

BOARD OF COMMISSIONERS MEETING
MONDAY, APRIL 2, 2013

CALL TO ORDER: Chairman Samuel Abatta called the regular meeting of April 2, 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 Silka, Engineer Meyer, Planning Director Urbano, Solicitor Dice and Secretary Merks for the purpose of taking minutes.

RECOGNITION OF THE 2012-2013 MONTOUR BOYS BASKETBALL TEAM AND STAFF FOR THEIR SUCCESSFUL SEASON.

PRESENTATION BY PENNDOT REGARDING THE WINTER MAINTENANCE AGILITY PROGRAM BY ANGELO PAMPINA, ALLEGHENY COUNTY PENNDOT MANAGER.

The agility program is a way to exchange services between the Robinson Township Public Works Department and PennDOT when an agreement is entered into. It enables PennDOT and its eligible partners to exchange services instead of money. Currently the Township is in an agreement where PennDOT pays the Township to do winter maintenance on their roads. This agreement would allow Robinson Township to utilize services rather than receiving monies.

PRESENTATION BY JOHN SERPA, CAPITOL PLANNING MANAGER FOR THE ALLEGHENY COUNTY AIRPORT AUTHORITY

Many years ago the state enacted a law that said that any municipality in the state that is underneath the controlled airspace of any public airport, needs to enact zoning to protect the states and federal government's investment in the airport. If something is built that is going to interfere with the airspace, the FAA can order the airports to quit using the airport, as it was designed to be used. There could be a large cell tower at the end of the approach or a new hotel. The idea of the zoning is dealing with those issues before a structure is built. The state realized that they did not have any teeth to enforce the law and so they approached the airports and offered them grants to reimburse municipalities for up to 90% of any costs they incur to go through the process to enact the zoning. Moon, Findlay, North Fayette, West Mifflin are part of the program. Robinson is close to the airport and has some very high elevation areas in the Township. A few years ago, Robinson Township administration elected to participate, but due to other priorities, it was not completed and the grant is ready to lapse. If assistance is required and the Township would like to participate with the 90% reimbursement package, it must be enacted at the May 6th meeting.

Solicitor Dice, the Board is saying to go ahead and advertise, send it to the County for their review. We can send it to the Planning Commission and then to the governing body. This can be done in May.

Chairman Abatta, if there are grants and reimbursements there, I think it is worthwhile.

Mr. Urbano, we will try to expedite it.

PRESENTATION BY KIM TURNLEY REGARDING THE 2012 TOWNSHIP AUDIT

Vice-Chairman Forquer, we have contacted her and she will be here next month.

TOWNSHIP ENGINEER'S REPORT

Township Engineer's Report dated March 2, 2013 is attached.

Chairman Abatta requested that the 2013 Road Program list of streets scheduled for reconstruction and micro surfacing and public works, be listed on the website so the residents have advance notice of when the program starts.

Commissioner Shiwarski commented on the status of Glass Road. It is a MATR project. Have they informed the Township as to the start date of the restoration project?

Engineer Meyer, under our ordinance they are supposed to do that.

Mr. Urbano, the Authority should have a bond for that road. I am assured that all the work that the Authority does, they have contractor bonds on it.

POLICE REPORT

A copy of the March 2013 Robinson Township Police Department Report was presented by Chief Vietmeier.

Vice-Chairman Forquer suggested that the public be diligent in not leaving valuables in their car that someone can see from the outside, as there were windows broken in two vehicles at Mile 0 of the Montour Trail.

ADMINISTRATION UPDATE

Jeffrey Silka was introduced as the new Robinson Township Manager. Mgr. Silka did not have a report for this meeting, as his first scheduled day of work was April 1, 2013. A report will be available for the May 6th meeting.

TOWNSHIP SOLICITOR'S REPORT

Bruce Dice was introduced as the new Township Solicitor.

Solicitor Dice, I will have a written report for the next meeting. I can orally report that we have had a few activities in court, one with Coventry, the Lang/Lamar matter as well as Duckstein. There have been various owner tax assessment appeals taken on commercial properties. We will visit some of these later in this meeting, so I will defer to that time.

Discussion to approve the February 4, 2013 Board of Commissioner Meeting Minutes.

Commissioner Cegelski, I do have some discussion. If I could call the Commissioners' attention to Attachment B, as well as Mr. Dice's. please Pages 24 thru 27. I don't know if Mr. Dice has had any reason to review the minutes or not?

