

Council of the Municipality of Murrysville held a Regular Voting Meeting and Public Hearing on Wednesday, February 1, 2023, at 7:00 p.m. in the Municipal Building. Present at the meeting were Council members Dayne Dice, Jamie Lee Korn, Jamie Ligg, Mac McKenna, Tony Spadaro, and Carl Stepanovich. Also, present were Chief Administrator, Michael Nestico, Community Development Director, James Morrison, Director of Finance, Jacie Milchak, and Solicitor Wes Long. Council member Jason Lemak and Mayor Synan were absent.

**PUBLIC HEARING**  
**A PUBLIC HEARING FOR Z-6-22, THE APPLICANT, BARRINGTON HEIGHTS LLC, PROPOSES TO**  
**REDUCE THE AMOUNT OF DEDICATED OPEN SPACE BY .017 ACRES THROUGH**  
**A LOT LINE REVISION AND ADD IT TO AN ADJACENT PARCEL,**  
**TAX PARCELS 49-11-14-079 and 49-11-14-0-999, R-1 PRD ZONING**

A Public Hearing was held at 7:00 p.m. concerning Z-6-22, the applicant, Barrington Heights, LLC to reduce the amount of dedicated open space by .017 acres through a lot line revision and add it to an adjacent parcel, Tax Parcels 49-11-14-079 and 49-11-14-0-999, R-1 PRD Zoning. A stenographer was present to record the Public Hearing.

Mr. Dice called on the applicant; however, he was running late and not present at this time. Mr. Morrison, Community Development Director, gave some background information. The developer, Mike Patalsky with Barrington Heights Development is representing the present owner of the property who would like to have the rear lot line extended so that he can put a swimming pool in. This is a PRD development which requires a certain percentage of open space. The PRD was approved with that percentage. This was sent through a rezoning process because we wanted to give public hearing notice for residents to speak because eventually this property will be in the ownership of the Homeowners Association. It is a minor lot line revision. It is recommended that on the plan to be recorded, that there be a note stating that there shall be no encroachment on the wetland area as identified on the plan.

Mr. Dice asked if there was anyone in the audience that was there to give public comment. There was none. Dr. Lee Korn moved to close the Public Hearing at this time to give the applicant time to show up. Mrs. Ligg seconded. All present voted aye. Motion approved. The Public Hearing was closed at 7:04 p.m.

The Public Hearing was reopened at 7:15 p.m. when the applicant arrived. Mike Patalsky, Patalsky Homes, stated that they are asking for a lot line revision so that the owner can put in a swimming pool. There is an open space behind him and would take .017 acres to be included in his property. They would still be within the open space requirement. The applicant had no objection to adding the condition that there shall be no encroachment on the wetland buffer.

Mr. Dice asked for any additional comments or questions from Council. Hearing none, Mr. Stepanovich moved to close the Public Hearing. Mr. Spadaro seconded. All present voted aye. Motion approved. The Public Hearing was closed at 7:20 p.m.

**REGULAR VOTING MEETING  
AGENDA**

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

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

**UNISTED AMENDMENTS:** None

**CONSENT CALENDAR ITEMS:**

**4.A.** Approval of January 18, 2023, Council Meeting Minutes.

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

**MAYOR'S COMMENTS:** Mr. Nestico read the Mayor's announcements.

AARP Tax-Aide Tax Preparation will be held at the Murrysville Community Center, 3091 Carson Street. If you are interested in having your taxes done, you must set up an appointment in advance. No walk-in services will be available. Call 412-394-8959.

Murrysville Recreation Hot Chocolate Hike 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. These are wooded hikes with some slopes and may require stepping over fallen trees. Please dress for the weather and plan for the terrain. Go to the website at [www.murrysvilleparecreation.com](http://www.murrysvilleparecreation.com) or call 724-327-2100 x131 for more information.

