

Council of the Municipality of Murrysville held a Regular Voting Meeting on Wednesday, June 5, 2019, 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, and Josh Lorenz. Also present were Chief Administrator, James Morrison, Solicitor, George Kotjarapoglus, and Director of Parks and Recreation, Carly Greene. Council members Tony Spadaro and Carl Stepanovich were absent, along with Mayor Synan.

**CAROL SIEFKEN, CHILDREN’S LIBRARIAN  
SUMMER READING PROGRAM**

Carol Siefken, Children’s Librarian, discussed the Summer Reading Program. The Library is commemorating the 50<sup>th</sup> anniversary of the lunar moon landing with the theme, *A Universe of Stories*. Children can fuel their summer with free reading programs, cosmic contests, and lots of learning challenges. Children from babies through teens are invited to summer reading mission control at the Library to launch their summer reading. Monday, June 10<sup>th</sup>, the summer reading club will have registration on its website [www.murrysvillelibrary.org](http://www.murrysvillelibrary.org), or in person. The Library’s “out of this world” program offers stellar opportunities for everyone. Grandparents, cousins, caregivers, friends, and neighbors are all welcome to the Library. This program can happen because of wonderful community sponsorship and support. The Library staff hopes that each and every child and family makes library visits, and makes reading and learning a part of their busy summers. Join the Library on their incredible journey.

**PUBLIC HEARING  
BUON CIBO LIQUOR LICENSE**

A Public Hearing was held at 7:10 p.m. regarding transfer of a liquor license for Buon Cibo Grill.

Mr. Paul Namie, spoke on behalf of Buon Cibo and two proprietors, Robert and Claudio Mascereilli. A copy of the restaurant menu was handed out to Council. Mr. Namie stated that the applicant is requesting a resolution from Murrysville Council which would permit the inter-municipal transfer of a liquor license from North Belle Vernon Borough pursuant to Section 461 B-3 of the Liquor Code. The license, No. R-5220 is going to be used at Buon Cibo Restaurant, located at 4556 William Penn Highway. The current licensee is the Oyster House, Inc. located in North Belle Vernon Borough. Section 461 B-3 permits the PLCB to approve the transfer of a license from any municipality in the county to a different municipality within the county so long as the receiving municipality first issues a resolution approving that transfer. The resolution would allow the license to come into the community, which then allows the client to proceed with the PLCB application.

The restaurant is a family-owned, Italian restaurant which offers homemade Italian dishes made from scratch using farm-to-table produce and high quality cuts of meat and seafood. The restaurant moved operations to Murrysville from Plum in 2014. The license will bring additional offerings to its customers as a compliment to its food service and for the opportunity to expand its operation to include catering with the ability to offer off-premises catering where food and alcohol may be served. There are no plans for expansion of the restaurant. The license will be acquired on a final approval basis as an existing operation. The restaurant currently offers seating for approximately 68 patrons. Hours of operation are Tuesday through Thursday, 5:00 p.m. – 9:30 p.m.; Friday and Saturday from 5:00 p.m. – 10:00 p.m.; and are closed on Sunday and Monday. Under the liquor license, the restaurant will have a fine selection of bottled beer,

wine, and a limited liquor menu for serving mixed drinks. Buon Cibo recognizes the importance of handling alcohol in a safe and responsible manner and intends to implement an operational policy that all patrons looking under the age of 35 will be carded to purchase alcohol. Currently Buon Cibo offers a BYOB with a corkage fee.

Roberto Maserelli stated they just want to make this an addition to the offerings that the restaurant currently has in place. They do not intend to create a big bar or nightclub. This will be to compliment the food pairings that are already offered.

The Public Hearing closed at 7:25 p.m.

### **REGULAR VOTING MEETING AGENDA**

**ROLL CALL/VOTING ORDER:** Loren Kase, Jamie Lee Korn, Tony Spadaro - absent, Josh Lorenz, Dayne Dice, Carl Stepanovich - absent, Toni Brockway, and Mayor Synan – absent.

