

The Council of the Municipality of Murrysville held a Regular Voting Meeting on Wednesday, November 1, 2023, at 7:00 p.m. in the Municipal Building. Present at the meeting were Council members Dayne Dice, 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 Finance, Jacie Milchak, and Solicitor, Wes Long.

**PUBLIC HEARINGS  
PROPOSED AMENDMENTS TO THE 2023 OPERATING BUDGET**

A Public Hearing was held at 7:00 p.m. for proposed amendments to the 2023 Operating Budget. Ms. Milchak noted that there are no General Fund amendments, but there are a few that are in the Capital Reserve. There have been some issues with the traffic light on Route 22 which needed some additional repairs needing \$8,000 amended into the budget. The 2023 Overlay Program came in \$25,000 under budget. These funds will be utilized to support the Route 22 Traffic Light Preamble repairs, as well as the additional Route 22 Traffic replacement processor that failed.

Murrysville has partnered with the Lyons Run Watershed Association on a project that will clean and neutralize the alkaline limestone bed and remove the heavy metals from the Lyons Run Stream. This project is entirely supported by grant funding.

The Public Works Brine Pump/Sprayer experienced a frame failure and had to be replaced. Real Estate Transfer taxes received have exceeded budgetary expectations and will be utilized to support purchases of the needed equipment. The Kovalczik Park Rehab project experienced more repairs needed than originally anticipated. Gas royalties were received and will be utilized to support the increased cost of the project.

The Police Department is in the process of purchasing ten body cameras for the officers to wear during patrol or interaction with the public. These cameras will help officers document incidents more accurately, enhance officer safety, and reduce liability. The additional Real Estate Transfer taxes received above budgetary expectation will be utilized to support the purchase of these.

The total amount being requested to amend is \$624,000.00.

**PRESENTATION OF THE 2024 OPERATING BUDGET**

A Public Hearing was held to present the 2024 Operating Budget. Ms. Milchak gave a slide presentation on the finalized operating budget which includes the Capital Improvements for 2024 and all of the funds that the municipality has on the books. The total proposed budget for 2024 is \$15,615,140. This is a 1.34% increase over the 2023 proposed budget. The General Fund is proposing \$10,567,825 which is 5% increase over last year. The Capital Reserve is proposing \$3,401,000 which is 11% decrease over the 2023 Capital Improvement Plan. Debt Service remains the same at \$417,113. The value of a mill is estimated to be \$340,000 per mill. This is a 1% increase over last year.

The dedicated milage for 2024 remains at 12.15 with no tax increase, but it includes a proposed reallocation of the millage.

General Fund Allocations: Total revenues and total expenditures are proposed to increase by 5.2%. Administration salary increases were estimated on a COLA increase of 3.5% (3.2). Laborers' union wages for public works are increased 2.75% per the CBA. Health care increases are estimated at 10%. Engineering has a large increase to start doing bridge inspection. Community Development has a zoning ordinance project. There is a small increase for utilities at the parks. There is an additional employee in the public works department. The traffic lights on Route 22 have been experiencing an increase in repairs. The cost of raw materials continues to rise.

Capital Reserve: Total projects for 2023 total \$2,723,000 and include all projects outlined in the 2024 CIP. This includes \$2,073,000 in Street and Infrastructure (this does not include the addition to reserve to bridges in the amount of \$350,000). \$813,000 in Building Land and Equipment Purchases. \$50,000 for a Comprehensive Plan and \$465,000 in park improvements. \$850,000 will come from the State thru Liquid Fuels allocations for the road projects.

Special Purpose: Each entity's activity is tracked separately (3 individual bank accounts).

- (1) Emergency Equipment Fund: For repairs, maintenance, gasoline, and insurance costs incurred for the fire trucks owned by the Municipality.
- (2) Medic One: To be used for vehicle purchases and for additional funds to support the community based on the number of residents in the municipality.
- (3) Community Library: Receives 1.0 mill real estate tax. The Library Fund will receive approximately \$340,000 in 2024.

