

Council of the Municipality of Murrysville held a Regular Voting Meeting on Wednesday, September 4, 2019, at 7:00 p.m. in the Municipal Building. Present at the meeting were Council members Toni Brockway, Dayne Dice, Josh Lorenz, Tony Spadaro, Carl Stepanovich, and Mayor Synan. Also present were Chief Administrator, James Morrison, and Solicitor, George Kotjarapoglus. Council member Loren Kase was absent and Council member Jamie Lee Korn arrived at 8:00 p.m.

**PUBLIC HEARING CONCERNING THE TRANSFER OF LIQUOR LICENSE R-18040 TO
GIANT EAGLE, INC. (GETGO)
LOCATED AT 4806 OLD WILLIAM PENN HIGHWAY**

A Public Hearing was held at 7:00 p.m. for a liquor license transfer to Giant Eagle, Inc. (GetGo). Ellen Freeman, attorney with Flaherty & O'Hara representing Giant Eagle, Inc., is requesting that Murrysville approve a resolution which would permit an inter-municipal transfer to Giant Eagle, Inc. for use at a new location which will be constructed near the intersection of Old William Penn and Cline Hollow Road, next to Auto Zone. They currently have 84 other liquor licenses that are open and operating in Pennsylvania. This includes not only their GetGo convenience stores but also their Giant Eagle grocery stores. There will be seating for up to 30 patrons. GetGo will have their made-to-order food menus. Most of the GetGo locations are open 24/7; however, alcohol sales will be limited to Monday through Saturday from 7 a.m. to 2 a.m. and Sunday from 9 a.m. to 2 a.m. Ms. Freeman presented a drawing of the proposed store plan. Like many of the GetGos, they are proposing to have a beer cave, offering cold beer as well as warm beer that will be on the shelves. Quantities offered will be anywhere from a single, 6-pack, to a 12-pack. They are permitted by law to sell 192 oz. of beer to go which is equal to two 6-packs. They will also be selling wine with a limit of four standard size bottles. GetGo employs a 100% carding policy. In order to create a sale in the register, the date of birth has to be entered into the system and the ID is also swiped through a card scanner device to detect any fraudulent IDs. GetGo employees will be RAMP Certified (Responsible Alcohol Management Program), which teaches each employee how to properly handle the sale of alcohol. Security cameras will be in the store and cover the seating area as well as all of the alcohol products. The restaurant associates and a manager will always be on duty in order to monitor everything happening on the licensed premises. The cold beer doors and the beer cave will be physically locked at 2 a.m. and the registers will not accept alcohol sales after 2 a.m.

Mr. Spadaro asked if any beer was going to be served on the premises. Ms. Freeman answered that they do allow for beer on the premises with a 2 beer limit in the seated area with a food purchase. Alcohol would have to be consumed in the seated area.

Mr. Stepanovich asked if the license allows hard liquor. Ms. Freeman stated that the license does allow for hard liquor to be consumed on premises, but they do not intent to sell hard liquor. It is not part of their business plan. Mr. Stepanovich asked if everyone was going to be asked to present an ID, including seniors. Ms. Freeman stated that was correct. Mr. Stepanovich asked what citations have been problems. Ms. Freeman stated that there were 3 out of the 84 cumulative stores; 2 were failure to report a new PLCB board manager and one was a sale to a minor.

Ms. Brockway stated that it was mentioned that if the patron wanted to consume the alcohol, they would have to do so in the seating area. There is a small picnic area outside. Are there going to be security

cameras outside to make sure they are not consuming the alcohol outside? Ms. Freeman answered yes, that there are going to be cameras outside as well and will be monitored to make sure they don't go over that limit of two beers and that they don't give it to anyone else. Ms. Brockway asked what the procedure is if someone does abuse that. Ms. Freeman stated that falls under the RAMP training if someone is breaking their policy. The police would be called if a problem escalated.

Ms. Freeman stated that for the record, the floor plan will be Applicant's Exhibit 1 and the letter requesting the inter-municipal hearing was submitted. There was no further documentation or witnesses. Mr. Lorenz stated that the letter will be added to the record.

Joan Kearns, 4997 Longview Court: When GetGo first came to this Council several years ago to put in a gas station, she asked the question, "do you intend to sell beer?" The answer was no. Now they want to sell beer and wine. What will prevent them from going outside and sitting down at the benches or in their cars and drinking the beer? Even if they have two beers inside and a little bit of food, they then drive out onto Route 22. This is an invitation for problems. To top it off, there is a beer distributor 250-300 feet away. If they want to sell beer and wine, put it over in the Giant Eagle grocery store. Think seriously about this instead of just passing it off, because initially they said that they were not going to sell beer.