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

**UNLISTED AMENDMENTS:** Mr. Morrison stated that there were no unlisted amendments to the agenda.

Mrs. Lee Korn moved to approve the agenda as presented. Mr. Kase seconded. All present voted aye. Motion approved.

#### **CONSENT CALENDAR ITEMS**

- A. May 15, 2019 Council Meeting Minutes

Mrs. Lee Korn moved to approve the consent calendar item. Ms. Brockway seconded. All present voted aye. Motion approved.

**MAYOR'S COMMENTS:** On behalf of Mayor Synan, Mr. Morrison stated that staff has been working with the trash hauler concerning recycling and removing glass and plastic bags from the recycling stream. This has been publicized in the Murrysville Magazine which goes to every household, the Recreation Guide which goes to every household, the Penn-Franklin News has run several news articles in the paper, there are education clips on the municipal website and we are still not meeting our goals. The recycling company is proposing a sticker be placed on recycling cans that are in non-compliance. The sticker would note that the recyclables are contaminated and would not be picked up. If compliant, the recyclables will be picked up on the next scheduled pickup day. This has not been implemented yet, but Mr. Morrison wanted to bring this forward to Council for their comments, which can be discussed under Old Business.

Murrysville Medic One's Open House at its new garage will be June 15 from 11:00 a.m. to 2:00 p.m. The public is invited.

Wetlands Wildlife Event Series hosted by the Murrysville Recreation Department is June 8<sup>th</sup> at 10:00 a.m. at the MCP Wetlands and will continue through the summer with different topics and guest presenters. Live feed of the wetlands is on the website [www.murrysville.com](http://www.murrysville.com).

The Farmers' Market starts tomorrow, on Thursdays, June through September from 3:00-7:00 p.m.

Murrysville Summer Programs 2019 rotating in the five parks has begun. There will be Drawing, Jump Start Sports, Creative Madness, Outdoor History Camp, Ready Set Run 5K and Summer Park Adventure Program.

Congratulations to the group of students from Franklin Regional School District for the traveling Vietnam Wall documentary and short new package which they put together and earned them the 2019 Mid-Atlantic High School Student Production awards from the National Academy of Television Arts and Sciences.

The new playground and splash-park at MCP is not open yet. Please respect the signs – it is a construction site. Don't remove the signs and barriers. This applies to the Westmoreland Heritage Trail also, which is closed for construction.

**CHIEF ADMINISTRATOR'S COMMENTS:** Mr. Morrison noted that the park did not open June 1<sup>st</sup> because of all the rain, but will open soon. The splash-pad, playground equipment, the landscaping are in; the trails and walkways will go in today and tomorrow. At least another week is needed. This can be discussed later in the meeting.

Council received a copy of the audit authorized by Cohen Law Group for Comcast which showed no significant findings. The franchise fee seems to be holding. It's a short report, which is worth going through, and provides good background on the relationship between Comcast and the Municipality.

On June 29<sup>th</sup> from 9:00 a.m. – 1:00 p.m., there will be a Household Hazard Waste Collection at the Westmoreland Cleanways Recycling Center, 113 Innovative Lane in Latrobe. The cost will be 85 cents per pound.

Council received an invitation from Huntley & Huntley for a Public Hearing for an oil and gas panel presentation discussion at Plum Borough. The guest speaker will be Scott Perry from the DEP. RSVPs are needed by tomorrow.

**COMMUNITY INPUT:** Mr. Lorenz stated that this is where members of the community are invited to come and discuss whatever they would like to discuss as long as it is 3 minutes or less.

**Diane Altieri-Hand, 2651 Chambers Park Court:** Ms. Altieri-Hand stated that she is here to talk about the Westmoreland Heritage Trail crossing on Trafford and Meadowbrook Road. It is like Russian-Roulette going through that intersection. Some people stop. Some people don't. Most times the crossers do not stop and continue right through anticipating the cars to stop. The situation is horrendous, especially when Mine Safety and Thermal Industries are trying to get out of there at 3:00 p.m. When people are in the walkway, the cars must stop. But when they are standing at the stop sign, the crossers just try to walk right through the intersection whether your vehicle is coming or not.

