

TOWNSHIP OF ROSTRAVER

Minutes of the Monthly Meeting

June 3, 2009

Prior to the Monthly Meeting the Commissioner went into Executive Session for fifteen (15) minutes to discuss Personnel

Chairman Lorenzo called the regular monthly meeting of the Rostraver Township Board of Commissioners to order on this date at 6:00 p.m. in the Rostraver Township Municipal Building.

Members present were:	Brian L. Sokol	Thomas G. Patterson
	Patrick G. Egros	Nick Lorenzo
	Ralph Iacoboni	

The Pledge of Allegiance was led by Chairman Lorenzo, audience participating

Attorney Maatta, Engineer DeiCas and Secretary Beard were also present.

Ralph Iacoboni moved there being no additions or corrections to the minutes of the Monthly Meeting of May 6, 2009 and Work Session of April 27, 2009 they stand approved as read. Patrick G. Egros seconded the motion. The following yea and nay votes were recorded:

Brian L. Sokol – yea	Thomas G. Patterson – yea
Patrick G. Egros – yea	Nick Lorenzo – yea
Ralph Iacoboni - yea	

Total yeas – 5; nays – 0

COMMITTEE REPORTS:

Chairman of Public Safety, Nick Lorenzo, reported for the month of May, 2009. Criminal Arrests 46, YTD 191; Non-Traffic Citations 26, YTD 135; Traffic Citations 110, YTD 676; Parking Tags 2, YTD 24; Written Warnings 6, YTD 58; Total Number of Incidents 858, YTD 3,786; Total Number of Miles Driven 15,877, YTD 74,965. Chairman Lorenzo said Finley Road is opened one way from West to East. Chairman Lorenzo said they will be working on the Railroad crossing and should be completed with the Finley Road project in August or September, 2009.

Chairman of Parks and Recreation, Brian L Sokol, reported for the month of May, 2009. Commissioner Sokol said the spring soccer program is over and recreation baseball and girls softball is coming to the end. Commissioner Sokol said the fertilization program has begun on the two (2) DiVirgilio ballfields. Commissioner Sokol said the soil has been tested and we should begin to see a difference soon at these ballfields.

Chairman of Roads, Streets and Equipment, Patrick G. Egros, reported for the month of May, 2009. Commissioner Egros said the Road Department has been busy patching potholes and cutting grass along the roads. Commissioner Egros said the Road Department is finishing up Allen and Plainview paving project. Commissioner Egros said a storm drain collapsed in Willowbrook Farms and should cost around \$5,000 - \$7,000.00 to repair. Commissioner Egros told the residents to be careful of the gypsy blacktopper that is going around in the neighborhood. Commissioner Egros said to call the municipal office or police department.

Chairman Lorenzo commended the Road Department on replacing the pipe in Willowbrook Farms and how well the job went.

Chairman of Health and Welfare, Ralph Iacoboni, reported for the month of May, 2009. Commissioner Iacoboni gave a sewage report.

Chairman of Budget and Finance, Thomas G. Patterson, reported for the month of May, 2009. Assets: \$2,153,006.62, Revenues & Other Financing Sources: \$1,005,377.78, Expenditures: \$282,875.87, Debt Principal & Interest Payable: \$443,675.88, Police Pension Fund Assets: \$3,227,437.37. Commissioner Patterson said the money is coming in good from the real estate taxes. Commissioner Patterson said \$65,000.00 was borrowed from the Capital Reserve Fund and this has been paid back and \$100,000.00 was borrowed from the Solid Waste Fund and this also has been paid back.

Township Engineer, Carl DeiCas, reported for the month of May, 2009. Twelve (12) permits were issued for the month of May. Three (3) residential home, one (1) addition, two (2) garages, three (3) pools, one (1) parking lot, one (1) sign, and one (1) demo. Total construction for the month of May, 2009 - \$856,025.00. Total construction for the year 2009 - \$3,767,866.00.

Commissioner Lorenzo said development has slowed down from last year but the Township is fortunate to still be developing.

Attorney Maatta reported for the month of May, 2009. Attorney Maatta said he performed routine business along with court attendances, personnel matters and cable TV franchise issues. Attorney Maatta said a property owner fronting Finley Road is seeking additional compensation and he sent it over to Dan Buken and is waiting to hear from him as to what they want to do. Attorney Maatta said he has not heard a decision yet on the A & L matter.

