

THE MUNICIPALITY OF MURRYSVILLE

Regular Voting Meeting – Wednesday, March 20, 2019

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Council of the Municipality of Murrysville held a Regular Voting Meeting on Wednesday, March 20, 2019, at 7:00 p.m. in the Municipal Building. Present at the meeting were Council members Toni Brockway, Dayne Dice, Loren Kase, Jamie Lee Korn, Josh Lorenz, Tony Spadaro, and Carl Stepanovich. Also present were, Mayor Synan, Chief Administrator, James Morrison, Solicitor, George Kotjarapoglus, Director of Engineering, Scott Hilty, Community Development Planner, Hayley Welsh, and Director of Public Works, Bill Paiano.

**REGULAR VOTING MEETING  
AGENDA**

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

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

**UNISTED AMENDMENTS:** Mr. Lorenz stated that No. 9. Administration, from the Workshop Items is going to be removed and replaced with No. 19. Executive Session, on a legal issue with possible action coming out of that session.

Mrs. Lee Korn moved to approve the agenda as amended. Ms. Brockway seconded. All present voted aye. Motion approved.

**CONSENT CALENDAR ITEMS**

- A. Accounts Payable
- B. Cash Investments and Transfers
- C. February 20, 2019 Council Meeting Minutes
- D. March 6, 2019 Council Meeting Minutes

Mr. Stepanovich stated that the Municipality gets gas from Sunoco. Has Pacific Pride or Glassmere Gas been looked into as a possibility? Mr. Morrison noted that the Municipality gets its fuel through the State Co-op Program which is a universal charge card and can be used at any gas station we choose. The Municipality gets the cheapest rates that are available to local governments.

Mrs. Lee Korn moved to approve the consent calendar items. Mr. Kase seconded. All present voted aye. Motion approved.

**MAYOR'S COMMENTS:** Mayor Synan stated the Lenten Fish Fry is this Friday and every Friday at Mother of Sorrows from 11:30 a.m. – 7:00 p.m. and at the Sardis Volunteer Fire Department from 4:00 p.m. – 8:00 p.m. This Saturday, ATA Martial Arts, which is Chief Master Caruso's Tournament of Champions, will be held at the Franklin Regional High School. Opening ceremony is at 10:00 a.m. Next Friday is a Night at the Races sponsored by the Murrysville-Export Rotary Club benefitting a full scholarship to Westmoreland County Community College for one person. Admission is \$30. Call 724-733-2127 for tickets. March 30<sup>th</sup> is the March for Parks at the Murrysville Community Center. Check-in begins at 9:00 a.m. and the March begins at 10:30 a.m. This benefits the Heritage Trail.

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Mayor Synan stated that one other thing he wanted to mention was kudos to the Murrysville Police Department. If you didn't see it on the news, there was an accident in a stolen vehicle last week. The actors fled into the dark woods and disappeared. The department's drone was deployed and found them with the infrared camera and they were apprehended. The actors also had outstanding warrants on them.

**CHIEF ADMINISTRATOR'S COMMENTS:** Mr. Morrison stated that the excavation at the playground and splash pad has begun. A fundraising campaign has been put together for some of the amenities that will be at the park. It would be nice if the Penn-Franklin News would be there for the groundbreaking if Council is interested in participating. This can be talked about under Old Business and come up with a date and time to have everyone out there with a shovel.

Public Education on the recycling has begun. There is a video on Channel 19, the recycling program on the website has been updated, and the Penn-Franklin News has provided weekly articles on recycling. Staff is planning to get a flyer out that may be posted on a refrigerator so the residents know what is recyclable and what is not. Glass will be taken out of the recycling stream. Residents will be asked to put glass in the trash going forward.

Staff received plans for the proposed development on the Cassole property located at the corner of Manor Road and Route 22. This will be going to the Planning Commission on April 16. The Validity challenge before the Zoning Hearing Board on the gas ordinance will conclude on April 12.

Pat Kiebler is retiring from the Public Works Department. An advertisement to fill that position will be placed shortly.

**COMMUNITY INPUT:** Mr. Lorenz stated that this is the opportunity for the Murrysville community to talk about anything they'd like to talk about as long as it is three minutes or less.

