

Council of the Municipality of Murrysville held a Regular Voting Meeting on Wednesday, October 19, 2022, 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 Community Development, James Morrison, and Solicitor, George Kotjarapoglus.

**REGULAR VOTING MEETING  
AGENDA**

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

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

**UNISTED AMENDMENTS:** None

**CONSENT CALENDAR ITEMS:**

- A. Approval of October 5, 2022, Council Meeting Minutes
- B. Accounts Payable
- C. Cash Investments and Transfers

Mr. Spadaro had a question about Accounts Payable. What is the Hydrant Fee of \$8,100 for? Mr. Morrison answered that it is for maintenance. A certain percent is painted and waterflow checked each year. This is the real estate tax that is levied to Westmoreland Municipal Authority for any maintenance. That price is per quarter.

Mr. Stepanovich made a motion to approve the Consent Calendar Items. Mr. Dice noted that he will abstain from any payable matters related to KU Resources. Dr. Lee Korn seconded. All those present voted aye. Motion approved.

**MAYOR'S COMMENTS:** Mayor Synan showed slides on the following announcements:

Murrysville Police will be hosting a community CRASE (Civilian Response to Active Shooter Events) class at Franklin Regional Middle School on November 2<sup>nd</sup>. This 2-hour in person course is designed to teach you how to respond in an active shooter event. The class is free. Register at <https://murrysville.com/618/Police>.

Trick or Treat will be held on Halloween, Monday, October 31<sup>st</sup> from 5:00-7:00 p.m. Please turn off your porch lights if you don't want to participate.

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

Monday Night Cornhole will be held weekly September 12<sup>th</sup> – November 14<sup>th</sup> at the Murrysville Community Center. Registration is at 6 p.m. \$10/person. Games start at 6:30 p.m. Blind draw, bring your team, or just come for fun.

Curbside Leaf Collection will be Saturday, October 15, November 12, and December 3<sup>rd</sup>. To schedule a pick-up on one of the collection dates, please fill out 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 for each date is the Thursday before the pick-up date.

The Murrysville Recreation Department and Murrysville Community Library presents Footlocker Outreach Program WWI on Tuesday, November 1<sup>st</sup> at 6:00 pm in Council Chambers. The presentation will focus on a soldier's life in WWI including what they wore, equipment carried and experiences they went through. To register for this free program please visit [www.murrysvilleparecreation.com](http://www.murrysvilleparecreation.com) or call 724-327-2100 x131.

The Murrysville Recreation Department and Murrysville Community Library presents Darren Miller, a Franklin Regional graduate who became the first athlete to complete the "Oceans Seven" marathon swimming across five continents to benefit the Children's Hospital Foundation. The program is Tuesday, November 15<sup>th</sup> at 6:30 p.m. in Murrysville Council Chambers. Donations will be collected for the local non-profit S.L.A.M. to assist with repairing the handicapped access for fishing along Sloan Creek. Register at [www.murrysvilleparecreation.com](http://www.murrysvilleparecreation.com) or call 724-327-2100 x131.

**CHIEF ADMINISTRATOR'S COMMENTS:** Mr. Nestico stated that budget preparation is well underway. Staff and the Finance Department have been working diligently putting together the budget for 2023.

Public Works is finishing up the paving and overlay projects that were commenced this year. Things are moving along.

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

**Paul Metzler**, 6962 Berkshire Drive, Manordale Farms: Mr. Metzler stated that he was here this evening asking Council's support in addressing a major issue in the area, which is the increase of traffic noise on Route 22. Since the Pennsylvania Turnpike raised its fees, we are getting traffic from Bedford, Altoona, Interstate 80, etc. coming down Route 22. The speed limit is 45 mph, but traffic is going between 50-60 mph. This is generating a lot of noise. Issues of noise were first addressed when PennDOT was going to widen the highway and was going to strip all of the trees off of the Manordale side of the road and take half of the people's yards. PennDOT would not respond to them until Senator White, along with his assistant Gina Jones, reached out to give them some support. They also got Mayor Somers and Council to come out and walk along the area and see what the impact was going to be. With their support, they were able to save the trees. PennDOT had told them that they did not need a soundwall, but they do need a soundwall in that area. Mr. Metzler stated that one of the reasons why there is so much noise is that they took the asphalt up and put concrete down. A recommendation and request is to pave the section from Harrison City Road to Berkshire Road with sound reducing asphalt in all four lanes. Also, if the speed was reduced by 10 mph it would help reduce the noise.