Solicitor Dice, I have not.

Commissioner Cegelski, if you look at Page 24, my discussion does not center around matter, but procedure. There was a motion made by Mr. Shiwarski and seconded by Mr. Abatta to release the prior denial of the Stafford Park Phase 1 Revised and approved Stafford Park Phase 1 Revised Plan as presented by Coventry Park LLC and directed that all appropriate Township officials execute the revised plan. Following that on Page 25, 26, there was discussion about that motion and I had asked Chairman Abatta and Solicitor Butya if I could do a motion to table that if it fell under Roberts Rules of Order because I, in no good conscience, could vote on that. On Page 27 I reiterated that and I asked if I could table the motion and I was told that I could not by Chairman Abatta. Solicitor Butya at that time said that was his understanding as well and he thought that it needed to come to a vote. We did take a roll call where the motion was defeated. Mr. Dice, according to Roberts Rules of Order, when a motion is moved and seconded, would I have had the opportunity procedurally to act on the motion at that time to either table, lay it to position, amend it or such. If you cannot give me an answer at this time, I could understand. I don't know if you feel the need to read the conversation in between, but my matter to bring to point here is procedural only, not content.

Solicitor Dice, so your question is, can you make a motion to table?

Commissioner Cegelski, yes.

Solicitor Dice, I do this all the time, I would suggest that under Roberts Rules, if there is a motion on the floor, that is the primary motion and it is seconded and it is about to be voted upon, there are certain activities that can take place that put that in a secondary position and one of those would be a motion to amend and that motion would then have to be seconded and voted upon. If the amendment passes, then it would be added to the original motion. If there is a motion to table and there is a second, there is no debate

on a motion to table once there has been a second. There cannot be any discussion. That vote has to take place first. A motion to table takes precedence over the original motion and has to be voted on. Again, you cannot debate that motion. There is no argument. If the motion fails, then the motion that was originally on the floor comes back onto the table for a vote. That is the way I understand procedure.

Commissioner Cegelski, thank you Mr. Dice. Therefore, the attachment B as far as discussion, again when it comes to vote on the motion to accept these minutes, I will be voting that the content is correct, but the procedure was incorrect.

Discussion to approve the March 4, 2013 Board of Commissioners Meeting Minutes.

Discussion to approve the March, 2013 Treasurer's Report.

Discussion to approve the March, 2013 List of Bills.

Discussion regarding adoption of Ordinance 2 of 2013 affixing a revenue neutral millage rate of 2.48 for the year 2013.

Vice-Chairman Forquer, we did the best job that we could to reach what we thought was fair. We are in a very difficult time right now because there are still so many appeals that are out there. As a matter of fact, a lot of people may not realize that yesterday was the last day that you could file for an appeal for 2013. It was extended. This will go on until the end of the year. We did our best guess to get to the number that we are at here. We were the last district that was appraised by Allegheny County.

Chairman Abatta, speaking to the 2.48 millage rate, which is considered revenue neutral. That was equivalent to a 19% reduction in millage, as opposed to the 2.60 millage rate, which was a 5% windfall. That would reduce to 15% in millage.

Commissioner Cegelski, we were at the Char-West Council of Governments and just to let the residents know, we are definitely not alone. County Executive Rich Fitzgerald said at that meeting that all municipalities are facing the same exact situation. Some of the very large businesses or plots of land, it could actually take years before they get to hear their values. I think we did well in coming up with the millage rate that we did.

Chairman Abatta, we are doing the best that we possibly can. I feel for our residents. Jeff, I am going to ask you to make this public at some point in time. We have a lot of people interested in millage rates.

Discussion regarding adoption of Ordinance 3 of 2013 affixing a final millage tax rate of 2.60 for the year 2013.

Discussion regarding adoption of Ordinance 4 of 2013 amending Chapter 15, Motor Vehicles and Traffic, Part 2, Traffic Regulations, Section 201, maximum speed limits established on certain streets to extend the area covered by a 25 mph speed limit on the entire length of Walnut Drive and Hickory Circle.

Discussion regarding adoption of Ordinance 5 of 2013 amending Chapter 15, Part 2, Section 213 of the Robinson Township Code of Ordinances to authorize the establishment of stop intersections at locations within the Township of Robinson and to prescribe penalties for the violation thereof; Walnut Dr. through McCormick Rd. (North), Walnut Drive through McCormick Rd. (South) and Hickory Circle through Walnut Drive (East).

