

BOARD OF COMMISSIONERS REGULAR MEETING
MONDAY, NOVEMBER 3, 2014
7:00 P.M.

CALL TO ORDER: Chairman Sam Abatta called the meeting of November 3, 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 Jack Cambest, Mgr. Silka, Treasurer Kezmarsky, Planning Director Urbano and Mrs. Merks for the purpose of recording minutes.

TOWNSHIP ENGINEER'S REPORT (Report dated November 3, 2014)

Engineer Meyers reported as follows:

CAPITAL PROJECTS

Staffprd Park –Bond reduction should be reduced to \$52,140.00 for a total bond amount of \$114,150.30.

CDBG Year 40 –waiting for COG to prepare the contract. This is located on the second floor and will be the women's restroom for the library. Bid was awarded to Swede Construction.

CDBG Year 41 – currently preparing final applications for the grant. The grant will help in providing ADA compliant signage throughout the municipal building.

2014 Road Program – the contractor has completed the roadwork. The invoice is being reviewed for a recommendation of payment.

Fawnvue Dr. Storm Sewer – preliminary plan drawings have been completed for storm sewer reconstruction. They have also scheduled a survey for the eroded slope and have solicited cost estimates for geotechnical evaluation and stabilization of the hillside.

DEVELOPMENTAL INSPECTION

ISC – Developer is continuing to work on site.

PENN CENTER WEST BLDG. #1 PARKING LOTS – work is completed. A final inspection will be scheduled for bond reduction.

MONTOUR ELEMENTARY SCHOOL – The contractor has completed clearing and grubbing work at the site. Compaction of existing loose fill material at the site is continuing along with the storm work.

HILTON GARDEN INN – Contractor is mainly working on sanitary work at the site. Stormwater management work has been completed.

WEST PERIPHERAL HOTELS – Contractor has completed storm work on the site.

GET GO #3047 ROBINSON CROSSROADS – Contractor has completed storm work on the site.

HAMPTON INN SETTLERS RIDGE – Pre-Construction meeting was held and the contractor has started work on the site. Proposed amendments to the storm sewer system are being reviewed.

PROVIDENCE PRESBYTERIAN CHURCH – Pre-Construction meeting was held and contractor has started work on the site.

GET GO ROBINSON CROSSROADS – The contractor is continuing storm work on the site. When they looked at tying in some of the storm piping, they discovered that some of it had been crushed so they are going to be looking at replacing those.

PLEASANT VIEW CONDOMINIUMS – A road bond estimate has been provided for the repaving of Wingate Drive.

DEVELOPMENTAL REVIEWS

TWO MARQUIS PLAZA –Performance bond estimate has been provided.

ARBOR TRAIL SUBDIVISION – The preliminary plan for Phase 1&2 and final plan for Phase I were approved at the August meeting. Awaiting the performance bond estimate from the applicant.

BRANDYMILL WOODS SITE PLAN – Review of plans has been completed.

THE RIDGE AT ROBINSON SITE PLAN – Review has been completed. The proposed development was recommended for a tentative PRD approval by the Planning Commission on October 2, 2014. Public hearing for consideration for this development as a PRD was held earlier today.

DUCKSTEIN REZONING – Application has been reviewed and comments provided. Public hearing for rezoning was held earlier today.

GRACE MANOR LOT NO. 9 SUBDIVISION – Review has been completed. Will be on Planning Commission agenda.

HOMITZ-INSAWANG SUBDIVISION – Subdivision review has been completed. Will be on Planning Commission agenda.

POLICE REPORT

Chief Vietmeier submitted a copy of the October Report, which is attached to the minutes. For the second year in a row, Officer Michael Gastgeb was recognized last week at the Pennsylvania DUI Association Seminar in State College. This is for the top 50 arrests for DUI in the Commonwealth last year. He has done a great job.

Chairman Abatta, we are proud of you and your force. It starts at the top with you.

ADMINISTRATION UPDATE

Manager Silka, a couple of items to update the Board of Commissioners on. I am going to go out of order for my agenda. One is that you have before you, the working draft of the 2015 Budget that was compiled by the staff. We do a bottom up drafting of the budget. It was reviewed with Commissioner Shiwarski, who is the Finance Chairman. That will be our homework for the next month or so as we go through November and December to get this budget adopted and make it our official 2015 Budget. Just a couple of notes, since this year is not a reorganization year, the budget cannot be reopened once it is adopted. The Budget must be advertised per First Class Township Code at least 20 days prior to the final adoption. We are well on track towards getting that Budget adopted.

