

Regular Voting Meeting – Wednesday, July 11, 2018

Council of the Municipality of Murrysville held a Regular Voting Meeting on Wednesday, July 11, 2018, at 7:00 p.m. in the Municipal Building. Present at the meeting were Council members Jamie Lee Korn, Dayne Dice, Toni Brockway, Josh Lorenz, Loren Kase, and Carl Stepanovich. Also present were Mayor Synan, Chief Administrator James Morrison, Scott Hilty, Carly Greene, Bob Bell, and Solicitor George Kotjarapoglus. Council member Tony Spadaro was absent from the meeting.

**REGULAR VOTING MEETING  
AGENDA**

**Officer Ryan Auvil Presents Plans for Murrysville National Night Out  
August 7, 2018**

Mr. Lorenz introduced Officer Auvil.

Officer Auvil gave a slideshow presentation about Murrysville National Night Out, which will take place on Tuesday, August 7, 2018, from 4:30 p.m. – 8:30 p.m. at the Murrysville Public Works facility, 4200 Sardis Road. There will be designated areas for EMS, Police, Fire Department, Public Works and food trucks. Allegheny Township has loaned a DUI Golf Cart - Fatal Vision goggles and the STAT Medivac helicopter will be landing at the facility as well. There will be activities such as face painting and a children's fire house.

This is an opportunity to enhance the relationship between neighbors and law enforcement and promote a sense of community.

**UNLISTED AMENDMENTS:** None.

Mrs. Lee Korn moved to approve the Agenda. Mr. Stepanovich seconded. All present voted aye. Motion approved.

**CONSENT CALENDAR ITEMS:**

- A. Accounts Payable**
- B. Cash Investments and Transfers**
- C. Minutes of June 6, 2018**
- D. Minutes of June 20, 2018**

Mrs. Lee Korn moved to approve the consent calendar items. Mr. Kase seconded. All present voted aye. Motion approved.

**MAYOR'S COMMENTS:** Mayor Synan announced National Night Out, as Officer Auvil presented previously. Murrysville Concert in the Park is Saturday, August 11, from 4:00

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p.m. – Dusk, fireworks to follow. The Wetlands Walking Tour will be Saturday, July 14 at 10:00 a.m. at the Murrysville Community Park Wetlands. The tour is free. The Pioneer Camp is July 16 – 20 from 8:30 a.m. – 3:30 p.m. at Murrysville Sampson-Clark Toll House.

**CHIEF ADMINISTRATOR’S COMMENTS:** Mr. Morrison introduced Hayley Welsh, the new Community Planner.

Mr. Morrison also announced that Officer Jason Bethlehem is resigning from his position with the Police Department, as his family will be relocating. His last day was yesterday. Staff is evaluating the list now and will be bringing forward a hire within the next week or two.

Mr. Lorenz welcomed Hayley Welsh to the Municipality.

**COMMUNITY INPUT:** Ed Zimmerman, Jr., 4052 Old William Penn Hwy, spoke about an incident that occurred on Sunday. There is a business next to them that moved in a few years ago. Shortly thereafter, the business dug out a parking lot without any plans or permits. Mr. Zimmerman called the Municipality and Mr. Jobe came in and stopped them from paving the parking lot. He said the water was running off in the winter causing ice and ponding in their yard, as there are no drains. He added that this Sunday a Bobcat started digging up the yard again. He was digging out a tree on the Zimmerman property line. Mr. Zimmerman told him to be careful and that he is on the property line. He threw open the window of the Bobcat and told Mr. Zimmerman that he was allowed 3 feet and to get a survey, and then continued to work. The Zimmerman’s called the police. Officer Hardy came out but told them he has no jurisdiction over an issue like that. Mr. Zimmerman came to the Municipal building on Monday morning, spoke to Mr. Jobe and he went out and stopped the work again. He believes they will be required to get a site plan.

