

Council of the Municipality of Murrysville held a Regular Voting Meeting on Wednesday, August 21, 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, and Carl Stepanovich. Also present were Chief Administrator, James Morrison, Director of Finance, Diane Heming, and Solicitor, George Kotjarapoglus. Mayor Synan was absent.

**REGULAR VOTING MEETING  
AGENDA**

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

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

**UNLISTED AMENDMENTS:** Mr. Lorenz noted that there were a few unlisted amendments to add to the agenda. Under Administration, add Item 13.D. A motion to rescind Resolution No. 703-19, proposing the development of a parcel of land identified as the Bel-Aire Pump Station elimination. Under Administration, add item 13.E. Consideration of a motion to approve Resolution No. 710-19, a resolution proposing the development of a parcel of land identified as the Bel-Aire Pump Station elimination.

Mrs. Lee Korn moved to approve the agenda as amended. Ms. Brockway seconded. All present voted aye. Motion approved.

**CONSENT CALENDAR ITEMS**

- A. Accounts Payable
- B. Cash Investments and Transfers
- C. August 7, 2019 Council Meeting Minutes

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

**MAYOR'S COMMENTS:** Mr. Morrison, on behalf of Mayor Synan, stated that Tuesdays at Townsend Encore Night will be September 10<sup>th</sup> from 6:00-7:30 p.m. Music will be provided by Doug Edgell and Kelly Bell. Food from "Eat my Port" and beer from New Crescent Brewing will be featured.

Staff would like to thank all of the sponsors and volunteers who were at Concert in the Park. This event keeps getting bigger each year. This year there were 3,500 – 4,000 attendees.

The last day for the Splash Pad will be September 2<sup>nd</sup>. The Splash Pad will be closed down and winterized for the year. Some adjustments had been made and significantly increased the efficiency of the facility. Pressure and flow of the water had been increased by replacing the 1 ½ inch line to a 2 inch line. The bucket will be replaced over the winter because it was damaged.

**CHIEF ADMINISTRATOR’S COMMENTS:** Mr. Morrison noted that Mike Chinchock, truck driver from Public Works, is retiring after 38 years of service. Mike’s last day will be in September.

This past weekend, the ribbon cutting for Heritage Trail, the 9.2 miles of trail from Trafford to Export, was held. A reminder that bicyclists must obey traffic laws on the bike path. You cannot run a stop sign or roll through a stop sign. There have been a number of complaints coming in regarding that. Respect the laws and enjoy the trail.

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

**Joan Kearns, 4997 Longview Court:** Ms. Kearns stated that the first issue in the workshop tonight is a new one for many people in this community. She respectfully asks Council to entertain questions and comments after the presentation is done when a little more is known about it.

**Water Cebulak, 4000 Fredricksburg Court:** Mr. Cebulak stated that his subject is the Sloan Campus Project. All of Murrysville’s approved conditions for the Sloan Campus Project were accepted by the Franklin Regional School District in their signed and witnessed Development Agreement. In court today, Franklin Regional’s counsel challenged two of those conditions. These are regarding adjacent stream water quality and future traffic accommodations. Does Murrysville have a valid Development Agreement from the Franklin Regional School District where they have indeed accepted all of the conditions? Given these continuing challenges, are permits being issued that Franklin Regional School District need to begin construction? Mr. Kotjarapoglus stated that the petition was rejected in court today and this evening Council will be addressing the dirt plan that is going to be submitted and we’ll see what transpires.

**LIAISON COMMENTS AND COMMITTEE REPORTS:**

Mr. Spadaro: The Planning Commission did not meet this week.

Mr. Stepanovich: The Parks and Recreation Committee met last Tuesday. Bill Paiano indicated that when the pavilion roofs are replaced, they will all be metal. Improvements have been made at Bear Hollow. Carly Greene presented the recreation report. The Farmers Market continues to be busy and successful. Tuesday at Townsend Encore will be September 10<sup>th</sup>. There will be a Star Party on September 28<sup>th</sup>. The last Star Party had over 300 attendees. The Concert in the Park was a success. One thing discussed at the meeting was that Medic One was not there. With the volume of people that attend, it would be a good idea to have a presence of Medic One there. The Finance Committee for Parks and Recreation will be making a presentation to Council on November 6<sup>th</sup>. Duff Park is next on the agenda. The Foundation had its second meeting and the bank account is set up.

