

Council of the Municipality of Murrysville held a Regular Voting Meeting on Wednesday, January 18, 2023, at 7:00 p.m. in the Municipal Building. Present at the meeting were Council members Dayne Dice, Jamie Lee Korn, Jamie Lingg, Mac McKenna, Tony Spadaro, Carl Stepanovich, and Mayor Synan. Also present were Chief Administrator, Michael Nestico, Community Development Director, James Morrison, Director of Public Works, Bill Paiano, and Solicitor, Wes Long. Council member Jason Lemak was absent.

**PUBLIC HEARING ON Z-3-22, A REQUEST BY FISCHIONE ENTERPRISES, INC. TO REZONE
APPROXIMATELY 54.6 ACRES LOCATED AT WIESTERTOWN ROAD AND HILTY ROAD,
TAX PARCELS 49-12-00-0-051 AND 49-08-00-0-012,
FROM R-R RURAL RESIDENTIAL ZONING TO R-1 RESIDENTIAL ZONING**

A Public Hearing was held at 7:00 p.m. for Z-3-22, a request by Fischione Enterprises, Inc. to rezone approximately 54.6 acres located at Wiestertown Road and Hilty Road to convert it from Rural Residential Zoning to R-1 Residential Zoning. A stenographer was present to record the hearing.

Joe Cortez, who represents the applicant, Mr. Fischione, stated that Mr. Fischione has been a resident of Murrysville for over 30 years. The Planning Commission approved rezoning of this property. Mr. Fischione is present along with the engineers to answer any specific questions on the project.

Mr. Paul Fischione stated that the property is approximately 55 acres. The existing zoning is R-R and the request is to go to an R-1 PRD so that the lot quantity can increase to 28. Only about 50% of the property is being utilized for the residences. In 2013 he acquired about 30 acres and in 2021 he purchased the adjacent property which is about 23.5 acres. He would like to build his forever home in Murrysville, in that location. He made a decision in March 2021 to pursue developing the acreage and conducted an initial engineering evaluation to determine road network and approximate lot layout. One of the first things they did was execute formal streams and wetland delineation to understand exactly what they would be dealing with. The goal is to respect the environment. The lots are secluded and will be wooded, nestled within expansive green space. All of the backyards are adjacent to conservation areas which will yield the ultimate in privacy. These will be luxury estate lots of 1+ acres of low-density and high-quality housing. Lot prices are project to start around \$250,000. Packages will start at \$1.2M. Mr. Fischione showed pictures of example houses.

Mr. Anthony Carmassi, Engineer with T3 Strategies, showed a drawing of the property on the zoning map and the layout of the sewer connection and water connection. All of the storm water will be gathered from the streets into a basin towards the end of the cul-de-sac and treated. All lots will be treated with on-lot sumps.

Mrs. Lingg stated that 50% of the property is being developed and asked if that was because the rest of the property is unusable. Mr. Carmassi answered no, not that it is unusable. It is more so to keep it secluded so residents can have their privacy and to keep the natural beauty of that area. There is no further development planned. Mrs. Lingg asked if the developer was paying for all of the tap-ins into the sewer systems. Mr. Carmassi answered yes. Mr. Stepanovich asked if water was MAWC and sewage FTMSA. Mr. Carmassi answered yes.

Mr. McKenna asked if the zoning was not changed from Rural Residential, what would be the loss in lots? Mr. Carmassi answered that the lots would have to be larger, and it would be 20 or 21 lots. Mr. McKenna

stated that there were some concerns with traffic and speed limits which can be discussed later. The residents along Wiestertown Road have well water. They are concerned on what impact the development would have on their well water. Will they have the opportunity from this development to be able to tap into city water and city sewage? Mr. Carmassi answered that the developer would bring the water from the Community Park up along Wiestertown Road so anyone along that road or area, typically the water company will allow them to tap into the water. Mrs. Lingg added that if they have good well water and they don't want to tap in because it is expensive, would the developer be willing to pay for that if their well water becomes contaminated or affected? Mr. Carmassi stated that he could not answer that question, but he does not anticipate any disturbance to the well water system.