**Walter Cebulak**, 4000 Fredricksburg Court: Mr. Cebulak has a question regarding Murrysville's Code and its application to conditional approvals. This relates to the Sloan campus project where the conditional approval was granted by Murrysville on October 17. The Code spells out specific conditions that if the applicant rejects any of the conditions or if the applicant fails to give written notice to the Chief Administrator regarding acceptance or rejection of the conditions after final approval or executed development agreement within the required 30 days, final approval shall automatically be rescinded without written notice to the applicant. Mr. Cebulak stated that he understands that Franklin Regional did not respond within that time period. Has the conditional approval been rescinded?

Solicitor Kotjarapoglus answered that at this point, once the appeal has been taken, actually by Sloan residents, the case stops and it goes into court. There is no development agreement that is going to be signed while it is on appeal. With regard to timeliness, that is an issue that will be involved in the case itself.

**Gary English**, 4472 Kilmer Court: In February, Mr. English stated that he spoke before this Board when Council backed the FTMSA bond issue which resulted in an excessive 35% rate increase. He was not pleased at the way the increase was announced to the rate payers. This illustrates that the sewage system has not been adequately maintained or upgraded. Rather than seeking available grant monies, the FTMSA has relied solely on the rate payers. FTMSA has not applied for any available grant monies; they do not have a grant writer nor have they sought assistance from our local legislators or a council of government. The sewer authority also employs a flat rate schedule and questions the nominal fee listed as garbage DSPL. FTMSA's Kevin Kaplain stated that garbage disposals produce more solids. This reasoning contradicts the flat rate system that they employ. Since Council has backed this \$12million bond and the excessive rate increase of 35%, Mr. English respectfully requests that Council assist in the removal of this illogical, contradictory, and unjustified fee.

**Barbara Sims**, 3837 Hills Church: Ms. Sims wanted to remind the residents of Murrysville that there will be a public hearing on June 19<sup>th</sup> at 7p.m. This is the only opportunity for the community to speak out about the Titan Gas Well Pad which is supposed to be constructed on Bollinger Road by the drilling company of Huntley & Huntley. If you are concerned about fracking and all of the related health issues and property devaluation coming to Murrysville, this is an opportunity to speak out. Eight municipalities are currently re-doing their oil and gas ordinances to be more protective of their residents. Doesn't Murrysville deserve a more protective ordinance? Murrysville's Comprehensive Plan specified that Council will review the Murrysville Oil and Gas Ordinance on a yearly basis. The PA Attorney General is currently engaged in a criminal investigation of the oil and gas industry. Also, the PA Supreme Court decision regarding Jefferson Hills was issued May 31<sup>st</sup> stating that local municipalities must take into account testimonies of those who have been harmed by the oil and gas industry.

#### **LIAISON COMMENTS AND COMMITTEE REPORTS:**

Ms. Brockway: The Library is celebrating NASA's 50<sup>th</sup> anniversary of the Apollo 11 historic moon landing. Join the Library for a webcast event on July 15<sup>th</sup> from 4:00-5:00 p.m. The Murrysville Community Library is joining forces with the Murrysville Recreation Department for Tuesdays at Townsend. Join them for three evenings of music and storytelling along with activities that support nature learning for all ages. Check out the Recreation Department's website or the Murrysville website to see the dates and times.