Mr. Kase: Murrysville Medic One did meet. They are quite an asset to the community. This past month they worked 1,527 ambulance details and over 200 were through the Washington Township station. Medic One did mention that their presence was not requested at the Concert in the Park this year. Their crews did stop up on their own accord. Mr. Morrison stated that he was not sure what happened, but will make sure that their presence is requested next year.

Mrs. Lee Korn: The rescheduled Pension Board meeting has been rescheduled again, but there is not a set date yet. It should be in early September.

Mr. Dice: FTMSA met last week. There were a lot of angry people there regarding the Pucketa Creek tap-in fee, which is around \$18,000. Most of the people want this Pucketa Creek done, they want to install these lines and be able to sell their homes, but they felt blindsided. FTMSA did everything it could to try to help people understand why this is necessary and have scheduled a special meeting on Wednesday, August 28<sup>th</sup> here at the Municipal Building at 7:00 p.m. specifically to go over Pucketa Creek. Their engineering group will be here, along with FTMSA and its solicitor to answer questions and explain the process to the community. The meeting is open to the public. The manhole identification process is complete and repairs will begin. The Bel-Aire Pump Station is no longer necessary and they are looking to eliminate that pump station. All of the signatories have been received for the COA and was sent to DEP.

Ms. Brockway: Murrysville Community Library met on Thursday, August 15<sup>th</sup>. The Library is still gathering final statistics from this year's summer reading program. There were 1,005 children registered for the summer reading program; 390 of the children were "read to me" club members, 615 of the children were "reading rocketeers". The program lasted 9.5 weeks. In addition to Carol Siefken, Youth Services Coordinator, and Alicia Matarazzo, Summer Reading Assistant, 66 volunteers donated 389 hours to the program. Seventy-three programs were scheduled throughout the summer with a total attendance of 3,793 children and 1,268 adults. The Library wanted to mention how grateful they are for the generosity of volunteers, corporate sponsors, donors, and the Municipality for their continued support of the Library. The next board meeting is September 19<sup>th</sup> at 7:00 p.m.

## WORKSHOP ITEMS

### ADMINISTRATION:

#### 9.A. A discussion concerning a traffic plan for the truck movement of excavated materials from the Sloan School Project site on Sardis Road

Mr. Morrison stated that on July 29<sup>th</sup>, the Municipality received a land operations permit application from Advanced Building, Inc., the contractor for the earthwork at the proposed Sloan School project. The application indicated that approximately 17,000 yards of material would be hauled off site. Upon receipt of the land operations application, staff began a review of the original major excavation conditional use application to determine if the applicant indicated at any point material would be hauled off site. The staff's investigation concluded that, at all times during the major excavation conditional use application review process, the applicant represented the major excavation to yield a "balanced site" – meaning there would be no requirement to either move excessive material off site or to import material to the site.

Subsequent investigation of the need to haul material off site produced the following:

The original geotechnical work done for the project, which was used to develop approved grading plan by the School District's engineer, indicated the cut and fill necessary to achieve final grades would balance.

The Municipality approved the major excavation application on October 17, 2018.

On October 22, 2018, a second geotechnical report was published which indicated poor soils existed on the site and those soils were not suitable to support construction of the building. As a result, the soils would have to be removed, mixed with suitable soils or replaced with suitable materials. The estimate, according to the submitted haul plan, is up to 12,000 cubic yards will be moved.

The Developer's Agreement states that any changes in the approval need to be approved by staff and/or Council.

The School District Engineer has submitted a proposed three-mile truck haul route to the fill site at JA Rutter Company in Monroeville which would be: Depart site onto Crowfoot Road towards Sardis, turn left onto Sardis, right onto Route 22, then enter the Municipality of Monroeville.

