

BOARD OF COMMISSIONERS MEETING
MONDAY, MAY 6, 2013

CALL TO ORDER: Chairman Samuel Abatta called the regular meeting of May 6, 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.

Presentations

Presentation by Kim Feeley, Executive Director Western Area YMCA and Mike Lucente (Tennis Pro at YMCA)

Ms. Feeley stated that last year she appeared before the Parks & Recreation Board to present a proposal that the Board has in front of them this evening. The proposal was declined. What she is proposing is a partnership between the Western Area YMCA and Robinson parks to maximize the resources of the two organizations to better serve individuals and the community. The goal is to add programs for residents in the parks, as well as increased pool utilization. They are especially interested in revitalizing the tennis courts with an organized program for children.

Mr. Lucente stated that he began tennis instruction at the Western Area YMCA three years ago. He has been involved in all levels of competition and teaching. The YMCA has six certified professionals. Their proposal would expose children to the game of tennis as a sport of a lifetime, and involve everyone in the community. It is a family friendly sport and would like the opportunity to enhance this service for all children and adults in the community. They are willing to modify and work with the Township on any of the programs and times to fit the park and the community's needs the best.

Ms. Feeley stated that in conclusion, they are hopeful that the Township will consider partnering with the Western Area YMCA for a healthier community.

Chairman Abatta, I would like to speak to this quickly. I am the Chairman of the Parks & Recreation Board and one thing that I can promise you is that we will set up a meeting with the entire Parks & Recreation Board and I will be there as well. I recall previously that there were some issues that need to be addressed. We needed to discuss the type of insurance coverage and liability that the Township may or may not be responsible for, as well as maintenance and use of the facilities. Probably paramount to that would be the benefit of Robinson Township residents first, as compared to non-residents. There are some issues. We will not get into them now, but I guarantee that we will have a meeting and we will re-visit this.

Chairman Abatta requested that Mr. Silka speak with Ms. Feeley at some point in time and reach out to the Parks Board Chair, Ms. Tallon, myself and any members of the community that would be available and we will get some dates for a meeting.

Presentation by Kim Turnley, CPA regarding the 2012 Township Audit

Ms. Turnley (Mark Turnley & Associates) presented a draft audit report to the Board of Commissioners. The DCED Report was completed for state purposes at the end of March. A copy was sent to Jerry Kezmarsky, Finance Officer, who in turn forwarded a copy to Allegheny County. A preliminary meeting was held with the Township Manager and Finance Officer to go over the audit report.

Copies of the Audit Draft were submitted to the Board of Commissioners for their review prior to approval. From Ms. Turnley's perspective there will be no changes to the audit report, only wording changes or notes. Minor changes in the report for 2012 are reflective of audit standards that have changed in the last year to make them more user friendly.

Robinson Township's financial statements are in compliance with GAAP(General Accepted Accounting Practices). All of the required disclosures and statements are included. As far as the Township, there were no findings or compliance issues. There are small things that can be done better to make things more efficient. A management letter will be given to Mr. Kezmarsky, who can then forward to the Board.

Page 3 shows the Modified Accrual Statements. In the case of Robinson Twp., the general fund ended with close to \$2 million in fund balance. Some of it is made up of receivables coming in and payables going out. The net effect is a \$1.9 million fund balance.

Page 5 shows what the revenues and expenses were and how the Township ended 2012. In the general fund, revenues vs. expenditures the year ended with a deficit of \$145,000. The schedules give details of what happened between budget and actual.

Commissioner Shiwarski inquired, are we better or worse this year compliance wise?

Ms. Turnley, I found no issues that are alarming to me from last year to this year. There is always room for improvement in every system. We test as many things as we can and look at as many areas as possible and sometimes we will hone in on one area or another in a particular year and do a little bit more testing on that. As far as anything major, I have not found anything in 2012 that would be alarming. You had some change in personnel obviously. You have a new fiscal person now and your manager is brand new. With change there is always a learning curve with learning the system or trying to change or improve the system with new people coming in with new ideas. That is typically not a bad thing. Since I have started auditing the Township, the records have taken a 100% improvement.

Commissioner Shiwarski, I know in the past we had a lot of journal entries.

Ms. Turnley, there are not a lot of journal entries now. There were a lot of issues with cash being balanced on a regular basis and a lot of that has to do with personnel and the number that you have. Sometimes it is a matter of not having enough bodies in the office to get the work done and that could have been part of your problem. You hired people that have experience and know how to reconcile your bank statements and balance everything on a monthly basis. Not only has that helped me from the standpoint of the year end audit, but it also helps you as a Board to be getting good information on a monthly basis.

Vice-Chairman Forquer, how many adjusting journal entries did we have?

Ms. Turnley, I didn't bring that information with me, but probably 12 or 13. There are some things from Jerry's perspective that we need to talk about getting posted, but nothing major. I think most of them were reclassifications. I usually sit down with the client after the end of the audit, go over the journal entries and say "these are the things that we need to change and these are the adjustments that needed to be made. All of that is approved before everything is finalized and everyone is aware of what we propose as journal entries and then they are signed off on.

Vice-Chairman Forquer, given the way that times are now, we certainly would have liked to have a bigger balance forward at the end of the year, but it was as such that we did not have to take out a TAN note for this year.

Ms. Turnley, it is very difficult with municipalities and I would say that in my 25 years of business, these are the most challenging times with so many things changing. For school districts you have the issue of pension contributions that are skyrocketing and the cutting of their subsidies. For Townships and Boroughs you are limited with how much you can raise taxes and how much revenue you can draw in. You have contracts with your employees and it is always a challenge to balance it all. I see it everywhere that I go.

The Board thanked Ms. Turnley for attending the meeting and providing an update.

TOWNSHIP ENGINEER'S REPORT

Township Engineer's Report dated May 6, 2013 is attached.

Remington, Vernick & Beach is currently working on a grant proposal through COG to update the electrical service at Clever Road Park to get it up to code. The grant is for \$25,000. They are looking into whether Township personnel can do some of the work.

The CDBG 39 project to update the upstairs restroom is moving forward.

A meeting has been held with Public Works Foreman and the Township Manager looking at the different roadways. Specs should be completed within a week and bids should be received at the June 3, 2013 meeting. This is a joint project where public works is doing a lot of the work and base repair to get a better price so more roads can be paved. Some different techniques are going to be used so that more roads can be maintained and upgraded at the same time.

Commissioner Shiwarski questioned whether August Dr., Jeff Dr., Oak Lane and Amy Jo Lane would be first in line as part of the settlement?

Engineer Meyer, that is correct.

Chairman Abatta, how many bidders do we have on average for reconstruction or micro-surfacing work?

Engineer Meyer, one of the things that we are going to do this year that is a little bit different, we are putting the micro-surfacing contract out to bid. We are going to break it up into three different contracts. One contract, the contractor would do all of the work, the other they would go into the chip, seal and micro-surfacing, as well as in the overlays. Our concern is that a lot of the contractors are not doing micro-surfacing yet so we did not want to exclude those and not get a better price. That is why we are breaking it up into different contracts. The first one will be if someone comes in with a great price to do all of them, that is great but we are also going to have a micro-surfacing contract that will stand on its own and an overlay contract that will stand on its own. So to answer your question, the micro-surface may be 3 or 4 right now. The other one can go up to 8 or 9.

Commissioner Shiwarski, if I am correct, last year we had 1.

Engineer Meyer, it was a good price and they come out with a pretty good price every year.

Chairman Abatta, that is a smart way to go Mr. Meyer

POLICE REPORT

The April 2013 Robinson Township Police Department Report was presented by Chief Vietmeier and is attached to and made part of the minutes.

Chief Vietmeier spoke about the increasing amount of criminal arrests and a lot of it has to do with shoplifters, a lot of them are repeat offenders.

A drug take-back was held at the Robinson Mall in conjunction with the District Attorney's office. It was extremely successful and will be held again in the fall if the program is offered.

The annual Prom Program will be held on Wednesday, May 8th. This is held every year focusing on aggressive driving, drinking and driving, etc.

At the end of May, the "Click it or Ticket" campaign will begin. This is fully funded by the State and is a three week program.

On May 12, our K-9 will be in service in Robinson Township. The twelve week program will conclude on May 10th and hopefully the K-9 officer and dog will be in attendance next month to introduce them to everyone.

Chairman Abatta, we received in our packet, the completed list of evaluations from the Civil Service Commission.

Chief Vietmeier, I have the final certification list with the top 15. We will be doing background checks in the near future on at least the first 3.