Ms. Freeman stated that it may have been that seven years ago, it was their intention not to put a liquor license at this convenience store. In 2016, the liquor code changed immensely, which made it easier for convenience stores to sell beer and wine which made the market very competitive. This is for the convenience of the customers who are loyal to GetGo.

Dick Kearns, 4997 Longview Court: It is his understanding that Council has already approved this project. Was it approved with the understanding that they were going to sell beer and wine? Mr. Morrison answered no, that the letter was received August 9th. Mr. Kearns stated that the whole idea of having beer and wine next to a gas pump is ridiculous whether it's GetGo or anywhere else. Council already approved this project without it; Council should go forward without it.

Ms. Brockway moved to close the Public Hearing. Mr. Stepanovich seconded. All present voted aye. Motion approved. The Public Hearing for Giant Eagle, Inc. (GetGo) was closed at 7:20 p.m.

**PUBLIC HEARING CONCERNING THE TRANSFER OF LIQUOR LICENSE R-20780 TO
NPL MURRYSVILLE, LLC
LOCATED AT 106 BLUE SPRUCE WAY, WILLIAM PENN HIGHWAY**

A Public Hearing was held at 7:22 p.m. for a liquor license transfer to NPL Murrysville, LLC. Charles Caputo, with Caputo Law Office, is representing NPL Murrysville, LLC, the applicant in this request. Mark Baranowski is the principal owner of NPL Murrysville, LLC and owns and operates the North Park Lounge restaurant in the Blue Spruce Shoppes. They have been open for about four years and currently have a liquor license. The reason for this request is that Mr. Baranowski has another license, a Westmoreland County license, which has a shelf life and cannot be inactive with the state. The applicant is looking to move this liquor license into the existing NPL restaurant in the Blue Spruce Shops. At that time, they will place the current liquor license into safe keeping with the Liquor Control Board. In doing so, it will be placed in escrow and

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no longer be active or used at that location. This is not a license for a new business. This is a swap of licenses and there will be no change to the existing NPL restaurant. The LCB only gives you so much time to do something with your license or you lose it.

Ms. Brockway asked if this license was any different from the one they have. Mr. Caputo answered no, that they are exactly the same.

Mr. Dice asked that if Mr. Baranowski wanted to open another restaurant in Murrysville, could he just move that license automatically or would he have to come back before Council? Mr. Caputo answered that he would not have to come back before Council to move the liquor license within the Municipality. He has no intent to do that at this time. Mr. Dice asked that if Mr. Baranowski wanted to sell to someone that wanted a bar/restaurant in Murrysville, would that come before Council. Mr. Caputo answered that the license is in Murrysville for good now until someone would move it out.

Mr. Stepanovich asked why there are two licenses when only one is necessary. Mr. Caputo explained that there is an auction with the Liquor Control Board which started about two years ago that allows you to submit a bid on a license account. They auction about four times a year. An auction came up in Westmoreland County and at that time, Mr. Baranowski intended to pursue another location so he placed a bid on that license and was the successful bidder. You have six months from that time to identify a location. Mr. Baranowski was unable to find a new suitable location in Westmoreland County so he was given the option to put the license somewhere or forfeit it. He then can put his existing license in escrow for up to two years. Mr. Stepanovich stated that his concern is that the license can be opened anywhere in the Municipality without coming to Council. Mr. Caputo stated that if Mr. Baranowski would happen to sell that license to someone else, they would still have to go through the zoning or process of opening a bar/restaurant. His plan or intent is not to sell the license.

Mr. Spadaro stated that he thought you could put a liquor license in escrow for up to five years. Mr. Caputo stated that it is now two years.

Mr. Lorenz stated that there is an existing license in operation in Murrysville for North Park Lounge. Then a second license was purchased at auction earlier this year. Why not put the license that was just purchased in escrow. Mr. Caputo stated that under the auction code, they don't give you the ability to do that. The license has to go to a physical location within six months of the auction or you lose it. Mr. Lorenz asked if the client would go along with the condition that the existing license would go to into escrow. Mr. Caputo stated that would be fine.

Mr. Caputo stated that for the record, he submitted a proposed resolution that accompanied his request. He has no additional documentation or witnesses.

Mr. Spadaro moved to close the Public Hearing. Mr. Dice seconded. All present voted aye. Motion approved. The Public Hearing for NPL Murrysville, LLC was closed at 7:33 p.m.

**REGULAR VOTING MEETING
AGENDA**

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

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

UNLISTED AMENDMENTS: Mr. Lorenz noted that there is one unlisted amendment under Consent Calendar Items 4.B. Payment for an invoice for \$106,650.00 to General Recreation, Inc. for 90% of the installation of the Spray Park equipment at MCP.

