

**BOARD OF COMMISSIONERS REGULAR MEETING
MONDAY, AUGUST 1, 2016
7:00 P.M.**

CALL TO ORDER: Chairman Sam Abatta called the meeting of August 1, 2016 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: Mancini-Present, Barefoot-Present, Kisow-Present, Shiwarski-Present, Abatta-Present. Also in attendance were Solicitor Jack Cambest, Township Manager Silka, Assistant Manager Susko, Chief Vietmeier, Public Works Supervisor Mike Volpe, Finance Officer Jerry Kezmarsky, Engineer Mike Meyer and Mrs. Merks for the purpose of taking minutes.

ENGINEER'S REPORT

The Engineers Report dated August 1, 2016 is attached.

COMMISSIONERS ACTION REQUESTED

Duluth Trading Company Site and Subdivision Plans – Planning Commissioner has recommended approval of project and is on consent agenda this evening.

Pleasant View Apartments Site Plan Amendment – The Planning Commission has recommended approval of this project and it is on the consent agenda . There are some contingencies. They have to add the cul-de-sac to their existing plan and there must be inspection of the storm sewer and any other improvements that have previously been done. None of those have been inspected. There will be a new developer's agreement and a new bond will be posted. If any of the work is not completed, the Township will have the ability to go after bond without having to go through the court process.

Arbor Trail Subdivision – a bond reduction in the amount of \$24,304.50 has been recommended. This provides a remaining bond amount of \$219,397.75.

CAPITAL PROJECTS

Keiner Lane Storm Pike – work has been completed with the exception of minor restoration work.

2016 Road Program – Pre-construction meeting scheduled for July 12th.

Fawnvue Dr. Landslide – Project has been substantially completed and contractor has been working on the restoration of the site.

Clever Road Park Pool – Final estimate and conceptual drawings have been prepared and submitted for approval.

2016 Road Program – contractor has completed paving work with the exception of Moon Run Road, which is anticipated to begin August 21st.

Fawnvue Dr. Landslide – contractor completed work. Final payment is recommended upon receipt of the maintenance bond.

Clever Park Pool – estimate and conceptual drawings have been prepared and submitted.

DEVELOPMENTAL INSPECTIONS

Brandy Mill Woods Site Plan – waiting for information concerning the church property. The Township is not getting involved in the civil dispute between the church and the developer. The developer has submitted a plan which shows they own some property. A revised plan has been sent showing a revised property line.

DEVELOPMENTAL REVIEWS

Panda Express, Aldi Expansion Site Plan and the Kashmer Plan of Lots Subdivision will be on the Planning Commission agenda.

Drury Hotels have resubmitted plans and will be on next month's agenda. Some changes have been made to the site plan, such as lowering the height.

POLICE REPORT

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

I would like to thank Commissioner Kisow for helping me with transportation. We have been going through this for 2 1/2 years in getting this military vehicle for our department. It finally came to fruition. We should be picking it up next week.

Chairman Abatta, I would definitely like to come down and check it out.

ADMINISTRATIVE UPDATE

Mgr. Silka, a few items to update the Board and the public. The comprehensive plan/zoning revision that was approved at the last month's meeting has been forwarded to the County and various municipalities for their comments. With our consultant, we are currently working on setting up an appointment with Kay Pierce at Allegheny County to go over it personally. Last month we held our first meeting for the zoning ordinance revision. We anticipate this is going to be a fast moving process. The staff currently is reviewing the subdivision/land development ordinance. This should take care of some of the waivers with the pipes, etc. Within the next two months it should be ready for adoption.

The Verizon franchise renewal update is ongoing. I have nothing new to report.

As summer dissipates, we are entering the 2017 budget cycle season. You will start seeing a lot of memos as the staff begins their bottom up building of the 2017 budget. We will be getting the Board input and working towards making sure we can end the year on December 31st with a new 2017 spending plan. I look forward to working with the Board to put together another budget where we can continue to reduce our cost, while improving our services.

