

**BOARD OF COMMISSIONERS REGULAR MEETING
WEDNESDAY, NOVEMBER 4, 2015
7:00 P.M.**

CALL TO ORDER: Chairman Sam Abatta called the meeting of November 4, 2015 to order at the Robinson Township Municipal Complex, 1000 Church Hill Road, Robinson Township, PA at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mapel-Present, Barefoot-Present, Kisow-Present, Shiwarski-Present, Abatta-Present. Also in attendance were Jack Cambest, Esq., Township Manager Silkad, Planning Director Urbano, Engineer Meyer and Mrs. Merks for the purpose of taking minutes.

Historical Society Update – Len Rider addressed the Board to personally invite the Commissioners and Township to their events. On November 13th there will be a ceremony for a soldier who is buried in the Union Presbyterian Cemetery. He has been there for over 200 years. His gravesite has a marker on it that is relatively rare. The Historical Society took it upon themselves to preserve it and will be placing it in the lobby of the municipal building.

The second big event will be on November 17th. A journal from a local civil war soldier was donated to the Township. The soldier's name is George Phillips, a resident of Robinson Township. He survived the entire four year war. He went in September of 1861 and was not discharged until June of 1865. His journal is in the process of being transcribed by students at California University. On December 17th the students will be bringing their presentation to the Township thru the Historical Society. They are transcribing and giving us all of the information that is in the book. We will also have the Manager of the Heinz History Center as a speaker. It should be a very nice event.

Chairman Abatta, I think it is a worthwhile cause and I am glad that you have brought it to all of the residents' attention. We thank you for all of your service.

Chairman Abatta, before we go to the Engineer's Report, I see we have quite a few residents here that will be speaking on some issues on Stafford Park. The first two items, letters A and B deal with the Stafford Park Phase 1 and Phase II and the wearing course on the roads. I want you (Engineer Meyer) to go a little bit more in depth. I want the residents to understand that what we are talking about here has very little to do with your complaints that you may have. These first two issues have nothing to do with what we are going to talk about. We will have a special discussion session prior to Commissioners Comments at the end of the evening.

ENGINEER'S REPORT

The Engineers Report dated November 4, 2015 is attached.

Engineer Meyer reported as follows:

ACTION ITEMS: Stafford Park Phase I and Phase II Bond Reductions. This is for work that was inspected by RVB and at the time of installation, it was done according to Township ordinances and plans. It is recommended for reduction. For Phase II there is a sidewalk remaining to be placed and it is greater than the quantity shown by the developer. That has not been completed as of this time. Also, because of the amount of construction going on, it is also recommended to leave some of the E&S Maintenance in place while construction is ongoing.

CAPITAL PROJECTS

Fawnvue Drive Landslide – As was discussed at last meeting, no contractors had bid on the project. It has been re-advertised for bid and they will be received on November 24th.

2015 Road Program – the contractor is complete, but there have been numerous concerns. Any complaints will be fixed and any work that has to be completed, will be done. It will probably be discussed in executive session, some of the liquidated damages and other items that would have to be addressed with the contractor and some of the concerns with the quality of work.

Chairman Abatta, I have concerns and one of them is, are all the roads complete?

Engineer Meyer, no they are not.

Chairman Abatta, do we have a time frame in which they were supposed to be done?

Engineer Meyer, they were supposed to be completed by October 15th and that is why we are discussing the whole item of liquidated damages. I would also say that some of the roads that are completed are not completed according to plans and specifications. I would prefer to discuss this in executive session.

Vice-Chairman Shiwarski, I know there are some issues on the quality of the workmanship and I guess it is a logistic question that I have. Some of these concerns tried to be relayed to the construction company while they were doing the work by the inspector and by various people in administration and public works?

Engineer Meyer, yes when public works would be out there they would also be trying to say the same things to the contractor.

Vice-Chairman Shiwarski, from what I understand for conciseness or efficiency of communication, it was instructed this year that the contractor take orders only from the inspector from RVB so there are not ten birds chirping in his ear for lack of a better term?

Engineer Meyer, that would be typical, I am not sure if that was specific.

Vice-Chairman Shiwarski, do we have any documentation on what was conveyed to the company during that period of time?

Engineer Meyer, no we would not have had any documentation where it went through to the pavers with any of that information. That would have been all verbal communication between our inspector. There are notes made by our inspector.

Vice-Chairman Shiwarski, for example, on Halloween night we recommended that they stop work at 4:00 or 5:00 p.m. in a certain area and they continued to work well past that time after our inspector left that site.

Engineer Meyer, yes for instance on Monday night the contractor continued to work after our inspector had said that it was too dark to be doing it. It is noted and the work that was done after our inspector said to stop, I believe that should also be discussed in executive session.

Chairman Abatta, I received some calls tonight about Iroquois Drive that we had to basically send our police force out to make sure that the children were able to participate in trick or treating in a safe manner. There were cars parked there that should not have been parked there. There were residents who were told they could not walk the road because the hot base was still coming down. My concern is, this is not the same contractor that we used last year so what I am recommending and I think we are going to go this way, but I think the specs have to have more teeth in an agreement that we have with these pavers.

Engineer Meyers, one of the concerns with it is that you have a very hard time, no matter how your specs are written, going through with contractors' means and methods. That is how they are actually doing their work. You have a very hard time no matter how you write that. One thing I can say about this, again I would defer this to

executive session, but this contractor because he has done this type of work in the Township, it would be my opinion that they never be able to do it again in this Township.

When you have the stipulation that you must have the lowest responsible bidder, you are going to have that.

Vice-Chairman Shiwarski, for the record, the bid was extremely close between a contractor that we used for numerous years and never had problems with and somehow by the logistics of the law, this company was the lowest bidder and we had to take them. To Mr. Abatta's point, I think we want to put something into the specs that can give us better protection in the future.

Chairman Abatta, do we have to take the lowest bidder or is there something else?

Mgr. Silka, we are responsible to take the lowest, most responsible bidder. Unless we have a history where we can show something specifically to the Township why a contractor is not the lowest responsible bidder, we don't have much choice under the law.

Engineer Meyer, I would also add that if you have a complaint that you feel has not been taken care of, please get in touch with me. We have logged all of the complaints and our inspector has put together an extensive punch list of items. If you have these items, please bring them forward and I will make sure they are completed.

POLICE REPORT

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

Officer Gastgeb was recognized last week at State College. For the second year in a row he was in the top twenty in the State of Pennsylvania for municipal police officers with a DUI arrests. It is greatly appreciated.

ADMINISTRATIVE UPDATE

Mgr. Silka, just to update you, the comprehensive plan and zoning ordinance update is going along on schedule. The next step will be to set up a joint meeting with the Board of Commissioners and Planning Commission to go over mutual goals.

The National League of Cities Video Showcase Program is coming along very well. We have set our dates for filming for December 8th and 9th. We will get the videos filmed and hopefully they will be up on the website but the first of the year. These will introduce people to the community, parks and recreation, education, activities, shopping and residential development. It will be a quick video tour of our Township. It is free to the Township. They solicit businesses and offer them the opportunities to have their videos linked onto our home page. It costs us nothing.

