

Council of the Municipality of Murrysville held a Regular Voting Meeting on Wednesday, July 10, 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, Josh Lorenz, Tony Spadaro, Carl Stepanovich, and Mayor Synan. Also present were Chief Administrator, James Morrison, and Solicitor, George Kotjarapoglus.

A PUBLIC HEARING CONCERNING A PROPOSED GETGO DEVELOPMENT, CU-2-19, TO INCLUDE THE DEVELOPMENT AND CONSTRUCTION OF A 4,900 SF CONVENIENCE STORE, FUELING FACILITY, CAR WASH AND PARKING LOT LOCATED AT 4806 OLD WILLIAM PENN HIGHWAY, B-ZONING

A Public Hearing was held at 7:00 p.m. for a proposed GetGo development located at 4806 Old William Penn Highway.

Mr. Joe Cortez, on behalf of Giant Eagle, presented several drawings on the revised, changed plans in connection with the proposed conditional use for the GetGo development. The size of the convenience store has been reduced; the number of fuel stations was reduced from eight to six; a lot of the signage has been eliminated; and the car wash has been eliminated. Pursuant to the zoning ordinance, a gas station/convenience store is permitted subject to four conditions and the client satisfies all of the conditions. Mr. Cortez explained the ingress and egress from and onto Route 22 and Old William Penn Highway. There is also a shared driveway in between the Auto Zone. Staff recommended the elimination of the car wash. The client accepted this condition which will provide more clearance for vehicles to get in and out, particularly larger vehicles as they exit back onto Route 22. The proposed plan has been reviewed and recommended for approval by both the Planning Commission and Environmental Advisory Board with conditions that have been met by the applicant.

Mr. Kase asked if, by eliminating the car wash, would that change any of the footprints of the plans. Mr. Cortez answered no, that the car wash area will be an open parking area. Mr. Kase then asked about the signage and if the sign on the building noted on the drawing was going to be the only sign. Mr. Cortez answered yes. Mr. Ben Landin of Lennon, Smith, Souleret Engineering, pointed out on the drawing where there will be a fuel pricing sign on Route 22, but that sign will be another submittal package which will be prepared before installation.

Joan Kerns, 4997 Longview Court: Mrs. Kerns stated that, as one who has sat through two comprehensive plan discussions during her tenure on Council, she is well aware of the concerns that have always been raised with regard to congestion on Old Route 22, specifically because it is still residential in portions of it and commercial in the middle. Although this plan is improving, she still sees massive vehicle congestion from approaching cars on Route 22, on Old Route 22, coming out of Giant Eagle, and coming out of Walnut Plaza. This is basically an accident site waiting to happen. Before Council makes a decision, take some time and sit at Walnut Plaza; sit at Giant Eagle; sit at other GetGo locations and observe the craziness that goes on in this type of facility. Be cognizant of the impact this application will have on the traveling public whether it be Murrysville residents or other residents passing through.

Mr. Spadaro noted that there are a lot of places in Murrysville that are congested and we seem to live with it. The Blue Spruce area is one. The donut shop is a complete disaster which backs up Route 22. This site plan seems like it is more organized than what we already have.

Mr. Stepanovich asked if, when leaving the GetGo onto Old William Penn Highway on the west entrance /exit, you can make a left hand turn to go west. Mr. Cortez answered yes.

Mrs. Lee Kornis moved to close the public hearing. Mr. Stepanovich seconded. All present voted aye. Motion approved. The public hearing was closed at 7:25 p.m.

REGULAR VOTING MEETING AGENDA

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

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

UNISTED AMENDMENTS: Mr. Morrison stated that there was an amendment to the agenda. Added to the agenda will be 13.C. The Marquis Place tax assessment appeal approval.

Mr. Stepanovich moved to approve the agenda as amended. Mr. Dice seconded. All present voted aye. Motion approved.

CONSENT CALENDAR ITEMS

- A. June 19, 2019 Council Meeting Minutes

Mrs. Lee Kornis moved to approve the consent calendar item. Mr. Kase seconded. All present voted aye. Motion approved.

