

BOARD OF COMMISSIONERS MEETING  
MONDAY, JULY 2, 2012

CALL TO ORDER: Chairman Samuel Abatta called the regular meeting of July 2, 2012 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

ENGINEER'S REPORT

The Engineering Status Report from Remington, Vernick & Beach dated July 2, 2012 is attached.

In regards to the Road Program, milling has begun on Silver Lane, Williams Drive and Aiken Rd. These roads will be paved in approximately one week. This is weather dependent. The other roads: Buratti Dr., Geysler, East Windhaven and Parkway View, will be done later in the summer. Public Works is doing some of the base repair to those roads so that the contractor can complete the work.

Grace Manor is on the agenda for a lot line adjustment.

The Oaks and Oakridge are in litigation. Solicitor Garvin advised that the trial list for November is out and both are on the schedule. There has been no other contact or movement.

Commissioner Shiwarski questioned if we are at the point where piggybacking onto the road program would not be possible?

Engineer Meyer responded that it would be highly unlikely at this point.

Campbells Run Flood Committee: Vice-Chairman Forquer and Engineer Meyer attended a meeting last Thursday. The meeting was held in Carnegie and was chaired by Ruth Ann Omer, who is the CEO of Gateway Engineering, along with representatives from Carnegie and Collier Township.

Vice Chairman Forquer, I have seen the importance of this joint effort and have been supportive since the beginning in trying to clear up some of the flooding issues down along Campbells Run. Various engineering firms from all of the communities have put together a proposal to apply for a CITF Grant to do a comprehensive watershed study along Campbells Run. The purpose of this study would be to identify the sources of flooding problems along Campbells Run and possible solutions and a cost estimate to

deal with the areas that need improvements. The committee discussed municipal matching fund contributions needed to help obtain the CTIF Grant, which we will need to address in the fall. Flooding along Campbells Run Rd. is not only a problem in Carnegie, but is a problem in Robinson Twp.

Engineer Meyer, the CTF funding applications are usually due towards the end of September, so there is a Resolution and it should probably be looked at and addressed.

#### POLICE REPORT BY CHIEF VIETMEIER

A copy of the June 2012 Police Report is attached.

#### ADMINISTRATIVE UPDATE

Manager Bibro stated that the Township appears to be on track to meet our budget for 2012. One point of clarification is that even though we had a light winter and you would anticipate savings this year, we commit prior to the year as to how much tonnage of salt we order. The savings will be realized in 2013, rather than 2012. The challenge right now is where to put all of the salt that we must store due to the relatively mild winter. We are working on this with the Public Works Foreman and hope to realize some of those savings next year.

With the warm weather, it is very taxing on the HVAC units. Baring anything unforeseen, we should be in a good position to finish this year on target financially.

Chairman Abatta, I would like to change some things here. Typically, by the time I get to make my comments it is at the end of the evening and everything that should be said, has been said. I would like to get the Parks information out there, specifically the information on our fireworks.

Mgr. Bibro, the fireworks will be held on July 4<sup>th</sup> at Burkett Park. The other reminder is regarding the swimming pool. The weather has been extremely warm so that means good revenue for our swimming pool. We have had a lot of visitors and are well above what we were a few years ago. If the weather continues, we may get to the point where we are a lot closer to breaking even with our pool. That is always the goal, but is not something that happens often in most municipalities. The concession stand was renovated in the spring. Public Works did a great job. Most of the work was done in-house. We have facilities that can accommodate a wider variety of menu items and a larger grille. Hopefully the residents have noticed and appreciated the upgrades.

Chairman Abatta, I know that the camp is up and running and swim lessons are going full tilt. I think the residents are enjoying the hot weather as well as the facilities that we offer.

#### TOWNSHIP SOLICITOR'S REPORT

Solicitor Garvin, I believe that most of the matters will be handled throughout the evening with commissioner comments or agenda items. Other than that, executive session dealt with personnel and litigation matters. I have no further report.

THE BOARD OF COMMISSIONERS CONDUCTED AN EXECUTIVE SESSION ON JULY 2, 2012 FROM 5:45 P.M. TO 6:45 P.M. TO DISCUSS LEGAL AND PERSONNEL MATTERS. THE BOARD WILL TAKE OFFICIAL ACTION, IF ANY, FROM THIS EXECUTIVE SESSION AT THE REGULAR BOARD MEETING ON JULY 2, 2012.

Michael Malinsky's comments from the audience were not audible.

Chairman Abatta informed Mr. Malinsky that he will have an opportunity to speak to an agenda item or a non-agenda item, but this is a business meeting and he cannot continually interrupt. There are business matters that are pertinent and affect all of the individuals of the Township. He requested that Mr. Malinsky hold his comments until the portion of the meeting where he is permitted to speak.

#### MINUTES

Discussion regarding approval of the May 7<sup>th</sup> Board of Commissioners Regular Meeting as submitted.

Discussion regarding approval of the June 4<sup>th</sup> Board of Commissioners Caucus Meeting Minutes as submitted.