ADMINISTRATION UPDATE (Report Attached)

Mgr. Silka, the renovation of the kitchen is concluding. The cabinets and floor are in. The public works men are finishing up the trim. The contractor has a few punchlist items. If you want to take a look at it, it looks really good and from what I hear, is a big improvement.

The television is installed in the Library lobby. It is looping the municipal channel.

The Penn Prime Workers Loss Control Standards Audit for Workers Compensation was held. This will be done yearly now. In 2010 our Penn Prime carrier instituted certain standards that the Township was mandated to abide by. Unfortunately, this was not put as a top priority in the past 2 1/2 years, but Mr. Kezmarsky and I are in the process of addressing the issues. The deadline to address the deficiencies is July 1st to get us up to workman compensation standards.

The accounts payable secretary vacancy was posted internally as per the union contract. Nobody bid on the job within the time criteria. It will be published in the Suburban Gazette on May 8th for applications. It has also been posted on the Township website.

There are major email and technology concerns from internal servers and work stations. Two computers have been ordered and this went through the budget process. I am also working on some server costs. The email server is antiquated. You cannot push emails out to the phones, you cannot access it from remote locations. There are some low cost alternatives now from hosting to something that Microsoft has called a cloud server system that is working for a lot of small to mid-size businesses. It is very cost effective and we don't have the maintenance costs if the server goes down.

Chairman Abatta, don't we have some type of service/maintenance agreement intact?
Can we recognize some cost benefits from that?

Mgr. Silka, we do and they are maintaining what we have, but our servers are outdated where we would have to go and actually put new servers in because we are running old software that is not supported anymore. We are basically band-aiding the approach on the email. Our internal servers are working. Our data is okay and our financial system is basically off of a cloud system with the vendor of our financial software. Our email server that we host internally is basically barely holding together. Sometimes we don't get our emails for an entire day. I will have a cost proposal for the June meeting.

My final item is the ACTA Sign Request. Currently in the approved specs, there is a yellow copy of a sign for "share the road with bicycles". The ACTA group has asked that we replace that with a white enforceable sign that says "bicycles may use the full lane". The difference between a yellow sign and a white sign is, the white sign is enforceable and the police can actually write citations. I met with Chief Vietmeier and we discussed the pros and cons of going to this sign and we are both in agreement that we don't want to shift to this sign because it increases our liability to the area. We would like to keep the yellow cautionary signs. The motor vehicle code provides a 4 ft. buffer for bicycles on shared lanes. We would like to keep the signs that were originally on the specs. If the Board agrees, we would not have to take any action because it has already been approved in the plans. The change would put more onus on the municipality.

Commissioner Cegelski, I just want to clarify with Chief Vietmeier and Mr. Silka that you agree that we should not change at this time from what is approved?

Chairman Abatta, we should utilize what has been approved.

Mgr. Silka was in agreement.

Vice-Chairman Forquer, the only thing that I wanted to add to this discussion is that at the bottom of Park Manor Blvd., that is Moon Township, however, we have a contract that we pay for the maintenance on the lights. Currently there are some changes underway to make that crossing safer. That was worked through with Moon Twp. and I believe that the Township had some input on that as well. There were a couple of cyclists hit trying to cross the Trail. That crossing is in Moon Township.

Commissioner Shiwarski, this brings me to a question that I had from public works. They came to you (Mr. Silka) for direction and they were told to do the work in the right of way. Just from public work's standpoint because they are scrutinized and their public perception is "look at these guys, they are cutting grass or doing that on private property". what is the basis or what is our policy there? Just so the public knows when they are seeing public works out there, so I know for the clarification.

Mgr. Silka, if public works are working within the Township, they are working under the management's control. On that particular right of way, I was told that we maintained it in the past and there is an agreement that we are researching. There was apparently an agreement that the trees are maintained by the private property owner and we maintain the grass. That is why we had that right of way cut.

Chairman Abatta, who were you told by Jeff?

Mgr. Silka, I spoke with Rick Urbano and Commissioner Mapel.

Commissioner Shiwarski, the question that I had was, when you said that public works cut that in the past, and I was told that public works never worked on that in the past. Again, it is the perception that public works is out there working on a private person's property. Legally, if I am understanding this correctly, there is a 25 ft. area from the center of the road for an easement. Is that correct Mr. Dice?

Solicitor Dice, it depends on the plan, but that sounds normal.

Commissioner Shiwarski, if that were the case, we would be cutting everybody's grass in the Township. On this one though, when I questioned you on this, you said there was an agreement in place. I have been Commissioner for 6 years and I have never seen that agreement. Where is that coming from?

Mgr. Silka, I am having it researched to produce that agreement.

Commissioner Shiwarski, I am just trying to clarify it and make it as public as possible in protecting public works so they are not accused of working on private property, just as in the winter time with private roads. We have to have a defined policy. If there is an agreement and this is what threw me for a loop, I do not recall it whatsoever and that property has exchanged hands within the period of time that I have been on this Board, so I know that the agreement could not have preceded me. I was told by our public works department, that they have never worked on that property.

Mr. Urbano, basically this matter was brought up under the past manager. He did research on it, spoke with Joe Bonkowski and Paul Kashmer and this agreement goes all the way back to the Showcase Cinema, way before you were here Mr. Shiwarski. I can tell you that I seen them cutting it.

Chairman Abatta, but we don't have an agreement in place.

Mr. Urbano, I am looking for the agreement as we speak and I will present you with the agreement if I am able to find it. The Showcase Cinema was there for 30 years.

Chairman Abatta, if there is such an agreement, is it exclusive to Showcase Cinemas and if not, should we be maintaining all of the private residences or all of the right of ways?

Mr. Urbano, it is Township right of way property and it is my understanding for the 32 years that I have been here, that any grass that is in our right of way, we are to maintain it. You may be able to prove me wrong on that, but I am going to tell you that if it is in our right of way, we are responsible for cutting the grass. We also cut the right of way on Beaver Grade Rd. that is not even our right of way. I will find the agreement for you.

Commissioner Shwiarski, that is what I am looking for. I just want some consistency.

Mr. Urbano, I will get it for you. The manager put this in place before Mr. Silka was here. It was put in place last year and I even asked Jeff if he wanted to email Aaron Bibro? Am I correct Jeff?

Mgr Silka, yes.

Mr. Urbano, I went up to the right of way with the engineer on a complaint. He was there and the grass that was cut, is not within the 50 ft. and it is our right of way.

Commissioner Shiwarski, my only point was not that particular one, but the consistency level and our Township employees brought that question up before they were told to proceed. When they were told to proceed, they were told about an agreement and then last week I asked for a copy of the agreement to look at and as of this time, that has not been produced.

Chairman Abatta, I have been on the Board quite some time and I have never heard of this agreement, so I wish that you would produce it so we can realize that we are doing something that we should or should not be doing. Mr. Silka, with all due respect to Mr. Urbano, I think when incidents like this occur, the entire Board should be notified. We have knowledge as to what may or may not be valid or legal, rather than just taking a moving direction from Mr. Urbano, it should be brought to the attention of the entire Board because maybe we can help you in making that decision as to whether it should or should not be done.

Mr. Urbano, I was asked if that right of way was cut by our road department. I did not direct anybody to go anywhere.

Commissioner Mapel, while we are on the subject, I went for a ride with our public works foreman about a year ago and he showed me about 22 different roads throughout this Township that are not dedicated, but we maintain in some fashion whether it is snow removal, gravel spreading, patching of asphalt, a variety of very different things. Am I to understand that there is a written agreement with every one of those homeowners that border those private drives or is this just something that developed over time and we just keep doing it. What kind of a program do we have in place that monitors the expense of

our road department maintaining all of these private roads. I know that I live on a private road and I maintain it out of my own pocket. My question to you is, since we are going to make an issue out of cutting grass, where is the documentation that is in place for all of these private roads that we maintain?

Mgr. Silka, I don't have any documentation.

Commissioner Shiwarski, the issue that I brought up Mr. Mapel, and I mentioned the roads when I was talking because we have discussed roads in the wintertime in the past and we have been told that through past practice whatever roads we were doing, that we had to continue doing for either public safety reasons or the past practice reasons. That being said, I brought this up with Jeff tonight so that we do get some consistency here so the public has a right to know and the perception matches the reality of what we are doing.

Commissioner Mapel, you have done everything but answer my question. Do we have a written agreement that validates our obligation to maintain these roads or do we not?

Commissioner Shiwarski, what I said was that I was told in the past that it was based on past practice and public safety.

