

COUNCIL OF THE MUNICIPALITY OF MURRYSVILLE
REGULAR VOTING MEETING
December 19, 2007

Public Hearing on Murrysville Hometown Streets Project. The Public Hearing began at 7:15 p.m. Present for the Public Hearing were Council Members Robert Brooks, Jeffrey Franke, Nancy Kacin, Joan Kearns, Larry Nicolette, Dennis Pavlik, Theo van de Venne, Solicitor George A. Kotjarapoglus, Mayor Joyce Somers, and Chief Administrator, John Barrett.

John Barrett, Chief Administrator, began by briefly explaining the Murrysville Hometown Streets Project.

John Barrett introduced Ellen Ulmer of Fayette Engineering. A presentation was made to Council regarding Murrysville Hometown Streets Project.

John Seth – 3916 Old William Penn Highway – Pastor, Murrysville United Methodist Church, Reported that the church made renovations and plans for a side entrance for handicapped accessibility to the worship/youth building. When considering this project, Pastor Seth urged Council to preserve the landline for the building in reference to handicapped parking.

Conrad Goldstrohm – 3800 Old William Penn Highway – Has serious concerns pertaining to the rationale for sidewalks in the western part of town. Customers utilizing these businesses usually arrive and depart in vehicles. He could understand the use of sidewalks for the center of town where there is a lot of pedestrian traffic.

Linda Marts – 3210 Brison Court – Has concerns about who will be walking on these sidewalks. Where are they going and who will be using them? Murrysville is a rural community. What is the purpose of the sidewalks?

Joan Kearns – Voiced concerns to have sidewalks where there is commercial development, but where there is residential development, suggested to hold off the development of sidewalks.

John Barrett reported that they met with Pastor Seth and representatives from the Murrysville United Methodist Church a couple of times regarding their concerns and have made adjustments regarding accessibility to handicapped parking. Mr. Barrett reported that fencing along that right-of-way would be used to figure into the project. Also, the Municipality is looking into accommodating the request of sidewalks being constructed once a business has ownership of the property.

Mr. Ferri – Shur Save Grocery Store – He is in favor of this project, as he knows a lot of time and effort went into this project and the business people of Murrysville are in favor and want to see this develop.

The Public Hearing concluded at 7:39 p.m.

COUNCIL OF THE MUNICIPALITY OF MURRYSVILLE
REGULAR VOTING MEETING
December 19, 2007

Council of the Municipality of Murrysville held a Regular Voting Meeting on Wednesday, December 19, 2007 at 7:41 p.m. in the Municipal Building. Present at the meeting were Council members Robert Brooks, Jeffrey Franke, Nancy Kacin, Joan Kearns, Larry Nicolette, Dennis Pavlik, and Theo van de Venne. Also present were Mayor Joyce K. Somers, Chief Administrator John M. Barrett and Solicitor George A. Kotjarapoglus.

CALL TO ORDER: Mrs. Kacin called to order the Regular Voting Meeting of Wednesday, December 19, 2007.

DETERMINATION OF VOTING ORDER – ROLL CALL: Penny Fox determined the voting order and called the roll: Mr. Brooks, Mr. Pavlik, Mr. Franke, Mrs. Kearns, Mr. van de Venne, Mrs. Kacin, and Mr. Nicolette.

PLEDGE OF ALLEGIANCE: Mrs. Kacin led the audience in the Pledge of Allegiance.

ANNOUNCEMENT OF UNLISTED AMENDMENTS:

Move Agenda Item 9G to 9E and to move Agenda Item 11C to 11D.

Mr. Brooks moved to approve the Agenda. Mr. van de Venne seconded. All present voted aye. Motion approved.

CONSENT CALENDAR ITEMS:

4A. ACCOUNTS PAYABLE - Add check #2332, Overhead Door Co. in the amount of \$7,530.00.

4B. INVESTMENTS AND TRANSFERS – The transfer required for the Capital Reserve Fund on the Investments and Transfers statement will increase to \$23,000.00.

4C. November 7, 2007 MEETING MINUTES - On page 8, change Mrs. Nicolette to Mr. Nicolette.

Mrs. Kearns moved to approve the Consent Calendar Items. Mr. Pavlik seconded. All present voted aye. Motion approved.

