

BOARD OF COMMISSIONERS REGULAR MEETING
MONDAY, SEPTEMBER 8, 2014
7:00 P.M.

CALL TO ORDER: Chairman Samuel Abatta called the meeting of September 8, 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 Attorney John Rushford, Mgr. Silka, Treasurer Kezmarsky, Planning Director Urbano and Mrs. Merks for the purpose of recording minutes.

Jane Tallon spoke regarding the Autumn Festival which is being held on Saturday, September 13, 2014. This is the 12th festival and there are over 120 vendors. Fireworks will be held at dusk.

Ms. Tallon thanked the Board of Commissioners, Township Manager, Public Works and everyone involved with the festival for all of their assistance.

TOWNSHIP ENGINEER'S REPORT (Report dated September 8, 2014)

CAPITAL PROJECTS

Engineer Meyers reported as follows:

CDBG YEAR 40 – this project has been put out to bid by the COG. This is for the bathroom renovations on the 2nd floor. There will be two stalls, as well as a baby changing station. With the amount of use that the library gets, the changing station will work very well up there.

CDBG YEAR 41 – we are looking to provide ADA compliant signage throughout the municipal building. One of the concerns that we have been hearing is the lack of signage in located the various departments.

BALDWIN RD. EXT. LANDSLIDE – the geotechnical report has been completed and is now with the Township attorney.

ROBINSON TOWN CENTRE BLVD. DRAINAGE STUDY – the analyses have been completed and have been given to Mr. Silka for the Township budget.

2014 ROAD PROGRAM – work was scheduled to begin today, but will most likely be Tuesday or Wednesday. They were reminded of their deadline for having the work completed.

BURKETT PARK FIELD SURVEY – survey work has been completed and findings presented to the Manager.

FAWNVUE DR. STORM SEWER AND MONTOUR RUN SWALE – currently we are doing soil and water testing and hope to have results for the next meeting.

DEVELOPMENTAL INSPECTION

ISC – Developer is continuing to work on site.

DON'S APPLIANCE – Contractor is continuing work on the site.

PENN CENTER WEST BLDG. #1 PARKING LOTS – work is substantially complete. There is a small amount of work to be done before their bond release.

HILTON GARDEN INN AND WEST PERIPHERAL – both are ongoing inspections.

STAFFORD PARK – very little site work being done at this time.

REZONING FOR CHEN AND BRANDYMILLI – both were recommended for advertising by the Planning Commission.

BALDWIN RD. EXT. LANDSLIDE – the field samples have been completed and soil testing is underway. We are awaiting the results of their finalized report.

ROBINSON TOWN CENTRE BLVD. DRAINAGE STUDY – the analysis has been completed with a list of alternatives and cost estimates being forwarded to the manager.

2014 ROAD PROGRAM – A pre-construction meeting is scheduled for July 22nd. The notice to proceed has been issued for August 4th.

BURKETT PARK FIELD SURVEY – work has been completed and findings have been forwarded to the Township Manager.

FAWNVUE DR. STORM SEWER – a meeting was held last week with the Township Manager and Supervisor Bonkowski to discuss some preliminary alternative designs.

MOON RUN SWALE – estimates have been received for conducting soil testing in the area for possible disposal options from a testing company.

POLICE REPORT

Chief Vietmeier submitted a copy of the August Report, which is attached to the minutes.

Chief Vietmeier, I would like to comment on an accident that occurred on I-79 above Route 51 a few weeks ago. The cooperation between all of the employees of the Township, the Fire Department, Groveton and Chief Kisow, as well as Gary Bane who is the emergency management coordinator, it was absolutely phenomenal. They took control of the entire situation and had a command post setup on Route 51 and as you know, the road was closed for many hours that day and they did a terrific job. My officers did a great job directing and detouring traffic. We were tied up for about 7 or 8 hours and it was a phenomenal job and the Township should be very proud of their wonderful personnel here.