Commissioner Mapel, so the answer is no then?

Commissioner Shiwarski, I don't know the answer, I am not the record keeper of the Township. Maybe Mr. Urbano can look for that while he is looking for this other agreement.

Commissioner Mapel, that is probably a good idea.

Mr. Urbano, I can tell you that I won't find that one.

Commissioner Mapel, you don't want to open up a can of worms, believe me.

Commissioner Shiwarski, I am not worried about opening up a can of worms. I want the worms to be seen.

Commissioner Mapel, I am just saying, if it is our real estate for safety reasons, we need to maintain it. We cannot have grass growing high on real estate that we own and then we cite people that are private taxpayers for not cutting the grass.

Commissioner Shiwarski, that was my question to Jeff, is that the policy going forward? That was the answer I was looking to see. The only other question that we had to Mr. Abatta's is that if this was something that we were going to determine and I don't think he was aware?

Chairman Abatta, I was not aware.

Commissioner Shiwarski, and I was not aware of it until after we went ahead.

Chairman Abatta, if you want to talk about perception Mr. Mapel, the reason that I have been hearing about this incident is because one property in particular, of which is the Auction Direct property, and I don't know if you have interest in that particular venue or not, that is why it was brought to my attention and I know nothing about it because it did not come down from the Township Manager through me or from the Planning Director through me.

Commissioner Mapel, this was a company that just spent \$10 million here. If we cannot afford to cut grass that we own after they invest \$10 million in our community, I think we have to go back and review some things that are not making a lot of sense.

Chairman Abatta, the bottom line is that it is still private.

Commissioner Mapel, it is not private property.

Chairman Abatta, that has to be determined as to whether there is an agreement in place

Commissioner Mapel, it has been determined by our engineer sir.

Chairman Abatta, that there is an agreement saying that we utilize these particular properties? This is what we will look into.

Commissioner Mapel, if we are going to do this with agreements, then let's do it with all private roads that we spend taxpayer dollars on. That is my point.

Chairman Abatta, Mr. Silka, next time something like this is coming down, make sure that the entire Board is notified.

Mgr. Silka, yes.

Discussion to approve the March 14, 2013 Board of Commissioner Meeting Minutes.

Discussion to approve the March 20, 2013 Board of Commissioners Meeting Minutes.

Discussion to approve the April 2, 2013 Board of Commissioner Meeting Minutes.

Discussion to approve the April, 2013 Treasurer's Report

Discussion to approve the April, 2013 List of Bills

Commissioner Shiwarski, I texted the Manager today and he gave me an answer, but just for the public's information, I was looking at refunds, prior year taxes and we had in the budget the amount of \$2,000 for 2013. Currently for 2013 it is at \$47,400. Could you just explain that?

Mgr. Silka, what the majority of that line item is made up of is commercial refunds on tax assessment appeals. I believe that \$15,000 was the largest one. Some are \$5,000 and some are \$2,000.

Commissioner Shiwarski, it is mostly commercial?

Mgr. Silka, it is 98% commercial.

Commissioner Shiwarski, in the other list of bills, again I asked this question last week and I think it stuck out on our Solicitors fees for 2013. We have budgeted it at \$100,000 and so far this year we have spent \$70,000. In other legal fees we budgeted \$10,000 and we spent \$44,000. Under legal services for the Zoning Hearing Board we budgeted \$5,000 and we spent \$5,400 already. Again, Ms. Turnley was talking about the audit, our budget and the difficult times and again, my only look here is that we are 1/3 of the way through the year and we are blowing the budget on those fees.

Vice-Chairman Forquer, I think I can address those issues. I would like to ask John Butya to say a few words about this concerning some of the things that he found when we brought you on board concerning files that you could not find, the lack of cooperation and things that went on that you had to spend some extra time on. Please tell us a little bit about that at the microphone if you would.

John Butya, Esq., I was not expecting to be speaking tonight regarding this issue. Regarding my own fees, it was a difficult situation that I was put into where at 10:00 or 11:00 p.m. one Monday night, I find that I am going to be the solicitor for the next 3 months. As I am walking out the door that evening, I find out that I am going to have a trial the next morning at 8:30 a.m. It was a difficult situation with the prior solicitor leaving and my picking up the pieces, literally the pieces, and trying to figure out where everything stood, what was where and pretty much re-creating a lot of the files that I was dealing with. If there are any questions about my fees, everything is well documented. I did not charge for anything that I did not do. I kept my rate for the first three months at the minimum. I received today, a packet from the Township regarding legal fees from the prior Solicitor. If you are referencing those, I notice...

Commissioner Shiwarski, not to interrupt, but I was not referencing any bill in particular, but the dollar amount in mass, as related to the budget. It was not directed to you or anyone in particular, it was the dollar amount in total versus where we were for the budget.

Att. Butya, I may have a partial answer to that. In leafing through these bills, it appears that there was a considerable amount of money paid out in 2013 to the prior Solicitor from work that was done in November and December. You are paying for last year's work with this year's budget.

Commissioner Mapel, how much was that John?

Att. Butya, I did not bother adding it up.

Vice-Chairman Forquer, it is about \$16,000.

Att. Butya, there is a rather large sum right there.

Commissioner Mapel, they were getting credit for someone else's work as far as the billings are concerned?

Att. Butya, I am just saying that you are paying in 2013 budget money for work that was done in 2012 and should have been paid in 2012. There were also a couple of bills that caught my eye. There are notations in the corner that they were approved in February 2013 and these bills were dated from March 2011. I didn't know if you had noticed that or not. Do you have any other questions for me?

Commissioner Shiwarski, I had no questions up front for you. I was just looking at some of the totals and you are absolutely correct, we paid almost \$16,000 to Goldberg, Kamin & Garvin so far in 2013.

Att. Butya, and they were let go in January.

Commissioner Shiwarski, it is normal that if you did work in December, you are going to get billed in January for that. Am I correct?

Att. Butya, yes.

Commissioner Shiwarski, so far this year through the end of April, we have spent \$122,063 for legal fees. Last year for the same period of time, among all of the groups of attorneys that we used, we spent \$36,861. That is probably a 300% increase for that period of time.

Att. Butya, one of the differences that I see is that you have managed to settle at least 3 very large ongoing pieces of litigation that had been billed on literally for years and years. During this first 3 to 4 month period, while I was acting Solicitor and since Mr. Dice has been here, we have managed to settle some very large cases, where you will not have the ongoing bills any longer. There was quite a bit of time and effort put into those large on-going cases that no longer exist and hopefully the billings for those will have ended.

Commissioner Shiwarski, I am assuming that the Giglio bill, which helped settle the Coventry case was \$35,000.

Vice-Chairman Forquer, that was also for the TIF. By the way, we will receive in early tax relief because of the deal that we have there, over \$300,000 for the Township.

Chairman Abatta, if I can jump in on this also, I have the list of bills in front of me for each firm from January thru April, 2012 and the Township legal expenses from January thru April, 2013. I plan on speaking to this during my comments, and I will reserve my right to do that, just so we can get it out to the public right now and tell you exactly what we are going to spend. It goes directly to the point that Mr. Shiwarski has said that we have considerably blown the budget as far as legal is concerned. As far as Goldberg, Kamin & Garvin solicitor fees from January thru April 2013 were a total of \$15,693.84. Yukevich, Marchetti, Lieker & Zangrilli, which is the Zoning Hearing Board legal counsel has spent \$5,444 again, of which only \$5,000 is budgeted. I will explain why that, in my opinion, came to be. Campbell, Durant, Beatty, Palumbo, Miller special labor counsel was \$4,352. If I am correct, that was for police arbitration. Barry Worner (Civil Service Counsel) spent \$1,751.63. Andrews and Price, which is the firm that Mr. Giglio works for, spent a total of \$34,885.00. Bruce E. Dice & Associates for January thru April 2013 spent \$34,968.20. Your fees Mr. Butya came to \$24,998.79. Again, our total this year in May is \$122,000. I will get into why some of these were spent in my report.

Att. Butya, again to the Board, I did not expect to be speaking on this tonight. I am not here to criticize anybody's bill or to defend anybody else's. All that I know is the work that I did and what I billed for and that is all that I can answer for. I did not expect to be coming up here.

Commissioner Shiwarski, it was not meant to put a spotlight on anybody, except the number as far as where we are at.

Att. Butya, it is a number that catches your eye, absolutely.

Commissioner Shiwarski, when I look at the bills and the far column says what percentage of the budget has already been used and those lines, just like the first question that I asked Jeff earlier, was on the rebating of the taxes, that number is way high and that is why I asked that question and also the number of legal fees. We are dangerously close to our budget limit or over and it is only thru April.