#### TREASURER'S REPORT

Discussion regarding approval of the June, 2012 Treasurer's Report.

#### NEW BUSINESS

Discussion to approve the 2011 Robinson Township audited financial statements as submitted by Mark C. Turnley, CPA

Vice-Chairman Forquer, we have already had coverage of this by Kim Turnley, but basically she has made very few changes to this and we have had few adjusting journal entries and we think she did a good job on this.

Discussion to adopt Resolution No. 17 of 2012 designating an official to perform the required duties between the Township of Robinson and the Department of Economic Development for the Community Development Block Grant Year 39.

Discussion to adopt Ordinance No. 3 of 2012 amending Section 300-31 (A) of the Robinson Township Zoning Ordinance with respect to Block and Lot 264-B-220 changing from a C-4 Planned Office/Limited Industrial District to a C-3 Planned Commercial/Office/Multiple Family District.

Discussion to adopt Ordinance No. 4 of 2012 amending Section 300-31 (a) of the Robinson Township Zoning Ordinance with respect to Block and Lot 334-L-32 changing from a C-5 Research and Development District to a C-3 Planned Commercial/Office/Multiple Family District.

Discussion to adopt Ordinance No.5 of 2012 amending Section 300-31 (A) of the Robinson Township Zoning Ordinance with respect to Block and Lot 153-E-101 changing from a C-4 Planned Office/Limited Industrial district to an R-3 Medium-Density Residential District.

Chairman Abatta requested that Mr. Urbano update the Board and public on these rezonings.

Mr. Urbano, there were public hearings held on June 15, 2012 regarding these rezonings. What we are doing is changing the use in the ordinances from Lot and Block 264-B-220 from C-4 Planned Office/Limited Industrial District to a C-3 Planned Commercial/Office/Multiple Family District. It is not spot zoning because it borders that property and we are going to combine them for future development. No. 14 basically works the same way. It is Lot and Block 334-L-32 changing from a C-5 Research and Development District which is a limited district for development to a C-3 Planned Commercial/Office/Multiple Family District. We are combining all of these into C-3 and making a large parcel to develop under the C-3 Ordinances. Item No. 15 is different. It is actually in a Residential District, but it is zoned C-4 Planned Office/Limited Industrial District. We are changing that to an R-3 Medium Density Residential District. The C-4 borders the R-3, so it is able to be done and will not be spot zoning. All three of these will put into play, future development for the Township.

Commissioner Shiwarski requested locations for these rezonings?

Mr. Urbano stated that 264-B-220 and 334-L-32 are near Settlers Cabin Park. Lot and block 153-E-101 is located on Aiken Rd., across the street from the Municipal Authority Treatment Plant.

Commissioner Cegelski, just from my recollection, it is my understanding that currently there are no plans for Lot and block 334-L-32 and 264-B-220? It is just a rezoning.

Mr. Urbano, that is correct. It is for the purpose of future development, if needed.

Commissioner Cegelski, and Lot and Block 153-E-101 is being looked at for townhomes?

Mr. Urbano, that is correct.

Discussion to approve the Grace Manor Plan #2, Amended Lot 11, Final Subdivision based upon the Township Engineer's review letter and recommendation by the Planning Commission.

Mr. Urbano, I would like to make a change to that. The Township Engineer's review letter is dated June 4, 2012 as recommended by the Planning Director. We did not have a meeting that month and I did make a recommendation. It did go through the system. The

engineer reviewed it, recommended approval and I am recommending approval for the Planning Commission.

Discussion to advertise the Robinson Township Board of Commissioner meetings to be held at 7:00 p.m. on the first Monday of future months and to cancel the 6:00 p.m. Caucus meetings for the remainder of the year.

Mgr. Bibro questioned when the Board would like to schedule their meeting, since the first Monday is Labor Day?

The Board agreed that the meeting should be scheduled for Monday, September 10, 2012 at 7:00 p.m.

Discussion to appoint Russ Collins to the Robinson Township Uniform Construction Code Appeals Board

Discussion to appoint Dave Meinert to the Robinson Township Uniform Construction Code Appeals Board as an alternate.

Mr. Urbano, we had two people leave and Mr. Collins will be appointed to the Board and Mr. Meinert, who is the building inspector in Moon will be appointed as an alternate if the Board wishes. They are both qualified people. I believe that Mr. Collins was on the Board previously?

Mgr. Bibro, he actually is currently an alternate and we will be moving him to permanent since one person had to leave due to conflicts of interest.