If you read the Suburban Gazette, you will see that we have a recycling grant public notice. We are soliciting public opinion on our anticipated purchase of a new grinder for our recycling facility. As part of the grant process that we are going for in the amount of \$250,000, for a total of \$500,000 in two successive grant pools, whenever you offer to buy machinery you have to publish for public opinion. We have received the grants in the past and because we are a continuous operation and recycling facility, we are multi-municipal as we take from other jurisdictions, we have determined there is no private alternative that we can use. If anyone has written comments they wish to make, they have to be in by November 28, 2015 to be included in our grant application.

I did have the opportunity to sit with the Chamber of Commerce Municipal Symposium quarter municipalities. It was a great way to talk with other municipalities. The problems that a lot of them face, we fortunately do not face. We do not have blight. We do not have severe financial restrictions. We have been poised by the work of the past Boards to be very competitive and moving well into the future. I will continue my work with the chamber. It was a great way to see what other people have going on within their municipalities.

Lastly, I do have the 2016 draft Budget Presentation. They are at your stations. This budget was drafted by the staff from a bottom up process. It was reviewed last week with Mr. Shiwarski, the chairman of finance. It is a \$14,360,025.00 budget. It is a 5% increase from last year. This is presented at the 2.6 millage rate with no tax increase. We have proposing to go the fourth year in a row with no tax anticipation loan. This is presented as a balanced budget with our revenues holding strongly, even though in the course of 2015, we gave \$97,000 in tax credits. As you recall, we did all of those tax appeal assessments. We took \$97,000 right off of the top of our income this year to avoid making refunds. We are still projecting a positive and surplus return for 2015 and going into 2016. The budget is very capital project laden in both purchase of equipment and upgrades to our various facilities to keep them at the level we want to keep them. As part of this budget process, we will have a workshop on November 11th at 7:00 p.m. Hopefully at that meeting we can come up with a proposed budget that would be published for twenty days prior to adoption.

TOWNSHIP SOLICITOR'S REPORT

Solicitor Cambest had no report.

FINANCE REPORT

Vice-Chairman Shiwarski, Mr. Kezmarsky had a family matter and cannot be here tonight.

I just want to say that back when we were trying to balance budgets 8 or 10 years ago, it was quite an effort to try to do things without raising taxes. Through the administration and all of the heads of the departments making it a live yearly budget process with Mgr. Silka making sure we get everybody's list early in the year for what we need short term and long term, the process has become very smooth. We have been able to not raise taxes and to continue to invest in Robinson Township for the future. We welcome the public to attend the budget hearing on November 11, 2015.

We have a pension plan audit coming up on November 9th.

The EIT tax collected last month was over \$73,000, which brings us year to date to \$2,389,288. We did not collect any LST last month, but we are expecting a payment at the end of December. Our real estate property tax, we collected \$25,831.36 last month. We are on track with that.

Everything looks fine and we should start 2016 with a surplus and no tax increase.

BUILDING INSPECTOR/ZONING OFFICER REPORT

Mr. Urbano , as far as the Building Department, things are right on schedule. We did \$23,467.50 in permits. The building department is very busy. For improvements and new construction for the year so far, we are at \$106 million. Last year we did \$90 million. It is a good sign that we are still moving forward.

The Building Inspection Report is attached.

CITIZENS COMMENTS

Chairman Abatta, I have six individuals signed up to speak this evening. Most of the residents are from Stafford Park. I see Mr. Weaver and Mr. Sittig in the audience so I am going to move them up to first.

Attorney Bill Sittig (representing Drury Hotels), as mentioned we are here for land development approval. There is also a lot consolidation plan. We went before the Planning Commission and it was approved with recommendations. Mr. Meyer has the review letter and all of the conditions are satisfied. It is all procedurally set up.

Adele Beeves, Civil and Environmental Consultants, we here are to present the project. (displayed a rendering of proposed project). It is a 22 acre parcel of property which will have the hotel and two restaurants proposed, complete with parking, infrastructure, utilities, landscaping, etc. The location is Ridge Rd. near on ramp C and surrounded by Bayer and Chestnut Ridge Dr. to the south.

CITIZENS COMMENTS

Pat Baughman (105 Stafford Drive), as you stated earlier we can discuss our matters more after your meeting, if that is more appropriate I would prefer that. My concern at this point in time is the taking over of our road. We have attempted to engage a conversation several times with Mr. Urbano and Mr. Silka. There have been times that we received information back and there are times that we have not received information back. It has been extremely frustrating. I hope to get more information this evening. I can only speak for myself, but I am very interested in having the roads taken over. I think we have been given information that is half truths and half rumor. I would like to engage in some dialogue and get some information that we have been looking for. I will tell you, it has been a frustrating past few months in trying to get information.

Chairman Abatta, your concerns will be addressed. I apologize if you felt you were slighted as far as catching up with information. This is why we are going to do this discussion forum.

Lauren Baughman (105 Stafford Drive), I am just going to piggyback on one thing that my husband did not and that is the school bus. I know there are issues with it being a construction site and I understand they cannot go in there right now. Currently the bus is at the corner of Stafford and Clever. At least three to four times a week there is at least one car that speeds through the bus. We are going to have a child get hurt. I don't know if you want to put a police car at Clever Park or something or talk to transportation, but I can tell you that my kids have to cross the street getting on the bus. Getting off the bus is safer, but getting on the bus in the morning is an issue. I don't know what we need to do.

Chairman Abatta, I appreciate your concerns. This is not an issue that we have not heard before. You know where I live and I live on Clever Rd. There are definitely some issues there.

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Chief Vietmeier, I did not expect to be speaking about this, but I will give you an update real quick on this issue. I was on Clever Rd. three days last week on a school bus issue. It was not at Stafford but closer to the high school. I had a lengthy discussion with Mr. Wagner at the bus garage and some of the parents. I understand the situation. Basically, Bus No. 1 picks up third and fourth graders and it is heading towards Kennedy Twp. They are upset because the children have to cross the street from the private drive to the bus. Simultaneously, Bus 15 comes by and picks up first and second graders at Stafford Park. I followed the bus at Stafford Park twice. There are four children that get on Bus 1. I did not follow Bus 15 but I know that it goes to Forest Grove School and the children have to cross the street. I am aware of the situation. I instructed, and have always done this, the bus drivers not to open those doors until everyone is stopped. To be honest, two times out of three there was no traffic coming at 8:10 in the a.m. I understand the situation. As you know, no school buses go into private drives. I know that they will once the streets are taken over. That is where we stand at this point. I will make it a point to check out Bus 15 and see what the status of that is. We have been on it. There are violations everywhere and you cannot control it. I should not say this publicly, but I did tell the bus driver of Bus 1 last week and Mr. Wagner that the buses need to straddle the other lane and they are doing that. Bus driver No.1 said that if I gave my permission, she would do that. Believe me, it has made a huge difference already. We can do the same thing with Bus 15. It is no secret. It is not something they should be doing, but children's safety is the most important thing and we are on a busy roadway there.