MAYOR'S COMMENTS: None

CHIEF ADMINISTRATOR'S COMMENTS: Mr. Morrison stated that staff has been working with Pennsylvania Environmental Council to put together a glass recycling program. They prematurely advertised a pick-up for this weekend, which will not occur this weekend, and would appreciate that being mentioned in the Penn-Franklin News. Staff is working towards an October date and if it works out, the Municipality will hopefully have this at least semi-annually. The Municipality is proposing to put bins in the parking lot above Veteran's Field. The glass recycling program will be advertised once a firm date is set.

The bike trail is on target to be opened on August 17th in conjunction with Export's Ethnic Days. As inviting and complete as it looks, the bike trail is NOT open yet and should not be used.

The opening of playground and splash pad was held June 29th and has had high attendance. Staff is still working out some of the kinks and will be meeting with the supplier of the splash pad on Monday to discuss some programming of the features.

At July 24th meeting, Council will be getting their pictures taken for their new access IDs.

COMMUNITY INPUT: Mr. Lorenz stated that this is the opportunity for the Murrysville community to speak to Council about anything they'd like to talk about, as long as it is three minutes or less.

Dick Kearns, 4997 Longview Court: Mr. Kearns stated that he wanted to address the COA, Consent Order Agreement, from PA DEP concerning sewage, which is going to be discussed later on the agenda. There is a Consent Order Agreement because the system is old, it leaks, and has not been maintained over the years. Mr. Kearns stated that his concern is that FTMSA is going to authorize more EDUs, more taps to be put into the system. When you put more effluent into a leaking pipe, you increase the concentration of the effluent that's already in that pipe. When it leaks, which it normally does under a rain situation, more concentrated effluent comes out of the pipe and into the environment. Who is going to call the shots on where EDUs or where taps are going to be replaced into the system that are going to be allowed by DEP? This is a concern to everyone on how it's going to be addressed in the COA.

Tom Moser, 4301 Bulltown Road: Mr. Moser stated that he was here to talk about the same thing as Mr. Kearns and agrees with his statements. How is remediation going to get done by FTMSA? FTMSA is measuring flow or leakage from homes, looking at downspouts or any intrusion of roots, and they are inspecting manhole covers. These are good things to do, but they have no plan. Mr. Moser stated that his recommendation is that FTMSA measure the different segments and identify where the major flows are coming from and then focus their money and resources on those high priority areas first. If not, then the cost is pushed back to the home owners to fix very minor problems and issues, when some of the major issues may be manholes that are having problems or having problems with their own piping. The correction issues now have 60 days to get repaired. In a lot of cases, that is very high stress on people and very costly. They need longer times to have to fix their issues and some can't afford the cost to fix them. The cost is between \$5,000 and \$30,000 to fix a single house. What type of financial support can the government provide to some of these homeowners who don't have the money to fix their systems?

LIAISON COMMENTS AND COMMITTEE REPORTS:

Ms. Brockway: Murrysville Community Library has had a busy summer promoting reading literacy and learning within the community. Over 700 children are registered with Summer Reading and have been attending programs covering all types of subjects including snakes, bugs, computer coding, and the importance of honey bees, just to name a few. The Wednesday night Café series continues with authors and entertainers for another three weeks.

Mr. Dice: FTMSA had their audit done by Zelenkofske Axelrod and everything seemed to be in order. There was some discussion in regards to the Heather Highlands area. It appears there had been some pipes that had gone in at missed angles, which could be part of the reason why some of the home owners had experienced issues. People from Pucketa Creek attended the meeting once again. Council will be voting on the Resolution tonight to give Washington Township condemnation rights. FTMSA did some rebranding with new logos on their trucks and employee uniforms. FTMSA is inspecting lines and mapping manholes.

FTMSA had a special meeting tonight to pass the DEP COA that Council will be voting on this evening. The COA stipulates that the FTMSA has to do flow monitoring and GIS mapping of the system. The true problem area will be addressed immediately, within a year. There is the plan of attack in the COA.

Mrs. Lee Korn: There is no new report from the Pension Board.

Mr. Kase: Murrysville Medic One meets on July 18.

Mr. Stepanovich: The Environmental Advisory Committee met on June 25. The Magnolia Farms development was discussed. The next meeting for the committee is July 30. The Parks and Recreation Committee met yesterday. Trevor McClay, an Eagle Scout, was given the OK to build two 12-foot covered tables to be placed near the playground and splash pad area. The Magnolia Farms development was discussed and it was agreed to accept a fee-in-lieu of property. The Murrysville Community Park is going very well, in particular the splash pad and playground. The hours for the splash pad are Noon – 7:00 p.m., seven days a week. The Farmer’s Market is going well. Tuesdays at Townsend is also going very well. Star Gazing will be on Sunday, July 28; you must pre-register. Stewart ship for Duff Park is being established. The next meeting is Tuesday, August 13.

