



ESTABLISHED 1821

Wilkins Township
Recreation Advisory Board
110 Peffer Road
Turtle Creek, PA 15145

Patty Stewart, President
Richard Voeltzel, Vice President
Joy Voeltzel, Secretary
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Sylvia Martinelli
Beth Humberston
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Sandra Zimmer

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NEWSPAPER RECYCLING

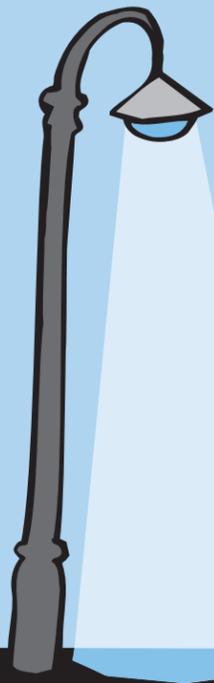
Thanks to Wilkins Township residents, the newspaper recycling program is doing better than ever. It is almost a year and one half since the inception of this program and the numbers tell the tale. The three bins, located at the Municipal Building, Wilkins Township Fire Co. No. 3 on Powell Street and Wilkins Township Fire Co. No. 4 on Frazier Drive, have collected 116.64 TONS of paper which relates to 361.92

CUBIC YARDS of landfill space that has been saved due to the efforts of YOU the residents.



Keep up the good work!

Lights Out?



Residents are reminded that if there is a street light in their neighborhood that is not working, they may call the Duquesne Light Hotline at 1-888-393-7000. Duquesne Light needs the pole number or an address in order to service the light. Response by Duquesne Light to these requests has been extremely timely.

News To You WILKINS TOWNSHIP

Winter 2007

COMMUNITY NEWSLETTER

Light Up Night!



*The moon shone brightly on the wet sidewalk below;
And the children were playing in the remnants of snow;
When what to our wondering eyes should arrive;
But Santa and Oh - hi Mrs. Claus on a fire truck in the Township drive.....*

...And so kicked off Wilkins Township's first Community Light-Up Night. The auditorium was transformed into a Christmas wonderland and the strains of Christmas carols could faintly be heard over the children's squeals of delight. The evening was filled with fun for Township residents of all ages! The children had their choice of a winter hayride around the building, watching Mr. Bubin create Rudolph out of a block of ice, creating special crafts, working with Robin Kelly to make special balloon



designs and singing Christmas carols with Mrs. Martinelli. Of course, Santa made sure that every good boy and girl received a special gift!

The Recreation Advisory Board would like to thank Commissioners Sylvia Martinelli and Joe Costa along with Rebecca Bradley and Paul Vargo for all their help in setting up the event. A big thank you goes out to Paul Padula and VFC #3 for providing Santa and Mrs Claus with transportation to the building. We would also like to thank Robin Kelly for the wonderful balloon creations she made for the children, and to Richard Bubin for the beautiful Rudolph sculpture he created to decorate the gazebo. Even though the night was chilly, hot chocolate and apple cider flowed freely and a good time was had by all.

Merry Christmas to all and we'll see you next year!



THE WILKINS ADVISOR - *Fact vs. Fiction*

Prior to the general election in November, a number of residents reported receiving a newsletter entitled the "Wilkins Advisor." Be advised that this newsletter was not an official release of the Township but was actually released by an unknown party for politically motivated purposes. There were a number of mistruths included in that newsletter that need to be clarified, as follows:

PATRICK HEARN V. WILKINS TOWNSHIP, ET AL:

Reported:

The "Wilkins Advisor" reported that Commissioners Padula, Martinelli and Wilson used two township road crew employees to drive them downtown during the Hearn trial.

Facts:

All of the members of the Board of Commissioners as well as the Manager and Assistant Manager were required by legal counsel to be in attendance for each of the six days of the Hearn trial. The trial was held at the Federal Building on Grant Street in Pittsburgh. The Board of Commissioners is entitled by Township Code to reimbursement of fees associated with their positions as elected officials. If each of these individuals had chosen to drive to the Federal Building separately for each day of the trial, the cost for mileage and parking fees would have been \$1,007.96.

The Manager recommended that the Board carpool each day to avoid six vehicles being driven. Also, to avoid parking fees, the Manager utilized two public works employees to drive two vehicles each day. It should be noted that the Manager and Assistant Manager's vehicles - not Township vehicles - were used. In addition, the Manager and Assistant Manager paid for their own gasoline. The total cost to the Township taxpayers was \$220.00 in wages for Public Works employees.

