

Council of the Municipality of Murrysville held a Regular Voting Meeting on Wednesday, April 5, 2023, at 7:00 p.m. in the Municipal Building. Present at the meeting were Council members Dayne Dice, Jason Lemak, 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 Parks and Recreation, Carly Greene, Director of Public Works, Bill Paiano, and Solicitor Wes Long. Council member Jamie Lee Kornis was absent.

RICK O'MAHONY – VOLUNTEER OF THE YEAR AWARD

President of Council, Dayne Dice, stated that this is an annual award that Council gives to someone in the community who has demonstrated true selflessness. Mr. Dice presented Rick O'Mahony with the Volunteer of the Year Award for his exceptional volunteer service to the community. Serving as a fireman, certified paramedic, Boy Scout Merit Badge Counselor, Fire Rescue instructor, CPR-AED and First Aid instructor for the American Heart Association, while managing a full-time career and family, is remarkable to say the least. Mr. O'Mahony's service to Murrysville as an active fireman with Murrysville Volunteer Fire Company No. 1, secretary for Murrysville Export Emergency Management Agency and Murrysville Medic One, church usher and blood bank donor serves as inspiration to us all. His endless devotion to so many essential community services is unmatched and Murrysville thanks him for his faithful service.

Mr. O'Mahony stated that he is honored to receive this award. He ran his first fire call and ambulance call as an ambulance attendant in 1964. Medic One was and still is a great organization. The fire department is his life today and he is also part of the Emergency Management Council. The organizations do so much that many of the citizens take for granted. The people in the organizations need your support and show of gratitude that they are there. Council, as well as the citizens, probably have no idea what it would cost if the volunteer fire companies disappeared and became paid. The fire companies here in Murrysville work with Council, keep their equipment in good shape and are sure it's ready to go at any given moment; but it takes a lot of effort. The most important thing is that people thank firemen and Medic One personnel that are so committed to jumping in when there is a bad problem or major emergency. Thank you to everyone involved, this means a lot to him.

COMMUNITY INPUT: Mr. Dice stated that it was requested that Council do citizens comments first because of the lengthy items on the agenda this evening. The floor is now open to any citizens' comments.

Robert Klingensmith stated that he is a lifetime resident of Murrysville since 1963 and is currently running for District Magistrate to replace Charles Conway. He is a 1981 graduate of Franklin Regional, Penn State 1985, and Duquesne School of Law. He worked as an engineer before he went back to law school after a mid-life crisis and decided to do something different than engineering. Mr. Klingensmith stated that his practice is here in Murrysville and is looking to continue to serve the community. Previously he had served 12 years in all the positions on the Franklin Township Municipal Sanitary Authority. His background is Wastewater Engineering. He then started coaching his kids in sports and didn't have the extra time anymore. He and his wife are now empty nesters and with his spare time would like to step back and help the community. He would appreciate the community's support on May 16th.

PARKS AND RECREATION FOUNDATION ANNUAL REPORT PRESENTATION

John Kaye, President of the Parks and Recreation Foundation and volunteer spoke on behalf of the Foundation. Mr. Kaye stated that he joined the Foundation about 3 years ago. The most important thing that the Parks and Recreation Foundation has been doing is finding an identity and finding their role in the community. When he joined, some of the foundation items had been established. The Bylaws were done, there was a Memorandum of Understanding (MOU) with the Municipality, and now they are moving forward. They have achieved some things but there is still a lot to do. An updated, 2-page report was uploaded by Carly Greene into Council's dropbox. The Board was designated in the Bylaws to be no more than 7 members. The members on the Board include Carly Greene, Dave Metzgar, Carl Stepanovich, Mayor Synan, Jacie Milchak, Paul Orris and himself. The Board has been meeting more than just semi-annually. In addition to their work, they have engaged the management consulting firm, The Hill Group, to assist the Foundation with strategic planning and fund development planning. One of the challenges they have is to explain to people why we need a Foundation when they pay tax dollars. Where does the Foundation come in? The goal is to establish the best-in-class park system for a Municipality like Murrysville. The next meeting is on April 17th here in the Municipal Building. Anyone is welcome to attend. The Foundation is reaching out and looking for more people. The Foundation started the year with \$98,242 and ended the year with \$113,855. Much of that is designated with \$70,100 going to the amphitheater and \$12,500 designated for The Hill Group. Part of the goal is to develop a fundraising program.

