

Council of the Municipality of Murrysville held a Regular Voting Meeting on Wednesday, October 18, 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 Community Development, Jim Morrison, Director of Public Works, Bill Paiano, and Solicitor, Wes Long. Council President, Dayne Dice was absent.

**RECOGNITION BY MAYOR SYNAN
JOE HNATH**

Mayor Synan stated that we are honoring Joe Hnath this evening who is a Murrysville resident and at the age of 2 was diagnosed with Asperger’s Syndrome. Born with perfect pitch, Joe has excelled as a singer and expanded into acting and performing. Since he was 9 years old, Joe has acted in multiple local short films and has done background work for Netflix. Joe is very involved with an organization called Band Together Pittsburgh which is a non-profit organization which works with individuals on the autism spectrum through music programs. Mayor Synan presented Joe Hnath with a Meritorious Citation for singing the Star Spangled Banner at the Pittsburgh Pirate game on July 30 and for continually working to improve opportunities for our special needs population. Murrysville is proud of you and your accomplishments, and we look forward to hearing more from you. “If you can dream it, you can do it!”

Joe sang the Star Spangled Banner and then thanked the community for this honor to be seen as an advocate who can help and make a difference with others with disabilities.

**PUBLIC HEARING
FOR CU-1-23, LVF PROPERTY DEVELOPMENT, LLC, TAX PARCEL 49-14-01-0-215,
3898 OLD WILLIAM PENN HIGHWAY, MIXED USE ZONING, FOR A PROPOSED RETAIL USE**

A Public Hearing was held for CU-1-23, LVF Property Development, LLC, Tax Parcel 49-14-01-0-215, 3898 Old William Penn Highway, Mixed-Use Zoning, for a proposed retail use. A stenographer was present to record the hearing. Mr. Morrison stated that LVF proposes to remodel the structure, which was previously the old post office building in Town Square, and would like to turn it into a retail store. Because it is in a mixed-use zone, its change of use would require conditional use. The site plan and remodeling activities would be handled administratively. Mr. Stepanovich noted that this was approved by the Planning Commission and more than meets the parking requirements. Mr. McKenna made a motion to close the Public Hearing. Mrs. Lingg seconded. All those present voted aye. Motion approved. The Public Hearing was closed at 7:08 p.m.

**REGULAR VOTING MEETING
AGENDA**

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

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

UNISTED AMENDMENTS:

Mr. Nestico stated that he is going to recommend that 9.A. be removed from the agenda in conjunction with 14.A. in regard to short-term rentals since the full contingent of council members is not present this evening. In following up with the solicitor, there have been a few recent developments regarding the oil and gas lease at Duff Park which is item 13.A and he feels this should be tabled till November 1st. Additional items 9.C. and 13.D. will relate to a discussion on an oil and gas lease at MCP.

CONSENT CALENDAR ITEMS:

- A. Approval of October 4, 2023 Council Meeting Minutes
- B. Accounts Payable
- C. Cash Investments and Transfers

Mr. McKenna 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 first Curbside Leaf Collection date is coming up Saturday, October 21st. Republic Services will conduct municipal-wide sweeps to collect leaf and yard waste. You must schedule a pick-up on the Curbside Leaf Collection Program Form on the Municipal website at www.murrysville.com under About Us and select Forms, Permits, & Maps. There is a 20-bag limit. The deadline to sign up is the Thursday before the pick-up date.

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.

Public Works is hiring. They are seeking qualified applicants for the position of full-time skilled laborer. Although a CDL Class license is preferred, an applicant who does not possess the preferred license, once hired will have 180 days to obtain a CDL Class A license with the air brake restriction removed. Applicants are required to lift 100 lbs. and have the ability to work in extreme weather conditions for long periods of time. A high school diploma or GED equivalent is required. This position also involves the availability for overtime hours, day or night. General construction, asphalt, masonry and turf maintenance skills are preferred, but not mandatory.

Now Hiring a part-time administrative assistant to the Public Works Director and staff. The qualified person for this job performs a variety of routine and complex clerical, secretarial and administrative work in keeping official records, telephone answering, typing, word processing, and record management. This part-time position is a somewhat flexible 16-20 hour a week schedule.

Trick or Treat is Tuesday, October 31st from 6:00 – 8:00 p.m.

CHIEF ADMINISTRATOR’S COMMENTS: Mr. Nestico stated that the two openings that the Mayor just mentioned were advertised in the Tribune Review. We have received 10+ applications for the laborer position and at least 17 applications for the administrative assistant position.