Yoga with Carol Huncik, a certified yoga instructor: Gentle Yoga will be Mondays, February 6<sup>th</sup> to 27<sup>th</sup>. 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 – 7:00 p.m. For more information go to the website at <https://murrysville.com/619/recreation>.

**CHIEF ADMINISTRATOR'S COMMENTS:** Mr. Nestico stated that the rates for the dental plan for Municipal employees was received. There is a 3% increase from the prior year. Staff did budget for a 5% increase so there will be a slight relief in the budgeted amount for the 2023 calendar year.

**COMMUNITY INPUT:**

Michael Tometsko, 4250 Wiestertown Road: Mr. Tometsko stated that he was at the previous council meeting talking about the re-zoning for the development on Wiestertown Road. He is concerned about traffic on that road. It poses a hazard to the cyclists and pedestrians who use that road. He has a suggestion that when the property gets developed to add an enhancement for the community and have the developer put in a bike path or a walking trail along the road from a safety standpoint. Mr. Tometsko stated that he is

also concerned about the power grid out there. Last year during the winter, they lost their power for five days. They all have generators out there and are considered a low priority on the power grid according to the power company. To add additional homes to that power grid is a concern.

**LIAISON COMMENTS AND COMMITTEE REPORTS:**

Mr. Stepanovich: The Planning Commission meets next week.

Mr. Spadaro: Medic One meets at the end of the month.

Dr. Lee Korn: In regard to the Pension Committee, Frank Burnette, who is looking to retire, has transitioned his business to AndCo. AndCo, for now, will service the Municipality with Mr. Burnette still being there to help during the transition. In the future we can decide if we want to continue with AndCo. The Director of Finance and the Chief Administrator looked around to see who was serving other communities so that we could confirm our due diligence in terms of cost. Dr. Lee Korn went over the history of the Pension Board who wanted to find a better way of bettering ourselves instead of using an insurance company. We had a Board of Advisors who were constantly looking at the pension plan. After a while they developed the Pension Board and contracted with an asset advisor, Fiduciary. We have gone through several over the years, and around 2011 we contracted with Mr. Burnette and overall have been very happy with Mr. Burnette. He was very responsive to feedback and proving information that was asked for. When the Director of Finance and the Chief Administrator looked around they received a few responses, but none of the responses were in any way superior to what we have now. The rates we have with AndCo are exceptionally reasonable in comparison to the other respondents. Dr. Lee Korn wanted to reassure Council and the community since the founding of the Finance Committee, which has now reformed as the Pension Board, that they have done their due diligence over the years. We should re-evaluate at some point in the future and will continue to do that periodically to make sure that we are setting ourselves up as responsibly as possible.

Mrs. Lingg: The School Board met on Monday. There was nothing of joint concern for Council. The next school board meeting is on February 13<sup>th</sup>.

Mr. McKenna: The Parks and Recreation Committee is meeting on February 14<sup>th</sup>.

**WORKSHOP ITEMS**

**ADMINISTRATION:** None

**ENGINEERING:** None

**COMMUNITY DEVELOPMENT:**

**11.A.** A discussion of 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.

Mr. Dice noted that the applicant was at the last meeting, and they received an overview of the request. Mr. Bill Sittig representing Mr. Fischione stated that they met with neighbors, the Tometskos and Ray

Renda, about their concerns. Several of the concerns would be with the land development plan. As to the power, they would be on a totally different grid. In regard to traffic, there would only be a difference of 7 homes from the 21 homes to 28 homes. The whole difference of the 7 lots has nothing to do with the lot area or density requirements. It is when you put all the requirements together in the PRD. Mr. Fischione has done an extraordinary amount of engineering to get to the re-zoning. Twenty-eight homes is all they can do, due to the creek and wetlands. The land costs are going to be quarter-million dollar lots. If you put less lots in, you still have to have the same infrastructure. You would then have lots that are unaffordable. This is an opportunity to have high-end homes in a very rural type of environment. The concerns of buffering and trails will be discussed during the planning process.

