

BOARD OF COMMISSIONERS MEETING
MONDAY, JUNE 3, 2013

CALL TO ORDER: Chairman Samuel Abatta called the regular meeting of June 3, 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, Police Chief Vietmeier and Secretary Merks for the purpose of taking minutes.

Presentation

Introduction of K-9 police dog by Officer Frank Bryan.

Officer Brian and Chief Vietmeier thanked the Board of Commissioners, businesses and residents for their donations, efforts and support in securing a K-9 police dog for the Robinson Township Police Department.

The dog is trained for narcotics, rescue and searching for lost individuals. They have just finished twelve weeks of training at no cost to the Township.

TOWNSHIP ENGINEER'S REPORT

Township Engineer's Report dated June 3, 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. Specifications are being finalized and advertising for bids through the COG will take place sometime later this month.

The CDBG 39 project to update the upstairs restroom is moving forward. This has been advertised for June 5th. The CDBG 40 pre-application has been submitted for the remaining 2nd floor bathroom. Both will be done to bring them up to ADA compliance.

2013 Road Program bids were received on May 31st. The Township Engineer has recommended Contract 1, as well as Alternate 1, 2 and 3 in the amount of \$440,734.25 to El Grande Industries. They were the low bidder again. They have worked in the Township for the past four years and have done a very good job.

Commissioner Shiwarski, the Oaks project is part of the project, but it is not coming out of the road program budget.

Engineer Meyer, there was a settlement reached and rather than putting that out to bid on its own, we put it into this year's road program and that way we save mobilization costs and items like that. I believe the number that they came in with was approximately \$85,000. That was included as part of this road program. That will be one of the first items that is done as part of the road program. Public Works has been making sure that they get all of their work done beforehand. Construction will probably begin at the end of June or early July. Once the project is awarded, a pre-construction meeting will be set up with the contractor.

Commissioner Shiwarski, we came in under budget and that is why we are able to do the alternate roads also?

Engineer Meyer, that is correct. The roads that will be done are: Diana Drive, Country Club Drive, Leona Lane, Buratti Drive, Amy Jo Lane, Jeff Drive, August Dr. Oak, Robin Hill Dr., Haddock Rd., Neptune Drive, Park Manor Blvd., Robinson Lane and Vista Drive. There will be different types of paving, some will be milled and replaced and others will be a seal coat and micro-surfacing. These are different items that have been picking up a lot of popularity in order to extend the life expectancy of the roadways. All of those methods will be used.

Chairman Abatta requested that the information be posted on the website once the start dates, etc. become available.

Industrial Scientific Corporation is requesting a waiver for a change in pipe material from concrete to HDPE.

Chairman Abatta, can you please give an update on this?

Engineer Meyer, HDPE is becoming the industry standard to use right now. Concrete is used for special locations where you have a heavy traffic area and very little cover. HDPE is becoming the go-to type of pipe in almost every application. One of its main advantages is the joints. You used to have the old concrete and the joints did not come well together. With the HDPE you can lock the joints. You can get the corrugated pipe to lock a lot better and prevent the movement of the joints. That is one of the other advantages. In addition, HDPE has become a lot less expensive. I don't know if I can justify this but there are also claims that it does a lot better in a caustic environment such as where you have mine drainage and things like that. I know that Mr. Bonkowski also uses it whenever possible.

Chairman Abatta, so it is just as durable and rugged as concrete?

Engineer Meyer, yes and there are still applications for concrete, but I would say that the industry standard right now is going towards the HDPE.

POLICE REPORT

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

Chief Vietmeier, before I begin my report, I just wanted to pass along a few things to the public. When we were first given approval to go ahead and purchase a K-9, I put it out to the officers who lived in Robinson or on the border of Robinson, to apply for that position. We had six police officers put in that they would be interested in being a K-9 handler. As it narrowed down and became final, it was down to three. We had three drop out as they were no longer interested. Of those three officers that we picked, they all went to a two day training class with the City of Pittsburgh. They in turn gave me the recommendation on who would be the best fit from the Township to be the handler. I cannot say enough about Sgt. McNowski from Pittsburgh Police. They have been phenomenal throughout this process. They took us up to Mercer to select the dog. They did the training for free and continue to do so. Also, fortunately for us through our asset forfeiture account with the narcotics, we were able to buy the brand new vehicle totally equipped with all of the bells and whistles that the K-9 needed and we continue to have outstanding community service. The food is being donated to us. The veterinary service is being donated and it is working out very well. Also, I had to put a strict police out because I dealt with chiefs in other municipalities who had a K-9 and our officers, including myself, are not allowed to give commands to this dog whatsoever. It is strictly just the handler. He has his own vehicle and he takes that vehicle home with him and that is the way that it has to be in order to be successful.

Chief Vietmeier also spoke regarding the shoplifting issues in Robinson Township.

