

BOARD OF COMMISSIONERS MEETING
MONDAY, FEBRUARY 4, 2013

CALL TO ORDER: Chairman Samuel Abatta called the regular meeting of February 4, 2013 to order at the Municipal Complex, 1000 Church Hill Road at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL: Cegelski-Present, Mapel-Present, Shiwarski-Present, Forquer-Present, Abatta-Present. Also in attendance were Manager Bibro, Engineer Meyer, Planning Director Urbano, Solicitor Butya and Secretary Merks for the purpose of taking minutes.

TOWNSHIP ENGINEER'S REPORT

Township Engineer's Report dated February 4, 2013 is attached.

Engineer Meyer, there is one item that I would like to add on to the Commissioners action requested. I sent the letter down this morning. This is for a bond reduction for Stafford Park. The bond reduction is in the amount of \$73,676.20. This would make the new bond \$271,261.10.

Solicitor Butya stated, that would be a Motion to approve the bond reduction of \$73,676.20, leaving a remaining bond of \$271,261.10.

Engineer Meyer, the bond reduction items were contingencies, seeding and some of the traffic signs.

Engineer Meyer, we are waiting for the as-builts to be submitted for Nottingham Estates by the developer. A homeowners association agreement must also be established for the development agreement. Once that is done, we can start the process of completing the bond and any roadway dedications.

Engineer Meyer, the only item that I have that will not be mentioned tonight is Sir Henry's Haven. We provided a response plan to the grading plan that was submitted by the applicant. The application as submitted as does not meet the requirements of the ordinance. We do not believe it should be classified as strictly a grading issue.

Chairman Abatta, I have some other issues concerning Sir Henry's Haven. I guess I will defer to Mr. Urbano first. I have a letter that I received in my AR this week from Duckstein Properties. I am just going to paraphrase this particular letter dated January 22nd. "during a recent meeting with the Robinson Township Planning Director, Rick Urbano informed me that the correct way to address the issues concerning my development in Robinson and Kennedy, is to have the parcel, which I own, transferred to Kennedy." I need an explanation here. What it seems to me that you are talking about

here is that we have a parcel of property in Robinson Township that we are simply going to transfer to Kennedy Township. What is the explanation?

Mr. Urbano, the explanation is that myself and Mr. Mapel sat down with Mr. Duckstein and came up with a resolution on how to solve the problem with the mixed development, the majority of it being in Kennedy. They just want to put the detention pond in Robinson. One of the ideas that we came up with was that we would vacate the property and turn it over to Kennedy Twp. and re-do our zoning map. It would have to be at the approval of both municipalities. I spoke with Kennedy and they are aware of the same thing.

Chairman Abatta, you have not talked to Robinson Twp.

Mr. Urbano, that is why that letter is in front of you.

Chairman Abatta, this letter came out in my AR. I just received it. What I am asking for, and you have not answered my question is, is this the standard procedure where we transfer property from Robinson Township to Kennedy Township. Are we just giving this property away? Is there a stipend that has to be done here? Is this the correct procedure that we should be following? As far as I am concerned, isn't this just correcting a minor property line deviation here that has been done in the past.

Mr. Urbano, I disagree with that.

Chairman Abatta, I need an explanation.

Mr. Urbano, this will be at the developers cost. It is not something that the taxpayers of Robinson Township or Kennedy Township have to relate to.

Chairman Abatta, are we giving property to Kennedy Township?

Mr. Urbano, if you want to dedicate the property to Kennedy Township, that is your call.

Chairman Abatta, we will just say "here is property, even though it is not going to be strictly developed, we are just letting you have it." It will be taken off of the tax rolls.

Commissioner Mapel, let me just clarify something. This was one recommendation of several options that the developer has in front of him to pursue. They are under no obligation or responsibility to anyone but themselves to proceed however they choose and in the best of their own interests. This was one recommendation that I gave them to consider. I don't know that a precedent has been set or anytime in the past where this was been done.

Mr. Urbano, it has never been done in the Township.

Commissioner Mapel, this is problematic as to what to do with this property. It does not meet the criteria of the zoning with what he wants to build. We are trying to help him resolve an issue and problem, however he chooses to. That was just one of three options. Going before the Zoning Hearing Board is another option. What was the other option Rick?

Mr. Urbano, the permit that Mike Meyer denied for the grading to put the detention pond in Robinson Township, taking the water from Kennedy and dumping it in Robinson.

Engineer Meyer, if I may, there was also that option included in going before the Zoning Hearing Board to determine if that was a legal use of that property. At our last Planning Commission Meeting, I had two comments that I thought felt needed interpretation from the Zoning Hearing Board, one of those being whether you could put a detention basin on a property without having any other use, such as a housing development. If you could just accept drainage and run-off from another property. That was one of the questions. I believe there is one other Zoning Hearing Board question that I felt needed to be answered.

Mr. Urbano, is it a land development or not with just the detention pond. That is the other question.

Engineer Meyer, Mr. Chairman, if I may, Mr. Duckstein has been in my office many times and I would say that all three of these items were presented to him as options. I informed him that I could not tell him what to do, even though he specifically asked me a couple of times what he should do. I repeatedly just told him what his options are and that it was really up to him. I told him that it would be my opinion that he should consult with his attorney as to what the best options may be.

Commissioner Shiwarski, just looking at this, I guess where the flag comes up with this, this letter states that Mr. Duckstein was informed that the "correct" way to do it. There is an implication there and that is where the problem arises. Whether it is wrong or accurate, according to this letter, Mr. Duckstein said that the Township told him that the correct way to go about this problem was to cede Township property to Kennedy Township. I guess the other question that I have, I have not seen any plans or anything, but is there any property other than the detention pond in Robinson Township?

Mr. Urbano, no. There are is no housing and there is no other access to Robinson Township property other than through Kennedy. This is a procedure that we asked him if he wanted to do it, he would have to get the consent from both Boards. I spoke with Kennedy Township's manager and all at his expense. That is why the letter is in front of you, for you to make the decision on whether you want to do it or you do not.

Commissioner Shiwarski, the only question Rick again that I have is the word that they put in. I did not say that you put it in. It is signed by Mr. Duckstein, but it says that this was the "correct" way that was told to us by a township official."

Mr. Urbano, he can put whatever he wants in his letter, I just told you what I told him.

Commissioner Shiwarski, that is why we are having this discussion.

Engineer Meyer, I had also read the letter and was concerned when I saw that. I do think there should be a response back from the Township stating that at no time was it ever said that this was the correct way of doing it. This was just one of many options offered.

Chairman Abatta, you do see the problem with what is perceived here. It does not sit well with me.

Solicitor Butya, I am in agreement. I do think that we need to respond to the Duckstein letter making it clear that we are not telling him the correct way to do it and he should seek his own legal counsel. There are various avenues available to him if he wants to try to seek a boundary change of Robinson and Kennedy Township. There are rules of court that lay out the procedure to follow and it is not a simple procedure. It is a lengthy, complicated and fairly expensive procedure, but if he wants to pursue that....

Mr. Urbano, Mr. Meyer and myself already told him that at numerous meetings.

Chairman Abatta, that is not what is inferred here.

Vice-Chairman Forquer, I have a suggestion. Has anybody entertained the idea of telling them that we do not to change the maps and we would like that property to stay in our Township. They can put their settling pond there and we will find out what the tax rate is on the property where it is developed and he can pay us the taxes where the settling pond is. Is that a possibility?

Chairman Abatta, just to give it away like that. That is ludicrous. Is Vice-Chairman Forquer's idea possible?

Solicitor Butya, he would probably have to seek a variance.

Mr. Urbano, it is R-2 and the development that he wants to put in was approved in Kennedy and is R-3. He cannot rezone the property because it would be spot zoning. That was given to him as an option.

Chairman Abatta, let's not tell him what to do. Let's let him go through the correct procedure on his own legally and do what he has to do.

POLICE REPORT

A copy of the January 2013 Robinson Township Police Department Report is attached.

Chairman Abatta questioned an article he has seen in the paper about a \$400,000 drug bust in one of the motels in Robinson Township.

Chief Vietmeier stated that the article was incorrect and the motel was actually in Kennedy Township. It was an error.

ADMINISTRATION UPDATE

Mgr. Bibro, as the Board is well aware, Number 13 on the agenda, the Board tonight will be accepting my letter of resignation. Due to my contract, I have a sixty (60) day notice. I want to make sure that the public is aware of the Township Manager transition plan, which we discussed in executive session. I will begin crafting the advertisement with the criteria that the Board gave me. We will be doing interviews probably some time in March. The Board should be in a position to hire a new manager right around April. The transition could be and should be smooth.

The building renovation project is underway. Public Works has been doing a great job. We have a new coat of paint throughout most of the common areas thorough out the building. Tonight we will award the bid for the carpet services, which we will be getting in the next few weeks. I hope to see most of it done before I leave.