Chairman Lorenzo at this time welcomed Andy Temoshenka who is a newly elected Commissioner.

CITIZENS WANTING TO DISCUSS AGENDA ITEMS ONLY:

Thomas G. Patterson moved to hear from citizens at this time. Patrick G. Egros seconded the motion. The following yea and nay votes were recorded:

Brian L. Sokol – yea	Thomas G Patterson – yea
Patrick G Egros – yea	Nick Lorenzo – yea
Ralph Iacoboni - yea	

Total yeas – 5; nays – 0

PETITIONS, RESOLUTIONS, ORDINANCES:

RESOLUTION NO. 850, introduced by Patrick G. Egros, is a Resolution Declaring Cedar Hills Development, Inc in Default of Their Excess Hauling Agreement, was given a reading by Solicitor Maatta

Resolution of the Township of Rostraver

WHEREAS, the Township of Rostraver entered into a certain Excess Hauling Agreement for a License & Permit Bond with Cedar Hills Development, Inc., through Fidelity and Deposit Company of Maryland and

WHEREAS, a provision in the Agreement required a surety provision to guarantee the performance of the terms and conditions set forth in the Agreement as written together with those elements required by the Township Code.

WHEREAS, Cedar Hills Development, Inc., posted a certain License & Permit Bond for a road bond for Ridge Road in the amount of One-Thousand Eight- Hundred Seventy-five (\$1,875.00) Dollars.

WHEREAS, the Township of Rostraver, upon recommendation of the Township's Planning Agency as well as the Township's engineer and Solicitor, has determined that Cedar Hills Development, Inc. is in default of said license and permit bond, be it therefore resolved by the Township through its Board of Commissioners at a public meeting duly assembled:

1. That Cedar Hills Development, Inc. is hereby in default of its bond;
2. That the Township Planner, Tamira Spedaliere, is hereby directed to claim the amount of One-Thousand Eight- Hundred Seventy-five (\$1,875 00) Dollars, its

- 3 successors or assigns by furnishing them with a certified copy of this Resolution;
That Cedar Hills Development, Inc. is hereby given notice that they are not permitted to haul over Ridge Road

In the event this license and permit is extended year by year with a continuation certificate, this Resolution shall be null and void.

Thomas G. Patterson moved Resolution No. 850 be adopted as read. Ralph Iacoboni seconded the motion. The following yea and nay votes were recorded:

Brian L. Sokol – yea	Thomas G. Patterson – yea
Patrick G. Egros – yea	Nick Lorenzo – yea
Ralph Iacoboni – yea	

Total yeas – 5; nays - 0

RESOLVED this 3rd day of June, 2009. Board of Commissioners. Township of Rostraver.
BY: Nick Lorenzo, President **ATTEST:** Pamela S. Beard, Secretary

RESOLUTION NO. 851, introduced by Patrick G. Egros, is a Resolution Declaring F.C. Rostraver Associates, LLC in Default of their Development Agreement and Amendment (Phase I), was given a reading by Solicitor Maatta.

Resolution of the Township of Rostraver

WHEREAS, the Township of Rostraver entered into a certain Development Agreement with F.C. Rostraver Associates, LLC, on December 27, 2002; and

WHEREAS, a provision in the Developer's Agreement required a surety provision to guarantee the performance of the terms and conditions set forth in the Agreement as written together with those elements required by the Municipalities Planning Code 53 PS 10101 through 11202; and

WHEREAS, the developer, F.C. Rostraver Associates, LLC, purchased a certain Irrevocable Letter of Credit from Great American Federal, principally established in the amount of Eighty Thousand Seven Hundred Eighty-one Dollars and Twenty-five cents (\$80,781.25).