ADMINISTRATION UPDATE (Report Attached)

Utility Rate Analysis:

Mgr. Silka, in regards to the utility rate analysis, this was actually on my transition list for after 3 months to start looking to see the steps the Township can take to decrease their costs. We can look at the rates that we are currently paying for electricity specifically. I did meet with commercial utility consultants and they do a free survey and recommendations for various suppliers of power to bring our bills down to a better number. We can do better on the energy that we are expending throughout the Township. There is no cost to the Township when and if we change providers. This is something that we are going to work through to see if there is savings out there or to see if there are alternatives from what we are paying on our bills right now. I will keep the Board apprised as we move forward on this.

Vice-Chairman Forquer, we should still be under contract with Energy Savers. That came to us from COG.

Mgr. Silka, if there is a contract, you want to get your contract negotiated one or two years prior to the time it expires. We can lock in the rates today and not have to gamble on future rates.

Email/Technology Update:

As I alluded to in last month's report, we are making some changes in our technology hardware and software. We purchased two new computers for the Administration Department to be able to run some of the modern office products that our older systems were not able to operate and one of our computers was so bogged down with viruses that it was basically an ineffective box. The one item that I want to discuss, and there is an addendum issue for you, our email server is actually based on a small business 2000 server which is an antiquated platform and is no longer supported by Microsoft and does not have the networking capabilities that modern offices basically have come to consider basic, such as calendar sharing, synching with mobile devices and also supporting the modern office products. When we update our office software, it does not work on this current server so you cannot use Outlook and you have to go through web base and it makes using the modern conveniences that we have all come to know as basic service, very inconvenient. The one option that I would like to explore is a program by Microsoft where they have a hosted exchange in the cloud, so you no longer have to purchase or maintain the physical server and worry about how weather can affect the server. They do that at an incredible cost of \$4.00 per email account per month. We currently have roughly 8 email accounts in the Administration Dept. and migrating those over we would be looking at a total cost of \$385.00 for the year as opposed to ongoing server maintenance. The only one caveat is because we do have an antiquated platform in our current server, there is no quick way to migrate our current email reserves to the cloud server. I did work with Netserve 365, which is a Robinson company for a quote to migrate our current data onto the new online server. They are saying that at 30 hours at roughly \$165.00 per hour, which I am asking the Board to consider a motion to allow me to engage with that service Netserve 365 at a cost not to exceed \$5,000 for the migration of our data. That is a one-time cost. If we do add other emails, I do it from my desk top and there is no other support service. There is unlimited storage capability with this.

Chairman Abatta, you can access it from your phone if you had to?

Mgr. Silka, yes from my phone and home computer or from any other mobile device.

Vice-Chairman Forquer, one thing that I would be curious about, how secure is this information that is going to be stored in the cloud?

Mgr. Silka, most small businesses are going this way, so it is tried and true. Private companies are using this and I am confident of the security.

Bank Transition Update:

The request for proposals was done for banking and was awarded to First National Bank. The account has been set up and the signature cards are ready. We are hoping by the first pay of July to be totally switched over. Hopefully by the end of July we should be completely migrated over to the new bank.

Township Building Roof Issues:

If you have been in the library lobby, you may see some water damaged tiles. Over the past two weeks we have had some pretty torrential rains and we noticed that we did have some leaking where the incline changes on the building. There was a 20 ft. span where there was some separation of the materials. We had an emergency repair of the area and it is supposed to last for 30 days. We will look at it this month to see what the long term repair might be. The roof is over 15 years old. It may be nearing its useful life. We will have to see where the roof is and how we budget our capital expenses going forward. Luckily there was no water damage to the new television.

Chairman Abatta, you will have Mr. Bonkowski look at it and get his professional opinion?

Mgr. Silka, definitely. He will be guiding me.

TOWNSHIP SOLICITORS REPORT (Report attached)

Solicitor Dice, the first item that I have on the report is the Lamar-Deemed Approval Allegations. That continues to pend before the court. As of this date, I have not received any notice of a status conference. If you remember, all of the parties have entered their appearance. That is poised to be disposed of through the court system. We will be updating you as this goes along.

The second item is the Lang Conditional Use Approval. There is a motion on the agenda for this. The window of time to act on this began on May 6, 2013. We will have Findings and Conclusions prepared following your decision.

The Duckstein Use Variance Appeal still pends before the court, however tonight on the agenda there are some additional items that you are going to take up both under 27(A) and 49(A). The first is a motion to authorize the preparation of an advertisement of an ordinance to enter into the intergovernmental agreement between Robinson Township and Kennedy Township. Attorney Butya has negotiated an agreement that appears to be acceptable. Kennedy Township has a meeting on June 11th to act on this and then the Board will be in a position to act on this agreement as well at your July meeting. If you look at the minutes from last month, you made a recommendation of approval of the preliminary approval. Tonight we will be seeking your motion to approve the preliminary plan for a portion of the Sir Henry's Development Site Plan located in

Robinson Township. It will be subject to and contingent upon the conditions that were detailed in the May 2nd letter of the Planning Commission recommendations. The use variance will continue to pend until the approval of the intergovernmental agreement and the preliminary approval that you are about to give.