Chairman Abatta, you and I have had how many discussions about traffic on Clever Rd.

Chief Vietmeier, you all know that we are working the heck out of it, but you cannot be there all the time. We will keep an eye on it.

Franki Corbett (107 Stafford Drive), after the discussion this evening I want to piggyback on what Pat Baughman mentioned about the concerns and questions about the Township taking over our roads. Additionally I would like to understand where we are with the opening of Falck Rd. Are they going to open it? Additionally, just a comment to Mr. Abatta, you mentioned earlier that people are approaching you at different venues with their concerns and you can appreciate that, but you did mention after that they should pick up the phone and call you. I have to ask if that is your formal method and procedure for handling questions and concerns because as Pat mentioned, we did actually formally document a letter, ask questions specific to taking over the roads, the position the Township has, as well as the opening of Falck Rd. We sent it as a certified letter to Mr. Silka and we did not hear back. I have to question when I hear that to place a phone call then I am questioning if the methods and procedures are clearly

documented so we can better get answers to community members like ourselves that have questions and concerns.

John Herman (143 Stafford Drive), I will echo similar concerns of those before me. I would start by acknowledging that I heard a lot of congratulatory conversations regarding budgeting, not increasing taxes and I am sure that is a not, with all respect, due to the practices that you put in and some efficiencies that you are leveraging. I think the one thing that was not acknowledged there is that much of the inability or need elimination to raise taxes is very much because of development such as the revenue that we are generating in both the short term thus far and the long term. While I don't disagree that I am sure great work is being done, We are going to be an important part of this community today and will be for many years to come. Specifically to the concerns, I know many of the points will be addressed later. I would echo both Pat and Franki's concerns, but quite frankly the recommendation is to release a bond, I am not the subject matter expert but you can understand our concern that we feel that Mr. Victor has less and less skin in the game. At the end of the day, we are going to be left to foot the bill if a decision is made not to accept the roads. Ultimately, that is the number one thing on our minds. We are a small representative sampling of the community, but I can tell you that while me might all have different perspectives, there is one unified community stance across all of the households and that tax revenue that we are worth to the Township. That is that we want the roads to be taken over.

THE BOARD OF COMMISSIONERS CONDUCTED AN EXECUTIVE SESSION ON NOVEMBER 4, 2015, 2015 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 THE EXECUTIVE SESSION DURING THIS MEETING.

Mr. Mapel asked to be excused from the meeting at 7:45 p.m.

Discussion to approve the October 5, 2015 Board of Commissioners Regular Meeting Minutes as submitted.

MOTION Shiwarski, SECOND Barefoot to approve the October 5, 2015 Board of Commissioners Regular Meeting Minutes.

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

M/C 4-0

Discussion to approve the October, 2015 Treasurer's Report.

**MOTION Barefoot, SECOND Shiwarski to approve the October, 2015 Treasurer's Report.
ROLL CALL: Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.
M/C 4-0**

Discussion to approve the October, 2015 List of Bills.

**MOTION Shiwarski, SECOND Kisow to approve the October, 2015 List of Bills
ROLL CALL: Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.
M/C 4-0**

Discussion to accept the application dated September 29, 2015 as submitted by Silhouette Ventures, LLC for a Conditional Use as recommended by the Planning Commission. The use is for a high-end professional retail vape lounge.

**MOTION Barefoot, SECOND Shiwarski to accept the application dated September 29, 2015 as submitted by Silhouette Ventures, LLC for a Conditional Use as recommended by the Planning Commission.
ROLL CALL: Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.
M/C 4-0**

Discussion to approve advertisement for a Conditional Use Hearing submitted by Silhouette Ventures, LLC as recommended by the Planning Commission.

**MOTION Shiwarski, SECOND Kisow to approve advertisement for a Conditional Use Hearing submitted by Silhouette Ventures, LLC as recommended by the Planning C ROLL CALL: Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.
M/C 4-0**

Discussion to approve the Drury Hotel Subdivision.

**MOTION Barefoot, SECOND Shiwarski to approve the Drury Hotel Subdivision.
ROLL CALL: Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.
M/C 4-0**

Discussion to approve a waiver to use the ADPE storm pipes instead of RCP pipes under pavement on-site per Section 146-25.E for the Drury Hotel Site Plan as recommended by the Planning Commission.

MOTION Shiwarski, SECOND Barefoot to approve a waiver to use the ADPE storm pipes instead of RCP pipes under pavement on-site per Section 146-25.E for the Drury Hotel Site Plan as recommended by the Planning Commission.

**ROLL CALL: Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.
M/C 4-0**

Discussion to approve Preliminary and Final Site Plan approval for the Drury Hotel conditioned upon recommendations made by the Township Engineer dated October 21, 2015 and the Developer's Agreement with the bond to be prepared by the Township solicitor as recommended by the Planning Commission.

MOTION Barefoot, SECOND Kisow to approve Preliminary and Final Site Plan approval for the Drury Hotel conditioned upon recommendations made by the Township Engineer dated October 21, 2015 and the Developer's Agreement with the bond to be prepared by the Township solicitor as recommended by the Planning Commission.

**ROLL CALL: Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.
M/C 4-0**

Discussion to approve Preliminary and Final Site Plan approval for the Drury Hotel conditioned upon recommendations made by the Township Engineer dated October 21, 2015 and the Developer's Agreement with the bond to be prepared by the Township Solicitor as recommended by the Planning Commission.

MOTION Barefoot, SECOND Kisow to approve Preliminary and Final Site Plan approval for the Drury Hotel conditioned upon recommendations made by the Township Engineer dated October 21, 2015 and the Developer's Agreement with the bond to be prepared by the Township Solicitor as recommended by the Planning Commission

**ROLL CALL: Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.
M/C 4-0**

Discussion to approve adopting Ordinance 4-2015 amending the Zoning Ordinance in the C-3 Zoning District by increasing the maximum height of all principal structures from ninety (90) feet and a maximum of seven (7) stories to one hundred twenty (120) feet and a maximum of nine (9) stories as recommended by the Planning Commission.

MOTION Shiwarski, SECOND Kisow to approve adopting Ordinance 4-2015 amending the Zoning Ordinance in the C-3 Zoning District by increasing the maximum height of all principal structures from ninety (90) feet and a maximum of seven (7) stories to one hundred twenty (120) feet and a maximum of nine (9) stories as recommended by the Planning Commission.

**ROLL CALL: Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.
M/C 4-0**

Discussion to approve Bond Reduction Request #4 submitted by Victor-Wetzel Associates for the Stafford Park Phase II. The bond is recommended to be released in the amount of \$93,558.30 with the balance to be \$17,507.60 as per the recommendation of the Township Engineer.

Commissioner Barefoot, when we reduce bonds that means the project has been completed. It does not relinquish the person from the liability that still exists. By reducing these bonds, it is not giving Mr. Victor less skin in the game. He still has to complete the entire process.

Chairman Abatta, if we could have the engineer explain again, what Phase II bond reduction encompasses.

