

Ross Township Commissioners Meeting
1000 Ross Municipal Drive
Pittsburgh, PA 15237
January 4, 2016
6:30 p.m.

REORGANIZATION MEETING

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

SOLICITOR: Bonnie Brimmeier, Esq.

TOWNSHIP MANAGER: Douglas Sample

Pledge of Allegiance/Invocation

SWEARING IN OF ALL ELECTED OFFICIALS

The Honorable Richard G. Opiela swore in newly-elected Commissioners Betkowski and Mullin along with re-elected Commissioners Stanko and DeMarco.

APPOINTMENT OF BOARD PRESIDENT

Motion to nominate Commissioner Shaffer for president made by Commissioner Stanko.

Motion to nominate Commissioner DeMarco for president made by Commissioner Korbel.

Motion to close nominations made by Commissioner Stanko and seconded by Commissioner Mullin.

Motion to close nominations passes unanimously



Roll call:

- Commissioner Shaffer – Shaffer
- Commissioner DeMarco – DeMarco
- Commissioner Stanko – Shaffer
- Commissioner Mikec – Shaffer
- Commissioner Mazur – Shaffer
- Commissioner Korbel – DeMarco
- Commissioner Avon - Shaffer
- Commissioner Mullin – DeMarco
- Commissioner Betkowski – DeMarco

Commissioner Shaffer elected president – 5 to 4

APPOINTMENT OF BOARD VICE PRESIDENT

Motion to nominate Commissioner David Mikec for vice president made by Commissioner Mazur.

Motion to nominate Commissioner Korbel for vice president made by Commissioner DeMarco.

Motion to close nominations made by Commissioner Stanko and seconded by Commissioner Korbel.

Motion to close nominations passes unanimously

Roll call:

- Commissioner Shaffer – Mikec
- Commissioner DeMarco – Korbel
- Commissioner Stanko – Mikec
- Commissioner Mikec – Mikec
- Commissioner Mazur – Mikec
- Commissioner Korbel – Korbel
- Commissioner Avon – Mikec
- Commissioner Mullin – Korbel
- Commissioner Betkowski – Korbel



Commissioner Mikec elected vice president – 5 to 4

**ESTABLISHMENT OF 2014 BOARD OF COMMISSIONERS
MEETING SCHEDULE**

Motion made by Commissioner Mazur that meetings be conducted the first and third Mondays of the month commencing at 6:30 p.m. for the committee meeting and 7:30 p.m. for the regular meeting and that if a meeting falls on a legal holiday that it will be held on Tuesday and meetings following the Primary and General Elections will be held on the following Wednesday and seconded by Commissioner DeMarco.

**Motion passes 8 to 1
Commissioner Korbel voting in the negative**

DESIGNATION OF OFFICIAL NEWSPAPER

Motion made by Commissioner Mazur that the Post-Gazette North Edition remain the official newspaper and seconded by Commissioner DeMarco.

Motion passes unanimously

DESIGNATION OF TOWNSHIP DEPOSITORIES

Motion made by Commissioner Mazur that First National Bank remain as the township depository and seconded by Commissioner Stanko.

Motion passes unanimously

APPOINTMENT OF TOWNSHIP SOLICITOR

Motion made by Commissioner Stanko that Attorney Bonnie Brimmeier remain as solicitor and seconded by Commissioner Mazur.



Roll call:

- Commissioner Shaffer – Yes
- Commissioner DeMarco – No
- Commissioner Stanko – Yes
- Commissioner Mikec – Yes
- Commissioner Mazur – Yes
- Commissioner Korbel – No
- Commissioner Avon – Yes
- Commissioner Mullin – No
- Commissioner Betkowski – No

Motion passes – 5 to 4

APPOINTMENT OF TOWNSHIP MANAGER/SECRETARY:

Motion made by Commissioner Mazur that Mr. Douglas Sample remain as the manager of Ross Township and seconded by Commissioner DeMarco.

Motion passes unanimously

APPOINTMENT OF TOWNSHIP ENGINEER

Motion made by Commissioner Mazur that Gateway Engineers remain as township engineer and seconded by Commissioner DeMarco.