Also, this was mentioned last month, but because there are some oil and gas items on the agenda this evening, he had gotten some feedback that some residents are under the impression that the oil and gas leases would require surface activity or drilling on the property and that is not the case. We want to make clear that this is all subsurface activity and oil and gas wells will not be located on municipal property.

COMMUNITY INPUT: Mr. Spadaro noted that residents would be given three minutes to speak.

Tom R. Pike, 3806 Greensburg Pike: Mr. Pike stated that he was born and raised in Murrysville and is here tonight as an environmental policy advocate for Protect PT which is a local non-profit with 34 members in Murrysville to ask Council to vote no on the proposed ordinance which would open up the subsurface of Duff Park to fracking. He will be back on November 1st. They are not asking to stop fracking forever, but that the 234 acres of public parkland be set aside for the benefit of the public. This isn’t land that any private corporate should be allowed to extract a profit at the public’s expense. If you are just looking for a way to generate revenue for the Municipality there are better ways. Call him, he would be happy to talk about that. He realizes that this lease would be a subsurface lease with surface operations near the park, but not within it. The lease does allow fracking and horizontal drilling, but even if Olympus didn’t intend to frack, or just intend to put a conventional well there, we would still oppose that, because that is not what parks are for. There are legal concerns with this lease. The deed does not grant the Municipality oil and gas rights. You cannot sell something that does not belong to you.

David King, 5112 Hemlock Lane: Mr. King stated that he did most of his growing up in Murrysville and is a daily user of Murrysville’s parks as well. The parks are often full of people, their children and their dogs. Murrysville parks are a point of local pride and one of the reasons why he chose to return here after moving pretty far away. He was a bit dismayed to hear that Murrysville approved to bid on gas and oil rights at Duff Park and are now a step away from being able to save our park. It is important for us to think about what a park is actually for. They are traditionally spaces set aside specifically not to be developed for any money-making purpose, they are places made for the free and equal enjoyment of all people. We shouldn’t make the mistake of treating someone as being more equal than others just because they show up with a lot of money and want to use the park for their own gains. We certainly would not be OK with setting up retail operations in Duff Park and even though oil and gas may be subsurface in the park, the principle still applies. Parks are not for sale. Please protect Duff Park.

Valerie Mittereder, 105 Park Lane: Mrs. Mittereder stated that she and her husband own the majority of the Murrysville tree sign. The tree sign has always meant a lot to her. There had been an agreement made back in 1989 between Murrysville and Pat DeCesare where Murrysville agreed to maintain the tree sign. It is not being maintained. A certain amount of money is given every year. The Amish do come up and cut down the weeds. There are a lot of dead trees and trees need to be replaced. She would like the money put into having it look a little bit better. She doesn’t want to see it go away. If it is not maintained, we can go to court - she doesn’t want that to happen. All she is asking is that there is a plan to keep up the tree sign now and in the future.

Ed Mittereder, 105 Park Lane: Mr. Mittereder wanted to reiterate what his wife was talking about. This tree sign was built a long time ago by the boy scouts through a labor of love in around 1933. We need some pride here in Murrysville because we have something here that is quite unique which was actually featured in the Guinness Book of World Records for the largest living tree sign in the world. It is a shame how much it has deteriorated. There is a picture of the tree sign in Atrias Restaurant which spells out Murrysville quite clearly. There should be some kind of a plan and put money in the right direction to maintain the tree sign.

Mrs. Lingg asked Mr. Nestico to look into the actual cost to rehabilitate that sign. Mr. Nestico stated that he could do that. In the budget, we currently contribute anywhere from \$5,000 to \$6,000 annually toward that. Funds were raised by different groups within the community with estimates of \$10,000 to \$20,000. We can look at what options might be available to us and bring them back to Council for discussion.

Thomas A. Pike, 4703 Stewart Court: Mr. Pike stated that he is a current resident of Murrysville and in the past served on the Murrysville Parks and Recreation Commission. He downloaded a deed of an 89 acre parcel of Duff Park which is over 35% of the total acreage. He read a portion of the deed which he talked to lawyer about and said that the Municipality cannot allow drilling in or through that tract because of the covenant in this deed. Mr. Pike stated that he will be back when the particulars are discussed at the November meeting.

