looking forward to working with you and for you as collective hires, to serve our residents. By the way, every one of those hires that we made tonight, they were in the budget so it was no addition to the budget for this year. Also, it has been five or six years now for our cleanup day. It is a little bit later in the year this year so hopefully the weather is a little bit nicer than it has been the last few years. It is on April 26<sup>th</sup>. Everybody come out. It is a good cause and it is a good way to clean up our Township and to start your family and educate your children on giving back to the community that they live in. Finally, everybody have a great holiday and happy Easter to everyone.

**Chairman Abatta**, I have a couple of comments and I would like to address some of these items as follow-ups. The first thing I would like to do is congratulate all of the new hires for the police department, public works, code enforcement and community activities. As Mr. Shiwarski said, these are all needed positions. We are a Township that is growing and I am happy for that. We always want to make sure that we provide the best essential services that we possibly can.

Mr. Lafever, I want to commend you on what you spoke to this evening. I hope that I clarified a couple of different things with you as far as what we are trying to do and where we are trying to move into the future. I appreciate the background that you have and I wanted to tell you that we are always looking for volunteers to serve on our Parks Board. I was really impressed with the comments that you made on the open fields and I can guarantee you that we will look into that. Thank you for enlightening us on those issues.

Ms. Smarra, Lisa, I have been wanting to talk to your group for quite some time. I am speaking from the bottom of my heart. I feel your concern. As you young ladies know, and I call you young ladies because I taught half of you in school, as well as some of the gentlemen here. I understand your concerns that you have. My daughters went to Burkett and maybe in the future if my daughters ever move back from Florida with the grandchildren, they will attend Burkett. Our hands are really tied. There is really nothing that we can do, which leads me to the point that I commented on before. There are some ordinances that need updated and when I saw the comments that you made to Mr. Sheehan and I think that one of your concerns was to try to help us update our ordinances. We are trying to move in that direction. Just like I thanked Mr. Lafever for the comments that he made regarding the open fields study; I am thanking you for what you did. We will look into businesses that we want, and businesses that are a little bit edgy that have to be moved to a certain area or are not suitable for the Township. I just would like to tell you that years ago before I sat here as a Commissioner I was on the zoning board and we had an issue quite similar to what you are speaking to. I don't want to name names, because I don't want to end up back in court, but there were concerned citizens that did not want this particular establishment and I did not either. There were church organizations that did not want it, but again our hands were tied and there was nothing that we could do. The ACLU was there and other organizations were there and we had to let it go into what it turned into. As I said, I appreciate your concern and I wish there was something that we could do. I am going to ask our Solicitor, Jack Cambest to explain the legalities of how this particular business is allowed to work. I know that you spoke with Mr. Silka and Mr. Urbano and hopefully they enlightened you. I also want the Chief to address this particular issue as well.

Solicitor Cambest, in trying to deal with the legal aspects and in looking at the zoning ordinance that we have in the C-2 Community Commercial District, it is very clear that a shoppers and convenience retail establishment is a permitted use in that district. What happens if you challenge those types of things on a legal basis, a court would look to try to define what a shopper and convenience retail establishment would be. Unfortunately in this case, the type of use that is being engaged in this area, would fall under that shoppers and convenience retail establishment. The zoning laws in the United States, the general theory is that property ownership is held above the police power. So, when you take a zoning ordinance and you exercise that police power, the use by the owner is always going to be given the benefit of the doubt in our court system. With that being a permitted use, it would be very hard to challenge that type of issue. As Mr. Abatta said, we could look at our ordinance to try to see if we can further define certain uses under that convenience retail establishment and see if they would be a better fit in other zoning districts. Unfortunately, with the application being made with this type of use being a permitted use, you cannot go retroactively, you can only go prospectively. The Board of Commissioners will look at this and see what changes we can make in our zoning ordinance in regard to these types of establishments. I think you have seen, and the public has seen the uses of adult businesses such as bookstores. Those were the things that were looked at 5 or 10 years ago when they first started coming into this area and zoning was able to define those issues and limit that use to certain districts in those communities. Any legitimate business, which this would be, under the law you must

have a place in your community where you can have that type of establishment. With that being said, we will try to look and see if we can limit that type of thing in the future.

Chairman Abatta, just to add, we also touched base with Chief Vietmeier and we were going in other avenues to see if we could thwart, hold up or stop this, but legally we could not do that and Chief is going to address that.

Chief Vietmeier, the only avenue in the law enforcement end that we were able to look at was the legality of permitted use in this area. I heard the same things from other people on the street, "what is going in here, what is this going to be?." Then I found out that there was a temporary occupancy permit. Immediately, I went to the District Attorney's office and I sent a copy of the email to Mr. Silka. This was in mid-January. There was still a lot of paper over the windows, etc. The answer from the District Attorney's office at that time was from Janet Necessary who ran the narcotics unit for the DA office and she responded back to me. Mr. Zappala also contacted me by telephone and the same thing was said. The legality of it is, you cannot stop it because it is a legal business. It only becomes illegal if they start selling drugs out of that place, then everything becomes contraband and that is when we can enforce it. We could get an injunction to close it if that becomes necessary. I don't know what else to say other than the fact that we are going to keep a good eye on it.

