

BOARD OF COMMISSIONERS MEETING  
THURSDAY, NOVEMBER 7, 2013

CALL TO ORDER: Vice-Chairman Jesse Forquer called the Board of Commissioners meeting of November 7, 2013 to order at the Municipal Complex, 1000 Church Hill Road at 7:00 p.m.

Vice-Chairman Forquer, we are broadcasting this meeting from our office boardroom at 1000 Church Hill Road. Also note that barring technical difficulties, our meetings are re-broadcast on the following Mondays at 7:00 p.m. until the next meeting.

Chairman Abatta is traveling and attending a funeral, so he has asked me to sit in for him this evening.

PLEDGE OF ALLEGIANCE

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

**TOWNSHIP ENGINEER'S REPORT**

The Township Engineer's Report is attached.

Engineer Meyer, a bid package for Clever Road Park has been completed for the grant. We will be meeting with representatives from the Township to finalize and review the package and hopefully putting it out to bid this month.

**Grants**

The CDBG Year 39 Project, this is the restroom on the second floor by the library. It is an ADA renovation. Work is currently progressing and should be completed by November 15<sup>th</sup>.

**Capital Projects**

The CDBG Year 40 would be to do the other restroom on the second floor for the library. That is currently with the COG.

The 2013 Road Program has been substantially completed. There are some punch-list items remaining which will be completed shortly.

Burkett Park Road Extension – we are working on the design to connect the parking lot to the extension of Moon Run Road. This would be in conjunction with a proposed Speedway Station and a four way traffic light.

### **Developmental Inspection**

ISC – Developer has started work on the site and the storm water management is being inspected.

Trotwood Acres – this was a request by the Association to have the internal roadways dedicated to the Township. An inspector has reviewed the site. The right of way information and other items are being reviewed before we can make a recommendation back to the Township.

Burwood Acres – the developer is in the process of completing the outstanding work in this development. A punch-list has been prepared for the developer. Based on his completion of the punch-list, a recommendation should be forthcoming for the December meeting for a final bond reduction.

### **Developmental Reviews**

West Peripheral Hotels – had met with the Planning Commission on November 6<sup>th</sup>. There is going to be another meeting scheduled for November 20<sup>th</sup> and at that time the Planning Commission would make any recommendations that they would have.

Penn Center West Building #9 – same as West Peripheral Hotels.

Stafford Park Phase II, the applicant has submitted plans for final approval. The first review has been completed and we have met with Township staff and the applicant to discuss the comments. The applicant will be sending a response letter to the engineering comments with any revisions to the plan as required.

I have received some of those revisions and we are waiting on some others.

### **Other:**

ACTA PCTI Project Park Manor Boulevard – this is on the agenda this evening and Lynn Manion is here presenting ACTA in the event there are any questions during the agenda phase.

### **POLICE REPORT**

The October 2013 Robinson Township Police Department Report is attached to and made part of the minutes.

Vice-Chairman Forquer questioned, what are the lockouts?

Chief Vietmeier, those are cars that are running with either a child or animal inside.

Vice Chairman Forquer, are you aware that you can use a cell phone sometimes if the remote gets locked in the car? If they have someone at home with another one and you make a phone call, you can call that number. If you hold that cell phone up to the center of the window, that should unlock the door.

Chief Vietmeier, yes that does work with certain vehicles.

### **ADMINISTRATION UPDATE** (Report Attached)

Mgr. Silka, probably the most important aspect of my report today is the distribution of the 2014 working draft of the budget. I have it at everyone's station. The budget was put together with senior staff department heads with the current tax rates and it is ready to be reviewed. Probably the most important part of this is to schedule very prudently, a budget workshop session so that we can work through this budget and get it ready for publication for adoption in December. We are hoping to do this at 3:00 p.m. on Thursday, November 21<sup>st</sup>.

Commissioner Shiwarski, we will make that somewhat tentative until we speak to Chairman Abatta and Commissioner Mapel.