Mr. Spadaro: There was no Planning Commission meeting last night.

WORKSHOP ITEMS

ADMINISTRATION:

9.A. A discussion concerning Resolution No. 704-19, a resolution authorizing the Municipal Authority of Washington Township to exercise its power of eminent domain to acquire rights-of-way and easements within the Municipality of Murrysville, Westmoreland County, Pennsylvania

Mr. Morrison noted that the Pennsylvania Eminent Domain Code requires a neighboring community to have consent via resolution of the municipality in order to acquire rights-of-way to proceed with construction to service these properties.

Mr. Bob Mitall, FTMSA Board Member, stated that the Municipality of Murrysville and Washington Township have been negotiating to provide sanitary sewage facilities to properties along Pucketa Creek for several years. Washington Township needs to run a line from their interceptor to Murrysville’s side of the creek. The center of the creek is the dividing line between the Municipalities. Typically what is done in these circumstances is that the municipality condemns the property and then negotiates agreements with the individual property owners. Eminent domain often expedites the process. What Council would be authorizing is for Washington Township to condemn a very small piece of plan in Murrysville so that they can run their lateral across the creek and then Washington Township Authority will own and maintain that section.

Mr. Wes Long, Solicitor for the Franklin Township Municipal Sanitary Authority and also the Solicitor for Washington Township and the Municipal Authority of Washington Township, stated that it is their intention to approach all of the property owners, individually, one at a time, and discuss the benefits of public

sewage, the benefits of their granting a right-of-way in favor of the Municipal Authority of Washington Township, but the necessity of utilizing eminent domain. As always, not everyone will agree and it will therefore be necessary to condemn the necessary properties to acquire the easements to construct the infrastructure. There will be about 20 homes in that area that will be serviced and construction needs to be done all at once. So many of those residents are suffering because their sewer systems are failing. It was either going to be FTMSA doing the construction and Washington Township would have to give the consent to eminent domain or Washington Township would do the construction and Murrysville would give the consent to utilize their eminent domain. It was decided that since it is the Washington Township main trunk line that these properties are going to be tapping in to, that it was more efficient that Washington Township undertake the construction and acquisition of the necessary rights-of-ways.

Ms. Brockway asked about the timeline for talking to the people. Mr. Long stated that their intention is that all of the right-of-way and easement drawings need prepared by the engineering company. Then every one of the property owners will be invited by letter to come in and talk about their situation and execute their right-of-way. If they don't want to talk about executing a voluntary easement of rights-of-way, then there is no other option but to use eminent domain. The property owners have the right to compensation.

Mr. Kase stated that he was concerned about giving up any rights or control to the areas involved in the eminent domain to Washington Township. Mr. Mitall noted that this is a very small piece of ground in Murrysville which involves only 20 residents. This is just to get under the creek to get to the other side.

Mr. Lorenz noted that eminent domain is not taking away their houses or the actual property itself. This is more of an easement through the property for the sole purpose of putting the sewage line though. Washington Township will come in, construct the sewer line, and will put the ground back just as it was before. Mr. Long also noted that a majority of the properties where the right-of-way and easements will be placed are unbuildable, unusable property.

9.B. A discussion concerning Resolution No. 705-19, a resolution of the Municipality of Murrysville, Westmoreland County, Pennsylvania authorizing the Municipality of Murrysville to enter into that Consent Order and Agreement by and between the Commonwealth of Pennsylvania, Department of Environmental protection ("DEP"), Franklin Township Municipal Sanitary Authority ("FTMSA"), Borough of Export ("Export"), Borough of Delmont ("Delmont"), Salem Township ("Salem"), Penn Township Sewage Authority ("PTSA"), Monroeville Municipal Authority ("MMA"), and the Municipality of Monroeville ("Monroeville")

Mr. Mitall stated that this has been a process over several months which involved multiple entities. Murrysville, FTMSA and the other contributing entities began negotiations with the DEP on a consent order to correct the many problems which have led to a tap ban into the sanitary sewer system. The original framework that the DEP provided is intact. The final draft is now ready to send to the DEP. The FTMSA passed a resolution this evening and is anxious to get this started. FTMSA is requesting that the Municipality approve the COA as well. Mr. Long noted that there was a subsequent resolution that was negotiated between Mr. Kotjarapoglus, himself, and Mr. Lorenz regarding indemnification to hold harmless arrangements between the Municipality of Murrysville and the FTMSA. FTMSA this evening also passed that resolution. Mr. Mitall stated that, as a new Board Member, he wanted to express his appreciation for Mr. Long's efforts.