The Overtime Hockey Center – Use Variance Appeal continues to pend.

In regards to Steve Taylor – Brothers Grimm the way the order was drafted last, Mr. Taylor has so many days to come into compliance. If he fails to do so under the Order, he automatically is in contempt. There are no more court appearances that have to be undertaken, unless he fails to comply and then it is only on the issue of contempt.

Real Estate Tax Appeals – the recommendations that were approved by the Board at the May 2013 meeting have been implemented. There is still considerable activity on the commercial appeals.

Discussion to approve the May 6, 2013 Board of Commissioners Meeting Minutes

Discussion to approve the May, 2013 Treasurer's Report

Discussion to approve the May, 2013 list of bills

Discussion to approve/deny the conditional use application submitted by the estate of Richard Lang regarding constructing a billboard on Steubenville Pike Lot and Block 205-G-132 (Same as public hearing) which is subject to conditions of the February 28, 2013 approval letter from the Township Engineer.

Discussion to approve a waiver request for the Montour School Secondary Driveway for a change in pipe material from concrete to HDPE as requested in a letter from the applicant dated May 20, 2013.

Mr. Urbano, this was not reviewed by our Township Engineer, Mike Meyer, as he was hired to be the acting engineer for the Montour High School renovation project. The Board of Commissioners hired GAI Consultants, who filed this new plan and they reviewed it for the Township. That is why Mr. Meyer did not comment under his engineer's report.

Chairman Abatta, my question to Mr. Meyer was basically about the strength of the materials and whether it is an approved material as they would use out in the industry. I was satisfied with that.

Mr. Urbano, I just wanted to put it on the record that he was working for the school district at that time.

Commissioner Shwiarski, and we have used this pipe in other developments?

Mr. Urbano, yes. This is a private driveway and we will never have any liability over it.

Chairman Abatta, we had an issue with that pipe when it was used over at Stafford/Coventry? The same type of pipe.

Mr. Urbano, that is correct.

Discussion to approve a waiver request for the Montour School Secondary Driveway regarding drainage pipe alignment as requested in a letter from the applicant dated May 20, 2013.

Discussion to approve the Montour School Secondary Driveway Site Plan contingent upon execution of the Amendment to the Development Agreement and to approve the Developer's Agreement as amended.

Discussion to approve a waiver request for Industrial Scientific Corporation dated April 30, 2013 for a change in pipe material from concrete to HDPE.

Discussion to approve a waiver request for Industrial Scientific Corporation dated April 30, 2013 for a change in sidewalk material from concrete to a gravel walkway as per the construction standards set forth in the Plan.

Discussion to approve the Industrial Scientific Corporation Site Plan contingent upon compliance with the Township Engineer's review letter dated May 22, 2013, completion and execution of the Development Agreement, and granting of the waiver requests regarding pipe material and sidewalk material.

Discussion to approve the Rondar Legacy Trust Lot Consolidation contingent upon compliance with the Township Engineer's review letter dated May 22, 2013

Discussion to approve the Advanced Auto – Steubenville Pike Site Plan contingent upon the removal of the accessory building and associated access point and subject to compliance with the Township Engineer's review letter.

Discussion to approve Bond Reduction #8 for Chartiers Landing in the amount of \$15,158.00 which will reduce the bond to \$83,363.40 as recommended by the Township Engineer.

Discussion to hire the employees on Attachment O as part-time seasonal summer employees on an "as needed basis" at the Clever Park Swimming Pool as recommended by the Pool Manager.

Discussion to hire the employees on Attachment P as summer camp counselors contingent upon providing copies of required certifications to the Township prior to employment.

Discussion to award the 2013 Road Program bid to El Grande Industries in the amount of \$440,734.25 as recommended by the Township Engineer.

Discussion to accept bids on disposition of the attached police vehicles.

Discussion to authorize the Township Manager to enter the Township of Robinson in the Pennsylvania Department of Transportation "AGILITY" program and take steps necessary to have the Township recognized as an "AGILITY" Partner".

Discussion to approve Resolution 8 of 2013 of the Township of Robinson, Allegheny County, Pennsylvania, amending Resolution No. 02-2008, Article IX, Section 109(E) establishing the fee for a building permit extension.

Discussion to approve the preparation and advertising of an Ordinance to enter into an intergovernmental agreement with Kennedy Township. Kennedy Township will be voting on this agreement on June 11, 2013 and the Board of Commissioners of Robinson Township may vote on the ordinance in July, 2013.