Discussion to approve/deny the conditional use application submitted by the estate of Richard Lang regarding constructing a billboard on Steubenville Pike Lot and Block 205-G-132.

Solicitor Dice, I think that you were part of the discussion at the conditional use hearing. The testimony is remaining open until our next meeting, giving both sides an opportunity to submit findings of fact and conclusions of law on that matter. This may be ripe for your consideration at your May meeting. A motion to table may be in order at some point.

Chairman Abatta, that date for the continuation of the public hearing is May 6th. Just to clarify, a decision may or may not be handed down at that point in time. It may commence from 45 days from that particular point.

Discussion to approve the Grace Manor Plan #2 Subdivision-Amended Lot 8 subject to the Township and the Engineer receiving an original signed and sealed Plan as recommended by the Planning Commission.

Mr. Urbano, this is probably the 7th one that we have done. All it is, establishing subdivisions so each individual unit can be sold. It is done under a PRD in our ordinance.

Discussion to approve the Allegheny Pipe and Supply Consolidation Plan as recommended by the Planning Commission.

Discussion to approve the Sokac-Wynkoop Plan of Lots subject to the approval by the Board of Commissioners of the waivers requested in the Dale Wachter letter dated March 20, 2013 as recommended by the Planning Commission.

Discussion to approve the waivers for the Sokac-Wynkoop Plan of Lots requested in the Dale Wachter letter dated March 20, 2013.

Discussion to authorize Remington, Vernick & Beach Engineers, Inc. to advertise for potential bidders for the Township's 2013 Roadway Improvement Program.

Discussion to approve Resolution No. 6 for the Sewage Facilities Planning Module described as Hampton, Inn, Parcel 4 Settlers Ridge Subdivision No. 1.

CITIZENS COMMENTS

Chuck Marks (541 Marks Drive), I was approached by a couple of citizens in the Groveton area on Lewis Avenue. I believe the house in question was 4627 Lewis Ave. There happens to be a matter of garbage lying around there. It has been there for a week or two, maybe longer. People have noticed raccoons around there. Residents have approached the Township already. I don't know if it is because of a lack of payment by a resident, but I do know that citizens are concerned. The residents asked me to come to you and ask you for some help.

Mr. Slifko also approached me. He owns a cash register company on Steubenville Pike. There has been a lot of dirt added next to his property. I believe it is the Karns property. He did show me a landslide because that is what I do. I am in excavation and I have fixed landslides before. He did show me there was an excavation permit by Mrs. Karns. I am well versed in that because when my father lowered that hillside in Groveton, he paid \$15,000 for his excavation permit. The landslide that Mr. Slifko is concerned about is going towards a creek. I believe that he contacted Mr. Urbano because he is very concerned about this. If you can talk to him, that would be very much appreciated.

Mr. Urbano, I talked with him three different times.

Mr. Marks, I guess the cat is out of the bag. I am running for Commissioner. You probably seen my signs on the way over here tonight. I know the ordinance says 30 days before an election. I have contacted the ACLU. They said that as long as a sign that is in the right of way is not causing any line of sight problems, it can stay there 24/7, 365 days a year. I would appreciate the signs stay there. They said that your sign ordinance is rather antiquated and needs to be changed.

Mr. Urbano, I spoke with Mr. Slifko today and I spoke with Mr. Nicoletti from Groveton today since Greg Cuthbert was off. In fact, the Road Dept. was asked to go down and pick up the trash. They were not able to pick it up because she had things covered with tarps. The property owner has been cited and we are trying to make arrangements to get it cleaned up.

FINANCE UPDATE

The balance in the general fund as of April 1, 2013 was \$1,442,100. The market value of the police pension fund as of April 1, 2013 was \$11,389,556. That is up slightly from March. The Real Estate taxes collected for March were \$82,020.93. Earned Income Tax collected for March was \$118,344. The year to date was \$854,918. The highest amount that has been collected to the end of March going back to 2012, was \$496,000. LST collected in March was \$180,498. The budget for the year was \$247,246. Real Estate delinquent taxes collected by Jordan for the year to date is \$11,713. The budget for the year is \$100,000. Real Estate Transfers for March were \$13,185 and year to date \$140,000. The budgeted amount for the transfer year to date was \$190,000.

BUILDING INSPECTOR/ZONING OFFICER REPORT

The March, 2013 Building Inspection Report is attached.