Chief Vietmeier, I was supposed to have a special presentation tonight. I am going to call Officer Bryan up to speak about a fundraiser for our K-9.

Officer Bryan, we were supposed to have a special guest tonight, a woman by the name of Diane Oliver and her daughter Katie. They started a fundraising organization called "Cans for K-9's" where they recycle aluminum cans and donate the funds for ballistic vests for K-9's. Moon Run Volunteer Fire Department actually donated their entire can trailer. The dog is getting used to the vest. The cost was over \$1200.00 and it was at no cost to the Township. It was paid for by Ms. Oliver, her daughter and Giant Eagle Market District paid one half. We would like to thank these organizations, etc. because otherwise we could not have a piece of equipment like this.

Our K-9 is sixteen months on the street now and he will be three years old next month. Coming back to Robinson, I know that we have a \$50,000 seizure and we get a portion of that. We have another \$6500.00 seizure, a \$20,000 seizure from Stowe Township. So far as drugs go, he is close to 50 pounds of marijuana seized and a pretty good quantity of heroin. We have assisted every local agency that borders us, ATF, FBI and Postal Inspection Service on Campbells Run. There is a high demand here in the Township and outside, so in my opinion it has worked out tremendously.

Chairman Abatta, are you bringing him to the Autumn Festival?

Officer Bryan, I am sure that we will take a trip through. We also sell t-shirts as a fundraiser as well. Just trying to do whatever we can to offset the cost and make it easier on the Township.

ADMINISTRATION UPDATE

Manager Silka, I have a couple of items, not a lengthy report today. The monthly update on the Comprehensive Plan/Zoning Ordinance Update, we did get out of the box and were running strong, but now we are in a holding pattern waiting for our grant to be approved. I did contact the DCED Program Manager this month and they are looking to start doing a batch review of the applications in that program, either by the end of this month or early next month, so hopefully we will have some word very shortly on whether we are going to be funded in this quarter of the state's funding round. Secondly on that issue, probably in the month of October, we will begin interviewing comprehensive plan consultants. We will put together a team and meet the three consultants that put in an RFP for that. While it is a little bit slow right now, it is still ongoing. I don't want anybody to get discouraged, it is just a long process to do and I am confident that we are on track to keep this going.

Secondly, we did do our RFP for insurance brokers and we did do interviews. I believe that there is a motion tonight for approval of an insurance broker for the next three years. That process was completed successfully.

The good news is that going into 2015, I have some positive income on the unemployment insurance savings. We shopped our unemployment insurance internally. We have been with the Pennsylvania Borough Associations for the past couple of years and we were paying a rate of 6.9% on the first \$9,000 of everyone's income. We are going to be switching to U-Comp which is with the Pennsylvania League of Municipalities and actually endorsed by the Pennsylvania Association of Township Commissioners and our new rate is going to be 4.73% on \$9,000 of everyone's salary, so that is going to show us a savings going into 2015 of a little bit over \$13,000. That is made possible by the stability of Robinson Township employment. We did get dinged in the past when the dispatch center closed and we were getting charged higher rates for that one occurrence so the new rate is going to show historically we have very low turnover and low unemployment claims. That is going to be a positive going into 2015.

We will start in earnest at the end of September and thru October, a 2015 Budget process. You will see a pre-process memo probably in this week's administrative report showing some highlights of things that I would like to start taking a harder look at through the budget process this year. We will meet with department heads soon. Just one note as we go into this, this is not a reorganization year and there is no re-opening of the budget. The budget that is passed cannot be passed until at least the second quarter of the year.

I did get a letter today from FEMA stating that our flood plain ordinance was approved and everything is in order so we are officially in the FEMA and flood insurance program until the next map revision.

TOWNSHIP SOLICITOR'S REPORT

Attorney Rushford, we just had one item that is on the agenda and that is the tax appeal settlement. It is a very positive settlement.

FINANCE REPORT

Vice-Chairman Shiwarski, we are all starting to ramp up for the 2015 budget and the one thing that I think we have shown in the recent years is that it is a year long process.

