

Council of the Municipality of Murrysville held a Regular Voting Meeting on Wednesday, September 21, 2022, 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, and Carl Stepanovich. Also present were Chief Administrator, Michael Nestico, Director of Community Development, James Morrison, Director of Finance, Jacie Milchak, and Solicitor, George Kotjarapoglus. Council President Dayne Dice and Mayor Synan were absent.

**REGULAR VOTING MEETING
AGENDA**

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

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

UNISTED AMENDMENTS: None

CONSENT CALENDAR ITEMS:

- A. Approval of September 7, 2022, Council Meeting Minutes
- B. Accounts Payable
- C. Cash Investments and Transfers

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

MAYOR'S COMMENTS: Mr. Nestico presented the Mayor's Comments on behalf of Mayor Synan.

Gearhard Farms will hold its 23rd annual corn maze, weekends through October 30th at the farm located at 5909 Saltsburg Road, Murrysville. For more information fo to GearhardFarms.com or call 412-302-0739.

The Murrysville-Export Rotary will offer 40 scholarships for a three-credit course during the 2022-23 term at Westmoreland County Community College. Students from Franklin Regional can apply at: <https://www.murrysville-exportrotary.com> or visit the guidance counseling office at the school. Deadline is September 26th.

Monday Night Cornhole will be held weekly September 12th – November 14th at the Murrysville Community Center. Registration is at 6 p.m. Games start at 6:30 p.m. Blind draw, bring your team, or just come for fun.

Octoberfest! Save the date, October 1st from 4:00 – 8:00 p.m. at the Murrysville Volunteer Fire Company pavilion on Sardis Road. Take a chance to win a 1986 Corvette. \$10 entrance fee for adults. Proceeds benefit local charities. Brought to you by the Murrysville-Export Rotary Club.

Murrysville Farmers' Market continues Thursdays from 3:00 – 7:00 pm through September at 3235 Sardis Road. Call 724-327-2100 ext. 131 or 115 for more information.

CHIEF ADMINISTRATOR'S COMMENTS: None

COMMUNITY INPUT: Mr. Spadaro noted that this is the time when people from the community can say whatever they like as long as it is three minutes or less.

Roger Sulkowski, 3550 McWilliam Road: Mr. Sulkowski stated that he is here this evening with three of his neighbors regarding an issue at 3538 McWilliam Road. He has been dealing with this issue with the Code Enforcement Officer for several years. The situation is that the property is in deplorable condition. The garage door is left open which allows for rodents to enter, there is a car that isn't inspected and doesn't have current plates, and the Junipers haven't been trimmed in the 15 years since she moved in. They are 15-16 feet high and cover the windows to the top of the house. There was a beautiful rhododendron along the side of the house which is now cluttered with weeds and trees growing out of it. The swimming pool has not been in operation for the past 6 years. There is no filter or pump and is half caved in. The Code Enforcement Officer has been up there and nothing has been done. He just says that they are going to send a letter to the magistrate, and they are going to get fined. What is going to be done with these people?

Mr. Nestico said that there was a lot of accuracy as to what was stated. Staff is working on this and, as per the files, the previous Code Enforcement Officer was also working on this property. There has been some progress made. She has cut the grass, she did put holes in the liner of the pool so it drains, and there is definitely overgrowth there. The garage door is another issue. She keeps the garage door open so that her cats can go in and out of the house. The current Code Enforcement officer has been up there, and sent letters to the resident and the homeowner, and has talked to some of the neighbors. It is a work in progress. The resident at this property has limited resources, which has been part of the difficulty.

Gale Fiore, 3541 McWilliam Road: Ms. Fiore stated that she supports everything that Mr. Sulkowski is saying. Her concern is that it is a serious health hazard. The cats on the property go all over the place, even on her deck. Surely this constitutes being reported to the Health Department. Kids live across the street and grandchildren visit. They are going to want to pet the kitty. Does something serious or bad have to happen before anything is done? These people would have corrected the problem already if they were going to correct the problem. They aren't going to do that. This is a long-standing problem, and it is growing in severity.

Mrs. Lingg asked if this would be an animal control issue opposed to a municipality issue? Mr. Nestico stated that there are cats out there, but the resident does take care of them, feeds them and has water for them. That is why the garage door is left open. Mr. Nestico stated that he can't answer specifically if that is an animal control issue because he has just recently become aware of this problem and is looking into it.

Mrs. Lingg asked what the protocol is once the Code Enforcement Officer is notified and what is within our limitations. Mr. Nestico stated that our Code Enforcement Officer, who just started in late June, became aware of this problem almost immediately. He started sending letters out in early July to the resident of the property as well as the owner, who is ultimately responsible. The owner does not live there and has an address of Pittsburgh and in Florida, where letters have been sent. That is one of the problems, that we have been dealing with the resident and not the owner. After letters are sent, we try to make contact with the property owner. The Code Enforcement Officer has been trying to work with the owner. If citations are issued and we have to go to court, which is one step in the process, that would not rectify the issue. The

goal isn't necessarily to go to court and issue a fine. Even if we get a fine or a judgement against someone, it's not necessarily going to rectify the issue. Progress has been slow, but we have been trying to work towards a solution.

Joyce Sulkowski, 3550 McWilliams Road: Ms. Sulkowski stated that she put up a privacy fence and the bamboo next door comes up under their fence. You can't get rid of this bamboo. It's very thick and keeps coming more and more into her yard. She is concerned on what it is doing to the value of her home.