The second issue is Jake Breaks. It is a safety issue that the trucks have to have the capability to use them, but they are putting their Jake Breaks on about a quarter mile before the intersection and keeping them on. This starts at four o'clock in the morning. Something has to be done. Bigger signs need to be placed at Berkshire Drive and down by the body shop, and flashing lights to get their attention. The residents have put together a letter and a petition was signed by 150 residents in Manordale Farms. They would like to schedule a meeting with PennDOT, the State Legislation, and the Murrysville Council to see what can be

done to solve this issue. Mr. Dice stated that they would have no problem attending that meeting, even though it is a state road, to see what can be done. Mayor Synan stated that he would attend the meeting also. Mr. Metzler stated that he would give staff his contact information, along with Dennis O’Neal, who is also helping in this project.

**LIAISON COMMENTS AND COMMITTEE REPORTS:**

Mr. McKenna: Parks and Recreation Committee met last Tuesday. Among items discussed were pickleball courts. The Mayor had requested that three potential locations be added for pickleball. Park amenities prices were being looked at along with some concrete table games. The park volunteer project was discussed. Selena Barefoot, who on the committee, is working with the Franklin Regional Marching Band. They are applying for a grant to offset the costs of their Hawaii trip next year and will have to schedule 160 kids in the spring to work volunteer hours. They are going to try to coordinate that with the parks and some of our volunteer needs. Trail stencils are still being worked on at MCP. The Senior Halloween Party is Friday, October 28<sup>th</sup> at noon at the Senior Center. Volunteers are needed to help serve lunch and help with game activities.

Mrs. Lingg: Franklin Regional School Board met this past Monday. There were no mutual concerns for Council. The next meeting is a combined Board plus Committee-of-the-Whole on November 14<sup>th</sup>, and the Curriculum Meeting is November 7<sup>th</sup>.

Dr. Lee Korn: Nothing to report for Pension.

Mr. Spadaro: Medic One meets tomorrow night.

Mr. Stepanovich: Planning Commission met last Tuesday which was a series of Public Hearings. He was not able to attend.

Mr. Lemak: The Murrysville Community Library meets tomorrow. If anyone would like to apply for the open Library Board position, please do so.

Mr. Dice: FTMSA meets tomorrow.

**WORKSHOP ITEMS**

**ADMINISTRATION:**

**9.A. Discussion of Amphitheater Project**

Dr. Lee Korn stated that recently there has been a lot of outreach through email from some concerned citizens with questions not only about the budget but the back story that lead to the amphitheater. There was a request that we survey the community, which I believe we have done. Mr. Nestico stated that he wasn’t here when the survey was completed, but there was one done by Parks and Recreation. There was also the parks masterplan that was done that also incorporated the amphitheater and discussion if that would be something warranted in the community. The study was done a few years ago and the amphitheater was one of the primary items that the community was seeking in that location of the Municipality.

Mr. Morrison stated that as part of the comprehensive plan study, there was a survey done in 2017 or 2018 of the community and believes that the amphitheater ranked #1 in that survey. There were efforts made to identify projects at the Community Park and throughout the community and that was part of the effort.

Mr. Stepanovich asked if the County was participating in helping with the funding of the amphitheater. Mr. Nestico stated that if we were able to secure the block grant for the restroom that would be administered through the County.

Mr. McKenna stated that one of the questions brought up to him was safety and security for events in the park. Does the responsibility lie with the individual renting it for an outside event not put on by the Municipality, or is it something our police would have to patrol. Mr. Nestico stated that depends on the nature of the event. If it was warranted, we might have another police officer on staff that evening or just in the area. There should be no need for additional security. It would be like our Concert in the Park type events and be smaller in scale.

Mrs. Lingg asked where the control would be to just rent to people in the community or could anyone put on what they wanted to there? Mr. Nestico stated that it would be choosing to rent or not rent the facility overall. Maybe we would want to book only our own events through the Recreation Department. But if we choose to rent it out, we would have less control on who can rent it. It would be no different than renting the Community Center or the Clubhouse. Mrs. Lingg asked who was choosing the events for the amphitheater, that we host. Mr. Nestico answered that the Recreation Department would, like they do for the infrastructure we have now.

Mr. Stepanovich asked about the audio/visual and if there was any state-of-the-art equipment going to be at the amphitheater. Mr. McKenna stated that would be a huge increase in cost to have audio/visual built into the amphitheater. Acts or performers would bring their own equipment. Mr. Nestico added that it is a cost cutting measure, both an economical and practical decision.

Mrs. Lingg asked if there was any concern about the sound disrupting any of the neighborhood residents during an event. Mr. Nestico said he doesn't know of any specific study or assessment of that has been done. He would think that the way it is configured, facing the hillside, doesn't feel there would be sound concerns.

