

Council of the Municipality of Murrysville held a Regular Voting Meeting on Wednesday, July 19, 2023, at 7:00 p.m. in the Municipal Building. Present at the meeting were Council members Dayne Dice, Jamie Lee Korn, Jason Lemak, Jamie Lingg, Tony Spadaro, Carl Stepanovich, and Mayor Synan. Also present were Community Development Director, James Morrison, Director of Finance, Jacie Milchak, and Solicitor, Wes Long. Chief Administrator, Michael Nestico and Council members Jamie Lingg and Mac McKenna were absent.

PUBLIC HEARING
TO TAKE COMMENT REGARDING ORDINANCE #1075-23, AN
ORDINANCE AMENDING CODE CHAPTER 220-31 ADDING
SUBSECTION EE INJECTION WELL TO THE ZONING ORDINANCE

A Public Hearing was held at 7:00 p.m. for comments regarding Ordinance No. 1075-23, an ordinance amending Code Chapter 220-31, adding subsection EE Injection Well to the Zoning Ordinance. A stenographer was present to record the hearing.

Mr. Morrison gave a brief introduction. Since we are under the Pennsylvania Municipalities Planning Code, we have to provide for the use within our boundaries. This draft proposes to regulate injector wells within the Municipality of Murrysville as a conditional use in a B-District on lots of a minimum of 5 acres, frontage on or direct vehicular access to an arterial road, and that the bore hole not be any closer than 250 feet from the boundary line of the property and 750 feet from a protected structure, which is defined in the ordinance. This particular use is a constant activity with trucks coming in and out on a regular basis. The ordinance is hopefully comprehensive enough to protect the community as we move forward. More likely, we would hope that it never happens. Mr. Morrison stated that he received comments from two individuals (Kevin & Judy White and Stephen Parker) that asked that their comments be submitted into the record. Council and the Mayor were provided copies along with the court reporter.

Tom Pike, 3806 Greensburg Pike, spoke on behalf of Protect PT. Tonight Council is considering passing a long overdue ordinance that would limit where corporations can inject fracking wastewater. Murrysville has changed since he grew up here as a kid. His parents' water, which came from the tap sourced from Beaver Run Reservoir, now has to be filtered. The proposed injection well ordinance would be a step in the right direction. It would require that industrial activity take place in places zoned for business, which is exactly where it belongs. It would require that wastewater injection not take place close to homes, schools, and daycares. It would not ban fracking waste injector wells, because that would be illegal, but it prevents the backyard where your children play from becoming an underground industrial landfill.

There are also some ways that the ordinance can be improved. We recommend requiring operators to carry \$25 million in liability insurance. It is standard practice in the drilling industry to abandon oil and gas wells when they are no longer profitable. Murrysville could require that drilling corporations set aside bonds to pay for the wells to be plugged when they are done. We recommend setting a \$25 million dollar

bond. These would be common sense additions to an already good ordinance. There is a possible type-o. It appears that in the setback section of the ordinance, the words “away from” appear to be missing.

Alan Helpren’s comments were read by Mr. Pike, as Mr. Helpren was unable to attend asking that the issue of induced seismicity in earthquake caused by injection wells should be raised. These are not large quakes but are generally in the 1-3 magnitude which is enough to cause cracks and minor structural damage.

Mark Emerson, 4600 School Road South has some questions regarding location of where the injection well would be placed. The Ordinance indicates Zone B. Does that include business overlay? Mr. Morrison answered that any underlying zoning identified as a B-District would include that. Mr. Emerson asked if the size location or the 750-foot offset can’t be identified on the current zoning map, would there be a consideration to rezone a non-B Zone to become a B Zone in order to meet the requirements or the ordinance. Mr. Morrison answered no.

Mr. Dice stated that the points about insurance and bonding are good and maybe something to look into. Hearing no further questions or comments from Council or the audience, Mr. Spadaro made a motion to close the Public Hearing. Dr. Lee Kornes seconded. All those present voted aye. Motion approved. The Public Hearing was closed at 7:12 p.m.

REGULAR VOTING MEETING AGENDA

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

PLEDGE OF ALLEGIANCE: Council President, Dayne Dice led the audience in the Pledge of Allegiance.