Chairman Abatta, that is the job John as watchdogs of Township taxes and monies. We are bound to keep an eye on all of the monies that are spent.

Att. Butya, it is always better to ask.

Chairman Abatta, anymore questions?

Vice-Chairman Forquer, no, but I got some answers. I think if you look at the 2012 audit you are going to find out that it was at least \$30,000 over budget and Goldberg, Kamin & Garvin were here then. There are other lawyers as well that we retain year round.

Commissioner Shiwarski, according to the audit that we just received right now, I looked at Solicitor and we budgeted \$100,000 for each one of the years and in 2011 we paid the Solicitor \$93,962. In 2012 we paid the Solicitor \$95,994. Just on the Solicitor line, according to our audit, we were below budget.

Commissioner Forquer, we have been over budget almost every year.

Commissioner Shiwarski, well not according to the audit.

Commissioner Forquer, I don't agree with your numbers and I will go over it in my Commissioners comments. If you want to pay somebody to do legal work for you that never wins, you got a bargain there and then you keep them on. If you want to hire people that are going to win for you, maybe they cost you a little more but when you get something done that is not dragging out for 10 years, that is a much better deal.

Chairman Abatta, which leaves me to my point and I have to bring it up right now Jesse, as far as Attorney Giglio is concerned, we paid in excess of \$34,000 and you and I talked about this at the last meeting. We would have had our insurance carrier through our linebacker umbrella policy cover us with the monies that we have been paying all year through premiums and we would not have had to spend \$35,000.

Vice-Chairman Forquer, that is not true.

Chairman Abatta, it is true.

Vice-Chairman Forquer, it is true and you and Aaron told them not to come to the hearing we had before the second to the last hearing. You told them not to come to that. We argued about it. Another thing is, how can you bring somebody in at the last minute in litigation and expect to win? There were other things that were done, and I believe deliberately that were done to try and weaken the Township's position and the litigation that we were going through with Coventry and I will get into that in my Commissioners comments.

Chairman Abatta, I will also. I disagree because I have the proof right in front of me.

Vice-Chairman Forquer, yeah, so do I.

Chairman Abatta, you are not always right, believe me.

Vice-Chairman Forquer, I am right here pal.

Chairman Abatta, your opinion.

Discussion regarding adoption of Resolution No. 7 of 2013 designating _____ as the depository for Township funds.

Mgr. Silka, in January 2013, the Township put out a request for proposals for banking services and received 5 responses: First National Bank, First Niagara, First Commonwealth Bank, ESB Bank and Northwest Savings Bank. The staff has analyzed each of the proposals and we are recommending appointing First National Bank as the depository for the Township funds based on the strength of their proposal.

Discussion regarding adoption of Ordinance 6 of 2013 setting forth its authority to establish an "Airport District Overlay" to include: Purposes of the District, Definitions, Airport Zones, Airport Zone Height Limitations; Permits Required; Use Restrictions; Nonconforming Uses; Variances; Conflicting Regulations; and amending the Official Zoning Map by the adoption of an Official Supplementary Airport Overlay Zoning Map as recommended by the Planning Commission

Discussion to table the conditional use application submitted by the estate of Richard Lang regarding constructing a billboard on Steubenville Pike Lot and Block 205-G-132. (Same as Public Hearing)

Discussion to recommend Preliminary Approval for the portion of the Sir Henry's Haven Development Site Plan located in Robinson Township subject to and contingent upon Attachment M as recommended by the Planning Commission.

Discussion to recommend approval of the Sir Henry's Haven Consolidation Plan based upon the review letter of Remington-Vernick Engineers dated April 25, 2013 and subject to the approval and execution of the plan for recording by Kennedy Township as recommended by the Planning Commission.

Discussion to affirm the directive to the Solicitor to appeal the Zoning Hearing Board decision on Overtime Hockey, LLC for the granting of a use variance.

Chairman Abatta, what are we talking about Solicitor Dice?

Solicitor Dice, as you know we took an appeal on the Overtime Hockey, LLC . We also furnished you with a letter and we really have not had any discussion concerning that, as to whether or not there was a need for a use variance. I have not heard back from the staff or the Board as to whether or not you agree with that position. That was the question.

Chairman Abatta, so this is one of the many appeals for a use variance correct? This is in an industrial area?

Solicitor Dice, yes and if you remember, I think the reason this is on the agenda is because you had your manager do a poll as to whether or not you wanted this to be taken to appeal.

Chairman Abatta, this was a phone vote.

Solicitor Dice, all that I want to do is confirm that the process was followed and we took the appeal, just to legitimize the taking of the appeal.

Discussion to authorize the Township Manager to purchase a New Holland Boomer Tractor with a New Holland 250TLA Loader, SSL Attachment Plate, 72” Bucket for a total of \$26,196.98 with a trade of a 1997 Ford 3600 2wd, gas engine tractor for \$1,500.00 from Bull International, Inc., 291 Cameron Road, Washington, PA 15301. The purchase will be under State Contract 440005932.

Discussion to accept the quote by Pyrotecnico of New Castle, PA to provide fireworks for the 4th of July for a total of \$9,000.00.

Discussion to hire the employees on Attachment R as part-time seasonal employees on an “as needed basis” at the Clever Park Swimming Pool and Public Works Department contingent upon providing copies of required certifications to the Township in advance of the pool opening as recommended by the Township Manager.

Discussion to hire Beth Crawford and Kim Gray as Co-Directors for the Summer Recreation Program contingent upon completion of a successful background check and Act 33-34 clearances and at a rate not to exceed a total of \$2,100 for both employees.

CITIZENS COMMENTS

Jack Cairns (1226 Lewis Avenue, Groveton), I would like to know if there is an update on the Lewis Avenue repair work. I seen they have been down there because I see the markings, but that is as far as I got.

Mgr. Silka, it is ongoing. I don't have an update.

Mr. Carims, I also had a question about the flag pole at the memorial down in Groveton. I don't know if anybody has looked at it lately, but it is horrendous. I spoke with Commander Marchetti from the Coraopolis VFW. He does the service down there. He said that he spoke to a few people about getting it painted or replaced, but neither has been done. I don't know whose jurisdiction that falls under, but it is a shame. Can we look into that?

Chairman Abatta instructed Mgr. Silka to check into the situation.

Edward (Tex) Ritter – (37 Forest Grove Rd.), we all know that there was a fire at Ventana Hills. What I would specifically like to discuss is the sprinkler system, which I believe was put in by code of Robinson Township. I would like to ask you Commissioners if you know what the material of construction was for the sprinkler system and it is still on the books? It was PVC. I think you should look at your code to make sure that screwed pipe goes into these buildings for sprinkler systems. It does not seem very safe to have a fire with PVC pipe in there. I think something should be done about it. The other issue that I have, in looking at the Township website, suddenly the minutes of the past meetings have all disappeared. We are not posting the minutes of the meeting anymore? They are not on there.

Mgr. Silka, I will say that prior to my coming here they were not on there because when I was doing my research for the position, they were not on there.

Stephen Taylor (108 Scottdale Drive), at last month's meeting you mentioned Mr. Maple that you had something to tell me, but you were going to wait until this meeting?

Commissioner Mapel, you were actually in correct in one of the comments that you had made regarding the address that is incorrect on the Allegheny County website and there does not seem to be a correlation between the building located at 532 Clever Rd. and me, the individual paying taxes on it. I will say that if you research and find the Lot and Block Number, that will reflect the taxes that are being paid on that building and the address that it goes to is my home, 1105 Maple Hollow Lane.

Mr. Taylor, which is a residential property and it was under residential.

Commissioner Mapel, it is a commercial building and I am paying commercial taxes.

Mr. Taylor, now.

Commissioner Mapel, no always. That piece of property is commercial and is zoned C-1.

Mr. Taylor, that is one. There are two other ones but that is beside the point. I don't want to use up my four minutes completely over that.

Chairman Abatta, I will give you time since Mr. Mapel was speaking also.