Dr. Lee Kornis asked about the bridge inspections and liability. Ms. Milchak noted that we would not be doing the inspections in-house. They would be done by engineers that deal specifically with bridges. Mr. Nestico added that the work would be contracted out to the State through liquid fuels funding allocations.

Mr. Stepanovich asked if there were any revenues in the form of royalties coming in from Olympus Energy. Ms. Milchak answered that we are receiving gas royalties in a small amount in the Capital Reserve.

Mr. McKenna had a question on the Emergency Equipment Purchase and Repair Account and asked which fire department was purchasing a new truck. Ms. Milchak answered White Valley.

Mr. Dice asked for any other questions or comments from Council or any questions or comments from the public. Hearing none, Mrs. Lingg moved to close the Public Hearing. Mr. McKenna seconded. All those present voted aye. The Public Hearings were closed at 7:30 p.m.

## **REGULAR VOTING MEETING AGENDA**

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

**PLEDGE OF ALLEGIANCE:** Council President, Dayne Dice led the audience in the Pledge of Allegiance.

**UNISTED AMENDMENTS:** None

**CONSENT CALENDAR ITEMS:**

**4.A.** Approval of October 18, 2023, Council Meeting Minutes.

Dr. Lee Kornis 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:

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](http://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. The next pickup date is Saturday, November 18<sup>th</sup> and then Saturday, December 9<sup>th</sup>.

The Municipality of Murrysville is seeking qualified applicants for the position of full-time skilled laborer within the Public Works Department. 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.

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.

The quarterly Glass Recycling “Pop-Up” Event will be Saturday, December 2nd, 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.

PLAYNOTES – The Murrysville Recreation Department will sponsor a free music session at the Community Center, 3091 Carson Avenue, on Monday, November 6<sup>th</sup> at 5:30 p.m. Join our 30-minute music session that is fun, interactive and promotes developmental skills. Recommended for 5 years and under with their adult supervision. RSVP by emailing [scheduling@playnotes.org](mailto:scheduling@playnotes.org).

**CHIEF ADMINISTRATOR’S COMMENTS:** Mr. Nestico stated that there are two opportunities in the Public Works Department. Full time laborer and part-time administrative assistant. We have received quite a few applications, but if anyone is interested in this opportunity please consider applying.

Trick or Treat on the Trail was a great success for the Recreation Department. They had roughly 500 participants and quite a few vendors. We received a lot of positive feedback.

**COMMUNITY INPUT:**

David Connors, 2208 Woodmont Drive: Mr. Connors stated that he is here on behalf of his son who was unable to come because of work. He lives at 4834 Treesdale Court. The gentleman that lives below him, Mr. Shephard, about a week or so ago decided to put a speed bump in the right-of-way going up to the houses. They are unable to get their vehicles out because the bump is too big, plus it is a loose stone. He has contacted PennDOT and Murrysville. There have also been water problems up there. His son's insurance company would like to have a sign-off by the Chief of Police, the Fire Marshall, and EMS that it would not curtail them from being able to get up to their house. In the winter, that could fill up with water and become a big block of ice. According to the Pennsylvania Code, there are codes for speed bumps on how it's made, size, etc. Mr. Shephard keeps piling it up. Mr. Connor feels that Council can help get everyone together to resolve this problem of harassment. There is no reason for a speed bump. Also, Mr. Shephard installed a pylon with his address in it. His understanding is that Murrysville doesn't allow that. Because he has the address on the left-hand side of the road, which is the "odd" side of the road and his address is even, deliveries are not being made or are very confused. Murrysville needs to take a look at that also.

Jason Plank, 2320 McNory Blvd. Wilkinsburg: Mr. Dice asked Mr. Plank if he was a Murrysville resident or what he was going to be speaking about. Mr. Plank answered no that he was not a resident and was going to speak about fracking in the parks. Council moved on to hear the residents speak.

