

Ross Township Board of Commissioners
Business Meeting
1000 Ross Municipal Drive
Pittsburgh, PA 15237
February 18, 2020
7:04 p.m.

COMMISSIONERS PRESENT: Stephen Korbel, Jeremy Shaffer, Patrick Mullin, Jason Piring, Jack Betkowski, Sarah Poweska, Daniel L. DeMarco, Joseph Laslavic and William McKellar

ABSENT: Junior Commissioner Katie Duerig

SOLICITOR: P. J. Murray, Esq.

TOWNSHIP MANAGER: Ronald Borczyk

RECORDING SECRETARY: Noreen A. Re

**DIRECTOR OF COMMUNITY DEVELOPMENT AND BOARD
LIAISON:** Dominic J. Rickert

Pledge of Allegiance/Invocation

PUBLIC COMMENT ON AGENDA ITEMS ONLY - None

PRESIDENT'S REPORT:

Commissioner Korbel stated before the meeting the Board held an Executive Session, which was an information-only presentation from Gateway Engineers. There will also be an Executive Session following the meeting to discuss personnel matters, as well as potential litigation.

Commissioner Korbel reported to the Board that the school district is moving forward with turnKey Taxes. The township also received positive feedback from the school district on a presentation made by Ms. Peet with respect to "One Tree per Child." That is a

program that matches up classes in the elementary schools to plant trees in different township parks and township-owned property.

TAX COLLECTOR REPORT:

Mr. Mager stated nine interim tax collections have gone out that are due during the face period of this current tax year. He has been working with residents and helping to problem-solve issues that have come up. He is also receiving E-mails and getting out tax receipts for the 2019 tax year. He has also worked on finalizing the deputization agreement between Jordan Tax Service and himself and Ross Township and the school district, as well as finalizing the bond agreement with Travelers. He stated he is also working with Jordan Tax Service to improve communication and efficiency for township residents.

Upon inquiry by Commissioner Shaffer, Mr. Mager stated Keystone handles the Earned Income Tax. Commissioner Shaffer commented that one issue is some companies see the address as Pittsburgh and enter in the code for the City of Pittsburgh, which is incorrect. Commissioner Korbel stated he would have the manager look into the situation.

Upon inquiry by Commissioner Betkowski regarding Jordan Tax Service, Commissioner Korbel commented that Mr. Borczyk is conducting research to identify potential alternates or, in the alternative, what it would look like if that was taken on from an in-house perspective.

CONSENT AGENDA:

Approval of Minutes – January 20, 2020

Bill List – February 18, 2020

Motion to approve the Consent Agenda made by Commissioner Laslavic and seconded by Commissioner Mullin .

Motion passes unanimously

ADMINISTRATION, OPERATIONS AND POLICY:

Chair: Joe Laslavic; Members – Dan DeMarco and Pat Mullin

Resolution – Local Government Week 2020

Motion to adopt Resolution No. 2345 recognizing the week of April 6-10, 2020, as Local Government Week in Ross Township made by Commissioner Laslavic and seconded by Commissioner DeMarco.

Motion passes unanimously

New Business - None

FINANCE, BUDGET AND PENSION:

Chair: Sarah Poweska ; Members – William McKellar and Jack Betkowski

Refunding PNC Bond

Motion to engage Boenning & Scattergood, Inc., to proceed with the refinancing of 2015 General Obligation Issue Series A & B made by Commissioner Poweska and seconded by Commissioner Mullin.

Commissioner Korbel commented that Mr. Berty has reviewed the proposals, and this is the recommended entity.

Commissioner Shaffer inquired if this is keeping the overall capital balance the same and not increasing any amount to be borrowed. Commissioner Korbel replied “Not unless the Board decides to do otherwise.” Commissioner Korbel stated both options could be discussed at the next committee meeting.

