

Council of the Municipality of Murrysville held a Regular Voting Meeting on Wednesday, September 20, 2023, at 7:00 p.m. in the Municipal Building. Present at the meeting were Council members Jamie Lee Korn, Jason Lemak, Jamie Lingg, Mac McKenna, Tony Spadaro, Carl Stepanovich, and Mayor Synan. Also present were Chief Administrator, Michael Nestico, Director of Public Works, Bill Paiano, and Solicitor, Wes Long. Council President, Dayne Dice was absent.

**PUBLIC HEARING
FOR MS4**

A Public Hearing was held for MS4. Mr. Nestico stated that this is the opportunity for the public to present comments on the MS4 program. He will note in the application process that no one appeared to provide comment. The Public Hearing was then closed.

**REGULAR VOTING MEETING
AGENDA**

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

PLEDGE OF ALLEGIANCE: Council Vice President, Tony Spadaro led the audience in the Pledge of Allegiance.

UNISTED AMENDMENTS: None

CONSENT CALENDAR ITEMS:

- A. Approval of September 6, 2023 Council Meeting Minutes
- B. Accounts Payable
- C. Cash Investments and Transfers

Dr. Lee Korn made a motion to approve the Consent Calendar Items. Mrs. Lingg seconded. All those present voted aye. Motion approved.

MAYOR'S COMMENTS: Mayor Synan made the following announcements: The quarterly Glass Recycling "Pop-Up" Event will be Saturday, September 23rd, at Veterans Field parking lot located at 4200 Sardis Road from 9:00 a.m. – 2:00 p.m. Sponsors are the Municipality and Republic Services. Residents are also encouraged to support the Loaves and Fishes Food Pantry by donating non-perishable food items. Volunteers will be at the pavilion collecting drive-thru donations during the same hours.

Vendors are needed for Trick or Treat on the Trail. Sign up to be a vendor on the Westmoreland Heritage Trail on Saturday, October 28th to provide treats to our trick-or-treaters. Help us reach our goal of over 50 vendors. Register on the website or call 724-327-2100 x131.

An interesting presentation of the Ancient Art of Bonsai will be presented by David Metzger on October 16th at 6:00 p.m. at the library. Register for this free event by calling the Recreation Department, extension 131, or the library.

The Rotary Club's October Fest will be September 30th at 8:00 p.m. at the Murrysville Volunteer Firemen's Pavilion on Sardis Road. There will be German food, beer and wine. Your ticket will include a pig roast, coupons for a discount on drinks. Proceeds will benefit local charities. Families and children are welcome.

CHIEF ADMINISTRATOR'S COMMENTS: Mr. Nestico noted that the Municipal State Aid for our pension dollar amount was released this week. We will be receiving \$407,952 towards the pension plan. This is up \$45,000 from last year's amount.

COMMUNITY INPUT:

Doctor Joseph Conklin, 3815 Harwick Court: Dr. Conklin wanted to speak as a resident regarding the short-term rental ordinance. The Northside had let this get out of control two years ago and are still dealing with the legal ramifications there. He wrote a letter to the editor in the Penn Franklin on August 9th, 2023 and read an abridged version of what he wrote. He was initially pleased that Council planned to limit short-term rentals to only dwelling units in Business and Mixed Use or properties with at least five acres in residential areas. He disagreed with allowing short-term rentals in residential areas, but figured the five-acre clause was a compromise. He then became concerned that some council members wanted to do away with that restriction. Council should not open the doors to the ways of Pittsburgh or even come close to resembling Monroeville 2.0. We did not sign up for that when we moved and invested our hard-earned money in Murrysville. Dr. Conklin stated that he lives on a 24-house street evenly split between retirees and families. Many retirees are starting to move on and down-size. Could you imagine one, two, or even three of those homes becoming short-term rentals? He doesn't want his child or neighbor kids playing on the street with random people who rent a home in the neighborhood. Why risk the potential of an issue?

Ronald Wolf, 3644 Forbes Trail Drive: Mr. Wolf asked who controls and maintains Sardis Road, Murrysville or PennDOT? Mr. Spadaro answered, Murrysville. Mr. Wolf wanted to know why concrete and boulders are being dumped in the creek behind his house to keep the creek from going over toward the roadway. A couple trees were knocked over in his back yard and are almost laying in the creek. If Murrysville is doing it, then he wants Murrysville to take the trees out of there.