Finance Officer Kezmarsky gave the August 2014 Treasurer's Report.

THE BOARD OF COMMISSIONERS CONDUCTED AN EXECUTIVE SESSION ON SEPTEMBER 8, 2014 FROM 5:00 P.M. TO 7:00 P.M. TO DISCUSS LEGAL AND PERSONNEL MATTERS. THE BOARD WILL TAKE OFFICIAL ACTION, IF ANY, FROM THIS EXECUTIVE SESSION DURING THIS MEETING.

OLD BUSINESS

Discussion to approve the August 4, 2014 Board of Commissioner's Meeting Minutes.

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

Discussion to approve the August, 2014 List of Bills.

NEW BUSINESS

Discussion to approve advertising for a Public Hearing for the Chen Rezoning request for Lot and Block Nos. 266-K-201, 266-R-195, 266-R-280, 266-K-183, 266-P-54 and 266-P-57 located on Steubenville Pike from C-2 to C-3.

Discussion to approve advertising for a Public Hearing for Leslie Road Associates, Lot and Block Nos. 267-S-255 and 267-S-265 (Brandyhill) from C-2 to R-2.

Discussion to approve Resolution No. 6 of 2014 establishing the 2015 Minimum Municipal Obligation for the Non-Uniformed Employees Pension Plan in the amount of \$293,009.60.

Discussion to approve Resolution No. 7 of 2014 establishing the 2015 municipal Obligation for the Police Pension Plan in the amount of \$597,774.00.

Discussion to approve a three (3) year extension of the Agreement between Robinson Township and the Robinson Township Police Association for the period of January 1, 2015 through and including December 31, 2017.

Discussion to approve _____ as Insurance Broker for the Township of Robinson's commercial and health insurances for a period of three (3) years.

Chairman Abatta, as Mgr. Silka stated earlier, we had three groups that came in and presented their plans. Speaking for myself, I was pleased with the James L. Smith Agency. I am asking if anyone has any discussion on that particular insurance group?

Discussion to approve a bid in the amount of \$950.00 for a 2001 Crown Victoria (as is) to Sean Feeley.

Vice-Chairman Shiwarski, these are municipal cars that have been taken out of use. These were all advertised for anyone to bid on.

Discussion to approve a bid in the amount of \$506.00 for a 2005 Crown Victoria (as is) to Mark Gaudino.

Discussion to approve a bid in the amount of \$1,050.00 for a 2009 Crown Victoria (as is) to Ed Vietmeier.

Discussion to approve the purchase of land management software from Freedom Systems Corp., for a total cost of \$18,995.00 off of the COSTAR purchasing contract.

Discussion to approve the Tax Appeal Settlement in regard to BV-13-006190 concerning Parcel 336-R-25 owned by Sears Roebuck & Co. for \$9,400,000. For 2013 and \$9,000,000. For 2014.

Chairman Abatta, I have some agenda items here in the same realm of discussion.

Discussion to approve the Tax Appeal Settlement in regard to BV-09-1375 for Parcel 335-D-248 and BV-09-1533 for Parcel 335-D-248-2 for Hightower Apartments, L.P. for 2009 at the amount of \$3,850,000, 2010 for \$4,221,666, 2011 for \$4,593,333, 2012 for \$4,965,000, 2013 for \$6,500,000 and 2014 \$6,500,000.

Discussion to approve the Tax Appeal Settlement in regard to BV-12-002483 and BV-13-006291 for Parcel 336-P-30 for J. C. Penney Properties, Inc. for 2012 it is \$9,978,000, for 2013 it is \$10,500,000 and for 2014 it is \$9,500,000.

Discussion to approve the Tax Appeal Settlement in regard to BV-09001487 for Parcel 336-K-30 for Macy's for years 2009 would be \$11,000,000, 2010 is \$11,000,000., 2011 is \$11,000,000, 2013 is \$10,000,000 and 2014 for \$10,000,000.