Mr. Lorenz stated that he wanted to thank the FTMSA and the Board that has been in place since January for the work they have done thus far. There has been a lot of progress and they are definitely moving in the right direction. Mr. Lorenz suggested that they come back in a month or two to report on where we are and how things are going so that people understand that things are being done and getting accomplished. Mr. Long stated that he would be glad to do that.

ENGINEERING:

10.A. A discussion on the award of a contract to Russell Standard Corporation for DPW-3-19 2019 Road Surface Treatment not to exceed \$110,000.00

Mr. Morrison stated that staff was looking for some alternatives to the overlay program and had identified Haymaker Farm Road as a potential road to be included to receive this treatment. Staff would like to propose changing that road from Haymaker Farm Road to Wiestertown Road; the reason being that there was some money saved within the overlay program and Haymaker Farm Road has further deteriorated and may not be a fair test for the treatment that is being proposed. Two bids were received and Russell Standard was the low bid.

COMMUNITY DEVELOPMENT:

11.A. A discussion concerning a proposed GetGo development, SP-2-19 and CU-2-19, to include the development and construction of a 4,900 SF convenience store, fueling facility, car wash and parking lot located at 4806 Old William Penn Highway, B zoning

Mr. Morrison stated that as presented in the Public Hearing, this is a major land development and conditional use application which involves the construction of a 4,900 SF convenience store, fueling facility, car wash, and parking lot. There are recommended conditions included in the briefing. This has been reviewed by both the Planning Commission and the Environmental Advisory Board. The site plan and traffic plan were presented during the Public Hearing. Staff had made a recommendation to eliminate the car wash and the applicant has agreed to that condition. The fueling station was reduced from eight pumps to six pumps.

Mrs. Lee Korn's questioned the condition that eliminates the car wash which added that the radius on the western access point should be flattened out. Mr. Morrison stated that originally the plan was showing trucks turning and exiting onto Route 22 west. If the deliveries were also heading west, the radius needed to be flattened. As indicated tonight by the application, all traffic is going to exit onto Old William Penn to Cline Hollow Road to head west.

Mrs. Lee Korn's asked that Mr. Morrison speak a little more about the traffic consultant supporting the waiver of the left turning lane on Old William Penn Highway. Mr. Morrison stated that there was a deterioration of time to get through the Cline Hollow intersection which reduces the level of service of the intersection. This could warrant a left hand lane into the site, but since other left hand turn lanes have not been proposed for any of the other developments along Old William Penn, the consultant believed the waiver should be supported on that. Mrs. Lee Korn's noted that this may not have been warranted before with one business or another business, but adding yet another business makes for a hard time turning onto

Cline Hollow Road which gets backed up pretty badly. Mr. Morrison noted that this would be a left hand turn lane into the site prior to Cline Hollow.

Josh Haydo of David Wooster & Associates, Traffic Engineer, stated that the left turn lane is not warranted at the intersection of the 4-way stop at Cline Hollow Road. This would be for the newly proposed site access all the way to the west on Old William Penn Highway. Mr. Haydo pointed out on the drawings where the access to the site and warranted turning lane would be located if there was a safety concern.

Mr. Cortez stated that the land development plan did not require any waivers and it is consistent with the land development ordinance. As early as tomorrow, they will be prepared to submit a new plan with the elimination of the car wash and adding the fuel sign.

PUBLIC WORKS AND PARKS: None

COUNCIL ACTION ITEMS

ADMINISTRATION:

13.A. Consider approval of Resolution No. 704-19, a resolution authorizing the Municipal Authority of Washington Township (MAWT) to exercise its power of eminent domain to acquire rights-of-way and easements within the Municipality of Murrysville, Westmoreland County, Pennsylvania

Mrs. Lee Kornis made a motion to approve Resolution No. 704-19, granting the Municipal Authority of Washington Township (MAWT) the authority to exercise eminent domain proceedings, if necessary, on properties wholly or partially located in Murrysville. Ms. Brockway seconded.