John Frydrych, Civil & Environmental Consultants, the engineer on record for the Sloan Project, gave a presentation on the history of the project and what has been done to date. Drawings of the bore testing areas and grading plans were also presented. Mr. Frydrych stated that a formal application was made to Murrysville, which included preliminary and final land development plans and three conditional use applications: one for the school use, major excavation, and wetlands, which was officially submitted on November 10, 2017. This included the environmental impact statements, erosion sediment control plans, post construction storm water plans, water course identification reports, and the preliminary geotechnical evaluation reports. The preliminary geotechnical report, which was dated June, 2017, was based on seven test borings spaced throughout the site and contained preliminary evaluations for development of the site, site work activity, earth work, and foundation design. The report further concluded that additional exploration and geotechnical engineering was required. Subsequent geotechnical engineering studies were authorized by the School Board for final design recommendations. The drilling of an additional 120 test borings started in January, 2018. Following approval by Council on October 17, 2018, very detailed information was given in regard to the analysis and investigation based on the 120 test boring that were conducted throughout the campus. The test report, dated November 8, 2018, specifically stated that extremely variable conditions on the baseball field and soccer field areas was likely not compacted when it was developed many years ago. That area was identified as remove, replace, and compact. The report further outlined questionable fills would have to be removed and replaced with properly compacted engineered fills. In 2019, the focus was on the conditions outlined by Council. All standard engineering conditions have been met. Advance Builders was awarded the site work contract at the Sloan Campus and they submitted a Land Operations Permit Application on July 29<sup>th</sup>. The Municipality asked for a plan to address removal of the excess material. Advance Builders identified a site in Monroeville, J.A. Rutter Company, that would accept the excess material and top soil surplus. A haul plan was prepared from Sloan School to Rutter's, with 3.04 miles of Municipal roads that would be bonded. Route time is estimated to be 12–16 minutes. Each truck would make 10-14 trips in an 8 hour day with approximately 13-18 trips in a 10 hour day. A Land Disturbance Permit was issued by the Municipality of Monroeville for delivery of the excess material on the Rutter site.

The sequence of activities for the 24-month period planned is as follows: The completion date is August, 2021. Over the next four months, the initial operation for site work will be the installation of all erosion and sediment control, perimeter control of construction entrances, filter fabrics and sedimentation basins. Work would begin within the physical building footprint to prepare the pad for turnover to the general contractor and to start the two paths for the cafeteria expansion and the administrative and classroom wing. Currently, the only work that has been done is the construction and fencing for the protection of all

the existing wetlands. The window of month four to month eight (January to April, 2020) would be the continuation of the parking fill for the eastern and western parking lot, as well as, the interconnecting access drive along the south end of the 3-5 building and the initial cut slope behind the existing Sloan building to the west end where the playground currently exists. Month's nine to twelve (May through August of 2020) the final preparation after school is out for the complete restoration and improvements associated with the playground, parking lot resurfacing and pad preparation for parking lot. Over the next twelve months, about 80% of the excess soil will be hauled off site. Time of operation of hauling on the plan is; Monday through Friday 9:30 a.m. – 2:30 p.m. when school is in session, Monday through Friday 7:00 a.m. – 4:00 p.m. when there is no school, and Saturdays 7:00 a.m. – 3:30 p.m. The last year of activity (September 2020 – August 2021) would be final site prep, final installation of all permeable pavers, final asphalt placed, transition of the detention basins from the sedimentation basins to the permanent storm water facilities, final landscaping and site preparation stabilization.

Mr. Morrison stated that staff made several recommendations. One recommendation being that the road bonding estimate be \$38,000 based on mileage. A traffic control plan would need developed and filed with the Municipality to insure there is no conflict between construction vehicles and motor vehicles entering the site while parents are picking up or dropping off their children. Mr. Frydrych noted that major excavation would be done during the summer after school is out of session. Mr. Morrison stated another recommendation would be haul hours Monday through Friday 9:30 a.m. to 2:30 p.m. while school is in session, 9:00 a.m. to 3:30 p.m. when school is not in session and Saturday from 9:00 a.m. to 3:30 p.m. This would give some consideration to residents in the area.