#### CITIZENS COMMENTS

Linda Jakubec (requesting to speak regarding Items #9 and #24)

Ms. Jakubec, at the June 4, 2012 Caucus and Regular Meetings, the following Pennsylvania State Sunshine Act Federal First Amendment Freedom of Speech violations were noted by several citizens when they officially objected to them during the meetings. There were three objections. Objection #1 – not permitting public comment during the caucus meeting is illegal and a violation of Pennsylvania Sunshine Act Section 710.1 (A). Objection #2 – not permitting Robinson Township business taxpayers to participate in public meetings is illegal and a violation of Pennsylvania Sunshine Act Section 710.1 (A), which allows for public comment from both residents and taxpayers, meaning both business and property taxpayers. Objection #3 – not permitting public comment on agenda items at the regular meeting is illegal and a violation of the Pennsylvania Sunshine Act, Section 710.1 (A) and is also considered a first amendment violation. My question is, will these objections be noted in the meeting's minutes as required by law? Finally, each and every one of the Commissioners voted in favor of restricting citizens' comments and denying their freedom of speech rights. Even though this has been

revised, all of you will forever be remembered by your actions and you carry a black mark on your public records. The voters of this Township will not forget your attempts to silence our voices.

Bob Sughrue (requesting to speak regarding Items #17 and 32)

Due to health issues, Paul Jakubec spoke on his behalf

Mr. Jakubec, the following are Mr. Sughrue's comments: "I am a resident of Robinson Township, residing at 1704 Ventana Drive. I am a retired executive from Highmark Blue Cross/Blue Shield and former President of the Allegheny County Transit Council and former member of Bethel Park School Board. In May I asked you to imagine Saturday night mass at Holy Trinity starting immediately after the last confession. People would not know when to come to the church and probably would not go. I also asked you to imagine Pirate games starting immediately after batting practice. It could be any unspecified length of time. I stated that people would probably lose interest. I also asked you to imagine if the Giant Eagle Pharmacy opened the prescription drug counter after the pharmacist had coffee, donuts and read the paper every morning. People would not know when they could get their medication and would go elsewhere. All of these examples are remarkably beyond simple-minded belief because these organizations, in order to survive, have always been responsible and accountable to the public that they serve. I also ask you to imagine the Robinson Township Commissioners monthly meeting starting immediately after the caucus meeting, which could vary in content and length. Unbelievably, this was the case in our Township. In addition to this, comments were limited to only agenda items. Both actions are repugnant violations of the Sunshine Act and Pennsylvania's Open Meeting Law. Thank God you have come to your senses and restored our freedom of speech as guaranteed by the U.S. Constitution. I strongly recommend that the Commissioners and Solicitor attend a workshop on the Sunshine Act."

#### FINANCE UPDATE

Vice-Chairman Forquer, the balance in the general account as of this a.m. was \$4,229,590. The market value of the police pension fund as of the close of business on Friday, June 30<sup>th</sup> was \$10,084,263. That is up from the June 1st report, which was \$9,746,608. The police pension fund is funded every year by the Township and the state. Because a good portion of the account is in stocks and bond funds, the account balances are subject to volatility. We noticed that the market had a good recovery day on Friday after the European Union reached an agreement to help the struggling banks, however, high unemployment lowered growth expectations in the USA. The euro zone, China, along with sovereign debt issues with Greece and Spain are still an issue. If those issues were resolved, we certainly would see a pick-up in our employment in the United States.

For the June Treasurers' Report, EIT transfers of \$155,020 were reported, which brings the combined total for the year to \$1,369,305. The Local Services Tax collected in June was \$3,250. This brings the year to date total to \$348,210. The past history year to date shows that the high was \$460,000 for the previous year and the lowest previous year was

\$343,000. Real Estate taxes including interim collected for June were \$1,544,300. To date we have collected \$3,848,000. That is about \$290,000 above where we were last year at this time in collection. The Real Estate Delinquent taxes collected by Jordan from June were \$51,190 and year to date \$162,840. This is over the budget for this year, which was \$75,000. We are doing very well in that.

You will also note that Item 26 on the agenda is the 2011 audited financial statements as submitted by Mark C. Turnley, CPA. It was performed in a pretty reasonable amount of time with few adjusting journal entries. Our accounting is in pretty good shape. This is a very important issue to our government and we will continue to do our best to maintain an accurate accounting and close cash management. Our balance forward from 2011 was over \$2 million. Our reserves have improved, even in the face of rising labor and material costs. Due to cost cutting measures, we have been able to still operate without cutting back on services or raising taxes. We still have a few things up our sleeves which involves a legal process that will help to improve our cash flows in the future. That concludes my report.

#### BUILDING INSPECTOR/ZONING OFFICER'S REPORT

A copy of the June, 2012 Building Inspector/Zoning Officer Report is attached.

Chairman Abatta, we seem to be on course as far as the previous year is concerned. We are moving towards our goal to match 2011.

MOTION Forquer, SECOND Cegelski to approve the May 7, 2012 Board of Commissioners Regular Meeting Minutes as submitted.

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

MOTION Cegelski, SECOND Forquer to approve the June 4, 2012 Board of Commissioners Caucus Meeting Minutes as submitted.

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

MOTION Cegelski, SECOND Forquer to approve the June, 2012 Treasurer's Report.