WHEREAS, the Township of Rostraver, upon recommendation of the Township's Planning Agency as well as the Township's engineer and Solicitor, has determined that the developer, F.C. Rostraver Associates, LLC, is in default of said Developer's Agreement, be it therefore resolved by the Township through its Board of Commissioners at a public meeting duly assembled:

1. That F.C. Rostraver Associates, LLC is hereby in default of its Developer's Agreement and Amendment;

- 2 F.C. Rostraver Associates, LLC, has failed to perform the public improvements for the Willow Links Plan of Lots Phase No. 1 Plan of Lots, which consists of streets, sanitary sewers, storm water management, recreational facilities and earthwork in the amount of Thirty-six Thousand Six Hundred Eighty-six Dollars and Thirty-eight cents (\$36,686.38).
- 3 That the Township Planner, Tamira Spedaliere, is hereby directed to claim the amount of Thirty-six Thousand Six Hundred Eighty-six Dollars and Thirty-eight cents (\$36,686.38) from First Commonwealth, its successors or assigns pursuant to Irrevocable Letter of Credit #48, by furnishing them with a certified copy of this Resolution.

Ralph Iacoboni moved Resolution No. 851 be adopted as read. Brian L. Sokol seconded the motion. The following yeas and nays were recorded:

Brian L. Sokol – yea	Thomas G. Patterson – yea
Patrick G. Egros – yea	Nick Lorenzo – yea
Ralph Iacoboni – yea	

Total yeas – 5; nays - 0

RESOLVED this 3rd day of June, 2009 Board of Commissioners Township of Rostraver. **BY:** Nick Lorenzo, President. **ATTEST:** Pamela S. Beard, Secretary

RESOLUTION NO. 852, introduced by Patrick G. Egros, is a Resolution Declaring F.C. Rostraver Associates, LLC in Default of their Development Agreement and Amendment (Phase II), was given a reading by Solicitor Maatta

Resolution of the Township of Rostraver

WHEREAS, the Township of Rostraver entered into a certain Development Agreement with F.C. Rostraver Associates, LLC, on November 6, 2003; and

WHEREAS, a provision in the Developer's Agreement required a surety provision to guarantee the performance of the terms and conditions set forth in the Agreement as written together with those elements required by the Municipalities Planning Code 53 PS 10101 through 11202; and

WHEREAS, the developer, F.C. Rostraver Associates, LLC, purchased a certain Irrevocable Letter of Credit from Great American Federal, principally established in the amount of One-hundred Seventy-four Thousand Five-hundred Ninety-seven Dollars and Fifty cents (\$174,597.50)

WHEREAS, the Township of Rostraver, upon recommendation of the Township's Planning Agency as well as the Township's engineer and Solicitor, has determined that the developer, F.C. Rostraver Associates, LLC, is in default of said Developer's Agreement, be it therefore resolved by the Township through its Board of Commissioners at a public meeting duly assembled:

- 1 That F.C. Rostraver Associates, LLC is hereby in default of its Developer's Agreement and Amendment;
2. F.C. Rostraver Associates, LLC, has failed to perform the public improvements for the Willow Links Plan of Lots Phase No. 2 Plan of Lots, which consists of streets, sanitary sewers, storm water management, recreational facilities and earthwork in the amount of Fourteen Thousand Seven Hundred Fifty-six Dollars and Fifty cents (\$14,756.50).
- 3 That the Township Planner, Tamira Spedaliere, is hereby directed to claim the amount of Fourteen Thousand Seven Hundred Fifty-six Dollars and Fifty cents (\$14,756.50) from First Commonwealth, its successors or assigns pursuant to Irrevocable Letter of Credit #50, by furnishing them with a certified copy of this Resolution.

Ralph Iacoboni moved Resolution No. 852 be adopted as read. Patrick G. Egros seconded the motion. The following yea and nay votes were recorded:

Brian L. Sokol – yea	Thomas G. Patterson – yea
Patrick G. Egros – yea	Nick Lorenzo – yea
Ralph Iacoboni – yea	

Total yeas – 5; nays - 0

OLD BUSINESS:

Brian L. Sokol moved to approve Thomas Kelly Site Plan, Thomas & Allyene Kelly, Land Development A land development plan of tax map parcel 56-16-00-0-037 located off of SR 201. The Planning Agency recommends approval contingent on Stormwater management bond. Thomas G. Patterson seconded the motion. The following yea and nay votes were recorded:

Brian L. Sokol – yea	Thomas G. Patterson – yea
Patrick G. Egros – yea	Nick Lorenzo – yea
Ralph Iacoboni – yea	