Engineer Meyer, this was for the work that was recently completed. Any of the work that was done, he is asking to have that bond reduced for that amount. We had inspected it and it was put in according to the Township standards so therefore we are recommending the release of that. Anything that would happen if the bond is totally reduced, at that point there would be a maintenance bond put in place which would have some abilities to recoup money. We are not at that point yet.

Commissioner Kisow, what we are releasing is, he did the road from the sub-base to the top of the asphalt according to Township specs. What you are here for is something different. Is that correct?

Engineer Meyer, you are releasing the bond amount for that. The work was done in conformance with all of the specifications and Township ordinances.

Vice Chairman Shiwarski, we are obligated to reduce the bond?

Engineer Meyer, if you recall in Phase I if he asked for a reduction in something that we felt was not completed, we could make a recommendation and say this was not done.

Therefore, you have a reason to withhold that amount of money from that bond release. I do not have anything as an engineer that would say this is how you could not release that money.

MOTION Barefoot, SECOND Shiwarski to approve Bond Reduction Request #4 submitted by Victor-Wetzel Associates for the Stafford Park Phase II. The bond is recommended to be released in the amount of \$93,558.30 with the balance to be \$17,507.60 as per the recommendation of the Township Engineer.

**ROLL CALL: Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.
M/C 4-0**

Discussion to approve Bond Reduction Request #14 submitted by Victor-Wetzel Associates for the Stafford Park Phase II. The bond is recommended to be released in the amount of \$93,558.30 with the balance to be \$17,507.60 as per the recommendation of the Township Engineer.

MOTION Shiwarski, SECOND Barefoot to approve Bond Reduction Request #14 submitted by Victor-Wetzel Associates for the Stafford Park Phase II. The bond is recommended to be released in the amount of \$93,558.30 with the balance to be \$17,507.60 as per the recommendation of the Township Engineer.

**ROLL CALL: Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.
M/C 4-0**

Discussion to approve a sixty (60) day extension for the approval of a PRD as requested by Parkside Development.

MOTION Shiwarski, SECOND Barefoot to approve a sixty (60) day extension for the approval of a PRD as requested by Parkside Development.

**ROLL CALL: Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.
M/C 4-0**

Discussion to approve Ordinance No. 5 of 2015 authorizing the acceptance and opening of a street known as Grace Manor Drive, a part of the Grace Manor Plan No. 2 as a public street in the Township of Robinson, Allegheny County, PA pursuant to §2005 of the First Class Township Code, 53 P.S. §570025,

MOTION Barefoot, SECOND Shiwarski to approve Ordinance No. 5 of 2015 authorizing the acceptance and opening of a street known as Grace Manor Drive, a part of the Grace Manor Plan No. 2 as a public street in the Township of Robinson, Allegheny County, PA pursuant to §2005 of the First Class Township Code, 53 P.S. §570025,

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**ROLL CALL: Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.
M/C 4-0**

Discussion to advertise an Ordinance accepting dedication of Beech Drive (entire length) in the McCormick Farms Phase II Plan of Lots.

**MOTION Shiwarski, SECOND Barefoot to advertise an Ordinance accepting dedication of Beech Drive (entire length) in the McCormick Farms Phase II Plan of Lots.
ROLL CALL: Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.
M/C 4-0**

Discussion to authorize the advertising of Ordinance No. 6 of 2015 providing the Board of Commissioners of Robinson Township the option of a Township issued cell phone or a seventy-five (\$75.00) dollar per month stipend for the use of a personal cell phone.

**MOTION Shiwarski, SECOND Barefoot to authorize the advertising of Ordinance No. 6 of 2015 providing the Board of Commissioners of Robinson Township the option of a Township issued cell phone or a seventy-five (\$75.00) dollar per month stipend for the use of a personal cell phone.
ROLL CALL: Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.
M/C 4-0**

Discussion to authorize the advertising of Ordinance No. 7 of 2015 amending Section 250 of the Robinson Township Code by adding Section 250-47 I, where evidence exists of undermining, strip mining, landslide prone soils or other geological hazards on the site, the geological report as defined in Section 250-11.B.1 shall include soil borings on any roadway to be dedicated to the Township.

**MOTION Kisow, SECOND Shiwarski to authorize the advertising of Ordinance No. 7 of 2015 amending Section 250 of the Robinson Township Code by adding Section 250-47 I, where evidence exists of undermining, strip mining, landslide prone soils or other geological hazards on the site, the geological report as defined in Section 250-11.B.1 shall include soil borings on any roadway to be dedicated to the Township.
ROLL CALL: Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.
M/C 4-0**

Discussion to approve Resolution No. 15 of 2015 authorizing the budget transfer of \$145,000 from Line Item 414.318 Plans Examiners to Line Item 481.410 Judgements and damages.

MOTION Barefoot, SECOND Kisow to approve Resolution No. 15 of 2015 authorizing the budget transfer of \$145,000 from Line Item 414.318 Plans Examiners to Line Item 481.410 judgements and damages.

**ROLL CALL: Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.
M/C 4-0**

Discussion to approve Resolution No. 16 of 2015 authorizing the budget transfer of \$30,000.00 from Line Item 481.710 Miscellaneous Land Purchase to Line Item 430.700 DWP Capital Purchases.

MOTION Barefoot, SECOND Shiwarski to approve Resolution No. 16 of 2015 authorizing the budget transfer of \$30,000.00 from Line Item 481.710 Miscellaneous Land Purchase to Line Item 430.700 DWP Capital Purchases.

**ROLL CALL: Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.
M/C 4-0**

Chairman Abatta, I have some addendum items to read into the record:

Discussion to approve the Tax Appeal Settlement in regard to BV-15-000151 concerning Parcel 336-P-101 owned by Robinson Station LP for \$1,850,000 for tax year 2014 and \$1,850,000 for tax year 2015.

MOTION Barefoot, SECOND Kisow to approve the Tax Appeal Settlement in regard to BV-15-000151 concerning Parcel 336-P-101 owned by Robinson Station LP for \$1,850,000 for tax year 2014 and \$1,850,000 for tax year 2015

**ROLL CALL: Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.
M/C 4-0**

Discussion to approve the Tax Appeal Settlement in regard to BV-15-000344 concerning Parcel 335-F-117 owned by ARC CCBPBGPA006 for \$1,920,000 for tax year 2014 and \$1,920,000 for tax year 2015.

MOTION Shiwarski, SECOND Barefoot to approve the Tax Appeal Settlement in regard to BV-15-000344 concerning Parcel 335-F-117 owned by ARC CCBPBGPA006 for \$1,920,000 for tax year 2014 and \$1,920,000 for tax year 2015

**ROLL CALL: Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.
M/C 4-0**

Discussion to approve the Tax Appeal Settlement in regard to BV-15-000214 concerning parcel 335-P-139 owned by Crighton Holdings, LLC for \$1,049,300 for tax yer 2014 and \$1,049,300 for tax year 2015.

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MOTION Shiwarski, SECOND Barefoot to approve the Tax Appeal Settlement in regard to BV-15-000214 concerning parcel 335-P-139 owned by Crighton Holdings, LLC for \$1,049,300 for tax yer 2014 and \$1,049,300 for tax year 2015.