UNISTED AMENDMENTS: None

CONSENT CALENDAR ITEMS:

- A. Approval of July 5, 2023 Council Meeting Minutes
- B. Accounts Payable
- C. Cash Investments and Transfers

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

MAYOR’S COMMENTS:

Mayor Synan noted that one of Murrysville’s residents Joe Hnath will be singing the National Anthem on July 30th at the Pittsburgh Pirate game at PNC Park. He also sings for a group called Band Together for Autism.

Tuesdays at Townsend will be July 25th with live entertainment by Detention from 6:30 – 8:00 p.m. Food and beverages will be available from Earth, Wheel & Fire, which is Wood Fired Pizza and Yellow Bridge Brewing. Townsend Park is located at 130 Townsend Park Court. Any cancellations will be posted on Facebook and our website www.murrysvilleparecreation.com.

Murrysville Farmer's Market is Thursdays 3:00 p.m. – 7:00 p.m. thru September at the Murrysville Fire Department parking lot, 3235 Sardis Road. If you have any questions call 724-327-2100 ext. 131 or 115. There will be customer appreciation days throughout the season.

Summer Paving Program – Delays Possible: Everyone gets upset, but we have no choice but to repair the roads in the summertime. There are delays. Please be patient with crews during construction.

CHIEF ADMINISTRATOR'S COMMENTS: Mr. Morrison stated that the Municipality received a dividend from our MRM General Liability Program in the amount of \$2,200.

COMMUNITY INPUT:

Richard Cromer, Attorney, spoke on behalf of clients at 4115 Castalina Court. They have heard some discussion of a cell phone tower going in Townsend Park. He has spoken to Mr. Nestico several times and to Joe Cortez of Verizon. He wanted to make sure that his client's thoughts about it are clear that they do not want the tower in their backyard. He heard discussion about the tower being on a pad beside the baseball field, which is his client's backyard. They don't want to look at this thing every day. They are asking Council to consider them and the two little girls that live in that house. The park is your land and hope that you have them put the tower up the hill and not next to the residence. Mr. Dice noted that there will be a meeting coming up on August 2nd and it will be on the agenda for discussion.

Joyce Perhac, 4102 Castalina Court: Stated that she just wanted to inquire on if there was any progress on the gate issue between Castalina and Townsend Park. Mr. Morrison stated that he knows there have been some discussions and research done, but Mr. Nestico would have to answer that when he gets back from vacation.

LIASONS COMMENTS AND COMMITTEE REPORTS:

Dr. Lee Korns: Nothing to report from Pension.

Mr. Spadaro: Medic One meets next week.

Mr. Stepanovich: The Planning Commission met last week. It was an advisory meeting held on behalf of Eat 'N Park Restaurant. They are looking to expand their facility to 1,412 feet which will also include a walk-in freezer. They will be losing 3 parking spaces. There will be no ordering at the window. It will be for pickup and paying. The expansion will be on the right-hand side looking at it from Route 22. There will be steps leading to the plaza where the Dogs & Suds Restaurant is.

Mr. Lemak: The Library meets tomorrow evening.

Mr. Dice: FTMSA meets tomorrow at 6:00 p.m.

WORKSHOP ITEMS

ADMINISTRATION:

9.A. Discussion on Westmoreland County Time Capsule Request

Mr. Morrison read a letter received from the Westmoreland County's 250 Anniversary Committee. As part of their 250th Anniversary, they are burying a time capsule in their new courtyard. They ask Murrysville, as a valued community leader, to consider donating an item for the time capsule. The item can be a lapel pin, photo of your downtown, or any item that you feel captures the essence of the present. Thank you for your commitment to the residents of Westmoreland County and we look forward to working with you to build the next 250 years.

Mr. Morrison suggested putting something in the Penn Franklin News to get comments from the residents. Dr. Lee Korn suggested a photo of the tree sign. Mr. Dice stated that we will proceed with the Penn Franklin and any suggestions that Council has to offer.

ENGINEERING: None

COMMUNITY DEVELOPMENT: None

PUBLIC WORKS AND PARKS: None

COUNCIL ACTION ITEMS

ADMINISTRATION:

13.A. Authorize staff to advertise for a Public Hearing for the 2024-2028 Capital Improvements Program on August 2, 2023, at 7:00 P.M. with a workshop immediately following.

Mr. Lemak made a motion to authorize staff to advertise for a Public Hearing for the 2024-2028 Capital Improvements Program on August 2, 2023, at 7:00 P.M. with a workshop immediately following. Dr. Lee Korn seconded.