Mgr. Silka, at the last meeting I was asked to have our billboard ordinance reviewed by a third party zoning consultant. Roberta Sarraf was the name that was given since she has done work in the past for the Township. In contacting her, she is retiring at the end of the year and she is not available to take on any new work. What I have done, with the help of our Solicitor, we have located Delta Development. They are a major consulting firm in the state. I am going to meet with them tomorrow to drop a work order to have them be the third party eyes for the billboard ordinance.

Also, there is always something that comes out of the woodwork. We had our annual inspection of our HVAC on the roof done this month and we have had a couple of major issues that have forced us to turn off heat to some of our areas of the building. We had some condenser issues, building issues and heat exchange issues. We have Quality Mechanical working on these. We do have the budget authority and I have authorized them to go ahead and do that work, especially for our tenants. We cannot not heat our buildings with winter approaching. They had to turn off some of our heaters because leaving them on could have done serious damage to some of our units.

Vice-Chairman Forquer, the other thing that we are going to be getting into is a transition period. I assume that you have contacted the two Commissioners elect, James Barefoot and Ken Kisow? I assume they will start getting copies of packets and they will be in our executive sessions in the future.

Mgr. Silka, I will also invite them to the budget workshop.

Vice-Chairman Forquer, congratulations to them and to our perennial Commissioner here for winning another election, Mr. Shiwarski. That is behind us now, so we have to move on.

### **SOLICITOR'S REPORT**

Vice-Chairman Forquer, one thing that I want to say John (Butya) before you get into your report. There were some things said at the last meeting that just absolutely were not true. Somebody said at that microphone that John was fired, and he was never, ever fired. We had to twist his arm to get him to fill in for some times when we were in a situation where we decided to make changes with solicitors and John is not looking to be a permanent Township Solicitor here as far as I know. He is helping us get through a period again and he is very honest. When there appears to be conflicts of interest, he brings them up long before we know them. I want to thank you for all of the good work that you have done.

Solicitor Butya, I appreciate that. I really do.

Vice-Chairman Forquer, do you have anything that you want to talk about?

Solicitor Butya, I do not have a formal report. The couple of issues that I have are on the agenda so we can deal with them at that point.

**THE BOARD OF COMMISSIONERS CONDUCTED AN EXECUTIVE SESSION ON NOVEMBER 7, 2013 FROM 6:00 P.M. TO 7:00 P.M.. TO DISCUSS LEGAL MATTERS. THE BOARD WILL TAKE OFFICIAL ACTION, IF ANY, FROM THIS EXECUTIVE SESSION DURING THIS MEETING.**

Discussion to approve the October 7, 2013 Board of Commissioners Meeting Minutes

Discussion to discuss the October, 2013 Treasurer's Report

Discussion to discuss the October, 2013 List of Bills.

**NEW BUSINESS**

Discussion to direct the Robinson Township Planning Commission to review the political sign and sign ordinances and recommend changes to any potential conflicts between the political sign and sign ordinances.

Discussion to conditionally allow the Airport Corridor Transportation (ACTA) to proceed with the Pennsylvania Community Transportation Initiative (PCTI) grant project on Park Manor Boulevard with the IKEA Driveway and Robinson Township Center (western) Driveway during the hours of 7:00 a.m. – 3:00 p.m. beginning March 1, 2014. This is allowed with the condition that if this project greatly impacts traffic congestion, it will be transitioned to night work.

Commissioner Shiwarski, I guess my question would be, who is the ruler on whether it impacts traffic congestion?

Vice-Chairman Forquer, I think that is our chief.

Lynn Manion, I think if there was an issue, we would discuss it with you and the contractor and come to a resolution. I don't know if you received the response that came directly from the contractor? I did submit that to the Township and the contractor did agree that if there is a congestion problem, that they will switch to night.

Vice-Chairman Forquer, I think we had this discussion at our last meeting and the Chief is going to keep an eye on this. Do you agree with that Chief?

Chief Vietmeier, yes sir.

Discussion to authorize the Township Solicitor to execute two Praecipes to Settle and discontinue the actions GD-10-18480 and GD-09-20647 against Vigilant Insurance Co.

Solicitor Butya, the Township has received all money that it is owed under these two cases. We are now in a position where we can discontinue these actions.