LIAISON COMMENTS AND COMMITTEE REPORTS:

Mr. McKenna: Parks and Recreation met last Tuesday. Oktoberfest is October 1st from 4-8 pm. Trick or Treat on the Trail will be October 29th from 12-2 pm. Tonight, at the Community Center was a program on the Holocaust. The Boy Scouts and Girl Scouts will be doing some work on the Skeena Trail off of North Hills Road.

Mrs. Lingg: Franklin Regional School Board held the Committee-of-the-Whole and regular board meeting this past Monday, September 19th. There was nothing of mutual concern with Council. They did hire a second assistant superintendent.

Dr. Lee Korns: Pension does not meet again until November 10th.

Mr. Stepanovich: He was unable to attend the Planning Commission meeting. The Parks and Recreation Foundation cornhole evening had a very light attendance. There is consideration of waiving the \$10 fee.

Mr. Lemak: The Murrysville Community Library met last Thursday. Everything is going well. All their programs are listed on the website. Tomorrow evening there will be a recognition for retiring Theo van de Venne, who has been a long-time contributor to this community on Council, has donated some property, and has worked with the soccer programs. The public is welcome to attend at 7:00 p.m. at the library.

WORKSHOP ITEMS

ADMINISTRATION: None

ENGINEERING: None

COMMUNITY DEVELOPMENT: None

PUBLIC WORKS AND PARKS: None

COUNCIL ACTION ITEMS

ADMINISTRATION:

~~13.A. Consider authorization to advertise Ordinance No. 1063-22, an ordinance vacating an unopened portion of a 40 foot right of way situated along Route 22 between contiguous parcels bearing tax map numbers 49-14-02-0-011 and 49-14-03-0-125 in the Municipality of Murrysville.~~

Mr. Nestico noted that 13.A. is going to be deleted from the agenda this evening and brought back at the next meeting. A little bit more time is needed to finalize this project.

13.B. Consider approval of the 2023 Minimum Municipal Obligation (MMO) for the police and non-uniform pension plans.

Dr. Lee Kornis made a motion to approve the 2023 Minimum Municipal Obligation (MMO) for the police and non-uniform pension plans. Mrs. Lingg seconded.

Ms. Milchak stated that this is the annual calculation prepared for budgeting purposes to determine the amount of funding required to meet the financial obligations of both pension plans. Some of the assumptions that are taken into consideration for the valuation include changes in the interest rate, salary increases or longevity payments, changes in the mortality rate table provided by the Social Security Administration, or experience factors. The total MMO this year for both plans is \$620,852. Our State Aid Unit Value, released by the PA Auditor General, went up 7.99% from last year. It is now \$5,180 bringing the total State Aid to be an estimated \$362,631 which will leave the municipal share at \$258,220.

Mr. Stepanovich asked if we are obligated to ask for the State Aid or does it come automatically. Ms. Milchak answered that we file a PA-385 with the PA Auditor General every year. If that report didn't go in, we wouldn't necessarily receive that State Aid.

All those present voted aye. Motion approved.

COMMUNITY DEVELOPMENT:

14.A. Consider approval of CU-1-22 and SP-1-22 for Tommy's Car Wash, a Conditional Use, a Major Land Development and lot consolidation application, two parcels 49-14-08-0-015 and 49-14-08-0-016, 4765 Old William Penn Highway, B Zoning.

Mr. McKenna made a motion to approve CU-1-22 and SP-1-22 for Tommy's Car Wash, a Conditional Use, a Major Land Development and lot consolidation application, two parcels 49-14-08-0-015 and 49-14-08-0-016, 4765 Old William Penn Highway, B Zoning. Dr. Lee Kornis seconded.

Charles Hergenroeder, Attorney for Tommy's Car Wash, and Adele Beaves, Engineer from Kimley-Horn, were present to answer any questions. Mr. Hergenroeder stated that the Planning Commission has made several recommendations, all of which they have accepted, along with all of the Conditions. There was one last issue that concerned sound. Mr. Morrison had several options, one of which they favor and that this be approved on the condition that the sound issue be resolved between the sound engineers before a building permit is issued or any land moved; however, demolition can start.

Mr. Morrison stated that he would encourage Council to incorporate into their motion, the conditions recommended by the Planning Commission.

Mr. McKenna amended his recommendation to approve the application on the Conditional Use that any building permits not be issued until the sound issues are rectified and everyone is in agreement, but demolition can begin. All Conditions by the Planning Commission must also be conformed to which the applicant has agreed to. Mr. Stepanovich seconded.

All those present voted aye, except for Mrs. Lingg who voted nay. Motion approved 5-1.

ENGINEERING:

15.A. Consider reducing the letter of credit held to insure completion of the required improvements at the Regan Ridge Development in the amount of \$80,592.60.

Mr. Stepanovich made a motion to approve reducing the letter of credit held to insure completion of the required improvements at the Regan Ridge Development in the amount of \$80,592.60. Mr. Lemak seconded.

Mr. Nestico stated that the developer will still have a remaining amount of \$444,710.74. The engineer had indicated that everything is moving along as expected.

All those present voted aye. Motion approved.

PUBLIC WORKS AND PARKS: None

OLD BUSINESS: None

NEW BUSINESS: None

EXECUTIVE SESSION: Mr. Nestico stated that the Executive Session is going to be delayed until next month because the Mayor and Council President are absent this evening.

~~— Legal/Contract Item~~

ACTION ITEMS: None

ADJOURNMENT: Dr. Lee Kornis made a motion to adjourn the meeting. Mrs. Lingg seconded. All those presented voted aye. Motion approved. The meeting was adjourned at 7:45 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.