Solicitor Dice, upon review of the May 6, 2013 meeting minutes and based upon the recommendation of the last meeting on Sir Henry's Haven and discussions that followed, a motion is in order to approve the preliminary plan for a portion of Sir Henry's Haven located in Robinson Township subject to and contingent upon the conditions detailed in the May 2, 2013 memorandum from the Planning Commission detailing that. If that gets approved, you will actually attach that memo to the approval and make it a condition.

Discussion to approve the Preliminary Plan for Sir Henry's Haven portion located in Robinson Township subject to and contingent upon the conditions detailed in the May 2, 2013 memorandum from the Planning Commission.

Discussion to approve the hiring of a Neel Cherukuri as per the job description set for secretaries and the collective bargaining agreement subject to the background check and other requirements under the collective bargaining agreement.

Commissioner Shiwarski, can you expound on the process that you went through to get to this point?

Mgr. Silka, there has been a vacancy in the office for a while, the accounts payable secretary. What we have done, it is a union position and the CBA does require that we post in house for a period of fourteen (14) days. We did post the vacancy internally and we had no internal union candidates who applied. I then published it in the local paper and on our website. We received 9 applications. Mr. Cherukuri was an intern with us back in 2010 and has been a casual employee off and on. He took over the accounts payable in February, 2012 and has been working there since then. It was my recommendation that the Board strongly consider offering him the probationary position.

Solicitor Dice, the next item is a motion to expend up to \$5,000 for the IT department to participate in the Microsoft Cloud and pay for the migration of Robinson's data. There will be a motion as follows:

Discussion regarding a motion to authorize the Township Manager to engage Netserve 365 to migrate the Township Administration email to the Microsoft Hosted Exchange at a cost not to exceed \$5,000.00

CITIZENS COMMENTS

Tex Ritter (Forest Grove Rd.), I was wondering if anybody noticed the new sidewalk at the AAA building that starts and ends with the telephone pole in the middle of it? It is on Steubenville Pike. It is interesting. I requested last month that you look at your code for plastic pipe for sprinkler systems. I know that it is part of the code, but we have people from Ventana Hills here that are living with plastic pipe in those buildings. It cannot be changed now. Also, I requested that possibly with the minutes being up to date every month that we put them back on the website. I would think that six months would be significant. For transparency, I think they should be back on the website.

Chairman Abatta, Mgr. Silka, is that going to be an issue to get that up and running? Can you do that?

Mgr. Silka, if the Board so wishes, that can be done.

Chairman Abatta, just to address what you mentioned about the plastic pipe, I spoke to one of the fire chiefs and we are going to be talking about that material. He was talking about a distinction between the heads and the lines and he will come to speak to that issue. That was a concern not only of just yours, but some of the residents in Ventana. Hopefully we can look forward to getting that question answered.

Henry Duckstein, I am doing a development, Sir Henry's Haven which was added to the agenda tonight. I thought that I had preliminary approval and obviously I did not. I have been trying to get a pre-construction meeting together and it has been getting delayed. I have been in front of this Board before seeking guidance. Every day with the sunshine out that I am not moving dirt or putting water or sewer lines in, I am losing a tremendous amount of money. I think I have done everything that I possibly can do on this project. I have spoken to many people in trying to keep Kennedy Township involved in taking over the detention pond and the liability of the road. I am just looking for some more information on the appeal that is against the Zoning Hearing Board. Is that going to be lifted or withdrawn after I get the ordinance passed at the June 11th meeting in Kennedy Township? I know that working on a preliminary approval is at my own risk with moving dirt, but I am just looking for some guidance if actually that appeal will be lifted?

Chairman Abatta, what you have to know and you are young and smart, sometimes the wheels move a little slowly. We appreciate your position and what you are trying to do, but we want to make sure that everything is copasetic and everything is in order and done within the guidelines to satisfy not just you or us, but the residents. We will be speaking to that issue very shortly and you will get additional information.

FINANCE UPDATE

Vice-Chairman Forquer, the balance in the general fund account as of May 31st was \$2,747,575.00. Mr. Perkey has been very busy and has not had time to transfer \$1,009,319.00 from the real estate fund. That will probably be transferred tomorrow. The market value of the police pension fund as of the close of business day on Friday, May 31st was \$11,600,168. That is down slightly from the May 3rd report. The police pension is funded every year by the Township, state and the police. Because a good portion of the account is in stocks and bond funds, the account balance is subject to market volatility. Real estate taxes collected for May were \$845,146. This brings the year to date total to \$1,610,574. Earned income tax collected for April was \$533,664 and year to date was \$1,528,000. That is the highest amount that has been collected to the end of May going back to 2012, which was \$1,214,000. LST in May was \$156,000 and year to date collected is \$645,000. The budget for the year is \$900,000. I would like to also say that as far as the earned income tax, we had no idea that the numbers were going to come in like this. You cannot budget anything like that. We are very lucky that Jordan is doing an excellent job for us. Real estate delinquent taxes collected by Jordan this year to date are \$36,368.00 and the budget for the year is \$100,000. Real estate transfers for May were \$21,573 and year to date \$192,849. The budgeted transfers for the year were \$190,000. We are already over budget in collection and it is only the end of May for that.