**Lynn Full, 5001 Greensburg Road:** Ms. Full stated that she is here regarding the FTMSA agreement which is going to be discussed this evening. Going to an FTMSA meeting is something to behold; they go through everything efficiently, they explain everything, they allow audience input. This Board has only been in existence for about 60 days and more action has taken place in 60 days than it has in 10 years at that place. Ms. Full stated that she is proud of the way FTMSA is handling things, especially Pucketa Creek. FTMSA said that Pucketa Creek was going to be a priority and Pucketa Creek IS a priority. Ms. Full stated that she has been waiting forever to get sewage and hopefully she will be able to tap into the connector. There was only one nay vote on this proposal. She is very happy that FTMSA has moved along and checked everything out. At each meeting she sees progress even as far as checking the lines and the manholes. FTMSA is moving at record pace and are getting things done

Mr. Lorenz stated that on behalf of Council, the positive comment is appreciated. Typically residents voice a concern or complaint or bring a problem to Council's attention. Mr. Lorenz stated that he is very happy with how the new Board has taken the bull by the horns and is addressing the problems that need addressed and are going in the right direction. Council and staff will continue to support the Board.

**LIAISON COMMENTS AND COMMITTEE REPORTS:**

Mr. Spadaro: There was no meeting last night of the Planning Commission.

Mr. Stepanovich: There was a meeting on March 12, of the Parks and Recreation Committee. As far as Public Works, the pipe has been fixed in Pleasant Valley Park. The structural repairs have been done in Duff Park. All of the tables and trash cans and such have been completed. All parks will open April 1<sup>st</sup>. In Recreation, preparation is ongoing for the March for Parks on March 30. There is ongoing discussion of the 501(c)3, which is on the agenda this evening. As far as the new splash park, as of about 10 days ago there have been about 66,000 hits on Facebook indicating a lot of interest from the community. Acts are being lined up for Concert in the Park. There will be a program guide for activities at the various parks which will be out sometime in April. The 50<sup>th</sup> Anniversary write-ups have been approved and will be sent to the Penn-Franklin News. New signs in Townsend will be purchased as budget allows. Ben Sampson prepared a financial analysis in trying to answer the question, “What does it take to run our parks”? The result is that it takes a little over \$100 per year, per household, which, in his opinion, is a bargain.

Mr. Kase: Medic One meets tomorrow night.

Mrs. Lee Korn: There is no new update from the Pension or Finance Committee.

Mr. Dice: FTMSA met Monday. There was a lot of public comment in regards to Pucketa Creek. The Authority did pass a resolution asking that Murrysville extend the Authority’s Charter by a term of fifty-years. This is being requested so the Authority can continue floating bonds. There was a discussion on manholes. The engineers are inspecting the major interceptors first with the theory being that if there is a problem at the major interceptors, it will lead them to problems in the tributary lines and those can be corrected. Inspections and laterals in the Pucketa Creek area came up. The DEP Consent Order is progressing. This consent order is to upgrade the FTMSA System. There were about 25 people and representatives in the room from different Municipalities involved in this agreement so that everyone could be apprised of the situation as it currently exists. Several work orders were discussed. RDM is providing these to FTMSA as part of their management contract. Basically, these work orders help to streamline the operation of FTMSA. Big money items discussed were \$401,000 for rehab of the sand filter system at the plant, \$436,000 for the installation of sewers in regard to the Pucketa Creek issue, \$2 million in regard to the initial four phases of the DEP Consent Order (which include survey, manhole inspections, GIS data base creation, and hydraulic modeling), and \$270,000 for repairs to the Bellaire Pump Station and exploring the demolition of the Bellaire Pump Station and the installation of gravity lines, and lastly, \$734,000 for the previously discussed manhole repairs and inspection of all the interceptors. The Authority did pass the Pucketa Creek agreement with a 4-1 vote. FTMSA will hold a special meeting at 4:00 p.m. tomorrow. The next regular meeting will be on April 15<sup>th</sup>.

Ms. Brockway: The Library Board meets tomorrow night. Ms. Brockway noted that there were pamphlets available by the Westmoreland Library Network regarding their “One Book One Community” program at the different libraries.