Laura Vincenti, 127 Ridge Lane: Ms. Vincenti stated that she is a new resident and is here to speak about the gas and oil leasing in Duff Park. She is looking forward to walking in the parks. Duff Park is designated as a wild plant sanctuary by the Pennsylvania Department of Conservation in addition to the other designation mentioned earlier. She continues to be worried about the immediate and long-term effects of gas and oil fracking in our community. Olympus does not have a good track record regarding industry violations. She would like to know what exactly is going to be permitted and not permitted on that property. Also, she learned recently that part of Kovalczik Park has already been leased to a different fracking company. She does recognize that the leasing money is hard to turn down, but Allegheny County banned the leasing of parks to frackers, it's a little disappointing to see Murrysville going in the opposite direction. Also, being a new resident, she just googled the tree sign and agrees that it is worth saving.

Ron Wolfe, 3644 Forbes Trail Drive: Mr. Wolfe stated that he was here to talk about the traffic on Route 22. About 30 years ago, Pleasant Hills was wise enough to set the traffic signals to the speed limit. If you exceeded the speed limit, the traffic signal would turn red. Why can't we do that in Murrysville? Unfortunately, someone just died on Route 22 and School Road because of speeding and running red lights. Maybe we can look into that situation and change the traffic signals. Mr. Wolfe asked if the Council meetings are televised and what channel. Mr. Spadaro answered yes, on channel 21.

LIASONS COMMENTS AND COMMITTEE REPORTS:

Mr. McKenna: Parks and Recreation: Vendors are still needed for Trick or Treat on the Trail. Please get on the website and sign up. Thank you to Mike Jones who does the field maintenance for FRAA who spent all day at MCP working on the fields and the fields look great.

Mrs. Lingg: The next School Board meeting is October 23rd. It is a combined Committee-of-the Whole and Board Meeting.

Dr. Lee Korn: Nothing new to report from the Pension Committee.

Mr. Stepanovich: He was not able to attend the Parks and Recreation Foundation meeting, but several things were discussed. White Valley is considering the donation of a baseball field. The Municipality, in turn, may offer access to the trail from White Valley. Editing of the by-laws is in process. Two committees will be formed. One will focus on fundraising and the other will focus on communications. The next meeting will be held on November 20th.

The Planning Commission met on October 10th. There were three things discussed. (1) The LVF Property will be discussed this evening. The first tenant will be The Pittsburgh Flooring Company. It was approved by the Planning Commission. (2) The addition to the former Choice Gas Station will be Your Daily Brew which will be for the sale of beer. There is adequate parking spaces and adequate space for beer truck delivery. Gas, water, and electricity were not complete, so it was tabled. (3) Eat N Park expansion for a full ADA compatible facility.

Mr. Lemak: The Library meets tomorrow.

Mr. Spadaro: Medic One meets tomorrow.

WORKSHOP ITEMS

ADMINISTRATION:

9.A. Discussion regarding Short Term Rental Ordinance - TABLED

9.B. Discussion regarding 2024 Council Meeting Dates

This was discussed at the last meeting with President of Council Dayne Dice not being able to make the 2nd meeting of the month being on a Wednesday due to his work schedule. It was agreed by Council to move forward and have the change advertised to have the 2nd meeting of the month changed to Tuesday for the remainder of the year and add it to the agenda as an action item as 13.E.

9.C. Discussion of the lease of oil and gas rights for approximately 305.90 acres of municipally owned property at Murrysville Community Park

Mr. Long stated that the Municipality was approached by Olympus Energy regarding a subsurface oil and gas lease under MCP. The proposal by Olympus would be \$5,000 per acre (305 acres). There would be 18% royalties with no production or post-production deductions, with the provisions similar to those for Duff Park. Olympus would use the Titan pad off Bollinger Road. We would have an obligation to solicit bids from other companies that may be interested in putting in a proposal. Mr. Long would recommend that Council at least authorize the advertisement for bids for the subsurface drilling under MCP whether we go forward and enter into a lease agreement or not. This would still be subject to title clearance.

ENGINEERING: None

COMMUNITY DEVELOPMENT:

11.A. Discussion regarding SP-2-23, Eat'n Park, and addition and various improvements to the existing structure, 4584 William Penn Highway, B-Business Zoning

Jesse Stock, representing Eat'n Park at the 4584 William Penn Highway location, presented some drawings of the proposed addition and various improvements to the existing structure. The addition would include a pick-up window, an expansion of the dining area, which will bring back the salad bar, make the restrooms ADA compliant, a new walk-in freezer and exterior façade improvements. The Planning Commission recommended approval and this will be on the Council November agenda for a vote.