Mr. Zimmerman has some questions. 1) When a business moves in, does the Municipality know this? Are they to be made aware of the intentions of the business owner/s when doing any type of work to the property? He said as long as business owners get away with it they will continue to try to do work without proper approval/notification. Also, what happens if this work is done on weekends, or off times? He feels someone from the Municipality should be “on call” so something can be done at the time.

Mr. Lorenz replied by saying that if there is work being done, of the type that Mr. Zimmerman was describing, one must come before the Municipality, submit the proper request for permitting, and the plans are vetted by the Planning Commission before coming to Council, then it is approved by Council. He said that it sounds like the Municipality, Mr. Jobe, did as he should and stopped the work.

Mr. Zimmerman said this has been going on for years now, with no consequence to the business owner, just the neighbors.

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Mr. Morrison said that the Municipality is aware of the situation and Mr. Zimmerman is accurate in his explanation of the events, and that a letter was sent on Tuesday to the offending party and given notice that they either: 1) come in for site plan approval or 2) the millings need to be removed and the area put back into grass. The party has 30 days to respond to that letter. If there is no response in answer to either one of these options, it will be taken to the Magistrate and a hearing will be held. He said this has been a long term problem with that individual and sometimes people don't have respect for the rule of law and believe they are entitled to do what they want. This individual was advised several times over a period of time that he needed site plan approval. He felt it was too expensive, erroneous and decided to take the law into his own hands. The Municipality will proceed accordingly.

Mr. Zimmerman asked about the weekend availability of Municipal employees to take turns and be on call for situations such as this and charge the offender for that employee's time.

Mr. Lorenz replied by saying that the vast majority of people in the Municipality do respect the rule of law and do go about things the right way in terms of seeking proper approval. He said this situation is the exception rather than the rule, and what Mr. Zimmerman did, under the circumstances, was appropriate. He asked Mr. Morrison if there is something that the Municipality can do if this type of situation does arise on the weekend.

Mr. Zimmerman said if there are two wrong parties it could end up being violent, as there is no alternative.

Mr. Morrison stated that there are two situations with this. One is a civil matter, violating the Ordinance. He added that everyone is presumed innocent and there is a process to follow. The Municipality cannot take any action until 30 days after the violation, as he has a right to appeal the action. So, in a civil matter, the Municipality responds as soon as it can. With a criminal matter, there is an immediate response through 911.

**LIAISON COMMENTS AND COMMITTEE REPORTS:**

Mr. Stepanovich reported that he attended the EAC meeting. There was a concern with the Sloan School project and the permeable concrete and conductivity of the water in streams with the Sloan School project. Mr. Hilty noted that there are maintenance things that would help, and he explained them. There was another concern regarding the maintenance plan and the effects of the Wetlands. It was noted that the property was viewed by several parties and the plan was said to have been done well.

The EAC made a recommendation to the Planning Commission that there should be an engineering study conducted on the collection system for the proposed school district.

Mr. Hilty presented the MS4 Reduction Plan.

The Parks & Recreation Committee met as well. Mr. Bell reported that Bear Hollow is done. At Duff Park, the roof is on the pavilion and they are waiting to put picnic tables

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in. Chambers Park is done and pickle ball is active there. Sardis Park equipment is being fixed. Ms. Greene spoke of the Recreation Report and indicated that the Farmer's Market has been well attended, with 41 vendors. Volunteers are needed to help with the children's group while parents are shopping the market. Special Needs Night was cancelled due to low enrollment. Volunteers are needed at the Visitor's Center at Roberts Trailhead on the weekends. Also, a subcommittee will be formed to update the large trails map used by Planning Commission, etc., as it is dated 2011.

There was an update given on the Destination Playground as well.

Mrs. Lee Korn reported that the pension Committee was presented with a new real estate investment requesting consideration for the August 20 Council Meeting. No Council action is needed to proceed, as it is currently authorized by the fund's IPS.