BUILDING INSPECTOR/ZONING OFFICER REPORT

The May, 2013 Building Inspection Report is attached.

Commissioner Cegelski, I have a question for Mr. Urbano and Mr. Meyer, I just want to be assured that when we went through all of the motions before on the recommendations to go from concrete to the HDPE pipe, I did notice these were non-traffic areas. The sidewalk was not going to be one that residents would be using, etc. The only question that I have remaining, I am trusting that you two gentlemen have looked at these and that there would not be anything that the Township would incur as far as any costs if anything would fail. When the developer goes away and everybody is gone at the end of the day, then we as the Township having said that it is o.k. to do these things, we are not going to incur any expenses? Am I safe in saying that so that when we vote that would be correct?

Engineer Meyer, all of the items that are being discussed (the waivers) are all on private property that they would have to maintain. I hope that answers your questions.

Commissioner Cegelski, yes it does. I wanted to ask that question specifically because when we start making exceptions, I want to be consistent in how we make those exceptions and where they are. Thank you for that answer.

MOTION Shiwarski, SECOND Mapel to approve the May 6, 2013 Board of Commissioners Meeting Minutes

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

MOTION Forquer, SECOND Cegelski to approve the May, 2013 Treasurer's Report

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

MOTION Forquer, SECOND Cegelski to approve the May, 2013 List of Bills

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

MOTION Forquer, SECOND Cegelski to approve the conditional use application submitted by the estate of Richard Lang regarding constructing a billboard on Steubenville Pike Lot and Block 205-G-132 subject to conditions of the February 28, 2013 Engineer's letter.

Commissioner Shiwarski, this whole thing was like following a snake through grass. It is convoluted, at least in my mind, and a decision that I just waiver back and forth on. It is very difficult in my opinion.

Commissioner Cegelski, based on the fact that our Solicitor has said that they have met the criteria under our current ordinance, that is the reason for my vote of approval on this when we get to the voting.

Chairman Abatta, I am going to comment that this issue is going to end up in court no matter what the decision is here. This has been a can of worms for quite some time.

ROLL CALL: Cegelski-Y, Forquer-Y, Mapel-Y, Shiwarski-N, Abatta-N
M/C 3 Yes, 2 No

Solicitor Dice, let me say to Mr. Urbano that what you are going to do is send out a notice that this has been approved. We will have findings and conclusions to you by Friday. I would like to try and send this out on Friday. You will attach as a condition to the approval, the engineer's letter of February 28th which listed all of the things that were said at the Planning Commission meeting that were engineering in nature. You should make sure that you send that not only to Lang, but Lamar has intervened in the matter so they are a party and need to get notice as well. They will get your decision from the Board, the letter as a condition with the approval and you will also supply them with the findings when we provide them to you on Friday.

Chairman Urbano, do you want me to confirm with the manager on how we are going to handle this?

Solicitor Dice, that is fine, but those are the three pieces that we need.

Vice-Chairman Forquer, I just want to repeat this. This application or motion, they were in total compliance with everything that they needed to do.

Solicitor Dice, that is correct.

Vice-Chairman Forquer, thank you. I wanted to make that point.

Commissioner Shiwarski, Mr. Dice, do you think that Mr. Urbano should let you see that information before it is sent?

Solicitor Dice, we will tie this down on Friday.

MOTION Mapel SECOND Forquer to approve a waiver request for the Montour School Secondary Driveway for a change in pipe material from concrete to HDPE as requested in a letter from the applicant dated May 20, 2013.

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

MOTION Shiwarski, SECOND Mapel to approve a waiver request for the Montour School Secondary Driveway regarding drainage pipe alignment as requested.

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

Vice-Chairman Forquer, may I ask a question? How did I get to be second in roll call?

Ms. Merks, that is my fault. I apologize.

MOTION Cegelski, SECOND Mapel to approve the Montour School Secondary Driveway Site Plan contingent upon execution of the Amendment to the Development Agreement

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

MOTION Forquer, SECOND Shiwarski to approve a waiver request for Industrial Scientific Corporation dated April 30, 2013 for a change in pipe material from concrete to HDPE

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

MOTION Shiwarski, SECOND Forquer to approve a waiver request for Industrial Scientific Corporation dated April 30, 2013 for a change in sidewalk material from concrete to a gravel walkway as per the construction standards set forth in the Plan.

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

M/C 5-0

MOTION Mapel, SECOND Forquer to approve the Industrial Scientific Corporation Site Plan contingent upon compliance with the Township Engineer's review letter dated May 22, 2013, completion and execution of the Development Agreement, and granting of the waiver requests regarding pipe material and sidewalk material.