Mr. Dice: FTMSA had their regularly scheduled meeting. The DEP Consent Agreement is ongoing. All of the municipalities involved have come to an agreement, which was sent to the DEP and are waiting to hear back on if the DEP agrees to the terms and conditions. The Bel Aire pump station and its possible removal is progressing. The lines are currently being metered to make sure it is possible to remove them. Pucketa Creek is ongoing. The agreement is signed. FTMSA is looking to implement it and get easements from property owners. Work is being done with Washington Township in regards to the condemnations. It's possible that this could be coming to Council to allow Washington Township to condemn certain things in Murrysville for Pucketa Creek. In regards to manhole repairs, FTMSA is up to 4,300 as of the last meeting. A contract was awarded to State Pipe Services in Cranberry in the amount of \$334,220 to come in to look at all the manholes and do more in-depth repairs and actually analyze manholes that look good on the surface but have sub-surface issues.

Mrs. Lee Korn: The Pension Board has not met again since May.

Mr. Kase: Murrysville Medic One did meet. Ambulance detail alone for April was 1,380 calls. Open House for the new Medic One facility is June 15<sup>th</sup> from 11:00 a.m. – 2:00 p.m. If you have the opportunity to stop in, please do so. Medic One also asked if they could get some support by putting the event on Murrysville's electronic sign. Mr. Morrison stated that he would take care of it.

## WORKSHOP ITEMS

**ADMINISTRATION:** None

**ENGINEERING:** None

**COMMUNITY DEVELOPMENT:**

**11.A.** A discussion concerning a request for a waiver on the Crowfoot Rod and Gun Club and Westmoreland Conservancy Lot Line Revision Plan

Mr. Morrison stated that the Westmoreland Conservancy acquired some property adjacent to the Crowfoot Gun Club. When the property was surveyed by the Conservancy, they discovered there had been some encroachment by the Gun Club. Some issues arose over that and they began negotiations to resolve that issue. A tentative agreement was reached where 31.7 acres of Crowfoot property will be conveyed to the Conservancy and the Conservancy in return will convey the 5.9 acres that Crowfoot had been occupying. Because of that, there was a need for a lot line revision. Upon review of the lot line revision site plan, staff had developed six comments. The client had requested waivers on five of the six comments.

Amy Hopkins, Urban Terrain, representing Crowfoot Rod and Gun Club stated that Crowfoot owns about 127 acres. About 6 acres of the Conservancy abuts the trap shooting range which the Conservancy would like the Gun Club to take over and in exchange Crowfoot is giving the Conservancy just over 31 acres. The Conservancy owns about 97 acres that wrap around the north and east side of Crowfoot. Ms. Hopkins showed a survey map indicating the properties and that the land swapping is on the outer extremes.

Regarding Comment #1, Crowfoot Road is a 33 foot right-of-way and Murrysville requested a 50 foot right-of-way along the property lines. The client asks that this be waived.

Item #2 was adding a note to the plan, which was no problem.

Item #3 was for all existing structures and features be shown on the plan. There is no development planned. Just the lot line is being changed between the two entities.

Item #4, to show all existing utilities is entirely another survey on 221 acres. Overhead utilities which were easily identifiable and easements were added to the plan.

Item #5 was just to add a note listing the minimum lot area with public sewage and water which was added.

Item #6, per the Murrysville Code, was to provide a storm water easement or drainage right-of-way at a minimum of 20 feet. Again, there is no development proposed. This is just a lot line revision.

The request is to have Items #1, 3, 4 and 6 waived.

Mr. Morrison stated that the staff recommendation is not to waive Items #1 and #6. Typically, the subdivision ordinance is for new development. However, any development that may occur in the future may have requirements for widening Crowfoot Road or there may be requirements for storm water management on Pearson Run.

In regards to Conditions #3 and #4, staff didn't believe it was necessary because of the anticipated use going forward. The Conservancy would preserve that ground and the Gun Club has been, and probably always will be, the Gun Club. So there is really no need for any historical documents.

Solicitor Kotjarapoglus stated that Murrysville is not taking title to that ground from the property owner. They still continue to own it subject to the right-of-way if it is ever opened up as such. It is more of a paper transaction, but it is a burden that is being established. Mr. Kotjarapoglus stated that he would look further into this. As far as the 20 foot right-of-way at Pearson Run, it is a relevant case issue in the Sloan School expansion. If the 20 foot right-of-way is going to be waived, there is a section in the Subdivision Ordinance that provide for it, but it should be done in writing explaining why; and the reasons for it.