**ROLL CALL: Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.
M/C 4-0**

Discussion to approve the Tax Appeal Settlement in regard to Parcel 335-E-45 owned by MEP IV, LP for \$6,900,000 for tax year 2014 and \$7,100,000 for tax year 2015.

MOTION Barefoot, SECOND Kisow to approve the Tax Appeal Settlement in regard to Parcel 335-E-45 owned by MEP IV, LP for \$6,900,000 for tax year 2014 and \$7,100,000 for tax year 2015

**ROLL CALL: Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.
M/C 4-0**

Discussion to approve the Tax Appeal Settlement in regard to Parcel 412-S-214 owned by Bayer for \$35,410,000. For tax yer 2013, \$35,410,000,000 for tax year 2014 and \$40,200,000 for tax year 2015.

MOTION Shiwarski, SECOND Barefoot to approve the Tax Appeal Settlement in regard to Parcel 412-S-214 owned by Bayer for \$35,410,000. For tax yer 2013, \$35,410,000,000 for tax year 2014 and \$40,200,000 for tax year 2015.

**ROLL CALL: Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.
M/C 4-0**

Discussion to advertise for a Conditional Use Hearing for Silhouette Ventures LLC on December 7, 2015 at 6:30 p.m.

MOTION Shiwarski, SECOND Barefoot to advertise for a Conditional Use Hearing for Silhouette Ventures LLC on December 7, 2015 at 6:30 p.m.

**ROLL CALL: Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.
M/C 4-0**

Discussion to conduct a Commissioners quorum and discussion session on the proposed acceptance on the roadways in the Stafford Park Phases I and II.

MOTION Shiwarski, SECOND Barefoot to conduct a Commissioners quorum and discussion session on the proposed acceptance on the roadways in the Stafford Park Phases I and II.

ROLL CALL: Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.
M/C 4-0

Chairman Abatta requested that Solicitor Cambest start the discussion on Stafford Park.

Solicitor Cambest, as we indicated earlier this evening, we did have an executive session and one of the items that we did discuss was the request to take over the roadways in Phase I and Phase II of Stafford Park. You will also hear from the engineer on some of the concerns from his view point. I am only assuming based on some of the comments that I heard tonight that there are some concerns from the residents as to if this road is taken over if bonds are reduced or eliminated or if somewhere down the line the homeowners association may be footing a bill. You also have to look at it from the Township side where somewhere down the line if we take acceptance of this street, we may be footing that same bill that you are concerned about. That was the purpose of the executive session tonight. The engineer has brought us up to speed as to their inspections of the roadway in Phase I, what the developer has done to date, what has occurred over the last two or three years in regard to that roadway and its safety, so I think Mr. Meyer will explain so the public can understand as well if there is a decision by the Board of Commissioners not to accept that roadway at this point in time. You will have some of the background.

You have also heard that we advertised an ordinance this evening to try and address some of the issues that we are seeing in Stafford Park I and II. That is to require test borings if there is evidence of mine shafts or soil that may not be stable. They may be some of the issues that are occurring on the roadway in Stafford Park I and if the Township sees this in the future as part of our ordinance, we are going to require a developer to do those types of test borings to make sure that there is not a void under the sub-base of the roadway and there is not shifting soil because that is what usually causes the problem. As Mr. Meyer indicated, the reason we have to reduce the bond is because we have a development agreement and we have agreed to do certain things once a developer does that. If a developer comes in and puts in the proper sub-base and initial asphalt and wearing base, he has completed what he is required to do under our specifications and our development agreement and that is why we have to reduce the bond. You have asked the question if he is off the hook and has no more skin in the game, no if we would accept that street he would have to put a maintenance bond in a certain amount of money and they are usually by law, 18 months. Could something happen three years down the road, yes it could. That is why the Board of Commissioners are concerned when they look at these types of roadways. I don't know what your homeowners association agreement or document is. Normally a developer puts together a plan and it is approved by the Township and he starts to build and

construct. There is a homeowners association that is put together and they usually transfer to duties and obligations from the developer to the association after a certain number of units are sold. We do not get involved in that, that is between you and the developer. That is private. However, it does raise some concern for you as a homeowners association if something happens after that 18 month maintenance bond period expires. We do understand your concern about buses and child safety and getting the buses to go in there. You have heard some comments tonight that it is a school district policy that they will not permit buses to go on undedicated private roads. That is something you have to take up with the school board. That is what we know from our end.

Michael Corbett, you had mentioned that you are releasing this bond because he did everything he is expected to do?

Solicitor Cambest, that portion of work.

Michael Corbett, you said sub-base and top coat and finish.

Chairman Abatta, he was talking about the road. That is why I want Mr. Meyer to explain it.

Mr. Corbett, my concern is that you said he did everything he was supposed to do so you can release the bond, but you are now saying you have questions and concerns. If you had concerns why did you let him finish?

Solicitor Cambest, the concerns have nothing to do with the work that was completed. The concern may be if you put the property sub-base, proper wearing etc. over the top of a mine shaft, he did the proper work, the problem is that he did it over a mine shaft.

Mr. Corbett, why would you let him do that and proceed with that? Do you have a process to have the inspector there on site?

Solicitor Cambest, if the mine shaft is 18 ft. below the ground, when the inspector goes out he sees the ground, the sub-base, the wearing coat. He does not see the mine shaft 18 ft. below the ground. The reason for the advertising of the ordinance is that we are now going to require that if we have reason to believe there is a problem, this is a safety measure.

Mrs. Corbett, we are here to talk about what we are experiencing, not something you are instituting in the future. If there are concerns, you should have never let him put

that top on. We sent a letter to you. We said that we had concerns and nobody talked to us and now we have all of this money put into the top and you are saying we have a potential problem underneath.

Chairman Abatta, this is a problem that we have been dealing with for quite some time before there was one shovel cut into dirt at Stafford Park. There has been litigation and we have stacks of it. It is not something we are avoiding. We have been dealing with this situation for quite some time. As I told Mr. Goodwin at one point in time, that is why we had recommended at some point that if you are going to purchase a home in this particular part of the Township, make sure you have mine subsidence insurance because we realized there were tons of issues with this thing. We are trying to explain it to you.

Mrs. Corbett, we actually obtained copies and put an immense amount of time in to come to your Township building to get copies and packets that I paid for, us meeting separately even before we took the Board over in our community because we heard there were concerns. I think what we would have expected is, better communication because now we have this base on top and we have a potential issue on top. That does us no good to have him put that top on that cost a lot of money if we have things to fix underneath. Let's get into some history first.

Engineer Meyer, I think there was a question raised as to why this was not brought up by the Township. This was raised by the Township repeatedly with the judge. He ruled that since he has a geotechnical report that he did not need to do the core borings within the roadway. We repeatedly as a Township, myself included, had asked that core borings be done every 50 ft. along the roadway. That is what we had asked, but the judge said it was not a requirement. It is not a requirement for the Township but what we had requested because of the concerns was that it be done every 50 ft. One of the problems that we have noticed since then is that every year there has been base failure on that roadway, especially in the Phase I part. My concern right now is, will that base failure continue or has it reached a point of stabilization? I don't think anyone knows. We have sent many letters to Mr. Victor still requesting that these core borings be done every 50 ft. in order to find out and verify if the roadway is stable. He has not responded to those and he has not done any borings. As far as what is being done right now, the top paving has been done and if he has to do it again, then he will the same way that he did the base repair previously. All of those base repairs that were done this year were done at his expense. They will continue to be done at his expense.

