

THE MUNICIPALITY OF MURRYSVILLE

Regular Voting Meeting – Wednesday, February 17, 2021

Council of the Municipality of Murrysville held a Regular Voting Meeting on Wednesday, February 17, 2021, at 7:00 p.m. in the Municipal Building. Present at the meeting were Council members Toni Brockway, Dayne Dice, Loren Kase, Jamie Lee Korn, Mac McKenna, Tony Spadaro, Carl Stepanovich and Mayor Synan. Also present were Chief Administrator, James Morrison, Director of Recreation, Carly Greene and Solicitor, George Kotjarapoglus.

**REGULAR VOTING MEETING
AGENDA**

ROLL CALL/VOTING ORDER: Tony Spadaro, Jamie Lee Korn, Carl Stepanovich, Loren Kase, Mac McKenna, Dayne Dice, Toni Brockway and Mayor Synan.

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

UNISTED AMENDMENTS: Mr. Dice mentioned that 13.B was deleted from the agenda.

CONSENT CALENDAR ITEMS

- A. Accounts Payable
- B. Cash Investments and Transfers
- C. February 3, 2021 Council Meeting Minutes

Mr. Dice noted that he will abstain from any accounts payable matters or any cash investments related to KU Resources because he has done work for them.

Dr. Lee Korn made a motion to approve the Consent Calendar Items. Mr. Kase seconded. All those present voted aye. Motion approved.

MAYOR'S COMMENTS: Mayor Synan stated that the "Egg my Yard" registration deadline is Friday, February 26. Only 30 spots remain. The Murrysville Recreation Department will egg your yard for your very own private egg hunt. You will be provided with a date and time of the egging once registered. This event is open to those who live within the Franklin Regional School District. Go to the website at www.murrysvilleparecreation.com to register.

Easter Drive-Thru with the Murrysville Recreation Department and Murrysville Community Library: Wave to the Easter Bunny and Yellow chick and pick up a free treat bag (while supplies last) on Friday, March 26th from 3:30 – 5:30 p.m. at the Murrysville Municipal Building, 4100 Sardis Road. Any questions, call the Recreation Department at 724-327-2100 ext. 131.

Help the Murrysville Parks & Recreation Foundation purchase colorful and exciting sensory paths for the asphalt walking trail at Murrysville Community Park. Visit the website and help reach their goal of \$2,500.

Murrysville Recreation Speaker Series: Stock Investing for Beginners – Thursdays, March 4 – 25 at 7:00 p.m. on Zoom. Amelia Earhart – The enduring mystery surrounding Amelia Earhart's disappearance in 1937, Thursday, April 22 at the Murrysville Municipal Building Council Chambers. Air Force One – An Honor, Privilege, and Please to Serve, Thursday, May 13, 6:30 p.m. Murrysville Municipal Building Council Chambers. Go to the recreation website for more information.

Mayor Synan wanted to point out to the community, that on Sunday during the ice storm, 20 residents (over the age of 60) were transported by Medic One from falling on the ice. Please think twice before making a trip out to the mailbox or to get the newspaper during these ice storms. Safety first!

CHIEF ADMINISTRATOR’S COMMENTS: None

COMMUNITY INPUT: None

LIAISON COMMENTS AND COMMITTEE REPORTS:

Mr. Spadaro: No meeting yet this month for Medic One.

Mr. Stepanovich: The Planning Commission met last night. The Rivardo site was approved, which was formerly Tokyo Massage on Route 22. There has been a bid on the sign. Kish Window and Door was postponed to a future date. The meetings of the Planning Commission will be on the second Tuesday of each month to better accommodate the staff for Council meeting preparation one week and the Planning meetings the next.

Mr. Kase: EAC meets next week.

Dr. Lee Kornis: The Pension Committee meets next month. Frank Burnette will be presenting to Council in the near future.

Ms. Brockway: The Library is making tentative plans to reopen to the public next week. Please check the website or social media for updates. Children’s “make and take” kits are still available. Call the Library at 724-327-1102 to reserve one. The Winter Reading Challenge is on-going until March 20th – it’s not too late to sign up.

Mr. McKenna: The Parks and Recreation 12 miles in 12 weeks program had 340 signups. The Hot Chocolate Hike was a success. The Egg my Yard has 30 spots left – sign up soon. The Easter Drive-Thru is free for families. Chalk my Walk is scheduled for May 15th. The Tuesdays at Townsend is in the planning stage and will hopefully be a “go”. Thank you to the Public Works Department who has been working hard on the clubhouse.

Mr. Dice: FTMSA is proceeding with the correction of the 4 and 5 defects of the main interceptors. They did vote to hire a resident manager who is an employee of RDM, their management company. He will be doing the work of the manager of FTMSA full time. One more note, FTMSA got a flow monitoring extension from DEP because of the dry summer; they didn’t get enough data on how things were flowing. To date, they are still ahead of schedule.