Discussion to approve Resolution No. 15 of 2013 adopting a revision to the official sewage facilities plan and submitting to the Department of Environmental Protection for Fore Property Company for parcel identified as "The Ridge at Robinson."

Mr. Urbano, that is a development complex directly above the parking lot out here. The reason we are going this route is because of a situation that we have with ISC about the stream down below here going into our sewage plant. They wanted to make sure that they have the modules in place before they proceed with this huge development that is going to take place if everything goes well at the top of the hill, right across from Settlers Landing.

**CITIZENS COMMENTS**

Mgr. Silka, Steven Victor was a little bit late coming in and he did phone in to the secretary requesting to speak.

Steven Victor, I apologize for being late. I am here to ask if the Board would reconsider your paving policy. I am not looking for relief currently, but possibly in the spring. Currently you have a prohibition of paving between October 15<sup>th</sup> and April 15<sup>th</sup>. I think that you are all aware that is a very old standard applied to PennDOT primarily for repaving and resurfacing projects which are completely different structurally engineering wise from a brand new paving. I know of almost no other community, other than yourselves, who are still following that practice and of course everyone follows it on a temperature basis standard. If it is 40 degrees and rising you can pave. There is no reason that yesterday when it was nearly 70 degrees that you could not be out paving streets in that period, other than your rules say that they had to stop three weeks ago. I can think of times last year during December when we had 60 degree weather and you could be paving. I was fortunate to finish  $\frac{3}{4}$  of my paving by October 14<sup>th</sup>, so I don't need anything yet this year, but come next spring if lot sales are good during the winter, I may be anxious to finish the last of the cul-de-sac and I may want to do that before April 15<sup>th</sup>. From an engineering perspective, there really is no reason to be waiting until April 15<sup>th</sup> when we can have a lot of warm weather before then. I have also heard this evening that you are going to be considering allowing the IKEA project to begin paving if I understood what is being said on March 1<sup>st</sup>?

Engineer Meyer, no the paving will not be starting at that time, just as a point of clarification.

Steven Victor, I think you need to become more realistic with your paving standards to allow paving based on a temperature basis, rather than on a calendar basis. You may or may not believe it, but we do have global warming and our winters have certainly been significantly warmer than we have had in the past. I am just asking if you could maybe give that some consideration.

Vice-Chairman Forquer, I am going to refer that to our Township Engineer and I think there are some other projects right now where we are enforcing that standard.

Engineer Meyer, that is correct. It is the standard that is being enforced in the Township. I know that Mr. Urbano had said that he was going to be looking at some of the different ordinances with ourselves. Maybe that is one that we would look at and come back with a recommendation to the Planning Commission and then to the governing body.

Commissioner Shiwarski, didn't we have a discussion last fall with McCormick Farms on this same issue?

Engineer Meyer, yes and at that point the Board decided those were the dates that they wanted to have.

Commissioner Shiwarski, and that was based on standards that were industry?

Engineer Meyer, it was based on the ordinance.

Mr. Victor, there are no industry standards that say it stops on October 15<sup>th</sup> and begins April 15<sup>th</sup>. It is really a decades old PennDOT criteria for repaving projects, not for new streets. As I said, everybody else in the world is doing it based on temperature. You are one of the hold-outs from a decades old standards.

Vice-Chairman Forquer, what about ground temperature?

Mr. Victor, it doesn't matter, air temperature, ground temperature, whatever standard but anything will be better than a calendar date. You are absolutely correct, the ground does need to be a certain temperature as well. There is no argument there.

Vice-Chairman Forquer, I found out how cold it is in April when I did a triathlon and the water temperature was about 50 degrees.

Mr. Victor, that is cold, but not too cold for paving. Thank you and I appreciate your consideration.

Vice-Chairman Forquer, thank you for your comments.

