

Council of the Municipality of Murrysville held a Regular Voting Meeting on Wednesday, March 17, 2021, at 7:00 p.m. in the Municipal Building. Present at the meeting were Council members Toni Brockway, Dayne Dice, Loren Kase, Mac McKenna, Tony Spadaro, and Carl Stepanovich. Also present were Chief Administrator, James Morrison, Director of Finance, Diane Heming, Director of Public Works, Bill Paiano, and Solicitor, George Kotjarapoglus. Council member Jamie Lee Korn and Mayor Synan were absent.

**REGULAR VOTING MEETING  
AGENDA**

**ROLL CALL/VOTING ORDER:** Toni Brockway, Jamie Lee Korn - absent, Mac McKenna, Dayne Dice, Loren Kase, Carl Stepanovich, Tony Spadaro, and Mayor Synan - absent.

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

**UNISTED AMENDMENTS:** None

**CONSENT CALENDAR ITEMS**

- A. Accounts Payable
- B. Cash Investments and Transfers
- C. March 3, 2021 Council Meeting Minutes

Mr. Dice noted that he will abstain from any accounts payable matters or any cash investments related to KU Resources because he has done legal work for them.

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

**MAYOR’S COMMENTS:** Mr. Morrison presented the Mayor’s comments.

A glass recycling “pop-up” event will be held Saturday, March 20<sup>th</sup> at Veterans Field parking lot on Sardis Road from 9:00 a.m. – 2:00 p.m.

Easter Drive-Thru with the Murrysville Recreation Department and Murrysville Community Library will be Friday, March 26<sup>th</sup>, from 3:30 – 5:30 p.m. Wave to the Easter Bunny and Yellow Chick and pick up a free treat bag while supplies last.

**CHIEF ADMINISTRATOR’S COMMENTS:**

Mr. Morrison stated that “Household Hazardous Waste Collections” are being sponsored by Westmoreland Cleanways. Dates are April 17, June 26, and October 23 from 9 a.m. – 1:00 p.m. Pre-Registration is required for each event. There is a cost dependent on the weight. Call 412-567-8566 or visit <https://www.nobleenviro.com> for April 17<sup>th</sup> collection. Call 866-815-0016 or visit <https://ecsr.net/household-hazardous-waste-recycling> for June 26 or October 24 collection.

Staff is working to get the Tax Office open upstairs; hopefully right after Easter. Some changes have to be made first to meet COVID guidelines.

**COMMUNITY INPUT:**

**Joan Kearns – 4997 Longview Court:** Mrs. Kearns showed a copy of a picture published May of 1793 which she has had for about 40 years. It reads, “I want – I want”. This is pretty much the attitude of the people who live in Murrysville. They want safe streets; they want police to keep them safe, keep their businesses safe, keep their homes safe; they don’t want their streets to be covered with snow; they want beautiful parks with many amenities. Everything that people want comes with a price. The proposed tax increase on earned income tax up to ½% in her mind is enabling legislation. If it is necessary, then that would be the maximum cost that would be added to the earned income tax. Mrs. Kearns stated that with 18 years’ experience sitting on the dais, she can assure the people of this community that we have a very frugal government. Please don’t complain about a proposed tax increase of up to ½% if that’s what it costs to have a first class community.

**LIAISON COMMENTS AND COMMITTEE REPORTS:**

Mr. Spadaro: Medic One meets tomorrow night.

Mr. Stepanovich: Murrysville Recreation Foundation met on March 9<sup>th</sup>. There will be a presentation by the Foundation to the Murrysville Economic Development Corporation on April 6<sup>th</sup>. A discussion was held on utilizing the basketball courts that aren’t utilized, to paint them so that there can be playscape for early youth activities. August 14 will be The Concert in the Park. An idea brought up was to have permanent cornhole made out of concrete. Also discussed was what appropriate naming fees would be for the larger park projects. Another potential project mentioned was an adult zip-line. The next meeting is April 13.

The Planning Commission met the same day. The Kistler Road project, west of Rick’s Sports Bar, off of Route 22 was requesting acceptance of his site plan for a start date. There was an advisory meeting on the Cherry Ridge development. This is a residential development with Ryan Homes on 77 acres with 45 lots. Anticipated price range is \$400 - \$600,000. There will be a Homeowners Association. Kish Boutique off of Old William Penn Highway will have their existing salon on the first floor and business offices on the second floor. They will have to meet ADA requirements. Lyons Run lot line revision had a question on whether it was sufficient to use existing steel markers for surveying capability or if concrete monuments will be required. The Vangura Subdivision will have to get approval from the Department of Environmental Protection for the septic and stormwater provisions. The next meeting is April 13.