Total yeas – 5; nays - 0

NEW BUSINESS:

Thomas G. Patterson moved all bills presented be approved/ratified for payment. Patrick G. Egros seconded the motion. The following yea and nay votes were recorded:

Brian L. Sokol – yea	Thomas G. Patterson – yea
Patrick G. Egros – yea	Nick Lorenzo – yea
Ralph Iacoboni – yea	

Total yeas – 5; nays - 0

Ralph Iacoboni moved to approve the Finley Road Application for Payment No. 22 in the amount of \$324,602.51 to be paid to Plum Contracting Inc. Thomas G. Patterson seconded the motion. The following yeas and nay votes were recorded:

Brian L. Sokol – yea	Thomas G. Patterson – yea
Patrick G. Egros – yea	Nick Lorenzo – yea
Ralph Iacoboni – yea	

Total yeas – 5; nays – 0

Brian L. Sokol moved to participate in Westmoreland Cleanways 13th Annual Household Hazardous Waste Collection to be held on Saturday, October 13, 2009 from 9:00 a.m. to 2:00 p.m. at the Westmoreland Fairgrounds. The cost to sponsor our residents is \$280.00. Patrick G. Egros seconded the motion. The following yeas and nay votes were recorded:

Brian L. Sokol – yea	Thomas G. Patterson – yea
Patrick G. Egros – yea	Nick Lorenzo – yea
Ralph Iacoboni – yea	

Total yeas – 5; nays – 0

Patrick G. Egros moved Secretary advertising for “Oil” for the year 2009. No “Oil” bids had been received when the 2009 Road Supplies were previously advertised in November 2008. Thomas G. Patterson seconded the motion. The following yeas and nay votes were recorded:

Brian L. Sokol – yea	Thomas G. Patterson – yea
Patrick G. Egros – yea	Nick Lorenzo – yea
Ralph Iacoboni – yea	

Total yeas – 5; nays – 0

Ralph Iacoboni moved to approve the Cohen Law Group proposal to negotiate Township cable franchise agreements for a total fee of \$4,200 payable in three installments as billed. Brian L. Sokol seconded the motion. The following yeas and nay votes were recorded:

Brian L. Sokol – yea	Thomas G. Patterson – yea
Patrick G. Egros – yea	Nick Lorenzo – yea
Ralph Iacoboni – yea	

Total yeas – 5; nays – 0

Ralph Iacoboni moved to renew group #450601164 with Concordia Flex for the period 7/1/2009 to 6/30/2010. The monthly United Concordia Dental rates have increased \$1.17 (employee only) and \$3 52 (allothers). Brian L. Sokol seconded the motion. The following yea and nay votes were recorded:

Brian L. Sokol – yea
Patrick G. Egros – yea
Ralph Iacoboni – yea
Thomas G. Patterson – yea
Nick Lorenzo – yea

Total yeas – 5; nays – 0

CORRESPONDENCE: Distributed at work sessions, reviewed and filed for reference.

CITIZENS TO BE HEARD:

Brian L. Sokol moved to hear from citizens in attendance. Thomas G. Patterson seconded the motion. The following yea and nay votes were recorded:

Brian L. Sokol – yea
Patrick G. Egros – yea
Ralph Iacoboni – yea
Thomas G. Patterson – yea
Nick Lorenzo – yea

Total yeas – 5; nays - 0

Jim Kelly, Cedar Hills Development – He said regarding Resolution 850 that is on the agenda he already sent the bond back in.

ADJOURNMENT:

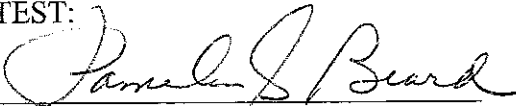
Patrick G. Egros moved monthly meeting be adjourned at 6:24 p m. Ralph Iacoboni seconded the motion. The following yea and nay votes were recorded:

Brian L. Sokol – yea
Patrick G. Egros – yea
Ralph Iacoboni - yea
Thomas G. Patterson – yea
Nick Lorenzo – yea

Total yeas – 5; nays - 0


Nick LORENZO, Chairman

ATTEST:


Pamela S. BEARD, Township Secretary

THIS MEETING WAS TAPED.