Rabies baiting is going on in Allegheny County. The Health Dept., along with the USDA Wildlife Service is putting out bait for raccoons with a rabies vaccine. There are two types of baits that will be dispersed throughout the County. One is a little block form and one looks like a packet. These are perfectly safe if a domestic animal gets into it or handles it, however if you see them it is best to let them be. The good news is that in the first six month of 2016, the data shows that the number of rabies affecting wild animals in Allegheny County has decreased.

Lastly, our television channel is currently down. The live broadcasts or DVD broadcasts are not an issue, but our message channel is in the process of being repaired.

TOWNSHIP SOLICITOR'S REPORT

Solicitor Cambest had no report.

FINANCE REPORT

Vice-Chairman Shiwarski, Mr. Kezmarsky will be giving the report.

Mr. Kezmarsky, just a few highlights for the month of July. Earned Income tax budgeted amount was \$3,090,000. and we collected \$88,103. For the month of July year to date, is \$1,663,000. The local services tax budgeted amount is \$950,000 and nothing was collected in July. The total year to date is \$254,000. Real estate property tax has \$41 million budgeted and \$39,279.00 collected in the month of July. The year to date is \$4,145,000. We are well over budget by \$45,000 for the year. Real estate delinquent collections, \$150,000 budgeted and \$49,000 collected for the month of July. The total to date is \$150,000 so we have met the budget there. Real estate transfer fees, \$425,000 and we collected about \$28,000 for July for a total of \$153,922 for the year. Cash reconciled at the end of July is \$3,047,946.

BUILDING INSPECTOR/ZONING OFFICER REPORT

A copy of the July Building/ Inspector/Zoning Officer Report is attached,

Mr. Urbano is on vacation and his report was provided by Asst. Mgr. R. J. Susko.

PUBLIC WORKS SUPERVISOR REPORT

Mr. Volpe, the normal weekly maintenance at the parks and the pool has been taking a lot of our time. We are also finishing the prep work for the hot mix program including base repairs. All of the catch basins were cleaned and repaired. We are continuing to work on additional drainage and base repair on Moon Run Rd. We are also doing prep work for the fall festival. We are also working on the privacy fence at public works.

Commissioner Mancini, the people on Highfield Drive are very appreciative. The lights at public works were facing them.

Mr. Volpe, we just finished the fence and we have some finish work to do.

Commissioners Mancini, I know some people over there and they told me to tell you "thank you very much."

Chairman Abatta, we are looking forward to your report once a month. It is something new, but I think it is very beneficial that you are up here making a report.

CITIZENS COMMENTS

Jim Esposito, I am here this evening because I received a letter on Friday stating about my property on Steubenville Pike. I came home today and I received a certified letter, so I guess it is official. I wanted to come and make an official statement to the Township. I am sure that everyone is aware of the letter that you sent me?

Chairman Abatta, I am aware of it absolutely.

Mr. Esposito, last year we had a meeting and I was asked to attend by the Township. I came and at that time that state said there would have to be an agreement between the two landowners, pretty similar to what Mr. Meyer just said between the developer and Holy Trinity, but staying out of it. At this point, I think that the Township should stay out of negotiations between two private individuals. I don't think they should influence a decision one way or the other between either party involved. I understand that the Township would like development. I would like development, but it has to be done in a proper way and I think that by you continuing to get involved in the negotiation between two private parties, you are actually harming me. It was also brought to my attention that there was a meeting, and correct me if I am wrong, within the last two months with the state. Is that correct?

Chairman Abatta, that is correct.

Mr. Esposito, I also understand that at that meeting there was also talk of eminent domain and there was some talk of putting a road in. Number one, that talk of eminent domain is not acceptable to me. That topic was also breached last year in the August meeting and it is just not acceptable talk. It harms me and I don't believe that I should be harmed as a resident of the Township. The other thing that I would like to ask is, I found out that the Township is thinking of changing the right of ways and intersections of Tidball Rd. I understand they are going to put a road in to help facilitate the developer who is developing property next to me. I can understand how these things would work, but then again by using taxpayers monies to achieve a goal for the developer, you are actually harming me by putting this in because it is not going to be beneficial to me. You are actually taking some of my rights away, my right of way, my setbacks, etc. There are a lot of things that are going to harm my property. I would ask that you please allow the negotiations between two private individuals to take place.

