

Ross Township Commissioners Meeting  
1000 Ross Municipal Drive  
Pittsburgh, PA 15237  
May 16, 2016  
7:43 p.m.

**COMMISSIONERS PRESENT:** Jeremy Shaffer, Daniel L. DeMarco, David J. Mikec, Lana Mazur, Stephen Korbel, Richard Avon and Jack Betkowski

**ABSENT:** Patrick Mullin and Grace Stanko

**SOLICITOR:** Bonnie Brimmeier, Esq.

**TOWNSHIP MANAGER:** Douglas Sample

**DIRECTOR OF COMMUNITY DEVELOPMENT/ZONING ADMINISTRATOR:** Dominic J. Rickert

**RECORDING SECRETARY:** Deborah Ann Betzler

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*Pledge of Allegiance/Invocation*

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**PUBLIC COMMENT ON AGENDA ITEMS:**

Mr. Joe Zawoysky, 123 Fifth Avenue, Pittsburgh, PA 15229, questioned what the difference is between a resolution and an ordinance. Discussion ensued as follows:

MS. BRIMMEIER: "They both document actions of the Board, but ordinances are laws that can be enforced, and so they have to be advertised. Some of them have certain time requirements and certain advertising requirements. A resolution is more like a formalization of a motion. They do not require advertisement.

MR. ZAWOYSKY: "Now, I want clarification more. The first one, Senate Bill 535, Pennsylvania State Police, same machine. It's just a thing. If I get stopped, I say, 'Oh, that's just a resolution.' It's not a state law?

MS. BRIMMEIER: "Right. It's just a way to formalize a motion of the Board to send to the legislature.



MR. ZAWOYSKY: “Then it would have to be -- resolution isn't law?”

MS. BRIMMEIER: “That's correct.”

MR. ZAWOYSKY: “And the motion would have to become an ordinance?”

MS. BRIMMEIER: “It would have to be -- it would be through the state legislature. This is not locally governed.”

MR. ZAWOYSKY: “State, you're saying?”

MS. BRIMMEIER: “Yes. Yes.”

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**PETITIONS AND COMPLAINTS:**

Mr. John Mator, 7715 McKnight Road, Pittsburgh, PA 15237, spoke as a representative of Laser Storm. He stated that Laser Storm has been in business in Ross Township for 20 years and has been filing mercantile tax as an amusement. He stated that North Hills School District is now aggressively petitioning the amusement tax resolution, 66-9A, which is Ordinance 1625. He stated that in January of 2015 he received a notice that he was to start paying this tax, which he didn't think applied to him. He sought legal counsel and found that there is an exemption that if you incorporate food, you don't have to pay this tax. He changed his business model and incorporated food and informed the tax office he was doing that. He paid the tax in January, February and March of last year and hasn't paid it since.

He stated he received a registered letter today from the North Hills Tax Office that he has to pay the tax for the rest of 2015 and also for this year or they will file a criminal complaint with the magistrate. After calling the tax authority, he was sent an appeal form, but the appeal form doesn't even list the amusement tax as one of the items to appeal. Since he changed his business model, he hasn't been collecting this tax to turn it over, and now it's getting to be a big number.

Mr. Mator is petitioning the township to eliminate this tax to keep recreation businesses in the township. He also stated that if he needs to collect the tax, he should be provided the permit which is required by the ordinance to collect the tax. He also made an open records request to get a list of all the businesses that have a permit to

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collect the amusement tax. He stated McCandless doesn't have this tax and he would like to stay in Ross. He stated he pays a lot in real estate taxes and has to pay an arcade tax every year. He stated the township only collects a couple thousand dollars a year on average for the amusement tax but they're asking him to pay \$13,000.

Commissioner Shaffer questioned the percentage for the amusement tax, and Mr. Mator stated it is 10 percent. Mr. Sample stated he will do some research into the issue and report back to the commissioners for the next meeting. Commissioner Shaffer stated he would like to see more amusement-type businesses in Ross Township. Commissioner Shaffer asked if Director Berty can tell the Board exactly how much money the township has been getting from the amusement tax. Mr. Mator stated it was \$4,272 for 2015; \$3,018 for 2013; \$1,375 for 2012.

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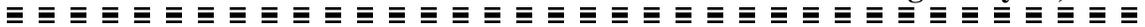
**RESOLUTIONS TO BE ADOPTED:**

**Resolution No. 2205 – In support of Senate Bill 535 and House Bill 71 enabling all municipal police to use the same motor vehicle speed-timing equipment as the Pennsylvania State Police.**

Commissioner Korbelt stated that currently municipal police are not permitted to use radar or similar speed-timing devices that the state police use and that there's currently a push in the legislature to legalize radar for local police. He stated he believes that this is a safety issue and he is supporting it to help make Ross Township a safer place to live

Commissioner Mikec stated that Ross Township has the third highest fatalities due to speeding in the State of Pennsylvania, and he is voicing his opinion that it is something the Board should move forward with. Commissioner Shaffer stated that it is fitting to provide the Ross Township police force with these modern tools since it is National Police Week.