Motion passes unanimously

Motion that the Board advertise all current openings on boards and solicit applicants for those including not only newly vacant positions such as the vacancy on the Zoning Hearing Board, but also for those made on November 16th made by Commissioner Betkowski and seconded by Commissioner DeMarco.

Commissioner DeMarco commented those Board appointments made on November 16th were not effective because there is an Appellate Court case in Pennsylvania that says that those Board

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appointments or those vacancies do not occur until January 1st. Commissioner Mikec stated the matter was discussed at length and that the votes were to be reaffirmed tonight, because there were no challenges. Ms. Brimmeier commented as follows:

MS. BRIMMEIER: "Just to address this, Commissioner DeMarco, because you had raised the issue, since the votes were unanimous and it was not a situation where you had any lame duck commissioners being the turn vote, there was really no harm. I believe it's the Board's intent this evening to readdress and ratify the appointments that were previously made."

Commissioner Betkowski discussed the process in detail of how he was selected to the Zoning Hearing Board. He felt that the process was open and transparent. He expressed disappointment in how the appointments were handled on November 16th. Commissioner Mikec commented that letters were sent out and that everyone responded that they wanted reappointed. Commissioner Mikec stated if any Board members had a problem with the process, they should have requested an executive session.

Commissioner DeMarco commented that the new Board members have a right to review all interested candidates. Upon inquiry by Commissioner Shaffer, Commissioner DeMarco stated the reappointments were as follows:

- Nelson Erb – Planning Commission
- Larry Naimark – Planning Commission
- Beth Schellhaas – Zoning Hearing Board
- George Tunney – Vacancy Board
- John Sponcer – Fire Code Appeals Board
- William Linkenheimer – Fire Code Appeals Board
- William Grady – Girty's Run Joint Sewer Authority
- David Barkovich – EMS Board

Ms. Brimmeier stated the Vacancy Board must be decided tonight. Discussion ensued. Commissioner Korbelt commented that even if a decision was not made to reappoint someone that they would continue to serve until a replacement is appointed. Commissioner Korbelt expressed concern regarding the Vacancy

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Board appointment. He did not feel that it had to be done tonight. He also indicated that Dr. Barkovich's appointment to the EMS Board was a new appointment.

Commissioner Mikec questioned Ms. Brimmeier if the Vacancy Board had to be decided tonight. She responded as follows:

MS. BRIMMEIER: "Yes. The First Class Township Code requires that the Vacancy Board appointment be made at this meeting.

COMMISSIONER KORBEL: "Can I make an inquiry, then? Why two years ago did we take applications and interview candidates and appoint at a meeting, I think, at the end of January or early February?"

MS. BRIMMEIER: "No. That was done before the end of that year.

COMMISSIONER KORBEL: "It wasn't. I believe we -- Nelson Erb applied to be on the Vacancy Board.

MS. BRIMMEIER: "It was done before, because Mr. O'Brien resigned in November. It was done in December.

COMMISSIONER KORBEL: "I'm saying -- so that would have been in January of '14.

MS. BRIMMEIER: "I don't write the Code. The Township Code said the Vacancy Board appointment has to be made at this meeting.

COMMISSIONER KORBEL: "We asked for applications. We asked for people to submit.

MS. BRIMMEIER: "You asked for my opinion. I'm giving my opinion at a minimum that appointment has to be done this evening."

Commissioner Mazur called for an executive session to discuss the matter. Commissioner Betkowski commented that when he requested to be on the Zoning Hearing Board, the incumbent was not selected. Ms. Brimmeier commented as follows:

MS. BRIMMEIER: "That was an alternate. That wasn't an incumbent."

Commissioner Betkowski further commented that he was unfamiliar with many of the people to be appointed.



Executive session held from 7:09 p.m. to 7:47 p.m.

Motion to advertise for applicants to all of the current open board positions, including those made on November 16th, made by Commissioner Betkowski and seconded by Commissioner DeMarco.

Commissioner Mikec reiterated that Ms. Brimmeier commented that the Vacancy Board opening must be filled this evening. Commissioner Shaffer inquired of the solicitor if approving this motion could place the township at legal risk for the people that were appointed on November 16th. Ms. Brimmeier responded “Yes.”