Mr. Lorenz noted that Council is not voting on this tonight. Mr. Morrison stated that this is for Council's review and to ask for additional information if needed. Mr. Lorenz stated that this is a delicate situation and the concerns over Conditions #1 and #6 are legitimate and he doesn't feel that the Municipality should waive something where down the road potential future growth and development in the area may require the widening of Crowfoot Road or the possibility of maintenance required to be performed on the water course or use of stream for storm water management at Pearson Run. This should be thought out very carefully. Mr. Morrison stated that this will be brought back to Council on June 19<sup>th</sup>.

**PUBLIC WORKS AND PARKS:** None

### COUNCIL ACTION ITEMS

#### ADMINISTRATION:

**13.A.** Consider authorization to advertise Ordinance No. 1010-19, amending the 2019 Salary Ordinance No. 1001-18

Mr. Dice made a motion to authorize advertising of Ordinance No. 1010-19, amending the 2019 Salary Ordinance No. 1001-18. Ms. Brockway seconded.

Mr. Morrison stated that the negotiated contract is now in place with the Police. This Ordinance is to update the negotiated wages and add a fourth sergeant position.

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

**13.B.** Consider approval of Ordinance No. 1009-19, an ordinance authorizing the Municipality of Murrysville's joinder and participating in an intergovernmental police mutual aid agreement with other municipalities for the training, deployment and compensation of specially trained officers for the purpose of responding to police emergency situations.

Mrs. Lee Kornis made a motion to approve Ordinance No. 1009-19, an ordinance authorizing the Municipality of Murrysville's joinder and participating in an intergovernmental police mutual aid agreement with other municipalities for the training, deployment and compensation of specially trained officers for the purpose of responding to police emergency situations. Mr. Kase seconded.

Mr. Morrison stated that initially this was proposed as just a contractual arrangement among the several municipalities. Murrysville believed that this should be formed under the Intergovernmental Cooperation act, not the Police Jurisdictional Act, and carried through with that. It just so happened that on Friday, the Supreme Court ruled that this type of program needs to be done under the Intergovernmental Cooperation Act. Several of the municipalities that had chosen to participate are now entertaining ordinances to implement the Intergovernmental Cooperation Act.

Mr. Lorenz noted that the cost is being funded through the Westmoreland County District Attorney's office. The cost to the Municipality is estimated to be less than \$2,500 per year. This is going to be a good investment and a worthwhile addition, not only to our community, but also surrounding communities.

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

**13.C.** Consider appointment of various members to the Murrysville Parks and Recreation Foundation Board and authorize the execution of the Memorandum of Understanding

Mrs. Lee Kornis made a motion to appoint Thomas Vincent and Douglas Ekeroth as board members to the Murrysville Parks and Recreation Foundation Board and authorize the execution of the Memorandum of Understanding. Ms. Brockway seconded.

Mr. Lorenz stated that this is a non-profit foundation created which will allow businesses and individuals to donate money and get the tax benefits of doing so. A seven member board will oversee the foundation to work with the Parks and Recreation Committee to solicit funds coming in and deciding how the funds should be best spent.

Mrs. Lee Kornis noted that the Municipality had received applications from excellent candidates and it was a very tough decision to choose two. Mr. Lorenz agreed that there were a lot of very well qualified applicants and the decision was difficult.

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

**13.D.** Consider exemption and exoneration of the municipal real estate taxes for: 2005 through and including 2010 on Map No. 49-07-00-0-066, the Murrysville Community Park acreage; and 2019 and all future years for Map No. 49-11-10-0-048, the roadways in Serenity Pointe plan of lots

Ms. Brockway made a motion for the exemption and exoneration of the municipal real estate taxes for: 2005 through and including 2010 on Map No. 49-07-00-0-066, the Murrysville Community Park acreage; and 2019 and all future years for Map No. 49-11-10-0-048, the roadways in Serenity Pointe plan of lots. Mr. Dice seconded.