Mr. Morrison noted that the applicant is proposing a PRD under this re-zoning which, by ordinance, requires at least 30% open space. The sanitary sewer already goes to the Clubhouse so the developer would be going through the woods and not necessarily out into the public right of way. The water also ends at the proposed amphitheater. The sanitary sewer is already available on Wiestertown Road to Farm Road.

Mr. McKenna asked if there have been any discussions with the electric company? Mr. Fischione stated that at this point they have not discussed it with the power company. All of the utilities will be underground. Typically, developers want to know the zoning rules before they do anything.

A legal memorandum was submitted to the Planning Commission in March to address the specific issue of spot zoning which will be incorporated into the record.

Hearing no further comments from Council, Mr. Dice asked for public comment or questions from the audience.

Michael Tometsko, 4250 Wiestertown Road: Mr. Tometsko stated that he, his wife and three children have lived at the Walter farmhouse since 2008. They are opposed to the change from Rural Residential. They moved there for the privacy and environment. They have concerns about traffic on that road – it is a busy road. If a traffic study were to be done, he suggests that it be done in the spring, summer or fall when the park is heavily used. Just looking at the plans for the first time tonight, the entrance to the plan is going to have traffic right in front of his house. If the number of homes can be minimized, it would create a safer environment. Also, the speed limit should be changed to 25 mph instead of 35 mph. He does also have concern about the well water and would like an assurance that they would be able to access that public water if at all possible.

Jeff Laird, 6076 Farm Road: Mr. Laird stated that his property line is going to be right next to that development. How far can they push onto his property? Are they going to developer over the creek? Mr. Dice answered that there are setbacks required. They would not be able to develop on his property. Mr. Laird stated that there are minnows in the water. When they start developing, what are they going to do about the environment for those minnows, plus that watershed where there is a lot of wildlife, are they going to destroy that? He has been living out there for 20 years and it has been beautiful and quiet. This re-zoning is not a good idea.

Raymond Renda, 4220 Hilty Road: Mr. Renda stated that his property is adjacent to the corner. He has several concerns. There are a number of bicyclists that go up Hilty Road every day - even in the winter. He and his wife like to walk that block. Traffic will be a problem. The engineers alluded to the fact that they have not spoken to the power company. He has and they would not let him put an instant water heater in his house anywhere because the power isn't sufficient. That needs checked into. Mr. Renda stated that they do not have water or sewage or gas where he lives. There are 12 houses on that hill that don't have it either. They have septic tanks and well water. It is incumbent upon you, the local government, to bring that through and up to them. If the development goes through, then they all should benefit from it. Mr. Renda stated that he moved from Heritage Estates to Hilty Road because he wanted his dream house. This development could fall through and turn bad like Heritage Estates.

Hearing no further comments, Dr. Lee Korn made a motion to close the Public Hearing. Mrs. Lingg seconded. All those present voted aye. Motion approved. The Public Hearing was closed at 7:33 p.m.

**PUBLIC HEARING ON Z-5-22, A REQUEST BY TIMOTHY AND PATRICIA DEBIASSE
TO REZONE APPROXIMATELY 1.5 ACRES OF LAND LOCATED AT
4051 WILLIAM PENN HIGHWAY, TAX PARCEL 49-14-02-0-097,
FROM M-U MIXED-USE ZONING TO B-BUSINESS ZONING.**

A Public Hearing was held at 7:33 pm for Z-5-22, a request by Timothy and Patricia DeBiasse to rezone approximately 1.5 acres of land located at 4051 William Penn Highway from Mixed-Use Zoning to Business Zoning. A stenographer was present to record the hearing.

Mr. Robert Ament is representing Tim DeBiasse regarding property located in Murrysville where Donna Lynn Pizza is located and beside Choice Auto. Mr. Ament showed several photographs of the other properties in that area that are commercial use buildings. Mr. Ament stated that they are looking to go from Mixed-Use to the Business District only because of the options for future use and development of the property. With the development of Murrysville, the way it is going on Route 22, this property would fit very well in the Business Use. The reason it was not zoned Business was because there used to be a strip of ground between Route 22 and the property which was taken away when Route 22 was developed.