Secondly, the trash and recycling bids for 2015 thru 2019 are out. They will be coming in at the end of this month to be considered at the December meeting.

In working with the community coordinator, Jane Tallon, we are very proud of our facebook progress. We currently have 291 likes on our facebook page. We are trying to transition folks who do use facebook to get in the habit of liking us because we can give out live updates of what is going on in the Township and anything pertinent. The good thing for us is that there is no cost to the Township. It is becoming a vital tool for us for communication.

We are going to be doing some server work. We were hit by a virus two weeks ago. We do have a new server that has been sitting in our server room that we are going to transition all of our domain work on there. We have been working with our computer consultants and on Veterans Day, November 11th we are going to work on it and get everybody switched over. Since it is a holiday it will not interrupt our business, as we will not be working.

Lastly, my comprehensive plan and zoning ordinance update is going very positively. We are down to interviewing possible consultants and hopefully making a selection over the next month or two.

That is my report.

Chairman Abatta, I will be speaking a little bit later during my session on that issue.

TOWNSHIP SOLICITOR'S REPORT

Solicitor Cambest had no report.

FINANCE REPORT

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

THE BOARD OF COMMISSIONERS CONDUCTED AN EXECUTIVE SESSION ON OCTOBER 6, 2014 FROM 5:00 P.M. TO 6:00 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 September 8, 2014 Board of Commissioner's Meeting Minutes.

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

Discussion to approve the September, 2014 List of Bills.

NEW BUSINESS

Discussion to approve advertising for a Public Hearing for the Cedars Development Co. Parkside Land Development Plan, Lot and Block #264-B-290 on November 3, at 5:45 p.m. as recommended by the Planning Commission. The applicant wishes to rezone the property from C-4 Planned Office/Ltd. Industrial to C-3 Planned Commercial/Office/Multiple Family District.

Discussion to approve advertising for a Public Hearing for the Duckstein Property Lot and Block #152-A-79 and 152-A-180 on November 3, 2014 at 6:00 p.m. as recommended by the Planning Commission. The applicant wishes to rezone the property from C-2 Community Commercial District to R-3 Medium Density District.

Discussion to approve the King-Sambolt Subdivision Plan, subject to minor changes in the plan. The applicants are proposing to convey an unspecified area from Lot 210-E-62 to Lot 210-E-80 as recommended by the Planning Commission.

Mr. Urbano, the updates have been made.

Discussion to approve a ninety (90) day extension to Penn Center West, Building 9 Site Plan as recommended by the Planning Commission.

Discussion to deny a waiver request for a buffer yard for the West Peripheral Hotels located at the cul-de-sac of Sutherland Drive, Section 300-130 as recommended by the Planning Commission.

Discussion to deny a waiver request to eliminate screening of off-street parking lot for West Peripheral Hotels, Section 300-137.B.9 as recommended by the Planning Commission.

Discussion to approve a waiver request for HDPE storm pipe for Hampton Inn – Settlers Ridge as recommended by the Planning Commission.

Discussion to grant tentative approval of the Ridge at Robinson Subdivision Plan as recommended by the Planning Commission.

Discussion to grant tentative approval of the Ridge at Robinson Site Plan as recommended by the Planning Commission.

Discussion to schedule a Public Hearing November 3, 2014 at 6:15 p.m. for PRD on the Ridge @ Robinson PRD Plan as recommended by the Planning Commission.

Discussion to approve a ninety (90) day extension from October 1, 2014 to December 30, 2014 to render a decision on the preliminary/final subdivision, land development and planned residential development for the Ridge @ Robinson.

Discussion to adopt Resolution No. 8 of 2014 designating an official to perform the required duties between the Township of Robinson and the Department of Economic Development for the Community Development Block Grant Year 41 for ADA signage in the Township Municipal Building.

Discussion to approve a bid by Swede Construction in the amount of \$28,050 for CD 40 7.5 Restroom Renovations (2nd floor) of Township of Robinson Municipal Building.

Discussion to authorize the advertisement of and scheduling of a Public Hearing on November 3, 2014 at 6:30 p.m. for an Ordinance of the Township of Robinson, Allegheny County, Pennsylvania, amending 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 and Special Exceptions §300-154.A (3) 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 and to direct the Planning Director to submit this proposed amendment to the Robinson Township Planning Commission and the Allegheny County Planning Commission for review and comment.

Discussion to approve the release of \$60,000 Traffic Signal escrow for Ventana Hills on the recommendation of the Township Staff.