Motion passes unanimously

New Business – None

PLANNING, ZONING AND ECONOMIC DEVELOPMENT:

Chair: Dan DeMarco; Members – Sarah Poweska and Jack Betkowski

Ordinance to be Adopted – Rezoning of Parcel 216-L-115

Motion to adopt Ordinance No. 2441, rezoning of Parcel 216-L-115 from an R-2 to an R-3 Zoning District for a future residential development made by Commissioner DeMarco and seconded by Commissioner Mullin.

Motion passes unanimously

Mr. Purcell thanked the Board for their confidence. He also promised his neighbors that whatever goes in there is going to be enhancing the neighborhood; and “If it doesn’t, nothing will go in there.”

SP-19-5 – KU Resources, Inc., on behalf of Northside Catholic Cemetery, is requesting a Site Plan Modification to Section 9-110.5.B so as to increase land for future burial use.

(Whereupon, all witnesses were severally sworn.)

Attorney Maureen E. Sweeney was present on behalf of the applicant. Mr. Tyson Miller was present on behalf of KU Resources.

Mr. Murray introduced the following exhibits into the record without objection:

Exhibit A – Application, receipt of payment, narrative transmittal letter and reduced set of plan drawings.

Exhibit B – Original and revised request for modification.

Exhibit C – Planning Commission recommendation letter.

Exhibit D – Gateway plan review letter of February 11, 2020.

Exhibit E – Township Chapter 9, Grading Ordinance.

Exhibit F – Township Chapter 22, Subdivision and Land Development Ordinance.

Ms. Sweeney pointed out that Section 22-6025 of the Subdivision and Land Development Ordinance incorporates specifically the steep slope provisions of the Grading Ordinance as part of the SALDO. She stated their request deals with modification of the steep slope requirements. She described the request in detail.

Ms. Sweeney introduced Mr. Tyson Miller, an engineer from KU Resources. He provided testimony with regard to the layout of the cemetery and the plans to increase the available burial space. The waiver is for a total cumulative disturbed steep slope area within the potential landslide prone overlay of 5.43 acres, which equates to 19.1 percent, which is greater than the 5 percent ordinance threshold and then the total disturbance steep slope area of 8.62 acres or 30.4 percent or 15 percent is allowed by the ordinance

A geotechnical report has been provided. The Planning Commission approved the waiver. Grading and filling will be done. Mr. Miller went through the methodology in detail. All outstanding comments relative to the geotechnical aspect of the design have been resolved. The landscape plan was discussed in detail.

Upon inquiry by Commissioner Shaffer regarding maintenance of the stormwater retention area, Mr. Miller responded since 2012 projects that have an NPDES permit are required by law to have an approved operations and maintenance agreement. He indicated now it is easier to legally enforce. Commissioner Korbel commented that all new developments are required to have maintenance agreements.

Upon inquiry by Commissioner Shaffer regarding having a detention pond at the area at the base of the steep slope, Mr. Miller responded the proposal for Phase 1 is to have some soil management at the top of the slope. He stated the merits of where to locate the stormwater management area relative to the geotechnical concerns have been discussed.

Upon inquiry by Commissioner Korbel, Mr. Miller stated in the past they have stated there is no proposed housing; and that is the plan. There will be a mausoleum structure, but no proposed residence of any kind. He also stated they would be happy to make

that a condition of approval, if necessary. Ms. Sweeney stated the proposal will improve the current conditions.

Mr. Murray commented as follows:

MR. MURRAY: "I know you've testified in kind of a circuitous way, as Commissioner Korbel alluded to. Is it fair to summarize your testimony that by granting the modification will actually increase the stability of the slope as compared to how it currently sits?"

MR. MILLER: "Particularly as it is compared to the existing condition, yes. The short answer is yes. We also think it will -- because of the discovery of that seep during the first phase, it will also help to buttress the activities that were done in the first phase."

MR. MURRAY: "It will increase the stability and other things?"

MR. MILLER: "Correct."

