

RICHLAND TOWNSHIP
BOARD OF SUPERVISORS

May 5, 2010

PUBLIC MEETING

The Richland Township Board of Supervisors meeting held at the municipal building on Wednesday, May 5, 2010 was called to order at 7:00 PM. by Chairman, Herbert C. Dankmyer. Mr. Dankmyer reported that the Supervisors conducted an executive session prior to the meeting to discuss a matter of potential litigation. He explained further that he had excused himself because it pertained to his employer. There were five people present in the audience. The Officials present were:

Herbert C. Dankmyer, Chairman
Raymond P. Kendrick, Vice Chairman
George P. Allen, Supervisor
John A. Marshall, Supervisor

Dean E. Bastianini, Township Manager
Tina L. Shaw, Recording Secretary
Charles M. Means, Esquire

Mr. Allen made a motion to approve the minutes from the Supervisors meeting of April 21, 2010 as amended. Mr. Marshall seconded the motion and it was approved by all.

Mr. Dankmyer asked if anyone in the audience wished to speak. No one came forward.

Mr. Kendrick made a motion to approve the bills payable. Mr. Allen seconded the motion and it was approved by all.

CORRESPONDENCE

Mr. Ed Casteel, Project Superintendent
Joseph B. Fay Company

A request for a temporary use permit for a contractor's field office and construction staging area at 3769 Gibsonia Road.

Mr. Kendrick made a motion to approve the request for the dates and times stated in Mr. Casteel's letter provided the use does not exceed the duration of the construction project. Mr. Marshall seconded the motion and it was approved by all.

NEW BUSINESS

Following Mr. Means' explanation of the developer's agreement for Phase III of the Parkview Estates Plan, Mr. Kendrick made a motion authorizing the Chairman to execute the agreement. Mr. Allen seconded the motion and it was approved by all.

Mr. Allen made a motion to adopt Resolution No. 5 of 2010 appointing the Township Manager to execute all required forms for obtaining assistance under the Federal Disaster Declaration for the February 2010 winter storms. Mr. Marshall seconded the motion and it was approved by all.

MANAGER'S REPORT

Mr. Bastianini reported on various projects including: a) paving; b) pipe work on South Montour Road; c) restoration on the Route 910 sewer project; and d) hydroseeding the new soccer fields at the park. He also reported on the actions taken at the Allegheny North Tax Collection Executive Committee meeting which took place in Hampton earlier in the day.

Finally, he reported his observations from a visit to the vacant lot which the Township owns on Edgehill Drive next to Mrs. McInerney's property. There are a number of fallen trees and cut logs on the property. There is also a large brush pile. At the front of the property there are two dead trees and an overgrown maple with branches extending over the street. Mr. Bastianini informed Mrs. McInerney that the Township would remove the two dead trees, trim the maple tree and remove two pieces of old plastic pipe which are laying in a gully. Mrs. McInerney requested that the Supervisors clean up the property by removing the brush pile, fallen trees and logs. The Supervisors declined Mrs. McInerney's request. The Board instructed the Manager to post "No Trespassing" signs, remove unnatural debris and trim the trees at the front of the property.

SOLICITOR'S REPORT

Mr. Means reported on a proposed settlement of a tax exempt litigation case between St. Barnabas Land Trust Inc. and the Township. The settlement had been a matter of discussion at the executive session prior to the meeting. He explained that in October 2009 the Allegheny County of Property Assessment had determined that a 297 acre parcel of land owned by St. Barnabas Land Trust, and identified as Lot & Block No. 2006-F-00220, was eligible for Real Estate Tax exemption due to the fact that the uses on the property are considered lawful and charitable under Pennsylvania's Institutions of Purely Public Charities Act; as amended. The tax exoneration was retroactive to 2008.

In response to the decision the Township Solicitor had filed an appeal, and after extensive negotiations was now prepared to present a proposed settlement for the Supervisors consideration. The agreement provides that the litigation and the Township's appeal will proceed no further, and that the Township will accept the County's decision that the property in question is tax exempt going forward. The term of the agreement is 15 years during which St. Barnabas will pay the Township \$15,000 per year. In addition the Township will not be required to refund tax payments made by St. Barnabas for 2008 and 2009. Instead the amounts paid (\$69,491.34) will be applied as a credit in increments towards St. Barnabas's annual \$15,000 payment. The agreement further states that the Township will seek no further appeals, and that if new construction occurs on the parcel which expands the occupancy of the Villages at St. Barnabas the Township and the owner will discuss whether it is appropriate for the voluntary payment to be increased. Furthermore, if the Township

contests the parcel's tax exempt status within the 15 year period, and fails to succeed in removing the tax exemption, then any payments made by St. Barnabas under the agreement would be refunded with interest.

At the conclusion of the discussion, Mr. Kendrick made a motion to accept the proposed settlement agreement. Mr. Marshall seconded the motion and it was approved by all. Mr. Dankmyer abstained from voting. Mr. Kendrick thanked the staff and Solicitor for their work, and said that they had acted in the best interest of the Township.

COMMENTS FROM THE BOARD

Mr. Kendrick requested that "No Hunting" signs be posted at the perimeter of the Park. Mr. Bastianini said that he would request that Mr. Reichart put the signs on his "To Do List".

There being no further business the meeting adjourned at 7:50 p.m.

Respectfully submitted,

Tina L. Shaw
Recording Secretary