Reported:

"After more than a year of mounting legal fees, depositions and closed door discussions, the workers compensation case that Patrick Hearn brought against the township has been decided in a jury trial...."

Facts:

Mr. Hearn, a retired employee of the Township, filed a federal lawsuit against Wilkins Township, three members of the Board of Commissioners, the manager and assistant manager in January of 2006. Mr. Hearn mailed a letter to the Township in May of 2005 which stated that he was unable to secure alternative health care and requested that the Township continue to provide him with his existing benefits. Judge Ambrose deemed this letter as a petition to the government. As such, the question to be answered by the jury was whether or not the Township or other named officials, retaliated against Mr. Hearn for the filing of this petition. The jury found, by a preponderance of the evidence, that the Assistant Manager, retaliated against Hearn for exercising his First Amendment right to petition the government and awarded compensatory damages of \$5,000 and punitive damages of \$15,000 to Mr. Hearn. The Township's exposure in this matter is limited to the deductible included in its' General Liability policy (\$10,000). This deductible amount would have been paid regardless of the verdict of the jury.

The Township's Collective Bargaining Agreement with the members of the Department of Public Works stipulates the type of insurance to which an (former/retired) employee is entitled. In this case, the Township Manager sought to change Hearn's insurance in accordance with the terms of the Agreement. The savings to the Township through this change approximates \$250,000 over the course of the next fifteen years.

Because this was a matter of litigation, dealing with a former employee, the Board of Commissioners could not openly discuss the case at public meetings and remains limited in its' ability to appropriately respond with additional details.

INCREASING HOUSING VALUES AND PROPERTY INSPECTIONS:

Reported:

The "Wilkins Advisor" reported that in May of 2006, the commissioners approved a property code regulation that requires an inspection of properties that are sold or re-occupied. The cost to homeowners can add up to thousands of dollars.

TOWNSHIP OF WILKINS 2008 RECYCLING CALENDAR

Holidays Observed are: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving & Christmas.
Pick-Up will be delayed one (1) day as a result of these holidays.

JANUARY	FEBRUARY	MARCH
1 2 3 4 5	1 2	1
6 7 8 9 10 11 12	3 4 5 6 7 8 9	2 3 4 5 6 7 8
13 14 15 16 17 18 19	10 11 12 13 14 15 16	9 10 11 12 13 14 15
20 21 22 23 24 25 26	17 18 19 20 21 22 23	16 17 18 19 20 21 22
27 28 29 30 31	24 25 26 27 28 29	23 24 25 26 27 28 29
		30 31
APRIL	MAY	JUNE
1 2 3 4 5	1 2 3	1 2 3 4 5 6 7
6 7 8 9 10 11 12	4 5 6 7 8 9 10	8 9 10 11 12 13 14
13 14 15 16 17 18 19	11 12 13 14 15 16 17	15 16 17 18 19 20 21
20 21 22 23 24 25 26	18 19 20 21 22 23 24	22 23 24 25 26 27 28
27 28 29 30	25 26 27 28 29 30 31	29 30
JULY	AUGUST	SEPTEMBER
1 2 3 4 5	1 2	1 2 3 4 5 6
6 7 8 9 10 11 12	3 4 5 6 7 8 9	7 8 9 10 11 12 13
13 14 15 16 17 18 19	10 11 12 13 14 15 16	14 15 16 17 18 19 20
20 21 22 23 24 25 26	17 18 19 20 21 22 23	21 22 23 24 25 26 27
27 28 29 30 31	24 25 26 27 28 29 30	28 29 30
	31	
OCTOBER	NOVEMBER	DECEMBER
1 2 3 4	1	1 2 3 4 5 6
5 6 7 8 9 10 11	2 3 4 5 6 7 8	7 8 9 10 11 12 13
12 13 14 15 16 17 18	9 10 11 12 13 14 15	14 15 16 17 18 19 20
19 20 21 22 23 24 25	16 17 18 19 20 21 22	21 22 23 24 25 26 27
26 27 28 29 30 31	23 24 25 26 27 28 29	28 29 30 31
	30	

RECYCLING IS PICKED UP BI-WEEKLY ON THE DAY OF THE WEEK THAT IS SCHEDULED FOR REFUSE PICK-UP.
RECYCLING DAYS ARE HIGHLIGHTED.

Flooding on Lower Rodi Road is a direct result of: 1) increased upstream development (Penn Hills), 2) an accumulation of sediment and debris in the streambed, 3) debris build-up at the Baker Street and Larimer Avenue bridge structures. The Township is working with the Turtle Creek Watershed Association and stream bank property owners to formulate a long term multi-municipal comprehensive approach to eliminate flooding in this and other Township corridors. Stormwater management issues must be addressed comprehensively to be effective to all effected property owners.