Landscaping of the slope was discussed in detail.

Attorney Dwight Ferguson was present on behalf of "The Concerned Citizens of Ross Township." He stated the specific members of that group were Darlene DiDonato, who lives at 325 Bepler Avenue, and Georgianne Fibbe, who is the trustee of two properties which are immediately abutting the cemetery and fill site. Ms. Debbie Nolan of 247 West View Avenue is also a member of the group. Mr. Ferguson stated Pennsylvania courts have found that any adjoining or abutting property owner is automatically granted standing without further proof.

Mr. Murray requested Mr. Ferguson walk through the ownership of the properties, which he did. Mr. Ferguson presented the testimony of David Lucci, a registered landscape architect, who works for Victor Wetzel Associates. He detailed his view of the proposed slopes and the project as a whole. He commented that 9.6 acres are planned to be disturbed to get 1.2 acres of usable ground for the cemetery. Mr. Lucci's opinion was that the project was contrary to public interest and more an environmental hazard than a value for the cemetery.

Mr. Ferguson provided testimony by Mr. Joseph Boward, president and principal engineer with Garvin Boward Beitko

Engineers. Mr. Boward stated he has been practicing geotechnical engineering in Southwest Pennsylvania for 36 years. He went through his concerns with the KU Resources report in detail. He stated the problem he sees is that there is a stream at the base of the valley that a landslide could affect. Mr. Boward stated the project, as currently designed, could potentially put the public health, safety and welfare at jeopardy. He felt more work needs to be done with the review and design.

Mr. Howard McCutcheon, geotechnical engineer and chief engineer for KU Resources, was present. He stated they have done numerous landslide sections and redesigned this particular slope at Gateway's direction. They have actual technical data and plans to rework the existing soils on the slope "that may be suspect" as part of their overall program. He also indicated they were all reviewed and approved by Gateway. It was his professional opinion that the proposed plan was in keeping with public health and safety. The fill was discussed in detail. There will be a certification of the fill after it is finished and put in place.

Upon inquiry by Commissioner Betkowski regarding other options considered by the cemetery, Mr. Miller responded that space is needed in this cemetery, as well as other cemeteries the Diocese owns. Mr. Miller also stated additional land was purchased to enable the expansion. Ms. Sweeney reiterated the plan is to not only increase the usable area, but it is also to minimize and improve the existing conditions, including landslide prone areas, which is a value to the public interest.

Upon inquiry by Commissioner Betkowski, Ms. Sweeney stated they are not aware of any encroachment across the property line of any structure.

Upon inquiry by Commissioner Korbel, Ms. Sweeney responded they would consider a reasonable request to replanting trees. Ms. Michele McCann, registered landscape architect, addressed the Board regarding the landscaping of the property. She also indicated this could be an opportunity for the cemetery to do green burial.

Mr. Matthew Bagaley, professional engineer with Gateway, addressed the concern relative to the the stability of the slope and the fill that is going to be placed. He indicated there were multiple geotechnical reports that were reviewed by geotechnical engineers at Gateway. They made recommendations that the applicant stated they were willing to follow such as monitoring the fill, having an inspector on site, monitoring the slopes, certification that everything was incorporated in accordance with the geotechnical report, copies of geotechnical inspectors' records, as well as as-built survey verification. He also went through his numbers regarding the slope percentage.

Mr. Ferguson inquired about obtaining reports that the applicant stated they were relying on so they could see them and then submit a written response after their review. Commissioner Korbel responded that the Board would recess to Executive Session and get advice from the solicitor in that regard.

No further public comments for or against

*(Whereupon, an Executive Session was held
from 9:07 p.m. to 9:17 p.m.)*

Following the Executive Session, Commissioner DeMarco stated the Board is going to give the objectors ten days to present to the Board any additional written objections to the reports that will be provided. The confusion was the Right-to-Know request was made under the Subdivision and Land Development Ordinance file, and the reports addressed earlier were in a separate Grading Permit file. Ms. Sweeney waived any deadlines, but she requested that the reports be made part of the record. Mr. Murray stated anything involving Phase 2 will be included. Ms. Sweeney requested to submit rebuttal to what the objectors would submit. Mr. Murray stated rebuttal would need to be submitted before March 2nd.