In regards to the Solicitor search update, obviously our Solicitor resigned last month. Mr. Butya is doing a fine job in the interim. He has mentioned that he is not putting in for the permanent position. We had an RFP for any interested solicitors that we advertised a month ago. We received 12 applications from law firms through out the tri-county area. The Board will be interviewing all 12 firms publicly in this room. All residents are welcome to attend these sessions. We will be voting on exactly when they will be tonight. We will advertise them. We will have three evenings, which we will interview four law firms each evening. We should be in a position, if the Board is comfortable, to appoint somebody in March. I hope to have a month with them to get them up to speed on a lot of the issues, as well as the staff and the Board.

Commissioner Shiwarski, may I just mention that you put that out for RFP, but we were not obliged to do that. We are following the template we did with the engineering firm a few years back and set up the public meetings in the exact same way. That is the past practice that we used.

Mgr. Bibro, the Solicitor is considered professional service, which the Board is not required to do any public interviews or bids. This Board however, decided to do both in the name of transparency and as well as to get as many qualified firms/applicants to apply. Of the twelve, we have very high and very reputable firms that have put in for this.

TOWNSHIP SOLICITOR'S REPORT

Solicitor Butya, I don't have a formal report this evening, but I would like to thank this Board for giving me the opportunity to serve the Township. While I am here, I will give you my best effort, and I am available to anyone on this Board at any time to answer questions or you can stop up at my office.

I would like to speak about the Montour Railroad Right of Way Vacation. We closed that hearing earlier this evening and based upon the testimony that was given, plus what was in the first portion of the public hearing, I would ask this Board to consider a motion to deny the applicants petition to vacate, the reason being that there has been no evidence or testimony whatsoever indicating that the Township has any kind of right, title, interest, access to this particular right of way. If the Board would deny the petition to vacate, it would be my intent to notify the applicant of the denial with a statement that it was based upon the finding that we have no right, title or interest in that particular property. If that is something you would want to consider doing later this evening or for another meeting, that is up to this Board.

The other two items, I received a ballot confirmation document that I intend to execute on behalf of the Township as Solicitor.

I received, from Chief Vietmeier, four applications for forfeiture of property. It is my understanding that these are applications that have been processed in the normal course of business. I am advising the Board of my intent to execute those as solicitor on behalf of Robinson Township Police Department.

The other items are agenda items and as we come to those on the agenda, I may have comments.

Chairman Abatta, I am glad that you are on board Mr. Butya as far as staying with us until we go with other legal counsel. I understand that you will not be applying. I would like to make a comment that I have your revised bill here. I am glad that you broke it down in every legal aspect that you have been doing for the Township. Is that a lot of money to charge us for a month, \$9,000? I am being facetious. I am glad that you detailed everything for us and broke everything down.

THE BOARD OF COMMISSIONERS CONDUCTED AN EXECUTIVE SESSION ON FEBRUARY 4, 2013 FROM 5:00 P.M. TO 7:00 P.M. TO DISCUSS PERSONNEL ISSUES. THE BOARD WILL TAKE OFFICIAL ACTION, IF ANY, FROM THIS EXECUTIVE SESSION DURING THIS MEETING.

MINUTES

Discussion to approve the November 5, 2012 Board of Commissioners' meeting minutes

Discussion to approve the December 3, 2012 Board of Commissioners' meeting minutes.

Discussion to approve the January 7, 2013 Board of Commissioners' meeting minutes

Discussion to approve the January 7, 2013 Treasurer's Report.

Discussion to approve the January, 2013 List of Bills

NEW BUSINESS

Discussion to accept the resignation of Township Manager Aaron Bibro effective March 29, 2013.

Mgr. Bibro, I want to make sure that everyone is aware that I am moving for personal and family reasons, not professional reasons. My wife is from the Philadelphia area. I have a contract with her that if my son becomes an Eagles fan, I come home immediately. I have a brother in New Jersey. We decided this would be best for our family. We want to have more children. I was grateful to receive an opportunity out there in Montgomery County to work for a First Class Township similar to Robinson Township. I will begin my new job on April 1st. I wanted to thank the Board here for the opportunity that I was given. Chairman Abatta and Commissioner Shiwarski both were on the Board from when I was hired as an assistant manager. Six months later, Commissioner Forquer came on board. I have been grateful for the support that you all gave to me. I have enjoyed working for you. This is a great community to work for. It is a beautiful community. I have not only worked here, but I have been a taxpayer. I enjoy my neighbors, my neighborhood. This is not an easy thing for me to do. I am going to miss Pittsburgh. I was born and raised here. As you know, a happy wife makes a happy life, or so they say. I will be testing that theory in the next few years. It is interesting to look back and I am not going to give a speech, but a few things that I just wanted to point out that are interesting when I look back at my tenure here. When I leave in April, it will be close to four years that I have spent in Robinson Township. In those four years, by far the most from a personal standpoint, I got engaged, married, bought my first house, had my first

son and now I will be selling my first house. This is all within a four year period, as well as going from Assistant Manager to Township Manager. This was a great opportunity for me and I really appreciate that the Board would allow me to serve this community for the past four years. I am definitely going to be sad to leave. I have built strong relationships with not only the Board, but with the employees here and most of my neighbors and a lot of residents in this community. I have really enjoyed the interaction that I have had with them. It is not always easy, the job that I am in, but looking back I have nothing but positive memories and it will be certainly be a sad day when I leave. Obviously I look forward to the future and the opportunity that is ahead of me. I am looking back with nothing but fond memories and conveniently I am leaving three weeks before clean-up day, which Commissioner Shiwarski launched a few years ago. Everything about this is positive for myself and for the Township. There will be plenty of managers who will want to work in a community like this. I think moving forward this is going to be a win-win situation and I want to keep it positive for my last two months as well.

Chairman Abatta, I sort of knew when you came on board, and you and I have spoken professionally and personally throughout the years that you have been here, I knew that this day would be coming. You are a bright young man with a lot of degrees. You are a great family man and I knew that you would be making a move to keep your family happy. With that said, I am glad that you are making this transition. Your tenure here has been great. You have given some real pertinent and good advice to not just myself, but everyone on this Board who has worked with you. I am personally sorry to see you go, but the philosophy that I always say, just like when I raised my girls, I raise them with wings so that one day they can fly. I don't see you staying in Philadelphia too long. I am sure you are going to move up. I am sure we are going to be hearing a lot from you. Good luck to you and remember you are not done until April.

Vice-Chairman Forquer, I would like to say a few words as well. I think that during Aaron's tenure here there were a lot of things that changed with the Township. He contributed greatly. We went from operating by the seat of our pants financially without really knowing how much cash we had on hand and things are a lot better today. We still have some areas that we can improve, but I think this Township has grown by leaps and bounds and I think we are operating a lot more professionally today than we were before Aaron's tenure here. He is not only a very smart fellow and understands finances and is a good communicator, he is a fine gentleman and has a very high degree of morality. I have always enjoyed working with him and I wish you luck.

Commissioner Shiwarski, if there is any omen, on April 1st is the day when I asked my wife to go out with me for the first time just in case she said no then I would have said April Fool's Day. My marriage so far has lasted 30 plus years so hopefully your new adventure brings you the success that you want like my marriage did.

Discussion to award the proposal for carpet installation for the Robinson Township municipal building to R. L. Seibel Carpet Service, Inc. in the amount of \$35,000.

Discussion to exonerate John D. Perkey, Robinson Township Treasurer/Tax Collector from the collection of the 2012 real estate taxes and to forward all outstanding collections to Jordan Tax, Inc.

Discussion to authorize Township Solicitor John L. Butya, Esq. to sign the attached tax appeal stipulations.

Discussion to authorize Township Solicitor, John L. Butya, Esq. to sign the attached tax appeal stipulations and enter into an agreement regarding valuation and assessment between Robinson Mall-JCP Associates, Ltd., Robinson Mall Developers, Montour School District, County of Allegheny, and the Township of Robinson.

Vice-Chairman Forquer, I have something that I can read here. The most prominent part of the TIF settlement is for the largest parcel in the Mall JCP Associates TIF District at \$100 million for years 2010, 2011 and 2012 and for \$108 million for years 2013 thru 2017 or sooner if the bonds were paid off earlier. The Agreement basically makes the contract solvent. Given that as part of the 2013 reassessment, this same parcel was assessed at \$76,500,000. and for 2010 thru 2012 at \$93,500,000., we had a big problem. I will get into the details of this in my Commissioners comments later. This is a good deal and there were a lot of people who came together and worked with us to reach this agreement. John Butya set up the last meeting with Jeff Mills of Reed Smith. Earl Mapel attended that meeting with me. We invited Dr. Boyer and he came with his business manager along with him and his solicitor. There was no question that the school district has the largest stake in this contract and I was very pleased that Dr. Boyer came. I appreciate all of the Board support that has been given to me throughout the past year and one half that we have been trying to get an agreement. I think it is a good deal for us.