Discussion to approve the Tax Appeal Settlement in regard to BV-13-6922 concerning Parcel 35-P-202 owned by Parkway Center West Association for tax year 2013 and \$5,687.00 for tax year 2014.

Discussion to advertise for bids on the following Public Works equipment: 1969 – 1900 Trojan Loader, 1972 Mack Fire Truck, 1990 Elgin (Ford) Sweeper, 2001-2500 4 x 4 Dodge Cab and Chassis, 1997 F350 4 x 2 Ford, Ransomes 36" Walk behind Mower, Toro 36" Walk Behind Mower, 2003 John Deere 6 x 4 Gator Utility, 1978 Douglas 8000 lb. Trailer, Caterpillar General Purpose Bucket for IT24 Loader, Balderson Grab and Grip Bucket for IT24 Loader, Coates 40-40SA Tire Changer, Coates 1001 Tire Balancer and two (2) 36" General Purpose Buckets for Case 580 Backhoe.

Mgr. Silka, this is all surplus equipment that we will be selling "as is."

Discussion to authorize the Township Manager to dispose of the 2007 Black and White Crown Victoria as scrap.

Engineer Meyer, if I could, I noted that under Items 17 and Items 18, there are two motions for denials for the waivers. There should also be a third as per the Planning Commission recommendations. I wanted to bring that to your attention if it would be possible to entertain this motion.

Discussion to deny the sidewalk waiver for West Peripheral Hotel.

MOTION Barefoot, SECOND Kisow to amend the agenda.

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

M/C 4-0.

Mgr. Silka, we have one more motion that can be added at this time.

Discussion to promote Michael Smarsh to operator at the current rate of the Public Works Bargaining Agreement as of November 1, 2014.

CITIZEN'S COMMENTS

Charles Simm (34 Eichelberger Dr.), I come here tonight unrepresented by legal counsel. The reason that I am non-represented is, the State of Pennsylvania chose to set it up this way so that I have no legal counsel when I come into this building, yet all of the Commissioners have legal counsel sitting there every minute of the time. I want that noted due to the fact that the only way I can get a legal answer without paying to go to a lawyer, is by asking the legal counsel of the Township who is actually against me. My question tonight is, when the Township had the problem with the hill behind my house, the Township did not notify the Environmental Protection Agency that there was a raw sewage spill in the Township. This was back in the year 2004 to 2006. It was never notified to them that there had been a spill so it was never properly cleaned up. Somebody is responsible in the Township of Robinson to handle this. What I want to know tonight legally, is who is responsible? Is it the legal department, the engineering department or who it responsible to report to the Environmental Protection Agency the fact that there was a raw sewage spill? It was never done, which means as far as the Robinson Township people are concerned, that spill never happened, but all the violation was a fact that it was not reported. Who is responsible? Can you answer that question for me?

Solicitor Cambest, this is only public comment. You say this happened in 2004 – 2006? I will be glad to consult with the Township Manager. We can take a look if we have any records going back that far.

Mr. Simm, it should be on the record of the Township meetings which in my estimation are held for 10 to 20 years.

Solicitor Cambest, there is a municipal records retention act and I am not sure off the top of my head.

Mr. Simm, it is the video. These questions have been asked before. You are new in this game. I have been playing this game since 2001. I have learned that I have to ask specific questions to find out a specific answer because of the fact that the Township did not report that to the environmental protection agency and by not doing that, it never was fixed. In turn, they could run the statute of limitation on me and my neighbor as to the fact that they wanted to just let it run out. I feel this is totally wrong and is invalid due to the fact that it was never reported to the agency and the Township waited until they received the second notice from the Environmental Protection Agency after I went and had them come twice to my property to see what damage was being done. They sent a letter to the Township. It was a thirty (30) day notice and then a letter was sent

by the Township Engineer to the Environmental Protection Agency and they extended the Township the courtesy of an extension of time which let it run all the way to the end of the statute of limitations. I never received the money that I felt I should have got for the claim that I had and Mrs. Kraft had. I need an answer as to who is going to accept responsibility. The next question is why wasn't it done?

Vice-Chairman Shiwarski, your 4 minutes is up. Thank you.

BUILDING INSPECTOR/ZONING OFFICER REPORT

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

AGENDA

MOTION Barefoot, SECOND Kisow to approve the September 8, 2014 Board of Commissioners Meeting Minutes.

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

MOTION Barefoot, SECOND Mapel to approve the September 2014 Treasurer's Report.