Mr. DeBiasse stated that he has been a resident for 35 years. When they did the overlay for the Mixed Use long ago, they picked everything on Route 22 and zoned it Business, but there was a paper road that was under the present highway sign that came to the east that Fox owns now. When they expanded Route 22, he was deeded that road. So, he moved from off of Route 22 to right on Route 22. He was M-U when they did the overlay. He noticed recently that there were a few businesses across the road on Old Route 22 that were zoned M-U and they were changed over to Business. This property is similar. He would like the property to be zoned Business when he goes to sell it. It makes more sense to have it zoned Business and would also make it more valuable than M-U.

Mr. Dice asked for any public comments from the audience. Hearing none, Mr. Stepanovich made a motion to close the Public Hearing. Mrs. Lingg seconded. All those present voted aye. Motion approved. The Public Hearing was closed at 7:50 p.m.

PUBLIC HEARING FOR CU-6-22, AN APPLICATION FOR EXCAVATION INTO STEEP SLOPES AND POOR SOILS, CONNORS RESIDENCE, CORNER OF ASHBAUGH AND MAMONT ROAD, TAX PARCEL 49-07-00-0-015, 38.5 ACRES, R-R ZONING.

A Public Hearing was held at 7:50 p.m. for CU-6-22, an application for excavation into steep slopes and poor soils at the Connors residence, corner of Ashbaugh and Mamont Road. A stenographer was present to record the hearing.

Mr. James Harshman, Harshman CE Group, presented a summary of the Connor application. His client owns a 38.5 acre lot at the corner of Ashbaugh and Mamont Roads where he would like to put a single family home. The property is currently vacant, except for an existing gas well road in the back of the property which is too steep to be used as a residential driveway. Plans and an application have been submitted for the regrading of the first 600 feet of the driveway to make it more suitable as a residential access onto the property. They tried for a very long time to comply with the Ordinance to achieve a 15% slope coming up with 10 or more iterations of options (a brand-new driveway, multiple locations, different access points) and none of them were successful. The DEP recommended that they consider approaching Murrysville Council and see if the existing gas well road could be graded the best they can instead of disturbing over an acre of land for a new driveway. Mr. Connors agreed to pursue that. They have resubmitted plans which involve regrading of the existing gas well road and can get to 16.9%. The two requests before Council this evening are Conditional Use, which has to do with the grading and excavation of the steep slope areas and the second is a modification to allow for the 16.9% slope on the driveway.

They engaged the services of a geotechnical engineer to perform core borings and a stability analysis of the proposed grading. They provided a report and recommendations to him and the borough confirming that requirements of the Murrysville Conditional Use provisions of excavating in the steep slope district have been met. A stormwater management plan has also been prepared for the driveway. A system of inlets will be paved with curbs and routing the stormwater to underground detention tanks to control peak runoff designed to satisfy the NPDES regulations. Mr. Harshman presented drawings of the property and the proposed grading. The house layout isn't complete at this time but showed where the house would be located.

Mr. Spadaro asked about the concerns from the fire department and medics. Mr. Harshman presented a plan that the fire chief has approved. The Planning Commission had made a comment that they need to make sure that fire trucks and get in and turn around. They had gotten the specs on the truck and coordinated with the fire chief for a left hand turn off of Ashbaugh and have a turnaround at the homesite.

Mr. Morrison noted that the Planning Commission recommended approval subject to conditions in the briefing.

Mr. Dice asked for any comments or questions from the public.