Mr. Spadaro stated that he also got some emails about security. Are we prepared in case we would have an active shooter. There will be people coming in from all over the area and not just Murrysville. Mr. Nestico stated that it is a concern in this day and age. In his experience, you don't typically draw a substantially large crowd. It is usually a more mature crowd, depending on the acts that are booked. We can certainly have our police aware of events taking place and to be nearby or patrol the area. Mrs. Lingg noted that those types of things can't usually be predicted. Would that increase our insurance or liability? Mr. Nestico stated that there would not be an impact from an insurance or liability standpoint.

Mr. Lemak asked about reoccurring costs to maintain the facility. Mr. Nestico stated that the ongoing costs are not really substantial. There would be grass cutting and bathroom maintenance and supplies, no different from the rest of the parks. That would fall under the Public Works responsibilities.

Mrs. Lingg stated that there was also a concern of building with \$700k not being funded in anyway. The cost is 75% more now than what the original cost was in a time where we are in a period of inflation and a recession. Should we be keeping that money for necessities rather than amenities right now.

Dr. Lee Kornis stated that the survey was done several years ago. A project of this magnitude doesn't happen overnight. We were in a different time in the American economy when that survey was done versus where we are right now and where we are heading. The next big step would be February 2023. When is the cutoff date that we would have to utilize funds from the grants before we would lose them. There may be ample time to re-survey. If we see the same majority continuing to support the idea, that's validation and encouragement that we are representing the community. Should the majority of the community want to hold off, because the economy is in a bad place right now, we could pause it.

Mr. Dice stated that the survey sounds like a good idea and Council agreed. Mr. Nestico will look into what goes into doing a survey and discuss it at the next meeting.

**ENGINEERING:** None

**COMMUNITY DEVELOPMENT:** None

**PUBLIC WORKS AND PARKS:** None

### **COUNCIL ACTION ITEMS**

#### **ADMINISTRATION:**

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

Dr. Lee Kornis made a motion to approve Ordinance No. 1063-22, an ordinance vacating an unopened portion of a 40 foot right of way situated along Route 22 between contiguous parcels bearing tax map numbers 49-14-02-0-011 and 49-14-03-0-125 in the Municipality of Murrysville. Mrs. Lingg seconded.

Mr. Nestico stated that this item, along with 13.B., is part of a vacation and right-of-way agreement with a property owner on Route 22 that owns both properties. A 40-foot right-of-way is being vacated between the two properties. The right-of-way agreement would allow for emergency vehicle access to Duff Park.

All those present voted aye. Motion approved.

**13.B.** Consider adoption of Ordinance No. 1064-22, an ordinance adopting a Mutual Easement and Right of Way Agreement for emergency vehicle access to Duff Park and the Westmoreland Heritage Trail along the vacated 40-foot right-of-way situated along Route 22 between contiguous parcels bearing tax map numbers 49-14-02-0-011 and 49-14-03-0-125 in the Municipality of Murrysville.

Mr. McKenna made a motion to approve Ordinance No. 1064-22, an ordinance adopting a Mutual Easement and Right-of-Way Agreement for emergency vehicle access to Duff Park and the Westmoreland Heritage Trail along the vacated 40 foot right of way situated along Route 22 between contiguous parcels bearing tax map numbers 49-14-02-0-011 and 49-14-03-0-125 in the Municipality of Murrysville. Mr. Stepanovich seconded.

All those present voted aye. Motion approved.

**13.C.** Consider adoption of Resolution No. 762-22, implementing Act 57 of 2022, amending the Local Tax Collection Law requiring the local tax collector to waive additional charges for real estate taxes in certain situations for tax years beginning on or after January 1, 2023.

Mr. Spadaro made a motion to approve Resolution No. 762-22, implementing Act 57 of 2022, amending the Local Tax Collection Law requiring the local tax collector to waive additional charges for real estate taxes in certain situations for tax years beginning on or after January 1, 2023. Mrs. Lingg seconded.

Mr. Nestico stated that this is an item that is required to be adopted by each municipality in the State that has a local tax collector. The State implemented the provisions from Act 57 which has certain stipulations that allow for a property tax owner to have the additional penalty tax waived if they miss payment on their taxes in a year that they move or do a property transfer of some sort. They have to meet certain criteria, attesting that they did not receive the property tax bill. This is a new law adopted by the State.

All those present voted aye. Motion approved.

**13.D.** Consider authorization to advertise for a Public Hearing to present proposed amendments to the 2022 Operating Budget to be held on November 2, 2022, at 7:00 p.m.

Mr. Lemak made a motion to authorize advertising of a Public Hearing to present proposed amendments to the 2022 Operating Budget to be held on November 2, 2022, at 7:00 p.m. Mr. Spadaro seconded.