Solicitor Cambest, just so the Board is aware, we did send a letter out to Mr. Esposito and we did have a conversation today on the phone. I did explain to him that I am not aware of what occurred a year ago or a year and one half ago concerning that roadway. I did explain to him that we have had some conversations with PennDOT individuals and that there was no mention at all about eminent domain. I don't know what occurred in the past, but in regard to the project or concept as it exists now, there would be no eminent domain involved. I did explain to him that PennDOT felt that after reviewing what the Township felt would be a better position for vehicular traffic on Tidball Rd. and on Route 60, that we would have to notify Mr. Esposito as to what the projection was in regard to this project, which we did do. We sent him a diagram that was prepared by the engineer to conceptually look at it. Once again, we are not getting involved in any negotiation thing with Mr. Esposito or Mr. Dunn. That is entirely up to them. If the Township goes through with the proposal that we are talking about, there will be a public road that will be accessible for Mr. Esposito, as well as Mr. Dunn. He will not lose any rights of access to Route 60. No part of his property would be taken to an extent that we are taking it for a right of way or for a public roadway. There will be a change in his entrance and exit as I understand because of the signalization and because of the ability to access public road for both he and Mr. Dunn. That was our conversation today. I do understand that he might have a different approach to that, but we felt after conversation with PennDOT that we had to notify him about what we felt may be a project that would occur.

Mr. Esposito, I think there is a little bit of confusion when you said about the egress and access to Tidball Rd. Actually, the concern about the red light was to make the access more compatible for Mr. Dunn and to make it safer for Mr. Dunn's development. It had nothing to do with the way that is currently established, the red light or my property. It has nothing to do with that. This would be if you are adding more driveway to Route 60, then it becomes an issue. The way it currently is, has nothing to do with anything. It is approved and safe by PennDOT. You said that you were in a meeting within the last two months? The topic of eminent domain never came up?

Solicitor Cambest, there was no discussion of the Township taking anybody's property.

Mr. Esposito, the words "eminent domain" never came up in that meeting?

Solicitor Cambest, there was no discussion about taking anybody's property. Eminent Domain may have been talked about, but it was not part of the project.

Mr. Esposito, eminent domain should not have been talked about when referring to my property.

Solicitor Cambest, it was not.

Mr. Esposito, but it was discussed in that meeting.

Solicitor Cambest, it was not discussed relating to your property.

Mr. Esposito, that is on record, correct?

Chairman Abatta, finish up because there is a time limit. I understand your concerns. You guys can meet at any time to try to work this out. Mr. Cambest is just explaining the situation from the Township.

Mr. Esposito, I just wanted to explain to make the record right.

Chairman Abatta, as far as the inter-workings between you and Mr. Dunn, that is on you guys.

Mr. Esposito, I just wanted to correct the record on how Mr. Cambest approached it with the safety issue of Tidball Rd. It had nothing to do with that and that is the point that I was making.

Solicitor Cambest, what I said about Tidball Rd. is that there was some discussion about visibility issues concerning your property and Dunn's property. That is what we talked about.

Mr. Esposito, with Dunn's property. That is the key. Right now it is fine. Thank you. I would appreciate if the Township would allow my business to be my business and Mr. Dunn's business to be his business. I don't feel that there should be any type of influence or any type of official oppression towards me.

Solicitor Cambest, you can discuss it and negotiate with him all that you want.

Mr. Esposito, I understand but from the standpoint of the Township, I feel a little pressured and I don't think that is right.

Chairman Abatta, in closing, we don't represent any one party here. We are trying to work for the benefit of all the Township residents and I am sure that you know that.