Mr. Taylor, what I am here for is going back to the Brothers Grimm six years ago and everything that was done in that was approved and I have signatures approving all changes to all documents at the Brothers Grimm. All walls were changed and approved by a Robinson Township representative and his name was George Hondula. The occupancy permit that was given was temporary, which is clearly in violation of state law because if you have a temporary occupancy permit it must have a date certain when it expires. There was not date certain, which puts it under deemed approved. This Board has not recognized that. We have continued through the court systems. This all started after being open 4 years and after I spoke publicly about Plans Examiners. The next month I started this process. Mr. Butya, you mentioned the next day after you were appointed you had a court hearing, it was mine. Prior to that, we counted that this Board has spent \$14,000 and with that hearing, probably \$15,000 to \$16,000 trying to close the Brothers Grimm. Thank you very much. If you want to know your legal fees, that is what it is. The attorneys that I have spoken to, your case is not very good. In fact, your own Solicitor on October 5, 2011 after withdrawing the case told me and my attorneys at the time that there was not a case. At that point, I assumed in January when you started this over again that this Board was operating against the advice of your professionals. I think I can assume that is what occurred, which makes it a political situation. As of now, and Jesse you say that you are a friend of the Trail all the time, for the last 3 years at my expense I have fed probably 2000 people with the Tour de Montour. I have a lot of people come in. Since we are still under a court situation and since this Board has decided not to recognize the two occupancy permits that attorneys have all said that I do have and they are legal, I am not going to be able to take care of the Tour de Montour this year. It will be cancelled and they are going to have to go to tents because of this Board. The 800 to 900 people in the Tour De Montour can thank you for what you have done. As of right now, I am close to a court order and I am making a decision as to what I am going to do. The chances are that I will probably close and return The Grimm to the original drawings. This will be at your expense since I have all of the approvals. You talk about cutting legal fees, the first thing that is going to occur is that I will be appealing Judge Colville's decision, which will take it to Superior Court. You can plan on spending a whole load full of money because I will continue to appeal. The only person on this Board who came down and took a look at my handicap bathrooms was Mr. Mapel. You said that you were going to do something and nothing has happened and now I must act. People make plans and the plans have to go forward. At that meeting Mr. Mapel, my wife and I both told you that we are not going to spend another dime except for attorneys and we intend to spend a lot, which means the Township will spend a lot. At this point in time Jesse, I cannot consider you a friend of the Trail because you and your fellow Commissioners did everything that you could, \$15,000-\$16,000 to shut me down over two documents that you know are acceptable and legal so that is where we are going.

Chuck Marks (541 Marks Drive), it is time to speak to the public prior to the primary. I want to thank all of the residents that opened up their doors to Al Kutchbach and myself. We have heard the call for change and we are listening. One clarification that I would like to make in regards to my opponents assertion, I was raised in Robinson Township and lived here exclusively until my second daughter was born. I have worked in my own business in Robinson Twp. since 1978. I pay taxes to the community and have always maintained ties to this community. Last year I had to move in with my 80 year old mother, who needs my assistance. If any one of my opponents or their supporters would use that against my mother it is unconceivable. Using my family concerns to deflect the obvious inadequacies of the administration is just another reflection of why we need to rid our community of this type of politics. Again, I thank our community for their support and we look forward to the next few weeks and the election on May 21st.

You were talking about right of ways. I am rather experienced. I have been doing it for about 40 years, working around there. As far as right of ways are concerned, usually it is to the guardrail and that is where it ends. If the State cuts grass they don't interfere with the guardrails. Also, NPL (National Pipe Line) just finished up a job in Groveton. They did a beautiful job cleaning up underneath the bridge. They seeded everything and tried to make it where people would not dump there. Low and behold, they are dumping there again. I don't know what we can do, but there is a lot of scrap there. I can burn some of it, but I don't want to get arrested. I don't know what the Township can do, but it is rather unsightly. I don't know if you can put signs up there. I know that the police make extra patrols and I appreciate that. Everyone in Groveton has noticed that you patrol and they are grateful for that.

Chairman Abatta, are there dumping signs there?

Mr. Marks, it is not my property. It is across from my mother's property. I believe it is state property. If I were to catch the people I would get the license numbers and provide them to the police. If we can do something, it would be much appreciated.

Jerry Brouker (Coraopolis Rd.), a little bit of what I had wanted to talk about this evening has already been addressed, but I want to reiterate it so that I understand it. I would also like to add at least one point that was brought up tonight by the Commissioners because of my time served here on the Board. I guess we saw Ms. Turnley earlier and she provided the audit. I did not have a chance to look at it, but I just heard the same thing that you did. You spent more last year than you made at the end of the day. We want to make sure that we correct things like that from a fiscal and financial standpoint, but I am very alarmed by a discussion that was had in reference to attorneys and solicitors fees. I was here for 4 years as most of you know. We did not go over budget and if we did, it was a very minimal amount with solicitor fees or any fees really. I know just to synopsize that your budget for the year is \$100,000 for your solicitor and attorneys fees per the year. You have spent \$35,000 already to your new Solicitor just in one month. \$35,000 was spent to a special counsel that somebody read out of a newspaper and said "this would be a good attorney". They spent \$35,000 on a case that they lost that they

could have utilized the insurance attorneys for free. We have spent \$120,000 here to date through April, which means that the budget is already blown. I bet you are going to have to spend more on attorneys fees this year, especially in light of what Mr. Taylor said. I can concur that sometimes you have to spend money to get things done, but nothing got done. It is true that the Coventry/Stafford Park situation has long been a problem, but you did not win, you settled. The goal by some of the Commissioners here was to keep the man from developing. You did not do that. All that you did was prohibit him from developing for a number of years and insure that the Township and school district lost all of that tax revenue. Now he is developing. You did not spend your money well.

Now my understanding is that there was a phone vote taken from an earlier conversation. It was a 3-2 vote and you can correct me if I have anything wrong. I will let you guys decide who voted for what, but it was a 3-2 vote to begin to appeal zoning decisions in reference to variances. Just for the edification of the Township, when that appeal happens, the Township gets to spend money on their attorney and they get to spend money on the attorney defending their Zoning Board. At the end of the day, whatever decision is made benefits the Township not at all from a financial standpoint. They just spent more money. It is unclear to me as to why we are throwing this type of money away at this time.

Also, I had not planned on bringing this up but I did not even know if was going to come up but when you guys brought it up, I do want to say, "Ron, you are absolutely right" I was on the Board from 2005 thru 2009 and there was no agreement to cut grass anywhere in the Township that I am aware of that was not our property and that includes Showcase Cinemas. I also know that I spoke with former Township Manager Bibro as recently as last month where he told me that he was asked to cut the grass prior and he neglected and refused to do it because he said that it was not Township property and it has since only begun to get cut since he has left. He did give me permission to say that, just so you are all aware. I heard his name mentioned earlier and if you want to email him or call him, please do so. I think that is the answer that you will get.

Michael Malinsky (535 Meade Dr.), a couple of things real quick before I get to my main point. I would like to expand on what Mr. Brouker just said. He brought up the phone vote, which my understanding according to the Sunshine Law, they are not permitted. Anytime Commissioners vote on a topic or on an item, there should be public deliberation and there should be an opportunity for residents of the Township to come up and speak to that actionable item. The second point that you brought up was in regards to maintaining private roads or right of ways. I am not an attorney or an engineer and I don't know about right of ways and measurements and things like that, but my understanding is this, to maintain private property using taxpayers money, is just flat out illegal. I don't care if there is an agreement for the Township to do it or not, you cannot use taxpayers money to maintain private property. I have consulted with various people over the years. This issue has been brought up in the past. I strongly suggest that the

Commissioners consult with Mr. Dice to make sure that they are properly following the law as far as not maintaining private property using my taxpayers money and everybody else sitting out here. The residents would have a right to ask for the Commissioners to be surcharged for continuing to allow such things to happen.