Mr. McKenna stated that his only concern is that to re-zone anything in a rural residential area would be setting a precedence. Are there options to keep it as R-R lot size of 21 homes? Maybe the developer can do a common area for the neighbors that they all can share. There have been a number of comments from the public which are valid comments.

Mr. Stepanovich agreed that Mr. McKenna's comment on precedence is a key point. Mr. Spadaro stated that if this goes through, then where do you stop? If you give one exception, then you have to give more exceptions. Mrs. Lingg agrees.

Mr. Dice added that Council gets a lot of requests for re-zoning from developers. He echoes the precedence of the developers trying to do what they can with what they have. Mr. Dice stated that this was a workshop item and asked if anyone on Council was in favor of having this on a future agenda for a vote. Hearing no one, this property will remain as R-R Rural Residential and will not be re-zoned.

**11.B. A discussion of 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, and a waiver of Chapter 97 F (4) Driveways of the Municipal Code.**

Mr. Morrison stated that there was a Public Hearing with several public comments. The Connor residence at Mamont and Ashbaugh Road proposes to build a single-family structure on approximately 38 acres of land. He proposes to use an existing driveway for the gas well because of other challenges on the property. He cannot meet the standards under Chapter 97 requiring a 15% slope and has asked for a waiver of that. Planning Commission has reviewed the matter and recommends approval with conditions. This was presented to Council as a workshop item because of the public comment from the last meeting.

Jamie Harshman, PE, engineer for the applicant was present to answer any questions from Council.

Mr. Spadaro stated that his only concern is that this is another exception. Do we want our slopes to be 18% instead of 15%? Dr. Lee Kornis stated that she agrees with the other exception, but the difference is that this is for one person's home on a property versus a development of 28 homes. Are there any other options for the driveway – it is a large parcel.

Mr. Harshman stated that they have spent about a year working on this plan just for a driveway to this property. The 38 acres sits on a hilltop, but there are steep slopes all around the property. They did at least 10 different iterations of driveway options. They were able to come up with a 15% option which involved significant excavation, and was submitted to Murrysville, the DEP and the Conservation District. The Conservation District and DEP asked why in the world would you destroy that much of the land out there.

Mr. Connors gave the engineer the go ahead to approach Council to try to come up with some middle ground. There is an existing driveway that services the gas wells on the property. The DEP and Conservation District recommended that they look at regarding the existing driveway and see how good they can get it. That is what's in front of Council right now. There was favorable feedback from the Planning Commission.

Mr. McKenna asked if the option would be taking out trees and moving more dirt. Mr. Harshman answered yes that second driveway would take 2 – 3 times the amount of excavation.

Mr. Morrison noted that the applicant has been accommodating since there were questions raised by Emergency Services. They did correct the access to the driveway and an email was received from the Chief at Sardis stating that he was satisfied with both the access from Ashbaugh and the turn-around at the top. Under the conditional use requirements, he has met the conditions as stated in the Ordinance, Chapter 97.

Mrs. Lingg asked if the two stormwater management systems are going to control the water runoff. Mr. Harshman answered yes. There is a 90% reduction for the entire watershed that drains through; not just the driveway. The Erosion Control Plan will be in place during the excavation process. Mrs. Lingg asked about the cost difference between the two plans. Mr. Harshman answered that he doesn't know exactly, but it would be at least 2 times the difference.

Mr. McKenna asked if what he is presenting is going to improve what the water runoff is right now. Mr. Harshman answered yes; on a peak grate, volume, and quality standpoint it will improve all 3 of those factors.

Mr. Stepanovich stated that again, the keyword is precedence. You are taking what has been established and talking about going beyond the limit. He is concerned about that. Mr. Harshman commented that they tried their best to provide the information that this request is based entirely on the unique characteristics of this property. It is because of the existing terrain, existing limits of the property itself. It would not be setting a precedence unless someone had those same unique situations on another property.