All of the members of the Board of Commissioners, as well as the Manager and Assistant Manager, visited the flooded areas of the community. Commissioner Martinelli provided refreshments to affected residents and coordinated the receipt of tetanus shots. Commissioner Padula pumped out basements and coordinated the receipt of Red Cross supplies. Commissioners Wilson, Greco and Fialla visited with key governmental officials at the affected areas in order to obtain aid for the residents.

TAX ABATEMENTS - IMPROVEMENTS AND NEW CONSTRUCTION:

Reported:

In February, the Township adopted an ordinance providing tax abatements for new construction that favored wealthy developers at the expense of long-term residents. Only three individuals have applied for the tax break according to public record: Vincent Nese, Richard DeRiso and Frank Greco.

Fact:

In April of 2007, the Township adopted an ordinance providing for a three (3) year tax abatement on the assessed cost of improvements made to existing structures (not including maintenance items) and new residential construction. To date, no one has applied for a tax abatement. Mr. Nese is not eligible for a tax abatement. However, the owners of the new homes being constructed in Vineseian Place are eligible. Mr. Greco is not eligible for an abatement because he has not improved his existing home, nor has he constructed a new residential dwelling. Mr. DeRiso, who recently finished construction on a new home, is eligible for the abatement. It is unclear upon what public record the writers of the "Wilkins Advisor" have relied to make this statement.

**Wilkins Township
SUMMER FESTIVAL**

Everyone knows that every year in June, Wilkins Township has Community Days. What we have traditionally known as Community Days has grown into a huge event for all neighboring communities and for all ages.

Because what started out as a Community event has grown into a County event, the Wilkins Township Recreation Advisory Board has decided to change the name of the event formerly known as Wilkins Township Community Days to Wilkins Township Summer Festival.

Nothing has changed except the name. All the great vendors with food, bands, carnival rides, car show and fireworks will still be there. In turn, the Recreation Advisory Board will plan a special day of fun in our park for the residents and call it our Community Day.

So watch out for the up coming news about Wilkins Township Summer Festival and Community Day in the park. If you have any ideas or questions about any of these events, please feel free to email me at joyvoeltzel@comcast.net.

Facts:

The Township, like many of the surrounding communities, instituted a property maintenance inspection program in May of 2006. There were several purposes in establishing this ordinance. The first purpose is life-safety - for the occupants of the structures, the neighboring property owners and potentially for firefighters who may be required one day to provide services. The second purpose is a bottom up approach to property maintenance. Traditionally, municipalities do not enforce property maintenance ordinances until they receive a complaint and/or notice a violation. This top-down approach, while effective in ridding the Township of existing problems, does not address properties in transition - properties that have code violations, but have not yet reached the point of eyesore.

Mr. Hill, the Township's property maintenance officer and Fire Marshal recently addressed the Board of Commissioners on this issue at a public meeting in November. To-date, over 209 inspections have been completed. Mr. Hill stated that there have not been any significant findings that would have resulted in property owners spending thousands of dollars. What he has found, in a majority of these inspections were: lack of smoke detectors (life safety), lack of fire doors and/or fire walls separating an integral garage from the home (life safety), excessively cut joists / floor beams (life safety), lack of appropriate railings on porches or steps (life safety) and lack of blow-off tubes on hot water heaters (life safety). Please visit the Township's website (www.wilkinstownship.com) and review the minutes of the November 12, 2007 meeting for the complete text of Mr. Hill's comments.

It should also be noted that Wilkins Township's property values have increased in each of the last four years. Effective property maintenance efforts on behalf of Mr. Hill can be credited, in part, for these increases. Please see the Woodland Hills Progress, November 28, 2007 edition, ("Local Housing Market Trends Vary by Community") for further details on Wilkins' increasing housing values.

PROCARE PHARMACY:

Reported:

The Wilkins Advisor reported that the Board of Commissioners have known for years that ProCare was unhappy with their sales tax situation and should not have been surprised when ProCare appealed. Further, the Advisor states that the township has spent almost every penny of the revenue, and does not have a plan of where to get the money to repay ProCare.

Facts:

ProCare Pharmacy began operations in Wilkins Township in 2001 and made their first mercantile tax payment in 2002. Payments for 2002-2003 amounted to over \$900,000. In April of 2004, the newly appointed Township Manager requested an executive session with the Board of Commissioners to discuss the fact that the Township had just received a check in the amount of \$708,889 from ProCare representing their 2004 mercantile tax payment. The Manager informed the Board that \$300,000 of this payment had been placed into an escrow account until the Board, legal counsel, auditor and tax collector met and made a decision regarding these funds.