Chairman Abatta, to say that we have not done anything or due diligence is a falsehood. We have been dealing with this for years with Mr. Victor to the point where it went downtown in front of Judge James, who hears all of the appeals and Mr. Cambest will

read the decision that came down that we are required to follow at this point in time from Judge James.

Solicitor Cambest, just so you know the original appeal, which I was not a part of, goes back to 2008. This is not something that happened yesterday. During that period of time between 2008 and April 2nd of 2013, there was ongoing litigation. Essentially what they were asking for was a rule to show cause, which is what we do in legalize terms as to why building permits should not be issued for building on those lots in Stafford Park. When the judge looked at everything that had occurred and as Michael Meyer indicated, the geological report that they submitted showed that there was no issue or problem with being able to build roads, houses, etc. on that area. One of the things did say as part of that consent order because he recognized that there could be issues as Mr. Meyer indicated asking Mr. Victor to drill these core borings. He was not required, but we could ask. The judge said in Paragraph 4 of the order "Robinson Twp. reserves the right to unilaterally reject any offer of dedication of the detention ponds and roadways of the Stafford Park Phase I revised plan. So we have to look as a Board of Commissioners and the advice that our engineer is giving us.

Mrs. Corbett, we tried months ago to get engaged with your Township because we heard through hearsay of what was going on and we wanted proof so we obtained the documentation, read it, wrote letters and certified them to your Township asking about the concerns and your positions on it. We even asked Mr. Silka if you, Mr. Abatta would be willing to come to a meeting to talk with us. I was told "no, that is not the way that we do things, we cannot just have one there or if there is more than one or whatever with a quorum." We just need answers because our goal was to not end up in this situation with a top coated road and hearing this from you now. That is what we wanted to avoid.

Mgr. Silka, I take a little offense about not responding because I have had multiple phone conversations with you. I had a site meeting with you and Mr. Victor was there and when it was brought up as to what we could do to get answers, Mr. Victor was there and he even suggested that nothing can be done by the Board until an actual letter of request from dedication to start the process. Your letter was received and circulated to the Board, but decisions have not been made yet to respond. We cannot respond on hearsay and what if's. There was never an offer of dedication, it just came in October. We were at your fence line when we walked the roads.

Mrs. Corbett, that is not a site meeting sir. At the fence is just "hey ran into me in my yard." I asked you a question at that time. That is not a site meeting and to have a conversation on the phone is not an official response to a letter. You do not do business

like that in 2015. You put it in writing. When somebody asks you a question in writing, you send a formal response in writing.

Mgr. Silka, correct and the decisions have not been made by the Board to respond to those letters.

Mrs. Corbett, then you should have said that.

Mgr. Silka, we have had multiple conversations.

Mrs. Corbett, let's say two conversations and you were slightly irritated as you are now.

Mgr. Silka, I am not irritated, I am just responding to your accusations and allegations.

Mrs. Corbett, I am stating a fact that we tried. I don't know any other way you want me to say it. There was no response given.

Mgr. Silka, the Board has not made those decisions to make those responses yet.

Mrs. Corbett, the point is that you did have some kind of knowledge so the response back to us could have been "here is where things have been to date and here is our position." That is what we asked you, that we reserve the right to not take dedication of the road and here are two pieces of paper from the judge and court order.

Mgr. Silka, I did produce those documents for you. You filed a write to know request and you had that information.

Solicitor Cambest, that is standard procedure when somebody from the public asks for certain documents. We ask them to file a right to know request because we ask everybody to do that. We do not want to show any favoritism one way or the other. That is just a procedure.

Chairman Abatta, when you said that you brought this to my attention, I do not know all of the ramifications. I know what I know, but for me to come and sit with you, I can only tell you what my views and interpretations are of what has happened in history. I am gathering facts. That is why I have my engineer, planning director, township manager and entire board so we can get everyone together to obtain these answers. For you to say that I did not do anything to meeting with you.....

Mrs. Corbett, no I was saying that I asked Mr. Silka if this was a possibility. I was trying to find different ways to work. I did not speak with you at all Mr. Abatta.

Chairman Abatta, I think we are on the right page now. We are trying to address this problem.

Mrs. Corbett, one last thing, it is the issue as they mentioned with the children and buses, but please also understand that now as residents of Robinson, and I have lived in Moon and South Fayette and I have never had to deal with this. This could potentially impact property values for people and our monthly cost to maintain those roads. There are a lot of factors here.

Chairman Abatta, I think the biggest factor is the safety of the little ones and the safety of the ingress, egress and the roads. God forbid if something would happen at one point in time where there is a sinkhole type of thing or something giving way. The safety is the issue that drives this.

Some comments from the audience were not audible and names were not given as they did not address the Board from the podium.

Engineer Meyer, the installation of the roadway was done properly. There was nothing done improperly. There was a comment made that these were not made for construction vehicles, quite frankly, a garbage truck probably weighs more than some of the construction vehicles as well. You will not put top paving on a roadway until 80% of the houses are under construction and/or are built. That is why the top was not put on until that time period. I believe the developer wanted to do them both at once and he is well within his rights to do that. Are we certain that it is based on the below grade and what was happening, whether it be subsidence, an underground stream, settlement or any of those issues, all of those issues could have caused it. However, until you have a geo-technical report, you will not see it. Most of the houses that you are living in, you will note that they all have specific foundations that were laid based on specific geo-technical reports for each one of those lots. That was the question we were asking for the developer, and again the Judge ruled that he was not required to do that. That is what we were requesting the developer to do, every 50 ft. to come back and make sure that we did not have subsidence or soils that could not compact properly and to make sure there were not caverns. We are still recommending for him to do the core boring to find out exactly what is there, if it is stable and if it will continue to be stable.

Chairman Abatta, we talked about Phase II and Phase I, please speak to that.

Engineer Meyer, you will notice on Phase I the areas that have been disturbed and had to be replaced. If you go on Phase 1 you will see the entire area that had to be replaced. When you go down into Phase II, none of that had to be replaced. One of the reasons again, when we look at it with Phase I, that is where the original mining operation had taken place, that is where some of the concerns are and that is the problem that we have.

Chairman Abatta, if I can speak to that. At that time when this development was coming to fruition, Mr. Victor went into this development with the Tarquinio property, which you live on, with the condition that this is going to be a GFCC contract. He said that he wanted to build homes back there, but he realized that parcel of land where I live and you all live, that there were mines there years ago. He realized there were shafts. I am not trying to be hypothetical and guess what Mr. Victor thought, but this is my interpretation. He figured that he had a piece of property and there were coal mines underneath, so he decided to apply for a Government Financed Coal Contract (GFCC), which means that he would go there with the big machines and he would strip the dirt away and right underneath that dirt there is all kinds of coal and what he would do with that coal is take it to power plants. He thought that he would make a million dollars worth of coal by stripping it. However, there was no amount of redeemable coal there for him to make any profits so he just proceeded on to do the development. Did he bring dirt from one part and through it on another part, probably. That is not my forte and I don't know how that works or what he did, but we were going round and round with that whole situation for years.