Karen Kozuch, 280 Jefferson Street: Ms. Kozuch stated that she has been a proud resident of Murrysville for 22 years and raised seven children here. She loves her community and the parks. Her daughter almost bought a home here about a month ago but decided not to because they learned of many potential threats of proposed fracking where they were going to buy a house. This is not the reputation we want in Murrysville for our home value and the safety of our children and grandchildren. Her son-in-law works for the FDA and he did the research and decided that they were not going to buy a home due to the environmental threats, the health threats, the EPA violations these companies have. Olympus has 22 violations already from the Titus Well and we are looking to expand this. She is very sad and stressed about what we are allowing in our community. That industry is dangerous and has threats and should remain in industrial zones – not in our back yards and not in our parks. We know you have a budget to balance, but you should look for other ways to raise money.

Tom R. Pike, 3806 Greensburg Pike: Mr. Pike stated that he was speaking on behalf of the 34 members of Protect PT that are residents of Murrysville. Mr. Pike gave Council documentation of Olympus' 807 violations of impact to surface water at Deer Lake Park after Allegheny Council leased the subsurface for fracking in 2014, a decision they sorely regretted, which led them to banning future park land subsurface leases last year. We do not want Duff Park to look like that. There are other ways to make money for the Municipality. There are at least three distinct legal problems with proceeding with these leases. First, Murrysville does not own these subsurface gas rights to Duff Park. Opening it up to fracking would open the Municipality up to serious liability. You cannot sell something you do not own. Secondly, these leases would violate the Pennsylvania Constitution, Article 1, Section 27: The People have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people. Municipalities are obligated to implement Article 1, Section 27. Failing to live up to this obligation would open the Municipality up to serious legal liability. Lastly, PEDF vs. Commonwealth prohibits this Municipality from depositing any money from these lease sales to the General Fund. This is not free money. It comes with string attached.

**LIAISON COMMENTS AND COMMITTEE REPORTS:**

Mr. Lemak: The Library met last week. Their municipal support is 99% paid. Circulation is up 6.5% from 2022. The active users online are up 11.6% and programming attendance is up 28.2%.

Mr. Stepanovich: The Murrysville Parks and Recreation Foundation meets on Monday, November 20<sup>th</sup>. The Planning Commission will meet on Tuesday, November 14<sup>th</sup>.

Mr. Spadaro: The next meeting for Medic One is November 16<sup>th</sup>.

Dr. Lee Korn: Pension has not had another meeting.

Mrs. Lingg: The last School Board meeting was this past Monday, October 23<sup>rd</sup>, but she was not able to attend. The next meeting is November 20<sup>th</sup>.

Mr. McKenna: Parks and Recreation meets on November 14<sup>th</sup>. A big thank you to them for this year. All of their events went very, very well. Not a lot going on right now because of the cold weather coming in, but they are getting prepared for next year.

**WORKSHOP ITEMS**

**ADMINISTRATION:**

**9.A. Discussion regarding Skena Reserve**

Mr. Nestico stated that the Municipality has been approached by an individual seeking to enter into an agreement with the Municipality to provide maintenance services to the Skena Reserve area. Part of that maintenance agreement would be to groom the trail system that exists, establish new trails, cut down trees, remove invasive plants, etc. A draft agreement was received from the individual. In speaking with the solicitor, staff had some concerns regarding this agreement. Mr. Skena was not present to provide any feedback regarding the proposal.

Mr. Stepanovich stated that it appears that Mr. Skena wants to do a lot to help. There is no question there. He is asking Council to have an individual agreement which would set a precedent and from what he saw and read, it would be very difficult for the Municipality to do that.

Mr. Spadaro asked how long this has gone without maintenance. Mr. Nestico answered that he wasn't sure. There are volunteers that do go into the reserve and maintain it, but Mr. Skena is proposing to recreate the trail system, cut trees, etc. Volunteers focus mainly on removing invasive species of plants and things like that. Mr. McKenna stated that this has come up a lot in Parks and Recreation Committee meetings and they have been down there to look at this. Public Works equipment would be too big to get in there, but some members of the committee with equipment might be able to get in there and help cut back on the trails. The Boy Scouts have been looking at doing some projects there with trail markers. It is overgrown at the reserve, but we shouldn't relinquish our control over that park.

