

Ross Township Commissioners Meeting
1000 Ross Municipal Drive
Pittsburgh, PA 15237
June 6, 2016
7:30 p.m.

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

ABSENT: Patrick Mullin

SOLICITOR: Bonnie Brimmeier, Esq.

TOWNSHIP MANAGER: Douglas Sample

RECORDING SECRETARY: Noreen A. Re

Pledge of Allegiance/Invocation

PUBLIC COMMENT ON AGENDA ITEMS:

Mr. Joseph Corso, 120 Eighth Avenue, Pittsburgh, PA 15229, deposited some goods into the bins for food donations for the Food Bank.

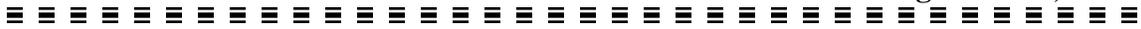
PETITIONS AND COMPLAINTS – None

RESOLUTIONS TO BE ADOPTED - None

ORDINANCES TO BE INTRODUCED:

Ordinance No. 2373 – “Permit Parking Only” on the northern side of Winter Avenue between Perry Highway and Perrysville Road. The southern side will remain no parking.

Public hearing to be held on June 20, 2016



Ordinance No. 2374 – “No Parking” on both sides of Richmond Circle from the Ross Elementary gate to Twin Oaks.

Public hearing to be held on June 20, 2016

Ordinance No. 2375 – “No Parking” on the east side of Oak Street from the intersection of Grant Avenue and 30 feet back onto Oak.

Public hearing to be held on June 20, 2016

Ordinance No. 2376 – Amending Ordinance No. 2237 of May 2007 to amend the “No Parking” on the northern side of Grant Avenue. No parking from Trion Road to 30 feet back on the northern side of Grant Avenue. Parking would be permitted from 30 feet and back on the northern side of Grant Avenue.

Public hearing to be held on June 20, 2016

Ordinance No. 2377 – Installing a stop sign on Peony Avenue traveling west at Timberlane Drive.

Public hearing to be held on June 20, 2016

Ordinance No. 2378 – Installing a stop sign on Timberlane Drive in an easterly direction at the intersection with Peony Avenue.

Public hearing to be held on June 20, 2016

ORDINANCE TO BE ENACTED:

Ordinance No. 2367 – Vacating varying width easements on Parcels 517-C-244 and 612-R-82 comprising the Northway Mall.

Mr. Sample stated this is the easement that connects Browns Lane to Northway Mall that is being vacated/closed per the wishes of the residents up there as well as the development. This is just finalizing that vacation.

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Upon inquiry by Commissioner Betkowski if this had anything to do with the route that the buses take to travel through the mall, Ms. Brimmeier responded as follows:

MS. BRIMMEIER: "No. We really -- when we were researching this, we couldn't figure out why they had that. And, obviously, the stores want the buses to come through, because they want people to have access. It has nothing to do with the bus route."

Upon comment by Commissioner DeMarco regarding reference to the school district in the descriptions, Ms. Brimmeier commented as follows:

MS. BRIMMEIER: "That's what I'm saying. It was so long ago, nobody even could figure out what the history was. But based on those references, I surmise that it had something to do with the schools at the time. But it has no relevance in today's function."

COMMISSIONER DeMARCO: "Would the school district be involved in this in any way or have to do anything?"

MS. BRIMMEIER: "No. Because we own the streets."

COMMISSIONER DeMARCO: "Okay."

MS. BRIMMEIER: "But maybe way back when they requested the township to do it. I don't know. No one could figure out what the problem was or why it was done, I should say."

COMMISSIONER SHAFFER: "Did this expire? Because it says -- in the first one it says for a period of 25 years."

MS. BRIMMEIER: "That was my initial thought, but the developer wanted us to do this just to err on the side of caution, because their banks were doing -- they want to make sure there is clear title and everything."

Motion to enact made by Commissioner DeMarco and seconded by Commissioner Mazur.

Motion passes – 8 to 0

CONSENT AGENDA:

Approval of Minutes – April 18, 2016 and May 2, 2016



Motion to approve made by Commissioner DeMarco and seconded by Commissioner Mikec.

Motion passes – 8 to 0

PAYMENT OF BILLS AND FINANCIAL REPORTS:

Motion to approve made by Commissioner Mazur and seconded by Commissioner Mikec.

Motion passes – 8 to 0

PLANNING COMMISSION - None

PLANNING/ZONING REDEVELOPMENT COMMITTEE REPORT:

Commissioner Korbelt commented on the proposed development on Buckhill called the Ridge at Highland Pines. The matter was tabled at the Planning Commission in May and has been rescheduled for June 23rd. He stated the township has received a Conditional Use request for the La Quinta Inn site on McKnight Road to operate an assisted living facility at the location. Mr. Rickert is continuing to work on the update of the ordinances. Demolition of the old Baierl Kia and Jerry's Car Wash is underway.