Another thing is FTMSA. Board members can be appointed to FTMSA. Two years ago, he was told that they were going to replace the Haymaker Run sewer line because it was defective and crumbling and was made of terracotta. Now all of a sudden, they aren't doing anything. He asked at the last meeting if they applied for any infrastructure funds from the Federal Government – Zero – why not? Also, why doesn't FTMSA televise their meetings. FTMSA cameraed every sewer in the Municipality, allegedly. They did in his yard one day. Why can't we have Mr. Rumbaugh or someone from the sewer authority come here and explain what they've done and why they haven't gone through with replacing the Haymaker Run line and why they never asked for infrastructure money from the Federal Government. There are billions of dollars out there and they haven't asked for a dime.

Dr. Lee Kornis stated that Mr. Rumbaugh and Mr. Mitall do come out periodically to the Council meeting and give presentations. Dr. Lee Kornis said that it would be helpful to get additional follow-up if Mr. Wolf would put his questions in writing because the FTMSA board members are not here nor is the council liaison. You deserve solid answers to your questions. You don't have to put anything in writing, but it would better enable us to serve you to have a list of your questions.

LIASONS COMMENTS AND COMMITTEE REPORTS:

Mr. Lemak: The Library meets tomorrow evening.

Mr. Stepanovich: The Parks and Recreation Foundation met this past Monday. In order to increase the voting membership, it was decided that both the mayor position and the liaison position would step into the role of advisors and open the board to two additional members. There will be an advertisement to add the two members. Skill sets required will be communications, marketing, and experience in fundraising. Director, Carly Greene, will be looking at modifications and reviewing the bylaws of the Foundation. The Planning Commission met on September 12th. There was a request by Choice Properties for an advisory meeting concerning a proposed addition to an existing building on Route 22 and Berlin Farm Road to get a license for alcohol.

Dr. Lee Korn: The MMO will be discussed on the agenda this evening.

Mrs. Lingg: The School Board Meeting was this past Monday, September 18th. There was nothing of mutual concern. Next month's meeting has been moved to October 23rd.

Mr. McKenna: The Parks and Recreation Department met last week at Chambers Park, walked the park and talked about possible improvements. Trick or Treat on the Trail is coming up. If you want to be a vendor or sponsor, be sure to register for that on October 1st.

Mr. Spadaro: Medic One meets tomorrow night.

WORKSHOP ITEMS

ADMINISTRATION:

9.A. Discussion regarding Short Term Rental Ordinance

TABLED – Mr. Spadaro stated that we want to make sure we have a full Council when this is discussed and our Council President, Mr. Dice is absent this evening.

9.B. Discussion of municipal boundary change at Tax Map Number 49-16-00-0-072

Attorney, Wes Long stated that this has been an issue around the Municipality for about two years. There is a very small piece of property at the intersection of Freeport Street and Route 66 in Delmont which is actually in the Municipality of Murrysville. The property owner approached Mr. Morrison and Mr. Kotjarapoglus about seeing if the Municipality would be willing to have that piece of property taxed, owned, and be within the boundary lines of the Boro of Delmont rather than the Municipality of Murrysville. That is a permissible thing to do under the law. Delmont would have to pass an ordinance accepting the piece of property and Murrysville would have to pass an ordinance agreeing to release the piece of property. The property owner is doing this for the purpose of putting a billboard on the property which is not in compliance with Murrysville's zoning requirements. The lot is vacant and would not be a significant loss to our tax revenue. The property owner would take care of all the fees, the survey fees and the legal fees. There would be no expense to the Municipality. A survey of the property was shown.

Mr. Stepanovich asked if we would be compensated for any value of the property. Mr. Long stated that he could look into that. Mrs. Lingg asked what the billboard was for. Mr. Long stated that it was his understanding that it was for the Ace Hardware store. Mrs. Lingg asked if the property owner adjacent to where the billboard is proposed is aware of this. Dr. Lee Korn requested that Mr. Nestico and Mr. Long gather some more background information based on their concerns about the property and let Council know at the next meeting so they would feel more confident to give an answer.