MOTION Shiwarski, SECOND Forquer to approve the February 4, 2013 Board of Commissioner Meeting Minutes

Commissioner Cegelski, my yes vote will be for content only and not procedure.

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

MOTION Cegelski, SECOND Mapel to approve the March 4, 2013 Board of Commissioner Meeting Minutes

ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Abstain due to absence from meeting, Forquer-Y, Abatta-Y.
M/C 4 Yes, 1 Abstain

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

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

MOTION Cegelski, SECOND Mapel to approve adoption of Ordinance 2 of 2013 affixing a revenue neutral millage rate of 2.48 for the year 2013

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

MOTION Shiwarski, SECOND Forquer to approve adoption of Ordinance 3 of 2013 affixing a final millage tax rate of 2.60 for the year 2013

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

M/C 5-0

MOTION Forquer, SECOND Shiwarski to approve adoption of Ordinance 4 of 2013 amending Chapter 15, Motor Vehicles and Traffic, Part 2, Traffic Regulations, Section 201, maximum speed limits established on certain streets to extend the area covered by a 24 mph speed limit on the entire length of Walnut Drive and Hickory Circle.

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

M/C 5-0

MOTION Forquer, SECOND Shiwarski to approve adoption of Ordinance 5 of 2013 amending Chapter 15, Part 2, Section 213 of the Robinson Township Code of Ordinances to authorize the establishment of stop intersections at locations within the Township of Robinson and to prescribe penalties for the violation thereof; Walnut Dr, through McCormick Rd. (North) Walnut Drive through McCormick Rd. (South) and Hickory Circle through Walnut Drive (East)

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

M/C 5-0

MOTION Mapel, SECOND Forquer to table approve/denying the conditional use application submitted by the estate of Richard Lang regarding constructing a billboard on Steubenville Pike Lot and Block 205-G-132.

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

M/C 5-0

MOTION Shiwarski, SECOND Cegelski to approve the Grace Manor Plan #2 Subdivision Amended Lot 8 subject to the Township and the Engineer receiving an original signed and sealed Plan as recommended by the Planning Commission.

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

M/C 5-0

MOTION Forquer, SECOND Shiwarski to approve the Allegheny Pipe and Supply Consolidation Plan 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 approve the Sokac-Wynkoop Plan of Lots subject to the approval by the Board of Commissioners of the waivers requested in the Dale Wachter letter dated March 20, 2013 as recommended by the Planning Commission

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

M/C 5-0

MOTION Forquer, SECOND Mapel to approve the waivers for the Sokac-Wynkoop Plan of Lots requested in the Dale Wachter letter dated March 20, 2013

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

M/C 5-0

MOTION Cegelski, SECOND Forquer to authorize Remington, Vernick & Beach Engineers, Inc. to advertise for potential bidders for the Township's 2013 Roadway Improvement Program.

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

M/C 5-0

MOTION Mapel, SECOND Forquer to approve Resolution No. 6 for the Sewage Facilities Planning Module described as Hampton Inn, Parcel 4 Settlers Ridge Subdivision #1

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

M/C 5-0

MOTION Forquer, SECOND Shiwarski to appeal the Zoning Hearing Board decision on Sir Henry's Haven for the granting of a use variance to protect our position; further direct the Solicitor to acquire an Agreement with Kennedy Township to and for the maintenance of the improvements. The appeal should be filed no later than April 23, 2013.

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

M/C 5-0

MOTION Forquer, SECOND Shiwarski to approve the Coventry Consent Order

Commissioner Cegelski, could we possibly have some explanation of that for the public from Solicitor Dice?

Solicitor Dice, first I want to thank the administration and the staff. I think they did a great job in front of Judge James. Some of the Commissioners were there. Everybody worked hand in hand to come up with what I think is a fair and reasonable settlement for litigation that has spanned several years. The important part of the settlement was making sure and protecting the improvements that the Township may have an interest in and that really reduced itself to the roadways within the plan and whether or not they would be test bored. We were able to come up with language with the help of the Commissioners, Mr. Abatta and Mr. Mapel were both there and I believe they were in touch with other Commissioners as this went on during that day. We were able to fashion some language that would indicate in so many words that the roadways within the plan would remain private and the Township would have the unilateral right to reject or accept those roadways in the future. It was explained to the developer that given the fact that this would be a unilateral right on our part that the Township could and probably will require that those roadways be test bored before anybody ever accepts those roads.