The Foundation completed several projects in 2022 including: Concrete cornhole boards, stencil and paint of the trails at MCP, Chalk the Walk fundraiser, Iron Ranger Donation Tower, and general donations. One of the things they tried that didn't work out was to establish a Cornhole League.

Several goals are to continue to work with The Hill Group to develop a vision for the future, a strategic plan, and a fund-raising plan; develop a message to the community to explain the role and purpose of the Foundation; solicit input from residents regarding their views on parks and recreation in Murrysville; and consider requesting Council for an increase in the size of the Foundation Board of Directors.

PUBLIC HEARING FOR THE REZONING OF APPROXIMATELY 19.3 ACRES, TAX PARCEL #49-10-13-0-014 LOGAN FERRY ROAD, FROM R-1 RESIDENTIAL TO R-2 RESIDENTIAL

A Public Hearing was held at 7:20 p.m. for the rezoning of approximately 19.3 acres, Tax Parcel No. 49-10-13-0-014, Logan Ferry Road, from R-1 Residential to R-2 Residential. A stenographer was present to record the hearing.

Mr. Morrison noted that the applicant is requesting rezoning to R-2 which was revised from the original attempt to do an R-3 development. It had been resubmitted for the development of 4 or 5 single-family homes. It would be roughly 9-10 acres to be divided off as a no-development conservation easement. The matter went before the Planning Commission who recommended rezoning to R-2.

The applicant, Sushil Shinde, presented slides showing the current zoning map, the site plan, traffic study and FTMSA Sewage. Mr. Shinde stated that their plan is to build 5 single-family homes on the property. The current acreage is 19.3 acres, but 14.7 acres of the land has limitation due to the topography and hilly terrain. They are requesting the zoning change from R-1 Residential to R-2 Residential. They have worked with a local civil engineering firm and received their input for developing the land, how much acreage can be utilized, and this was presented to the Planning Commission. Currently there are two houses there and one that is burned down. As part of the development, they are not building new roads. They will be utilizing the existing road that is already there and make improvements. As part of the application, they performed a traffic study which was presented to the Planning Commission for review. Also, they received a letter from FTMSA that they do have sewage capacity to serve the proposed 5 single-family homes on the property.

Mr. Dice asked for any comments from Council. Hearing none, he asked for comments from the audience.

Anthony Tantalo, 3315 Logan Ferry Road: Mr. Tantalo stated that he and his wife Karen have been Murrysville residents for 12 years and love living there. They live right across the road from the planned development. He attended the hearing a year ago. He is here tonight to voice some of his concerns. He would like to get a copy of the Traffic Study. Traffic is backed up Monday through Friday starting at 4:00 p.m. every single day. Every Thursday during the Farmer's Market, it takes them 15 minutes to go from their driveway to get to Route 22 which is 1/3 mile. They do appreciate the developer downsizing to just 5 homes and has nothing against the plans of development. But the traffic is bad. Another thing that was addressed was the FTMSA. He has had sewage backups in his yard. The neighbor across the stream from him on Haymaker, for months his sewer in his yard was backing up. All FTMSA does is throw lime on it. Several times last year, raw sewage was flowing down Haymaker. He contacted the DEP and the Chief from the Murrysville Fire Department who came out and it was sewage. He realizes that it is just 5 homes, but FTMSA hasn't done anything to upgrade their infrastructure. As far as FTMSA saying they can handle 5 more homes, I don't know. Also, are there any plans for that bridge. If not, he doesn't see traffic getting any better. That should be a top priority to alleviate some of the traffic. Lastly, the part of the land that is not going to be developed, the little stream that runs down the hill goes under Logan Ferry Road and goes along the border of his property. The erosion from that little stream took 5 feet of his yard. He had to build almost 200 feet of railroad tie wall. It cost him thousands of dollars. His concern is more erosion coming down that stream. Mr. Tantalo said that he hopes that things are done properly so that he and his wife and neighbors can stay there and not sit in traffic all day, have a normal sewage system that works, and we can all be safe.

Mr. Shinde noted that if the R-2 Residential is not granted, according to the regulations he can build more than five homes. The sole purpose of this rezoning is to allow them to not disturb the hill in the back or disturb the ecology of the land. They can only build in the area with minimal disturbance. Water comes from the townhomes up the hill which is eroding the land. By allowing them to build there, they will take care of that problem and maintain it properly. It is his and his partner's sole intention to live there as residents, in two of the houses.