**Lynn Full, 5001 Greensburg Road:** Ms. Full stated that she appreciated Mr. Kotjarapoglus' opening statement today in the courtroom that a contract, once it's signed, is a contract and that's it! You don't pick and choose after it's signed. Mr. Kotjarapoglus noted that it was Mr. Wrtcher's comment, not his. Ms. Full stated that if a contract is signed, the Developer's Agreement, the conditions are there, you have to go with it. The approval of Council was given in October 2018 yet additional borings were done after that approval and now it's determined that the soil needs to be removed from the site. Nine months later, Council is made aware of this – why did it take so long and why weren't the additional borings done before Council's vote.

**Dick Kearns, 4997 Longview Court:** The original borings were taken in April 2017. The borings were finished in January 2018. The final report was written November 8, 2018, one month after the approved project. All that information was available, but Council didn't have it. There is only one Council member who has any background in civil engineering, which is Carl Stepanovich. This is a subject that requires a little more depth than discussing this and then voting on it the same night. Council needs to analyze how they are going to protect the health, safety and welfare of the community while all this additional trucking is going on at the site. Mr. Kearns suggests that Council table this, send it back to Planning, get the new engineering firm to take a look at this, and have recommendations brought back to Council.

**Joan Kearns, 4997 Longview Court:** Mrs. Kearns stated that this morning in the Court House, Mr. Wrtcher mentioned that there would be maybe 5 trucks a day spread out over 1-2 years in as far as soil removal. Tonight Mr. Frydrych stated that each truck in an 8-hour day would make 10-14 trips, and in a 10-hour day 13-18 trips. For 5 trucks x 10 trips, that 50 trips per day. That's no small potatoes. Traffic is going to be backed up. Keep that in mind when there is bad weather and trucks are rolling. You have additional safety issues. Please do not rush into approving this.

Mr. Lorenz asked each Council member to comment or ask any questions they might have.

Mr. Spadaro stated that he wanted to confirm one thing. Are the trucks going to be going back and forth for about two years? Mr. Frydrych answered that the duration of the construction is around two years. During the first twelve month, 80% of the soil will be removed from the site. The majority will be removed during the summer.

Mr. Stepanovich stated that the quantity of 12,000 was the engineer's estimate. The application indicated 17,000. Was there a compromise or discussion between the contractor and the engineer for the project? Mr. Frydrych stated that there were numerous discussions in regard to the quantities presented. With all the information and the evaluation with another geotechnical consultant of the mixing, the drying, and the spreading of the material, that quantity has been reduced and the estimated haul off is 12,000. The contract is based on the grading plans as presented whether there is 0 haul off or over the 12,000. Mr. Stepanovich commented that this puts Council in an awkward situation. Council was not aware of this until several weeks ago, right after the 7/29 submittal by the contractor that there would be a considerable volume of soil going off-site. The Planning Commission didn't have the opportunity to advise Council with respect to the fact that there was poor soil. The traffic plan needs to be done, if going forward. Mr. Stepanovich asked for the number of truck trips that will be taken based on the 12,000. Mr. Frydrych answered 1,000 truckloads. Mr. Stepanovich noted that the Planning Commission did not deny the request of the School Board, but they explicitly did not make a recommendation. They basically said "we have deep concerns about the project" and handed it over to Council with their conditions. Mr. Stepanovich stated that with reading the Penn Franklin News, there is concern about additional costs if there is a delay. Who is responsible for the delay? If the project gets delayed and there are penalties, we are citizens here and pay school taxes; this is something we all are concerned about. Why wasn't this information presented before?

Mr. Kase asked about the effect on local neighborhoods in regards to construction noise. As far as moving that much dirt off and on to the site, was there discussion on keeping the roads clean? Mr. Frydrych answered that the same provisions will be here as in Monroeville with keeping materials on site, truck cleaning at the entrances, and truck washing. The detailed and extensive process to get the erosion sediment control plans approved included how to treat and maintain the roads.