ENGINEERING: None

COMMUNITY DEVELOPMENT: None

PUBLIC WORKS AND PARKS: None

COUNCIL ACTION ITEMS

ADMINISTRATION: None

13.A. Authorize staff to solicit bids for the lease of oil and gas rights for approximately 234.60 acres of municipally owned property, Duff Park, at Tax Map Numbers 49-14-00-0-071, 49-14-00-0-072, 49-14-00-0-070, 49-14-00-0-167, 49-14-00-0-168, 49-14-05-0-101, and 49-14-00-0-135.

Dr. Lee Korn made a motion to authorize staff to solicit bids for the lease of oil and gas rights for approximately 234.60 acres of municipally owned property, Duff Park, at Tax Map Numbers 49-14-00-0-071, 49-14-00-0-072, 49-14-00-0-070, 49-14-00-0-167, 49-14-00-0-168, 49-14-05-0-101, and 49-14-00-0-135. Mr. Stepanovich seconded.

Mr. Long stated that the lease with Olympus has been completed. Comment was received from the DCNR with no objections to the entry surplus oil and gas lease at Duff Park and they found that to be consistent in the terms of the grants that were used to acquire the park. The Municipality has been asked to consider a lease for the Utica Shale oil and gas rights of the municipal property located at Duff Park. The property consists of 234.60 acres. The municipality must seek competitive bids for these rights.

All those present voted aye. Motion approved.

13.B. Approve Resolution No. 779-23 authorizing a Local Share Account grant application with the Commonwealth of Pennsylvania to complete a restroom installation at the site of Duff Park.

Mrs. Lingg made a motion to approve Resolution No. 779-23 authorizing a Local Share Account grant application with the Commonwealth of Pennsylvania to complete a restroom installation at the site of Duff Park. Dr. Lee Korn seconded.

Mr. Nestico stated that this item is for a restroom, installation, and parking lot improvements at Duff Park. We would like to seek out grant funding for this project. In order to do so, Council must adopt a resolution that accompanies our grant application which is due by the end of September. This project is on our 2024

CIP. The grant would be for \$150,000. Mr. Stepanovich asked if this is 50/50? Mr. Nestico answered no. This would be fully funded.

All those present voted aye. Motion approved.

13.C. Approve the 2024 Minimum Municipal Obligation (MMO) for the Non-Uniform and Police Pension plans in the amount of \$600,210.

Dr. Lee Kornis made a motion to approve the 2024 Minimum Municipal Obligation (MMO) for the Non-Uniform and Police Pension plans in the amount of \$600,210. Mr. McKenna seconded.

Mr. Nestico stated that this is slightly less than the 2023 amount by about \$20,000.

All those present voted aye. Motion approved.

13.D. Approve a two-year agreement with Hoffman Kennels for animal control for the period January 1, 2024 to December 31, 2025.

Mr. McKenna made a motion to approve a two-year agreement with Hoffman Kennels for animal control for the period January 1, 2024 to December 31, 2025. Dr. Lee Kornis seconded.

Mr. Stepanovich noted that he has had input that Hoffman Kennels has had instances of mistreating animals that they have had in their care and had a personal experience about 25-30 years ago with them. Have we considered any alternatives? Dr. Lee Kornis stated that on her 8 years of Council, there have been a number of concerns with Hoffmans and continued as a Council to look to other options and there have not been other options, but we have continued to tighten up our agreement with them. For example, they will now hold an animal for 10 days now instead of 5 and increased the number of days they will search for an animal. We need to continue to be vigilant, but there are no other options. Mayor Synan noted that we have tightened up the contract as much as we possibly can. Most of the Municipalities around us do use Hoffman (Export, Penn-Township). He is aware that there are concerns, so there is a level of caution there.

Upon a roll call vote: Dr. Lee Kornis – yes, Mrs. Lingg - yes, Mr. Lemak - yes, Mr. McKenna - yes, Mr. Spadaro – no, Mr. Stepanovich – no. Motion approved 4-2.

13.E. Authorize renewal of the Fiduciary Liability Insurance with Chubb for the period September 1, 2023, to August 31, 2024, in the amount of \$5,860.

Dr. Lee Kornis made a motion to authorize renewal of the Fiduciary Liability Insurance with Chubb for the period September 1, 2023, to August 31, 2024, in the amount of \$5,860. Mrs. Lingg seconded.