Dr. Lee Kornis stated that she feels that any property would be unique subject to individual conditions. She respects that it is a single property owner with a single home and she would like to see him enjoy his property. Mr. McKenna stated that is his thought also. He does see the difference between a development as a precedence as opposed to a single landowner. He feels this landowner has exhausted every possible aspect to put his home on this single-family lot.

Mrs. Lingg stated that she still has an issue with it being a precedence and it could be applied to a development. The area we live in is steep and has a lot of hills. We are going to have a lot of property in Murrysville that has steep slopes and poor soils. This ordinance was written for a reason and should be taken into consideration. Mrs. Lingg asked for the solicitor's opinion. Mr. Long stated that he does feel you would be opening yourself up to each and every exception and modification in the future. It would be on a very individualized basis at the discretion of Council. The alternatives have to be examined. You have to look at how much this one makes sense.

Mr. Dice stated that at this point, there are not four people to agree to make this an agenda item. This will have to be discussed with staff and go from there. The applicant has the right to proceed with the Conditional Use. The slope modification will need to be discussed with staff.

**PUBLIC WORKS AND PARKS:** None

### **COUNCIL ACTION ITEMS**

#### **ADMINISTRATION:**

**13.A.** Approve a lease agreement with The Wilson Group for copier/scanner equipment for the Administration, Public Works and Police Departments for 60-month term.

Dr. Lee Kornis made a motion to approve a lease agreement with The Wilson Group for copier/scanner equipment for the Administration, Public Works and Police Departments for a 60-month term. Mrs. Lingg seconded.

Mr. Nestico stated that this is for the scanner/copiers located in the Municipal Building. All three units are in need of upgrading. We are having some significant issues with the machine here. All lease agreements are due to be renewed. Staff consulted with other companies, but the lowest and best rate is with The Wilson Group. It is a five-year agreement and actually brings down the rate per month and generates a savings of over \$1,000 per year and over \$5,000 for the five-year period. Staff recommends approval of this lease agreement.

All those present voted aye. Motion approved.

**13.B.** Authorize staff to advertise Ordinance No. 1067-23, specifying the rate of pension contributions with respect to the Police Pension Plan for the 2023 calendar year.

Mrs. Lingg made a motion to authorize staff to advertise Ordinance No. 1067-23, specifying the rate of pension contributions with respect to the Police Pension Plan for the 2023 calendar year. Dr. Lee Kornis seconded.

Ms. Milchak stated that this done yearly. Act 600 requires an ordinance be put together every year for the police contribution to their pension. This is to approve staff to advertise the ordinance. The rate will remain the same as past years.

All those present voted aye. Motion approved.

**13.C.** Authorize staff to advertise Ordinance No. 1068-23, an ordinance authorizing the lease of the Sears House, the Townsend House and the Bailey House.

Mr. McKenna made a motion to authorize staff to advertise Ordinance No. 1068-23, an ordinance authorizing the lease of the Sears House, the Townsend House, and the Bailey House with the corrected numbers for those leases. Mr. Stepanovich seconded.

Mr. Nestico stated that the municipality has three properties that they lease out. The rates have been increased for the first time in a few years. The increases are between 3% - 5%. This is for advertisement and will be brought back to Council at the next meeting to adopt the Ordinance. At that time, all three

leases should be executed by the current tenants. Mrs. Lingg noted that the lease amounts in the briefing are incorrect and will need adjusted in the lease. Mr. Nestico stated that he will confirm those numbers and bring that back to Council for the vote at the next meeting.

All those present voted aye. Motion approved.

**13.D. Approve the proposal from Babich Acoustics for the Murrysville Noise Ordinance revision in an amount not to exceed \$20,000.**

Mr. Spadaro made a motion to approve the proposal from Babich Acoustics for the Murrysville Noise Ordinance revision in an amount not to exceed \$20,000. Mrs. Lingg seconded.