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

MOTION Forquer, SECOND Shiwarski to approve the 2011 Robinson Township audited financial statements as submitted by Mark C. Turnley, CPA

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

MOTION Forquer, SECOND Cegelski to adopt Resolution No. 17 of 2012 designating an official to perform the required duties between the Township of Robinson and the Department of Economic Development for the Community Development Block Grant Year 39

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

MOTION Shiwarski, SECOND Forquer to adopt Ordinance No. 3 of 2012 amending Section 300-31 (A) of the Robinson Township Zoning Ordinance with respect to Block and Lot 264-B-220, changing from a C-4 Planned Office/Limited Industrial District to a C-3 Planned Commercial/Office/Multiple Family District as recommended by the Township Engineer and the Planning Commission..

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

MOTION Shiwarski, SECOND Cegelski to adopt Ordinance No. 4 of 2012 amending Section 300-31 (A) of the Robinson Township Zoning Ordinance with respect to Block and Lot 334-L-32 changing from a C-5 Research and Development District to a C-3 Planned Commercial/Office/Multiple-Family District as recommended by the Township Engineer and the Planning Commission.

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

MOTION Mapel, SECOND Forquer to adopt Ordinance No. 5 of 2012 amending Section 300-31 (A) of the Robinson Township Zoning Ordinance with respect to Block and Lot 153-E-101 changing from a C-4 Planned Office/Limited Industrial District to an R-3 Medium-Density Residential District as recommended by the Township Engineer and the Planning Commission.

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

MOTION Shiwarski, SECOND Forquer to approve the Grace Manor Plan #2, Amended Lot 11, Final Subdivision based upon the Township Engineer's review letter and recommended by the Planning Director.

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

MOTION Forquer, SECOND Cegelski to advertise the Robinson Township Board of Commissioner meetings to be held at 7:00 p.m. on the first Monday of future months and to cancel the 6:00 p.m. Caucus meetings for the remainder of the year.

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

MOTION Shiwarski, SECOND Forquer to appoint Russ Collins to the Robinson Township Uniform Construction Code Appeals Board.

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

MOTION Shiwarski SECOND Forquer to appoint Dave Meinert to the Robinson Township Uniform Construction Code Appeals Board as an alternate.

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

Chairman Abatta, we have an addendum to the agenda.

MOTION Forquer, SECOND Shiwarski to approve the June 2012 List of Bills

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

#### NON-AGENDA CITIZEN'S COMMENTS

Charles Simm (34 Eichelberger Drive), I asked to speak on the agenda tonight. I was not allowed to speak during the earlier citizens comments and I would like to know why? The other thing, I would like to ask Mr. Garvin if he can get the law and read it for the people, which states what a Township has to do when they do damage to private property? If they break the law while doing that and fail to report to other people, such as the Environmental Protection Agency, what can the public do to get this corrected? I had a pipe moved on my property and I gave the Township power to move it and the lady two houses down from me did not and yet it was moved, breaking the law. I want to know how a Township can do this and how long do they have to get this problem solved? Is there a statute of limitations on that? That is what I want you to give me answers to. Mr. Abatta promised me in January that he was going to get me an answer to the question that I asked. Somewhere along the line, if people would have done their job, this lady would not be waiting almost 9 years to get her property fixed. There were five commissioners before them and five before that and they all sat up there and ignored this lady. She deserves the same thing as anybody else in this whole United States.

Chairman Abatta, as far as your issues were concerned Mr. Simm, and I am sure you are aware of it, this Township remedied that situation to the tune of approximately \$180,000 to \$190,000. I appreciate your concern looking out for your neighbor who is living next door to you, but as far as me providing you with an answer, I can only tell you that what I always do is rely on my professionals, the individuals who are here every day. They can give you better answers than I can as far as engineering, legal and day to day operations. When you have an issue, do not wait until the first Monday of every month. Get on the phone and call Mr. Bibro and we will get you your answer as soon as we possibly can. Each one of us here has a telephone and email addresses.

Michael Malinsky (535 Meade Dr.), Mr. Abatta would not let me speak earlier, but I am making this clear. They were shaking their heads and saying that I was not following protocol, but I believe that I was and they were not. To be clear, in Section 401 (C) of the Sunshine Act, any person has the right to raise an objection at any time they perceive a violation of the Sunshine Act. That was my attempt earlier, and I was not permitted. Specifically, my objection was related to the Commissioners (not audible).