## WORKSHOP ITEMS

**EXECUTIVE SESSION:** Council adjourned at 7:26 pm to an Executive Session, which Mr. Lorenz noted was a legal issue with possible action coming out of that session. Council reconvened at 7:43 pm. Some items later in the agenda of a legal nature will be addressed, but nothing immediately.

### ENGINEERING:

#### **10.A. Discussion regarding SP-5-17 Medic One Ambulance Building Stormwater Revisions**

Mr. Hilty, Municipal Engineer, stated that the Medic One Ambulance building is currently being constructed. When that project was approved there were two projects going on. One was at the First Presbyterian Church and the other was the Medic One building. The First Presbyterian Church was under a Growing Greener Grant under the Westmoreland Conservation District. The Church was to do some stormwater work; some rain gardens in the parking lot, then ultimately construct a detention pond just behind the Medic One building. Once the project started, it became apparent that the pond was not feasible to be constructed there. This resulted in a new pond needing to be constructed on the Medic One Ambulance building property to retain stormwater from both the First Presbyterian Church and the Medic One Building. The pond will be located on the eastern side of the building on the flat area closest to the stream. All of the revisions have been approved by the Municipal Engineer and the Westmoreland Conservation District. Under the current policy, any modification during construction can be brought back and reviewed by the engineer, but Council needs to be given notice of the revision. Maintenance of the pond will be Medic One's responsibility through the Stormwater Maintenance Agreement.

### COMMUNITY DEVELOPMENT:

#### **11.A. Discussion of S-2-19, Sturm Subdivision Plan 2, 3390 Meadowbrook Road, 2-lot subdivision, R-2 Zoning**

Ray Gusty of Fahringer, McCarty, Gray, was representing Mr. Larry Sturm. This is a simple 2-lot subdivision between Mr. Sturm and one of his sons. The property is located along Meadowbrook Road. The entire lot is 22.44 acres and the request is to break out Lot 3 which contains about 1.8 acres of ground out of the original Lot 2 for a future house. All utilities are available to the site and all comments from the Municipal staff have been addressed.

#### **11.B. Discussion of SP-3-19, Blue Spruce Shoppes Retail Infill**

John Frydrych of RA Smith was representing the applicant for the Blue Spruce Shoppes and the Retail Infill. In 2012, the Blue Spruce Shoppes was approved through the Land Development Conditional Use process. The application today is for the Retail Infill, which is the enclosure of what was planned to be the bank and the egress lanes for the ATM and teller lanes as part of the Retail East. In July, there was a revision to Retail East to include First Watch Restaurant in the 3,000 square foot building on the far end of Retail East. There were three egress lanes planned as part of the original development. The request is to enclose or infill the drive-through space adding 2,800 square feet of building space and 5 new parking spaces in front of the building. The Municipal Code requires 391 parking stalls. The applicant provides 450 stalls within the

entire site. The Planning Commission had recommended approval of the plan.

Mr. Spadaro asked if there was any interest in that piece yet. Mr. Frydrych answered nothing at this time. This is basically to complete the store front for marketing purposes. Mr. Lorenz asked if they were agreeing to submit the cost estimate for the improvements along with the bond. Mr. Frydrych answered yes. Mr. Lorenz noted that once documents are received, Council should be ready to vote on this at the April 3 meeting.

**PUBLIC WORKS AND PARKS:** None

### **COUNCIL ACTION ITEMS**

#### **ADMINISTRATION:**

**13.A.** Authorize to advertise Ordinance No. 1008-19, an ordinance amending Ordinance No. 677-04, granting a long term lease to the Murrysville Community Library

Mrs. Lee Kornis made a motion to authorize to advertise Ordinance No. 1008-19, an ordinance amending Ordinance No. 677-04, granting a long term lease to the Murrysville Community Library. Ms. Brockway seconded.

Mr. Morrison stated that this is to update the current lease. A few years ago, the Tax Office was added into the Library space, additional space was added to be used as a meeting room for the Library only, and increase in total square footage was added. The staff recommends combining all of the amendments into a new lease document.

Upon a roll call vote: Mr. Spadaro – yes, Mr. Stepanovich – yes, Ms. Brockway – yes, Mrs. Lee Kornis – yes, Mr. Lorenz – yes, Mr. Dice - yes, and Mr. Kase – yes. Motion approved.