Mr. Morrison noted that both the bridge and sanitary problem were brought up in public hearings. The bridge is on the traffic improvement plan. There has been some preliminary engineering done for that. The FTMSA has implemented their Corrective Action Plan in both the Rustic Ridge and Heather Highlands area which mitigates the sewage issues going forward.

Hearing no further questions from Council or the audience, Mr. Stepanovich made a motion to close the Public Hearing. Mr. McKenna seconded. All those present voted aye. Motion approved. The Public Hearing was closed at 7:36 p.m.

REGULAR VOTING MEETING AGENDA

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

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

UNISTED AMENDMENTS: Mr. Dice stated that Council is going to approve a resolution so that we can take part in the opioid settlement monies. This will not involve any expenditure of funds by the Municipality of Murrysville. This will be placed under New Business.

CONSENT CALENDAR ITEMS:

4.A. Approval of March 15, 2023, Council Meeting Minutes.

Mrs. Lingg 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 the following slides and announcements:

Curbside Leaf Collection Program: To schedule a pick-up on Saturday, April 15th or Saturday, April 29th, you must fill out the Curbside Leaf Collection Program form on the website. There is a 20-bag limit for each collection date. The deadline to sign up for each date is the Thursday before the pickup date.

The 26th Annual Blessing of the Bikes will be Sunday, April 16th, rain or shine, at the Murrysville Alliance Church, 4130 Old William Penn Highway. Time is probably around noon – get there early.

Spring Gardening Series: Straw Bale Gardening will be Tuesday, April 25th at 6:30 p.m. The Inviting, Pollinator-Friendly Gardens of Westmoreland County will be Tuesday, May 23rd at 6:30 p.m. Attracting Butterflies to Your Garden will be Tuesday, May 30th at 6:30 p.m. All events are held at the Murrysville Community Library. Register at murrysvillelibrary.org or call 724-327-1102.

Murrysville-Export Rotary Club Night at the Races will be held Friday, April 21st at the Lamplighter Restaurant, Delmont. Doors open at 5:30. Dinner will be served at 6:15. Betting windows open at 7:00 and the races begin at 7:15. For more information go to rwepfer@outlook.com.

Murrysville Healthy Stream Walking Tour: Are you concerned about stormwater, flooding, and healthy streams in Murrysville? Learn about practices that can reduce water pollution in streams. Led by staff from the Westmoreland Conservation District, participants will walk along part of Haymaker Run and see problems caused by erosion and learn how partners plan to fix it. Tuesday, April 18th from 6:30 – 7:30 p.m. meet at the Franklin Regional Intermediate School, 4125 Sardis Road. Sponsored by the Westmoreland Conservation District. Register at www.murrysville.com.

CHIEF ADMINISTRATOR’S COMMENTS: None

LIAISON COMMENTS AND COMMITTEE REPORTS:

Mr. Lemak: The Library met in March. They developed their strategic plan for the year. A few items coming up are the AAUW Book Sale April 27th – 29th and the Spring Craft Fair Saturday, May 6th from 10:00 a.m. – 3 p.m. All programs are listed on the library website.

Mr. Stepanovich: The Planning Commission meets next Tuesday.

Mr. Spadaro: Medic One had their meeting last week. They had 129 trips to Washington Township, 209 wheelchair trips, and 871 Murrysville calls. There was a total of \$1,080 calls. Their 911 calls were 75 Washington Township and 29 to Murrysville. Their yearly calls are 15,000 basically. Their subscription drive is in process with 30% response to date. The Penn Franklin News had a nice article about Medic One recently about expenses they have and where their money goes; it’s very interesting.

Mrs. Lingg: She attend the School Board meeting on March 20th and there was nothing of mutual concern. There was a meeting this past Monday, which she was unable to attend due to a work commitment. The next meeting is May 8th. They used to have two meetings a month, but they have combined their meetings into one.

Mr. McKenna: The Parks and Recreation Committee meets next Tuesday. Nothing new to report, but he wanted to thank the Parks and Recreation Department for their hard work on the Easter projects. He also wanted to thank Bill Paiano and the Public Works Department for their hard work getting opening day ready and the parks ready for opening in the Spring.

WORKSHOP ITEMS

ADMINISTRATION:

9.A. Discussion regarding alcohol consumption during park/facility rentals

Mr. Dice noted that this came up because under the rules and regulations, if you have a graduation party, you are not allowed to have any alcohol on site. Does that truly make sense because you can have alcohol at a child’s birthday party or any other event. Does Council feel this rule should be changed and have it consistent with any party or event.