Purely from a business standpoint, those roads will continue to remain private, as well as the detention facilities until such time as we are approached to take them over and we have the right to reject that. Under the Agreement, we can require that the roadways be test bored. Again, back to the marketing standpoint, given the fact that these will be private, that project will have private roadways and private detention facilities. I believe that banks and individuals who buy these properties will at some point realize that these roadways need to be public. At some point the developer will probably be back here asking the Township to accept the roads, and when he is, he certainly is aware that this Township can require him to test bore them before he takes them over. The concern is that there are voids under the roadways. There is no proof of any of this. This is rumor, but maybe it is educated rumor. I believe that with that language, the developer ultimately accepted. This consent order is in your best interest to sign off on and be done with this litigation.

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

MOTION Forquer, SECOND Shiwarski to hire the employees on Attachment O as part-time seasonal summer employees at the Clever Park Swimming Pool contingent upon providing copies of required certifications to the Township in advance of the pool opening as recommended by the Township Manager.

Chairman Abatta, I would like to reiterate that what we are proceeding to do here is hire people, specifically our lifeguard individuals for our Township pool. The date for first day of sign-ups and swimming pool lessons is going to be May 4th. What we need to do is bring these individuals onboard at this point in time so they may service the residents as needed. I am going to read the list of the names of the individuals whom will be hired this evening. I will also hand it off to Jeff and ask him to contact these individuals and send them a letter telling them what is going to be required of them. As the Motion has stated, everything is contingent upon background checks and their Red Cross certification for the lifeguards. It may seem like we are hiring a lot of people, but what happens in this situation is that we hire all of the individuals who are recommended to us by our pool managers. The reason that we hire so many is that maybe not all of these people will pass their Red Cross certification or maybe some of these people will not be available to work in a timely fashion. We always want to make sure that we are overstaffed, rather than understaffed. As far as the hirings for concession and front desk, I will also read the list of those that will be hired this evening. I would like to reiterate that at this point in time we are just bringing back the people for the concession and front desk people that we had on board last year. I want to specifically tell you that it is our tradition and it will happen, there will be a second hiring of concession and front desk people at the May meeting.

Lifeguards: Chedel Beck, Brittany McCleary, Victoria Diehl, Stephanie Boburka, Christine Boburka, Jordan DiMinno, Gianna Boburka, Michelle Shine, Ernest Morris, Elizabeth Coleman, Elena Coleman, Meghan McNally, Shon Koepfinger, Christina Shine, Jenna Wintermantel, Alyssa Schott, Michael Swantek, Vanessa Kessel, Daniel Skwarcha, Kelsey Begnini, Mariah Cybator, Megan O'Brien, Natalie Rozman, Lindsay Leja and Michelle Morgan.

Concession and Front Desk: Shayna Eisel, Brian Byrge, Gina Richardson, Lindsay Crawford, David West, Haley Midili, Christina Morgan Sienna Mangis, Lauren Marasti, Anastasia DeSimone, Brandon ollins, Kaitlin Gray, Zach Andoga, Diane Freese and Garrett Freese.

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

MOTION Forquer, Second Cegelski to add the Zoning Hearing Board Motion for consideration.

Commissioner Mapel, I am confused about this Motion.

Chairman Abatta, this Motion goes with Motion 44 to appeal the ZHB Decision and this is on the advice of our Solicitor

Commissioner Mapel, I thought that we already voted on this?

Solicitor Dice, I think that I gave you bad advice. We already voted on Item No. 44.

Chairman Abatta, you have two motions written here.

MOTION Mapel, SECOND Shiwarski to rescind the Motion

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

M/C 5-0

Chairman Abatta, I am going to request that our Solicitor formulate this motion.

Solicitor Dice, as you are aware, you have heard some record being made in the Lang Appeal about the Lamar position. Lamar has taken the position that they have a deemed approval and they have initiated the process to begin that deemed approval. My suggestion to you is that you would make a motion to appeal their contention that there is some sort of deemed approval. Again, this would be a statutory appeal before the Court of Common Pleas. The motion would be to appeal the alleged deemed approval allegations by Lamar.

MOTION MOTION Mapel, SECOND Forquer to appeal the alleged deemed approval allegations by Lamar Advertising.

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

M/C 5-0

COMMISSIONERS COMMENTS

Commissioner Cegelski's Comments are attached.