Mr. Esposito, of course.

Michael Testa, I am the President of the Pleasant View Homeowners Association. Recently the Planning Commission tentatively recommended approval for a site plan amendment for the Pleasant View/Wingate Dr. housing community. I am here tonight on behalf of my homeowners. They are asking that this request be denied unless and until the developer refrains from ongoing conduct that is potentially harmful to health, safety and well being of area residents. We have also been told over time that the signal, and this is relating to the traffic report, that there would be a signal put in after a certain number of units. This came from Mr. Urbano and I believe it was 100 units. He said there would be a signal placed on Route 60 and West Windhaven. I did not see any note of that in the reports that I read. As you may know, the Chen family, the developer who has made this request, has recently been the subject of headline news due to questionable alleged conduct at another area development. The allegations that have made the papers are consistent with his disruptive conduct at Pleasant View/Wingate Dr. Community. Since he purchased the property, Chen has utterly failed to maintain the property he owns or to make sure that he development does not negatively impact the local community. Here are examples at a school bus stop that is at West Windhaven and Wingate Dr. There are two collapsing sewer vaults. There is rebar protruding from the ground. There is a crushed electrical box in the island that we used to maintain, but is now his property. There are large tractor trailers going through the community that do not have clearance and they run right over that same electrical box. We have had our own residents have to put the dirt back in the tracks. They have had total disregard for our community. Our island, which we used to maintain the front until the bankruptcy, he has not maintained nor has the grass been cut. It looks a mess. These actions have negatively impacted the quality and safety of the Pleasant View community and the well-being of our residents. Accordingly, we ask that you deny Chen's request for a site plan amendment. The subdivision/land development stated purpose is to protect to the public health, safety and general welfare of Robinson residents and prevent danger and congestion in travel and transportation and the loss of health, life or property from fire, panic or other dangers.

Mr. Chen's actions have undermined these purposes, specifically his neglectful and reckless conduct has created unsafe situations throughout the Pleasant View area. Damage to our property and property values undermine our quality of life. Until Chen agrees to repair the sewers and power box and maintains the development to our community, we request that you deny his proposed plan amendment. This is the only way to ensure that out of town developers respect Township residents and creates a safe environment for Robinson Twp. residents. We all know what happened with the trailer park. We have been dealing with him since he started construction a year ago. He was supposed to maintain Wingate Dr., which he said he would and then he didn't and now we are stuck with this bill for the first year that he owned it. We are in litigation. We won the first round and now we have to go to arbitration for what he was responsible for. We have

been put in a really precarious situation with Mr. Chen not taking care of his property and we are asking the Township to help us with that. I have spoken with Commissioner Barefoot plenty of times about this. We just need some help. We cannot continue to have another John Mizani situation at Pleasant View. We also would like an entrance to be provided from Beacon Rd. to take the stress off of Wingate Dr. Those are some of the things we are asking the Township to do for us.

Chairman Abatta, I am going to address this as succinctly as I possibly can. This Board does everything in its power to uphold all of the Township ordinances and plans that come before us, be it from any developer or private citizen. We don't show favors and we don't plan on supporting one versus the other. You heard a comment that Mr. Meyer made earlier about some dispute between a developer and Holy Trinity Church. Robinson Twp. will wash its hands of that particular type of dispute. You heard what Mr. Cambest told Mr. Esposito about the dispute he has with Mr. Dunn. We don't take sides. We are not going to come out and represent one landowner versus another landowner. Our overall plan is for the benefit of all taxpayers. If you are asking us to get involved and negotiate for you, Testa versus Chen, I can tell you that from my perspective, that is not going to happen. Our stand is for the overall benefit of all Township residents. We try to make the rights decisions. This Board goes above and beyond to try and come up with the right decision.

Mr. Testa, I would like to make a proposal for the new Township zoning laws, that we have something put in there that protects the community from these types of developers. This man has no regard for our community whatsoever. We have rebar sticking out of the ground next to the school bus stop.