Discussion to obtain the services of Anthony Giglio, Esq. of Andrews and Price, LLC as special legal counsel for matters involving the Mall at Robinson's Tax Increment Financing District and the Stafford Park Development

Vice-Chairman Forquer, I have something that I would like to read on that as well concerning who Anthony Giglio, Esq. of Andrews and Price, LLC is. He was first brought to my attention by my life-long secretary and wife Diane, who keeps abreast of all relevant TV article concerning TIF. Anthony represented the Ben Avon School District and won a motion regarding the TIF contract dispute concerning a property reassessment of the Mt. Nebo Point TIF District. Anthony had a good working knowledge of the lawyers that we were dealing with concerning our TIF litigation because he worked with them at that time. He has already provided legal support on a temporary basis to help with that TIF Agreement. It is the intention of some of us on the Board to clear up some of the current issues that we are dealing with concerning Stafford Park as well and reach a working agreement with Steven Victor to end the continual litigation. I will speak to that more in my Commissioner comments as well.

Commissioner Shiwarski, I just had a few questions or comments about this. When I first looked at this item when I received my packet, I guess the first question that I had and I did not know the answer to, why is current Solicitor Butya not handling this part of the transaction. After executive session today I received an answer. I am not speaking for Mr. Butya, but he did said that the work load basically was more than he could handle.

Solicitor Butya, that is correct.

Commissioner Shiwarski, and that he did not feel that he could service the Township in its best issues regarding those matters. Also, there are some time sensitive legal matters that require immediate attention. That was the first question that I had on that issue. The second question that I had was, I am being asked to vote on this motion tonight and unlike when we are looking for the Solicitor where we are going to interview the person as a group or Board and everybody would have the opportunity to ask questions. That is not afforded here. Again, I asked our counsel today if there was any past history or reference from the legal standpoint and the answer that I received was that "he had no personal relationship or experience with this attorney". I was assured that he seems to be more than capable and I am sure of that also. The next question that I had was, early on, and Commissioner Forquer has done a fabulous job on the TIF and we gave him some latitude to acquire any assistance within reason that he needed to get a resolution on the TIF. With Commissioner Forquer reaching out to Mr. Giglio, that was in my perception, within that latitude. I do not know why the two motions are together because I am now forced to where I made a commitment for us to explore the TIF aggressively under Commissioner Forquer's direction and Stafford Park has been piggybacked onto here. That is my dilemma that I have right there of how can I vote for somebody that I have no knowledge of why they are combined together and why our current solicitor cannot do it. Our current solicitor answered that question part of it, but the other two I still have issue with myself. That is my discussion.

Commissioner Cegelski, I think Chairman Abatta that I would certainly defer to Mr. Butya, but if you would so choose under Roberts Rules of Order you could see if you could amend that motion and if it would carry, you could certainly do that and you would not have to vote if a motion would carry to separate the two.

Solicitor Butya, that could be done easily.

Chairman Abatta, that would have to be done in the motion portion of the meeting.

Vice-Chairman Forquer, I think the point was made about that, that there is a connection between the TIF and some of the problems at Stafford Park and they both have issues concerning land contracts.

Commissioner Mapel, I would also like to amend what Commissioner Forquer said by reminding Mr. Shiwarski that I attended that meeting as well and it gave me an opportunity to ask some questions and evaluate the credentials of Mr. Giglio. What I came away with on several different occasions from my discussions with him is that he is extremely competent and very well qualified to represent the Township on matters such as these where we have not really had an opportunity to prepare. Certainly, this is not the best time for us to be entering into additional litigation, but under these conditions we have to address time sensitive issues. With respect to that, I have made the time to be available to address things, talk to people and get the information that I feel comfortable overseeing Building, Planning and Zoning. I feel a sense of responsibility to be able to make recommendations to my colleagues here based on knowledge that I have acquired and so that is what I am doing. I would trust that you do that with Public Works, as we all do with our respective responsibilities. I just want to go on record as saying that as the need requires, it will be my recommendation to this Board that we retain services of this gentleman and his firm that is qualified to do so.

Vice-Chairman Forquer, I would also add that I consulted with John L. Sullivan over in Ohio Township because they were also involved in litigation, because Mr. Giglio is the Solicitor for the Ben Avon School District. It is a big deal to win a TIF motion in court. I was assured that it was a very good attorney and has a good reputation. I have also spoken to Mr. Abatta. If there are any financial issues and I have to get my checkbook out to take care of it, I will do it.

Chairman Abatta, I am glad that you said that Jess because I don't know basically how time sensitive some of these issues are with the TIF Agreement and/or Coventry and why they are so looped together here. My understanding was always that whenever you had something to discuss, you would let your general counsel take care of it to the point where he is the one who is going to give you all of the ideas and representation that you basically need. I know that last time whenever you were struggling with some issues with the TIF that there was a need for special counsel and we paid in excess of \$5,000. to Mr. & Mrs. Turnley to do that. Where I am sort of taken aback is that this whole situation has gone on and basically it has gone on without Board approval. It is o.k. to have some meetings and try to research things on your own but as far as authorization for hiring someone, I know that is where we are at right now.....

Vice-Chairman Forquer, this is temporary.

Chairman Abatta, who conducted the interviews and why wasn't I told?

Vice-Chairman Forquer, you were in Florida.

Chairman Abatta, that does not matter. I have been in Florida many times before where if there is a phone vote that had to be taken or something had to go on, I check in with Mr. Bibro every day. You should have called for a phone vote for this particular issue. I had no idea that this was going on. I don't want to use the word collusion, but it seems to me that this was going on.

Vice-Chairman Forquer, we spoke with Solicitor Butya and he suggested that we bring him on.

Chairman Abatta, what I am saying is, how can we agree to hire someone unless we get total Board approval. Was there no time to get Board approval? We had an entire month.

Vice-Chairman Forquer, we were trying to get a solution.

Chairman Abatta, let me know when you are done talking so that I can finish.

Vice-Chairman Forquer, I told you that I will write a check. If you don't want to vote for him, you have that option.

Chairman Abatta, I have that option. Let me finish my point. I did not interrupt you, please do not interrupt me. Mr. Giglio is definitely being compensated for these services. Is it the responsibility of the Board of Commissioners, without approval, to pay for Mr. Giglio and what he has done? Just to bring someone on with maybe two people discussing it without the entire Board knowing of it, does not sit right with me and I am sure it does not sit right with a lot of the public. Solicitor Butya, can one or two Commissioners make a decision to hire a lawyer or extra counsel? Does it not have to be done by the entire Board?

Solicitor Butya, you have a situation here where from day one, I let the Township know that I was not available to handle the TIF, nor Stafford Park litigation and that when these issues arose where you had a mandamus action being filed and the hearing being scheduled, there were deadlines that were forced to be met.

Chairman Abatta, why was not the entire Board notified of this? I have called executive sessions before when there is a relevant and timely problem. We get together as a Board and we discuss it.

Commissioner Shiwarski, you said that you let the Township know. The first time that I was aware that your workload would not allow you to take on these two projects was tonight, when you told me that. There was no communication from your office either officially or unofficially from the Township Manager or any other member of the Board that told me that you (Solicitor Butya) could not handle the Stafford Park or TIF items. I am not disputing that you did not tell certain people, but the point that I made initially was that I did not have time, and I am not saying that I would not vote for Mr. Giglio.

The other thing is that in the past we used Rich Miller for police negotiations. When we brought in secondary help, Mr. Miller came into the Board, talked to the Board, told us his history, his past and the entire Board made a decision on whether to hire him or not. That is where the issue arises with me right here. I am not personalizing this at all or questioning Mr. Giglio, we probably would have come to the same conclusion, but the process on how we got to this conclusion is being diverted.

Chairman Abatta, for the same process, for the same idea for us interviewing for a new solicitor, we are not having the Township Manager or any two or three Commissioners representing or knocking down the list to make it from twelve to five. We have instituted a process where we are being transparent here. We are bringing all of the attorneys in and giving them a chance to present their case. As far as I am concerned, this was not done in that fashion and it should have been.

Vice-Chairman Forquer, are you done because I have some things that I would like to add to that. First of all, if we go back and look at how this whole thing transpired, some of us just because a lot of money was being spent on litigation, and we were not getting any results, decided that we wanted to make a change. We offered our former solicitors the opportunity to resign and they did not accept that offer from us. We came out here and they just left. We said that we would go back and talk to them and they decided to leave. They walked out on their own. We could have talked to them about a transition period, but they chose to leave on their own. We have a Township to run here and we did what we had to do. We bent some rules, yes we did. There is no question about it and I admit that, but I am not making any apologies for it because I think we did the right thing for this Township. Mr. Giglio is a very good solicitor and we found that out. I think that Solicitor Butya would attest to that as well. Also, we think that he can win. If we get involved with some litigation we want to resolve these problems on Stafford Park and get to the point where we are not in a situation where we are litigating all the time. We are trying to cut back costs on litigation. We were certainly willing for years to pay Goldberg, Kamin and Garvin and if you looked at what we spent annually you are probably looking at \$100,000 per year and I don't want anybody telling me about wasting money on litigation. I will talk about the contracts in my Commissioners comments. Anything that we are in litigation right now with, we had trouble with contracts. I did what I thought was right and I believe that Earl did as well. That is all that I have to say.