The Commissioners must properly give reasons for executive session meetings under Section 708 (B) of the Sunshine Act, which provides citizens, residents and taxpayers with sufficient information to determine whether Commissioners are properly going into executive session. The intent of Section 708 (b) is further clarified by ???????? Co. versus Council of the City of Reading, in which the Court of Common Plea ordered that the City Council must spell out in connection with existing litigation, the names of the parties, the docket number of the case and the court in which it is filed. Additionally, in connection with identifiable complaints or threatened litigation, the Board must state the nature of the complaint, not the identity of the complainant. This order was appealed to the Commonwealth Court by the City of Reading and was affirmed by the Court. Therefore, I ask that this objection now be recorded in the official minutes of the meeting as required by law and that the Commissioners take action to follow the Sunshine Act going forward. I have copies of the Commonwealth Court's decision for the Commissioners and Solicitor. I also have copies of an article published by the York Daily Record in which the Pennsylvania Newspaper Association Council provides specific examples on how to properly disclose matters discussed by the Commissioners in executive session. (Copies were distributed to the Board)

Chairman Abatta, I am sure the Board will address some of your comments during the comment section of the meeting. Speaking personally for myself, I hope that you don't feel that this Board or any individual would do something against the law or something unethical. Everything that we are doing is required and written in law. This is not a fly by night type of situation. This is something that was researched. We realized at the time that for the overall concern of the taxpayers, that there were some tweaks that had to be made. This Board had the fortitude to go back and not reverse itself, but add some different changes so that the entire population realizes that they have their right to speak. For every piece of information that you have, I am sure that Solicitor Garvin can agree, there are also dissenting views. I am not doubting your reports, I am sure they are legal, but this Board at no time did anything illegal and when we did realize something was askew, we did make a recommendation so we could be strict and conforming.

Jackie Tuszinski (2209 Kenzie Drive), I am speaking regarding the building numbering system at McKenzie Place. I received a phone call from a maintenance worker upon the instruction of the Board of Directors of McKenzie Place demanding that I remove the unit number posted on my patio porch column. It should be noted that the approximate 5 inch number had been in place since I moved into my own unit 4 years ago. I informed him that I will not remove the numbers because it would be a violation of the Township ordinance. Despite my objections, the numbers were removed by the maintenance worker. I am concerned about my welfare and the welfare of other residents in McKenzie Place. I contacted Greg Cuthbert, Rick Urbano and Aaron Bibro in early April, 2012. On April 5<sup>th</sup>, Greg, the Code Enforcement Officer, inspected the property and found McKenzie Place to be in violation of the ordinance. McKenzie Place was given ten days to correct the violation or a citation would be filed. A formal code violation was issued to Angie and John Austin, President and Vice-President of the condo board. Three months have passed now and nothing has been done to correct the violation. In the meantime, a citation should have been filed with the Magistrate during

this time in accordance with Paragraph 110 (5) Violations and Penalties. A law is a law and needs to be enforced, especially if emergency personnel cannot locate a unit or a person in distress in such a large condo community where all buildings look the same. Who is going to be responsible if an injured resident cannot be located due to utter contempt of a Township Ordinance? As a taxpaying resident of this Township for approximately 20 years, I demand that the Township employees who are responsible for enforcement of the Township Ordinances, do their job in accordance with the applicable ordinance. Angie and John Austin are personally in contempt of the notice of violation dated April 11, 2012, which clearly states that you have ten days to correct this or a citation will be written. Why hasn't a citation been filed with the Magistrate? Since McKenzie Place is located within the Township of Robinson, it is not a separate locale, but must operate within the laws and ordinances of the Township, just the same as any other resident must. They are not exempt.

Chairman Abatta, I have the information. You reached out to me also. What I do again, is refer to my professionals. I want Mr. Bibro to address this issue.

Mgr. Bibro, at this time the matter is not over. Mr. Cuthbert and I had a meeting last week with Mr. Urbano and our Emergency Management Coordinator and we are going to address the situation. The scope is a larger magnitude than Jackie is speaking of. There are other developments they may be in a similar situation. We just want to make sure we have everything in order. We want to make sure it is across the Board throughout the Township, so we are including all of our emergency responders in this response, because obviously it is most important that they are comfortable with what we do. That is the answer, we are still looking into it. We will be happy to respond when we are comfortable.

Linda Jakubik (539 Meade Dr.), I want to thank the small group of citizens that have fought with me and won the battle against the Robinson Township Board of Commissioners attempt to violate all of our rights granted under the U. S. Constitution, the Bill of Rights and Commonwealth of Pennsylvania State Sunshine Laws. At this time of the year when we celebrate on the 4<sup>th</sup> of July, our great nation's freedoms, this small band of patriots reminds me of another group of patriots, who though outnumbered and out-gunned, fought and won against the English tyranny to earn the freedoms that we all enjoy today in our grand country. I would ask that each of the Commissioners reflect over the 4<sup>th</sup> of July on their recent illegal actions and beg all of the citizens for their forgiveness of their tyrant-like behavior and their anti-American actions. As was said by our founding father, Benjamin Franklin, "without freedom of thought there can be no such thing as wisdom. There is no such thing as public liberty, without freedom of speech." I want to wish everyone a happy 4<sup>th</sup> of July.