Lou Intrieri, 4558 Ashbaugh Road: Mr. Intrieri stated that the Planning Commission and Council advertising the concerns about the steep slopes and poor soils speaks to the situation here. The property is very close to the road across from his house and 5 other neighbors' homes. He is here to voice concern today in case there is a problem later on. His neighbor at 4458 Ashbaugh Road lives directly across from the service road that the gas wells utilized, and he has had tremendous problems over the years. At one point there was water almost up to his front stoop and almost ready to enter his house. If a water problem arises from this excavation, whose problem is it going to be? Mr. Intrieri stated that he did attend the Planning Commission hearing on December 13, 2022, and at that time expressed some concerns. One was the lack of specificity as to where the house was going to be and the driveway. He is still confused as to where the driveway is going to be. Second, he is concerned about the impact of the water and the soil to his home and the neighbors' homes. Thirdly, he is concerned about the lack of infrastructure and what would be the effect of soil and water to his well. Finally, this is an R-R zoning being asked to have a conditional change. There is a 15% grade regulation that was enacted by prior Council because of the massive landslide that occurred about 30 years ago on Ashbaugh. He has no well problem or water problem as of right now – and wants that as a matter of record.

Hearing no further comments, Mrs. Lingg made a motion to close the Public Hearing. Mr. McKenna seconded. All those present voted aye. Motion approved. The Public Hearing was closed at 8:15 p.m.

REGULAR VOTING MEETING AGENDA

ROLL CALL/VOTING ORDER: Jason Lemak-absent, Jamie Lingg, Dayne Dice, Mac McKenna, Carl Stepanovich, Jamie Lee Kornis, Tony Spadaro, and Mayor Synan.

PLEDGE OF ALLEGIANCE: Mr. Dice led the audience in the Pledge of Allegiance.

UNISTED AMENDMENTS: None

CONSENT CALENDAR ITEMS:

- A. Accounts Payable
- B. Cash Investments and Transfers
- C. Approval of January 4, 2023 Council Meeting Minutes

Mr. Stepanovich made a motion to approve the Consent Calendar Items. Mr. Spadaro seconded. All those present voted aye. Motion approved.

MAYOR'S COMMENTS: Mayor Synan presented a slide presentation for the following:

THE MUNICIPALITY OF MURRYSVILLE

Regular Voting Meeting – Wednesday, January 18, 2023

Murrysville Recreation Hot Chocolate Hikes: The next one will be Tuesday, February 14 at the Lillian Kellman Reserve. Starting time is 10:00 a.m. Join the Recreation Department for some fun 2-3 mile hikes over the winter. Please dress for the weather and plan for the terrain. Go to the website at www.murrysvilleparecreation.com or call 724-327-2100 x131 for more information.

Yoga with Carol Huncik, a certified yoga instructor: Yoga for Recovery will be Wednesdays, January 4th to 25th. Fee is \$13 per class. Gentle Yoga will be Mondays, February 6th to 27th. Fee is \$13 per class. These classes will be drop-in only. No pre-registration required and will be held at the Murrysville Community Center from 6:00 to 7:00 p.m. For more information go to <https://murrysville.com/619/recreation>.

CHIEF ADMINISTRATOR’S COMMENTS: Mr. Nestico stated that the Municipality did receive a liability insurance rebate of \$6,424.

The financial audit for the Municipality was completed for 2021. There will be an update for Council in February regarding the audit and the status of their findings.

FTMSA tap approval for 2023, all 262 requested taps were approved.

COMMUNITY INPUT: Mr. Dice stated that public comment is open to Murrysville residents and taxpayers only. You have three minutes to speak and make sure you state your name and address for the record.

Paul Metzler, 6962 Berkshire Drive: Mr. Metzler stated that at previous meetings, he had some issues about sound and traffic noise on Route 22. It continues to get worse, especially with turnpike tolls getting higher. Construction trucks are really laying on the jake brakes coming through there. Mr. Metzler wanted to thank Mr. McKenna for stopping out one Friday evening to get an idea of what they are living with. He also wanted to thank Mr. Paiano for getting the no jake brake signs up on Route 22; however, the signs are extremely small. He would like something that would draw the attention of the truck drivers. Mr. Metzler asked the Mayor if the other sign being manufactured by PennDot had an update. Mayor Synan said it would a few months before they would have it installed. Mr. Metzler feels the sign there now would be more visable if it were moved to the other side of Berkshire Drive at the crest of the hill. His other concern is the road noise and the possibility of having that area paved with asphalt to reduce the road noise rather than trying to get PennDOT to put up a sound wall. He has also been talking to our new representative, Jill Cooper, who is going to be setting up a meeting with PennDOT. Thank you for your support.