COMMUNITY INPUT:

Lawrence Keller – 3907 Bridgewood Circle – Mr. Keller had concerns with how the Medic One tax came about and also the 2008 Budget. Mr. Keller stated that Medic One is not a government entity, has no oversight by Council, and does not deserve a tax increase. The Municipality of Murrysville cannot allocate funds that serve another taxing entity and the Borough of Export would be served by Medic One. Medic One collects fees for its services. They are a non-profit organization, but they do collect money from insurance companies, from individuals, and they have a subscription fee. How can the municipality support an \$80,000 contribution to Medic One? What other costs are associated with Medic One? Why were the Municipality's police vehicles being serviced by Medic One when the Municipality has an on-staff mechanic? Mr. Keller suggested that Council pass a budget amendment that reserves the monies that are allocated to Medic One, pending Council's investigation on the legalities of Medic One being

COUNCIL OF THE MUNICIPALITY OF MURRYSVILLE
REGULAR VOTING MEETING
December 19, 2007

able to receive Municipal funds on a regularly-allocated basis. Mr. Keller suggested adopting a policy for this in the future of how to allocate money and perhaps bidding out the ambulance service since it is a service greater than \$10,000. Additionally, Mr. Keller questioned if the Municipality was supporting an entity (Medic One) that was not fiscally sound?

Mr. Barrett stated that the reasons the police vehicles were being serviced with an outside entity included that the on-staff mechanic could not handle the increased volume of work and liability issues. Mr. Brooks stated that he recalled that it was better for the Municipality's insurance if the police cars were serviced by an outside agency. Mr. Brooks suggested that this issue be revisited to ensure that liability issues were still factors in servicing police cars. Mr. Nicolette stated that the Municipality did bid out the servicing of police cars and Medic One was the lowest bidder. Mr. Barrett stated that the Municipality had Medic One perform vehicle work for a short time, but they are not performing this type of work any longer; Ed's Auto Service currently performs the work.

Mayor Somers clarified that by law, if 911 dispatches a medic unit to a particular town, that medic unit must respond. In the past, the Municipality did allocate funds to Medic One through dedicated millage.

Solicitor George Kotjarapoglus stated that Administration provided to him Section 49 – Purchasing of the Murrysville CODE, which outlines the Municipality's relationship with and funding for Medic One. Further, Mr. Kotjarapoglus stated that since he's not seen a withdrawal from this relationship, he assumes that Ordinance No. 305-91 is still in force until such time that Council wishes to amend or withdraw the ordinance.

Mr. Pavlik confirmed to Mr. Keller that there are rules and regulations governing the relationship between Medic One and the Municipality. An extensive discussion between members of Council with respect to Ordinance 305-91, and 49-01-18 which in part states that prior to any fund transfer that there be an oversight committee comprised of three Council members and that the rules and regulations must be adhered to accordingly.

Melanie Litz – 5885 Filmore Avenue, Export – Requested that Council vote NO for the rezoning of Buncher property.

Mike Morgan – 5773 Roosevelt Avenue, Export – Requested that Council vote NO for the rezoning of Buncher property.

Debbie Morgan – 5773 Roosevelt Avenue, Export – Requested that Council vote NO for the rezoning of Buncher property.

Donna Thatcher – 5877 Filmore Avenue, Export – Requested that Council vote NO for the rezoning of Buncher property.

COMMENTS BY MAYOR SOMERS:

The Mayor reported a detour from Rt. 130 at Trafford/Penn Township line due to a rock slide. Traffic will be detoured to Rt. 993 in Penn Township.

The Mayor reported that in November, 2006, 84 citations (speeding tickets) were issued. The Mayor also reported that in 2007, a total of 581 citations (speeding tickets) were issued.

COMMENTS BY THE CHIEF ADMINISTRATOR:

Mr. Barrett reported that the staff met with the Municipal (Water) Authority of Westmoreland County to schedule replacement of a water line beginning the week of January 7, 2008 located at Cozy Inn.

Mr. Barrett scheduled a meeting with the Library to discuss the space study. The library needs to expand its space and is currently trying to hire a consultant with the intent to acquire the tax office.

LIAISON AND COMMITTEE REPORTS:

Mr. Nicolette reported that the Fiscal Sustainability Committee, (two council members and two members of the Finance Committee) met to discuss the scope of their goals. Medic One and space of the library will be a continuous discussion.

Mrs. Kacin attended the Planning Commission Meeting and will forward to Council information regarding Hilltop Estates being subdivided as well as Barred Rock subdivision.