Mr. Dice said that the FTMSA had a meeting on June 21. There was a bid opening for three separate things: HVAC, general mechanical and electrical improvements. The total for all three is a little over \$1.4 Million. There was nothing awarded, as this was strictly the opening. General mechanical was \$921,000, HVAC was \$496,000 and electrical was \$131,000. They discussed the ongoing efforts with regard to the system issues they are having. There is ongoing cameraing, ongoing dye testing, and they are making repairs as they see them and going after property owners that are illegally tapping into the system (as they encounter them). Some people actually have their gutters running into the FTMSA system. This causes rainwater infiltration which is why there are a lot of overflows. Apparently, a flow study is inevitable. That will cost about \$2 Million, and is just a diagnostic tool. Kevin Kaplan handed out documents with regard to the long range plan that FTMSA is trying to develop. He read a paragraph of the memo regarding a full system upgrade. Finally, the Pucketa Creek agreement is still ongoing.

Ms. Brockway reported that the Library met on June 21. They welcomed a new Board member. The kids' summer reading club has been popular, with 677 children signed up. The grant for the honey bee program is in full progress, and the garden has been started. A bee keeper came in for educational purposes and the children made bee puppets. The adult summer reading program is also off to a good start, as it has been very well attended. Regarding personnel, Larry Schultz has resigned and there will be an advertisement for the open position.

### **WORKSHOP ITEMS**

#### 9. Administration

A. Consider authorization to advertise the 2019-2023 Capital Improvements Public Hearing for August 1, 2018 at 7:00 p.m.

Mr. Morrison explained that this is the first step of the annual budget process. The CIP will be presented to Council Members the week of the 27<sup>th</sup> of July and the Public

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Hearing will be scheduled for August 1. The Public Hearing will be up first, followed by the regular Council meeting.

This item will be moved from Item 9A to Item 13C, in order to be voted on this evening.

Mrs. Lee Kornis made a motion to move to Item 13C. Ms. Brockway seconded. All present voted Aye.

## 10. Engineering

A. Discussion of an Excess Maintenance Agreement with Dominion Energy Transmission to utilize 1.2 miles of Logan Ferry Road, 1 mile of Sardis Road , 0.1 mile of Harvest Road and 0.6 miles of Wallace Road for construction traffic and deliveries to for approximately 3,300 LF of pipe replacement project.

Mr. Hilty explained the project to be started by Dominion in July. The location is at the border of Plum Borough and the Municipality of Murrysville. This would basically be for access to the pipeline and any kind of materials that they need. A packet was placed in Dropbox for Council to review. 30 pipeline trucks and 20 equipment load trucks are anticipated. The timeline is July 15 – October 31. He noted that they most likely will not begin on July 15, with other requirements that need to be met first. Hours of operation would be 7:00 a.m. – 4:00 p.m., Monday through Saturday. They are in the process of obtaining a Land Operations Permit, however, have provided the other documentation required. There are two conditions at this point: all roads must remain passable and maintained and cleaned for residents and emergency vehicles and they must get a Land Operations Permit prior to starting work.

Mrs. Lee Kornis verified the length being 3,300 lineal feet (LF), with different sections, not continuous. The total area being used is a couple of miles, using state roads – Saltsburg, 286, etc.

Ms. Brockway stated that area is busy with commuters and starting at 7:00 may be an issue.

Mr. Hilty answered that he doesn't believe they will be affecting the roads every day at 7:00. There will be truck traffic, but their general hours of operation to work on the pipeline, which is on the right-of-way, would be 7:00 – 4:00. He said they will be getting deliveries throughout that timeframe, spread throughout the day. Also, none of the work is being done on any of those roads, it is just the travel to and from the site.

Mr. Lorenz had a concern with both the commuting and also the impact this may have during the school year with school buses. He asked Mr. Hilty if they have addressed these items.

Mr. Hilty said no, but these items were not raised to them either. He noted that he can inquire with them about the time of day that they schedule inquiries, but also said that those 30 loads are over a 4 or 5 month period so there will not be a constant flow of

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traffic with trucks coming in. He said that could end up being one or two trucks a day.