Mgr. Silka, over the past several meetings, if you are following along you will see that there have been a lot of motions for tax appeal settlements. If you look at any other municipal agenda over the past couple of months, you will see that this is very common and it goes back to the 2013 year where we had the 2012 assessments that were put on. These are appeals that are going through the Board of Views and are basically the big commercial appeals going through with the new reassessment rates. What is happening is that some of these are being settled to the good of the Township, a revenue neutral settlement, money coming back to the Township and some are being settled at the benefit of the landowner, who is going to see a refund giving back to the property owner. The school district is taking the lead on this since they have the lion's share of tax revenue and we are working closely with them and our solicitors to make sure that we are being well represented. What we have been able to do is work out whenever there are large refunds do to taxpayers is to work it out that there is a credit given over the next three years so that we are not obligated to write a large check for this year and we can spread the refund as a tax credit off of their future bills. That being said, we are obviously going to lose revenue because we are refunding it and the we will be able to net the credits out of our budget process for the next three years on real estate tax due so we can lessen the impact. On the refunds that we are giving, they will be coming out of our surplus funds so there may be a diminished surplus at the end of this year or next simply due to having some refunds.

Chairman Abatta, this is something that is happening in all difference municipalities and Townships throughout Allegheny County.

Attorney Rushford, I have to say that the tax assessments in this area have been quite strong. While there may be corrections, most of them have been revenue neutral.

CITIZEN'S COMMENTS

Charles Simm (34 Eichelberger Dr.), is the Solicitor here tonight? Are you the regular Solicitor?

Attorney Rushford, our office is the solicitor.

Mr. Simm, if I ask about a legal question, can you answer it?

Attorney Rushford, I can answer a legal question.

Mr. Simm, here is the legal question, ten years ago Robinson Township took a piece of property, moved a raw sewage line which had broken at the time onto private property and detoured it across the creek without proper support. I mentioned this at a meeting. The Township hurriedly came back and that was the first time. They never notified the owner of the property that they were going to do this. When I pointed out that the law was being broke because of the way the raw sewage line was run across the creek, they hurriedly in eight days moved it back.

The second time they went on this lady's property they did not get a release or any notification to her. My question is, does that constitute a "start work" on that lady's property?

Attorney Rushford, if somebody goes on your property and does an improvement and maintenance that is work.

Mr. Simm, that would be legal work on that lady's property. There were four properties involved in this problem.

Attorney Rushford, I think you are talking about trespassing?

Mr. Simm, that is one thing and the other is that the Township filed a statute of limitation on two of the four properties that were involved in this case. How can they do that when you start work on three properties and the work was done on three properties? Would that not make the statute of limitation case that the Township filed completely null and void?

Chairman Abatta, you have about one more minute for your questions. What I will do is have Mr. Rushford address your question at the end of the meeting. I don't want to go back and forth here.

Mr. Simm, one of the problems is this four minute time period is too short. The Commissioners can talk for as long as they want at the end and we only get four minutes. We would like a little bit longer in a special case like this.

Chairman Abatta, this is the forum that we have set up. I am sure that if there are issues that any citizens would like to speak about, the first step is always to get in touch with the Township Manager and he will get to us.

Chief Vietmeier, thank you for your time. Speaking in regards to Motion #32, which I hope will be passed this evening. Before I go on about it, I have been an employees of the Township for 34 + years and your police chief for 20 years today. It has been an honor and a privilege. I love my job and I love working with the community. I love working with the Commissioners and all of the employees of the community. I want to comment on #32 because is my 34 year career, this is only the second time and the first time was in 1986, that there is a possibility of a police contract being settled before the contract expires and arbitration put by the wayside. I want to commend the Board of Commissioners for what you did for this #32 and for the other employees of this Township. You know that you have great employees here and we try and work hard. It is just unbelievable the willingness and thoughtfulness to settle this contract and that is what I want to comment on. As I said, it is only the second time in my 34 year career. I just hope this motion passes tonight. We have a terrific police force and the community should be proud of it. The officers are better trained and educated than ever before. We are out there to protect and serve the public and our community. What a better

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way to show your support for the police department than pass this motion tonight. I thank you from the bottom of my heart because it is really appreciated.