WORKSHOP ITEMS

ADMINISTRATION:

9.A. A Discussion Concerning the Renewal of a Ten-Year Non-Exclusive Contract with COMCAST of Colorado/Pennsylvania/West Virginia, LLC

Mr. Phil Fraga, representing the Cohen Law Group, presented a summary of some of the major components

of the Comcast agreement. Municipalities are entitled under federal law to assess a franchise fee of up to five percent (5%) of the cable operator's gross revenues for cable services provided within the municipality. The Agreement establishes a set of comprehensive, quantifiable, and enforceable customer service standards.

The Agreement is non-exclusive so there is nothing precluding another provider from coming in. The Agreement requires Comcast to provide the Municipality with a cash franchise grant to be used for capital expenses in support of production of local EG programming. An issue of importance to the Municipality is the EG channel signal being delivered in High Definition. Comcast agreed to deliver the EG channel in High Definition subject to a weekly original programming threshold which the Municipality deemed acceptable given the current original programming content, as well as original programming content available from the Franklin Regional School District. The franchise fee is estimated to generate in excess of \$400,000 for the 2021 general fund budget.

Dr. Lee Kornis asked if the franchise fee estimate is higher or lower than normal. Mr. Morrison answered that the franchise fee is paid quarterly. Prior to the pandemic, there had been an erosion of that quarterly payment. During the last few quarters, it has gone back up again. Mr. Morrison anticipates that it will slowly erode over time as people get away from cable. Mr. Morrison wanted to stress that this agreement does not include internet services and it is a non-exclusive agreement. If Verizon wants to make the investment into the community, then we would have Verizon here. Dr. Lee Kornis stated that the customer service section as written only applies to cable, but if they have other issue aspects that Comcast provides, are those issues addressed. Mr. Fraga stated yes, that they have a government affairs person that would address those issues.

Mr. Stepanovich asked if subscribers have an outage, why can't they get credited without requesting a credit. Mr. Fraga answered they are not going to automatically provide a credit. Most outages are weather related and are FCC regulated.

ENGINEERING: None

COMMUNITY DEVELOPMENT: None

PUBLIC WORKS AND PARKS:

12.A. A Discussion Concerning Proposals Received for the Amphitheater at the Murrysville Community Park

Mr. Morrison stated that proposals were received on Friday and staff has been evaluating them over the last couple of days. Staff will be meeting tomorrow morning to narrow the selection down to 3 or 4 to begin interviewing.

Ms. Greene stated that there were more submissions received than there were a year ago. There were new and renewed interests from the consultants. Twenty-seven firms showed interested; 10 submitted responses with costs ranging between \$9,500 to \$36,000. The goal is to break ground by late spring or early summer.

Mr. Morrison stated that the majority of the proposals which came from a variety of bidders, including civil engineers, architecture and landscape architecture firms, averaged between \$20,000 and \$25,000. The

focus of discussion at tomorrow’s meeting will be “what do we want and what do we want to recommend to Council”. Mr. Morrison stated that he is leaning toward a more conceptual, artsy type of professional for that site. Staff will come back to Council in March with a recommendation.

COUNCIL ACTION ITEMS

ADMINISTRATION:

13.A. Consider approval of the Volunteer Service Credit Program notarized eligibility list for Murrysville Volunteer Fire Company and White Valley Volunteer Fire Company

Dr. Lee Kornis made a motion to approve the Volunteer Service Credit Program notarized eligibility list for Murrysville Volunteer Fire Company and White Valley Volunteer Fire Company. Ms. Brockway seconded.

Mr. Morrison stated that Council passed this program two years ago to offer volunteers who met certain requirements within emergency services to receive a tax credit on their share of municipal earned income tax. This year there is a list of about 22 volunteers that qualified. Council certifies the list and then a certificate is sent to each one which they then file with their income tax return.

Mr. Stepanovich asked why Sardis wasn’t on the list. Mr. Morrison answered that they did not respond this year or last year. Mr. Dice asked if the list was final or could someone still respond. Mr. Morrison stated that no, there is cut-off dates because of timing for filing your final return. Dr. Lee Kornis commented that it is nice to see some of the repeat names of people servicing the community. Mr. Morrison said that we certainly extend our thanks and gratitude for their service.

Upon a roll call vote: Mr. Spadaro – yes, Dr. Lee Kornis – yes, Mr. Stepanovich – yes, Mr. Kase – yes, Mr. McKenna – yes, Mr. Dice – yes, and Ms. Brockway – yes. Motion approved.