Mr. Lorenz noted that since this is the only meeting in July, the next meeting is August 1. Does this pose a problem with the timely start of the project, if they are asked for additional information? Mr. Hilty said it would not for him, but for Dominion it would be.

Mr. Lorenz said another way to address the issue would be to modify the hours of operation timeframe that Council is approving.

Mr. Hilty said this is in Heritage Estates at the culvert and Dominion approached the Municipality about signing a construction easement to widen the area for construction. That is in the works. Therefore, it is not believed that work would start the work on time.

This is also on the voting agenda and will be revisited then.

11. Community Development

12. Public Works and Parks

### **COUNCIL ACTION ITEMS**

13. Administration

A. Consider acceptance of the resignation of Larry Shultz from the Library Board

Mr. Stepanovich made a motion to accept. Mr. Kase seconded.

There will be an advertisement for this position. Mr. Lorenz confirmed sending a letter of thanks for his service to Mr. Shultz. He will continue to serve on the Pension Committee.

Upon a roll call vote: Mr. Kase – yes, Mr. Lorenz – yes, Mr. Stepanovich – yes, Mr. Dice – yes, Mrs. Lee Kornis – yes, Ms. Brockway – yes. Motion approved.

B. Consider approval of Ordinance #995-18, an ordinance establishing the Volunteer Emergency Services Tax Incentive Program

Mrs. Lee Kornis moved to approve. Mr. Dice seconded.

Mr. Morrison reported that, as discussed at previous meetings, Council is presented with options that are available under Act 172 for tax relief. This Ordinance incorporates the earned income portion at 100% of the local share. It does include reciprocity agreements with Delmont and Export. It also provides the requirements for an emergency volunteer to qualify for the program.

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Council had no additional questions or comments in this regard.

Upon a roll call vote: Mr. Kase – yes, Mr. Lorenz – yes, Mr. Stepanovich – yes, Mr. Dice – yes, Mrs. Lee Kornis – yes, Ms. Brockway – yes. Motion approved.

C. Consider authorization to advertise the 2019-2023 Capital Improvements Public Hearing for August 1, 2018 at 7:00 p.m.

Ms. Brockway moved to approve. Mr. Dice seconded.

Mr. Lorenz noted that this will happen before the regular Council Meeting.

Upon a roll call vote: Mr. Kase – yes, Mr. Lorenz – yes, Mr. Stepanovich – yes, Mr. Dice – yes, Mrs. Lee Kornis – yes, Ms. Brockway – yes. Motion approved.

14. Community Development

15. Engineering

A. Consider authorization to advertise for landscaping materials for the Steele's Run Riparian Buffer Project.

Mrs. Lee Kornis moved to approve. Ms. Brockway seconded.

The Buffer Project has been introduced several times in past Council Meetings. Mr. Hilty explained that this is for the planting materials for that project. This is in excess of the \$21,700. It will be bid out very shortly and he is hopeful to get a September/October delivery date for planting.

Mr. Lorenz clarified that the \$21,700 is not the Municipality's share. The Municipality share is more the time and effort to install the plants. This is being funded through state monies (DCNR), so it must be bid out.

Mr. Morrison said the total cost of the project is around \$114,000, of which \$90,000 is being funded through outside sources. He showed the site plan and location of the plantings.

Upon a roll call vote: Mr. Kase – yes, Mr. Lorenz – yes, Mr. Stepanovich – yes, Mr. Dice – yes, Mrs. Lee Kornis – yes, Ms. Brockway – yes. Motion approved.

Mr. Lorenz thanked Staff, saying this will be a nice addition to MCP.

B. Consider approval of Ordinance No. 998-18, an ordinance accepting property and storm water management facilities on Parcel E from Ronald J. Drowser and Donna J. Drowser (Heritage Estates Phase III (Revision#2) Plan of Lots).

Mrs. Lee Kornis moved to approve. Mr. Kase seconded.

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Mr. Hilty said this is a parcel that was added for the sediment four bay area in the stormwater management of Heritage Estates Phase III. He presented a map showing the parcel, which is also in Council's packets. He said this will tidy everything up in the Heritage Estates Phase III plan.