Jerry Brouker (284 Coraopolis Rd.), I missed the 6:45 p.m. session, but I see that you have reversed some of the ill-advised meeting rules. I am glad to hear and see that. We do want to suggest however, that quite a bit of this could have been avoided if we had not gone to that level of politics. I have been doing this for a decade and I have always railed

against that type of political stuff. I have always raged against the machine and I still continue to do it for these reasons. I have not seen a Board be more political than you have been, probably since I first started. We have multiple situations. We have Steve Taylor who comes up and speaks about what his concerns are and what he perceives to be violations. We have Chuck Marks who has done the same and they have advertised on his property and things like that. I am sure that you are not happy about that. However, you attack an 80+ woman, that would be Chuck's mom, and you threaten her with fines and violations and all sorts of things on that farm because there is building equipment or moving equipment there. It has been there for a decade, but all of a sudden it is an issue. Mr. Mapel has the same exact equipment on his property, but nothing is done. I am sure that we are going to hear that he is grandfathered in. When I was a Commissioner, that is what I heard from Mr. Urbano all the time. There were friends of one side that could do stuff and then people over here that could not because they were grandfathered in. I know that Mrs. Marks has requested to see exactly what that grandfather clause is under the Right to Know Act. I am anxious to see it. I am sure we will put the 30 day sanction on it, if there even is anything that exists like that. You see what happened here when you get a small group of people together, and I am glad that they changed these rules. You need to put aside the politics. You are getting asked by the school district to give back \$300,000 in fees. Your response is to try and take away their occupancy permit so you can't open the high school in September. I am hoping that cooler heads are prevailing. You need to look at that. If the violations are indeed there, you need to correct it and you need to fix it. If other people chose to fight those things and they are right, the \$300,000 that Montour is looking for is going to cripple you for the year. If people like Settlers Ridge decide to ask for their money back, and they are right, you have bankrupted the Township. You need absolutely to look at those things. By the way, Ms. Cegelski, you work for the school district. That is your entire livelihood. I have no idea how you are going to be able to deal with this kind of stuff with that kind of conflict of interest. Also, I presume that one of the tricks up the sleeve here is that you are hoping to re-finance the TIF. I hope that you are able to, but understand that was brought up by the school board a year and one half ago.

Vice-Chairman Forquer, no it was not.

Mr. Brouker, I asked the question a year ago, at a school board meeting publicly, "why are you not refinancing?" The answer that I received publicly was "ask the Township."

Chairman Abatta, there will be some comments to that particular statement very shortly. That concludes citizens comments at this time.

Chuck Marks spoke from the audience.

Chairman Abatta, we have an individual who has signed in to speak who is not a Township resident.

Chuck Marks, I am a business man in the Township.

Chairman Abatta requested that Mr. Marks please maintain some decorum or he will be escorted from the room once again.

Mr. Marks continued to speak from the audience.

Chairman Abatta, you do not have an occupancy permit.

As Mr. Marks continued to shout from the audience, Chairman Abatta requested that Chief Vietmeier remove him from the room.

### COMMISSIONERS COMMENTS

Commissioner Cegelski, good evening Robinson Township residents. I am truly hoping that the 7:00 p.m. meeting time helps people to plan better and for those of you who watch the televised meeting. I hope that helps with people who had an issue with the time.

Robinson Township hosted the June 21<sup>st</sup> Char-West Council of Governments Board of Directors meeting. We had 17 members attend. Residents should know that due to the fine efforts of Mr. Aaron Bibro and Ms. Carol Merks, our Township's hospitality was on fine display that evening and I would like to personally thank Aaron and Carol for all of those efforts. We received a lot of positive comments. We received a response letter thanking us for our hospitality. An important note from that meeting that I would like to share with you, District Engineer Dan Cessna. from PennDOT District 11 reported on the Clever Rd. landslide situation. On a positive note, there is an emphasis that has been placed on making sure that the geo-tech solution is one that prevents the situation from happening again. Because they are taking their time to do that and making sure that the design is completed and the money is allocated, the work is a little slower in starting than everybody had hoped. Can the work go into the fall? That answer is yes. Could it be during the school start, and could it be at the same time as the football season, the answer is "yes." Just know that we are going to experience some inconvenience with that. They are spending time to make sure it is done correctly.

We also had Emily Buka at the COG Meeting. She is from the Riverside Center for Innovation. She discussed monies that are available from the federal government to assess land that is mine scarred or damaged from mine acid draining. We looked at a map and Robinson Township has some of the lands in that category. We do have the opportunity to work on securing some of that money. She has a letter here that she has dated June 12<sup>th</sup> and the subject is "New EPA Community-wide Brownfield Assessment Grant." As you know, the North Side Developmental Co., d/b/a Riverside Center for Innovation has been the recipient for a number of community-wide brownfield assessment grants. She presented to the municipalities there that the Township should really consider getting involved and seeking out some of that money. We understand that it is done through the Corps of Engineers and they are looking to assess and then give us

what that would entail. We are looking into that for our Township. I think it would be something that would be advantageous to see if we can benefit from that.

Also, I would like to sincerely offer best wishes to all of the Township for the 4<sup>th</sup> of July celebrating our great country's independence and I hope that everyone has an enjoyable and safe holiday.