**Motion to adopt made by Commissioner Korbelt and**



**seconded by Commissioner Mazur.**

**Resolution adopted – 7 to 0**

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**Resolution No. 2206 – Request for funds from the Active Allegheny Grant Program in the amount of \$41,000.00 for the proposed Creating Connections for a Healthier Ross Township.**

Commissioner Shaffer explained the purpose of the grant is to create a master plan of pedestrian trails and sidewalk connections in Ross Township and that the grant is 100 percent funded by Allegheny County, so there’s no township funding required at this point but the township would be required to go out and solicit firms to do the work through a proposal process.

**Motion to adopt made by Commissioner Mazur and seconded by Commissioner Avon.**

**Motion passes – 7 to 0**

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**ORDINANCES TO BE INTRODUCED:**

**Ordinance No. 2371 – Amending the Planning and Zoning Code of Codified Ordinances of Ross Township, Ordinance No. 2035, as amended, by repealing Part II, Planned Residential Development.**

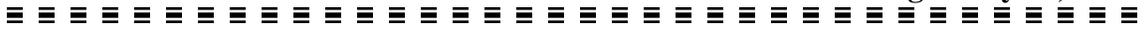
Discussion ensued as follows:

COMMISSIONER SHAFFER: “I guess I would like a clarification from the solicitor. This is now a pending ordinance? So this is taking effect now?”

MS. BRIMMEIER: “Yes. Since it's being introduced tonight, yes.”

COMMISSIONER SHAFFER: “Okay.”

COMMISSIONER KORBEL: “Could I ask a question? Should we advertise our intent to adopt these ordinances in order to comply with the pending ordinance doctrine?”



MS. BRIMMEIER: “Well, once you introduce them, they will be advertised, and they will be advertised according to the requirements for the Municipalities Planning Code.

COMMISSIONER KORBEL: “The only reason I ask is: Typically when I've been involved in these pending ordinance situations, I would adopt a resolution declaring our intent to adopt this at a future meeting and then advertise that in the newspaper the next day, because it's the advertisement, I thought, that started the clock. So nobody could submit something and be under the old ordinance. But if we're going to advertise these in the newspaper in a couple days for adoption at a meeting in a couple weeks –

MS. BRIMMEIER: “Yeah, that's what we would be doing.

COMMISSIONER KORBEL: -- “then that's fine. And I'm concerned about the timing, too, because don't we have to send these to the county for review in 45 days? I mean, I defer to you, but I just want to make sure that we're doing this in the right way so the intent is captured.

MS. BRIMMEIER: “As long as it comes before the Board, which it is, and you have discussed it previously, that satisfies the doctrine. So they will be advertised when you're going to be looking to adopt them. But I don't think we need to do that now.”

**Public hearing to be held in the future.**

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**Ordinance No. 2372 – Amending the Ross Township Subdivision and Land Development Ordinance, Ordinance No. 1166, as amended, by repealing references to Planned Residential Development.**

**Public hearing to be held in the future.**

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**ORDINANCES TO BE ENACTED -- None**

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**CONSENT AGENDA:**

**Payment of Bills and Financial Report**

**Motion to approve made by Commissioner Mazur and**

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**seconded by Commissioner Mikec.**

**Motion passes – 7 to 0**

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**PLANNING COMMISSION:**

**SP-16-5 – Wesley V. Cowan III requesting Simple Subdivision approval of one lot into two lots on vacant property located on Milbert Lane in an R-1 Zoning District of the 4<sup>th</sup> Ward.**

MR. RICKERT: "The Planning Commission reviewed the plans for the above-referenced project on April 28, 2016. The plan was recommended for approval upon meeting the conditions per Gateway's review letter dated April 26, 2016, and the Township review letter dated May 3, 2016."

Mr. Wesley V. Cowan III stated that the house next door to his burnt down about two years ago and they've been building a new one there ever since. He stated the trucks coming up and down the driveway, which is a private road, have been irritating his wife; and when the gentleman who was building the house offered to buy the property, she wanted this little extra area for privacy.

Mr. Rickert stated that Mr. Cowan is looking to consolidate the small piece with the larger piece where his house is located. Mr. Rickert also stated the county did make a comment to just annotate that on the plan itself. Mr. Rickert also stated that Mr. Cowan just wants to do some re-recording of deeds to get the names proper. Upon questioning, Mr. Rickert stated that 515-H-70 is Mr. Cowan's house.