Byron Scott, 300 Manor Road: Mr. Scott said that he is representing himself and 15 other individuals with a petition from each of them to slow speeding on Manor Road taking it from 35 mph to 25 mph. There have been four deaths on that road in the last ten years including one bicyclist by a lady that was driving too fast. The road is not residential any longer, it’s not a country lane, and there are no farms on it any longer. It is a short cut between Route 22 and Route 66. Most of the usage is by non-residents who don’t obey the speed limit. The residents would also like to have a stop sign put at Surrey and Manor Roads for safety with getting out of their plan. Delmont police also support this and have contacted PennDOT, who will do a traffic survey without any cost to Murrysville. Also, thank you for fixing Kovalczik Park.

Jeannette Pavlick, 4200 Colonial Drive: Please make sure that you are spending taxpayers' money on absolute necessary items. If the amphitheater was such a good idea in this community and people want it so much, why isn't a private company working on this? Wiestertown Road is going to be very dangerous. Have you done a traffic study on that? What is the turn-around on this. As taxpayers, what are we getting from this? There will be continued costs on the amphitheater, more traffic and more noise for the people who live out there. Are people really going to use this amphitheater?

Jeff Laird, 6076 Farm Road: Mr. Laird stated that he lives close to the proposed amphitheater. There are a lot of people there for baseball games, soccer games and there isn't enough room for them all to park without more people going to the amphitheater. He moved out there for peace. He doesn't want to hear a bunch of bands banging around. You might want to think twice about building that place.

Raymond Renda, 4220 Hilty Road: Mr. Renda said 3,000 people, 1,500 cars – where are they going to park? Wiestertown Road cannot handle that traffic. The bicyclist alone is a problem, let alone the noise. He lives a quarter of a mile away and can hear the announcer announcing. He lives there because it is quiet. He saw 31 deer on the way home the other day. Put the amphitheater down on Route 22. Don't put it in the quiet part of Murrysville where no body wants it. Do you want it in your backyard? Infrastructure - roads, electricity, where are they going to get the power for 50,000 watt amps? If you can get it there, then we want it up on the hill also. We want gas, electricity, water and sewage. You owe it to the people who have been living there to bring it up to them too. There are at least 12 houses on that hill that don't have any of that.

LIASONS COMMENTS AND COMMITTEE REPORTS:

Mr. Stepanovich: There was a meeting of the Planning Commission on January 10th. There was a Public Hearing for Barrington Heights for a lot line revision. There was a re-organization: Bob Mitall – President, Jayne Hoy – Vice President, Ed Patrick – Secretary, James Olszewski – Assistant Secretary. Barrington Heights was approved by the Planning Commission. The Wet-Go car application was accepted. There was a discussion for a lot extension on Scenic Road of taking 11 existing lots and extending those which was approved. There was an initial discussion on the injection well ordinance.

Mr. Spadaro: Medic One meets tomorrow night.

Dr. Lee Korn: Nothing new to report. The next Pension Committee meeting is Thursday, February 9th.

Mrs. Lingg: Franklin Regional School Board will meet Monday, January 23rd.

Mr. McKenna: The committee has been working on their recommendation for the amphitheater.

Mr. Dice: FTMSA meets tomorrow.

WORKSHOP ITEMS

ADMINISTRATION:

9.A. Amphitheater Discussion

Mr. Nestico gave a brief rundown of the history of the project and addressed some of the questions which have been asked. This project for the amphitheater started back in 2017 during the Phase III study of MCP. At that time, the study consisted of what would be some of the welcome improvements to the park. There was quite a bit of feedback. One of items on the list was the amphitheater, along with the splash pad, sledding, playgrounds, sports field lighting. The amphitheater project changed quite a bit in scope from 2017 to current. The project was discussed as bringing arts to the park. It was to be more than a location for bands to play. The amphitheater was to become a hub for craft shows, movies in the park and a gathering spot for different organizations to showcase the passive part of Murrysville. Mr. Nestico went through the funding, grants and bond procedures. In 2019 the Municipality began planning for this project and Council approved the go ahead to begin the development of this part of MCP. That's when the Municipality applied for and received the \$323,000 grant. In 2020 the pandemic hit. In 2022 the Municipality applied for and received an additional \$299,800 of funding. One question asked at a council meeting was are there any strings attached to the grants. There are not – other than the cash match that is required. By mid-2022 the Parks Foundation had received contributions of \$80,000 from private sources to go toward the project. As of October 2022, the Municipality has completed at least \$215,000 worth of in-kind services on the project. The location of the amphitheater has shifted because of the location of the splash pad. There is now availability to put in parking and a secondary access road to the park. This also brought in a change to the cost of the project to not have it as a stand-alone structure in the middle of the park. It will have restroom access, additional parking, an area for food trucks and utilities will be brought out into the park. The additional improvements to the park, expansion of the park and the offerings we have in our park will help take away from the purely sports oriented facility which the community wanted something else out of the park. The staff, Municipality, and prior Council have followed the desires of the community to try to build out additional amenities in the park to broaden the scope of the uses. Our funding and amount the Municipality is planning for incorporates a bigger build-out, more utilities, and more amenities, which is an overall investment to the park, not just a single amphitheater facility.

Other questions asked were in regard to programming. Who would book the acts and what type of shows would take place at the amphitheater? The Recreation Board would do much of the programming. It would be no different that the Tuesdays at Townsend event. There would be the potential for private rentals but would be at the discretion of the Municipality. No different than a private rental of the Clubhouse or Community Center. An application would have to be submitted and reviewed. The types of events envisioned would be daycare graduation, the school doing chorus concerts, or crafters. Not events that would bring in 3,000-5,000 people.

There were questions on how security would work. There is no need for security with smaller concert events. There was no security at the Tuesdays at Townsend events. Another question was on noise studies and the results. There has been no noise study. Our ordinances do not require a noise study. That is something that could be considered down the road. Was a traffic impact study done? That is not something that is planned, but something that could be done if necessary.

There was a public opinion in the local newspaper on November 28th that addressed questions regarding the amphitheater. What are the expected continuing costs for staffing operations and maintenance? There will not be staffing at the amphitheater. The staffing, operations, and maintenance would be rolled into the overall maintenance that currently takes place at the park: the ballfields, the restrooms, the grounds, the playgrounds. Security, traffic, lighting, and noise – that was previously addressed. Why is in-kind work proceeding without a final funded plan? The project was already commissioned and approved by prior

Councils in 2017 and 2019 and had allocated funding. What was the rationale for prioritizing this project at the expense of others that were deferred? Mr. Nestico stated that at no time were any other projects deferred to support the amphitheater. If anything was deferred in the Municipality, it was because that project was either not necessary at the time or they were considering it for another reason.

Mr. Stepanovich asked if there were any time restraints for the grants that were issued. Mr. Nestico answered yes that the grant has a timeline of the end of 2023. Mr. Stepanovich asked if the ADA grant has been submitted. Mr. Nestico answered yes, which would be for ADA accessible restrooms. As the project has been going on since 2017, we are continuing to piece together ways to finance and off-set our own costs and reduce our own spending and will continue to do that.

Dr. Lee Korn asked for the estimated project cost as of today.

\$1,643,710.00 TOTAL COST
-\$623,050.00 (DCNR Grant funding)
\$1,020,660.00 MATCH
-\$165,275 In-Kind
\$855,385 CASH MATCH
-\$600,000.00 Remaining bond funds
\$255,385.00 CASH COST
-\$70,000.00 Donations
\$185,385.00

Dr. Lee Korn stated that she is in favor of the amphitheater, but not in favor of the costs continuing to go up. Can some of the amenities be put on hold for the future and a potential cap be put on the additional costs? Mr. Nestico noted that we have quite a bit of the materials in stock for all the in-kind work and doesn't see the cost going up for the Municipality. The actual costs to the Municipality and the taxpayers should be going down. As far as setting a cap, he would have to crunch numbers and look at items within the budget itself and see what potentially could be part of a Phase II of the amphitheater.