Commissioner Mapel, I had every intention of making my comments very brief this evening and I would still like to do that if I can. There are some things that have developed here over the evening that I feel the need to respond to. First of all, the business at hand of bringing everyone up to date concerning issues concerning Montour School District. Answers have been given, in writing, to some of the requests that we have been given. With respect to the \$306,000 refund that the school has requested, our attorneys feel that we are in a good position to defend our position as a result of the contract that was entered into on behalf of the Township of Robinson and Montour School District. I was just notified before the meeting began that we received a mountain of paperwork with respect to the right to know that we requested in excess of 30 days ago. We will now begin to sort through and try to determine exactly how that fits into play one way or the other. Our response at this particular point in time is, "no, we are denying the refund until we have an opportunity to look through this mountain of paperwork and see how it impacts the decision." Secondly, looking at a letter dated June 25<sup>th</sup> and addressed to Mr. Robert Capo, Maintenance Supervisor for Montour School District, rather than getting into the details of this letter, for all intents and purposes what it is basically saying is "you need to comply." This was from Plans Examiners. They have done an inspection and found multiple infractions that have not met the building and fire code. They are on notice that these items need to be addressed before permanent certificates of occupancy will be issued. A date of July 27, 2012 was listed here in this letter to ensure that permanent certificates of occupancy will be in place for the opening of the school year. I would also like to interject a correction to Mr. Brouker when he said that my property has the same infraction that Mrs. Marks' property has. Let me correct you. The piece of equipment that you made reference to is parked inside my garage, which is the very same opportunity that Mrs. Marks was given prior to any citations being issued. She, through her son with whom I spoke myself, chose to ignore it and let it go to court. "I would like to see my accusers", that was the response to it. In fairness to the Township's efforts to try and resolve these issues before it goes to court, I think it is very unfair to only tell part of the story. As far as the grandfather clause issue.....

Mrs. Cathy Marks responded (inaudible) from the back of the room.

Chairman Abatta stated that she would have been permitted to speak as a business owner with a valid occupancy permit. Mrs. Marks may speak as well. However, this is Commissioners Comments.

Commissioner Mapel, I would encourage Mrs. Marks to come back next month and speak to any issue that you choose. I would love to hear your thoughts. With that said, I

would like to move on to public safety. Recently in my back yard I found a couple of snakes. You may not like bugs, rodents, snakes, it is everybody's choice. I didn't think too much about it until I had a conversation with one of our teachers from Montour whose father-in-law lives on Elliott Dr. He said that he had found a snake in his garage that fit the same description as the two that I found in my yard. Several days later I had yet another discussion with one of our former Commissioners, who found two on his property. He also lives very close. I am used to garter snakes and black snakes, but these were not garter snakes, they were copperheads. They are venomous. I would encourage anyone to do some research to familiarize yourself with what a copperhead looks like because they are poisonous. They are rarely fatal, but they are extremely painful and they are somewhat aggressive if they are cornered. I would suggest that if you see a snake, give it a wide berth. These are dangerous. Several people have mentioned to me that since they work has been progressing in Stafford Park they feel that possibly these snakes have been nesting in the mine shafts and they have been disturbed so they are coming to find refuge. That is an opinion. I don't know that there is any fact to back that up. If you see these snakes, please use caution. Additionally there have been increased reports of tick bites. Whether this is connect to our mild winter, possibly. However, Lyme Disease is carried by ticks and if you see a red circle on your skin, you may want to get medical attention. It is in your better interest to do so. I would like to end on a positive note. The traffic congestion situation that I mentioned in the past couple of months that Chief Vietmeier has looked into, has steadily improved. We are finding less congestion at the intersection of Route 60 and Beaver Grade Rd. There are good things being done and I commend the Chief on his effort there.

One last issue, several weeks ago our police department assisted Kennedy Twp. on another matter resulting in a fatality. To anybody who reads the newspaper, you know what I am talking about. They certainly have our thoughts and prayers. I would encourage parents, coaches and mentors of any type to engage the youth and your children. There is no way you can be too engaged in their lives. I would say that on this eve of celebrating the Fourth of July and our independence and the celebrations that go along with it, please do so with responsibility. If you are going to drink, don't drive.

Commissioner Shiwarski, our 2011 and 2012 Road Program are progressing. We ask you to be patient. Let's try not to forget our Township's July 4<sup>th</sup> celebration this year. It promises to be bigger and better than ever. Seconding Commissioner Maple's concern, be smart, be careful and be safe while celebrating the holiday.