**13.B.** Consider approval of Ordinance No. 1007-19, an ordinance amending the pension plan for the Non-Uniform Employees of the Municipality of Murrysville

Ms. Brockway made a motion to approve Ordinance No. 1007-19, an ordinance amending the pension plan for the Non-Uniform Employees of the Municipality of Murrysville. Mrs. Lee Kornis seconded.

Mr. Morrison stated that this clarifies the definition of “non-continuous” unvested years for employees and defines the requirements in order to meet those non-continuous unvested year.

Upon a roll call vote: Mr. Spadaro – yes, Mr. Stepanovich – yes, Ms. Brockway – yes, Mrs. Lee Kornis – yes, Mr. Lorenz – yes, Mr. Dice - yes, and Mr. Kase – yes. Motion approved.

**13.C.** Resolution 699-19, a Resolution extending the existence of the Franklin Township Municipal Authority

Mr. Dice made a motion to approve Resolution 699-19, a resolution extending the existence of the Franklin Township Municipal Authority. Mrs. Lee Kornis seconded.

Mr. Morrison stated that this proposed Resolution is to extend the life of the Authority by fifty years. This is necessary in part due to the most recent bond issue and the life of the Authority needing to coincide with the bond.

Upon a roll call vote: Mr. Spadaro – yes, Mr. Stepanovich – yes, Ms. Brockway – yes, Mrs. Lee Kornis – yes, Mr. Dice - yes, Mr. Lorenz – yes, and Mr. Kase – yes. Motion approved.

**13.D. Consider approval of an agreement to extend sewer service to thirty-nine homes in the Pucketa Creek area of the Municipality**

Mr. Dice made a motion to approve an agreement to extend sewer service to thirty-nine homes in the Pucketa Creek area of the Municipality. Ms. Brockway seconded.

Mr. Morrison stated that this is a combination of about 10 years of frustrating work. The Authority should be congratulated on navigating two Authorities, one community, and one treatment plant to get everyone on board and to agree on this. The staff will support seeing this happen.

Mr. Lorenz stated that this has been an on-going saga. Kudos to the FTMSA Board for being extremely proactive and aggressive in getting this long standing problem taken care of.

Upon a roll call vote: Mr. Spadaro – yes, Mr. Stepanovich – yes, Ms. Brockway – yes, Mrs. Lee Kornis – yes, Mr. Lorenz – yes, Mr. Dice - yes, and Mr. Kase – yes. Motion approved.

Jim Rumbaugh stated that he has the pleasure of serving as the Chairman of the FTMSA, and with him is Mr. Mitall, Vice-Chairman. Mr. Rumbaugh wanted to thank Council for their continued support. They have only been in existence for about 2 ½ months as the new Board. He also wanted to give a shout-out to Jim Morrison and Diane Heming for endorsing the backing of the bonds and guaranteeing the bonds. This had to be an extensive project for Diane and Jim to be able to get the highest possible rating so that our residents could save the most amount of money on a bond issue. The work that was put into this was outstanding and Mr. Rumbaugh wanted thank them and Council for their support.

**13.E. Consider authorizing the submittal of an application to the Commonwealth of Pennsylvania to establish a non-profit corporation for purposes of receiving funds for recreational activities and authorizing the Chief Administrator as the incorporator**

Mrs. Lee Kornis made a motion to authorizing the submittal of an application to the Commonwealth of Pennsylvania to establish a non-profit corporation for purposes of receiving funds for recreational activities and authorizing the Chief Administrator as the incorporator. Mr. Spadaro seconded.

Mr. Morrison stated that this was discussed at the last meeting; the potential of establishing a foundation to support not only existing programs but what is anticipated as future needs as improvements are continued at Murrysville Community Park. Mr. Kase took some time out of his day to meet with staff and met with Adam Long who has volunteered to help shepherd the process to the State with us. He outlined what was needed to be done and the first step was filing the incorporation papers and identifying an incorporator. In addition to this action tonight, Mr. Kase felt it would be a good idea to put together a draft

of proposed bylaws and a memorandum of understanding between the foundation and the community, which can be found in the supporting documents.