Mrs. Lee Kornis stated that in regards to the conditions that staff has proposed, the time restrictions that were suggested did not correlate with what Mr. Frydrych stated. Mr. Frydrych stated that the time difference recommendations would be referred back to the School District. Mrs. Lee Kornis asked Mr. Kotjarapoglus if he would address what was discussed in court today. Mr. Kotjarapoglus stated that he would give his comments when Council is ready to vote on it and give the options. Mrs. Lee Kornis stated that when she votes yes with conditions, it is with the understanding that we are all in agreement about those conditions, and that the conditions are enforced and being listed to protect the community.

Mr. Dice asked what changed from no grading needs to be done, no dirt needs to be moved, to all of a sudden 12,000 cubic yards needs moved. How did that come about? Mr. Frydrych stated that when the plans were first submitted in November 2017, the information from the geotechnical report dated June 2017 was based on seven test borings. The grading plans and the information in all the documents, indicated and identified in the Environmental Impact Statement and project narratives, talked about 36,000 cubic yards being moved on-site. The subsequent evaluations, which started in January 2018, after 120 additional test boring conclusions and studies, provided the details relative to identification of poor soils

which led to the imbalance of 12,000 yards of soil and the need to mitigate those areas to support the construction.

Ms. Brockway stated that her concern is the hauling hours; that Mr. Frydrych had concerns about the hours they had suggested; and that the staff recommended hours are even more stringent for coming and going with the removal. Also, Council had set conditions which the School District had tried to appeal a few of them. Council sets conditions and then they are fought at a different time after they give approval. Ms. Brockway stated that in order for her to give a decision, it would have to be with an assurance that includes the conditions that Council sets.

Mr. Spadaro asked that if the project would be delayed, what the fines would be. Is there a dollar amount and who would pay that? Mr. Gary Madden, Solicitor for the School District, stated that it wouldn't be fines. The contractors could charge for damages occurred during the delay. A lot of contractors would be on site and damages would be calculated by each of the contractors for any losses during the delay. Most likely, that issue would be litigated, and the amount would be considerable. Mr. Spadaro stated that with all the questions Council has and getting information late, he feels this should be kicked back to the Planning Commission and have them look at it. The Planning Commission never did recommend this plan. None of them agreed with this plan, they did not like this plan, they didn't want to pass this plan, so they didn't vote on it and kicked it up to Council.

Robert Wratcher, Council for the School District on this project, wanted to clarify what happened in court today. There were oral arguments on briefs that were submitted on the case in general. Mr. Wratcher stated that he, Mr. Kotjarapoglus, and Mr. Reese, who represents the neighbors, had the opportunity to give the court their opinion on the state of the law, given the facts, etc. No decisions were made by the judge today. There is a difference of opinion between himself and Mr. Kotjarapoglus. Mr. Kotjarapoglus feels that if a condition is part of the Developer's Agreement and the Developer's Agreement is agreed to, then you are bound by the conditions. Mr. Wratcher stated that if that condition is found by the court to be an illegal condition, then you are not bound by that condition even in the Developer's Agreement. Mr. Wratcher stated that if the School District can move forward with this project, then they will drop the two challenges they had made back in November. The Developer's Agreement was signed along with the signed escrow agreement. They have already started the water testing, which was one of the conditions they had contested.

Mrs. Lee Kornis stated that she feels Council's concern when they voted for the condition was not just the initial quality of the water, but what the quality of the water would be when development was done. Also, Mrs. Lee Kornis stated that it is her understanding that the School District agreed to the conditions and now is willing to withdraw their appeal that challenges the two conditions that they already agreed to. Mr. Wratcher stated that there were seven conditions and they challenged the water quality testing condition and one of the three subparts of the traffic condition. Mr. Wratcher stated that was the oral disagreement that he and Mr. Kotjarapoglus discussed this morning and the School District agreed to withdraw the appeal contingent upon Council approving this traffic plan and moving forward.

Mr. Lorenz noted that there are permits that have to be issued by the Municipality. All of the conditions that Council approved for the project have to be carried out fully or Council reserves the right not to issue permits for anything going forward. The escrow agreement has been signed which, if something is not done in those conditions, that money can be used to get it done.