Chairman Abatta, let's talk about that a little bit Jess. How many cases have we won as far as the Coventry issue is concerned? My count, and I have been on board here since the inception of Stafford/Coventry Park, we are 0 for 7. I am not talking about the TIF, I am talking about Coventry Park. You alluded to the fact that the solicitors walked away from the job. If you remember correctly in Executive Session, I was the individual that said I wanted the solicitors to be brought forward into the executive session and face their accusers and maybe ask them a question about the situation and what is going on. It was the Board's decision, not my decision personally to fire through the motion and

Goldberg, Kamin and Garvin said “what is the sense, we have just been let go. What would I even come out here and try to answer when I did not even get a chance to face my accusers and answer any pertinent questions” That type of deal was done as far as I am concerned as a last minute deal as “take this or leave it.” Speak the whole truth.

Commissioner Mapel, thirty years is along enough to win a case, don't you think? You talk about Stafford Park, how about any case. Let's be more specific about that. I think thirty years is long enough to wait for somebody to win a case.

Chairman Abatta, Earl I have been on the Board longer than you have been and I would venture to say that there are more positive things and positive decisions that have come out from Goldberg, Kamin & Garvin as far as winning than losing.

Commissioner Mapel, that is a matter of opinion.

Chairman Abatta, it is a matter of fact. If you would go back and search you would see. My thing here is that you are willing to spend more money on something that is futile, on something that you have not won at all, ever. Have we won anything on appeal with Judge James?

Vice-Chairman Forquer, yes, he was forced to do geo-tech work that he did not want to do. He said that it was done under the GFCC. You were one of the ones on the Board at that time that voted to stop the mining process. When you stopped the mining process, that site was no longer being prepared for a development. It was being prepared for pastureland with occasional hay cutting. We have a letter from the DEP that shows that and I wrote the letter with the complaint because I did not think what was going on there was preparing that site.

Commissioner Cegelski, excuse me, Mr. Butya are we not out of order? Chairman Abatta, I think we are out of order.

Chairman Abatta, we have a motion here Bobbie.....

Commissioner Cegelski, we don't have a motion, we are doing discussion. I think we are far from the subject.

Chairman Abatta, we are discussing TIF and Stafford Park.

Commissioner Cegelski, I understand that Chairman, but the point that Mr. Shiwarski made long ago was that if you don't feel comfortable with this discussion, you can certainly change your motion to separate the two. Going in depth, there is nothing pertinent here to what is being discussed.

Chairman Abatta, I disagree Bobbie. This is the forum where you discuss all of the relevant issues and No. 18 addresses the TIF and Stafford Park.

Commissioner Cegelski, I would appreciate a little professionalism and decorum in front of the Robinson Township citizens please.

Chairman Abatta, is it not better to work out a problem in public and transparent rather than looking for an answer behind closed doors.

Commissioner Cegelski, I am not suggesting that. I think there are pertinent points to be made to the discussion, but I feel that we are going off and we are entering into areas...I certainly have facts that I can bring to the table on this, I just do not think that what we have here is appropriate for the discussion. It is going beyond the scope of what this entails.

Commissioner Shiwarski, I disagree. I never brought up the firm of Kamin & Garvin in this situation. My thing was strictly on this motion. It had nothing to do with past histories. It was strictly on this motion and processes that we have used.

Commissioner Cegelski, and I concur with you. That is exactly what you had asked originally.

Discussion to approve the 5171 CRR Associates, LLC site plan application contingent upon submitting an updated landscape plan and completion and execution of the development agreement as recommended by the Planning Commission.

The signed development agreement has been received.

Discussion to approve the Hampton Inn-Settler's Ridge site plan application contingent upon completion and execution of the development agreement as recommended by the Planning Commission.

Solicitor Butya, this development agreement has not yet been executed by the developer. I was supposed to receive correspondence today and their intention to sign the agreement. I do not expect that it will be a problem.

Discussion to approve the Steubenville Pike Auto Sales site plan application contingent upon completion and execution of the development agreement as recommended by the Planning Commission.

Mr. Urbano, that is complete.

Solicitor Butya, there was a recommendation, at least verbally made by the Township Engineer that we accept a bond on this based upon certain conditions that there would be no reductions applied for by the developer until the project has been completed. I had a discussion with the engineer and I am waiting for confirmation from him in writing, that this is his recommendation.

Engineer Meyer, we did receive a copy of an affidavit today and based on that, I will send my recommendation.

Discussion to schedule and advertise interviews for the Township Solicitor position to be held on February 18 and 25, 2013 at 6:00 p.m

CITIZENS COMMENTS.

Scott Suess (Meade Drive), first I would like to congratulate Aaron on his new position. I want to address the agreement reached on the valuation of assessment on the Robinson Mall, which is directly related to the mall TIF. I addressed this situation at the Commissioner meeting in May and I am happy to see that Robinson Township may finally agree to a settlement. This settlement is essentially the same deal that should have been agreed to a couple of years ago, but Robinson Twp. declined. This basically prevented the school district from refinancing the TIF and lowering the interest expense, which would have saved the taxpayers hundreds of thousands of dollars, not to mention all of the legal expenses that were incurred by Robinson Township and the Montour School District. With the agreement we are getting a slightly higher tax assessment in the final few years of the agreement, but it is probably going to be offset by all of the legal expenses that were exhausted by both parties, due to the delay. The Montour School Board did approve this agreement in January. I would like to publicly thank Dr. Boyer and the School Board for staying at the forefront of the TIF and providing the leadership on this issue and finally bringing it to a resolve.

Vice-Chairman Forquer, I would like to address some of the comments that Mr. Suess made there. With the 2013 reassessment, two things transpired that delayed the settlement. We found out that in addition to the problems that we had with the Mall/JCP Contract that we had big problems with the Peripheral Contract and those bonds will never be paid off they way they are structured right now. That situation is so bad that our Township is holding in escrow, payments into the Peripheral contract. It is so bad that the Redevelopment Authority of Allegheny County has directed the trustee for the Peripheral bonds to hold all of the payments and not send anymore out to the developers. We found out on that contract that there was 9% interest dividends on the first set of bonds. I have received some information from Allegheny County Redevelopment Authority that we still owe \$3,300,000 on that set of bonds that we have been paying on since 2001. The other set of bonds, nothing has been paid down on that either. The B bond is about \$4 million. They knew when they wrote that contract that there would not be enough money in there. The contract should never have been signed by the school district or the Township. The C bond has a term that extinguishes it if not one payment is made to it fortunately, We are stuck with the payments for the A and B bonds. On the Mall/JCP contract, I don't know that we had an offer to 2017 before. We did have an offer for four year of \$100 million. That offer was retained but to have an offer of \$108 million from 2013 to 2017, I never saw that before. I think this is greatly advantageous to the school district and I disagree with you that we lost anything here. I think we

gained some things. That was a very difficult deal when as part of the 2013 court ordered reassessment that the parcel was assessed at \$76 million and you blamed me for that at one point because we delayed our offer. We were trying to get an agreement on both of those sets of bonds at the same time. One developer supposedly turned that down or we would have had it sooner. It is a very contentious issue. These contracts are not good. The controls in the contracts to prevent the filing for tax appeals absolutely left it open for the developers to keep filing appeals which ultimately was going to underfund the bonds. I think we got a good deal out of it. Dr. Boyer is happy with it and that is all that I can say. We did the best that we could. Nobody else was doing anything about it. I brought it to the school district's attention on a peripheral bond issue and I really did not get a lot of help at that point, but I think that Dr. Boyer is busy with a lot of things and maybe that is why it happened. I appreciate your comments and thanks for coming to the meeting.

Linda Jakubec (Meade Dr.), I am addressing Item No. 13. I would like to wish Mr. Bibro the best in your future endeavors. I would like to thank you for all of the good work that you have done while you have been here at Robinson Twp. and we will miss you. It is concerning to me as I look back over the past twelve to thirteen months at the number of people who have resigned from elective office or employment at Robinson Township. A commissioner resigned, a treasurer resigned, the finance director resigned, the solicitor resigned and now the township manager has resigned. This is an astonishing number and I believe this points to a severe problem, which can only be attributed to the leadership that is being provided by the Commissioners. There is something very wrong here. It is a good thing that three of the Commissioners seats are opening up for election this year. I know that I speak for many Robinson Township citizens when I say that it is time for a change. The Township deserves leadership that does not chase away skilled and talented people, but rather fosters a sense of collaboration among all individuals, while staying true to the principles of transparency and government.