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

CONSENT CALENDAR ITEMS

- A. August 21, 2019 Council Meeting Minutes
- B. Payment for an invoice from the Capital Reserve Fund – Construction Account in the amount of \$106,650.00 to General Recreation, Inc. for 90% payment of the installation of the Spray Park equipment at Murrysville Community Park. The invoice was received too late for the August Accounts Payable.

Mr. Stepanovich asked when the remaining 10% would be due. Mr. Morrison stated that the remaining 10% would come before Council for approval once the repairs have been made to the bucket, which is anticipated to be done within the next two weeks.

Mr. Spadaro moved to approve the consent calendar item and approve payment from the Capital Reserve Fund in the amount of \$106,650.00 for installation of the Spray Park. Ms. Brockway seconded. All present voted aye. Motion approved.

MAYOR'S COMMENTS: Mayor Synan stated that the Tuesdays at Townsend free live performance in the park was so popular, there is going to be an encore performance September 10th from 6:00 – 7:30 p.m. Doug Edgell and Kelly Bell Acoustic will be performing. Zip's food truck will be there along with New Crescent Brewing.

The Murrysville Recreation Department and The Amateur Astronomers Association of Pittsburgh will hold a Star Gazing Party on Sunday, September 28th at Murrysville Community Park Field #6, beginning at sunset, 8:29 p.m. Please RSVP to momrecreation@murrysville.com.

Murrysville Farmer's Market is Thursdays from 3-7 p.m. and will soon be coming to an end.

The Rotary Club of Murrysville-Export will hold their 13th Annual Low Country Boil at Newhouse Park in Delmont on Sunday, September 8th from 3-7 p.m. Call 724-519-7369 for more information. The Rotary can use some extra hands to help them out.

Murrysville Heritage Festival, Triangle Lane off of Route 22, will be September 21st from 10 a.m. to 4 p.m. The theme this year is The Great Northern Pike Bicentennial.

CHIEF ADMINISTRATOR’S COMMENTS: Mr. Morrison stated that there will be a glass recycling day on October 26th in the parking lot above Veterans Field. Bring your colored glass, clean glass, to the location where there will be bins to pick it up. The Municipality is hoping to have success with this event and work with the Pennsylvania Resource Council to make this a quarterly event.

Please continue to monitor the trail crossings at Trafford and School Roads. Bicyclists and walkers are reminded to stop before entering crosswalks. Motorists are reminded that yellow flashing signals mean to slow down and proceed with caution – not to come to a complete stop. Police officers were there the weekend before last and counted 112 bicycles that crossed; about 20% came to a full stop. Police mentioned that the concern was the number of motorists that choose to stop at a flashing light with the threat of rear end collisions.

The gas ordinance was under a validity challenge before the Zoning Hearing Board. The Zoning Hearing Board denied the validity challenge at their meeting last Thursday.

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.

Dick Kearns, 4997 Longview Court: Mr. Kearns stated that he wanted to talk about the action that Council took at the last meeting which had to do with the soil at the Sloan project. It seems that soil conditions have been known since April of 2017. The last soil borings were taken in January 2018. Council approved the project in October of 2018 and the final soil report was issued a month later. Now in August, 2019, the School District comes and says there is a problem. Why isn’t that a violation of the approval that Council made when told all along that they didn’t have a problem and that they were going to cut and fill on site? Mr. Kearns said that he suggests that Council has an opportunity to reconsider their decision. In order to do that, the three Council members who voted for it would have to put a motion on the floor to reconsider and open discussion again. There was no discussion of safety in last week’s meeting. Another possibility is to tell them to keep their bad dirt on site.

LIAISON COMMENTS AND COMMITTEE REPORTS:

Mr. Spadaro: The Planning Commission had no meeting this week, it was cancelled.

Mr. Stepanovich: Parks and Recreation will meet next week.

Mr. Dice: FTMSA met here in the municipal building last week to discuss Pucketa Creek. The meeting was well attended. The engineers handling the project were here, as well as representatives from the Washington Township Municipal Authority. Things were a little tense, but everyone got their answers and people left signing their rights-of-way.

Ms. Brockway: The Murrysville Community Library is committed to security of its patrons and its staff. As such, the Library will be closed on Friday, September 20th for a Westmoreland Library Network In-Service Day. The topic of the in-service day is *Safety for Library Patrons and Staff*. The Library is also looking forward to upcoming updates to the cyber security policy and integrated library system providing a safer space for their patrons' information. There is a joint meeting being held by the Murrysville Community Library Board of Trustees and the Foundation Board on Tuesday, September 24th at 7:00 p.m. The Library will be discussing goals and ideas for the future. All Council members are invited and community members are encouraged to attend.