Commissioner Mapel, I had actually prepared some things that I was not intending to speak about, but due to the request of some folks that have asked me to address it, I have some answers for Mr. Taylor, but since he is not here tonight, I will save it until a night that he is here. I will forego that and abbreviate my comments.

Moving on to building and planning, some of the residents development related to litigation associated with Stafford Park case. After nearly nine years of back and forth in court with Mr. Victor and our former law firm, I find it very interesting that our newly appointed solicitor of two weeks was successfully able to negotiate a compromise settlement with Mr. Victor and Heartland Homes that does not put the Township of Robinson in harms way. You have already heard Mr. Dice expound on the significance of how that agreement affects the residents and taxpayers of Robinson Township. Let me additionally add a comment in response to a statement made by our former solicitor regarding philosophical differences between he and his firm and this Board. I believe that our legal professionals should only take us into court if they believe the case involves the enforcement of our ordinances or to protect the health, safety and welfare of our residents and taxpayers, not to create work and billable hours of legal fees, with nothing to show for it. The only other alternative is to negotiate a compromise settlement to an issue, which is exactly what our new solicitor did with regard to the Stafford Park issue within two weeks of their appointment. As of today, as I suggested previously, I have filed a formal complaint against our former solicitor with the Disciplinary Board of the Supreme Court of Pennsylvania for ethics violations, which may have compromised the Township of Robinson. Representing both Heartland Homes and the Township of Robinson while we were in court for years, was never disclosed until the evening they were terminated. A similar situation has existed between the Township of Robinson and the Montour School District involving discrepancies with building permits and inspection fees invoiced by the Township and paid by the school district and discrepancies with work performed during the high school renovation project which deviate from the approved project plans. Disagreements like this are not all that uncommon on a \$50 million dollar project. What is unusual is when people are willing to sit down and work out solutions to issues, while others want to deter those efforts because of a political agenda. Whether a Township Commissioner or a School Board Member all are

responsible for wisely spending the taxpayers dollars and resolving these types of issues on behalf of the taxpayers that we serve. It is gratifying to have a role in contributing to the process of people working through their differences, seeing progress and moving on to the next challenge. I feel very encouraged that all of the major legal issues that the Township and this Board has contended with over the past 13 months, have been in principle, resolved. All that remains to agree on is the specific language now being crafted in these agreements and some of that has already transpired and we can move on. With a feeling of significant accomplishment, I can say that what has driven all of these legal actions relating to Stafford Park and Montour School District cases were concerns for the safety of our residents. The agreements that we have settled on have in no way compromised that priority. Let's not let politics or pride get in the way of doing what is best for the families and taxpayers that we serve.

I would like to send out a reminder that our Spring Clean-up day will be April 20th. Volunteers will meet at the café at the Market District for a continental breakfast and then head out at 9:00 a.m. to clean up this town and I hope that you will join in.

As we move into yet another election season, as we have heard in recent months and even a little bit tonight, some will use public meetings to advance their pursuit of elected office, so I will say what I say every month, be kind to one another. Bring something positive with you. It is not necessary to criticize or belittle the efforts of others to pursue your own agenda. Good luck to all of the candidates. It is actually encouraging to see 13 candidates running for 3 positions. It gives us an opportunity to see how our democratic process is really supposed to work.

Commissioner Shiwarski, I missed last month's televised Board of Commissioners meeting because I had some time sensitive and personnel issues to attend to at my work. I would like to welcome Mr. Dice and to Jeff Silka. Welcome to the Township. Through the process, you both vetted out as the top of the pack and we are glad to have you aboard. I also want to take time again to congratulate Adam Kaufmann and his entire staff, as well as the players, cheerleaders and fans. Their play and spirit brought pride not only to them, but also to the entire community. There is probably a life lesson for us to learn there. With teamwork and unselfishness and very little egos, a lot can be accomplished. I have known Adam for quite a while and his team's success is a result of diligent preparation, hard work and personal sacrifices for the common goal, the team. I think that is something that we can take a lesson from, whether it is in our private life or serving the community up here.

Since April has finally arrived, I would like to thank the men of our township road crew who again this year, provided us with clean, safe and extremely drivable roads no matter the time of the day or the day of the week. I know personally from my job, it is not always enjoyable to get out of bed or miss an event in order to go to work, but the results of their labors doing that is appreciated by the residents and the consumers who visit our township.