Mr. Nestico stated that this insurance is the fiduciary liability coverage for both municipal pension plans. The premium of \$5,860 is the same as last year and is paid from pension assets.

All those present voted aye. Motion approved.

COMMUNITY DEVELOPMENT:

14.A. 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.

TABLED

ENGINEERING:

15.A. Adopt Ordinance No. 1079-23, an ordinance accepting streets located in the Villa Ciano Plan situated in the Municipality of Murrysville, County of Westmoreland, and Commonwealth of Pennsylvania, as part of the public highway system of the same.

Mr. McKenna made a motion to adopt Ordinance No. 1079-23, an ordinance accepting streets located in the Villa Ciano Plan situated in the Municipality of Murrysville, County of Westmoreland, and Commonwealth of Pennsylvania, as part of the public highway system of the same. Mrs. Lingg seconded.

Mr. Nestico stated that this includes one street in the plan of homes, Ciano Court. The Engineering Department did inspect the roadway and everything has passed the inspection so the ordinance needs to be adopted in order to accept this into the municipal roadway system.

Mr. Lemak asked that when we onboard these new development roads, we generally talk about engineering, but what about service wise. Do we anticipate any additional load on the Public Works Department? Mr. Nestico answered yes. We are inching closer to needing a new hire in the Public Works Department. As we add roadways in our Municipality it increases the demand from our staff. It has been some time since we have added a new individual to the department.

All those present voted aye. Motion approved.

15.B. Authorize the release of a bond being held to ensure completion of the required improvements at the JB Tonkin Compressor Station.

Mr. Stepanovich made a motion to authorize the release of a bond being held to ensure completion of the required improvements at the JB Tonkin Compressor Station. Dr. Lee Kornes seconded.

Mr. Nestico stated that the contractor requested release of the \$807,309 bond for site improvements which were completed as of 9/6/2023.

All those present voted aye. Motion approved.

15.C. Authorize advertisement of the DPW-4-23 Basin Retrofit Project.

Mrs. Lingg made a motion to authorize advertisement of the DPW-4-23 Basin Retrofit Project. Dr. Lee Kornes seconded.

Mr. Nestico stated that as part of the MS4 program, they identified basins that are candidates for retrofitting which are included in this project. The ponds identified are Mallard Landing, Fair Oaks, Les Chateaux, and Bartlett Court.

All those present voted aye. Motion approved.

PUBLIC WORKS AND PARKS:

16.A. Authorize a request for bids for the removal, replacement, and reconfiguration of the HVAC system on the Murrysville Municipal Building.

Mr. McKenna made a motion to authorize a request for bids for the removal, replacement, and reconfiguration of the HVAC system on the Murrysville Municipal Building. Mrs. Lingg seconded.

Mr. Paiano stated that he is here to get Council's approval to solicit bids for removal of four HVAC units and rebuilding of the system. Currently one of the systems at the Police Station is completely in disrepair. The Police have no AC. They have 6 portable units. Mr. Lemak asked if this would include the Library. Mr. Piano answered yes. The entire building would be revamped. Mr. Stepanovich asked if there were different zones in the building. Mr. Piano answered that in the Public Works building they can set the units to be off when they aren't there. In this building there is no control. Over time, they will be able to save money once proper equipment is installed and can be regulated. The units currently are 28 years old. Mr. Spadaro asked if there are warranties on the new equipment. Mr. Paiano said yes. They are looking for a 1-year on parts and labor, 5-years on a compressor, and 10-years on a heat exchanger.

Dr. Lee Kornis asked for reasoning on bidding versus COSTARS. Mr. Piano stated that he has learned that with heavy equipment, when putting it out for bid you can sometimes get a better price. Dr. Lee Kornis asked what the time-line was once bids are received to have a fully functioning system. Mr. Paiano stated that he did mention in the specs that the Police Department did have to operate 24/7. He is trying to move as quickly as possible and get it for spring time.

All those present voted aye. Motion approved.

OLD BUSINESS: None

NEW BUSINESS: None

EXECUTIVE SESSION:

19.A. Property related matters

Mr. Lemak made a motion to adjourn to an Executive Session to discuss a property related matter. Mr. Stepanovich seconded.

There was no action anticipated coming out of the meeting. All those present voted aye. Motion approved.

ACTION ITEMS: None

ADJOURNMENT: The meeting was adjourned at 8:05 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.