Mr. McKenna stated that things have changed with our venues and this rule was made many Councils ago. We have the Community Center, the Clubhouse and alcohol is allowed at Townsend Park and Sardis Park. The point is that whether it is a birthday party or graduation party, alcohol is not allowed to be served to

anyone underage no matter what the event. Mr. Spadaro stated that a party is a party, and we shouldn't discriminate. The rest of Council agreed.

Mr. McKenna made a motion to add this to the next Council Agenda to be voted on. Mr. Spadaro seconded. All those present voted aye. Motion approved. Mr. Nestico noted that he will try to look into the history as to why the ordinance or resolution was worded that way.

ENGINEERING: None

COMMUNITY DEVELOPMENT:

11.A. A discussion concerning SP-8/CU-10-22, a major land development, for construction of a WetGo car wash facility, including 10 free vacuuming stations, a parking area, and access drive adjoining the existing Giant Eagle GetGo, tax parcel 49-14-08-0-018, 4785 William Penn Highway, B Business Zoning.

Mr. Morrison stated that this had been presented to Council and there were two outstanding issues. The lefthand turning lane that was part of the HOP review. Comments were supplied by our engineer that he didn't believe that construction of the WetGo would have a major impact compared to what Standard Bank has. If Council wished to approve this, they would have to wave the mitigation there and inform PennDOT as such. PennDOT will still issue the HOP, but they would require the waiver. The second issue was the free vacuum sign. The Planning Commission recommends that the signs be eliminated. Mr. Dice asked the applicant if he was alright with the condition of eliminating the free vacuum signs. The applicant, Lee May stated that he wasn't excited about it, but wants to be a good neighbor and work with Council, so yes he is OK with it.

PUBLIC WORKS AND PARKS: None

COUNCIL ACTION ITEMS

ADMINISTRATION:

13.A. Authorize approval of Ordinance #1072-23, an ordinance authorizing participation in an intergovernmental police mutual aid agreement for the purpose of responding to police emergencies in authorized jurisdictions. The proposed ordinance would add the Township of North Huntingdon to the list of participating jurisdictions.

Mrs. Lingg made a motion to approve Ordinance #1072-23, an ordinance authorizing participation in an intergovernmental police mutual aid agreement for the purpose of responding to police emergencies in authorized jurisdictions. The proposed ordinance would add the Township of North Huntingdon to the list of participating jurisdictions. Mr. McKenna seconded.

Mr. Dice noted that he will be abstaining from this vote because his firm represents North Huntingdon. All others present voted aye. Motion approved.

13.B. Consider approval of the 2023 Cost of Living Adjustment (COLA) in the amount of 6.4% for eligible retired police officers.

Mr. Spadaro made a motion to approve the 2023 Cost of Living Adjustment (COLA) in the amount of 6.4% for eligible retired police officers. Mr. Stepanovich seconded. All those present voted aye. Motion approved.

13.C. Consider renewing the property, casualty, automobile, and police professional liability insurance coverages with MRM and the public officials' liability with Greenwich Insurance in the total amount of \$149,686 for the period April 1, 2023 to March 31, 2024.

Mr. Lemak made a motion to renew the property, casualty, automobile, and police professional liability insurance coverages with MRM and the public officials' liability with Greenwich Insurance in the total amount of \$149,686 for the period April 1, 2023 to March 31, 2024. Mrs. Lingg seconded.

Mr. Nestico noted that this increase is nearly \$5,000 higher than the prior year; however, the rise in cost can be attributed to the increase in commercial property values reported in the most recent appraisal report of about 19%. This is in line with other increases and are happy with the provider.

All those present voted aye. Motion approved.

COMMUNITY DEVELOPMENT:

14.A. Authorize approval of SP-8/CU-10-22, a major land development, for construction of a WetGo car wash facility, including 10 free vacuuming stations, a parking area, and access drive adjoining the existing Giant Eagle GetGo, Tax Parcel 49-14-08-0-018, 4785 William Penn Highway, B Business Zoning.

Mr. Stepanovich made a motion to approve SP-8/CU-10-22, a major land development, for construction of a WetGo car wash facility, including 10 free vacuuming stations, a parking area, and access drive adjoining the existing Giant Eagle GetGo, Tax Parcel 49-14-08-0-018, 4785 William Penn Highway, B Business Zoning inclusive of all conditions in the staff briefing along with no free vacuum signs and authorizing staff to send a waiver to PennDOT in regard to the lefthand turn lane. Mr. McKenna seconded.

All those present voted aye. Motion approved.