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

M/C 5-0

MOTION Shiwarski, SECOND Forquer to approve the Rondar Legacy Trust Consolidation contingent upon compliance with the Township Engineer's review letter dated May 22, 2013

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

M/C 5-0

MOTION Shiwarski, SECOND Mapel to approve the Advanced Auto – Steubenville Pike Site Plan contingent upon the removal of the accessory building and associated access point and subject to compliance with the Township Engineer's review letter dated May 22, 2013

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

M/C 5-0

MOTION Forquer, SECOND Mapel to approve Bond Reduction #8 for Chartiers Landing in the amount of \$15,158.00 which will reduce the bond to \$83,363.50 as recommended by the Township Engineer.

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

M/C 5-0

MOTION Cegelski, SECOND Shiwarski to hire the employees on Attachment F as part-time seasonal summer employees on an "as needed basis" at the Clever Park Swimming Pool as recommended by the Pool Manager

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

M/C 5-0

MOTION Cegelski, SECOND Shiwarski to hire the employees on Attachment G as summer camp counselors contingent upon providing copies of required certifications to the Township prior to employment.

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

M/C 5-0

MOTION Shiwarski, SECOND Mapel to award the 2013 road program bid to El Grande in the amount of \$440,734.25 as recommended by the Township Engineer.

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

M/C 5-0

MOTION Forquer, SECOND Cegelski to accept bids on disposition of the police vehicles

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

M/C 5-0

MOTION Cegelski, SECOND Shiwarski to authorize the Township Manager to enter the Township of Robinson in the Pennsylvania Department of Transportation "AGILITY" program and take steps necessary to have the Township recognized as an "AGILITY" Partner".

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

M/C 5-0

MOTION Shiwarski, SECOND Cegelski to authorize the preparation and advertisement of an ordinance to enter into an intergovernmental agreement with Kennedy Township.

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

M/C 5-0

MOTION Forquer, SECOND Shiwarski to authorize Preliminary Approval for the portion of the Sir Henry's Development Site Plan located in Robinson Township subject to and contingent upon the conditions detailed in the May 2, 2013 memorandum detailing the Planning Commission's recommendation.

The minutes reflect that you only recommended approval last month. This clearly identifies an approval.

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

M/C 5-0

MOTION Shiwarski, SECOND Cegelski to approve the hiring of Neel Cherukuri as secretary as per the job description and collective bargaining agreement. He will be a probationary employee and is subject to a background check and other requirements under the collective bargaining agreement.

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

M/C 5-0

MOTION Shiwarski, SECOND Forquer to authorize the Township Manager to engage Netserve 365 to migrate the Township Administration email to the Microsoft Hosted Exchange at a cost not to exceed \$5,000.

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

M/C 5-0

MOTION Forquer, SECOND Shiwarski to approve Resolution 8 of 2013 of the Township of Robinson, Allegheny County, Pennsylvania, amending Resolution No. 02-2008, Article IX, Section 109 (E) establishing the fee for a building permit extension
ROLL CALL: Cegelski-Y, Mapel-Y, Shiwarski-Y, Forquer-Y, Abatta-Y
M/C 5-0

COMMISSIONERS COMMENTS

Commissioner Cegelski (Report Attached)

Good evening Robinson Township residents:

First, the Robinson Library events report. There are many great programs for all ages planned for the summer at our library. You can check the library's website for the most current calendar events, since there are many new ones being added this month, such as: One-On-One Computers for adults and Summer Reading Registration beginning on June 10th. Please take time to consider what our fine library facility has to offer.

Next, I would like to thank all of the residents of Robinson that make up our fine Township. It was a pleasure getting out meeting many of you over these past months and discussing concerns you have with our Township governance. You will continue to receive from my seat an emphasis on professionalism and knowledge prior to casting a vote.

Let's enjoy the summer months ahead and please know that the Montour School District school year ends on Friday, June 7th with a half day and students will be out, so be careful.

Commissioner Mapel, I just have a few thoughts this evening and will be very brief as well. For those nay sayers out there who have said for 20 years, "yeah the K-9 is a good idea, but you won't see that happen here", well we just saw it happen here tonight. I am going to tell you that diligence and patience gets things done. I am very pleased. This was one of our initiatives over the last couple of years. I am very pleased to see this come to fruition and I think that moving forward we are going to see many benefits from this new addition to our police department. Thank you for your patience while we got this done.