Chairman Abatta, in closing, I just want to ask you if you have an HOA agreement with him?

Mr. Testa, we cannot even get his attorney to call us back.

Chairman Abatta, what can we do? We cannot force anyone's individual hand here.

Mr. Testa, there is Act 247 of the Municipal Code of 1968, Section 503 which enables you to have the authority to enact regulations for subdivision developers in the municipality. There is code out there that does help us as a community. I would like to see if we could work something into the new rules or into what we are doing right now.

Mr. Testa, I don't want to see a child getting off the bus, impaled by a piece of rebar that is sticking out of the ground. That is what is sitting there. You go to a construction site and they have those rubber tabs over rebar. You come on to Wingate Dr. and they are sticking right out of the ground where the kids get off the bus. That is my concern.

Chairman Abatta, I understand your concern.

THE BOARD OF COMMISSIONERS CONDUCTED AN EXECUTIVE SESSION ON AUGUST 1, 2016 FROM 6:00 P.M. TO 7:00 P.M. TO DISCUSS LEGAL AND PERSONNEL MATTERS. THE BOARD WILL TAKE OFFICIAL ACTION, IF ANY, FROM THIS SESSION DURING THIS MEETING.

CONSENT AGENDA

Discussion to approve Items #12 through #20 listed on the Consent Agenda.

MOTION Shiwarski, SECOND Barefoot to approve items #12 through #20 listed on the Consent Agenda.

Mancini-Y, Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.

M/C 5-0

Discussion to approve the July 2016 Treasurer's Report.

MOTION Mancini, SECOND Shiwarski to approve the July, 2016 Treasurer's Report.

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

M/C 5-0

Discussion to approve the July, 2016 List of Bills.

MOTION Barefoot, SECOND Mancini to approve the July, 2016 List of Bills.

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

M/C 5-0

Discussion to schedule the Board of Commissioners September meeting for September 7, 2016 at 7:00 p.m. due to the Labor Day holiday.

MOTION Mancini, SECOND Shiwarski to schedule the Board of Commissioners September meeting for September 7, 2016 at 7:00 p.m. due to the Labor Day holiday.

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

Chairman Abatta, I have two addendum items that I am going to read into the record.

Discussion to approve an easement settlement agreement between Steven L. and Robin Hood in the amount of \$8,500.00.

MOTION Shiwarski, SECOND Barefoot to approve an easement settlement agreement between Steven L. and Robin Hood in the amount of \$8,500.00

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

Discussion to approve the hiring of Candidate #1 as secretary in the Township Administration office.

MOTION Mancini, SECOND Barefoot to approve the hiring of Candidate #1 as secretary in the Township Administration office.

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

COMMISSIONERS COMMENTS

Commissioner Mancini, I have no comments.

Commissioner Barefoot, I would like to address Mr. Testa's comments. Mr. Meyer was going to address this.

Engineer Meyer, I believe the biggest thing with Pleasant View, and again, one of the things we have to remember here is that this is a site plan amendment. Currently he has an approved site plan which went through bankruptcy, which everyone knows so he can build it according to that plan. He came in and revised some of the plan by moving the building. What this will also allow us to do is come up with a new developer's agreement with him, which will spell out everything that has to be done, including site safety, storm sewers, etc. They

will all have to be approved by this office. There is a definite area where some of those were put in ten years ago and there is a concern as to whether they were inspected. By having this, and having this agreement which will be done by Mr. Cambest's office and revising that and putting these items in there and requiring site safety and various items like that, I think this will give the Township more control than they have now over what the developer is doing. I think if you were not to approve this and let it go, it may be a very difficult decision because of the bankruptcy and everything on how we could get things done.

Mr. Testa's comments from the audience regarding another access were not audible.