Regarding the Cosmopolitan Apartments, Commissioner Korbelt thanked Mr. Funk and Mr. Rickert for monitoring some E&S issues that have come up at the site. The parking area in front of the building has been paved, which is where they are doing staging work.

The Verizon store is under construction. Drive Time is continuing with their renovations of the interior of the building. It is Commissioner Korbelt's understanding that they are using the location as a hub to process all of the vehicles coming into the Pittsburgh area. They are planning to open other Drive Times in the area.

SOLICITOR'S REPORT - None



RECREATION COMMITTEE REPORT:

Commissioner Mazur announced that Eloise Peet is now certified as a national playground safety inspector. There are 126 children signed up for the Summer Recreation Program. Applications are being accepted for the Fishing Tournament on July 16th and 17th. Swede Construction is finishing construction on the fishing pier at Evergreen Park. Public Works has also assisted in the project. Josh Miller, Ross resident, has just received notification that he is going to represent the USA in the Olympics for fly fishing. Mr. Joe Wadlow of Monticello’s, who has always supported the Fishing Tournament, has received the Veteran of the Year Award. Commissioner Mazur suggested having Mr. Wadlow be the Grand Marshal of the parade. Commissioner Betkowski suggested having a resolution honoring Mr. Wadlow. Commissioner Shaffer also suggested a resolution honoring Mr. Miller.

Commissioner Mazur indicated fundraising efforts are made for not only the Fishing Tournament, but also to raise funds for equipment for the children at Evergreen Park.

Motion to allow department heads and designees to solicit donations for events and township activities made by Commissioner Mazur and seconded by Commissioner Mikec.

Commissioner Mikec brought up the fact that businesses that do business with Ross Township have marketing rates built into their fees. He stated the same rate would still be paid whether donations are accepted or not. If donations are not accepted, more money would be needed in the budget to fund events. Commissioner Stanko commented that many residents enjoy the events at the township.

Commissioner DeMarco commented that he felt he has not been influenced in any of his decisions as a result of any entities contributing for township events. Ms. Peet made it clear that all businesses donating to township events are thanked in the township magazine.

Motion passes – 8 to 0



ADMINISTRATION/LEGISLATIVE COMMITTEE REPORT:

Request Board approval of the COG Salt Agreement for Option Year 1 with Morton Salt for 2016-17 (9-1-16 through 8-31-17) at \$66.40 per ton delivered.

Motion to approve made by Commissioner Stanko and seconded by Commissioner Mazur.

Motion passes – 8 to 0

PUBLIC WORKS COMMITTEE REPORT:

Commissioner Mikec stated Public Works has been busy putting down the wood carpets underneath the playground equipment. They are also installing a pavement base drain and inlets along Kinvara Drive. The sewer line is going in at the new Public Works building. The sub base is going down in the parking lot with the pavement on top to follow.

PUBLIC SAFETY/POLICE COMMITTEE REPORT:

Request approval for Patrolman Peter Chuberko and Patrolman Donald Sypolt to attend the North American Police Work Dog Association National Workshop in Fort Wayne, Indiana, June 19-25, 2016. Estimated Cost: Not to Exceed \$2,300.00.

Motion to approve made by Commissioner Avon and seconded by Commissioner Mazur.

Motion passes – 8 to 0

Commissioner Avon stated there is a permanent drug take-back collection box in the Police Department lobby. This will allow 24-hour drop-off of any expired, unused or unwanted medications. There will be guidelines posted on the box. There will be a Crime Watch meeting on June 14th at 7:00 p.m. at the Ross Township Municipal Building. The program will start with a tour of the Police Department, a close-up look at police vehicles as well as a display of some of the equipment the police use. The next Distracted Driving



Seminar will be held on Thursday, July 21st, at 7:00 p.m. at the Municipal Center.

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

Commissioner Mikec indicated one of the chiefs have stepped forward to be on the Discount Club Board. Commissioner DeMarco stated he would bring up the request for volunteers again at the next chiefs' meeting.

MANAGER'S REPORT - None

COMMISSIONERS' COMMENTS:

Commissioner DeMarco commended the newest code enforcement official, Mr. Howard Boyd, for his hard work. Commissioner Mikec echoed the sentiments. Commissioner Mikec also requested that Commissioner DeMarco distribute Mr. Boyd's phone number to all the commissioners. Requests for Mr. Boyd are to be forwarded to the manager, who will then forward the request to Mr. Boyd.

Commissioner Stanko stated one of the Historical Society's members, Ms. Ruth Faulk Dodds, will be celebrating her 100th birthday. Commissioner Stanko was unable to attend the party, but Commissioner Mazur was there and presented Ms. Dodds with a plaque. Commissioner Stanko wished Ms. Dodds the happiest birthday from the Ross Township commissioners.