14.B. Authorize Resolution #773-23, a resolution amending the Municipality of Murrysville's Act 537 plan for construction of a WetGo car wash facility, including 10 free vacuuming stations, a parking area, and access drive adjoining the existing Giant Eagle GetGo, Tax Parcel 49-14-08-0-018, 4785 William Penn Highway, B Business Zoning.

Mrs. Lingg made a motion to approve Resolution #773-23, a resolution amending the Municipality of Murrysville's Act 537 plan for construction of a WetGo car wash facility, including 10 free vacuuming stations, a parking area, and access drive adjoining the existing Giant Eagle GetGo, Tax Parcel 49-14-08-0-018, 4785 William Penn Highway, B Business Zoning. Mr. Spadaro seconded.

All those present voted aye. Motion approved.

ENGINEERING: None

PUBLIC WORKS AND PARKS:

16.A. Authorize a request for bids, surplus municipal vehicles and equipment using Municibid online auction.

Mr. McKenna made a motion to authorize a request for bids, surplus municipal vehicles and equipment using Municibid online auction. Mrs. Lingg seconded.

Mr. Paiano stated that they need authorization to put a few vehicles up for bid. Last time they did very well with Municibid. This time they have a 2002 100-foot ladder truck (fire apparatus) and a pull behind 15-foot mower.

All those present voted aye. Motion approved.

OLD BUSINESS:

Mr. Stepanovich stated that Republic Services does offer a senior rate for trash collection. You must be 65+ years of age. You would need to call Republic Services at 724-887-9400 to be put on the list as a senior to get the discounted rate.

Mr. Spadaro asked Mr. Morrison about the status of Tommy's Car Wash. Mr. Morrison stated that he had made several phone calls to the engineer and finally received a phone call back last week. She has not heard from the applicant and would follow up with him. Regardless, the 90-day period for execution of the Developers Agreement has passed. It would have to come back to Council for re-approval if and when they decide to move forward.

NEW BUSINESS:

Mr. Long stated that opioid litigation that has been undertaken nationwide pursuing pharmaceutical companies resulted in a settlement back in 2021 which the municipality signed on as a participating subdivision. Municipalities with a population greater than 10,000 have the right to sign on as a participating subdivision. The condition is that we promise that we will not sue or hold the various pharmaceutical companies financially responsible for the impact of the opioid epidemic on the County of Westmoreland and to recover resources necessary to combat the opioid epidemic. The County has received notice of a second round of settlement that involves Teva, Allergan, CVS, Walgreens and Walmart. The current Board of Commissioners of Westmoreland County is proposing to share some of that money with the participating municipalities with populations of 10,000 or more. The Board of Commissioners are not required to share the monies. The proposed distribution from the first settlement is about \$70,000 to Murrysville and the amount of the proposed distribution for the second settlement is not believed to be that high, but the exact number is not yet known. The only way we can receive those monies is if we sign as a participating subdivision and execute the five release documents that are attached to Resolution No. 774-23. If the eleven municipalities do not all sign the agreement, then that will jeopardize the funding to any of

the eleven municipalities. There are restrictions on what the funds can be used for and with the participation of the Murrysville Police Department, that money will be used appropriately. Resolution No. 774-23 needs to be adopted to authorize Murrysville to enter into the five participation agreements, releasing the drug companies from any future liability and in return will hopefully get a portion of the settlement proceeds and a statement from Chief Seefeld confirming that the money can be used in an appropriate fashion. The deadline is April 19th. Mr. Dice noted that Council needs to act on this tonight, otherwise we might miss out on the monies and potentially jeopardize all ten of the other municipalities getting the money. Mrs. Lingg stated that she doesn't like voting on something that she hasn't seen or had a chance to read. Mr. Long noted that he has reviewed the documents and recommends that Council approve them.

Mr. McKenna made a motion to approve Resolution No. 774-23, Opioid Settlement Agreement. Mr. Spadaro seconded. Mrs. Lingg abstained. All others present voted aye. Motion approved.

EXECUTIVE SESSION:

19.A. Legal Matters – Land Use Appeal

19.B. Legal Matters – Collective Bargaining

Mr. Spadaro made a motion to adjourn to an executive session at 8:20 p.m. No action was anticipated coming out of the meeting. Mr. Stepanovich seconded. All those present voted aye. Motion approved.

ACTION ITEMS: None

ADJOURNMENT: The meeting was adjourned at 8:45 p.m.

The Regular Voting Meeting and Public Hearing was broadcast on local government Channel 21. 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.