Mr. Nestico stated that, as discussed at prior meeting, we are looking to revise the Noise Ordinance for the Municipality. Staff did reach out to a few firms to solicit proposals, but only received one from Babich Acoustics. The proposal is not out of line and asks that Council consider approval to hire Babich Acoustics to revise the noise ordinance and revise some of the issues we are aware of.

Mr. Stepanovich stated that it makes a lot of sense to update the ordinance. The proposal indicated that it is \$15, 000 for consulting services and \$5,000 for equipment. Why is it broken out that way? Mr. Nestico stated that it is just the way they break down their fees, not sure why. Mr. Nestico indicated that he would follow up on that.

All those present voted aye. Motion approved.

**13.E. Approve a contract extension with DeBlasio & DeBlasio Associates for the auditing services for the calendar years 2023, 2024, and 2025 at an annual cost not to exceed \$16,000 per year.**

Dr. Lee Kornis made a motion to approve a contract extension with DeBlasio & DeBlasio Associates for the auditing services for the calendar years 2023, 2024, and 2025 at an annual cost not to exceed \$16,000 per year. Mr. McKenna seconded.

Ms. Milchak stated that DeBlasio & DeBlasio has worked with us since 2005. They are a very professional firm and are familiar with how we keep our records, the reporting that needs to be done, and are able to support and answer any questions throughout the year. We typically go through a 3-year renewal with them and the increase is about 12% or \$1,750 over the prior. She did check with what other municipalities typically paid and we are actually 32% less than a neighboring municipality. It would be beneficial to renew the contract with them with the minimal increase.

All those present voted aye. Motion approved.

**13.F. Authorize staff to advertise Ordinance #1069-23, an ordinance authorizing a license agreement for the use of a radio tower and accessory building equipment located on or about the property at 3867 Windover Road for the operation of a Municipal radio communication network.**

Mr. Stepanovich made a motion to authorize staff to advertise Ordinance #1069-23, an ordinance authorizing a license agreement for the use of a radio tower and accessory building equipment located on vmp

or about the property at 3867 Windover Road for the operation of a Municipal radio communication network. Mr. McKenna seconded.

Mr. Nestico stated that this was discussed in an Executive Session. We have an existing communications setup on this radio tower. We had a lease with the property owner dating back to the year 2000. The lease expires and we wanted to renew that lease with the property owner and continue to utilize the site and the equipment until we can find a better location for that radio equipment that serves the Public Works Department and backup system to the Police Department.

All those present voted aye. Motion approved.

**13.G. Authorize staff to solicit bids for the lease of oil and gas rights for approximately 30.50 acres of municipally owned property, Kovalczik Park, at tax map number 49-21-03-0-101.**

Dr. Lee Kornis made a motion to authorize staff to solicit bids for the lease of oil and gas rights for approximately 30.50 acres of municipally owned property, Kovalcik Park, at tax map number 49-21-03-0-101. Mrs. Lingg seconded.

Mr. Nestico stated that this item, in conjunction with 13.H., are working simultaneous to solicit bids for the oils and gas rights located at Kovalczik Park. We would want to put out an RFP that has been prepared and examined by the solicitor, as well as item 13.H. an accompanying ordinance for this project. There is an opportunity to secure some royalties from the oil and gas rights at that location.

All those present voted aye. Motion approved.

**13.H. Authorize staff to advertise Ordinance #1070-23, an ordinance accepting a lease for oil and gas rights for approximately 30.50 acres of municipally owned property, Kovalcik Park, at tax map number 49-21-03-0-101.**

Mrs. Lingg made a motion to authorize staff to advertise Ordinance #1070-23, an ordinance accepting a lease for oil and gas rights for approximately 30.50 acres of municipally owned property, Kovalcik Park, at tax map number 49-21-03-0-101. Mr. Spadaro seconded.

All those present voted aye. Motion approved.