Steve Taylor (108 Scottdale Drive), I am speaking in reference to No. 15, dealing with the tax collection and turning it over. As you know, I received a tremendous amount of information from the Township over the past month and I have been collaborating and putting it together and I have some things that I would like to present to one of the collection agencies, but also to present to the Commissioners themselves to see where they can go forward and collect. Mr. Taylor distributed photos to the Board of Lot and Block 268-M-194. This is a commercial building on Clever Rd. It is known as 532 Clever Rd. All of this information I obtained today from the Allegheny County website. 532 Clever Rd. does not exist. By looking at the next page, it is the building between Clever Cone and All Occasion Catering. It has no record. That property is owned by Mr. Mapel. There is a picture of the property. If you look at Page 3 it states "this property is among the 3% of properties that did not have adequate comparison sales." That property can be compared to a lot of properties on Steubenville Pike. I can name quite a few across from Burkett Elementary and several other ones. You can continue on and find it on Maple Hollow Lane. It is in Mr. Mapel's backyard. It has been put in a residential

area for taxes and by being in a residential area, it paid a stipend of what the commercial property would be. If you take a look at the next page you will see that it is appraised at \$203,000. That is for 2013. It is only \$12,000 more than Clever Cone. It is a shame that it is done so poorly. The next page is a picture of Mr. Mapel's house. You can see all of the addendums on it A, B, C, D and E. It does not have that building. You can continue on by taking a look at the map and the front page. You see a pole building. You see a swimming pool and you see another building there that are not on the tax rolls. I did see a building permit for the pool building, but it never made it to the county for the tax rolls. The last is a vacant lot and is known as 268-S-100 and on that there is a large building and you can go back to the following pages at the end and there are two pictures of the building. It is two stories high, brick to grade, matching siding to his house and if you look at the other side, it has its own electricity, telephone and possibly cable connections. This is not even included anywhere and I have a sworn statement from Mr. Bibro that there are no building permits or occupancy permits for this building. I request that the Board look into this or make a motion to have the Solicitor look into it. I obtained all of the information off of the County website and I looked into from the Township's point of view. You all have pictures of it now and I would appreciate you giving me the name of who to turn it over to or you can act on it yourself. There are three people here for election and maybe they should look into it.

Commissioner Mapel, I am not even going to dignify this. We have already had this discussion how many times. This is ridiculous.

Chuck Marks (541 Marks Lane), my comments are short and sweet. I am talking about No. 18, Stafford Park. I see we are going to court again for it. We have already lost six times and from what I see, we have spend several hundred thousand dollars in legal and engineering fees. I don't know when it is going to end. It is getting to the point where it is ridiculous. This is an upscale community and houses will be \$500,000 plus. It is a significant tax income into this Township. For some reason, this Township is holding up building permits and houses are being stopped. It is time this ends and something gets fixed. We are the laughing stock in the communities around us about what is going on here. I hope that everybody wakes up and gets on the ball and does something right.

Commissioner Cegelski, Mr. Marks, I could not agree with you more, however, I can tell you in my tenure here, the Solicitor never once told us not to go forward on any issue that was brought as far as an ordinance that was broken. I based whatever I did on a body of facts that was given to me. I also was very upset by a zero to 6 loss each time that we went to court and that was one of the reasons why, and if I may qualify my vote, to get someone else to take a look and get a second opinion at what we were looking at and taking to court. It certainly does not seem right to me either when nobody is telling me that we should not go to court. That is just the reference. I can certainly understand the residents looking and wondering why. Everything that I have here in front of me says that there are things here that are not right and they need to be legally looked at. That is why my votes have been what they have been.

Chuck Marks, a 6-0 vote can also be that the solicitor is doing, "do not do this case". Sometimes the Board can override what your professional people that you are paying are saying and you totally disregard their advice and go your own way. If that is the case, that is harassment. This Township can be sued and granted for good reason.

Commissioner Cegelski, I just wanted to qualify you that this has not been the case with my tenure here. We have never been told not to go forward.

Chuck Marks, I hope that it is not because you are talking about harassment and liability.

Vice-Chairman Forquer, one other thing that I might add to that is that we are being hauled into court. We are not going there on our own accord. That has happened many times. What we need to do is develop a dialogue with Mr. Victor and try and work these problems out and avoid those issues and I am very much for that.

Mr. Marks, just so you work with developers also. A lot of them don't want to come here because of that. I know because I work in that field.

Commissioner Mapel., I would just like to comment on one thing with Mr. Marks. I understand and I share your pain. I know how you feel about not being able to go out and work and make money with a client. I understand that there are a lot of people who find themselves in that situation from time to time. One of the things that I want to try and explain to everyone is that when we take an oath of office, we are sworn to uphold the laws and ordinances. If we are aware that those ordinances, which are laws in our community are being broken, we don't have a choice. We have to see it through and we have to do what we are obligated to do. I for one am not happy about spending money in court when we can sit down, and I will speak to this later, and do what we did with the TIF. We can work out a compromise settlement and walk away maybe not everyone completely satisfied, but at least we have resolved something. With that said, I share your sentiments and realize that you are one of those people who cannot go out and make a living on that project, but it is better that we stop and correct the problems that we know exist right now, than it is to continue moving on and just accrue more problems as we go.

Jerry Brouker (284 Coraopolis Rd.), two things that I want to talk about on the agenda, the first is No. 13. In reference to Aaron Bibro leaving, as everyone knows, I spent four years here as a Commissioner and I along with Stephanie Triko, got into some battles with my democratic comrades quite a bit. Mr. Abatta and Mr. Shiwarski were there for part of that. They were also there when Mr. Bibro was hired. I don't think at any time could any of us been more unanimous in wanting to bring someone on like you. I am sorry to see you go and I wish you great luck. Thank you so much for helping us over the years and for making me look good for helping to hire you on. The second item is in reference to the hiring of the special attorney for TIF and Stafford Park. I have heard a lot and I heard a lot of the folks that spoke, including Scott from the School Board and Chuck in reference to Stafford. Again, I spent time here and Stafford Park was an issue

the entire four years that I was here and it was an issue before I got here. I stopped defending going to court over Stafford Park, halfway through my tenure because we could not win and it was very clear that we could not win. I respectfully disagree with Mr. Mapel when he says that we have to uphold things when we see things being wrong. We don't see things going wrong right now, we come up with things that are wrong to stop the development. It is a personal agenda. When I sat up there Mr. Mapel, you sat down here and came to the microphone and you said that you were going to get your own personal attorney if you had to so that you could fight Coventry Park. You never did that. You chose to try and get the Township to pay for it and they have been paying for it. When the attorneys let you know that they did not think you could win, they are not here anymore. Now we are going to spend money on another solicitor for a while and spend time on getting twelve more people interviewed to be hired and then brought up to speed as to what goes on with Coventry Park. In the meantime, we will hire a guy who at least two, maybe three of you have not even met or spoken to. I suppose that is going to come to a vote tonight. This is to handle these accounts. This is the Coventry Park/Stafford part of it. I cannot disagree more with how it has been handled. Also, in reference to the TIF, it was not an issue when I was on the Board, but it has become an issue over the past few years. I have to respectfully disagree when we say that it could not have been resolved two years ago, because it could have been. I was at school board meetings and I asked questions at public meetings and was told in public that it was the Township that was not going along with the agreement. That was two years ago. Much of what was agreed upon two years ago, is the same thing you are now agreeing on two years later. We had a lot of money wasted and a lot of time. Finally, in conclusion, I hope that any of you do not make blanket statements about "just say the word and I will write a check for something". You are not talking about your personal account, you are talking about Township tax dollars and I hope that you always remember that when you make your decisions.

Vice-Chairman Forquer, please go away from that microphone. You have had your say.

Mr. Brouker, I will not. Do I have a chance to rebut his statements Mr. Abatta?

Chairman Abatta, please finish your comments.

Vice-Chairman Forquer, he is finished.

Mr. Brouker, do not speak for me.

Vice-Chairman Forquer, his time is up.

Chairman Abatta, he still has 60 seconds.

Mr. Brouker, I was actually done, but if you start, I am coming back and I don't care if you call somebody to have me removed.

Chairman Abatta, we are getting to the point of what we don't want to happen. You had your time and you have 30 seconds left if you have anything to add. At any point in time, if the Commissioners feel so inclined, will address you. I don't want a dialogue.

Solicitor Butya, just one thing further, it is my recommendation that we do not have any specific recommendation from this Board regarding the ongoing litigation regarding Stafford Park. There is a very serious case that is on-going and that is really not something that should be discussed at a public meeting.

Vice-Chairman Forquer, if I want to write the Township a personal check, that is my business and I don't see why that should bother anybody. Second, this thing about the TIF deal that allegedly existed, it did not exist as it does today. I think that if you look at the calculations that we got from Reed Smith, the savings to the school district and one of their scenarios from 2013 to 2017 is over \$3 million. The other thing is about the loan, there was only one lending institution that entertained refinancing the bonds and mainly because some of the reports that were coming out in TIF were not good and that was Somerset Bank. If there is anyway that could be done given the stability that should exist now because of this long term agreement, they could probably go out and refinance it. We got a better deal. There was never a deal like this and that is a fact. People can say whatever they want at that microphone, but the facts speak for themselves.