Last month I asked you to come out and support your local government by voting. If you remember I also said that statistically 25% of the people will participate. I was actually pretty close, it was actually 18%. To the 18% of you who took the time and went out there to express your right to do so, I appreciate that. You spoke loudly. For those of you who forfeited your opportunity to do so, well you get what you get. Unfortunately, that is not an opportunity that you will get back. I would like to say congratulations are in order for all of those who participated in this recent campaign. I am going to say that

everybody gets a game win to some degree because public service is not for everybody and I certainly commend anybody that has a desire and passion for doing that as long as it is for the right reasons. I believe that many of the people that I talked to would like to believe that and do. Let me conclude just a couple things that I think are examples of doing it for the right reason. I have had the privilege of the last couple of years being involved with the public safety department, police department and also our zoning hearing dept. and those are departments within our Township that basically keep people safe. It is an opportunity for me to be involved in something that I have had some experience in over the years. It is also very gratifying to see some of our cooperative efforts, a good example of that being the emergency access road that was in serious jeopardy for a while there. I appreciate and would like to send my thanks to the Montour School District for working through this problem with us and getting this thing done. I don't know that there is any way that we can put too much emphasis on safety and health and welfare of the people that occupy the Montour High School campus. Waiting until something happens like we have seen in recent months, it is too late at that point in time. We can take into consideration some of the things that happened elsewhere in the country and do the best we can to avoid those kinds of terrible things.

Again, with the police department getting some additional tools that they are going to benefit by and also lending some credibility and credence to the zoning ordinances that we have in place I think are some things that we are doing a pretty good job with. As Commissioner Cegelski said with summer right on the brink, we are going to have a lot more traffic and congestion with kids out of school and home from college. Let's be careful driving out there, take your time and have a great summer.

Commissioner Shiwarski, I just want to echo everybody's sentiments and welcome the latest addition to the police force. May you have a long and safe career with us. I would also like to thank all of the candidates that chose to run in this last election for whatever office it may be. I echo the sentiment that if you choose to put yourself out there to expend your time and energies, you are a winner no matter what. Also to the voters who came out on May 21st, every year we thank those that come out and try to school the ones that did not and had the opportunity. Thank you all and have a good rest of the month.

Vice-Chairman Forquer, this is a rather lengthy thing so bear with me. The last company that I was employed by or started off with was Dravo Corporation and it ended up Metso in Southpointe. Although the name changed, it remained the same core group of managers. My promotions were based on performance and I was rewarded with raises and bonuses. I found out in the last election that performance has little influence in the voters' minds in an election. I have said that when I was elected in 2009 for four years you would have a commissioner who would tell you like it was. The problem with that philosophy is that you make enemies. I was appointed the chairman of the finance committee in my first year on the Board. I have always made sure that my finance reports were as accurate as possible. That became problematic for me as a Republican minority board member because the Robinson Republican Party chose to attack financial

issues that I was tracking. First, because a Township fund was mislabeled as a mall paving fund, our treasurer Ritter and others, accused the Board of illegal use of restricted funds. I requested that our financial manager look into the situation and she found that the paving was completed around 2001 and annual pavements that we were receiving from Forest City were payment for Township services. There were many other confrontations concerning financial issues that were handled in the same manner. In simplest terms, the mission of my fellow Republicans at meetings in my first three years was to convince the viewers that the sky was falling financially, when I was doing all that I could do to hold it up. I accomplished almost everything that I promised the people of the Township in 2009 when I ran for office by the second year of my term. Board members worked together and changes were made that cut expenses close to \$1 million in the face of rising expenses. Audits were being done on time and we built a balance forward. It was sad that the Republican Committee chose to send a letter to our fellow Republicans that slandered my name and my reputation. There were false accusations concerning my voting record that needed to be addressed. I was accused of raising taxes. We had done our best guess to determine where the bottom was going to be when all of the appeals were processed to arrive at our millage. If in fact all of the appeals are processed and the total is over the 5% adjustment that would get us into windfall, an adjustment in the years end millage could be made to compensate for the overage for next year. I was accused of taking Stafford Park to court nine times and spending over \$250,000 on litigation. The truth is, I did a lot of research and gave our attorneys ammunition to arrive at a settlement. I work cheap at \$275.00 per month. I never authorized spending \$250,000 on litigation for Stafford Park. This was yet another lie. Litigation on Stafford Park began with the prior administration. The average litigation cost for an entire year for all of our litigation averaged \$114,000. It included the Township Solicitor, labor attorney, planning counsel, zoning counsel and sometimes special counsel. I was not a member of the Board until 2010 and the litigation on Stafford Park was prior to 2006. The next allegation was that I purposely permitted overcharging the Montour School District in excess of \$300,000 related to the Montour High School renovation building permit. The contractual agreement between the Township and the school district was signed by the school district and the Township, by a past Board, prior to when I took office in 2010. We also know that Kennedy Township did not waive fees for building permits for the David E. Williams renovation. The letter from the Republican Party was mailed out and dated May 16th. It was followed by an article in the Tribune Review that yet another lawsuit was filed by the school district on May 30th. This was a political letter and a preempted attack on the Township. We have been accused of frivolous lawsuits, so I guess I wonder why they just didn't tell us what they wanted and talk to us. We would have sat down and perhaps could have worked out some of those matters. By the way, this is a different lawsuit. We are being sued for something different now than the first time. Denying taxpayers their constitutional rights to speak, that was another thing that I was accused of. All I can say concerning the allegation is that the way the meetings are set up now, is the way I wanted to do it in the first place. We initially had some bad legal advice early on in the prior changes that were made.