Mr. Morrison stated that this is for two properties. One is the original Cline homestead that is now part of the Community Park. There was an exemption on the property but there was never exoneration for taxes levied between 2005 and 2010. The second is that when Serenity Pointe was built, it was under that original tax number and when the lots were recorded, the original tax number was not taken off for the right-of-way for the streets.

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

**COMMUNITY DEVELOPMENT:** None

**ENGINEERING:**

**15.A.** Consider reduction of the sequestered fund amount being held for the required improvements at the Bella Molise Development

Mrs. Lee Kornis made a motion to reduce the sequestered fund amount being held for the required improvements at the Bella Molise Development from \$284,159.23 to \$265,030.56. Mr. Kase seconded.

Mr. Morrison stated that the reduction is for sequestered funds on storm management work that has been done at the site, inspected and accepted by the Municipal Engineer.

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



**PUBLIC WORKS AND PARKS:** None

**OLD BUSINESS:** Mr. Morrison stated that in regards to the recycling sticker issue, Republic feels this is their next best idea to put a sticker on the recycle bin alerting the property owner on what is to be recycled and what is not. Their trash will not be picked up if it is contaminated and will be picked up in two weeks. Mr. Morrison stated that he really doesn't like that idea of not picking up the recyclables, but doesn't know what else to do to reach the residents.

Mr. Lorenz stated that he feels that people are creatures of habit and was trained one way and now that has changed. He appreciates the problem and the concern, but is hopeful that Republic understands that things just don't change overnight.

Mr. Morrison suggested to maybe having Republic place the stickers, but still take the recyclables for a period of time, possibly 90 days.

**Joan Kearns**, 4997 Longview Court: Ms. Kearns suggested that as an alternative, wouldn't it make better sense to have Republic create a sticker that can go on top or inside the lid of the recycle can that states NO GLASS, NO PLASTIC BAGS or list what can and cannot be recycled. Maybe send a sticker out in the billing or a separate mailing to each resident, preferably in a florescent color. Ms. Kearns stated that then the Municipality can look for a place that will recycle glass.

Mr. Morrison noted that there is a place in Greensburg that takes glass. The information is on the Murrysville website. The place is Bradish Glass Company located off Route 119 at 24 Rainbow Drive, which is open 24/7.

Mr. Kase stated that there should be a time limit set to put the sticker on the can and make the adjustment before Republic decides NOT to pick up the recycle bin or other consequences, like rate increases.

Mr. Morrison indicated that he will contact Republic this week.

In other Old Business, Mr. Morrison noted that it will probably take until July to get grass to grow at the MCP new playground and splash-pad and asked if Council would like to open the park before July. There will be paved pathways. Mr. Lorenz suggested putting tape or temporary fencing up until the grass grows. Ms. Greene stated that tape and caution signs have been put up several times, but were taken down and removed and thrown on the ground. Mr. Morrison stated that the park is done close enough to open it. The question is whether to open the park with or without grass. It will take a solid two weeks to get grass to grow. After a brief discussion, Council decided to have the grand opening for the MCP playground and splash-pad on Saturday June 29<sup>th</sup> at 11:00 a.m. weather permitting.

**NEW BUSINESS:** None

**EXECUTIVE SESSION:** None

**ACTION ITEMS:** Mr. Lorenz directed Mr. Morrison to send letters to those candidates that were not chosen for the Parks and Recreation Foundation, thanking them and encouraging them to continue to be involved and to apply for other positions as well.

Mr. Morrison noted that there is still a position open on the Zoning Hearing Board.

**ADJOURNMENT:** Mr. Kase moved to adjourn the meeting. Mr. Dice seconded. All present voted aye. Motion approved. The meeting was adjourned at 8:40 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.*