FINANCE UPDATE BY VICE-CHAIRMAN FORQUER

The balance in the general fund account as of February, 2013 was \$1,638,149. The market value of the police pension fund as of the close of business day on Friday, February 1st was \$11,264,128. That was up from January 4th. The stock market is showing many favorable signs. In regards to our finances, real estate taxes collected for January were \$41,428.00, which brings the 2012 year to date to \$4,187,189. That was from the period of last year. One thing that we know of concerning the delinquent taxes is that if we do not get it all from last year, it will be caught by Jordan. Earned Income Tax collected for January was \$287,026. Our budgeted amount for the year is \$2,200,000. We are going to have a good year in earned income tax if we continue to collect at that rate. The LST collected in January was \$5,337.00. The budget for the year is \$900,000 so hopefully that will pick up. Interim taxes collected for the period was \$167.00. Real Estate delinquent taxes collected by Jordan for January was \$5,337. Real estate transfers for the month was \$99,874.00. The budgeted transfers for the year are \$190,000 so we are off to a very good start for the first month. That concludes my finance report.

BUILDING INSPECTOR/ZONING OFFICER REPORT

A copy of the January, 2013 Report by Mr. Urbano is attached.

MOTION Cegelski, SECOND Shiwarski to approve the November 5, 2012 Board of Commissioner's meeting minutes.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y

M/C 5-0

MOTION Cegelski, SECOND Forquer to approve the December 3, 2012 Board of Commissioners Meeting Minutes

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y

M/C 5-0

MOTION Cegelski, SECOND Forquer to approve the January 7, 2013 Board of Commissioner's meeting minutes.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y

M/C 5-0

MOTION Forquer, SECOND Shiwarski to approve the January, 2013 Treasurer's Report.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y

M/C 5-0

MOTION Forquer, SECOND Shiwarski to approve the January, 2013 List of Bills

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y

M/C 5-0

NEW BUSINESS

MOTION Shiwarski, SECOND Forquer to accept the resignation of Township Manager Aaron Bibro effective March 29, 2013.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y

M/C 5-0

MOTION Cegelski, SECOND Forquer to award the proposal for carpet installation for the Robinson Township municipal building to R. L. Seibel Carpet Service, Inc. in the amount of \$35,000.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y

M/C 5-0

MOTION Forquer, SECOND Shiwarski to exonerate John D. Perkey, Robinson Township Treasurer/Tax Collector from the collection of the 2012 real estate taxes and to forward all outstanding collections to Jordan Tax, Inc.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y

M/C 5-0

MOTION Forquer, SECOND Cegelski to authorize Township Solicitor, John L. Butya, Esq. to sign the attached tax appeal stipulations.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y

M/C 5-0

MOTION Forquer, SECOND Cegelski to authorize Township Solicitor John L. Butya, Esq. to sign the attached tax appeal stipulations and enter into an agreement regarding valuation and assessment between Robinson Mall-JCP Associates, Ltd. Robinson Mall Developers, Montour School District, County of Allegheny and the Township of Robinson.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y

M/C 5-0

MOTION Forquer, SECOND Mapel to obtain the services of Anthony Giglio, Esq. of Andrews and Price, LLC as special legal counsel for matters involving the Mall at Robinson's Tax Increment Financing District and the Stafford Park Development.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y

M/C 5-0

MOTION Mapel, SECOND Forquer to approve the 5171 CRR Associates, LLC site plan application contingent upon submitting an updated landscape plan and completion and execution of the development agreement as recommended by the Planning Commission.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y

M/C 5-0

MOTION Mapel, SECOND Forquer to obtain the services of Anthony Giglio, Esq. of Andrews and Price, LLC as special legal counsel for matters involving the Mall at Robinson's Tax Increment Financing District and the Stafford Park Development.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y

M/C 5-0

MOTION Mapel, SECOND Forquer to approve the 5171 CRR Associates, LLC site plan application contingent upon submitting an updated landscape plan and completion and execution of the development agreement as recommended by the Planning Commission.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y

M/C 5-0

MOTION Cegelski, SECOND Forquer to approve the Hampton Inn-Settler's Ridge site plan application contingent upon completion and execution of the development agreement as recommended by the Planning Commission.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y

M/C 5-0

MOTION Cegelski, SECOND Mapel to approve the Steubenville Pike Auto Sales site plan application contingent upon completion and execution of the development agreement as recommended by the Planning Commission.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-N Forquer-Y, Abatta-N

M/C 3 Yes, 2 No

MOTION Mapel, SECOND Shiwarski to schedule and advertise interviews for the Township Solicitor position to be held on February 14, February 18, February 25 at 6:00 p.m. at the Township Municipal offices.

MOTION Cegelski, SECOND Forquer to approve the Hampton Inn-Settler's Ridge site plan application contingent upon completion and execution of the development agreement as recommended by the Planning Commission.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y

M/C 5-0

MOTION Cegelski, SECOND Mapel to approve the Steubenville Pike Auto Sales site plan application contingent upon completion and execution of the development agreement as recommended by the Planning Commission.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-N Forquer-Y, Abatta-N

M/C 3 Yes, 2 No

MOTION Forquer, SECOND Cegelski to advertise a Public Hearing on March 4, 2013 at 6:30 p.m. for a Conditional Use Application submitted by the Estate of Richard E. Lang for a billboard to be erected at 1801 McKees Rocks Rd.

MOTION Cegelski, SECOND Forquer to approve the Hampton Inn-Settler's Ridge site plan application contingent upon completion and execution of the development agreement as recommended by the Planning Commission.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y

M/C 5-0

MOTION Cegelski, SECOND Mapel to approve the Steubenville Pike Auto Sales site plan application contingent upon completion and execution of the development agreement as recommended by the Planning Commission.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-N Forquer-Y, Abatta-N

M/C 3 Yes, 2 No

MOTION Shiwarski, SECOND Abatta to release the prior denial of the Stafford Park Phase 1 Revised and approve Stafford Park Phase 1 Revised Plan as presented by Coventry Park, LLC and direct that all appropriate Township officials execute the revised plan.

Vice-Chairman Forquer, you cannot stop litigation that is in progress. I think that someone has been subpoenaed from that Board.

Chairman Abatta, the Motion is to appeal the prior denial, not stop representation. I want to get this on the record. What I would like to explain, you may vote for this any way that you see fit. If you vote for the motion, that means that you do not want any further additional monies spent on fighting a futile attempt to win something at Coventry. If you vote against it, it is basically saying that we are spending more money.

Vice-Chairman Forquer, I am filing a protest that you have entered this motion in front of this Board without this being reviewed by our Solicitor because I think there could be harm brought to our Township.

Chairman Abatta, it was reviewed by the Solicitor in Executive Session. Did I not ask you about this motion Solicitor Butya?

Solicitor Butya, you did.

Commissioner Shiwarski, I have a question to Mr. Butya. Your opinion as that is said, is that a Motion that we can vote on?

Solicitor Butya, obviously you can vote. The point here of repealing the prior denial, I don't know what the basis for that is, but obviously it is within this Board's jurisdiction to be able to do that. No matter what you do on that motion, you still have the ongoing litigation matters coming up for February 20th, just so you understand that point. It is not as if you can just walk away and not go to court. You could have serious ramifications because of that.

Commissioner Shiwarski, am I correct though that by voting earlier on the motion that passed 3 to 2 to hire a special counsel, those issues will be addressed at that time. I am just trying to understand. This is for any new litigation?

Solicitor Butya, we are not talking about existing or future litigation. What the motion was, was a motion to appeal the prior denial.

Chairman Abatta, not existing litigation. I never went to law school, but it seems to me like it would stand on its own merits.

Solicitor Butya, so the Board understands, that is what the motion is. It has nothing to do with the litigation, but obviously I was not sitting here when it happened. This Board must have denied the Plan that was before it.

Vice-Chairman Forquer, we never approved anything on the plans. The plans were deemed approved by a judge was how can we do anything? How can this Board have any jurisdiction over this if these plans were deemed approved by a judge?

Chairman Abatta, they were approved plans.

Vice-Chairman Forquer, they were not approved by us. They were deemed approved by Judge James.

Chairman Abatta, what is the difference between an approval and a deemed approval?

Solicitor Butya, an approval is an approval whether it is voted on or ordered by a judge. Are you trying to repeal the prior denial that led to a deemed approval. I apologize again. You are catching me short on this.

Chairman Abatta, let me explain what I am trying to do because I have to write things down. The reason that I want this to go through is: 1). The amount of monies (\$200,000) that we have expended as far as litigating matters involved with the Stafford Park Plan. When I looked into this and investigated this issue and I have been here since basically its inception, upon investigation of this matter, what has been presented to me by Coventry Park, LLC is simply all that we have to do is correct a minor property line deviation like I spoke to in executive session. This is something that the Board can do, and I know that we have typically done this before. If there is a mistake on a plan and it is an approved plan, we have granted approval and gone back to the developer.

Solicitor Butya, I am not trying to cut you short here, but we are getting into some real touchy territory regarding discussion of litigation.

Commissioner Cegelski, Chairman Abatta and Solicitor Butya, I would like to do a motion to table that motion if that follows under Roberts Rules because I in no good conscience can vote on that.