Mr. Lorenz stated that this was discussed earlier and Council understands what the issues are.

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

13.B. Consider approval of Resolution No. 705-19, a resolution of the Municipality of Murrysville, Westmoreland County, Pennsylvania authorizing the Municipality of Murrysville to enter into that Consent Order and Agreement by and between the Commonwealth of Pennsylvania, Department of Environmental Protection (“DEP”), Franklin Township Municipal Sanitary Authority (“FTMSA”), Borough of Export (“Export”), Borough of Delmont (“Delmont”), Salem Township (“Salem”), Penn Township Sewage Authority (“PTSA”), Monroeville Municipal Authority (“MMA”), and the Municipality of Monroeville (“Monroeville”)

Mr. Dice made a motion to approve Resolution No. 705-19, a resolution of the Municipality of Murrysville, authorizing the Municipality of Murrysville to enter into that Consent Order and Agreement by and between the Commonwealth of Pennsylvania, Department of Environmental Protection, Franklin Township Municipal Sanitary Authority, Borough of Export, Borough of Delmont, Salem Township, Penn Township

Sewage Authority, Monroeville Municipal Authority, and the Municipality of Monroeville. Mrs. Lee Korn seconded.

Mr. Lorenz stated that this is a formal recognition of the Consent Order and Agreement which authorizes the Municipality to enter into that Consent Order and Agreement. The Borough of Export met last night and already entered into this; FTMSA met earlier this evening and they signed off on it; and the other Municipalities have indicated that they are agreeable on this. Murrysville, as one of the municipalities impacted by this, needs to sign off on the Consent Order and Agreement.

Mr. Long noted that in the resolution, Penn Township is also going to be a signatory to the agreement, but was not indicated on the agenda or the motion. An amended motion may be in order for the records.

Mr. Dice made a motion to amend his motion to include Penn Township as a signatory in Resolution No. 705-19. Mrs. Lee Korn seconded. All present voted aye. Motion to amend was approved.

Upon a roll call vote on the original motion as amended: Mr. Lorenz – yes, Ms. Brockway – yes, Mr. Kase – yes, Mr. Spadaro – yes, Mr. Stepanovich – yes, Mr. Dice – yes, and Mrs. Lee Korn – yes. Motion approved.

13.C. The Marquis Place Tax Assessment Appeal Approval

Mr. Dice made a motion to approve the Marquis settlement stipulation. Ms. Brockway seconded.

Mr. Kotjarapoglus explained that this settlement was previously approved by Council which contemplated that the 2019 taxes would be reflected upon the settlement. The property owner paid his tax bill which, because of a delay in getting the appeal to the County, he now has over paid his taxes at the higher assessment which was utilized. This is being brought back to Council to allow a refund of the excess tax that he paid both by Murrysville and by the County.

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

COMMUNITY DEVELOPMENT: None

ENGINEERING:

15.A. Consider the award of a contract to Russell Standard Corporation for DPW-3-19-2019, Road Surface Treatment, not to exceed \$110,000.00

Mrs. Lee Korn made a motion to approve the award of a contract to Russell Standard Corporation for DPW-3-19, 2019 Road Surface Treatment, not to exceed \$110,000.00. Mr. Stepanovich seconded.

Mr. Lorenz noted that this was discussed during the workshop.

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

PUBLIC WORKS AND PARKS: None

OLD BUSINESS: None

NEW BUSINESS: None

EXECUTIVE SESSION: None

ACTION ITEMS: None

ADJOURNMENT: Mr. Lorenz adjourned the regular voting meeting at 8:20 p.m.

**PUBLIC HEARING FOR CU-1-18 CONDITIONAL USE AND CU-2-18
MAJOR EXCAVATION FOR CONSTRUCTION AND OPERATION OF
THE TITAN WELL PAD, 6189 BOLLINGER ROAD**

A Public Hearing was held at 8:21 p.m. for CU-1-18 Conditional Use and CU-2-18 Major Excavation for construction and operation of the Titan Well Pad, located at 6189 Bollinger Road.

Stenographer, Ms. Frost, recorded the proceedings.

The Public Hearing closed at 10:15 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.