### **FINANCE UPDATE**

Vice-Chairman Forquer, the balance in the general fund account of this morning was \$2,958,111. The market value of the police pension fund as of this morning was \$12,662,415. That is up from the October 7<sup>th</sup> report which was \$12,430,494. The pension fund is funded every year by the township, state and our police. Because a good portion of the account is in stock and bond funds, the account balance is subject to market volatility. Real estate taxes collected for October were \$18,466.00. That brings the year to date total to \$4,218,696. The process of resolving property tax appeals continues and will likely extend into next year. We continue to issue refunds because the 2013 reassessments are being rolled back on large commercial properties through the appeals process. By the time the process ends, contrary to what people are saying, we should be well within a couple of percent in the amount of taxes collected based on the aggregate assessed valuation of the total of all taxable properties in the Township. To me that proves that we did our best estimate to predict the outcome of the final property tax settlements and that we lowered our millage to a rate accordingly and we will be very close to being revenue neutral, which is what the object of that was.

We had a finance committee meeting and in advance of the budget workshop, our financial manager is predicting a balance of over \$2 million at year end. Note that the audited balance forward in 2009, the year before I took office was \$184,000. I was elected in 2009 and took office in 2013 and since then the balance forward has been near \$2 million every year and we have not had to raise taxes, although we have been very fortunate sometimes when money just sort of turns up.

The earned income tax collected for September was \$68,546. Year to date was \$2,450,432. That is the highest amount that has been collected by the end of October going back to 2012, which was \$2,746,000 which was due to more money coming from Centax.

The LST collected in October was zero. The year to date collected is \$717,515 and the budget is \$900,000. Do you think we will be getting another check Jeff?

Mgr. Silka, yes.

Real estate delinquent taxes collected by Jordan for October were \$4,480 and year to date is \$64,812. The budget for this year is \$100,000. We may not make it with delinquent taxes.

Real estate transfer for October were \$31,833 and year to date \$337,786. The budget transfers for the year was set at \$190,000 so we are well ahead by \$147,786 over budget in collection.

That completes my finance report.

### **BUILDING INSPECTOR/ZONING OFFICER REPORT**

The October, 2013 Building Inspection Report is attached.

### **MEETING MOTIONS**

MOTION Shiwarski, SECOND Cegelski to approve the November 7, 2013 Board of Commissioner Meeting Minutes.

ROLL CALL: Cegelski-Y, Shiwarski-Y, Forquer-Y  
M/C 3-0.

MOTION Shiwarski, SECOND Cegelski to approve the October, 2013 Treasurer's Report.

ROLL CALL: Cegelski-Y, Shiwarski-Y, Forquer-Y.  
M/C 3-0

MOTION Shiwarski, SECOND Cegelski to approve the October, 2013 List of Bills

ROLL CALL: Cegelski-Y, Shiwarski-Y, Forquer-Y.  
M/C 3-0

MOTION Shiwarski, SECOND Cegelski to direct the Robinson Township Planning Commission to review the political sign and sign ordinances and recommend changes to any potential conflicts between the political sign and sign ordinances.

ROLL CALL: Cegelski-Y, Shiwarski-Y, Forquer-Y.  
M/C 3-0



MOTION Shiwarski, SECOND Cegelski to conditionally allow the Airport Corridor Transportation Association (ACTA) to proceed with the Pennsylvania Community Transportation Initiative (PCTI) grant project on Park Manor Boulevard with the IKEA Driveway and Robinson Town Center (western) Driveway during the hours of 7:00 a.m. – 3:00 p.m. beginning March 1, 2014. This is allowed with the condition that if this project greatly impacts traffic congestion, it will be transitioned to night work.

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

M/C 3-0

MOTION Shiwarski, SECOND Cegelski to authorize the Township Solicitor to execute two Praecipes to Settle and Discontinue the actions GD-10-18480 and GD-09-20647 against Vigilant Insurance Company.

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

M/C 3-0

MOTION Shiwarski, SECOND Cegelski to approve Resolution No. 15 of 2013 adopting a revision to the official sewage facilities plan and submitting to the Department of Environmental Protection for Fore Property Company for parcel identified as “The Ridge at Robinson.”

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

M/C 3-0

MOTION Shiwarski, SECOND Cegelski to permit the Township Manager to set a date for the Township Budget Workshop. The date will be Thursday, November 20, 2013 at 3:00 p.m.