At the end of July of 2004, the Board of Commissioners made a series of decisions based upon the advice of the solicitor, auditor and Tax Collector. First, the Board agreed that the Tax Collector for the Township (Pennsylvania Municipal Services / PAMS), who is charged with the accurate collection of Township taxes, was better educated and experienced to deal with this issue and would continue to be charged with that responsibility. If the Tax Collector believed that the ProCare payment was inappropriate, then it was the role of the Tax Collector to audit and/or perform any other necessary functions to ensure the accuracy of the ProCare returns. Further, the Board determined that ProCare certainly employed qualified professionals with an understanding of and experience in interstate and intrastate sales and the liability of the company for payment based upon these understandings and experience. The Board further authorized the release and use of funds previously held in escrow from the 2004 payment based upon this set of understandings and has received, budgeted and utilized this revenue stream in each successive year as required by the First Class Township Code.

ProCare filed an appeal of mercantile taxes paid for the years 2004-2006 in April of 2007 and followed up that appeal with the payment of their 2007 mercantile taxes (\$1,012,000). The 2007 payment was immediately placed into an escrow fund. The issues on appeal are complex. ProCare is a mail-order prescription drug company with sales throughout the country. Wilkins Township mercantile taxes are applicable to all orders shipped and/or billed within the Commonwealth of Pennsylvania. ProCare filed their annual tax return without claiming any exclusions and/or exemptions, and also without filing all required backup information.

It is the Township's current understanding, after receiving and reviewing the required backup information, that ProCare was paying mercantile taxes on all sales, not just those within the Commonwealth.

The Board of Commissioners acted quickly upon the receipt of the ProCare tax appeal. Spending for 2007 was cut by more than \$500,000 and negotiations began in earnest. The Board of Commissioners has a tentative agreement with ProCare which would result in the Township reimbursing ProCare in the approximate amount of \$950,000. The repayment will be made from funds currently held in escrow by the Township (from ProCare 2007 mercantile tax payment).

The net-effects of the ProCare appeal are that moving forward (2008 and beyond), the Township can no longer budget or expect receipt of a large mercantile payment from ProCare. In the 2005-2007 budgets, \$600,000 was budgeted specifically for ProCare. Because these funds will no longer be coming in, the Township has had to seek alternative revenue sources and ways to reduce expenses moving forward.

GUTHRIE V. WILKINS TOWNSHIP, ET AL

Reported:

The Advisor reports that the Township's unqualified managers run roughshod over employees and that this has created a legal situation that could cost taxpayers even more money.

Facts:

Wilkins Township Chief of Police Keith Guthrie filed a federal lawsuit against Wilkins Township, one member of the Board of Commissioners, the manager and assistant manager in May of 2006. Currently, this litigation is in an extended discovery period, resulting from the filing of an amended complaint by Guthrie. Motions for summary judgment are due in February of 2008 and, if the suit survives summary judgment, it is currently anticipated that the case will be heard by a jury in the fall of 2008.

Due to the fact that this case is pending, the Township cannot discuss the merits and/or particulars of the action. However, the Township can discuss the qualifications of the current manager.

Mrs. Bradley has served in municipal government for the last nineteen years. She has a Bachelor of Science Degree in Business Administration and Accounting from Geneva College and has completed all but three classes in pursuit of her Master's Degree in Business Administration from Geneva College. Over her career, Mrs. Bradley has served on a variety of boards, including the Aliquippa Community Hospital Board, the B.F. Jones Memorial Library Board, the Beaver County Communications Advisory Board, and the Beaver County Human Services Board. In addition, Mrs. Bradley has worked as a peer-to-peer consultant for the Pennsylvania Department of Community and Economic Development.

JOSEPH D. COSTA APPOINTED TO BOARD OF COMMISSIONERS

Reported:

"Selection of Costa to fill vacant Greco seat reeks of cronyism. He was appointed over two other highly qualified candidates. There was no public discussion."

Facts:

Frank Greco, former Chairman of the Board of Commissioners, resigned his post in September of 2007 to assume a position with Judge McCarthy. Upon his resignation, the Board of Commissioners, at a public meeting held on September 10, 2007, requested that interested persons submit a letter of interest and resume for the position. One of the three applicants for the vacancy was Mr. Joseph Costa, a 32 year resident of Lucia Drive.