Mr. Kase: For EAC, Kish Boutique will have to use planting that are native species. There was the lack of permeable pavement in the handicap area. It sounds like that is all being addressed.

Ms. Brockway: The Library meets tomorrow.

Mr. McKenna: People who signed up for “Egg my Yard” will be getting their date soon. The Parks and Recreation Department will be having a “Small Fry Scramble” at Townsend Park on Saturday, June 12<sup>th</sup> for ages 12 and under starting at 10 a.m. Fee is \$15. This is a non-competitive, fun run for children. Children 6 and under will run a ½ mile course while ages 7 – 12 will run a 1 miles course collecting stickers along the route. Parents are welcome to run along with their child. All scramblers will receive a t-shirt, race bib, a surprise gift and a post-race party.

The Townsend Pipeline Purge will be Saturday, July 17<sup>th</sup> for ages 16 and up starting at 7:30 a.m. The fee is \$30. How many 1 mile laps can you run in 2 hours? Relax at the post-race pipeline party. All participants will receive a t-shirt, a custom glass, souvenirs and prizes. Individual or business sponsorships are needed.

Mr. Dice: FTMSA meets March 23<sup>rd</sup> at 6:00 p.m.

### **WORKSHOP ITEMS**

#### **ADMINISTRATION:**

#### **9.A. Discussion concerning the bidding of trash and recycling services for the Municipality of Murrysville and the Borough of Export**

Mr. Morrison stated that the Municipality is currently coming to the end of the five year contract with Republic Services. Bid documents are being developed for the next cycle. Mr. Morrison will be meeting with Republic Services and Export Borough next week to discuss any issues they have had during the five years of the contract. The contract will be competitively bid and will explore options to try to hold costs. Automated pickup of trash was not selected in the last contract. Automated recycling was selected which worked out fairly well. As an alternative, staff is investigating a reverse auction. A recommendation will be brought back to Council at the first meeting in April. If any residents have had any issues with their service, please contact the office and let us know what they are.

**ENGINEERING:** None

**COMMUNITY DEVELOPMENT:** None

**PUBLIC WORKS AND PARKS:** None

### **COUNCIL ACTION ITEMS**

#### **ADMINISTRATION:**

#### **13.A. Consider approval to advertise Ordinance No. 1042-21, amending the 2021 Salary Ordinance No. 1032-20**

Ms. Brockway made a motion to authorize advertising of Ordinance No. 1042-21 amending the 2021 Salary Ordinance No. 1032-20. Mr. Kase seconded.

Ms. Heming stated that this is bringing the current Salary Ordinance up to date due to some things that have happened throughout the winter. The custodian that was hired is at the top of the range and her salary for next year would need adjusted, so she wanted to do that now. The Public Works ranges compared to other communities was low, which would make recruiting for the summer difficult, so that was adjusted. Full-time recreation people will not be hired for the summer programs – it will be more of a contracted service. Those positions were taken out of the Salary Ordinance. Those were the only changes.

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

**13.B.** Consider approval of an official insurance carrier for the Municipality for the fiscal period April 1, 2021 to March 31, 2022. The policy will include commercial property, casualty, and liability coverage as well as professional and automobile insurance.

Mr. McKenna made a motion to award the property, casualty, automobile, public officials and police professional liability insurance coverage to MRM in the amount of \$137,556 for the period April 1, 2021 to March 31, 2022. Ms. Brockway seconded.

Ms. Heming stated that this is about \$8,000 higher than the 2020-2021 costs. The commercial property values increased 8.5% due to the updated values reported in the most recent Industrial Appraisal which accounts for \$3,208 of the increase. General Liability decreased 2.76% and auto liability decreased 4.1%. Police professional liability increased.

Mr. Morrison stated that the Municipality went with MRM about 3 years ago and they have a similar rebate program that we have with Workers' Compensation. There were minimal losses during the year so we should see a return on that premium.

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

**13.C.** Consider authorization to advertise Ordinance # 1038-21, an Ordinance Amending Murrysville Code, Chapter 206, Article II, Section 206-10 (A) to Increase the Earned Income Tax Rate from One Half (½) of One (1%) Percent to up to One (1%) Percent, for Tax Year 2022, Commencing January 1, 2022 through December 31, 2022, and Continuing in Effect for Each Year Thereafter Unless Otherwise revised by Ordinance of the Municipality of Murrysville Council. The Ordinance Further Authorizes the Municipality of Murrysville to Initiate a Declaratory Judgement Proceeding to Memorialize the Validity of this Ordinance and its Increase in the Earned Income Tax Rate for Tax Year 2022 and Continuing in Effect from Year to Year Thereafter.