Commissioner Mikec stated that due to a sponsor of the Food Bank withdrawing their opportunity for the township to raise money for the Food Bank, he suggested the commissioners have a competition to see who could get the most donations in a box marked with their name. The winning commissioner will have a small donation put in their name to the Food Bank. Commissioners not participating in the challenge have agreed to make a monetary donation. He also stated "Go Pens."

Commissioner Mazur stated the community garden has been planted. She thanked Fischer's Landscaping for their donation of the



shed and rain barrel. Christ Lutheran Church has provided the space for the garden and the use of their hose for water. She also thanked Public Works for their efforts in the garden as well as their efforts in Herge Park.

Commissioner Korbelt thanked Mr. Funk and Public Works for their efforts to insure that the gas line repair on Byron Road was handled in a way that was satisfactory to the residents. He also thanked Mr. Funk, Mr. Rickert and Mr. Boyd for their speed and efficiency in handling problems in his ward. Commissioner Korbelt also thanked Chief Ley for the drug drop-off box. For people who cannot get to the Police Department for the drop-off, the Sheriff's Department has a new service called "Project Dump." If you call 412-459-5000, the sheriff will send a deputy to your home to pick up any unneeded or unused or unwanted medication.

Commissioner Shaffer commented on West View Water digging a huge hole in Evergreen Heights. Mr. Funk replied some pavement issues have to be corrected, but the leak has been fixed and the backfill complete. Commissioner Shaffer commented that he felt the Amusement Tax was counterproductive to the goals of the township. Discussion ensued regarding abolishing the Amusement Tax. Commissioner Korbelt questioned if the tax is abolished, will businesses still pay the Business Privilege and Mercantile Tax. Ms. Brimmeier commented as follows:

MS. BRIMMEIER: "I don't have it with me, but if my memory is serving me correctly, David Hall represented that this Amusement Tax was in lieu of the Business Privilege Tax. That was my understanding."

Commissioner Shaffer stated the question was asked of David Hall, who runs the school district's finance office. Mr. Hall's response was they would be on the hook for the Business Privilege Tax if the Amusement Tax is eliminated. Commissioner Mazur suggested speaking to the tax office to verify the information. Ms. Brimmeier commented further as follows:

MS. BRIMMEIER: "Yeah. And I would also suggest, if that's the case, find out what the difference would be, what would they be

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paying in Business Privilege versus the Amusement. Because you don't want to --

COMMISSIONER SHAFFER: "The business privilege is .15 percent. Right now they're paying 9.85 percent now. It's 9.85 percent from Business Privilege.

MS. BRIMMEIER: "You would have to look at what the tax is based upon. You know what I mean?"

COMMISSIONER KORBEL: "I'm worried about somebody -- they hire a sharp attorney; and they come in and make an argument that this tax doesn't apply because of X, Y or Z. I just want to make sure we have that issue buttoned up. Because if we know that we can collect and they don't have any good argument, from my perspective I would support moving away from that.

"And then we can go to the school district and say, 'Here's what we found. Here's our research. This is what we would like to do. Will you join us?' So that's why I'm asking that question, because I would really like to have that buttoned down before we go into a meeting and just have more questions.

MS. BRIMMEIER: "Tell me again what it is -- the issue you want resolved.

COMMISSIONER KORBEL: "I want to make sure that the businesses that are currently paying Amusement Tax, if they were to be repealed, will they be subject to the Business Privilege/Mercantile Tax? Or do they have some kind of cute argument that 'Oh, well, we're an amusement. We're an admissions-based business,' etcetera? You know what I mean?"

MS. BRIMMEIER: "There would be no cute arguments. What we have to look at is the Tax Enabling Act that specifically sets out what you can impose -- what types of business you can impose the Business Privilege Tax on. So I would have to look at that."

Further discussion ensued. Commissioner Shaffer suggested conferring with Mr. Witherel regarding the matter.

CITIZENS' COMMENTS:

Mr. Joe Zawoysky, 123 5th Avenue, Pittsburgh, PA 15229, addressed the Board regarding reviewing the commissioners' financial disclosure statements, TV pick-up, salary of commissioners, a map, health care, funds for research, congressional oversight,



ethics and a letter regarding a discrimination claim on females running for President.

Motion to adjourn made by Commissioner DeMarco and seconded by Commissioner Korbel.

Motion passes – 8 to 0

**MEETING ADJOURNED TO EXECUTIVE SESSION AT 8:29 P.M.
NO ACTION TO BE TAKEN**

**Douglas Sample
Manager/Secretary**

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

Minutes transcribed by *Noreen A. Re, Court Reporter*