Upon a roll call vote: Mr. Kase – yes, Mr. Lorenz – abstain, Mr. Stepanovich – yes, Mr. Dice – yes, Mrs. Lee Kornis – yes, Ms. Brockway – yes. Motion approved.

C. Consider approval of an Excess Maintenance Agreement with Dominion Energy Transmission to utilize 1.2 miles of Logan Ferry Road, 1 mile of Sardis Road, 0.1 mile of Harvest Road and 0.6 miles of Wallace Road for construction traffic and deliveries to for approximately 3,300 LF of pipe replacement project that will take place in Murrysville and Plum Borough with the restrictions that the trucks transport loads between the hours of 9:00 a.m. and 2:00 p.m. on school days, as well as other Staff conditions set forth in Item 7 of the Briefing.

Mrs. Lee Kornis moved to approve. Mr. Kase seconded.

Mr. Hilty asked if Council wants it worded that the Municipality is limiting deliveries or construction vehicles to 9:00 a.m. – 2:00 p.m. on school days, not work activities. Council agreed. He added that Dominion has already received their Permit from the state to haul on Route 286.

Ms. Brockway asked about the staging area, where that will be and if that will pose traffic issues. Mr. Hilty showed, on the map, the locations of staging and access for the pipeline.

Upon a roll call vote: Mr. Kase – yes, Mr. Lorenz – yes, Mr. Stepanovich – yes, Mr. Dice – yes, Mrs. Lee Kornis – yes, Ms. Brockway – yes. Motion approved.

## 16. Public Works and Parks

A. Consider authorization to advertise for bids for the sale of used municipal vehicles.

Mr. Kase moved to approve. Mrs. Lee Kornis seconded.

Mr. Bell stated that there are two old police cars going out for surplus sale, an Impala and an Interceptor. They will go on Municibid and he will be back on August 1 with the bids.

Upon a roll call vote: Mr. Kase – yes, Mr. Lorenz – yes, Mr. Stepanovich – yes, Mr. Dice – yes, Mrs. Lee Kornis – yes, Ms. Brockway – yes. Motion approved.

B. Consider approval of the proposed playground and spray park at the Murrysville Community Park.

Mrs. Lee Kornis moved to approve. Mr. Stepanovich seconded.

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Mr. Morrison and Ms. Greene gave a PowerPoint presentation, which gave 3 options for a site plan and 3 options for the equipment. Mr. Morrison said everyone has pretty much agreed on the Spray Park so there won't be too much talk on that.

He explained that there were two companies that submitted concepts: Landscape Structures and Playworld. One company submitted two, and the other submitted one. He noted that there will be some back and forth on this, as some of the equipment will tie into a certain site plan. He described each layout/site plan option, followed by the equipment options.

He then showed the costs and said that the funding sources for this would be the Dominion Easement for \$204,000, with the balance coming out of the \$1Million bond issue. He asked how Council would like to proceed.

Ms. Greene added that they received several designs that were submitted, however, they ended up with the three mentioned after re-designing several times.

It was decided to discuss the equipment options first. Council and Staff discussed each option. Mr. Kase commented that he shared these exact photos with about 10-12 children, ages 3-9. Every child except for one chose option #2.

Mrs. Lee Korn's thanked Staff for bringing forward more exciting designs than what was originally looked at. She agreed that she liked option #2 as well.

Mr. Stepanovich asked for comment from Public Works on maintenance. Mr. Morrison added that Ms. Greene is a certified playground inspector, and that all equipment is inspected annually, and Public Works follows up on any of the items that she identifies from a safety or hazardous point of view.

Mr. Kase liked option #2.

Mr. Hilty explained the layouts and how they are tailored to the site layouts.

Ms. Brockway liked a traditional look.

Mr. Dice liked option #2.

Mr. Lorenz liked option #1. He would like to see some features from #2 incorporated, but liked a more traditional overall look. He suggested going into committee of the whole to discuss the various options.