Also, a few months ago I remembered in my citizens comments after we did make an agenda change, I said that I would listen to any legitimate concerns that were brought up. That is what I did and that is why I voted in the affirmative today to change the format that we have. That being said, I am feeling as everybody is at this time of the year at the beginning of July. I think we all feel pretty patriotic. As one of our residents today was quoting Benjamin Franklin, I would like to put a quote here that might be pertinent to some of our actions here. "It is not the critic who counts or not the man who points out how the strong man stumbles or what the doer of deeds could have done better. The credit belongs to the man who is actually in the arena, whose face is marred by dust,

sweat and blood, who strives valiantly, who errs and comes up short again and again. Because there is no effort without error or shortcoming, but who knows the great enthusiasms, the great devotions, who spends times himself for a worthy cause who, at the best, knows in the end that the triumph of high achievement and who at the worst if he fails, at least he fails while daring greatly so that his place shall never be with those cold and timid souls who neither knew victory or defeat.” That was Teddy Roosevelt speaking in 1910. He could very easily be saying that today to any one of us. For the critics and the negative people in our lives want to tell us that it cannot be done or don’t try or you are wrong, they don’t count. You must not take their word for gospel. Do not buy into the message of negativity, underachievement and false promise. We all have been blessed with talent and have the good fortune to either be born or emigrated or work in this great company. We should celebrate and participate in America’s birth. Use the gifts that we have been given, find the forum where our talents will shine, discover the place where our spirits will soar. Participate and volunteer to make our American way, the best that it can be. Happy birthday America and thanks to all the men and women, past and present, who got us to the place we are today, the envy of everyone else.

Vice-Chairman Forquer, this has been a very interesting evening for me. I am glad to see that we have two reporters from both newspapers here, Tori Parrish and Andrea Iglar because both of you are very familiar with the TIF issues and know that refinancing will not even make a dent in the problems that we have. That suggestion that someone made at that microphone, you must know is absolutely ridiculous. Although I cannot say too much because we are in the middle of TIF litigation and audit, I think we are making progress at getting to a solution to the problems. On June 19<sup>th</sup> we had a good meeting in Solicitor Garvin’s office with representatives from the school district and the redevelopment authority. I believe that it was a good meeting and moving forward we are now working towards a solution to the disputes with the developers in both of the TIF districts. Our Allegheny County Executive, Rich Fitzgerald wants these issues resolved and he has been very helpful. I cannot say too much more about it right now, but there is going to be some major concessions and we think that is well on its way. I hope to be able to tell you more about that soon.

Finally, Wednesday is Independence Day. It is a federal, public holiday when we celebrate the signing of the Declaration of Independence. Independence day commemorates the day when brave men had the courage to put their names on perhaps the most public document of all of history and immediately put their own lives at risk doing so. Interestingly, just the opposite seems to happen in our Township with a group of people who have been attacking me since I was elected. Childishness in Robinson Township politics abounds. The same group started attacking me in a letter to the editor because I pointed out an error in the treasurer’s report. When I answered it, another one attacked me with another letter to the editor. These kinds of things go on for three reasons: An attempt to destroy your reputation so they can take you out in the next election and dominance in an attempt to intimidate you. These things don’t work for me. You are wasting your time. Since I have been elected, I have spent countless hours working with the other Board members, the Township Manager, Solicitors, Engineer and helping private citizens with legitimate problems when they came to me. We once had a

Commissioner here whose method of getting things done was to have his supporters write letters to the editor berating the other commissioners in support of him. He did that because he did not have the spine to talk directly to the Commissioners. Naturally, that Commissioner lost the respect of the Commissioners and accomplished very little and was not re-elected. I have been very proud of the things that I have done on the Board, working with the commissioners together, but I am not proud of the behavior of a group of individuals whose sole purpose is to disrupt our meetings in order to get their names in the paper. Some of the same people who complained that our meetings were not televised, have relatives on the school board and say nothing to the fact that they do not televise their meetings. Are they walking on the graves of dead soldiers because they don't televise their meetings? That is the rotten thing that somebody put in an email about me and I take exception to that. Many of the financial issues that concerned me when I was running for office have been resolved. I would also point out in summation that I have never had any support from some of these so called experts, who have been attacking me concerning improvements in financial management that we have implemented and our efforts to resolve the TIF problems we are working through currently. I have no support whatsoever from any of those people and those are very serious things that we have done. That is just the way things happen here I guess. Sadly, I would tell you that it is amazing the rotten things that some people will do to an elected commissioner to win a position that pays \$275.00 per month. I want to tell you something else. We do not have a business tax in Robinson Township. You heard that tonight. There are serious safety violations at Montour High School. There is a road that needs to be fixed. They have a letter about that. You have to have two roads in and out of there right now because of the number of square feet that they have in there. It needs to be done to comply with the fire codes. That is all they have been asked to do. It is not for any reason other than that. All of this other stuff that you see going on, it is political. That is all it is. I am sorry to say all of those things tonight, but I spend a lot of time researching TIF issues. I probably spent 500 hours of my own time researching those issues and working with our lawyers and I don't know how many meetings we have been to with the Redevelopment Authority of Allegheny County. This is tough to take sometimes.

Chairman Abatta, it has all been said. At this point, I would just like to wish everyone a happy July 4<sup>th</sup>.

MOTION Forquer, SECOND Mapel to adjourn the meeting.

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

Respectfully submitted,

Carol Merks  
Secretary