Mrs. Lee Kornis asked what the timeline was to get feedback from Council on the draft bylaws. Mr. Morrison answered that the filing of the State becomes affective once the State receives it. There is some time involved with filing the 501(c)3 with the IRS, but once you have the State incorporation, you can function. Mr. Morrison stated that staff would like to begin raising money for the destination playground as soon as possible. Mr. Lorenz state that this is a 2-step process; 1) the creation of the entity which is done at the State level, 2) getting from the IRS a 501(c)3 status of tax exempt. That could take a few months to go through. Mr. Morrison stated that having feedback prior to the next Council meeting would be ideal and then it could be put on the agenda for discussion at the next meeting.

Upon a roll call vote: Mr. Spadaro – yes, Mr. Stepanovich – yes, Ms. Brockway – yes, Mrs. Lee Kornis – yes, Mr. Lorenz – yes, Mr. Dice - yes, and Mr. Kase – yes. Motion approved.

**13.F. Consider award of the Municipal property, liability, auto and professional insurance lines to Municipality Risk Management for the period April 1, 2019 to March 31, 2020.**

Mr. Spadaro made a motion to consider award of the Municipal property, liability, auto and professional insurance lines to Municipality Risk Management (MRM) for the period April 1, 2019 to March 31, 2020. Mr. Stepanovich seconded.

Mr. Morrison stated that five carriers were contacted for quotes. Two chose to respond. Mr. Morrison noted that over the last two years, there have been significant claims as a result of the traffic controller boxes being wiped out at Gates, twice at Manor and once at School Road. An estimate would be close to \$350,000 for those claims. Travelers was one of the responders. In the past, they had chosen not to respond because they couldn't be competitive with property and auto coverages. The Municipality has been with MRM for 5 years and has a program with them with dividend returns. The Municipality will see a dividend return this year. Although the price difference was around \$4,000, staff believes that it's in the best interest of the Municipality to stay with MRM. Regarding the Municipality's emergency vehicles, we have those for replacement value. Travelers will not insure an emergency vehicle that is older than 10 years with replacement value, which is the majority of our units.

Mr. Stepanovich asked if this included the Police. Mr. Morrison answered yes. Mr. Stepanovich asked if there was anything that the Municipality self-insures on. Mr. Morrison stated that the Municipality self-insures on unemployment compensation.

Mr. Lorenz asked if the Travelers policy offers the rebate aspect. Mr. Morrison answered that no, it does not. Mr. Morrison noted that the premium cost of MRM is still less than what was budgeted for this year.

Upon a roll call vote: Mr. Spadaro – yes, Mr. Stepanovich – yes, Ms. Brockway – yes, Mrs. Lee Kornis – yes, Mr. Lorenz – yes, Mr. Dice - yes, and Mr. Kase – yes. Motion approved.

**COMMUNITY DEVELOPMENT:**

**14.A. Consider approval of S-2-19, Sturm Subdivision Plan 2, 3390 Meadowbrook Road, 2-lot subdivision, R-2 Zoning**

Ms. Brockway made a motion to approve S-2-19, Sturm Subdivision Plan 2, 3390 Meadowbrook Road, 2-lot subdivision, R-2 Zoning. Mr. Kase seconded.

Mr. Lorenz stated that this was discussed during the Workshop Session. The applicant is agreeable with the conditions set forth in the briefing.

Upon a roll call vote: Mr. Spadaro – yes, Mr. Stepanovich – yes, Ms. Brockway – yes, Mrs. Lee Kornis – xx, Mr. Lorenz – yes, Mr. Dice - yes, and Mr. Kase – yes. Motion approved.

**ENGINEERING:**

**15.A. Consider Approval of SP-5-17 Medic One Ambulance Building Stormwater Revisions**

Mr. Stepanovich made a motion to consider approval of SP-5-17 Medic One Ambulance building stormwater revisions. Mr. Kase seconded.

Mr. Lorenz noted that this was discussed in the Workshop Session.

Upon a roll call vote: Mr. Spadaro – yes, Mr. Stepanovich – yes, Ms. Brockway – yes, Mrs. Lee Kornis – xx, Mr. Lorenz – yes, Mr. Dice - yes, and Mr. Kase – yes. Motion approved.