COMMUNITY DEVELOPMENT:

9A. CONSIDERATION OF A RESOLUTION 527-07, WITH OPTION #3 AS DESCRIBED IN THE AGENDA BRIEFING, A RESOLUTION TO SUPPORT NONRESIDENTIAL LAND DEVELOPMENT OF THE LAND AREA, SAID AREA BEING THAT REQUESTED BY MANOR DEVELOPMENT GROUP AS B ZONING AND DEFINED IN PROPOSED ORDINANCE 749-07, PENDING MATTERS IDENTIFIED BY COUNCIL THEREIN. Mr. Nicolette moved to approve. Mr. Franke seconded. Upon a roll call vote: Mr. Brooks – no, Mr. Pavlik – no, Mr. Franke – no, Mrs. Kearns – no, Mr. van de Venne – no, Mrs. Kacin – no, and Mr. Nicolette – yes. Motion was defeated.

9B. CONSIDER ADOPTION OF ORDINANCE 749-07, AN AMENDMENT TO CHAPTER 220 ZONING AND THE ZONING MAP TO REZONE AN APPROXIMATE 50 ACRE PORTION OF PROPERTY LOCATED AT ROUTE 22 AND BERLIN FARM ROAD, DESIGNATED BY INSTRUMENT NUMBER 200607120033639 FROM R-2 RESIDENTIAL TO B, GENERAL BUSINESS, AS REQUESTED BY MANOR DEVELOPMENT GROUP II, PROPERTY OWNER. Mr. Nicolette moved to approve. Mr. Franke seconded. Upon a roll call vote: Mr. Brooks – no, Mr. Pavlik – no, Mr. Franke – yes, Mrs. Kearns – no, Mr. van de Venne – no, Mrs. Kacin – yes, and Mr. Nicolette yes. Motion was defeated.

9C. CONSIDER APPROVAL OF S-16-07, CU-9-07, MAHOY PLAN OF LOTS, J.J. MAHOY PROPERTY AT 5705 GRANT AVENUE, AND WENDELL MAHOY PROPERTY

AT 5726 GRANT AVENUE, IN THE R-2 ZONING DISTRICT ON 2.24 ACRES, REQUEST TO REVISE LOT LINES AND TO SUBDIVIDE ONE LOT THAT REQUIRES CONSTRUCTION OF A SINGLE FAMILY HOME WITHIN 50-FEET OF A STEEP SLOPE.

Mr. Nicolette moved to approve, subject to the conditions listed in the Agenda Briefing. Mr. Franke seconded. All present voted aye. Mrs. Kearns was absent for the vote. Motion approved.

9D. CONSIDER APPROVAL OF SP-9-07, CU-8-07, LYNROSE SITE PLAN, B ZONING DISTRICT, AND TAX MAP 49-15-00-0-008, KOHOSEK COURT. THE APPLICANT IS REQUESTING A CONDITIONAL USE FOR MINI WAREHOUSE STORAGE UNITS AND CONSTRUCTION WITHIN AN AREA OF POOR SOILS WITHIN THE B DISTRICT.

Mr. Franke moved to approve, subject to the conditions under Item #6 as contained in the Agenda Briefing. Mrs. Kearns seconded. All present voted aye. Motion approved.

9E. CONSIDER APPROVAL OF ORDINANCE NO. 754-07, AMENDMENTS TO CHAPTER 112, FEES. Mr. Pavlik moved to approve. Mrs. Kearns seconded. All present voted aye. Motion approved.

9F. CONSIDER APPROVAL OF ORDINANCE NO. 755-07, AMENDMENTS TO CHAPTER 198, STORM WATER, ESTABLISHING A STORM WATER MAINTENANCE FUND AND REQUIRING CONTRIBUTION THERETO. Mrs. Kearns moved to approve. Mr. Nicolette seconded. All present voted aye. Motion approved.

9G. CONSIDER APPROVAL OF ORDINANCE NO. 756-07, FIRE SUPPRESSION OPERATING LICENSES, AN ORDINANCE REQUIRING A LICENSE FOR THE ANNUAL INSPECTION OF FIRE SUPPRESSION SYSTEMS, AS REQUIRED BY THE UNIFORM CONSTRUCTION CODE. Mr. Nicolette moved to approve. Mr. Franke seconded. All present voted aye. Motion approved.

ENGINEERING:

10A. CONSIDER AUTHORIZATION TO ADVERTISE FOR MAINTENANCE OF THE MEDIAN LANDSCAPING ON ROUTE 22. Mr. van de Venne moved to approve. Mr. Franke seconded. All present voted aye. Motion approved.

ADMINISTRATION:

11A. CONSIDER APPROVAL OF ORDINANCE NO. 753-07 – 2008 TAX ORDINANCE.

Mr. Nicolette moved to approve. Mr. Brooks seconded. Upon a roll call vote: Mr. Brooks – yes, Mr. Pavlik – yes, Mr. Franke – yes, Mrs. Kearns – yes, Mr. van de Venne – yes, Mrs. Kacin – yes, Mr. Nicolette – yes. All present voted aye. Motion approved.