In addition, speakers now have four minutes instead of three to speak. It was also alleged that I delayed settling issues concerning the settlement of the Robinson Mall Tax Increment Financing over two years, which prevented the Montour School District from refinancing the bonds. This action they claim, cost taxpayers thousands of dollars. This statement is an entire cluster of lies. First off, the school district had no contractual standing to refinancing the bonds. Refinancing, if there ever was an opportunity, which there was not, was under the direction of the Redevelopment Authority of Allegheny County. As far as I know, there was some obscure bank in Somerset that might have been interested, but never made a final offer to do any refinancing. The other thing that I would point out is where the bonds are at right now, mostly what there is and there is not that much interest, it is mostly principal left to pay off on. Prior to signing the final settlement of the TIF contract, we were told it would be paid off a year early, which would free up over \$1 million to the Montour School District alone. This lie also came from Scott Seuss, the Treasurer of the Montour School Board at a prior meeting. The last time that I looked, he is V.P. at S&T Bank and so if refinancing the TIF bonds is such a great deal, perhaps he should arrange the TIF refinancing package from his bank. Interestingly, S&T Bank is shown as the mortgage holder for Stafford Park and other developers in the Township. Our Township audit also found that the Peripheral contract will never be paid off and because of our work, all of the funds on that contract are being held in escrow until a settlement can be worked out.

I was also accused of voting to appoint a Democratic school teacher without debate and should have nominated a Republican. Let me clear up who was responsible for the loss of not only one Republican Board seat, but two. In 2006 former Commissioner Stephanie Triko, one of the three Republicans on the Board, voted for John Roseto, a Democrat for the vacancy board. When Mr. Marks passed away, the Board was deadlocked with two Democrats voting for Sam Abatta and three Republicans of which I was one of. Mr. Roseto broke the voting block and appointed Sam at that point. With Stephanie Triko's recent departure, there were three Democratic Commissioners on the Board and myself. With her departure, she caused the Republican Party to use yet another seat on the Board. What was the complaint all about? The answer is that I did not create air time for people who could do nothing but attack me from the day that I was elected. I would also point out that Bobbie Cegelski has proven to be a very good addition to the Board. She is intelligent, makes her own decisions and I have no regrets that I voted for her appointment to be on the Board. I am sorry that she lost the election because her passion to serve would have made her a great Commissioner. Given what I have heard from several sources about the campaign funding flowing into Robinson Township to the Republican Party, they have to be the biggest hypocrites in the entire world to accuse me of an alliance with Democrats in 2011. As you know, I lost the election. I only spent approximately \$800.00 on my campaign and paid 80% of that from my own funds. My policy was not to take funds from developers, service providers to the Township or special interest groups. Standing up for your rights, I have managed to alienate both major parties, the Redevelopment Authority of Allegheny County, law firms and developers. Stories told to you about me being connected to any political bosses was yet another lie going around. I want to clear that up. I also want to make it clear that

I have said tonight that it is not meant to be an attack on a nearly formed group of Republicans called the Right Choice for Robinson. This is a separate group, not connected with the Robinson Republican Party. I want to congratulate Joel Slessinger, Mike Malinsky and Patrick O'Leary on their win and wish them well in November. I don't know how well some of you know Mike, but I know that he is a very frugal guy and I understand that he was as happy about the fact that he could re-use his signs for the fall as he was that he won the election. Finally, I want to thank the people that voted for me because you supported my work. I also want to thank the people who didn't vote for me because I could not let go of some of the issues that I was working with here and you have made that decision for me. It is also evident to me that the days when an old guy like me with a cause delivering a letter to as many doors as he could, will never win here again. I will continue to serve you and continue to provide an independent voice on this Board and look out for your best interests until December 31st. I really have never retired and I am looking forward to volunteering for the Montour Trail and working for the Knights of Columbus. Last but not least, I am not a politician and I have made some mistakes in my political career, but I am a very lucky man because my strongest supporter is my wife Diane. Win, lose or draw, she is always behind me. She is truly the good wife. Good evening and God bless America.

Chairman Abatta, I would like to close out the evening by thanking all of the residents that came out to vote. I think you made a statement with your voting rights and responsibilities. You spoke loud and you spoke clear. I am sure that everyone who has been nominated to serve up here as Commissioners will do a fantastic job in the future. I would also like to wish everyone a happy, safe summer.

MOTION Forquer, SECOND Cegelski to adjourn the meeting.

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

M/C 5-0

Respectfully submitted,

Carol Merks
Secretary

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

Board of Commissioners Meeting

June 3, 2013

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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 Wilkesburg-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.

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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 sponsored a Thanksgiving and Christmas luncheon for 75 needy families in our area. If

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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.

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

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

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

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

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

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

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

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

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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