**Motion to approve made by Commissioner Mazur and seconded by Commissioner DeMarco.**

**Motion passes – 7 to 0**

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**PLANNING/ZONING REDEVELOPMENT COMMITTEE REPORT:**

Commissioner Korbelt mentioned that the township has received an application for an 85 townhome development off of Buckhill Road. He stated that will be May 24 at the Planning Commission and the Board will probably see that at one of the June meetings.

Commissioner Korbelt also thanked Mr. Rickert, Mr. Funk and Chief Ley for assisting with an issue that occurred at the Cosmopolitan Apartment Development with dust and dirt on the road and the catch basins being filled with mud, etc.

Commissioner Korbelt also stated that Michael Carnahan from Scalo Solar Solutions, LLC, will be at the June 6, 2016, meeting at 6:30 to make a presentation on installing solar panels on the new Public Works Building.

Commissioner Korbelt also talked about an article in the Pittsburgh Post-Gazette about the Amazon effect and that one of the things the township is working on from a zoning perspective is to ensure that the current commercial corridors will be zoned appropriately in the future to encourage mixed use developments.

Commissioner Korbelt also stated that Mr. Rickert is still working on Zoning and SALDO issues, and they hope to have things for the Board to consider in the coming weeks.

Commissioner Shaffer also commented on the Post-Gazette article and stated that a lot of the bricks and mortar retailers reported disappointing earnings and that a lot of the factor is online sales. He believes it is an important issue for the Board to consider, as McKnight Road is a key commercial corridor.

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**SOLICITOR’S REPORT – None**

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**RECREATION COMMITTEE REPORT -- None**

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**ADMINISTRATION/LEGISLATIVE COMMITTEE REPORT:**

**Request Board signature on the two lease agreements for the parking lot for St. Sebastian Roman Catholic Church.**

**Motion to adopt made by Commissioner Avon and seconded by Commissioner Mazur.**

**Motion passes – 7 to 0**

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**Request Board permission to hire Angela Collins for the position of program assistant and social media coordinator at an annual salary of \$27,040, to be prorated for the remainder of 2016.**

**Motion to adopt made by Commissioner Avon and seconded by Commissioner Mazur.**

**Motion passes – 7 to 0**

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**PUBLIC WORKS COMMITTEE REPORT:**

Commissioner Mikec stated that hot asphalt is now available, so work is being done on potholes throughout the township. Citizens should call their commissioner or the Public Works Department to report potholes. Commissioner Mikec stated that grass cutting is starting off with some of the summer workers coming back. The township is upgrading the park surfaces. Support columns are poured, and excavation of the area is underway for the fishing pier at Evergreen Park.

Commissioner Mikec stated that three contractors are working on the sewers doing cameraing, spot lining of the sewers and some of the replacement excavating. He stated the township has its own cameraing truck now and is doing about 75 percent in-house, but some of the harder-to-get regions are still subbed out to other contractors. He also stated that grading of the new parking lots on the Public Works Complex should be underway this week if the weather cooperates.

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**PUBLIC SAFETY/POLICE COMMITTEE REPORT:**

Commissioner Korbel asked Chief Ley to update the Board about fitting the police officers with Narcan to assist in opioid overdoses in the community. Chief Ley reported that each of the police cars is going to have a mass casualty bag which is identical to what the EMS carry. Allegheny General Hospital is donating the Narcan.

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**PUBLIC SAFETY/FIRE/FIRE POLICE/EMS COMMITTEE REPORT:**

Commissioner DeMarco reported that the chiefs meet this Wednesday. Commissioner Shaffer commented that he saw a couple of the township's departments were involved in a big fire in Millvale on Mother's Day.

Commissioner Mikec stated that a commissioner and possibly one of the new fire chiefs are still needed for the discount club board. Commissioner Mazur indicated she believed Commissioner Stanko had said she would do it. Ms. Peet said she asked John and Joe to bring it up, too.

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**MANAGER'S REPORT:**

Mr. Sample stated Director Berty has set up the workers' comp panel. He stated if someone is hurt on the job, they can choose from a variety of doctors.

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**COMMISSIONERS' COMMENTS:**

Commissioner Betkowski mentioned receiving an invitation from Gateway Engineers for an event that he felt was too much to accept as a gift from someone that the township does so much business with. He also felt going to the casino would be inappropriate. He also requested guidance on the disbursement of checks given to the township. He asked if someone just gives a commissioner a check, does it go into the general fund and then is disbursed out of the general fund? If money is available for charitable organizations in the township, he suggested a policy of having them apply for the money.



Commissioner DeMarco reiterated his previous complaint about the condition of Thompson Run Road at Babcock Boulevard. Commissioner Shaffer also mentioned the condition of Evergreen Road, which is also a county maintained road.