**9.B. A discussion concerning the placement of an electronic message board at the intersection of Tarr Hollow and Old William Penn Highway**

Mr. Morrison stated that, for over a year, the Municipality has been exploring options for replacement of the banner poles at the intersection of Tarr Hollow Road and Old William Penn Highway. Quotes received for an electronic sign were too pricey to proceed. Recently, an anonymous donor has come forward and agreed to pay for that sign. Is Council still interested and if so, staff will pursue alternatives that may be available. The sign would probably be put in the green space in front of the culvert within the right-of-way on the corner of Tarr Hollow and Old William Penn Highway. Final approval would be brought back to Council. Mr. Lorenz noted that the Municipality used to hang banners for various groups and organizations there, but the poles became compromised and the labor to take them up and down became difficult to manage.

Mr. Lorenz felt this was worth exploring. Mr. Spadaro stated that he is not for the sign. He feels that area looks nice without the sign and doesn't feel Murrysville needs another flashing sign which could create problems. Mr. Stepanovich stated that he would agree with considering it further. Mrs. Lee Kornis stated that Mr. Spadaro had some good points, but feels that staff could control the sign so that it could be done in a safe and effective way so that it doesn't block traffic. Mr. Kase feels that it would be nice. A lot of organizations used the poles and banners and it worked well. Mr. Kase stated that Council should look at the ordinance regarding electronic signs first, in regards to today's technology. Mrs. Lee Kornis noted to please express their gratitude to the anonymous donor, should Council move forward with this.

**ENGINEERING:** None

**COMMUNITY DEVELOPMENT:** None

**PUBLIC WORKS AND PARKS:** None

**COUNCIL ACTION ITEMS**

**ADMINISTRATION:**

**13.A. Consider approval of Resolution #707-19, a resolution authorizing the transfer of a restaurant liquor license #R-5220 into the Municipality of Murrysville for The Kitchen of Murrysville, LLC**

Ms. Brockway made a motion to approve Resolution #707-19, a resolution authorizing the transfer of a restaurant liquor license #R-5220 into the Municipality of Murrysville for The Kitchen of Murrysville, LLC. Mr. Dice seconded.

Mr. Morrison stated that there was a Public Hearing held at the last regular meeting. This is the final step as required by the LCB.

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

**13.B. Consider approval of the 2020 – 2024 Capital Improvements Program**

Mr. Dice made a motion to approve the 2020 - 2024 Capital Improvements Program. Mr. Stepanovich seconded.

Ms. Heming stated that this was the same plan submitted to Council at the last Council meeting. Nothing has changed. There are no tax increases or borrowing proposed. All of the projects can be reviewed between now and November when staff does the Capital Budget.

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

**13.C. Consider approval of a traffic plan for truck movement of excavated materials from the Sloan School Project site on Sardis Road**

Mr. Kase made a motion to approve the traffic plan for truck movement of excavated materials from the Sloan School Project site on Sardis Road, inclusive of the staff recommendation set forth in Item 6 of the briefing. Mrs. Lee Kornis seconded.

Mr. Dice stated that he felt all of his questions had been answered in the workshop with Mr. Wratcher saying that he will abide by all of the conditions and withdraw the appeal of the two other conditions.

Mrs. Lee Kornis wanted to clarify that Mr. Wratcher agrees to the times noted for the road hours. Mr. Wratcher agreed. Mrs. Lee Kornis stated that if she felt delaying this vote to get more input would deeply change the direction of this project, then she would consider that. She doesn't feel the outcome would change. What Council is tasked to do is to vote within the bounds of the law. Conditions were listed and we do not know what the future School Board may or may not do, but with what is before Council tonight, Mrs. Lee Kornis feels that Council should move forward with the road bond and with times agreed to. She certainly hopes that Council does not see any of the issues of appeals in the future that have come up that continue to show such mistrust in the community.

Mr. Kase stated that the Planning Commission wasn't sure what to do with this project so they put it in Council's hands. This project does not need to go back to Planning.

Mr. Stepanovich stated that, basically, the Planning Commission based their decision on information they had, and didn't have complete information. They quoted deep concerns and he feels that it should go back to the Planning Commission to provide their input. The way this has gone about, with last minute surprises, it leaves a sour taste in his mouth.