ROLL CALL: Mapel_Y, Barefoot_Y, Kisow Y, Shiwarski-Y
M/C 4-0

MOTION Barefoot, SECOND Mapel to approve the September, 2014 List of Bills.

ROLL CALL: Mapel_Y, Barefoot_Y, Kisow Y, Shiwarski-Y
M/C 4-0

MOTION Barefoot, SECOND Mapel to approve advertising for a Public Hearing for the Cedars Development Co. Parkside Land Development Plan, Lot and Block #264-B-290 on November 3, at 5:45 p.m. as recommended by the Planning Commission. The applicant wishes to rezone the property from C-4 Planned Office/Ltd. Industrial to C-3 Planned Commercial/Office/Multiple Family District.

ROLL CALL: Mapel_Y, Barefoot_Y, Kisow Y, Shiwarski-Y
M/C 4-0

MOTION Barefoot, SECOND Kisow to approve advertising for a Public Hearing for the Duckstein Property Lot and Block #152-A-79 and 152-A-180 on November 3, 2014 at 6:00 p.m. as recommended by the Planning Commission. The applicant wishes to rezone the property from C-2 Community Commercial District to R-3 Medium Density District.

ROLL CALL: Mapel_Y, Barefoot_Y, Kisow Y, Shiwarski-Y
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MOTION Barefoot, SECOND Mapel to approve the King-Sambolt Subdivision Plan, subject to minor changes in the plan. The applicants are proposing to convey an

unspecified area from Lot 210-E-62 to Lot 210-E-80 as recommended by the Planning Commission.

ROLL CALL: Mapel_Y, Barefoot_Y, Kisow Y, Shiwarski-Y
M/C 4-0

MOTION Kisow, SECOND Barefoot to approve a ninety (90) day extension to Penn Center West, Building 9 Site Plan as recommended by the Planning Commission.

ROLL CALL: Mapel_Y, Barefoot_Y, Kisow Y, Shiwarski-Y
M/C 4-0

MOTION Barefoot, SECOND Kisow to deny a waiver request for a buffer yard for the West Peripheral Hotels located at the cul-de-sac of Sutherland Drive, Section 300-130 as recommended by the Planning Commission.

ROLL CALL: Mapel_Y, Barefoot_Y, Kisow Y, Shiwarski-Y
M/C 4-0

MOTION Barefoot, SECOND Mapel to deny a waiver request to eliminate screening of off-street parking lot for West Peripheral Hotels, Section 300-137.B.9 as recommended by the Planning Commission.

ROLL CALL: Mapel_Y, Barefoot_Y, Kisow Y, Shiwarski-Y
M/C 4-0

MOTION Kisow, SECOND Barefoot to deny a sidewalk waiver request for West Peripheral Hotels, Section 250.41 as recommended by the Planning Commission.

ROLL CALL: Mapel_Y, Barefoot_Y, Kisow Y, Shiwarski-Y
M/C 4-0

MOTION Mapel, SECOND Barefoot to approve a waiver request for HDPE storm pipe for Hampton Inn – Settlers Ridge as recommended by the Planning Commission.

ROLL CALL: Mapel_Y, Barefoot_Y, Kisow Y, Shiwarski-Y
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MOTION Barefoot, SECOND Mapel to grant tentative approval of the Ridge at Robinson Subdivision Plan as recommended by the Planning Commission.

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M/C 4-0

MOTION Barefoot, SECOND Kisow to adopt Resolution No. 8 of 2014 designating an official to perform the required duties between the Township of Robinson and the Department of Economic Development for the Community Development Block Grant Year 41 for ADA signage in the Township Municipal Building.

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MOTION Barefoot, SECOND Mapel to authorize the Township Manager to dispose of the 2007 Black and White Crown Victoria as scrap.

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

M/C 4-0

MOTION Barefoot, SECOND Kisow to promote Michael Smarsh to operator at the current rate in the Bargaining Agreement as of November 1, 2014.