Chairman Abatta, did you not also check out the owner?

Chief Vietmeier, I personally did not check out the owner. I don't know who the owner actually is. I just saw the name that was on the paperwork. I was told that he also has places in Cranberry Mall. That is pretty much all that I know at this point.

Ms. Smarra's comments were not audible from the audience.

Solicitor Cambest, usually establishments of that nature form separate corporations. There may be a corporation that owns the property and another one that leases the property. It is very similar to a tavern situation.

Chairman Abatta, I would like to give a short Parks Report. Actually, why don't I have Jane Tallon give the report.

Ms. Tallon, first of all I would like to thank all of you for putting the confidence in me and putting me in this new position as community activities coordinator. This is a busy time of year. The first thing that I have listed here is our Easter event. That will be on Saturday, April 19<sup>th</sup>. The Easter bunny will arrive via Forest Grove fire truck to the Clever Rd. Park on Saturday at 1:00 p.m. It is a lot of fun. We have a giant Easter egg hunt for the kids. We have pictures with the Easter bunny and we have frames you can decorate for the pictures. That cost is \$2.00 per photo. There will be a variety of games and prizes for the children. It is a little later in the year, so we are hoping for good weather as well.

The community flea market is May 10<sup>th</sup>. This will take place at the Burkett Sports and Recreation Complex. You can start your spring cleaning early and clean your closets. You can make a couple of bucks on things that you will never use again. The charge is only \$15.00 for space. You do need to provide your own table and such. For more information on that you can visit our website at [www.townshipofrobinson.com](http://www.townshipofrobinson.com) to print an application. Our Township newsletter will be in the mailboxes late this month or early May. We have a lot of great information in there for the community. There is information on all of the Departments. It is a nice item to keep for valuable numbers and such. Also, as Jeff said earlier, remember clean-up day. That is Saturday, April 26<sup>th</sup>, Giant Eagle puts out a nice breakfast. The big thing is pool passes. They will be sold on Saturdays in May. You can sign up for swim lessons, mommy & me classes, etc. The passes are at a discounted rate in May. The first two Saturdays in May are for Robinson residents only and that gives our residents the opportunity to have first choice at the classes. The second two Saturdays are residents and non-residents as well. Those times for the sign-ups are from 10:00 a.m. until 4:00 p.m. Residents will need proof of residency because your fee is lower since you support the tax base here in Robinson. That is at the pool office in Clever Park.

Chairman Abatta, I would like to wish everyone a happy Easter and a blessed Passover.

MOTION Mapel, SECOND Kisow to adjourn the meeting.

ROLL CALL: Mapel-Y, Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.

M/C 5-0 to adjourn the meeting.

Meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Carol Merks  
Township Secretary

**DIRECTOR OF OPERATIONS  
CORPORATE SECRETARY**  
Bradley A. Blubaugh, BA, MPA

**SENIOR ASSOCIATES**  
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## TOWNSHIP OF ROBINSON ENGINEERING STATUS REPORT REMINGTON, VERNICK & BEACH Regular Meeting April 7, 2014

### 1. Commissioners Action Requested

- a. None at this time.

### 2. Capital Projects

- a. **CDBG Year 40** – We have submitted the final application for the remaining 2<sup>nd</sup> floor bathroom and are waiting on direction from the COG.
- b. **Baldwin Rd Ext Landslide** - We have conducted site visits and have completed survey work at the landslide location. We have also recommended cutting of trees on the unstable slope. A geotechnical analysis will be conducted to assess the soil conditions.
- c. **Robinson Town Center Blvd Drainage Study** - We have completed survey work to identify various sources of stormwater to the drainage pipe. We are continuing our analysis to right size the pipe.

### 3. Developmental Inspection

- a. **ISC** – Developer is continuing work on the site.
- b. **Don's Appliance** – Contractor is continuing work on the site.
- c. **2014 Road Program** – We have met the public works superintendent and are preparing cost estimates for the 2014 road program.

### 4. Developmental Reviews

- a. **Speedway** – The conditional use application was discussed at the Planning Commission meeting. The conditional use public hearing was held earlier today.
- b. **Taback Plan of Lots** – We are currently reviewing the plans.
- c. **Montour Elementary School** – The plan was discussed at the planning commission meeting. We have completed our review of the plan. The applicant's proposed use is not in conformance with the ordinance. The solicitor was consulted regarding the proposed use and

it was concluded that due the presence of existing high school, the proposed use should be considered an extension of the existing non-conformity. We are also reviewing the traffic study conducted by the applicant.

- d. **Providence Presbyterian Church** - We have completed our review of the site plan and conditional use plan. The application for conditional was filed and a public hearing was held earlier today.
- e. **Penn Center West Bldg 1** – The plan was discussed at the planning commission meeting. We have completed our first review of the site plan.
- f. **Two Marquis Plaza** – The plan was discussed at the planning commission meeting. We have completed our first review of the site plan.
- g. **Montour Sports Complex** – We have completed our review of the stormwater management plan.

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**5. Other**

- a. None.

**6. Proposals**

- a. None at this time.