**PUBLIC WORKS AND PARKS:**

**16.A. Consider awarding the 2019 mowing contract**

Mr. Spadaro made a motion to consider awarding a one-year contract, with three-year pricing, to Dojonovic Landscaping for mowing and trimming at various Municipal properties. Ms. Brockway seconded.

Mr. Lorenz stated that this is a budgeted item. There was a slight increase from last year. Mr. Paiano stated that was the lowest bid received and will have to adjust for it. This was sent to six bidders and four bids were received. Two were very competitive and two were much higher.

Mr. Morrison noted that these properties are out of the way properties on the mowing schedule. Two Public Works employees are dedicated to public recreation spaces. It wasn't cost effective for them to go from one location to the other and would be more cost effective to outsource these properties. Mr. Paiano stated that another person would have to be put on to do that mowing. At this point right now, the Public Works schedule to do the parks takes up a full week.

Mr. Stepanovich asked what the low bid was. Mr. Morrison stated that \$270 was the low bid per cut for the four areas.

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Upon a roll call vote: Mr. Spadaro – yes, Mr. Stepanovich – yes, Ms. Brockway – yes, Mrs. Lee Kornis – yes, Mr. Lorenz – yes, Mr. Dice - yes, and Mr. Kase – yes. Motion approved.

**16.B. Consider authorization to advertise for 2019 material bids**

Mr. Kase made a motion to authorize advertisement of bids for various road materials, guide rail and line painting. Mr. Stepanovich seconded.

Mr. Paiano stated that this is for yearly bid items; stone, pipe, inlet boxes, line painting, guide rails. Mr. Kase asked if companies bid this as a whole or from different companies. Mr. Paiano stated that bids would come from different companies and go with the lowest vendors. Mr. Morrison noted that Export piggy-backs on this with Murrysville.

Upon a roll call vote: Mr. Spadaro – yes, Mr. Stepanovich – yes, Ms. Brockway – yes, Mrs. Lee Kornis – yes, Mr. Lorenz – yes, Mr. Dice - yes, and Mr. Kase – yes. Motion approved.

**16.C. Consider approval of Resolution #700-19, a resolution authorizing the submittal of a grant application to the Pennsylvania Department of Conservation and Natural Resources for grant funds for the construction of an amphitheater at Murrysville Community Park**

Mr. Stepanovich made a motion to consider approval of Resolution #700-19, a resolution authorizing the submittal of a grant application to the Pennsylvania Department of Conservation and Natural Resources for grant funds for the construction of an amphitheater at Murrysville Community Park. Mr. Dice seconded.

Mr. Morrison stated that the grant application is due the first week in April.

Upon a roll call vote: Mr. Spadaro – yes, Mr. Stepanovich – yes, Ms. Brockway – yes, Mrs. Lee Kornis – yes, Mr. Lorenz – yes, Mr. Dice - yes, and Mr. Kase – yes. Motion approved.

**OLD BUSINESS:** Mr. Morrison asked if Council was interested in a groundbreaking at Murrysville Community Park and what would be convenient for everyone. The ground has to be ready by the end of the month. The spray park labor is to begin the first week in April and the playground labor will begin the second week of April. Mr. Lorenz stated that he would send an email to all of Council, along with Mr. Morrison, to see what everyone's availability is for next week and then let the Penn-Franklin News know what date and time was chosen.

Mr. Kase asked about the insurance cost and the control boxes which seem to be an issue. Has staff looked into any protection for the control boxes? Mayor Synan stated that MRM was asked if something could be put around the boxes to protect them. Under the insurance company, nothing can be put around the boxes. The risk of a lawsuit is higher if someone gets injured in a liability suit than it is to replace the box. Plus, PennDOT doesn't allow it. Mr. Morrison stated that the Municipality had an agreement that MRM would assume the liability, which was proposed to PennDOT and PennDOT said absolutely not.

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**NEW BUSINESS:** None

**EXECUTIVE SESSION:** None

**ACTION ITEMS:** Mr. Lorenz will send an email to Council requesting their date and time of availability for the groundbreaking.

**ADJOURNMENT:** Mrs. Lee Kornis moved to adjourn the meeting. Mr. Spadaro seconded. All present voted aye. Motion approved. The meeting was adjourned at 8:35 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.*