Mr. Stepanovich made a motion to consider authorization to advertise Ordinance # 1038-21, an Ordinance amending Murrysville Code, Chapter 206, Article II, Section 206-10 (A) to increase the Earned Income Tax Rate from one half (½) of one (1%) percent to up to one (1%) percent, for Tax Year 2022, commencing January 1, 2022 through December 31, 2022, and continuing in effect for each year thereafter unless otherwise revised by Ordinance of the Municipality of Murrysville Council. The Ordinance further authorizes the Municipality of Murrysville to initiate a declaratory judgement proceeding to memorialize the validity of this Ordinance and its increase in the Earned Income Tax rate for Tax Year 2022 and continuing in effect from year to year thereafter. Ms. Brockway seconded.

Mr. Morrison noted that Mrs. Kearns defined the Ordinance as an enabling Ordinance. It isn't a tax increase. The Ordinance would give Council an opportunity, if needed, to look at another source of revenue. This will be evaluated as part of the budgeting process and if it is determined that new revenue sources are required, this is one tool to search for those. Based on some phone calls that were received questioning the action, this is not an increase that the School District can take advantage of. Sources of

revenue now are almost at their limits. The next cut here would be to the bone. The Municipality has gone from 62 employees down to 56. When staff has had the opportunity to talk to the residents who have questioned this proposal, they seem to be understanding. No one likes a tax increase and this is an action that we don't take lightly.

Mr. Dice noted that the School District and the Municipality are completely separate entities. When we raise a tax, they don't get any of that money and when they raise a tax, we don't get any of that money either.

Mr. Stepanovich brought up the \$2 million that may be going to the Municipality. Representative Brooks had noted in an article that there will be \$936 million spread amongst the municipalities. Mr. Morrison stated that Murrysville is estimated to receive \$1.94 million; however, it is not free. It comes with limitations and we will be told how we can spend it. In the Act, there are 4 eligible expenses: 1) To respond to public health emergencies with respect to the coronavirus disease or its negative impact, including assistance to households, small businesses, non-profits or aid to impacted industries; 2) To respond to workers performing essential work during the COVID-19 public health emergency; 3) Provision of government services to the extent of the reduction in revenue of such local government units relative to the revenues collected in the most recent fiscal year; 4) To make necessary investments in water, sewer or broadband – which none of these items are the responsibility of the Municipality. Mr. Morrison stated that he will be attending a few webinars to see what the guidelines and rules will be. Mr. Stepanovich wanted to re-emphasize that the proposed increase up to ½% just gives Council the opportunity, after looking at staff's recommendation, to raise the tax maybe 1/10<sup>th</sup> of 1% or 2/10<sup>th</sup> of 1%, or possibly nothing if there is a major windfall.

Mr. McKenna noted that Council and staff are looking to the future of what path could be taken as a Municipality to prosper in the future. We are not trying to plug a hole from what happened last year, being a tough year for everyone. We are looking at possibilities of moving forward for 5 years, 10 years, 20 years down the road. The possibility of a tax increase has nothing to do with COVID.

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

**COMMUNITY DEVELOPMENT:**

**14.A. Consider approval of the Vangura Subdivision, S-3-21, a Minor Subdivision. The application is for a minor lot subdivision to create two additional lots on Parcel No. 49-08-00-0-006, Hilty Road, R-R Zoning.**

Mr. Spadaro made a motion to consider approval of the Vangura Subdivision, S-3-21, a Minor Subdivision to create two additional lots on Parcel No. 49-08-00-0-006, Hilty Road, R-R Zoning. Mr. Stepanovich seconded.

Mr. Morrison stated that the condition on the plan is that it cannot be released for recording until the planning module has been approved by DEP.

Greg Jones, from PVE, representing Mr. Vangura, stated that the subdivision parcel is 120 acres, taking 23 acres for a residence to be built. Mr. Vangura's current residence is a 10 acre parcel, with 84 acres remaining. Everything is done and ready. They are just waiting for approval from the DEP.