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

M/C 3-0

### **COMMISSIONERS COMMENTS**

**Commissioner Cegelski was unable to give a report due to a health issue.**

**Commissioner Shiwarski**, I don't have much tonight except that I really want to thank all of the candidates that ran in this last election, as well as those in the primary. That in my opinion is the foundation of a democracy, when people decide to become involved, whether they win or lose in the running of their government, especially in their local government. Congratulations to Jim Barefoot and Ken Kisow, who will be joining this Board in January. Also, I cannot forget to thank all of the voters who came out. As far as November days, Tuesday was a pretty nice day. The turnout is always a little disappointing when you look around what other people do for a right to vote, but to the people who came out, thank you. That is what makes our country special. Just as a personal note to Jesse and Bobbi who continue to work up to the bell, I appreciate that.

This is November and we are starting the holiday season. It is the last meeting before Thanksgiving so a Happy Thanksgiving to everyone out in the audience, to the members sitting up here and to all of the residents of Robinson Township and their families, have a safe and memorable Thanksgiving.

**Vice-Chairman Forquer**, I also wish to extend congratulations to Ron Shiwarski, Jim Barefoot and Ken Kisow. We are into a transition program right now and I would like to talk a little bit about some of the TIF issues that I have been trying to get resolved in my term. Unless you watch the Allegheny County Council meetings, you don't know that I spoke at their meeting on October 22<sup>nd</sup>. Their meetings are broadcast also. They are held on Tuesdays. I am sure that most of you here and watching the broadcast did not see my presentation. I received a very cordial greeting from Council and the following is my presentation:

"In 2011 when the Assistant Manager's position became open in Robinson, I convinced our Board to hire a financial manager. One of the first assignments that I gave to our financial manager was to review property tax collection prospects in TIF districts. Although there is only really one TIF District in Robinson, the Redevelopment Authority decided to divide it into two Tax Increment Financing Districts and bond them separately. The two districts are the Mall JCP Associates District and the Peripheral District. The TIF Agreements were enacted by resolutions and were signed in 2001. One of the first things our Financial Manager found was that there were terms in the agreements that were intended to limit property tax appeals and they were being ignored. Our Board then approved an audit of TIF tax collection in both TIF districts and a review of the legal/financial controls in the agreements. In the beginning, in order to obtain financial documents from the Redevelopment Authority it became necessary to issue "Right to Know Requests:

"I came here tonight to talk about the problems that we are currently trying to work through with the Redevelopment Authority concerning our Tax Increment financing agreements in both of our TIF Districts. Although the current management of the Redevelopment Authority was not around when the TIF Agreements were passed by resolutions, they are responsible for the financial management and oversight of the TIF Districts. Our review of the financial reporting and TIF District Management leaves a lot to be desired. We also found that we were not receiving reports that we should have been getting. The Montour School District diverts 61% of their property taxes from both TIF Districts, Allegheny County 55% and Robinson Township 55% to fund TIF bonds.

There was \$18,130,000 in TIF bonds "publically issued" for the Mall JCP Associates TIF District. The amount of TIF taxes generated in that district in 2010 before tax appeals were granted was \$1,930,420. We agreed to restructure the agreement in January because the Authority stated the contract was ambiguous. The changes should resolve the continuous attempts by developers to file property tax appeals which lowered the school district, county and Robinson Township's share of taxes even further. Currently the Redevelopment Authority is ignoring several of our requests to provide us with an answer to when the Mall JCP A and B bonds remaining will be paid off.

The Peripheral District Bonding is a very different story. Approximately 8.4 million in bonds were privately issued by the Authority and, sold directly to the developers in 2001. Per the Authority, there is still approximately 8.2 million in principle alone due. There were three bonds issued at: 9, 12 and 16% interest rates. Most of the TIF payments

made to the Peripheral Developers to date were payments of interest only. The Authority is cooperating with us and is withholding bond payments to the Peripheral Developers until the contract is amended. There is evidence that there was never going to be enough taxes generated in the Peripheral District to fund over \$8 million in bonds. I also find it amazing that this contract has no end date. To date, the Authority has not mailed a formal proposal to the Peripheral Developers, so there is no paper trail. We have had a couple of meetings with the mall lawyers in our office and although I was told a proposal to settle was forthcoming 6 weeks ago, I have seen nothing in writing to date.