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

M/C 4-0

COMMISSIONER COMMENTS

Commissioner Mapel, every once in a while I have a very unenviable task that is imposed upon me from time to time by our residents. As uncomfortable as I am to bring this up or mention it even at all, I am duty bound I think to reflect or at least ask questions of some things that are of concern to our residents. One of the things that has come to my attention on several different occasions and I have never addressed it previously, but I am going to address it tonight because I said that I would. First of all I will start by telling you a quick little story. Driving with one of my daughters recently, I was going past the area where Costco is located and on up to the intersection where PNC Bank is. On that little island was a young man with a border collie and a sign describing his homelessness and his begging for help. I got to thinking about this when I looked over and I saw my daughter crying. Some of you that know us as a family, we have a couple of border collies, so needless to say, it drew my attention to the situation which I had seen many times before. Different locations seem to be growing in the Township where people who have fallen on hard times are trying to get some help. I

have never been homeless, and thank God that is the case. I cannot even imagine what it is like to be homeless. I think that the people who have concerns and the questions that they have is public safety. Distracting people from their driving habits, not to mention the fact that this person, among others because I have actually seen a guy there with his wife, it happens all the time. I think the concern that the resident had

was the public safety aspect, meaning that person's safety, along with the safety of pedestrians and drivers of cars in the area. I really did not know what to tell this person about the legalities of it. That is one of the reasons why I wanted to get a thought from our Chief, because it is not really soliciting when you are just asking for something with nothing in return. I am not sure if we have any legal ground. There is an old saying that if a person is in need, you can do one of two things. You can throw him a fish or you can teach him how to fish. What is the better solution? I am not altogether sure that I am qualified to answer that, but I am still grasping for an answer that I don't really have. Chief Vietmeier, would you like to comment on this please?

Chief Vietmeier, Commissioner Mapel basically this is new information that is coming to me tonight. I think we get several complaints a week about different people soliciting or begging for monies at different intersections. There are a lot of homeless people out there and I know that the police officers are also human beings and feel sorry for people at times. Your answer is yes, it is soliciting without a permit. Can they be cited? Yes, they can be cited. Most of the time we try to give people the benefit of the doubt and warn them and send them on their way. The problem that we have is that if they cause problems in another community, maybe they drive them to a different location so they are out of their hair. We tend not to do that, out of respect for our community and other communities. I think it could be easy for an officer to put somebody in a police car and drive them to the City of Pittsburgh and say "here, you go." That is something that we do not do. Have we cited people? Yes, we have cited people in the past. The problem that we have is that the majority of these people are from out of state and part of the process would be that they have to be arraigned for a summary violation in front of a Pittsburgh Magistrate. To be quite honest, they do not have the money to post a bond. Sometimes you get down there and they feel sorry for them and they just release them and it also ties up manpower. It takes us away from our duties in the Township. I don't have a proper answer other than, yes it is soliciting. I think we try to be morally correct and have human decency to try to give these people a little bit of benefit of the doubt. I know in the past we have had so called "tents" where they slept. We destroyed and removed them with the public works department. We thought that we had them all eliminated, but it just seems like Robinson Twp. is a hot spot. I am in the middle of it right now again. I just came in tonight and starting with Penn State University and the cancer canning project. Every single year the answer is "no." It is against the law to stand at an intersection and we enforce that. We do not want them to do that and private property owners do not want them there either. They are out for a good cause to raise money for cancer, but yet we are not allowing them to be at the intersections because it does distract drivers and cause accidents and as you know, we

have plenty of them. I can only give you my estimation over my career. You feel sorry for people and try to give them the benefit of the doubt. You give them that one break and if they don't listen to that warning, then shame on you the second time. That is pretty much the approach that we try to take with these folks.

Commissioner Mapel, I think that is as much of an answer as anyone can expect at this point. We have addressed it and I don't know if there is any legal or moral answer to that that goes beyond what we have already spoken to. Even though it is not our practice to pray in a public meeting, at least in Robinson Township, I would certainly encourage all of us to be proactive in offering up our prayers to people like that because it could be any one of us.

Commissioner Barefoot, I have no comments this evening.

Commissioner Kisow, this is the start of fire prevention week, so your children will be most likely seeing the firemen in their classrooms this week. Also, Moon Run is having a safety fair on Saturday, October 11th from 12:00 p.m. to 4:00 p.m. It is October, so check the batteries in your smoke detectors.

Vice-Chairman Shiwarski, Robinson Township will be beginning leaf pickup once again this month.

Mgr. Silka, it will be on the television, website and facebook.

Vice-Chairman Shiwarski, the Township is collecting leaves this fall at curbside. The day before your pickup is scheduled, please rake leaves to the curb. Do not bag or place in containers of any kind. Only residents that are on streets that are underlined for that day, must collect their leaves in biodegradable bags and place at the curb. Please note that each resident will have three dates for leaf pickup this fall. The first day will be October 13th, so please check the schedule for your date.

MOTION Barefoot, SECOND Mapel to adjourn the meeting.

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

M/C 4-0

Meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Carol Merks

Township Secretary