Chairman Abatta, I think the tentative agreement is a win-win situation for both parties. You individuals do a fantastic job and it is also a win on the community side as far as I am concerned. Mgr. Silka, Commissioner Kisow and myself sat in on negotiations and I think both sides ended up winning on this. Hopefully it will go through tonight and we can continue to have a great relationship with our police force.

BUILDING INSPECTOR/ZONING OFFICER REPORT

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

Mr. Urbano, in talking about tax appeals and assessments, the \$62 million in new construction this year is new taxes that we are putting on for the Township and the residents to help keep the taxes what they are. I have to agree that this Board is doing a fine job also.

Vice-Chairman Shiwarski, in regards to the \$62 million, we are already \$24 million ahead of last year with four months to go.

Mr. Urbano, I can tell you that I have broken the \$400,000 mark with the first three days in this month. I commend the Board for working with the Planning Commission, the Zoning Hearing Board and all of the other Boards that we are in the position to do this. It is a team effort. There is nobody trying to take control of anything. It is a team effort for the taxpayers.

Chairman Abatta, this was started by Commissioner Barefoot when developers come in with projects, whether it be commercial or residential, we as a Board always get a preview of it before it comes to the Planning Commission. I think that is the right way to go and obviously the process is working.

AGENDA

MOTION Mapel, SECOND Barefoot to approve the August 4, 2014 Board of Commissioners Meeting Minutes.

ROLL CALL: Mapel_Y, Barefoot_Y, Kisow Y, Shiwarski-Y, Abatta_Y.
M/C 5-0

MOTION Shiwarski, SECOND Kisow to approve the August 2014 Treasurer's Report.

ROLL CALL: Mapel_Y, Barefoot_Y, Kisow Y, Shiwarski-Y, Abatta_Y.
M/C 5-0

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

ROLL CALL: Mapel_Y, Barefoot_Y, Kisow Y, Shiwarski-Y, Abatta_Y.

M/C 5-0

MOTION Shiwarski, SECOND Barefoot to approve advertising for a Public Hearing for the Chen Rezoning request for Lot and Block Nos. 266-K-201, 266-R-195, 266_R-280, 266-K-183, 266-P-54 and 266-P-57 located on Steubenville Pike from C-2 to C-3.

ROLL CALL: Mapel_Y, Barefoot_Y, Kisow Y, Shiwarski-Y, Abatta_Y.

M/C 5-0

MOTION Kisow, SECOND Shiwarski to approve advertising for a Public Hearing for Leslie Road Associates, Lot and Block Nos. 267-S-255 and 267-S-265 (Brandymill) from C-2 to R-2.

ROLL CALL: Mapel_Y, Barefoot_Y, Kisow Y, Shiwarski-Y, Abatta_Y.

M/C 5-0

Motion Shiwarski, SECOND Barefoot to approve Resolution No. 6 of 2014 establishing the 2015 Minimum Municipal Obligation for the Non-Uniformed Employees Pension Plan in the amount of \$293,009.60.

ROLL CALL: Mapel_Y, Barefoot_Y, Kisow Y, Shiwarski-Y, Abatta_Y.

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ROLL CALL: Mapel_Y, Barefoot_Y, Kisow Y, Shiwarski-Y, Abatta_Y.

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MOTION Barefoot, SECOND Mapel to approve a three (3) year extension of the Agreement between Robinson Township and the Robinson Township Police Association for the period of January 1, 2015 through and including December 31, 2017.

ROLL CALL: Mapel_Y, Barefoot_Y, Kisow Y, Shiwarski-Y, Abatta_Y.