Engineer Meyer, that was not part of the site plan. Possibly if they do another phase that can be looked at as a construction entrance. As far as the traffic, there is a certain amount that has to be met where he has to put in a traffic light. When that is met, he will be putting in the traffic light. I believe it was somewhere in the next phase. I am not 100% on that and will have to go back and look at it, but I know it is not part of this phase.

Mr. Testa's comments were not audible from audience.

Commissioner Barefoot, some of these issues have to be dealt with through Mr. Silka, just as we discussed on the phone. If there are violations, we have our police department. I think that you need to understand that we do have a system in place. When you deal with private properties, you want to administer from a standpoint of everyone and not just one. If there are safety issues and issues of property that are not in compliance with our ordinances, just as our conversation went on the phone, I suggest that you refer them to Jeff.....

Mr. Testa, Jeff has them.

Commissioner Barefoot, we will enforce what we need to enforce.

Mr. Testa, we also have no control over the speed because it is a private road as well. With the units coming on line, I am not sure how many are in that building, but there is just no control. That is private property and that is an issue that we have to deal with. We have a community that is wrapped around this development.

Commissioner Barefoot, we are on the side of our taxpayers.

Mr. Testa, as far as Altvater's, I know the cars on the side of the road is not a property issue, but that hazard exists.

Commissioner Kisow, no comments.

Vice-Chairman Shiwarski, no comments today.

Chairman Abatta, I just want to give a short Parks Report tonight. This is the August meeting and by the time this airs again and again, the kids will be back to school. I want to urge all of the drivers out there to make sure that you slow down and keep your eyes on the kids walking the roads or getting off and on the buses.

Parks Report – Exercise and fitness classes. You can Chase your Dreams with health and fitness. The fitness classes will continue through August and September. Class will be held on Saturday and Sunday morning at the Clever Park Rotary Shelter from 9:00 a.m. to 10:00 a.m. Please contact Samantha Blodgett, Health and Fitness Coach. For additional information, you may reach her at www.samanthablodgett.com.

Let our professionals help you train your dog. The Three Rivers Dog Training Classes will run through the fall months. These are not only obedience classes, but trick and agility classes will be offered. Come and enjoy the outdoor training experience. Classes are every Thursday of the month. You can email classes@threeriversdogtraining.com or call 412-862-5987 for more information.

Again, Robinson Township's 14 Annual Autumn Festival will be held September 17th at the Burkett Sports and Recreation Complex. Robinson Parks Board has been busy planning another festival. Great attractions again this year feature, Ready, Set, Race, a rock climbing wall, euro-bungee and more. You can visit our festival webpage to stay current with all the exciting things happening. If you would like to become a vendor, applications are available at our Township webpage.

Robinson Township and Robinson Town Centre will team up once again to present our third annual car cruise. The cruise will be held on October 1st from 1:00 to 5:00 p.m. The first 150 to register will receive a dashboard plaque. Admission is \$5.00 per car and will benefit the Robinson Township Parks Association. If you would like to enter your car as a featured car on dashboard plaques, the entry forms will be available on our Township webpage. The winning cars will be randomly selected on September 17th at the Autumn festival. If you would like to be a vendor, call Jane Tallon at jtallon@robinson.com.

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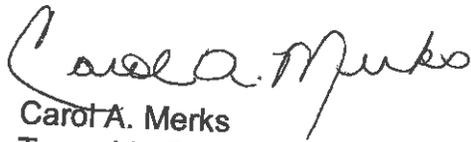
Lastly, please stay informed for current announcements and make sure to like us on Facebook.com/townshipofrobinson or visit www.townshipofrobinson.com.

Commissioner Barefoot, I have just one additional comment. Congratulations to my son, James and Becky on their new addition to Robinson, Jamison Joseph Barefoot.

MOTION Mancini, SECOND Barefoot to adjourn the meeting.
ROLL CALL: Mancini-Y, Barefoot-Y, Kisow-Y, Shiwarski-Y, Abatta-Y.
M/C 5-0

Meeting was adjourned at 3:00 p.m.

Respectfully submitted,



Carol A. Merks
Township Secretary