Keep in mind that this is a prior meeting and I had seen nothing as if the date that I was speaking to County Council.

I am here tonight to tell you (County Council) that it is time for a change in the management of the Redevelopment Authority of Allegheny Co. and the Board. I see that a seat will come open on the RAAC Board next year and suggest that you appoint an advocate who represents the taxpayers of Allegheny County. I see real problems with RAAC oversight of TIF and reporting that need to be fixed. I can understand that there were errors in the Mall JCP Contract but it is at least open to scrutiny because the bonds were publically sold and registered. Why lawyers at all levels of government signed the Peripheral Bond Agreement in 2001 and no one attempted to fix the underfunding problem until our discovery, is troubling. Municipalities should not have to create control documents to track when TIF bonds are going to be paid off in order to do long term financial planning, but we do. Note that there are numerous parcels in both districts and the outcome of tax appeals has a direct effect on the amount of TIF taxes collected.

I also want to mention that our County Executive, Mr. Rich Fitzgerald, has attempted to help us resolve some of the issues we are dealing with and I want to thank him for his efforts.

In conclusion, I want to thank the County Council for the opportunity to speak and I hope that you will consider my suggestions.”

Vice-Chairman Forquer, that is what I had to say to them. Three days after I gave that presentation to County Council, we received an offer to settle the Peripheral Bond Agreement, however, there were terms of settlement that are costly and no reasonable. My personal opinion is that this offer is yet another stall tactic. They have been stalling on some of this for almost a year now and I don't have a lot of patience for it. It is also notable that the Peripheral bonds were required by the indenture in the Agreement to publicly register them and they were not. They must have CUSIP identification numbers. That stands for Committee of Uniform Securities Identification Procedure. The number of bonds and the latest maturity, as well as the registered owners are, should be available. In a September 9, 2011 response from the Redevelopment Agreement, it was stated by their Right to Know Officer to our request for CUSIP numbers of the Peripheral Bonds, that there were none. They did not register the bonds. In addition, they stated that access is denied for the list of holders of all of the Robinson Mall and Mall Peripheral Bonds and the dates of purchase because the Redevelopment Authority of Allegheny County is

not in possession of the requested documents. That is incredible I think. In simple terms, RAAC is attempting to hide information from us. We represent you, our taxpayers, and I find this very troubling and revealing. It is apparent that strong action is needed to eliminate the RAAC management behind this cover up. That is why tonight, I am publically calling for the firing of Dennis Davin the Executive Director of the Redevelopment Authority, a complete reorganization of RAAC, an audit of all TIF District Funding and a legal review by an independent party of all TIF Districts in Allegheny County. RAAC is not someone's private club and they are overseeing the disbursement of tax dollars and should be held accountable. Because the Peripheral TIF bonds were privately funded, they are too far removed from public scrutiny and need to be investigated at the highest level of our government.

That is all that I have to say this evening and hopefully I will get somebody's attention with this. I cannot do any more. We are dealing with some big law firms here and they have a lot of money. We are a Township. What I cannot figure out is why the Montour School District has not really dug into this. If they are so concerned about their funding, this is a bottomless pit and it is never going to go away unless somebody does something about it. The County is withholding about \$400,000 of dividends in an account from the Peripheral Developers and we have over \$100,000 in our account. We want to settle this. We do not want this contract going on forever. It just keeps pumping out dividends and it has no end. It has been one of my greatest frustrations as a Commissioner. If that gets settled, I am going to party and I want you to know that.

I want to thank Commissioner Shiwarski, Chairman Abatta, Commissioner Cegelski and Dan Tallon when he was here, Commissioner Mapel and everybody on this Board. They supported my efforts to try and resolve these issues. We care about the taxpayers of Robinson Township and we are doing our best to resolve these issues.

God Bless America and good evening.

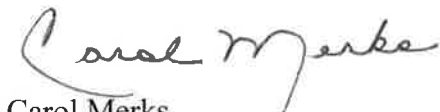
MOTION Shiwarski, SECOND Cegelski to adjourn the meeting.

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

M/C 3-0.

Meeting was adjourned at 7:45 p.m.

Respectfully submitted,



Carol Merks  
Township Secretary