SP-19-5 – KU Resources, Inc., on behalf of Northside Catholic Cemetery, is requesting Final Site Plan Approval.

The matter will be addressed at the March 2nd meeting.

Commissioner DeMarco stated there will be a meeting on deer control next Tuesday at 7:00 p.m. Mr. Zeb Campbell, regional game warden, will be in attendance. A report prepared from a study of the deer population in the township and the problems with the population will be available on the township's website.

New Business - None

PUBLIC SAFETY:

Chairs: William McKellar; Members – Jack Betkowski and Dan DeMarco

Travel Request – Leadership in Law Enforcement – Chief Ley

Motion to authorize Chief Ley to attend the Leadership in Law Enforcement training from March 10-11, 2020, in Columbus, OH, at a cost not to exceed \$375.00 made by Commissioner McKellar and seconded by Commissioner Laslavic.

Motion passes unanimously

Travel Request – FBI National Academy – Lieutenant Randy McAllister

Motion to authorize Lieutenant Randy McAllister to attend the FBI National Academy from March 29th to June 6, 2020, at the FBI Training Academy in Quantico made by Commissioner McKellar and seconded by Commissioner Mullin .

Motion passes unanimously

Travel Request – 2020 Annual Central Square Conference International Education and Training Event – Officer Robert Zegar

Motion to authorize Officer Robert Zegar to attend the 2020 Annual Central Square Conference International Education and Training Event from March 17-20, 2020, in Orlando, FL, at a cost

not to exceed \$2,200.00 made by Commissioner McKellar and seconded by Commissioner Mullin.

Motion passes unanimously

Civil Service Commission Rules and Regulations Amendment

Commissioner Korbel stated in the packets was a proposed resolution amending the Civil Service Rules and Regulations, which would allow Commissioner McKellar to serve on the Civil Service Commission, as well as being on the Board of Commissioners.

Motion to approve Civil Service Commission Resolution 1-2020, which would allow one commissioner to serve on the Civil Service Commission made by Commissioner DeMarco and seconded by Commissioner Mullin.

Motion passes unanimously

New Business - None

PUBLIC WORKS, SANITATION AND SEWERS:

Chair: Pat Mullin; Members – Jason Piring and Jeremy Shaffer

Awarding of the 2020 Ross Township Road Program

Motion to award the 2020 Ross Township Road Program bid to Shields Asphalt Paving, Inc., in the amount of \$1,535,364.66 made by Commissioner Mullin and seconded by Commissioner Laslavic.

Motion passes unanimously

New Business - None

PARKS AND RECREATION:

Chair: Jason Piring; Members – Joe Laslavic and Pat Mullin

Establishing the dates for the 2020 Ross Township Community Days as September 26th and 27th, 2020, to be held at The Block Northway.

Motion to set the dates for the 2020 Ross Township Community Days as September 26th and 27th, 2020, to be held at The Block Northway made by Commissioner Piring and seconded by Commissioner Mullin.

Upon inquiry by Commissioner Korbel, Commissioner Mullin responded he is still planning the car cruise for the second day.

Motion passes unanimously

New Business:

Commissioner Piring thanked Ms. Malsch for her efforts in getting the laptops set up for the commissioners.

OTHER BOARDS/ENTITIES (COG, CONNECT, Intergovernmental) - None

PUBLIC COMMENT - None

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

Motion passes unanimously

MEETING ADJOURNED TO EXECUTIVE SESSION AT 9:30 P.M.

Manager/Secretary

**President,
Stephen Korbel
Ross Township Board of
Commissioners**

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