Roll call:

- Commissioner Shaffer – No
- Commissioner DeMarco – Yes
- Commissioner Stanko – No
- Commissioner Mikec – No
- Commissioner Mazur – No
- Commissioner Korbel – Yes
- Commissioner Avon – No
- Commissioner Mullin – Yes
- Commissioner Betkowski – Yes

Motion fails– 5 to 4

Motion to advertise for the Zoning Hearing Board vacancy made by Commissioner Mazur and seconded by Commissioner Korbel.

Pertaining to the motion made and in general, Commissioner Shaffer suggested instead of advertising in the legal section of the Post-Gazette that vacancies are advertised on the township website and the township social media such as Facebook and Twitter. Commissioners Mazur and Korbel agreed to add social media and the township website to the motion. Commissioner Korbel also mentioned the McKnight Journal.

Motion passes unanimously



RATIFICATION OF APPOINTMENTS MADE ON NOVEMBER 16TH

Commissioner Shaffer inquired of the solicitor as follows:

COMMISSIONER SHAFFER: "If for some reason one of these people does not get ratified, my understanding is the legal interpretation is if they're already in that position, they will continue in that position until a replacement fills it; is that correct?"

MS. BRIMMEIER: "Yes. That's correct."

Motion to reappoint Nelson Erb to the Planning Commission with a term expiring in 2019 made by Commissioner Mazur and seconded by Commissioner Shaffer.

Motion passes unanimously

Motion to reappoint Larry Naimark to the Planning Commission with a term expiring in 2019 made by Commissioner Mazur and seconded by Commissioner Korbel.

Motion passes unanimously

Motion to reappoint Beth Schellhaas to the Zoning Hearing Board with a term expiring in 2020 made by Commissioner Mazur and seconded by Commissioner Stanko.

Motion passes unanimously

Motion to reappoint John Sponcer to the Fire Code Appeals Board with a term expiring in 2018 made by Commissioner Mazur and seconded by Commissioner Korbel.

Motion passes unanimously

Motion to reappoint William Linkenheimer to the Fire Code Appeals Board with a term expiring in 2018 made by Commissioner Mazur and seconded by Commissioner Stanko.

Commissioner Betkowski stated Mr. Linkenheimer would be someone he would have benefited from having some information

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regarding. Commissioner Mazur commented that he was in charge of the Fire Police.

Motion passes – 7 to 2
Commissioners Betkowski and Mullin voting in the negative

Motion to reappoint William Grady to the Girty’s Run Sanitary Authority with a term expiring in 2020 made by Commissioner Mazur and seconded by Commissioner Korbel.

Motion passes unanimously

Motion to appoint Dr. David Barkovich to the EMS Board with a term expiring in 2020 made by Commissioner Mazur and seconded by Commissioner Stanko.

Commissioner Betkowski expressed his unfamiliarity with Dr. Barkovich.

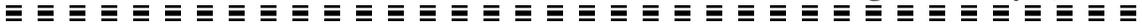
Motion passes – 7 to 2
Commissioners Betkowski and Mullin voting in the negative

Motion to reappoint George Tunney to the Vacancy Board with a one-year term made by Commissioner Stanko and seconded by Commissioner Mazur.

Commissioner Betkowski commented that “a more dynamic process would have served us well.”

Roll call:

- Commissioner Shaffer – Yes
- Commissioner DeMarco – Yes
- Commissioner Stanko – Yes
- Commissioner Mikec – Yes
- Commissioner Mazur – Yes
- Commissioner Korbel – No
- Commissioner Avon – Yes
- Commissioner Mullin – No
- Commissioner Betkowski – No



Motion passes – 6 to 3

MISCELLANEOUS REORGANIZATION ITEMS:

Commissioner Mazur requested the Traffic Advisory Board be placed on the next committee agenda.

Motion to adjourn made by Commissioner Korbelt and seconded by Commissioner Mazur.

Motion passes unanimously

**Douglas Sample
Manager/Secretary**

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

Minutes transcribed by *Noreen A. Re, Certified Realtime Reporter*