WORKSHOP ITEMS

ADMINISTRATION:

9.A. A discussion concerning a tuition reimbursement policy for employees of the Municipality of Murrysville

The policy provides for the Municipality to be able to recruit and retain quality talent, which is becoming more and more difficult. The policy provides for tuition reimbursement for employees who are on staff. Two minor changes were made: 1. To increase the number of classes from two to four during the calendar year; 2. To require the employee to reimburse the Municipality if they choose to terminate their service within two years of payment of the tuition. Tuition reimbursement is set at 50% with maintenance of a 3.0 grade point average. If Council believe this is something they would like to go forward with, then this will be brought back at the next meeting.

Ms. Brockway stated that she feels this is a good idea. In today's society where it is difficult to retain people, this makes a lot of sense.

Mr. Dice stated that he feels it's a great idea. One thing though is that in the policy, any employee would have to have their request in by September 1st to be approved in November. This would cut off any employee from taking spring courses. If there is a way to re-word this to maybe have two times a year where employees could ask to take a class that would help.

Mr. Stepanovich asked the Solicitor that if an employee does terminate and he or she owes a determined amount, what is the legality of that. Mr. Kotjarapoglus stated that a contract claim would have to be held against them. Mr. Morrison stated that the employee signs the policy manual at time of employment. Would that constitute a contractual arrangement? Mr. Kotjarapoglus stated that he would still reinforce that with a separate contract. Mr. Lorenz asked if by expanding the policy, would this assist the Municipality in filling some personnel needs. Mr. Morrison stated that at this point it would be to retain personnel. Mr. Lorenz agreed with Mr. Dice that two times a year, in the summer and in November or December, that employees could sign up for classes. Mr. Morrison stated that he would add that to the policy. Mr. Stepanovich stated that in the media, several universities have had problems. Is there a requirement that it be an accredited organization? Mr. Morrison stated that there is nothing in the policy currently, but he would approve it being related to the position that the employee holds here and that it be an accredited program with an accredited university.

ENGINEERING: None

COMMUNITY DEVELOPMENT: None

PUBLIC WORKS AND PARKS: None

COUNCIL ACTION ITEMS

ADMINISTRATION:

13.A. Consider approval of an agreement with HR Help4You to provide human resource support to the Municipality of Murrysville

Ms. Brockway made a motion to consider approval of the hiring of HR Help4You, LLC in the amount of \$5,100 to provide personnel services to the Municipality of Murrysville. Mr. Dice seconded.

Mr. Morrison stated that this is the hiring of a firm to assist staff and the Mayor in the recruitment of personnel moving forward. In the next few years, the Municipality will experience turn over in several director positions. It is prudent that the municipality recruits qualified talent to fill these positions. For the last four months, the Municipality has spent up to \$3,000 on advertising with very little success in finding qualified candidates. At this point it is necessary to take a different perspective. The owner of the company was a prior member of the Personnel Board here and is familiar with the operations of the Municipality.

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

At this time, Mrs. Lee Kornis arrived and joined Council for the remained of the meeting.

COMMUNITY DEVELOPMENT:

14.A. Consider re-approval of various subdivision plans for recording purposes

Ms. Brockway made a motion to re-approve subdivision S-8-18 Kish Subdivision and S-12-17 Majestic Estates Subdivision impacted by the Pennsylvania Department of Environmental Protection sanitary sewer tap ban. Mr. Spadaro seconded.

Mr. Morrison stated that these two subdivisions were approved at a prior meeting by Council. The planning modules were approved by both Council and DEP. The tap ban was imposed after both of these approvals and as a result was not issued. Plans are required to be recorded with 30 days of approval. Approval cannot be considered without the availability of taps. That is why this is before Council this evening. There are no requested changes, additions, or amendments from what Council previously considered.

Upon a roll call vote: Mr. Spadaro – yes, Ms. Brockway – yes, Mr. Lorenz – S-8-18 Kish Subdivision – abstained, because they are clients of his – S-12-17 Majestic Estates Subdivision - yes, Mrs. Lee Kornis – yes, Mr. Dice – yes, and Mr. Stepanovich – yes. Motion approved.

ENGINEERING: None

PUBLIC WORKS AND PARKS: None

OLD BUSINESS: Mr. Spadaro stated that a few parents approached him and asked if all of the construction workers over at the Sloan project had background checks. Mr. Morrison stated that would be a question the School District would have to address. He will inquire with the School District to get that answered.

NEW BUSINESS: Mr. Lorenz stated that Mr. Morrison will look into the language of the tuition reimbursement plan. The resolutions for the liquor license transfers will be presented at the next Council meeting.

EXECUTIVE SESSION: None

ACTION ITEMS: None

ADJOURNMENT: Mr. Lorenz adjourned the regular voting meeting at 8:04 p.m. and noted that this evening Council will continue with the Public Hearing on the Titan Well Pad.

**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 8:05 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 9:40 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.