My main point this evening is to discuss the millage rate adjustment that occurred last month. The Commissioners unanimously passed a decrease in the millage rate at the April meeting as a result of the 2012 county-wide reassessment. According to the Pennsylvania Anti-Windfall Provisions, in the first year after a reassessment, the municipality must set the millage rate based on the reassessed property values that results in the same tax revenue as the municipality received in the year prior to the reassessment. That means that the 2013 real estate tax revenue should equal the 2012 real estate tax revenue. This is referred to as equalizing the millage. In setting the equalized millage rate, the municipality can exclude new development or improvements on existing properties. They are also permitted to consider the effect of assessment appeals when determining what that new millage rate should be. Assuming that the Township properly took all of these factors into consideration and then unanimously and properly passed, an equalized millage rate of 2.48. This was required by law under the anti-windfall provisions. Immediately after dropping the millage rate to 2.48, the Commissioners unanimously voted again, to increase the millage to 2.6, which is roughly a 5% increase over the 2.48 millage rate. This is permitted by law. I am not going to debate that. I have some further questions on why the increase was necessary. Commissioner Forquer in his monthly finance updates consistently states that the Township is in fine financial health, although Ms. Turnley earlier said that the Township lost \$145,000. That is a small amount and I don't consider that to be a huge deal. Mr. Forquer also discusses continued improvements in balance forward. I am assuming that Mr. Forquer is referencing fund balance when he is using that term. He has noted that the fund balance has risen from \$184,000 in 2009 to over \$2 million in 2011 and we are just under \$2 million in 2012. Mr. Forquer has also made comments that tax collections are at or over budget, that Jordan is doing a very good job in collecting delinquent taxes. Additionally, in his own campaign literature, Mr. Forquer's claim that due to various cost saving measures, the Township has saved \$1 million per year in costs. That is about 10% of total budget expenditures for the Township. When the fund balance is growing, revenues are over budget and costs are \$1 million lower annually, why was there a need to bump up the millage rate that extra 5%. Once the millage rate was finalized, Commissioner Abatta made a comment that the Commissioners dropped the millage rate 15%, which is true, making it sound like the Commissioners were doing the taxpayers of Robinson Township a huge favor, again, that decrease was required by law. It was not the Commissioners trying to save the taxpayers a dollar or two. Now because the Commissioners bumped the millage rate up 5% from an equalized rate, I estimate the Township is set to collect an additional \$200,000 to \$300,000 of additional real estate tax in 2013. I think the taxpayers deserve to know what. Where is the transparency in this decision making or it is only when it is convenient for the Commissioners.?

Joel Slessinger (409 Meadow View Drive), my comments will be very brief. As a concerned resident of Robinson Township, I am amazed and somewhat dumbfounded at what I have seen and heard from this Board over the past several months. First of all, let

me be clear, I will never criticize any of you as individual human beings. Faith and family comes first for all of us. We can disagree on the issues and we can debate the issues. I would love for this to be the case, but currently it is more about playing the game. Integrity and ethics are at the heart of public service. You should represent the spirit of the community and not the few and definitely not yourselves. The way the tax decrease has been portrayed to our Township residents is murky at best. The Township is still raising taxes, Now that we will have this extra money coming in, in conjunction with a large increase in the general fund, what is the money going to be used for? It is my hope that this money will go directly back into the community without question and without personal agendas. Our community is our greatest asset. There are two important things that everybody here needs to keep in mind, first of all, transparency is a practice and an ethical culture saves time, money and reputation. Second, truth eventually becomes public.

Henry Duckstein (no comment at this time)

FINANCE UPDATE

Vice-Chairman Forquer, I have to be careful here, I don't want this to sound too rosy tonight. The balance in the general fund as of May 6th was \$1,559,479. The market value of the police pension fund as of the close of business day on Monday, May 1st was \$11,611,478.. That is up slightly from the March 29th report which was \$11,389,356. The police pension fund is funded every year by the Township, State and the Police because a good portion of the account is in stock and bond funds. The account balance is subject to market volatility.

Doug Perkey will continue to serve as Tax Collector for the next four year term because he is running unopposed. That situation is totally unlike the free for all with the Commissioners race in both parties. Real Estate taxes collected for April were \$640,558. That brings the year to date total to \$765,427. In 2012 we collected \$753,000 so we are slightly above that period in collection. Earned Income tax collected in April was \$139,439 and year to date \$994,357. That is the highest amount we have seen collected by the end of April going back to 2012 it was \$496,000. We are close to \$400,000 ahead of that mark and that is because we have Jordan currently collecting that and one wonders if there wasn't more money when Centax was doing the same job. The LST collected in April was \$242,313. The year to date collected is \$489,260. The budget for the year is \$900,000. If collection at this rate continues, we could end up collecting \$1,957,000 over double that amount budgeted. The Real Estate Delinquent Taxes collected by Jordan for the year to date was \$20,140. The budget is \$100,000 for the year. Real Estate transfer taxes for April were \$31,128 and year to date \$171,275. The budgeted transfers for the year are \$190,000, so we are off to a roaring start there.

I would like to address a couple of things as to how we came up with the numbers where we would remain revenue neutral. I would also like to point out that I don't know how anybody could make any statements about whether we raised taxes or didn't because the process is going to be on-going until the end of the year. The assessed valuation of this

Township keeps dropping. We did the best we could. It is interesting that somebody is trying to play that into the fact that we are raising taxes and doing something that is not right. There are some other things that I would like to talk about too. We did the best we could with the millage, but I will discuss that during my Commissioners Comments.

BUILDING INSPECTOR/ZONING OFFICER REPORT

The April, 2013 Building Inspection Report is attached.

MOTION Cegelski, SECOND Shiwarski, to approve the March 14, 2013 Board of Commissioner Meeting Minutes

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

MOTION Cegelski, SECOND Shiwarski to approve the March 20, 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 5-0

MOTION Shiwarski, SECOND Forquer to approve the April 2, 2013 Board of Commissioner Meeting Minutes

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

MOTION Shiwarski, SECOND Mapel to approve the April 2013 Treasurer's Report

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

MOTION Cegelski, SECOND Shiwarski to approve the April, 2013 list of bills.

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

MOTION Forquer, SECOND Shiwarski to adopt Resolution No. 7 of 2013 designating First National Bank as the depository for the Township Funds.

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

MOTION Shiwarski, SECOND Mapel to adopt Ordinance No. 6 of 2013 setting forth its authority to establish an "Airport District Overlay" to include: Purposes of the District, Definitions, Airport Zones, Airport Zone Height Limitations; Permits Required; Use Restrictions; Nonconforming Uses; Variances; Conflicting Regulations; and amending the Official Zoning Map by the adoption of an Official Supplementary Airport Overlay Zoning Map 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 table the conditional use application submitted by the estate of Richard Lang regarding constructing a billboard on Steubenville Pike Lot and Block 205-G-132. (Same as public hearing)

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

M/C 5-0

MOTION Shiwarski, SECOND Mapel to recommend Preliminary Approval for the portion of the Sir Henry's Haven Development Site Plan located in Robinson Township subject to and contingent upon Attachment J 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 recommend approval of the Sir Henry's Haven Consolidation Plan based upon the review letter of Remington-Vernick Engineers dated April 25, 2013 and subject to the approval and execution of the Plan for recording by Kennedy Township 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 affirm the directive to the Solicitor to appeal the Zoning Hearing Board decision on Overtime Hockey, LLC for the granting of a use variance

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

M/C 3 Yes, 2 No.

MOTION Shiwarski, SECOND Cegelski to authorize the Township Manager to purchase a New Holland Boomer Tractor with a New Holland 250TLA Loader, SSL Attachment Plate, 72" Bucket for a total of \$26,196.98 with a trade of a 1997 Ford 3600 2wd, gas engine tractor for \$1,500.00 from Bull International, Inc., 291 Cameron Road, Washington, PA 15301. The purchase will be under State Contract 440005932.

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

M/C 5-0

MOTION Shiwarski, SECOND Forquer to accept the quote by Pyrotecnico of New Castle, PA to provide fireworks for the 4th of July for a total of \$9,000.

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

M/C 5-0

MOTION Forquer, SECOND Cegelski to hire the employees on Attachment R as part-time seasonal summer employees on an "as needed basis" at the Clever Park Swimming Pool and Public Works Department contingent upon providing copies of required certifications to the Township in advance of the pool opening as recommended by the Township Manager.

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

M/C 5-0

MOTION Cegelski, SECOND Forquer to hire Beth Crawford and Kim Gray as Co-Directors for the Summer Recreation Program contingent upon completion of a successful background check and Act 33-34 clearances and at a rate not to exceed a total of \$2,100 for both employees.

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

M/C 5-0

COMMISSIONERS COMMENTS

Commissioner Cegelski, looking at the time of the night, I will try to make my comments brief. For the Robinson Township Library Report, please check out the Library's website for a full calendar of events and up to date information. Summer programming is already completed and there are great things to do for all ages. Don't forget that during the month of May there is a wise-walk program that occurs on Wednesday mornings at 8:30 a.m. beginning at the Montour Trail access by Brothers Grimm, weather permitting. If it is raining, meet at the Mall of Robinson lower level by Dick's Sporting Goods. Also, for adults, please be reminded there is a one on one computer session that will resume in June. Please contact the library for more information. That will be tailored to where you are as far as your level.

Montour Athletic Center grand opening event occurred this past weekend. I had the privilege of being a guest speaker at the event. The building is comprised of a gymnasium, team and practice facilities, locker rooms, public areas, fitness facilities and an auditorium. It is a pretty amazing building if you have not seen it yet and there are plans to open many facilities to the community in the future.