Mr. Stepanovich asked if the new State Representative, Jill Cooper (who was in the audience), could see anything that could be utilized for getting any additional funding for the park? Mr. Nestico stated that we could use any resources that Representative Cooper could provide and look at other options that may be available through the state.

Mrs. Lingg commented that from the public input and emails we have had, there are two main concerns, financial and safety issues. The cost has increased 3 times over the original amount. There is no cap or limit. The scope of this project has expanded a great deal. The location at MCP really doesn't benefit our businesses in Murrysville. As far as safety, she thought our Ordinance would cover a traffic study. A traffic study should be done when the park is in full use. The original survey that was done in 2017 resulted in the following: Spray Park 46%, sports field lighting 34%, sledding & tubing 49%, playgrounds 43%, restrooms 41%, and amphitheater 36%. Was that a random study? Was it from a demographic that really encompassed all of Murrysville? Is the amphitheater really something that the community desires? She is not convinced of that. Was there anything on the survey that asked for no additional amenities to the park? Mrs. Lingg stated that a letter to Council in the Penn Franklin noted that he was the President of Council at the time of the inception of MCP. There were promises made to the landowners that lived around the park

that there would not be lighting, and the only noise would be from the cheering of the crowds. Mrs. Lingg stated that she feels that if a promise was made by a governmental body, that promise should continue to be upheld for forever.

Mr. McKenna stated that he has the Parks and Recreation recommendation. He is on the committee and has seen the work that the recreation department has put in. It has been very thought through on what amenities needed to be there and what folks are looking for. They have gotten overwhelmingly a lot of feedback for the amphitheater that it would benefit the community at MCP. The Parks and Recreation Commission has met extensively and put a lot of thought into this.

Mr. McKenna read the statement and recommendation on the amphitheater project:

PARKS AND RECREATION COMMISSION AMPHITHEATER PROJECT RECOMMENDATION

Studies done from 2016 through 2017 for Murrysville on recreation needs show an amphitheater for arts/movies/concerts is near the top of requested amenities. Numerous public hearings and community surveys were taken which all justify its addition to MCP.

Costs for the facility have increased in recent years, with the majority being changes in the scope of work including internal roadways and utility extensions. Cost of labor and materials increased over the initial planning stages due to labor and material increases. These track the national cost increases for all construction in the U.S during this period. Also, one of the initial designs was poorly structured and was corrected with more complete designs.

Financial resources in the form of DCNR grants, bond issue set-asides, donations and in-kind public work effort are all part of the financial makeup of the project. Regarding the DCNR grants, the thought is that if we cancel the existing grant in view of our previous cancellation, we will seriously jeopardize our ability to acquire future grants.

Concern for concert attendees' behavior has been considered and was deemed not a negative factor. Our experience with the annual Concert in the Park showed little adverse behavior with upwards of 2000-3000 attendees. Also, the Parks and Recreation Department will screen all venue applications to eliminate the possibility of disruptive or unwanted behavior.

The amphitheater will provide a much-needed venue for all age groups from children's events to senior dances, all sizes from small story telling events to large orchestra performances, and all seasons from spring recitals to holiday gatherings. We can look to our neighbors like Greensburg and Monroeville and see all the various events that make for vibrant community experiences that an amphitheater will bring. With money already spent, time and effort already given, and infrastructure already started, we feel that turning back even in the face of unforeseen cost increases would be a mistake. Comparing the numbers from the initial amphitheater project to the current numbers is a bit misleading since the new costs include infrastructure work and improvements to the whole of MCP.

After careful review of all these factors, the Parks and Recreation Commission advises the continuation of the amphitheater project.

ENGINEERING: None

COMMUNITY DEVELOPMENT: None

PUBLIC WORKS AND PARKS: None

COUNCIL ACTION ITEMS

ADMINISTRATION: None

COMMUNITY DEVELOPMENT:

14.A. Consider approval of CU-4-22, Hermes Gas Well Development, Tax Parcel 49-02-00-0-001, 5476 Logan Ferry Road, Oil and Gas Overlay District for the major excavation and development of an unconventional gas well.