Upon a roll call vote: Ms. Brockway – yes, Mr. McKenna – yes, Mr. Dice – yes, Mr. Kase – abstained (due to his relationship with the applicant), Mr. Stepanovich – yes, and Mr. Spadaro – yes. Motion approved.

**14.B.** Consider approval of the Lyons Run Lot Line Revision, S-2-21. The application is a revision of the lot lines between Lots 49-20-00-0-005 and 49-20-00-0-100 in the Lyons Run Watershed Subdivision, Boxcartown Road, R-R Zoning.

Ms. Brockway made a motion to approve Lyons Run Lot Line Revision, S-2-21. The application is a revision of the lot lines between Lots 49-20-00-0-005 and 49-20-00-0-100 in the Lyons Run Watershed Subdivision, Boxcartown Road, R-R Zoning. Mr. Spadaro seconded.

Mr. Morrison stated that this is a lot line revision to resolve a prior recording error.

Brian Fahringer, of Fahringer, McCarty Grey, Inc. stated that in researching the boundaries for this particular plan, there was a discrepancy in the boundary of the property line. This is just a fix for that. One comment from the staff review was for concrete monuments being installed at all angle points of the boundary. In this particular case, there were a number of iron pins found on the property corners. Mr. Fahringer presented a drawing of the property showing the southern property line as being significantly higher than Boxcartown and is basically a mine, spoil dump area so the topography and characteristics of the property are really not conducive to hold concrete monuments at the corners; thus the reason for asking for a modification or waiver to that requirement. Mr. Morrison stated that staff had no objection to the waiver. Mr. Dice noted that the request for modification is included in the motion.

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

**ENGINEERING:** None

**PUBLIC WORKS AND PARKS:**

**16.A.** Consider authorization to seek bids for the 2021-2022 Bulk Material Contracts

Mr. Kase made a motion to authorize to advertise for bids for the 2021-2022 bulk material contracts for various road materials, signs and line painting. Ms. Brockway seconded.

Mr. Paiano stated that this is the annual contract to advertise for bids. There is no guide rail included this year, but the lines do need painted since they weren't painted last year. Salt is not included in this contract.

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

**16.B. Consider authorization to seek bids for the Deer Carcass Removal Program Contract**

Mr. McKenna made a motion to approve authorization to seek bids for the Deer Carcass Removal Program Contract for the removal of deer carcasses on municipal streets. Mr. Stepanovich seconded.

Mr. Paiano stated that this program started around 2002. Currently it is a 3 year contract which expires in May. This would be seeking bids to pick up deer carcasses.

Mr. Morrison stated that the history of this is that there had been a number of fatalities with deer on Route 22. There was a program put in place to try to reduce the deer population in the community. There was a tabulation of tracking over the years since 2002 in Council's support documents comparing the number of deer pickups on the road to support the program. The program significantly reduced the number of deer pickups on the highway from 190 to around 150.

Mr. Stepanovich asked if there was a deer harvesting in the Municipality. Mr. Morrison answered yes, but only in certain parks and with bow only.

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

**OLD BUSINESS:**

Mr. Morrison stated that at the last meeting, Mr. Shephard was concerned about enforcement by the Municipality concerning development of the property adjacent to him. Staff worked with their partners in response to complaints raised by Mr. Shephard. The Conservation District has been out there on at least three occasions and there were issues raised about the wall there. The Municipality has information that supports that we have reacted to those concerns. At this point, it is a neighborhood dispute between the two property owners. If Mr. Shephard has other concerns he is welcome to address them with staff. The only outstanding dispute is probably a civil matter at this point.

Mr. Spadaro had a question concerning the old Spinola's Bake Shop property. People coming out of there are making a left turn across traffic to go west. The "right turns only" sign we had them put up is gone. Are they required as Spinola was to have that sign? Mr. Morrison answered yes; that was part of the approval. He will have Code Enforcement address that issue.

Mr. Stepanovich stated that a resident had asked that since the Library was closed, was there any adjustment to their funding from the Municipality. Mr. Morrison answered that yes there was. Their staff is not controlled by us. It is controlled by the Library Board, but there were arrangements made regarding cleaning and utilities.

**NEW BUSINESS:** None

**EXECUTIVE SESSION:** None

**ACTION ITEMS:** None

THE MUNICIPALITY OF MURRYSVILLE

Regular Voting Meeting – Wednesday, March 17, 2021

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**ADJOURNMENT:** Mr. Kase made a motion to adjourn the meeting. Mr. Spadaro seconded. All those present voted aye. The meeting was adjourned at 8:00 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.*