We are into April and it is the time that our parks start to buzz with the practices of boys baseball, girls softball and soccer. Those involved come to expect the very best in the facilities and the organizations that run those sports. Believe me when I say this, Robinson Township is not like every other community. Our activities and amenities that are offered to our citizens go far behind what most others have to offer.

Lastly, with new alliances that are made and the changing of personnel, the persona that occurs during any political season on any level, I want to say again that the number of times that you hear your name mentioned is not a report card on how your service to the public should be graded. I have said that many times during these Commissioner comments over the years that there should be no red or blue up here, no egos or agendas, just a willingness to serve for the betterment of your community.

Vice-Chairman Forquer, I too would like to welcome Bruce Dice aboard. He is a very common sense type of attorney and he has a deep knowledge of municipal law and he has already proven his worth here. Jeff Silka, with your experience I believe you are going to be able to take our Township to the next level. I also welcome you aboard and look forward to working with you.

I attended the Easter event that the Parks and Recreation Board hosted on March 30th. Changing the location from Clever Park to Moon Run Fire Hall had no effect whatsoever on the attendance of that event. The hall was full of delighted children and adults who seemed to be having as much fun as the kids. Kudos to Jane Tallon and to the Parks Board members, their families and friends who all volunteered and helped to host the event. The most important volunteer was the Easter Bunny who posed with them for photographs. I would also like to thank the Moon Run Fire Dept. for letting us have the use of the hall for free. The weather leading up to the event was cold and the ground was wet and it was a much better idea to hold it inside this year with Easter being so early.

On a more serious note, at the last meeting someone under Citizens Comments said that I did not know what I was talking about concerning the end use of Stafford Park, the land reclamation contract. This speaker further stated that the end use of all land reclamation contracts prepares those sites for pasture land/occasionally cut for hay. It was stated further by this speaker that the PA DEP does not care about the end use of land reclamation contracts. Since litigation was still in progress at that point, it was not in the best interest of the Township for me to discuss any of those issues at that last meeting. Since a settlement has been reached concerning the legal matters and the question

involving Stafford Park, as Earl pointed out, I can now address the legal matters that were directed at me at the last meeting. First of all, I would like to address the role of the DEP concerning surface mining in the state of Pennsylvania. The federal government, through something called Primacy, has delegated oversight of surface mining to the PA DEP. The land reclamation contract, which Stafford Park formally Coventry was under, was a form of a surface mining contract. When the permit was granted for the Coventry Project, it was a land reclamation project and the end use was for development. Because of my concerns about how the mining issues were being addressed, I ghost wrote most of a complaint letter to the DEP. At my suggestion, the letter was sent to the DEP and addressed to J. Scott Roberts, the Deputy Secretary for Middle Resources Management. In J. Scott Robert's response to my letter, it was clearly stated that after the DEP arbitration, the post mining use had changed from being prepared for a development to pasture land/land occasionally cut for hay. That is verbatim out of his letter. I am also not saying that currently the subsidence features are not being addressed by the developers for Stafford Park Phase I under the homes. I have been assured that subsidence features under Phase I homes are being addressed by grouting. In other words, the developers are blowing a mix of cement and grout into areas where voids exist due to abandoned mines under the areas where the homes are being built. However, Mr. Victor would not agree to core drill the roads at 50 ft. intervals. Further, in order to get around that Township requirement, Mr. Victor chose to keep the roads in Stafford Park Development private. That means that school buses will not be able to enter that plan. It is not going to last like that. That issue is going to have to be resolved. The Township is going to stand fast and make sure that is taken care of properly.

Chairman Sam Abatta, I also, in conclusion, Bruce I would like to welcome you to the fold. You are doing a great job for us in such a short time. I would also like to welcome Jeff Silva as Township Manager.

I have a couple of issues that I would like to specifically get into. The settlement of the Stafford Park/Heartland Home issues bodes well for our community in that we will be able to recoup monies that were spent defending the Township's position for the overall safety and completion of the project. We will in the near future, start to receive monies from perspective homeowners in the form of real estate taxes. This has been an ongoing process, which has finally been resolved. Building permits can be issued. Occupancy permits can be issued, along with settled roadway issues for Phase I, have all been addressed by order of Judge James of the Commonwealth Court. As you may be aware, I voted not to hire special counsel to resolve these issues in the past and spend excess monies. Accordingly, we spent approximately \$25,000 in Township monies, when in fact our insurance carrier would have defended our position without outside counsel. The money spent on Stafford could have been more readily used in a positive fashion, such as purchasing of a police vehicle, upgrading road department machinery or even as a down payment on a community center for the Township. I hope in the future that when we will be voting on major decisions for our Township and its residents, that the entire governing body realizes the big picture as it may benefit all of our taxpayers and community,

without personal agendas being satisfied. As I previously stated before in my comments, all perspective developers and builders of both commercial and residential projects, shall be held to high standards, as outlined by all of our Township ordinances and codes that we have established, which will benefit all of us. However, we will not hold any new development back when ordinances have been met.