PUBLIC WORKS AND PARKS: None

COUNCIL ACTION ITEMS

ADMINISTRATION:

13.A. Adopt Ordinance No. 1077-23, an ordinance accepting a lease for oil and gas rights for approximately 234.60 acres of municipally owned property, Duff Park, at tax map numbers 49-14-00-0-071 (154.10 acres), 49-14-00-0-072 (1.40 acres), 49-14-00-0-070 (9.00 acres), 49-14-00-0-167 (48.61 acres), 49-14-00-0-168 (14.59 acres), 49-14-05-0-101 (4.40 acres), and 49-14-00-0-135 (2.50 acres).

TABLED

13.B. Advertise for a Public Hearing to present proposed amendments to the 2023 Operating Budget to be held on November 1, 2023, at 7:00 PM.

Dr. Lee Kornis made a motion to approve advertisement for a Public Hearing to present proposed amendments to the 2023 Operating Budget to be held on November 1, 2023, at 7:00 PM. Mr. Lemak seconded. All those present voted aye. Motion approved.

13.C. Advertise for a Public Hearing to present the 2024 Operating Budget to be held on November 1, 2023, at 7:00 PM.

Mr. Lemak made a motion to approve advertisement for a Public Hearing to present the 2024 Operating Budget to be held on November 1, 2023, at 7:00 PM. Mr. Stepanovich seconded. All those present voted aye. Motion approved.

13.D. Authorize staff to solicit bids for the lease of oil and gas rights for approximately 305.90 acres of municipally owned property, Murrysville Community Park, at tax map numbers 49-07-00-0-066 (260 acres) and 49-11-00-0-103 (45.90 acres).

Mr. McKenna made a motion to authorize staff to solicit bids for the lease of oil and gas rights for approximately 305.90 acres of municipally owned property, Murrysville Community Park, at tax map numbers 49-07-00-0-066 (260 acres) and 49-11-00-0-103 (45.90 acres). Dr. Lee Kornis seconded. All those present voted aye. Motion approved.

13.E. Authorize staff to advertise a revised meeting schedule for the remainder of 2023 to hold council meetings on Tuesday, November 14, 2023 and Tuesday, December 19, 2023 and cancel the scheduled meetings for Wednesday, November 15, 2023 and Wednesday, December 20, 2023.

Mr. Stepanovich made a motion to authorize staff to advertise a revised meeting schedule for the remainder of 2023 to hold council meetings on Tuesday, November 14, 2023 and Tuesday, December 19, 2023 and cancel the scheduled meetings for Wednesday, November 15, 2023 and Wednesday, December 20, 2023. Dr. Lee Kornes seconded. All those present voted aye. Motion approved.

After the meeting, it was noted that the Planning Commission meets on Tuesday, November 14th, so it was decided to keep the November meeting as scheduled on Wednesday, November 15th.

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

14.B. Approve CU-1-23, LVF Property Development, LLC, Tax Parcel 49-14-01-0-215, 3898 Old William Penn Highway, Mixed Use Zoning, for a proposed retail use.

Mr. McKenna made a motion to approve CU-1-23, LVF Property Development, LLC, Tax Parcel 49-14-01-0-215, 3898 Old William Penn Highway, Mixed Use Zoning, for a proposed retail use. Mrs. Lingg seconded. All those present voted aye. Motion approved.

ENGINEERING:

15.A. Authorize the release of the bond being held to insure completion of the required improvements at the Villa Ciano Development.

Dr. Lee Kornes made a motion to authorize the release of the bond being held to ensure completion of the required improvements at the Villa Ciano Development. Mrs. Lingg seconded. All those present voted aye. Motion approved.

PUBLIC WORKS AND PARKS:

16.A. Award the contract for DPW-5-23, Municipal Building HVAC Project to The Mechanical Services Company, LLC in an amount not to exceed \$286,495.

Mrs. Lingg made a motion to award the contract for DPW-5-23, Municipal Building HVAC Project to The Mechanical Services Company, LLC in an amount not to exceed \$286,495. Dr. Lee Kornes seconded.

Mr. Paiano stated that bids were opened on October 11th for the HVAC work. There were two bidders. The low bid was \$286,495 by Mechanical Services. There is a 20-week wait for materials and he would like to get the contract signed and back to them as soon as possible.

All those present voted aye. Motion approved.

OLD BUSINESS: None

NEW BUSINESS: None

EXECUTIVE SESSION: Property and Litigation Matters

Mrs. Lingg made a motion to adjourn to an Executive Session. Dr. Lee Korn seconded. All those present voted aye. Motion approved. There was no action anticipated coming out of the meeting.

ACTION ITEMS: None

ADJOURNMENT: The meeting was adjourned at 8:15 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.