Chairman Abatta, we have a motion on the floor.

Commissioner Cegelski, and I am making a motion to table that.

Vice-Chairman Forquer, and I am seconding it.

Chairman Abatta, you cannot make a motion to table a motion, you can make a motion to amend it but the prior motion has to be voted on. Am I correct Mr. Butya?

Commissioner Cegelski, I in all good conscience cannot vote on that motion, so I would like to do an amendment or a motion to table that so I do not have to cast a vote on a motion that I do not feel that I have proper legal advice to represent this Township. How can I do that?

Commissioner Shiwarski, that goes to my point on why I voted no on number 18.

Chairman Abatta, you cannot table a motion until it is voted on.

Solicitor Butya, that is my understanding as well. I think it needs to come to a vote.

Vice-Chairman Forquer, you made some points there that I would like to address. You said that this is a simple property line issue. I do not think that it is. I think one of the issues, and I know that we are not supposed to talk about it was that the actual legal owners of the property were not submitted on building permits. That is something that needed looked into. That was another reason that they were turned down and Mr. Victor was asked to correct that. Whether he did or not in the confusion with our Solicitors leaving... I would suggest that we put a motion out there that says we will as a Board, make every effort to resolve the issues of Coventry and do whatever we have to do to resolve those issues so that we can cut down on this unnecessary litigation and we will meet with Mr. Victor.

Chairman Abatta, what I am doing, I am getting tons of feedback from the public of perception and why are we spending all of this unnecessary money and why have we lost 6 or 7 cases and it is in litigation again with Coventry Park. When is this madness going to stop. I am hearing things from the public that there are people on this Board who have a personal interest in this particular plan. What I want to do is put an end to spending frivolous money trying to defend something that I do not feel is correct. We have a motion on the floor, discussion, let's vote on it.

ROLL CALL: Cegelski-N, Mapel-N, Shiwarski-Y, Forquer-N, Abatta-Y.
Motion denied 3-2.

MOTION Mapel, SECOND Shiwarski to approve a bond reduction as recommended by the Township Engineer dated February 4, 2013 reducing the bond by the amount of \$73,676.20 to a new bond amount of \$271,261.10 for Stafford Park.

Commissioner Mapel, I have a comment to make on that Commissioner Forquer a few minutes ago make reference to an act of good faith. I think this vote will reflect on an act of good faith that we have been willing the whole time to work with Mr. Victor and any other developer that comes into this community and wants to do a development the right way, consistent with our ordinances.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y.
M/C 5-0.

MOTION Shiwarski, SECOND Forquer to deny the applicant's petition to vacate parcel on Moon Run Rd and to authorize counsel, with the explanation that the Township had no right, title interest in the property which is the subject of the petition.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y.
M/C 5-0.

NON-AGENDA CITIZENS COMMENTS

Linda Jakubik (Meade Dr.), the recent resignation of the Township's solicitors provides an insight on how the Commissioners are conducting the legal affairs of the Township. Sam Kamin was quoted in the newspaper saying "When the Commissioners failed to heed our advice, it is time to move on." To the best of my knowledge, none of the Commissioners have a legal background. This shortcoming is why the Township has a solicitor. They are to provide legal advice to our elected officials so that they may govern the Township in a legally responsible manor. Obviously, this has not been happening in our Township. As is evidence by three decisions that the Commissioners have made in the past year: 1). Every Commissioner voted in favor of denying citizens the right to speak during these meetings, which was a clear violation of the state's Sunshine Laws. 2). The Commissioners decided not to settle a dispute with the Montour School District in regards to overcharging for permit fees related to the high school renovations. 3). The Commissioners decided to continually pursue legal actions against Stafford Park, taking them to court 6 or 7 different times and losing all of them. These three examples are decisions made by the Commissioners, which were contrary to the advice of the solicitors, which have been extremely costly, not only in legal fees to the Township, but by time spent by Township staff that could have been used more productively. Please remember that changing solicitors is not going to change the laws.

Stephen Taylor (108 Scottdale Dr.) there are so many things that I would like to say, but Earl, let's get this solved and meet with the Solicitor. All of the information that I presented to the Board came from the Allegheny County website. It clearly shows on the website, the buildings are not paying taxes. We can solve it publicly or we can spend the next thirty six months bringing this up every month. I don't think dismissing this or not justifying it is the answer. It looks like everyone here is very friendly tonight and they want to help solve all these problems, Earl, lets solve it. Get together with the Solicitors and two or three of the Commissioners and we will go over all of the records that I presented to you. It is clear on the County website.

Jerry Brouker (Coraopolis Rd.), I know it is difficult being up there and I don't envy any of you on a night like tonight for sure, but I hope that you can unilaterally get this together. Bobbie, you are telling me that you cannot vote for something in good conscience because you don't know about it, but you voted to bring on legal counsel without knowing anything about it. I don't understand that. I do agree with what Commissioner Shiwarski said. Nothing should be done behind the scenes without total transparency and that is exactly what was done. It was made very clear by your own discussion tonight. That needs to stop because the only losers is the community when these things happen. How much money so far in legal fees for Stafford Park, \$200,000 at least. What about the engineering costs of doing all of that. There is quite a bit going on and we are 0 and 7. Somebody just admit that it is a non-winnable case. The attorneys told you that and even put it in the newspaper and they are not here now. Just stop it. Do what you need to do with your attorney and your newly appointed special counsel and stop because the only losers is the community.

COMMISSIONERS COMMENTS

Commissioner Cegelski, as the Robinson Township liaison to the Robinson Township Library, I attended the monthly library meeting held on January 15th and I have some exciting statistics to report to you about our library. 45,521 people visited the library in 2012 and that is a stunning 41% increase over 2011 and more than twice as many visitors as in 2010. That is certainly a wonderful statistic to share with people here. February highlights include the library's newest program open playtime with is for children of all ages and their caregivers. That is on Wednesdays from 1:00 to 3:00 p.m. There is a valentine book bingo on Thursday, February 7th and a month long Seuss celebration in honor of his birthday, which will conclude with a Seuss day in the library on March 2nd with stories, crafts and movies honoring the great doctor. I encourage you to visit the website for more information on the good works that they do there.

The Char-West Council of government COG Report, I attended the monthly meeting on January 17th. The meeting opened with a moment of silence for Sally Haas. The guest speak for the evening was Dan Nichols from Victory Tech in Coraopolis. They help recruit, test and train perspective employers for technical occupations that are in high demand. If you are interested or know of someone who can benefit, they have a website, www.victorytechinstitute.com.

Additionally, it is nice to know that Senator Matt Smith will have an office location in both Mt. Lebanon and in Moon Township. Senator Fontana recently hosted a financial seminar for post-secondary education at CCAC and you can visit his online website to view the seminar and it provides information. It provides information for anybody for secondary financial aid opportunities.

There will be a public hearing on shale gas drilling and the lease of mineral rights at the Pittsburgh International Airport site. That is this week, February 7th at Robert Morris University at the Sewell Center, International Room.

Additional comments, first on the matter of the TIF, I would like to personally thank Jess Forquer for the time he dedicated, along with his steadfast efforts to bring a positive resolution to the taxpayers of Robinson Twp. I would like to say God Bless to Jess Forquer tonight. I would also like to assure the residents in attendance and viewing that when voting on matters brought before this Board of Commissioners, a great deal of my time, as well as others seated and non seated here is spent preparing and reviewing volumes of material, including, but not limited to those prepared by legal counsel and attempting to balance that with residents voices and comments, however, I am not serving you to the best of my ability if I let opinions and not facts guide me and what appears to be more popular gets in the way of principle. I thank you for your attention to my comments this evening.

Commissioner Mapel, some people believe that if you say something enough times, it becomes a true statement. Others say that if you take issue with someone's record of accomplishments or lack thereof, they say one can gain an advantage. You have heard me say here in public that one cannot uplift themselves by downgrading others. With that thought in mind, I would like to take a few moments to make some things very clear. Last month we ended a nearly 30 year relationship with a law firm that the majority of this Board felt needed to end because the quality of service was not what we expected on behalf of the people we serve. When last month's meeting brought us to a vote on that issue, I was not aware of any letter of resignation. I voted to terminate. Over the past few months I had become increasingly dissatisfied with the conditions existing in many of the ongoing labors this Board has been contending with. I have said these common threads are the legal issues associated with developer's agreements, contracts between the Township and the Montour School District, contracts with the Mall and Peripheral Districts. All of these and more have become problematic and escalated into legal issues costing you and me tax dollars to correct. What I am saying here is, as the complicated issues continue to grow without resolve, they only become more costly, as is the case here and they require the services of more specialized legal or technical professionals. We are looking at using specialists within their area of expertise as an alternative as how we have previously satisfied those needs. I am not sure that it is reasonable to expect the high level of competency required to win cases and get the results we are looking for that require the skills and knowledge of a specialist, while using the services of a municipal law firm as it pertains to some cases. No disrespect to any municipal law firm, but you cannot specialize in everything. We depend on the advice of counsel and these professionals to guide us through some very complicated issues. We need legal and technical professionals and the same thing applies to engineers, with no disrespect to Mike Meyer. We need legal and technical professionals that we can have confidence in and will get results for us. Nearly all of our outstanding unresolved issues are legal in nature. Much has been said about this on-going unresolved issue with Stafford Park. Not to belabor this subject, but simply put, I ask the question to those who criticize the money that we spend to fight this ongoing battle. How could we resolve this issue, or even make progress with it while represented in court with a law firm that also represents the people that we are in court with? Just prior to last month's meeting, by his own admission, Mr. Kamin acknowledged that was the case. Additionally we are continuing to explore legal and financial issues associated with what I believe to be grievous ethics and conflicts of

interest between the Township of Robinson and the law firm of Goldberg, Kamin & Garvin. Commissioner Cegelski, barely a year of public service to this Township under her belt, was called upon last month to make an extremely difficult decision. She did not buckle under the pressure and voted to do what she felt was right and I admire and respect that kind of courage.