Mr. Spadaro feels it's a shame the way this ended up. There has been so much confusion and double talk. The School Board is very cooperative now, but during the Planning meetings, they wouldn't agree to any of the conditions. Now they are backed against the wall a little bit and now will agree to the conditions. Mr. Spadaro feels they should go through the conditional use process again, then take it back to the Planning Commission and do it right.

Mr. Lorenz stated that Council's role here is that development in the Municipality conforms to Murrysville's ordinances and zoning. Any project of significant size has considerations. With projects that involve schools or our children, those emotions get amplified. Council has to look at things from a development standpoint. A lot of time and effort has been put into this. As part of the conditional use, a developer's agreement was required. As part of that developer's agreement, the School District was required to sign off on that. If there was deviation in any way, that needed to come back to Council so they could review it. There had been questions as to why this aspect of the plan wasn't put forward previously. The scenario that happened here is not unheard of and came about in the terms of movement of these soils. The additional test boring that were done is a significant amount. If test borings are not done in advance, substandard conditions could be discovered mid-construction. Sometimes there is no issue, and sometimes there is an issue which could bring a project to a halt and cause significant delays. In this instance, construction hasn't started. The issue has been made known to Council and the information is in front of them to make accommodations for that change on what was originally voted on. Mr. Lorenz doesn't feel that any further investigation was necessary to adequately address this change. Staff has done a very thorough job in tailoring of the timing of the truck loads coming through as to minimize the impact on the community. The soils in question are largely going to be done in the summer when they don't have to contend with the school buses.

Mr. Stepanovich stated that the aspect of safety has not been discussed. Safety will be impacted by additional trips of the trucks. If there is an emergency during construction, that is a negative as to what's happening now.

Mrs. Lee Kornis stated that what Council is doing is as legally defensible as they can be. This is following the law and following what they are charged to do. The best Council can do is regulate when and where, which is what they are doing.

Upon a roll call vote: Ms. Brockway – With the assurance by the School District that they are sincere in their desire to accept the conditions. Council did originally approve the project and believes that delays will cost the taxpayers more time and money - yes, Mr. Spadaro – for the people of Murrysville – no, Mr. Stepanovich – no, Mr. Lorenz – yes, Mrs. Lee Kornis – yes, Mr. Kase – yes, and Mr. Dice – yes. Motion approved 5-2 vote.

**13.D. Consider approval to rescind Resolution No. 703-19, a resolution proposing the development of a parcel of land identified as the Bel-Aire Pump Station elimination**

Mrs. Lee Kornis made a motion to rescind Resolution No. 703-19, a resolution proposing the development of a parcel of land identified as the Bel-Aire Pump Station elimination described in the attached sewage facility's planning module and proposed that such division be served by sewer extension due to the improper module being submitted. Mr. Kase seconded.

Mr. Morrison stated that Council previously passed a resolution to amend the Act 537 Plan for submittal of a planning module for the elimination of the Bel-Aire Pump Station. When it was sent to DEP it was discovered that the engineer filled out the wrong paper work; they filled out Planning Module Component 3 when it should have been Component 4A. The DEP requires that the previous resolution be rescinded and a new resolution be passed and submitted with the new Component 4A.

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

**13.E. Consider approval of Resolution No. 710-19, a resolution proposing the development of a parcel of land identified as the Bel-Aire Pump Station elimination**

Mr. Kase made a motion to approve Resolution No. 710-19, a resolution proposing the development of a parcel of land identified as the Bel-Aire Pump Station elimination and described in the attached sewage facility's planning module and proposes that such subdivision be served by the sewer extension. Ms. Brockway seconded.

Mr. Lorenz stated that Council is essentially authorizing the correct Component submittal.

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

**COMMUNITY DEVELOPMENT:** None

**ENGINEERING:** None

**PUBLIC WORKS AND PARKS:** None

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**EXECUTIVE SESSION:** Mr. Lorenz adjourned the meeting for an executive session regarding a personnel issue. No action is anticipated.

**ACTION ITEMS:** None

**ADJOURNMENT:** Mr. Lorenz adjourned the regular voting meeting at 9:09 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.*