Happy Mother's day was extended to all of the mothers. Don't forget primary election day is Tuesday, May 21st. Don't forget to cast your vote so that your voice can be heard.

A few closing remarks from this Commissioners seat, for those residents who attend, watch the broadcast or read the papers. You know the volume of issues that come before this Board on a monthly basis. In order to place due diligence on the matters that can and often is time consuming with a legal caveat required, please note that the best interests of this Township are being safeguarded by the votes that I cast. As a Robinson native, please note that I take great pride in serving this fine community and I thank you for your continued support. The things that I have heard from our residents surround more around professionalism. To them it is tantamount how we conduct ourselves at these meetings. They want to be able to see that the meetings are run in fine decorum. I spoke to a girl scout troop leader that wanted to bring her girls scouts here to earn a badge. She was told not to come because it was a circus here. That is not o.k. Also, our pedestrians are concerned about crosswalks. We don't do such a good job in Pittsburgh with our crosswalks. We have one in particular in Robinson by the bank. Please make sure that

you stop. Maybe we need to do a better job. As far as the taxes here, I have to tell you that I attended all of the COG meetings where a lot of the issues about municipalities and taxes were discussed. Everyone had a difficult time trying to come up with that millage rate. Michael Finnerty was questioned as well as Rich Fitzgerald. We had to arrive at a rate. There are big parcels of land and buildings that are still going through assessments and may continue for many years. We did what we could on making sure that we are revenue neutral. That is all that I have this evening. Thank you very much for paying attention.

Commissioner Mapel, I would first like to thank the people who came out and participated in the clean-up day. There was a good turnout and I think it is always encouraging to see people participating in the community in a constructive way. For once, we did not have to worry about the rain. With our K-9 coming into service now, I understand we have had two bomb threats so maybe this was something long overdue. I am very much looking forward to our K-9 being put into service. Hopefully, it will make a difference.

I wanted to touch on something that was said at last month's meeting by Mr. Abatta regarding the expenditure of an additional \$25,000 for legal expenses associated with the Stafford Park litigation. On April 4th, I requested our Finance Officer to run a report to determine whether or not Mr. Abatta's statement was accurate. What I learned was interesting. As of April 4th, what had been invoiced was actually \$13,795.00. Along with that report was an additional report which reflected a more comprehensive look at all legal expenses associated with the Stafford Park case dating back to 2006, which totaled \$169,315.52. The significance of these reports is this. Over a seven year period we spent over \$170,000 to accomplish nothing more with our former solicitor to then accrue the aforementioned expenditure with nothing resolved. Since then, we spent \$13,795.00 and resolved the matter in one month. Keep in mind, this is 7 years of litigation with nothing to show for it, prior to the majority of this Board being here. Only Mr. Abatta and Mr. Shiwarski have been here for nearly all of that period of time. I may add to that, Mr. Brouker, now a candidate, sat on this Board and voted along with others to spend in excess of \$81,000 during his term, also to accomplish nothing more than more litigation and spending. I speak with a lot of people that have the same question. With all of the growth and development here in Robinson, why do we struggle to balance our budget to maintain the essential services that our taxes are supposed to provide us with? Why don't many of our less fortunate surrounding communities seem to have the same problem? The answer to that question is that some believe that generating more revenue by developing everything possible is one way and others feel that effective measures to control spending is the answer and I happen to believe that it needs to be a combination of both, with common sense and oversight. Many have come here to these meetings and voiced concern of the need for change. I don't think anyone can doubt that we have confronted issues that have required change and we have made those decisions and will continue to do so as the need requires. It is my desire that we are able to obtain moving forward, fairness and equity for all residents and taxpayers regarding how we

interpret and vote on issues as they relate to our issues. When politics enters into that process, fairness and equity become compromised. We have seen examples of what I am referring to tonight. I am prepared to defend the position of upholding the ordinances that we have in place to protect the interests of hard-working people who have invested in their homes and businesses and trust us as elected officials to support them in that effort. What I am not prepared to do is participate in decisions this Board should be making on behalf of the residents and taxpayers that are being influenced by politicians who are not accountable to you, the taxpayers. The heart of the matter is this. Political favors cost money, your money and my money. If we simply abide by the codes and ordinances that are in place and make decisions accordingly, the end result would be greater efficiency in spending. I don't want to get into the details of how nepotism has impacted the way that we do business here in Robinson, but I believe that most municipalities also have their share of the same. The question is, do we really want to reverse a trend of practice that involves spending that is politically motivated? If the answer is truly yes, then I believe this process has to occur one issue objectively resolved at a time. If what I said here this evening makes any sense at all, please participate in electing people to serve this Township that share your concerns for it and are willing to act on issues responsibly and without being compromised by politics. In a couple of weeks we will vote to select candidates for the general election in November to place three people onto this Board. Statistically, less than 25% of registered voters participate in the primary election on May 21st. I ask you to do more than just say you want change. Demonstrate by voting that you approve of the work we are doing here or demand change by voting on May 21st.

Commissioner Shiwarski, before I start talking and forget, happy Mother's Day to my mom and all of the moms out there this coming Sunday. I bet you would have never guessed that this is the last meeting before the election. As I have said before, when I was running or not running, please exercise your right and come out to vote. Personally, I don't believe that citizens comments or commissioners comments should be used as a campaign spot to attack an opponent or heap praise upon yourself, but instead an elected commissioners decorum and record, should paint the portrait of him the person and I only can hope that the voters perception of myself, is a good one. That is my campaign rhetoric for tonight.

I do have some serious concerns about the money being spent for our legal fees so far this year, up over 300% from 2012, with \$122,000 spent so far this year compared to \$36,000 in the same time period last year. Our entire budget for this year is \$100,000 for legal fees. We must stay within our budgetary guidelines. I asked for analysis of the year over year spending and asked our Township manager that this information be shared with all commissioners in their packets this week so we can be aware of the budget busting legal costs so far in 2013. I feel that is the right way to do it and not to be surprised on the day of the meeting. I wonder where this excess money is going, and better yet, where it is going to come from in our budget. Also, with all of the appeals of various Township Board decisions, that amount will continue to rise and in these instances we are paying both sides of the table and we have spent nearly \$35,000 for legal representation when other representation was already available at no additional expense to the taxpayers.

Plus, the unbudgeted refunds on tax appeals by mostly commercial properties in 2013, makes budgetary restraint a must. Nobody wants to raise taxes or cut services, but if our legal budget and our tax refunds on commercial property appeals continue at this pace, it will make a balanced budget difficult under any perimeters, no matter who is seated in these chairs. I also strongly believe that the members of this Board and officials are obligated to share and communicate information, residents concerns and personal agendas in campaigns and not to form independent cartels dolling out policy and direction for the Township manager and his staff to implement, before getting all views and opinions. I understand that in government the majority still wins, but everyone should get to express their viewpoints or listen to the other sides' ideas. It is alright to be the red haired stepchild, as long as they don't forget to call you to dinner. I believe that is how democracy should work. Thanks for coming this evening and I hope that everyone exercises their right to vote on May 21st and good luck to all of the candidates because no matter win or lose, you are doing what is right with America.

Vice-Chairman Forquer, I got a lot of arrows shot at me tonight and I would like to address a few of those things. It is interesting that it was pointed out that I said that there was \$1 million in savings and where did it go and why couldn't we lower taxes. Well the \$1 million savings that we got has been eaten up by rising costs and that has helped us in the areas where we cut costs to actually build our balance forward. In 2009 the balance forward was \$184,000 and for the last few years, we have been around to at least \$2 million or somewhere around there. The fact is that we have \$145,000 or whatever it is that we were over budget on expenditures but we also collected more taxes. We do the best we can when we put a budget together. I would like to see more savings there, but we are going to work on that moving forward. Concerning this thing with the billings, I would like to get some things out there so you know where I was coming from on that. Concerning the legal costs, there is enough blame to go around for those expenses. If our former lawyers were doing their job in the best interest of our Township, they would still be here. The fact is, they were not acting in our best interest. That became apparent to me when I read exhibit 13 of a suit filed on our behalf by our former lawyers that challenged Robinson Mall JCP Associates right to file tax appeals. Our former lawyers pledged increment tax calculation credited to the mall with \$164,085 in excess millage. Integra Realty was appointed by the Redevelopment Authority of Allegheny County and it was responsible for contract oversight. Integra Realty's calculation is very clear and does not include excess millage. Our former lawyers excess millage or increment calculation, was based on the difference between the original school district millage of .0164 versus a rate of .0189. The TIF contract cooperation agreement clearly states the lesser of the school district original or current millage is the multiplier. In addition, in the seventh year of the contract, the school district's percentage was raised 61%, adding \$164,085 to that calculation would have allowed the property tax appeals by the mall that would have lowered their property taxes on certain parcels. Finally, I supported the negotiated settlement because I knew the deck was stacked against us regarding this motion. What did Sam Abatta say when I pointed that out to him? He said "they all do that". All I can say is that is not what is going to happen on my watch here.