Mr. Urbano, the GFCC contract was for the grading and then final grading of the site after the coal was removed. When he did not find enough coal, we had no jurisdiction over the grading permit.

Vice-Chairman Shiwarski, we preventively spend thousands and thousands of legal dollars to get these answers ahead of time and we were shot down by the order that Judge James ruled. We tried for our future residents. Every step along the road we spent the money to legally fight every challenge that we possibly could. We had to go by the rulings that was the consent order. The only caveat in that was that the Judge realized that the roads might present a unique problem and that is why he put that paragraph in there. We did not shirk any responsibilities, as a matter of fact we took an awful lot of heat. Mr. Cambest mentioned that he was not here when this started because the former solicitor is no longer here because of the fees that he charged for legal work. It was brought up and in that light, they replaced the solicitor.

Audience comments were not audible as residents were not speaking into the microphone.

Chairman Urbano, we have no approved one thing on this development, the Judge did it all.

Solicitor Cambest, in Western Pennsylvania you can look at the geological maps and 90% of the area is undermined. That does mean you are going to have a problem with the development.

Commissioner Kisow, I own a coal mine and I strip coal. When the State comes in, they watch you and they have full jurisdiction. Allegheny County had no jurisdiction over us when we stripped our development. We did it all the way to the bottom and came up correctly like you are supposed to do. Whenever the GFCC was in there, the Township had no control over what was doing on with that dirt. He actually put a really good road on top of a pile of (blank). There is no way we had anything to do with that because it was under the GFCC when they graded the fill.

Engineer Meyer, right now we are seeing signs that it was not properly backfilled in some places. The road itself, the stone, binder and the top were all put in properly and they were rolled. What is happening is that anything underneath that, if it continues to move that roadway is going to go down. We have had evidence of that over the last three years.

Resident, where is that evidence?

Engineer Meyer, you have seen your roadway having to be repaired.

Resident, you can attribute that to construction vehicles as well.

Engineer Meyer, no

Resident, do you have a report inspection that says that it isn't.

Engineer Meyer, no, I do not but I would say this, based on my 26 years of experience doing this as an engineer and reviewing and inspecting different developments, that is not caused by construction vehicles. It is caused by base failure.

Chairman Abatta, what happens if we reduce all the bonds and a school bus goes in there and the road collapses, what is the responsibility? You are going to come to the

Township and ask why we would let somebody build a faulty road here? We are trying to protect everything.

Solicitor Cambest, the audience is trying to ask fifteen different questions. The reason this happened is because the developer filed a lawsuit, went to court and the court found in his favor. It has nothing to do with the Township. From the very beginning there was a problem. The lawsuit was filed and the court ruled in his favor, end of story.

Mrs. Corbett, why was a lawsuit filed?

Solicitor Cambest, because we would not issue a permit.

Mrs. Corbett, why would you not issue a permit? We want the truth. Let's talk honest integrity here.

Solicitor Cambest, here is the lawsuit, what more proof do you want? If you go down to the courthouse and read the complaint, it will explain it all to you.

Mrs. Corbett, what is our next step?

Commissioner Barefoot, that is why we are here talking to you. First of all, we want buses to go back there and we do not restrict them so I think you need to deal with the school on that. We are after the same thing that you are. We want the roads to be safe. We want the roads to be in good shape for your to drive on and for your children to play on. We are going to force Mr. Victor to have a maintenance bond or to prove that it is safe.

Chairman Abatta, or to pay for the borings that he should have done from the get go.

Audience member, maintenance bond covers us for 18 months, is there anything beyond that time?

Solicitor Cambest, we have not addressed that but the law requires 18 months. Would he voluntarily put a longer bond in, I doubt it because every developer in Pennsylvania has an 18 month maintenance bond.

Chairman Abatta, we asked if we could do Phase II and not Phase I until it is done the right way but you cannot access Phase II.

Audience member, I believe one of the original plans called for a secondary access from Falck Rd.

Chairman Abatta, it is not necessary. You do not need a second entryway. There are developments in Robinson Twp. with one ingress and egress.

Chairman Barefoot, we are trying our best here.

Mr. Baughman, from our perspective, we have been pitted in the middle and we have not received information from our developer and we have not received information from you. You are our neighbors. I can understand our developer not wanting to do it but you are our neighbors.

Commissioner Barefoot, and now you are getting it.

Mrs. Corbett, it would have been nice six months earlier.

Vice-Chairman Shiwarski, when we received the letter to request dedication that started when we had to respond. You may have known this was coming and so did we, but we could not do anything until they asked for dedication. I am sure that some of you did some research before you bought the house and you would have seen all of that. We did everything that we could through the courts.

Commissioner Barefoot, would you like us to do a maintenance bond because that is what we are going to do. Would you like us to core drill? Who has a suggestion in the group about what we should do?

Mr. Baughman, we would like to partner, rather than be adversarial so that the end result benefits everyone.

Chairman Abatta, once we take dedication of something, we own it for forever.

Vice-Chairman Shiwarski, we also have a responsibility to the rest of the residents as well. That is something that we have to juggle.

Mr. Baughman, it is naïve for us to think there are other roads in this Township that were undermined years ago. I find it odd that my neighborhood, after years of battling in court is now the one that we are going to put the brakes on and now we are going to institute a new ordinance that we will now core drill. I applaud you for doing that because you are trying to avoid this situation again and I understand that.

Chairman Abatta, we have Nottingham as well. We have not taken dedication and the school buses do not go back in there because of similar circumstances.

Mrs. Corbett, why do the buses go up Ventana Hills? We were residents for two years and they went up there. Did the school district make an agreement with Ventana Hills?

Commissioner Barefoot, then we have to get a dialogue with the school district.

Chairman Abatta, as Commissioner Barefoot said, what would you like us to do? We are here to rectify and clear up this problem. This did not just start when you built. You want a safe road and that is what we are trying to do.

Commissioner Barefoot, we have to rely on our engineer to give us those specifics.

Mrs. Corbett, you are saying that he needs to core drill?

Engineer Meyer, I have asked on numerous occasions with different letters.

Commissioners Kisow, the only way you can find out what is under there is to drill every 50 ft. and then you find out if it needs grouted or not.

Mr. Baughman, were other township roads required to do that?

Engineer Meyer, other township roads had geo-technical reports that were done and if necessary they did the grouted and different types of geo-technical where they backfilled. They did not have the type of disruption that this development had.

Chairman Abatta, Mr. Victor never thought this situation would occur when he started with the GFCC. He thought he was going to make \$1 million with the coal and be able to do everything he had to do, but it did not turn out that way. We realized that. When he knocked the trees down without a grading permit, we were on it.