Mr. Nestico stated that the Finance Department has been working on the amendments to the 2022 Operating Budget. It is not believed to be too substantial. Finance Director, Jacie Milchak, will be presenting the proposed amendments to the budget at the Public Hearing.

All those present voted aye. Motion approved.

**13.E.** Consider authorization to advertise for a Public Hearing to present the 2023 Operating Budget to be held on November 2, 2022, at 7:00 p.m.

Dr. Lee Korn made a motion to authorize advertising of a Public Hearing to present the 2023 Operating Budget to be held on November 2, 2022, at 7:00 p.m. Mr. Stepanovich seconded.

Mr. Nestico stated that staff is working to get the 2023 Operating Budget finalized and distributed to Council and departments.

All those present voted aye. Motion approved.

**COMMUNITY DEVELOPMENT:**

**14.A.** Consider approval of CU-2-22, Gateway Services/Teutonian Investments – Pet Crematorium, 103 Technology Lane, Tax Parcel 49-21-00-0-055 for use as a pet crematorium.

Mr. McKenna made a motion to approve CU-2-22, Gateway Services/Teutonian Investments – Pet Crematorium, 103 Technology Lane, Tax Parcel 49-21-00-0-055 for use as a pet crematorium. Mrs. Lingg seconded.

Mr. Dice noted that there was an in-depth presentation at the last meeting. Representatives from the Pet Crematorium are here this evening to answer any questions. There were no questions.

All those present voted aye. Motion approved.

**14.B.** Consider approval of SP-5-22/CU-5-22, Lyons Run Watershed Association, 2200 block of Boxcartown Road, Tax Parcels 49-20-00-0-005 & 49-20-00-0-100, (Penn Township parcels: 55-04-00-0-005, 55-04-00-0-111, & 55-04-00-0-007), for construction of a passive mine acid treatment system.

Mrs. Lingg made a motion to approve SP-5-22/CU-5-22, Lyons Run Watershed Association, 2200 block of Boxcartown Road, Tax Parcels 49-20-00-0-005 & 49-20-00-0-100, (Penn Township parcels: 55-04-00-0-005, 55-04-00-0-111, & 55-04-00-0-007), for construction of a passive mine acid treatment system. Mr. Spadaro seconded.

Mr. Dice stated that there was a Public Hearing held at a previous meeting on this. Representatives are here to answer any questions.

Mr. Lemak asked that in the application for Conditional Use, what is the anticipated impact on the landowners mentioned? Mr. Charles Kane, Civil Environmental Engineering, stated that the residents on the application were called. The Lyons Run Watershed Association has agreements with them to utilize portions of the property that the project is on. There is no anticipated impact on them. Mr. Lemak asked about the long-term maintenance of this. Mr. Kane stated that the Lyons Run Watershed Association would care for the ongoing maintenance that needs to occur throughout the year.

Mr. Stepanovich asked if there was a bond associated with the project. Mr. Kane answered yes; that the contractor building the project would be required to have a bond.

All those present voted aye. Motion approved.

**ENGINEERING:**

**15.A.** Consider reducing the letter of credit held to insure completion of the required improvements at the Regan Ridge Development by \$175,122.

Mr. Stepanovich made a motion to consider reducing the letter of credit held to insure completion of the required improvements at the Regan Ridge Development by \$175,122. Mr. Spadaro seconded.

Mr. Nestico stated that the reduction is \$175,122 which would leave \$269,588 remaining to insure completion.

All those present voted aye. Motion approved.

**15.B.** Consider a motion to enter into an Excess Maintenance Agreement with Eastern Gas Transmission and Storage Inc. to utilize 1.42 miles of Old William Penn Highway and 0.04 miles of Borland Farm Road to haul to an existing pipeline right-of-way for the purpose of installing zinc ribbon along certain portions of the pipeline for a total of 1.46 miles of Murrysville roads.

Dr. Lee Kornis made a motion to approve entering into an Excess Maintenance Agreement with Eastern Gas Transmission and Storage Inc. to utilize 1.42 miles of Old William Penn Highway and 0.04 miles of Borland Farm Road to haul to an existing pipeline right-of-way for the purpose of installing zinc ribbon along certain portions of the pipeline for a total of 1.46 miles of Murrysville roads. Mr. Spadaro seconded.

Mr. Nestico stated that the anticipated truck traffic is only 14 trips. They have posted a bond in the amount of \$18,250.

All those present voted aye. Motion approved.

**PUBLIC WORKS AND PARKS:** None

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**EXECUTIVE SESSION:** None

**ACTION ITEMS:** None

**ADJOURNMENT:** Mr. Spadaro made a motion to adjourn the meeting. Mrs. Lingg seconded. All those present voted aye. Motion approved. 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.*