Then there were contractual issues and we were battling with Coventry. That had been going on for years. The school district building contract issues, the common thread with all of these issues were add contracts. Then our lawyers took over that and there was no comparison, so they had to get back to square one. Files that they inherited were in terrible condition. They got no help from Goldberg, Kamin & Garvin. The other thing is, Commissioner Abatta here asked that we have our lawyers, and there was more than one of them going to court hearings. If you have more than one, it is going to add up. The bottom line is, there was one helluva mess here for people to clean up when they came in. These guys did a pretty good job. They were lawyers that won for us. They were not just here billing us and churning work that was going on for years here. John, you pretty much covered what you found there as well and collaborated what I had to say. I think that John Butya, Bruce Dice and Tony Giglio, I would like to thank them for the good work that they did cleaning up some of the messes that were left by Goldberg, Kamin & Garvin. I would also point out that Bobbi Cegelski's request to split an agenda item hiring Anthony Giglio to handle the litigation for Stafford Park and the TIF and make those into separate agenda items, was denied by our Chairman here. That was in violation of Chapter 12.3 of the Board of Commissioners Rules of Order and Procedure, which clearly recognizes Roberts Rules of Order and spells out the right to table motions. I would also point out that our Chairman was party to the multiple lawyers for Stafford Park litigation and some other issues. We had meetings and you have to have overlap. They have to get together and talk to one another and I commend them for that, but don't start blaming everybody in the world because we have additional costs here right now. I certainly did not want to see that here, but we have to get those issues taken care of.

Concerning Bruce Dice, I would like to read a list of municipalities that Mr. Dice represents: Penn Hills Personnel Board, Penn Hills School District, Gateway School District, the Township of North Huntington, the Borough of Brackenridge, the Borough of East Deer, the Borough of Pitcairn, the Borough of Plum, the Borough of Trafford, the Borough of Verona, Labor Council, special real estate counsel for the Borough of Springdale, the Borough of New Eagle, Municipal Sewer Authority, the Plum Borough Municipal Authority, the Kittaning Sewer Authority, the Monroeville Municipal Authority, the Wilksburg-Penn Joint Water Authority, Allegheny County Southwest Tax Collection Committee, Convention and Visitors Bureau of Greater Monroeville, Underwriters Council for Bond Issues, Piper Jaffrey Co., Clairton Municipal Authority, Bethel Park and Borough of West View in 2012. Board member of the PA House Authority. He represents a tremendous amount of municipalities and has municipal experience that is second to none and has more experience than our former solicitors had and he is doing a good job for us. Unfortunately, with the magnitude of the mess that he has had to clean up here, and when you get to the point where you have to write letters for your attorney to get some work done, something is wrong somewhere and I had to get involved with that. When you have an attorney who is not working for you and he is

adding things into court filings that is going to benefit the party that you are filing a suit against, it is time to make a damn change here and that is what we did. It did not set well with people here because Goldberg, Kamin & Garvin were here for 30 years.

There are a lot of hard feelings on this Board about it, but I think we did the right thing moving forward and okay, we are running up some costs here, but there were also a lot of issues that we had to get out of the way that were damn serious issues and they were taken care of. That is all I have to say about it and you can say whatever you want Sam.

Chairman Abatta, as everyone can tell, it is election time. I am sure that you could tell that Mr. Forquer is running again for Commissioner. He is the first one up here that doesn't want personal attacks from someone that approaches the microphone, but as he so eloquently speaks here, he can launch personal attacks on any sitting commissioner, me as the main topic, which I think is very unprofessional Jesse. You have to remember that you voted for a lot of the issues on Coventry. I want to go back and reiterate some comments that I made last month, along with some other pertinent facts of which I believe, and I have documentation to substantiate it. That this is true where monies are concerned. The settlement of the Stafford Park/Heartland Homes issue bodes well for our community in that we will be able to recoup monies that we spent on 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 is finally resolved. 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 funds when in fact, our own 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 for purchasing of a police vehicle, upgrading road department machinery or even as a downpayment on a community center for the Township. I hope that when in the future voting on major decisions that these sitting Commissioners realize the taxpayers of Robinson Township.

The amount of Township monies spent to date are accurate, \$122,063.48. These numbers already exceed the total budgeted amount proposed for the entire year. I made this public before and there are copies here for anyone who would like to see it. These numbers don't lie. We have already blown the legal budget for this particular year. Three of the people that are listed here, Andrews & Price, which is Mr. Giglio's firm, \$34,855.00, Bruce Dice, \$34,968.00, Mr. Butya \$24,998., which brings us to a grand total of \$94,826.00. These are the exact figures. The hiring of the Giglio firm for representation of the Stafford issue was a Board decision that passed by a 3-2 vote. I feel this was an unnecessary hiring and a waste of taxpayers monies because our current insurance carrier, EMC of which Chris Marcus, Esq. and the firm of Marshall, Denneghy, Warner, Coleman, Guggan would have represented us as part of the Township premiums, which covered linebacker and umbrella policies. They would have provided defense to the Township and subject to a reservation of its right to disclaim coverage. In other words, needless money was spent. Mr. Forquer and Mr. Mapel are going to talk about the decision that was made in court in Judge James' chambers? Mr. Forquer was not there. I was there. The decision that was made was a decision that was basically a compromise of which we benefited. Our insurance carrier would have gotten the same results.

As a result of the 3-2 vote on this issue, the majority of the Board decided that they did not want EMC coverage and voted to hire Mr. Giglio of Andrews & Price at a cost of \$34,855.00. Finally, a compromise decision was reduced by order of Judge James. Again, our total legal budget money spent thus far brings us to a grand total of \$122,000. In that vein, a similar motion was passed by a 3-2 vote, one that challenges every decision for a use variance that the Zoning Hearing Board decides upon. At the present time, there are four such cases that are basically outstanding. It is Lamar vs. Lang, Henry Duckstein, Overtime Hockey and Five C Enterprises. Basically, what you have here is the governing body, the Robinson Township Board of Commissioners, versus the Robinson Township Zoning Hearing Board. The money for this process is coming out of the same coffers. It is coming out of the coffers of the Robinson Township taxpayers. Keep in mind that the Robinson Township Zoning Hearing Board is a quasi-judicial Board, one that makes its own decisions and involved decisions by eliciting testimony by all parties involved and public comment. They have their own solicitor to guide them on all legal issues. The Zoning Hearing Board provides the requirements for granting of use variances and said requirements are the standard requirements as set forth in the Pennsylvania Municipal Planning Code. As far as I am concerned, these are unworthy and unnecessary challenges, which will do nothing but overbloat the legal expense budget of which we taxpayers will foot the bill. To reiterate again, Mr. Forquer, I have all of the backup documentation from EMC that says they would have represented us. It explains everything verbatim of which you said there was no agreement and I have all the bills that go hand in hand from all of our legal people. These facts are true and accurate. Please be more succinct and positive in all of your comments.

I have one short Parks Board announcement. Don't miss the Robinson Township annual community flea market on Saturday, May 18th at the Burkett Sports & Recreation complex. Registration fee is \$15.00. Pool passes and swim lesson sign-ups are being held at the pool office. Robinson residents only on May 4th and May 11th. May 18th and May 25th will be for residents as well as non-residents. You can get a printable application from our Township website or from the pool office.

As was stated by other fellow Commissioners, it is election day on May 21st. Please come out and support the people that you feel will best serve you as Robinson Township taxpayers. I would like to wish all of the moms out there a very healthy and happy mother's day.

MOTION Forquer, SECOND Shiwarski to schedule an Executive Session to be held at 6:00 p.m. on June 3, 2013 prior to the regular Board of Commissioners Meeting to entertain the issue of the Lang Conditional Use application.

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

MOTION Forquer, SECOND Mapel to adjourn the meeting.

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

Respectfully submitted

Carol Merks
Secretary

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

Board of Commissioners Meeting

May 6, 2013

Page 35

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.

Board of Commissioners Meeting

May 6, 2013

Page 36

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