I would also like to reiterate a comment that I made last month concerning the Athletes of Action Program, which I am sure is a very worthwhile organization serving our area. The Athletes of Action Organization would like to invite individuals to our fourth annual memorial scholarship luncheon on Saturday, April 6, 2013 at the Kennedy Township Fire Department Banquet Hall. Our mission is to promote Christian values, perpetuate the legacies of athletes and coaches from our communities and more importantly, supply scholarships to scholar athletes from the Montour and Sto-Rox School Districts. During the last two years our organization has awarded \$7,000 to five scholar athletes from the Montour and Sto-Rox areas. Our 2012 recipient was a Montour graduate, Jared Ellis, who is currently majoring in Biology and Pre-Med at the University of Pittsburgh. In addition, we have donated monies to local boys and girls' community sports teams and sponsored a Thanksgiving and Christmas luncheon for 75 needy families in our area. If anyone is interested in attending, they may contact Bob Zitelli at 412-771-8937 or visit www.athletesofaction.com

I would also like to give a Parks Report. Robinson Parks is sponsoring a youth dance on Saturday, April 6 at the Moon Run Fire Hall located on Steubenville Pike. Admission is free and refreshments will be available to purchase for a nominal price. Youth ages 11 to 14 are invited to attend. Parental permission slips are required and are available on the Robinson Township website.

Pool passes and swim lesson signups will take place each Saturday in May at the pool office. Robinson residents only on May 4th thru 11th and May 18th and 25th will be residents and non-residents from 10:00 a.m. to 4:00 p.m. You can get a printable application from our Township website or pick one up at the pool office.

The Robinson Township Annual Flea Market will be held on May 18th at Burkett Park.

Robinson Township Community Newsletter will be in your mailboxes sometime in April.

We would also like to thank Moon Run Volunteer Fire Department for allowing us to use their social hall for our Easter event this past weekend. Thank you to the Parks Board, the children of our Parks Board which include: Mackenzie Hammer, Garrett Freese, Ashley Schlegle, Kristin Migliozi, Lindsay Crawford and Brandon Tallon. Not only did they give up Saturday to help, but a few even requested the day off of work so they could be there. These kids are 16, 17, 19, 20 and 22 years old. They have been there

many times over the years helping to make our park events extraordinary. I would also like to personally thank both Jane Tallon and Joe Bonkowski for coordinating the last minute change for the Easter egg hunt this past weekend. The location change was mutually agreed to because of the cold, wet weather that we experienced. It worked beautifully and we had a great turnout. Our public works department, along with our parks and recreation board did a great job.

Robinson Township will be collecting leaves at curbside the week of April 22 thru April 26, with each street in the Township covered once. Please visit our website to locate your street and details.

Please save the date for the 11th annual Autumn Festival on September 14th. If you or your organization participated as a vendor at the 2012 festival, your application will be automatically mailed some time in May. No vendor applications will be available until July.

Vice-Chairman Forquer, I would just like to say that I don't know anything about an insurance company paying \$25,000 for litigation.

Chairman Abatta, did we get the bill yet?

Vice-Chairman Forquer, we had no offer from an insurance company to pay \$25,000 for litigation.

Chairman Abatta, that is not what I said. You are misquoting me. What I said was that the bill that we have to pay to Mr. Giglio is within that amount. We discussed here in a session that our insurance company would have covered us as far as legal representation is concerned. That is why I voted against the hiring of special counsel.

Vice-Chairman Forquer, it may have been discussed, but there was no proof of that.

Chairman Abatta, were you at the meeting?

Vice-Chairman Forquer, no but I know what was going on.

Chairman Abatta, we discussed it.

MOTION Forquer, SECOND Shiwarski to adjourn the meeting.

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

M/C 5-0 to adjourn the meeting

Respectfully submitted,

Carol Merks
Secretary