On a positive note, since last month's meeting we have seen some very encouraging progress regarding some issues that have gone unresolved in some cases for years. I applaud the effects of Commissioner Forquer and his relentless pursuit of a compromise settlement with the Mall/JCP. This is one of those issues that I made reference to. Very few people know how many hours he invested to get this done. I am privileged to serve with people who have that kind of dedication. Additionally, I am encouraged that we near to sitting with members of the Montour School District Administration I am extremely pleased to report to our residents and business owners that after nearly 20 years of discussion and deliberation in the pursuant of a K-9 for our police department, Chief Vietmeier has informed me that Officer Frank Bryan has been selected to be the handler for our newest member of the police department. My thanks to all who expressed interest and participated in this initiative and congratulations to Officer Bryan. I would like to make a personal comment as well. As you know, this was one of my passions. It is something that I have pushed for over the last several months and we finally made this come to fruition and as this animal becomes a part of this home and his family and becomes his partner as well, I think we are going to have a wonderful addition to our police department and I welcome that.

Let me conclude with a couple of things, organizations consisting of Boards, committees and even just people in general, will struggle with differences that occur in life's work and activities, but what I believes needs to be emphasized in working through those differences are commonly held agreements that people share as opposed to their differences. People let passion and pride get in the way of reason. Placing emphasis on what people agree on comes from basic values that we learn early in life.

Commissioner Shiwarski, I would just like to wish Aaron the best. It has been a very educational ride. We learned much and I thank you for that. I also want to just state that there was no personal intent or any suggestion of the capabilities of Mr. Giglio on my debate on the amendment today. It was strictly a logistics and semantics process discussion that I was having. I am sure that he is a fine representative and I look forward to using his abilities now that he by a majority has been voted in.

I also want to thank public works and public safety. Last year we were awful lucky with our weather, but this year we are getting slapped around a bit. We appreciate what you put yourself through day in and day out and the time commitment that it takes to make our Township safe and the time you spend away from your families is appreciated. I would be remiss also if I did not mention Commissioner Forquer's tenacity. I truly do appreciate it.

Vice-Chairman Forquer, I would like to perhaps put some timelines on this TIF contract and discussion. On December 20th we received an offer from Reed Smith to resolve the property assessments of the largest parcel, the Mall/JCP Associates TIF District. The parcel had been reassessed from \$104,742, 900 in 2010, 2011 and 2012 to \$93,500,000. and then reassessed to \$76,500,000 as part of the 2013 county-wide reassessment. On December 26th a letter was sent to the redevelopment authority of Allegheny County and their lawyer with a copy going to Rich Fitzgerald. The letter outlined breaches of contract and requested financial statements needed to do an analysis of the current Reed Smith offer. Although the letter was sent out by former solicitors, it was written by me out of pure frustration because with the numerous troubling issues we were attempting to resolve. Although I had reviewed the debt schedule for the remaining bonds, I needed to know what the current balances were in reserve accounts. On January 16th we were meeting with Attorney Giglio to interview him for legal assistance on a temporary basis and I decided to invite Dr. Boyer to attend. He came and brought his assistant business manager, Connie. John Butya also attended the meeting, along with Earl Mapel and Aaron. I think it was a very productive meeting and Tony Giglio provided some very good incites as to how we might proceed there to reach an agreement. On January 24th John Butya set up a meeting on very short notice with Reed Smith and again I contacted Dr. Boyer, who was able to attend with his legal counsel and again, his assistant business manager. Anthony Giglio also attended the meeting. Again, we had a very productive meeting and we reached a tentative settlement subject to ratification by our Boards. Dr. Boyer presented the settlement to the Montour School Board that night. There were many people who contributed to the final agreement. John Butya pushed for this meeting and it came together. He is very well known as a lawyer and served as the Chairman of the Board for many years. I was pushing very hard in December to get a viable offer on the table, which we received on December 20th. In the end, John pushed to move things along to the final settlement. I have made an offer to the school district to put together the framework for an agreement for shared services to litigate large commercial property appeals. If we could put this agreement together, we could then bring it to our Boards for review and ratification. This agreement could result in reduced legal costs for the Montour School District and Robinson Township. I believe this would be an excellent application of shared services. I firmly believe that we have enough large commercial properties in our Township and if they pay their fair share of taxes, it will take much of the burden off of our residents. Lately, there has been a lot of talk about legal matters and mounting litigation costs. Those issues are of great concern to me, which is one of the reasons that I felt it was time for us to make a change of our solicitors. It is interesting that others at the microphone are spinning it the other way like it is our fault and we did something wrong. If you are losing in court all of the time, there has to be a reason for it. That is one of the things that made us make that decision. Every one of the legal problems that we are currently dealing with have had bad contracts or arose before of untimely court filings by our solicitors. The TIF contract was the classic example, and although we reached an agreement concerning the Mall/JCP contract, some of the financial controls in that contract were ambiguous. The Peripheral bond contract as written will never be paid off unless the contract is restructured and our Township should have never signed it. I have hopes that we can reach a resolution on that contract soon. We have a problem with the contract with Montour High School and yet another problem when a filing was late concerning drawings for Stafford Park which resulted in Judge

James deeming the plans approved without the consent of the Township. The biggest mistake concerning Coventry was the Township's counsel who initiated a hearing with the DEP that resulted in stopping the mining process that was meant to prepare the site for development. I could not figure out, given the fact that the mine renovation seemed to have stopped, why that had happened so I wrote a letter that went to the DEP addressing my concerns. When we received the response from the DEP, it was embarrassing to find out that as a result of the hearing before the arbitrator, that the end use of the GFCC was for pastureland and our counsel did not even know it.

Another issue that was troublesome to us was when we made a change in the protocol of how we handle our meetings. The Commissioners did not put that together, our counsel did and there were issues with it. We addressed those issues and we corrected them, but it was an embarrassment to us and I apologize to the public for that. I also would like to tell you about this young lady sitting next to me here. Bobbie Cegelski brings honor to this Board and I absolutely admire your courage for standing up for what you believe in. I admire your ability to get to the core issues and debate and how you hold your ground with class and determination. You provide a link, serving as our representative for COG and provide us with a cultural link serving as a liaison for the library. I compliment you on your work there. It is an honor to serve with you. I also want to thank Earl Mapel for his help in sitting in on meetings that I was chairing and leading with his moral support. I want to also thank the Board, past and present for their support of me on these issues that we are trying to get resolved. It has been tough. I put a lot of time and work into the issues on the TIF and all that I can tell you is that things that were said at that microphone totally misrepresented the facts, especially making the statement that we had an agreement like that before, no we did not. That agreement was dated December 20th of last year. The other problem that was a big concern for the assessment of the properties of the main parcel after 2013, is the fact that we have a court ordered reassessment of the entire county. What is going to result out of that is we are going to have to be revenue neutral and adjust our millage and the school district will have to do the same thing. We had to have more than \$100 million of that parcel or it would have created a situation of underfunding on those bonds. Also, we had nothing to do with Stephanie leaving this board. I understand that she lives in Ohio now and is married. Ed Ritter left on his own, nobody forced them to leave.

Chairman Abatta, I am going to give a very short Parks Report. I think everything that had to be said tonight, was said. You know where individual Commissioners are standing and you know where our thoughts and ideas are. We are up here to represent the people and their best interest and that is what we are working for.

Board of Commissioners Meeting

February 4, 2013

Page 34

The Robinson Parks Board is sponsoring a youth dance on February 16th and April 6th from 6:30 to 9:30 p.m. at the Moon Run Fire Hall. Admission is free. Youth ages 11 thru 14 are invited to attend. There will be a DJ for their entertainment. Parental permission slips are required and permission slips are required. You can download the form from our website or pick up at the Administration office. Nobody will be permitted to attend without a signed permission form.

MOTION Forquer , SECOND Shiwarski to adjourn the meeting.

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y.

M/C 5-0

Respectfully submitted,

Carol Merks
Secretary.