Mr. Costa has been a member of the Wilkins Township Recreation Advisory Board for the past two years. During his tenure, he has volunteered at numerous events and has aided in fundraising activities for Community Days. His service to the community is well known to the Board of Commissioners.

At the public meeting held on October 8, 2007, the Manager read all three of the applicants' letters into the public record.

During Citizens' Comments and throughout the meeting, there was discussion over whether or not Mr. Costa, who supplied a letter of interest and resume combined into one document, met the qualifications established by the Board for the vacancy. Solicitor Matta advised the Board on this matter and indicated that Mr. Costa did meet the threshold and the Board could consider his application. At that same meeting, the Board appointed Mr. Costa to the vacancy by a vote of 4-0.

Mr. Costa began working at the age of ten, with his family's business, J.A. Costa and Sons. He served as the Vice President of Plumbing for E.S. Dice Corporation in Lawrenceville from 1979 through 1984 and worked at Navilliat Plumbing in Munhall from 1984-1985, when he was hired by West Penn Hospital. Mr. Costa served as plumber with West Penn Hospital from 1985 until 2000, when he experienced disabling complications attributed to Type II Diabetes. During his tenure with West Penn Hospital, Mr. Costa worked with the foundation to raise funds for both the neonatal and burn units. Mr. Costa also served as an adjunct professor for the Community College of Allegheny County Technology Center for four years. He has performed volunteer work for Seton Hill College - installing plumbing in an elderly couples' home in Webster Springs, West Virginia - and currently volunteers for the Veteran's Administration. Mr. Costa and his wife Lucy, are members of the Word of God Catholic Church and Mr. Costa is a former member of the Holy Name Society.

Mr. Costa has a strong business background and has been in management for most of his life. He sees his position on the Board of Commissioners as an opportunity to continue to give back to the community and intends to make informed decisions based upon the facts and with business acumen. We welcome Mr. Costa to his new post!

STORMWATER MANAGEMENT:

Reported:

The Commissioners, Manager and Solicitor do not have the ability to cut through bureaucratic red tape in order to find a solution to ten years of flooding on Brown Avenue and Lower Rodi Road. Most of the Commissioners did not visit the areas hit by the floods of August 2007.

Facts:

The flooding on Brown Avenue is a direct result of a failed culvert located on property formerly owned by Harvey Taylor. Mr. Taylor installed a culvert on his property sometime in 1960, according to Department of Environmental Protection records. In 1985, the Department of Transportation, while performing routine bridge inspections, determined that the east and west walls of the culvert were failing. In 1997, the Department of Environmental Protection issued a "Notice of Violation" letter to Taylor, due to the continued collapse of the culvert and the pollution of the stream. In 2000, the DEP issued an Administrative Order to Taylor to either remove the existing culvert or repair and replace the culvert. In May of 2001, the DEP filed a lawsuit in the Commonwealth Court against Harvey Taylor. In September of 2001, a Consent Decree was signed by Taylor indicating that the culvert would be either removed or repaired. In March of 2002, the Commonwealth Court found Taylor in contempt of the Consent Decree and sentenced him to incarceration. The Court, however, suspended the sentence until September 30, 2002, giving Taylor the opportunity to purge himself of contempt by either repairing and/or replacing the culvert. In December of 2002, the DEP petitioned the Commonwealth Court to order a finding of continuing contempt, incarceration and a fine of \$185,000. In December of 2004, Taylor entered into another Consent Decree with the Commonwealth for the repair and/or replacement of the culvert. In July of 2005, the Commonwealth Court entered an order finding Taylor in contempt and entering a judgment in the amount of \$600,000. Subsequently, Taylor filed for bankruptcy and the property was sold in Sheriff's sale to Meyers Bus Service.

Flooding on Brown Avenue occurred for the first time in September of 2004, due to the severe rains associated with Hurricane Ivan. During that storm, the existing open-ended pipe at the mouth of the culvert, which had been in a state of partial collapse since at least 1999 (DEP photographs) was severely damaged. The Township took emergency action under an emergency DEP permit following that storm to remove an accumulation of debris and a section of the damaged pipe. In June of 2007, and again in August of 2007, this damaged pipe led to additional flooding in the Brown Avenue corridor. Following the August storm, the Department of Transportation, in conjunction with the Department of Environmental Protection, removed a thirty foot piece of the corrugated pipe and removed sediment and debris from the opening of the channel. Currently, the Department of Environmental Protection is working with Meyers Bus Service to institute a consent decree for the final resolution of this situation.