Director of Finance, Jacie Milchak, stated that this is done yearly. Council will get a copy of the CIP on August 1st. It will then be available to the public. There will be a meeting and then a Public Hearing. Tonight is just to get it advertised.

All those present voted aye. Motion approved.

13.B. Authorize a general fund allocation of \$8,500 to the 2023 Concert in the Park event.

Dr. Lee Korn made a motion to approve authorization for a general fund allocation of \$8,500 to the 2023 Concert in the Park event. Mr. Lemak seconded.

Mr. Morrison noted that the \$8,500 is covering an increase in the costs of the stage rental and the increase in the cost of fireworks. There were approximately 140 solicitations at the beginning of the year to local

businesses to try to raise funds for the project. We got about a \$4,000 from about 8 responses from local businesses. This amount represents the shortfall between raising those funds and the rental of the stage.

Mr. Stepanovich stated that if every one of the 140 solicitation letters would have donated \$12 it would have covered that cost. Why is there such a poor response? Ms. Milchak answered that about three years ago before COVID hit, we were more successful in raising the funds. Sometimes closer to the concert or even at the concert, we are able to raise more funds. Mr. Morrison stated that this is a matter that Council needs to address as part of the budgeting process. This event is getting upwards to \$25-\$30,000 a year.

Mr. Dice asked if any type of banner or thanks is given to individuals who do donate? Mr. Morrison stated that the ones that donate do get banners the day of the event that are along the stage and entrance to the facility. They are recognized. Dr. Lee Kornis suggested that we can thank them on Channel 21 also.

Mayor Synan noted that a lot of these businesses are asked for money by other groups throughout the year. Dr. Lee Kornis asked what the approximate attendance is every year. Mr. Morrison answered about 3,000-4,000. Hopefully our stage will be in place next year and will save us about \$8,000. However, the band costs increase every year along with the fireworks. We do charge the vendors a fee.

Mayor Synan stated that we need to remember that our fireworks are about 50% of the cost of a normal fireworks display because we have volunteers for setting them off and don't pay a fireworks company to put them off. Mr. Yant and his crew do that.

All those present voted aye. Motion approved.

COMMUNITY DEVELOPMENT:

14.A. Advertise Ordinance No. 1075-23, an ordinance of the Municipality of Murrysville amending Chapter 220-31 – Standards for Specific Uses, adding subsection EE Injection Well to the Code of the Municipality of Murrysville.

Dr. Lee Kornis made a motion to approve advertisement of Ordinance No. 1075-23, an ordinance of the Municipality of Murrysville amending Chapter 220-31 – Standards for Specific Uses, adding subsection EE Injection Well to the Code of the Municipality of Murrysville. Mr. Spadaro seconded.

Mr. Dice noted that some good points were made about insurance and bonding, and we should look into this for the final ordinance. That doesn't affect the advertisement of the ordinance.

All those present voted aye. Motion approved.

14.B. Advertise Ordinance No. 1076-23, an ordinance adding Chapter 219 to the Code of the Municipality of Murrysville to regulate short term rental units within the municipality and establish penalties for violations.

Mr. Lemak made a motion to approve advertisement of Ordinance No. 1076-23, an ordinance adding Chapter 219 to the Code of the Municipality of Murrysville to regulate short term rental units within the Municipality and establish penalties for violations. Dr. Lee Kornis seconded.

All those present voted aye. Motion approved.

ENGINEERING: None

PUBLIC WORKS AND PARKS:

16.A. Approval of the contract with Kellner’s Fireworks, Inc. to purchase and exhibit fireworks for the 2023 Murrysville Concert in the Park event on August 12, 2023.

Dr. Lee Korn made a motion to approve the contract with Kellner’s Fireworks, Inc. to purchase and exhibit fireworks for the 2023 Murrysville Concert in the Park event on August 12, 2023. Mr. Stepanovich seconded.

All those present voted aye. Motion approved.

OLD BUSINESS: Mr. Stepanovich asked what the status of the amphitheater was. Mr. Morrison stated that we are waiting for DEP and NPDES permits.

NEW BUSINESS: None

EXECUTIVE SESSION: None

ACTION ITEMS: None

ADJOURNMENT: Mr. Stepanovich made a motion to adjourn the meeting. Dr. Lee Korn seconded. All those present voted aye. The meeting was adjourned at 7:40 p.m.

The Regular Voting Meeting and Public Hearing were 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.