Mrs. Lee Korn's made a motion to go into committee of the whole. Ms. Brockway seconded. All present voted Aye.

Council discussed Option #1, which would be situated on Site Plan #1.

Mr. Lorenz asked if features could be interchanged at this point. The wagon cost

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approximately \$20,000. All agreed to take the wagon out and put in a non-descript feature for children to play on. Staff agreed to come back to Council with \$20,000 of other features to replace the wagon.

Mr. Dice moved to come out of Committee of the Whole. All present voted Aye.

Mr. Lorenz requested a motion to approve Playworld Option #1, with the wagon/tent area being replaced with other climbing features, with the adjacent Splash Pad being situated on layout Option #3.

Mr. Lorenz confirmed with Mr. Morrison that there will be a bucket in the Splash Pad area of the park. The Splash Pad rendering was viewed

Mr. Stepanovich asked if a fire hydrant feature was offered in the Splash Pad plan. Ms. Greene said it was not.

Mr. Kase asked if there is a way to incorporate benches that tie into the playground equipment, built with the same material. Mr. Lorenz added that maybe the supplier would lock in the pricing for a few years going forward if their option is selected. Mr. Morrison will look into this.

Mr. Stepanovich moved to approve. Mrs. Lee Kornes seconded.

Upon a roll call vote: Mr. Kase – yes, Mr. Lorenz – yes, Mr. Stepanovich – yes, Mr. Dice – yes, Mrs. Lee Kornes – yes, Ms. Brockway – yes. Motion approved.

Mr. Kase asked about the timeline of the companies' construction. Mr. Morrison replied that the Municipality will probably begin site work in August. There is at least 6-8 weeks lead on the equipment and then contract for the laborer for the installation. He believes it will be late Fall at the earliest, and may not be until Spring, depending on the availability of the installer.

There will be a "Grand Opening" when all is finished.

C. Consider approval of a contract with Kelner Fireworks for the purchase of fireworks to be displayed at "Concert in the Park".

Ms. Greene said this will be for the 2<sup>nd</sup> annual Concert in the Park on August 11. Mr. Yant and family and Kelner Fireworks will present a fireworks display at approximately 9:30 p.m. at MCP. The contract cost is \$7,775. The shooter's fee is donated by Mr. Yant. There is a deposit due for 50% of that. Approval has been requested for the check.

Mrs. Lee Kornes moved to approve. Mr. Kase seconded.

Upon a roll call vote: Mr. Kase – yes, Mr. Lorenz – yes, Mr. Stepanovich – yes, Mr. Dice – yes, Mrs. Lee Kornes – yes, Ms. Brockway – yes. Motion approved.

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17. Old Business: Mr. Morrison commented that Staff is still pursuing the sign option at Tarr Hollow. He received a revised pricing for a 2x10 sign (this would be about the size of the banners that were previously there) and showed a picture to Council. It is a full color sign and would be able to be programmed from inside the Municipal building. He asked if Council is still interested in looking at putting a sign at Tarr Hollow. If so, Mr. Morrison will follow up with the church to make sure they are agreeable. The one shown in the picture would cost approximately \$16,000, which is closer to a 5-year payback.

Mrs. Lee Korn asked if there is a Warranty, in case anything would go wrong. Mr. Morrison said a Warranty is not quoted, but he could find out.

Council agreed this would be a better option and should be pursued.

18. New Business: None.

19. Executive Session: None.

20. Action Items: Staff will send a letter of thanks to Larry Shultz for his service on the Library Board. Also, further discussion is needed on options to the recently approved playground.

21. Adjournment

Mr. Dice moved to adjourn. Mr. Kase seconded. All present voted aye. Motion approved. The Council meeting concluded at 9:09 pm.

*The Regular Voting Meeting was broadcast on local government Channel 19. A true copy of the Council meeting DVD is available for the public to purchase from the Municipality of Murrysville and is in the Murrysville Public Library for review.*