Mrs. Lingg stated that she hates to look a gift horse in the mouth; he is volunteering his time and volunteering money to help with this but would like to see this done in such a way that it would be on a trust basis as opposed to a contractual basis. Dr. Lee Korn concurs and is very grateful to Mr. Skena for his

offer and generosity. She recalls that this was never intended to be a park that the municipality would maintain to a high level. Mayor Synan added that the trails were to be maintained by volunteers. The trails were fairly open when it was first taken over. His first idea would be to turn this over to Parks and Recreation and see what they come up with.

Mr. Dice feels that Council has come to a consensus that it is no to the contract agreement and ask that Parks and Recreation look into the Skena Reserve and come up with a plan.

**9.B. Discussion regarding Short Term Rental Ordinance**

Mr. Nestico stated that if there is a consensus to vote on this ordinance tonight under 14.A., staff would need some direction on which districts would be approved or not approved in the municipality to permit this activity.

Mr. Spadaro stated that he objects to short-term rentals being in the residential district at all. The more you get into the residential areas, the more they become businesses. The residential then becomes mixed-use.

Mrs. Lingg stated that all the zoning should be removed from the ordinance in its entirety. It should be a code issue and enforcement issue. We don't currently have any problem with this in Murrysville. If it were to become a problem, then we can certainly go back and look at the ordinance. We are making a mountain out of a mole hill right now. Just table it and not put an ordinance into effect or vote to eliminate all of the zoning.

Mr. Stepanovich stated that when you have 24 rentals in a year, that is a business. Mr. Stepanovich gave two examples of Air B&Bs out of state where: (1) Two people were killed and other where an 18-month-old child crawling on the floor ingested fentanyl from a previous renter and died. Could this happen – yes. He is against this.

Mr. McKenna feels that we don't have an issue with this in Murrysville but is something we should keep an eye on. It shouldn't be a zoning-based decision. It should be permitted and regulated through the Municipality. It is not our place to tell residents what they can and cannot do with their own home.

Mr. Dice stated that every point he was going to make was already hit. He is fine with registration, permits, and inspection, but at this point, these short-term rentals have not been a problem in this community. The government should not be regulating non-problems. If it becomes a problem, then Council can step in and regulate however they need to.

Dr. Lee Korn concurs with Dayne, Jamie, and Mac that historically we, as Council, have taken a stance to not overregulate and keep local government small and support the community. Should there be a major issue, that is why we have police and why we have code enforcement. She would support an ordinance that includes permitting, code enforcement, and removing zoning requirements but looking at the max occupancy clause. The ordinance currently states a maximum occupancy of 2 people per bedroom, which is pretty standard for rentals and no more than an additional 2 for a maximum of 8 people, whichever is less. There are quite a number of 5-bedroom homes in Murrysville. She would like to see that read a maximum of 2 people per bedroom with an additional 2, with a maximum of 10 people.

Solicitor Long noted that you can't have a permit process without an ordinance. Do you want an ordinance at all or do you want one of some sorts. What areas are you going to permit short term rentals or what

areas are you going to prohibit it or not regulate it and only do permitting?

Mr. Stepanovich made a motion to table the Short-Term Rental Ordinance. Mr. Spadaro seconded.

Upon a roll call vote: Mr. Dice – no, Mr. Spadaro – yes, Mrs. Lingg – no, Dr. Lee Kornis – no, Mr. Stepanovich – yes, Mr. Lemak - no, Mr. McKenna - no. Motion denied 2–yes, 5–no.

Mr. Dice stated that we will now be giving direction to staff tonight about how we want them to proceed. We will have an unofficial roll call vote that if you vote yes, you are in favor of an ordinance that deals with permitting registration but no zoning requirements. If you vote no, you disagree with that and there should be zoning requirements.

Upon a roll call vote: Mr. Dice – yes, Mr. Spadaro – yes, Mrs. Lingg – yes, Dr. Lee Kornis – yes, Mr. Stepanovich – yes, Mr. Lemak - no, Mr. McKenna - yes. Motion approved 6–yes, 1–no.