Mr. McKenna made a motion to approve CU-4-22, Hermes Gas Well Development, Tax Parcel 49-02-00-0-001, 5476 Logan Ferry Road, Oil and Gas Overlay District for the major excavation and development of an unconventional gas well, inclusive of all staff conditions and comments as contained in the briefing. Mrs. Lingg seconded.

Mr. Nestico noted that he received an email from an interested citizen, Barbara Sims, who wanted to speak on the item, but was unable to attend. She is in opposition to the Hermes well pad.

Dr. Lee Kornis abstained voting as her husband is employed by the parties involved. All others present vote aye. Motion approved.

14.B. Consider approval of a major land development, SP-3-22, Hermes Gas Well Development, Tax Parcel 49-02-00-0-001, 5476 Logan Ferry Road, Oil and Gas Overlay District for the development of an unconventional gas well to include a modification of the landscaping requirements as cited in 220-51(B)(1)(h) of the Murrysville Code and a modification of the noise ordinance 157-8.E. of the Murrysville Code.

Mr. Stepanovich made a motion to approve SP-3-22, a major land development, Hermes Gas Well Development, Tax Parcel 49-02-00-0-001, 5476 Logan Ferry Road, Oil and Gas overlay district for the development of an unconventional gas well to include a modification of the landscaping requirements as cited in 220-51(B)(1)(h) of the Murrysville Code and a modification of the noise ordinance 157-8.E. of the Murrysville Code including all conditions and comments as contained in the staff briefing. Mr. Spadaro seconded.

Dr. Lee Kornis abstained because her husband works for legal representatives of one of the parties. All others present voted aye. Motion approved.

14.C. Consider approval of a major land development application, SP-4/CU-8-22 Bushy Run Investments, LP, Phase II, Fusting Executive Park, for construction of an 80,000 S.F. office building and a 36,000 S.F. retail center, Wilson and Manor Road, tax parcel 49-21-00-0-087, zoned B-Business.

Mr. McKenna made a motion to approve a major land development application, SP-4/CU-8-22, Bushy Run Investments, LP, Phase II, Fusting Executive Park, for construction of an 80,000 S.F. office building and a 36,000 S.F. retail center, Wilson and Manor Road, Tax Parcel 49-21-00-0-087, zoned B-Business, inclusive of conditions set forth by the Planning Commission and staff. Dr. Lee Korn seconded. All those present voted aye. Motion approved.

14.D. Consider approval of Resolution 770-23, a resolution amending the Municipalities Act 537 Sewers Facility Plan for the construction of a townhouse located on lot #2 Pinecrest Drive.

Mr. Spadaro made a motion to approve Resolution No. 770-23, a resolution amending the Municipalities Act 537 Sewers Facility Plan. Dr. Lee Korn seconded. All those present voted aye. Motion approved.

14.E. Consider approval of S-13-22, a proposed subdivision of one existing parcel to be subdivided 11 times and added to 11 existing parcels to extend the rear of the properties, tax parcel 49-11-00-0-152, 5124 Scenic Road, R-1 and R-2 Residential Zoning.

Mrs. Lingg made a motion to approve S-13-22, a proposed subdivision of one existing parcel to be subdivided 11 times and added to 11 existing parcels to extend the rear of the properties, Tax Parcel 49-11-00-0-152, 5124 Scenic Road, R-1 and R-2 Residential Zoning, including conditions set forth by the Planning Commission and staff. Mr. Stepanovich seconded. All those present voted aye. Motion approved.

ENGINEERING: None

PUBLIC WORKS AND PARKS: None

OLD BUSINESS: None

NEW BUSINESS: Mr. Dice noted that Representative, Jill Cooper is here this evening.

EXECUTIVE SESSION: None

ACTION ITEMS: None

ADJOURNMENT: Mr. Spadaro made a motion to adjourn. Mrs. Lingg seconded. All those present voted aye. Motion approved. The meeting was adjourned at 9:40 p.m.

The Regular Voting Meeting and Public Hearings were 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.