Engineer Meyer, I will say another thing as far as the grading permit, you see what is going on behind the Township municipal building, a typical grading permit we, the township, are there as inspectors and there are also geotechnical people for the developer on site and they are making reports. When they come into areas that are bad, they define those areas and put engineered filled on those areas. As Mr. Urbano said, that did not happen with the GFCC. We were not there. Whatever happened with those mines and how it was done, we don't know. There was a geotechnical report done by the developer, but in my opinion it was not adequate to address these issues. One of the things that he had said in the report was that he believes that 25 ft. is adequate and since he does not believe that the mine is within 25 ft., then it is o.k. We fought that. One of the things that we talked about with the geotechnical report, the

report stated that they believed they had 25 ft. of cover over top of the roadway and they felt that was adequate. What we came back and asked them to say is "o.k., what geotechnical bulletin, report or anything can you stated that the 25 ft. is adequate? How can you make that statement? They did not have anything. They said that had done it one on a road in Fayette County and the county engineer let them do it. That is not adequate. I talked with other geotechnical engineers and asked for their recommendations and almost all of them to a tee, said the same thing, 50 ft., find out what is there and then make your decisions. That is what I am going on.

Mrs. Corbett, if "we" have to core drill and he does not agree to it, what then?

Chairman Abatta, this will be a starting point for us. I will have Mgr. Silka and Solicitor Cambest draft a letter to Mr. Victor that we request him to start the process and in order for us to take dedication, we want some core drilling samples or he has to get an engineering firm saying this is the procedure that has to be followed in order for the road to live a lifetime.

Mrs. Corbett, does it make sense when you draft that letter to put something in there that we are in collective agreement with Stafford Park residents because I don't want him to play his games and think that we don't know.

Chairman Abatta, if it was not for the Township doing its due diligence, that place would have been in there within a year with no standards at all. We held his hand to the fire for a lot of different issues.

Engineer Meyer, I requested 35 ft.

Mr. Baughman, as least we have a number now.

Chairman Abatta, what do you feel as an organization? Can we have one representative here?

Mike Speer (134 Stafford Drive), I am representing the community as the HOA President. I have a question for the Township Manager. Has Mr. Victor reached out to you to set up a meeting before tonight's meeting?

Mgr. Silka, yes he did. What I told him was that we would have it after the Board receives the letter and begins discussion.

Chairman Abatta, he started the process. He asked for dedication.

Mr. Speer, I have been in touch with Mr. Victor and I am getting two different stories from him and other people. If we could talk after the meeting or tomorrow and set up a time, we will get the HOA Board involved and we can hopefully get this rectified. I think we are kind of beating a dead horse now. We all want the same thing.

Mrs. Corbett, you need to work with the HOA as a community because we had a lot of good conversation and passion but we have to have a formal process. We could talk all night about this with no decision. We need to find out what our options are and whether we should hire an attorney. Do we have any leeway to extend the bond beyond 18 months, given the situation. What is it going to take to get that protection that we need.

Mgr. Silka, just to clarify, a maintenance bond is post acceptance. It is not in lieu of acceptance.

Solicitor Cambest, we would have to accept it and then as a requirement of acceptance, he would have to post the bond.

Chairman Abatta, once we take dedication, we are responsible.

Mgr. Silka, the maintenance bond is not posted until after the Township accepts it.

Chairman Abatta, we had a developer in Robinson Township off of Silver Lane where we had to revoke his bond in order for him to finish the road, it was cracking and he did nothing.

Vice-Chairman Shiwarski, it went out 5 or 7 years after he applied for dedication.

Mr. Baughman, what about Falck Rd.?

Chairman Abatta, it was approved as one way in and one way out. Mr. Victor talked about opening up Falck Rd. It is not necessary to do that.

Mr. Urbano, it was the judge who approved it with Falck Rd.

Mr. Baughman, why is this being changed at the last minute? I think before the Board makes a decision on that, they should at least talk to all of the people involved to get a consensus.

Chairman Abatta, we will. I have some complaints here from other residents as well. We have people complaining about kids driving through there as shortcuts so is that a

public safety issue? We have to decide this as a Board. Some people make want it open, but others may want it closed. We will make the best decision that we can for all of the residents. We try to make the right decisions as Commissioners and I hope that you can appreciate that. Let's try to close this out.

Solicitor Cambest, we are going to draft a letter to Mr. Victor with Mr. Silka, Mr. Meyer and myself. We will phrase the letter as "because of the concerns of the residents addressed at this public meeting". If Mr. Meyer can put together some type of cost estimate, he can get that to us.

Vice-Chairman Shiwarski, just so nobody feels slighted that we are not responding because no matter what the issue is, we don't want that. If we can correspond through the president of the homeowners association, that will satisfy everyone there?

Audience was in agreement.

Mr. Baughman, if we go through all of this work and it gets done, can I get some kind of acknowledgement from the Board of Commissioners that they will not incite that clause in that previous junction that says "without reason you can deny acceptance." If we go through all of this work and the roads are still not accepted.

Solicitor Cambest, let me tell you that the judge says that we have the right unilaterally to reject, but we have to have a good reason or he will go in and file another cause as to why this road should not be taken over and we don't have a good reason. Right now, we may have a reason.

Mr. Baughman, I don't think it says that.

Chairman Abatta, let me read it into the record.

Mr. Baughman, we have that.

Vice-Chairman Shiwarski, just speaking for myself, I want to dedicate every road that I possibly can in this Township. There are benefits to that on both sides of the street. However, I have to make sure that it is a wise decision so to give an answer, at least for myself right now, I am not going to say "no matter what I am going to dedicate this road." If our questions are answered, I want to dedicate every road that we can in this Township.

Chairman Abatta, we can talk every meeting at the end if you like so you can stay informed.

Mr. Baughman, what does the Township recommend we do if we want to get the speed reduced on Clever Rd.?

Chairman Abatta, I tried to get a stop light put there. I have lived on Clever Rd. for 38 years. You can go to Allegheny County if you want.

Solicitor Cambest, you need to get your county council representative involved.

Engineer Meyer, you will also need to have a traffic study done as well.

Mr. Urbano, I tried to do that as well, and I failed.

COMMISSIONER COMMENTS

Commissioner Barefoot, no comments.

Commissioner Kisow, no comments.

Vice-Chairman Shiwarski, no comments

Chairman Abatta, I just have a short comment. There will be light-up fireworks held on Friday, December 4th from 6:30 p.m. to 7:30 p.m. at the Clever Rd. Park. Robinson Twp. will light up the Park with a beautiful display of holiday lights, followed by pyrotechnico fireworks to welcome Mr. and Mrs. Claus. Forest Grove, VFD, Robinson VFD #1, Moon Run VFD, Robinson EMS and the Robinson Twp. Police will provide an escort for Mr. and Mrs. Claus to the park.

MOTION Barefoot, SECOND Kisow to adjourn the meeting.

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

M/C 4-0

Meeting was adjourned at 9:50 p.m.

Respectfully submitted,



Carol Merks

Township Secretary