13.B. Removed from Agenda

13.C. Consider authorization to advertise Ordinance #1042-21, an Ordinance of the Municipality of Murrysville Authorizing Execution of a Non-Exclusive Cable Franchise Agreement between the Municipality and COMCAST of Colorado/Pennsylvania/West Virginia LLC

Dr. Lee Kornis made a motion to authorize to advertise Ordinance #1042-21, an ordinance of the Municipality of Murrysville authorizing execution of a non-exclusive Cable Franchise Agreement between the Municipality and COMCAST of Colorado/Pennsylvania/West Virginia LLC. Mr. McKenna seconded.

Mr. Dice noted that this was just discussed and that this is to advertise the ordinance for approval.

Upon a roll call vote: Mr. Spadaro – yes, Dr. Lee Kornis – yes, Mr. Stepanovich – yes, Mr. Kase – yes, Mr. McKenna – yes, Mr. Dice – yes, and Ms. Brockway – yes. Motion approved.

COMMUNITY DEVELOPMENT:

14.A. Consider approval of S-10-20, the “Regan Ridge Villas” Application, a Major Land Development to develop an 8.14 acre parcel of land located at the intersection of Manor Road (State Route 4026) and Wilson Road (Township Road T-708), 18 villa units, R-3, 8.21 acres, Tax Parcel No. 49-21-00-0-087

Mr. McKenna made a motion consider approval of S-10-20, the “Regan Ridge Villas” application, a major land development to develop an 8.14 acre parcel of land located at the intersection of Manor Road (State Route 4026) and Wilson Road (Township Road T-708), 18 villa units, R-3, 8.21 acres, Tax Parcel No. 49-21-00-0-087, including the conditions as stated in the briefing. Ms. Brockway seconded.

Ray Gusty, Fahringer, McCarty & Gray, stated that the plan was presented to Council a few weeks ago and was here this evening to answer any additional questions. Mr. McKenna asked if a price range for the units was set yet. Mr. Gusty stated that the owner and architect are still working on a price range. Mr. Dice asked if the applicant was amicable to the conditions. Mr. Gusty answered yes. Mr. Morrison stated that per the conditions, he needs a site plan without the barn and the mailbox location included or to add a line to the drawing that Phase II is not included in this proposed development. Mr. Kase stated that the wording in #8 that all structures meet the maximum height requirement of 40 feet needs changed to “not to exceed the 40 foot maximum” for clarification.

Upon a roll call vote: Mr. Spadaro – yes, Dr. Lee Kornis – yes, Mr. Stepanovich – yes, Mr. Kase – yes, Mr. McKenna – yes, Mr. Dice – yes, and Ms. Brockway – yes. Motion approved.

14.B. Consider Resolution #733-21, a Resolution amending the Municipality of Murrysville’s Act 537 Plan for new Land Development, 18 units, “Reagan Ridge Villas”, R-3, 8.21 acres, Tax Parcel No. 49-21-00-0-087

Dr. Lee Kornis made a motion to consider Resolution #733-21, a resolution amending the Municipality of Murrysville’s Act 537 Plan for new land development, 18 units, “Reagan Ridge Villas”, R-3, 8.21 acres, Tax Parcel No. 49-21-00-0-087. Mr. Spadaro seconded.

Mr. Morrison stated that this is just an amendment to the Act 537 to permit the development.

Upon a roll call vote: Mr. Spadaro – yes, Dr. Lee Kornis – yes, Mr. Stepanovich – yes, Mr. Kase – yes, Mr. McKenna – yes, Mr. Dice – yes, and Ms. Brockway – yes. Motion approved.

ENGINEERING:

15.A. Consider approval of Ordinance #1041-21, an Ordinance granting an Electric Line Right-of-Way and Easement to West Penn Power Company across Municipal land known as the Murrysville Community Park for Installation of a Transformer and Underground Conduit for an Electric Line to provide Electric Power and Service for Improvements to be constructed thereon and any Related Facilities as may be deemed necessary from time to time

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Mr. Kase made a motion to approve Ordinance #1041-21, an ordinance granting an electric line right-of-way and easement to West Penn Power Company across municipal land known as the Murrysville Community Park for installation of a transformer and underground electrical conduit. Mr. Stepanovich seconded.

Mr. Morrison stated that this was discussed at the last meeting which grants a right-of-way to West Penn Power to provide power service to the portion of Murrysville Community Park where the clubhouse is proposed.

Upon a roll call vote: Mr. Spadaro – yes, Dr. Lee Kornis – yes, Mr. Stepanovich – yes, Mr. Kase – yes, Mr. McKenna – yes, Mr. Dice – yes, and Ms. Brockway – yes. Motion approved.

PUBLIC WORKS AND PARKS: None

OLD BUSINESS: None

NEW BUSINESS: None

EXECUTIVE SESSION: None

ACTION ITEMS: None

ADJOURNMENT: Mr. McKenna made a motion to adjourn the meeting. Dr. Lee Kornis seconded. All those present voted aye. The meeting was adjourned at 7:55 p.m.

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.