Mr. Nestico clarified that staff will draft an ordinance that deals with registration and permitting requirements allowing them in any zoning and eliminates the 5-acre requirement.

**ENGINEERING:** None

**COMMUNITY DEVELOPMENT:** None

**PUBLIC WORKS AND PARKS:** None

### COUNCIL ACTION ITEMS

#### ADMINISTRATION:

**13.A.** Authorize the Chief Administrator to consent to the repository sale of the property located at tax map number 49-16-14-0-103 located at 6283 Old William Penn Highway to prospective buyers Daniel Randolph and Daniel McKenna.

Dr. Lee Kornis made a motion to authorize the Chief Administrator to consent to the repository sale of the property located at tax map number 49-16-14-0-103 located at 6283 Old William Penn Highway to prospective buyers Daniel Randolph and Daniel McKenna. Mrs. Lingg seconded.

Mr. Nestico stated that this is the property that came to Council several months ago regarding demolition and was approved to have this property demolished. Coinciding with that decision, this property was also moving through the county tax sale process. It ultimately reached the Repository, which is the final step in the tax sale process at the county level. These buyers placed a bid on the property. They are aware that the property is in poor condition and either needs to be demolished or attempts made to repair it.

Mr. McKenna abstained from voting because one of the purchasers is his brother. All others 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.

Dr. Lee Korn made a motion to table 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. Mr. Stepanovich seconded.

All those present voted aye. Motion approved.

**14.B.** Approve SP-2-23, Eat'n Park, an addition and various improvements to the existing structure, 4584 William Penn Highway, B Business zoning.

Mr. Lemak made a motion to approve SP-2-23, Eat'n Park, an addition and various improvements to the existing structure, 4584 William Penn Highway, B-Business zoning. Mrs. Lingg seconded.

Mr. Nestico noted that representatives from Eat'n Park were at the last meeting and discussed various improvements and additions that would be made to the property. Council must approve all land development applications. The Planning Commission recommended approval along with staff. The stop sign has been relocated on the revised plans.

All those present voted aye. Motion approved.

**ENGINEERING:**

**15.A.** Award the contract for DPW-3-23, Duff Park Bridge Repair Project, to Kurkurin Contracting, Inc. in an amount not to exceed \$75,000.

Mr. Stepanovich made a motion to award the contract for DPW-3-23, Duff Park Bridge Repair Project, to Kurkurin Contracting, Inc. in an amount not to exceed \$75,000. Mr. Spadaro seconded.

Mr. Nestico stated that this is the Duff Park Bridge Repair Project. This project was put out to bid earlier in the year and again in October. There were two bids received. This will be paid through the Capital Improvement Program. Staff recommends approval of this item.

All those present voted aye. Motion approved.

**PUBLIC WORKS AND PARKS: None**

**OLD BUSINESS:** Mrs. Lingg asked about Council's meeting dates for this month. Mr. Nestico stated that November dates will remain the same. The only revised date will be in December for the 2<sup>nd</sup> meeting of the month being Tuesday, December 19<sup>th</sup> instead of Wednesday, December 20<sup>th</sup>.

Solicitor Long stated that there was some discussion at the last meeting regarding title issues of gas and oil under Duff Park. It has been determined that the Municipality does not own the oil and gas rights under all



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of the acreage in Duff Park. It does own the oil and gas rights under 74.2925 acres. Mr. Nestico stated that we would have to re-advertise an updated ordinance with the correct parcel numbers and come back at a subsequent meeting to approve.

**NEW BUSINESS:** None

**EXECUTIVE SESSION:** Mr. Spadaro made a motion to adjourn to an Executive Session to discuss potential litigation. No action was anticipated coming out of the meeting. Mr. Lemak seconded. All those present voted aye. Motion approved.

**ACTION ITEMS:** None

**ADJOURNMENT:** The meeting was adjourned at 8:45 p.m.

*The Regular Voting Meeting and Public Hearings 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.*