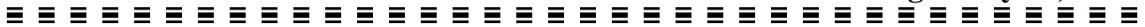
Commissioner Mikec stated that Gateway Engineers has canceled their fundraiser, so he proposed a competition to help offset what the food bank will not be receiving from that fundraiser. He will create a box for any commissioner who wants to participate. Employees and friends can drop donations in the boxes. After a set period of time, Commissioner Mikec and his wife will write a \$50 check to the food bank in the winning commissioner's name, plus the food bank will receive all the food donations. Commissioners would be allowed to donate after the count is taken. Commissioner Mazur and Commissioner Shaffer volunteered to participate. Commissioner Korbelt stated he and his family will donate the \$100 Gateway gave each commissioner and their own canned goods but that he doesn't want to participate in the competition. Commissioner DeMarco stated he'll give money, too, if he can't get people to give canned goods. Commissioner Betkowski stated he is good with a check, and the food bank can use it where needed. Commissioner Avon also stated he is good with donating a check.

Commissioner Mazur stated that Ross Township Police Department did their bike rodeo, and it was a great success. The police department also again did a mock thing with the school district for car wrecks, and she heard that was successful. And because it's Police Week, she would like everybody to wave or say hi when they see a police officer.

Commissioner Korbelt stated he waves at the police every week.

Commissioner Avon expressed a lot of the same sentiments that Commissioner Betkowski has regarding receiving gifts. He questioned whether there is a limit. Ms. Brimmeier responded as follows:

MS. BRIMMEIER: "I can do a memo for you so you know."



Commissioner Shaffer stated that since there is not a 5K this year, they are organizing a one-mile fun run/walk for kids and their parents immediately before the Independence Day Parade. Commissioner Mazur stated the parade will start at 2:00. Commissioner Shaffer stated there was a profit of \$1,200 from last year's race, so that will buy T-shirts and medals this year. Commissioner Shaffer and Commissioner DeMarco stated the Run for the Rec will be June 12.

Commissioner Shaffer stated he pulled up the budget, and \$2,500 is budgeted for the 2016 admissions tax. He stated that is trivial in the township's budget and his personal opinion is it discourages fun businesses in Ross Township and he thinks the township should get rid of the tax. Commissioner Mazur suggested the solicitor and township manager look into that because the school district has a large part of that. Commissioner Korbel stated he understood there were only one or two entities that they were collecting this tax from, and he would like to know if they are now interpreting the law differently or just trying to aggressively apply it. He asked Mr. Sample to reach out to Dave Hall to find out what's happening.

Commissioner Shaffer addressed Commissioner Betkowski's and Commissioner Avon's comments regarding gifts and stated he is curious to see the solicitor's note in terms of accepting gifts. He stated that his personal policy has been to never accept any gifts from any contractors or consultants who are doing business with the township. He stated that all commissioners have to fill out an annual disclosure statement about gifts they receive. Commissioner Betkowski echoed Commissioner Shaffer's comments and stated he would like to see a deadline for establishing an ethics policy for the Board and for employees. He stated often when things are discussed there is no deadline or follow-through. Commissioner Shaffer questioned when Commissioner Korbel will have draft language for the board appointments issue. Commissioner Korbel responded that he can have it ready for one of the meetings in June. Commissioner Shaffer stated since Commissioner Stanko isn't present, he doesn't know about an ethics policy deadline. Mr. Sample stated he will work with the solicitor. Ms. Brimmeier stated as follows:



MS. BRIMMEIER: “We’ll give you options of what you want in it.”

Commissioner Shaffer asked if the Board could expect something in 90 days, and Mr. Sample stated it will be quicker than that.

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**CITIZENS’ COMMENTS:**

Mr. Joe Zawoysky, 123 5th Avenue, Pittsburgh, PA 15229, discussed radar guns, ethics, No Through Traffic signs and T intersections. He also advised that Sixth Avenue is starting to deteriorate between Seventh Street and Third Street, that the curb is going to go down the hill. Commissioner Mikec asked Mr. Funk to have someone look at it, and Mr. Sample informed Mr. Zawoysky that he can call the township on such issues; he doesn’t have to wait until the public meeting. Mr. Zawoysky also discussed paper alleys, Selective Service and combining local government services. He presented the Board with a copy of a letter so they’re not blindsided. Commissioner Shaffer informed Mr. Zawoysky that there is a five-minute time limit on comments and that the Board has nothing to do with Selective Service.

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**Motion to adjourn made by Commissioner DeMarco and seconded by Commissioner Avon.**

**Motion passes – 7 to 0**

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**MEETING ADJOURNED AT 8:57 P.M.**

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**Douglas Sample**  
**Manager/Secretary**

**By:** \_\_\_\_\_  
**Jeremy Shaffer, President**  
**Ross Township Board of**  
**Commissioners**

**Minutes transcribed by** *Deborah Ann Betzler, Court Reporter*