M/C 5-0

MOTION Shiwarski, SECOND Mapel to appoint James L. Smith Agency as Insurance Broker for the Township of Robinson's Commercial and Health Insurances for a period of three years commencing 2015 – 2017.

ROLL CALL: Mapel_Y, Barefoot_Y, Kisow Y, Shiwarski-Y, Abatta_Y.

M/C 5-0

MOTION Barefoot, SECOND Shiwarski to approve a bid in the amount of \$950.00 for a 2001 Crown Victoria (as is) to Sean Feeley.

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M/C 5-0

COMMISSIONER COMMENTS

Commissioner Mapel, I really do not have anything prepared but I will share a couple of quick comments that this evening's meeting has prompted in my mind. As you folks have heard me repeat and reiterate, it is nice when people get along and work together. Tonight we have seen several examples I think of how this Board is working with the various departments. I think the Police Department is a good example of one of those discussions. I don't want to disrespect anyone for what they do or how they do it, but it is encouraging to see people getting along when they are doing what can sometimes become very contentious. Earlier this evening we had the K-9 here and there were a lot of naysayers who said this would not happen. Some of those people are actually even police officers. It took a long time for that to come to fruition. I am very pleased to see that some of these potentially contentious issues involving pension plans and finances that make these departments work are being resolved without the contention that we have sometimes seen in the past. I appreciate that. Sometimes we have to agree to disagree and we don't make it personal. We just move on and do the right thing for the people we represent. I am pleased tonight to see that this Board has made some milestone developments and improvements on some of those relationships and I am proud to be a part of that.

Commissioner Barefoot, just when you think you are done building, you just keep on building. I echo what the Chief has said. I think he summed everything up. I think people are working together here and I think we are going to continue that.

Commissioner Kisow, I just want to reiterate on the incident that Chief Vietmeier brought up. We had an incident on I-79 and at no time was anybody in danger of the product. That was a big question at first. It went pretty well. I-79 was shutdown for 8 hours and it was kept to one lane until midnight that night until the product was removed. The ICS system worked. The 911 dispatch was a great help. We implemented the emergency management coordinator through the Township. We had the deputies there. All in all, the plan worked like it should. I was very proud of everybody. I wanted to thank the communities that helped us which included; Aleppo, Neville Island, Coraopolis, Valley Ambulance, REMS and the other two fire departments in the Township. Through all of that organization, by the end of the day we had both roads open. There were three other accidents that occurred with this. When the truck went off of the bridge, pieces of it landed on the car underneath. The lady in the car lost her windshield and her hood. The second one was a two car pileup on Route 51 and the third one was a traffic incident on I-79. Nobody really got hurt, other than the lady in the traffic. Everybody did their job.

Vice-Chairman Shiwarski, I would like to congratulate Chief Vietmeier on his 20 year anniversary and wish Secretary Merks a happy belated birthday. I would like to give some kudos to Public Works. I don't know if anyone noticed that the Clever Park play structure was refurbished over the summer. The Public Works Dept. and some of the summer help were involved in that. They did a very nice job.

Jane Tallon spoke very passionately and accurately about this Saturday. Anybody who has ever attended our festival has left feeling satisfied with the event. I was with some people from the City of Pittsburgh on Saturday night and they were telling another person we were with about the event and how nice it is. It is something that we should all be proud of and I would like to take this opportunity to thank all of the workers and volunteers who helped put that together. As Jane mentioned, it is not a one day or one month thing, it is a year long thing and thank you to everyone.

Chairman Abatta, just in closing I would like to remind everyone about the Saturday Autumn Festival. It starts at 12:00 noon and goes on until 10:00 p.m. Hopefully we will see all of the residents there.

MOTION Mapel, SECOND Barefoot to adjourn the meeting.

ROLL CALL: Mapel_Y, Barefoot_Y, Kisow Y, Shiwarski-Y, Abatta_Y.

M/C 5-0

Meeting was adjourned at 8:00 p.m.

Respectfully submitted,



Carol Merks
Township Secretary