#### **COMMUNITY DEVELOPMENT:**

**14.A. Approve Resolution #771-23, a resolution amending the Municipality of Murrysville's Act 537 plan, Fusting Executive Park Phase II, an 80,000-sf office building and a 36,000-sf retail center, Wilson and Manor Road, tax parcel 49-21-00-0-087, zoned B Business.**

Mr. McKenna made a motion to approve Resolution #771-23, a resolution amending the Municipality of Murrysville's Act 537 plan, Fusting Executive Park Phase II, an 80,000-sf office building and a 36,000-sf retail center, Wilson and Manor Road, tax parcel 49-21-00-0-087, zoned B Business. Mr. Spadaro seconded.



Mr. Morrison stated that this is a standard amendment to the Act 537 plan for the development that was approved at the last meeting.

All those present voted aye. Motion approved.

**14.B. Approve 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.**

Dr. Lee Korn made a motion to approve 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. Mr. Spadaro seconded.

Mr. Morrison stated that this was presented at a Public Hearing proposing to rezone approximately 1.5 acres of DeBiasse property which is the strip mall next to Choice Auto from M-U Mixed-Use zoning to B-Business zoning. The Planning Commission recommended approval.

Mr. Dice stated that when the property owner was here at the last meeting, they said that they wanted to change the zoning so that it would be more profitable when they sell it. There is a lot of mixed-use in that area and there are still some residential streets there. He does not like the idea of someone saying “rezone this for me so that I can profit more when I sell it”. He would vote no on the project. Mrs. Lingg stated that she is in complete agreement. She thinks it would be nice to keep some of that ruralness, which is our heritage there. Keeping the mixed-use would do that. Mr. McKenna stated that we did rezone up by Get-Go, but nothing bordering those properties were mixed use or residential. They were all business on that side of the road. He also agrees with Mr. Dice. Mr. Stepanovich and Mr. Spadaro also concur. Dr. Lee Korn stated that she also concurs. She is all for a landowner wanting to profit from their land, with the exception that it impacts nearby properties and especially nearby residents.

All those present voted nay. Motion denied.

**14.C. Approve Z-6-22, Barrington Heights LLC, to reduce the amount of dedicated open space by .017 acres through a lot line revision and add it to an adjacent parcel, tax parcels 49-11-14-079 and 49-11-14-0-999, R-1 and authorize advertise Ordinance #1071-23, an ordinance codifying the change in zoning.**

Mr. McKenna made a motion to approve Z-6-22, Barrington Heights LLC, to reduce the amount of dedicated open space by .017 acres through a lot line revision and add it to an adjacent parcel, tax parcels 49-11-14-079 and 49-11-14-0-999, R-1 and authorize advertise Ordinance #1071-23, an ordinance codifying the change in zoning. Mrs. Lingg seconded.

Mr. McKenna made a motion to amend the motion to include the condition that the wetlands be taken into account as discussed at the Public Hearing that there would not be encroachment on the wetlands. Also to amend the number of the ordinance to 1071-23. Mrs. Lingg seconded. All those present voted aye on the amendment. Motion approved.

On the original motion including the amendment, all those present voted aye. Motion approved.

**ENGINEERING:**

**15.A. Authorize staff to advertise DPW-1-23 Overlay Project**

Mrs. Lingg made a motion to authorize staff to advertise DPW-1-23 Overlay Project. Mr. Stepanovich seconded.

Mr. Nestico stated that this was approved through the 2023 CIP. The project has a budget amount of \$1,500,000. Mr. Morrison noted that the roads are currently under review and once the weather breaks there will be a final list made.

All those present voted aye. Motion approved.

**PUBLIC WORKS AND PARKS:** None

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**EXECUTIVE SESSION:**

**ACTION ITEMS:** None

**ADJOURNMENT:** Mr. Spadaro made a motion to adjourn the meeting. All those present voted aye. Motion approved. The meeting was adjourned at 8:30 p.m.

*The Regular Voting Meeting and Public Hearing 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.*