Mr. Nicolette amended the main motion to remove .15 level of tax mileage and bring total tax mileage back to 12.15. Mr. Franke seconded. Upon a roll call vote: Mr. Brooks – no, Mr. Pavlik – yes, Mr. Franke – yes, Mrs. Kearns – no, Mr. van de Venne – no, Mrs. Kacin – yes, Mr. Nicolette – yes. Motion approved.

11B. CONSIDER APPROVAL OF ORDINANCE NO. 757-07, REVISION TO THE EMS TAX. Mr. Nicolette moved to approve. Mr. Pavlik seconded. All present voted aye. Motion approved.

11D. CONSIDER APPROVAL OF 2008 MUNICIPAL BUDGET. Mrs. Kearns moved to approve. Mr. Nicolette seconded. Upon a roll call vote: Mr. Brooks – yes, Mr. Pavlik – no, Mr. Franke – yes, Mrs. Kearns – yes, Mr. van de Venne – yes, Mrs. Kacin – yes, Mr. Nicolette – yes. Motion approved.

Mr. van de Venne moved to amend the proposed budget by eliminating one of two proposed laborers and adding two long-term summer employees. Mr. Nicolette seconded. Upon a roll call vote: Mr. Brooks – yes, Mr. Pavlik – yes, Mr. Franke – yes, Mrs. Kearns – yes, Mr. van de Venne – yes, Mrs. Kacin – yes, Mr. Nicolette – yes. Motion approved.

11C. CONSIDER APPROVAL OF ORDINANCE NO. 752-07 – 2008 SALARY ORDINANCE. Mr. van de Venne moved to approve 2008 Salary Ordinance No. 752-07 with the deletion of one laborer and addition of two long-term summer aides. Mrs. Kearns seconded. Upon a roll call vote: Mr. Brooks – yes, Mr. Pavlik – no, Mr. Franke – yes, Mrs. Kearns – yes, Mr. van de Venne – yes, Mrs. Kacin – yes, Mr. Nicolette – yes. Motion approved.

11E. CONSIDER AUTHORIZATION TO ADVERTISE ORDINANCE NO. 759-07 AMENDING THE MURRYSVILLE CODE 45-10 C (1) ESTABLISHING AND DESCRIBING A PENSION PLAN FOR THE FULL-TIME POLICE OF THE MUNICIPALITY OF MURRYSVILLE FOR THE FISCAL YEAR 2008. Mrs. Kearns moved to approve. Mr. Franke seconded. All present voted aye. Motion approved.

11F. CONSIDER ACCEPTANCE OF DONATION FOR DESIGN AND CONSTRUCTION OF A DOG PARK AT MURRYSVILLE COMMUNITY PARK. Mrs. Kearns moved to approve. Mr. Franke seconded. All present voted aye. Motion approved.

11G. CONSIDER ACCEPTANCE OF REGIS SYNAN’S RESIGNATION FROM THE PLANNING COMMISSION EFFECTIVE JANUARY 7, 2008, AUTHORIZE TO ADVERTISE THE VACANCY, AND AUTHORIZE ADMINISTRATION TO SEND A LETTER OF THANKS FOR HIS SERVICE. Mr. Franke moved to approve. Mrs. Kearns seconded. All present voted aye. Motion approved.

11H. CONSIDER AUTHORIZATION TO DIRECT KEYSTONE COLLECTIONS TO COLLECT THE LOCAL SERVICES TAX FORMERLY KNOWN AS THE EMERGENCY SERVICES TAX FOR THE CALENDAR YEAR 2008 AT A RATE OF 4% OF COLLECTIONS. Mr. Brooks moved to postpone item for consideration. Mr. Nicolette seconded. Upon a roll call vote: Mr. Brooks – yes, Mr. Pavlik – no, Mr. Franke – yes, Mrs. Kearns – yes, Mr. van de Venne – yes, Mrs. Kacin – yes, and Mr. Nicolette – yes. Motion approved.

NEW BUSINESS: None.

OLD BUSINESS: None.

OTHER BUSINESS: None.

EXECUTIVE SESSION: Council convened to an Executive Session at 9:58 p.m. Council returned at 10:15 p.m. There was no voting as a result of the Executive Session.

ACTION ITEMS: None.

ADJOURNMENT: Mr. Pavlik moved to approve. Mrs. Kearns seconded. All present voted aye. Motion approved.

Time: 10:16 p.m.

JOHN M. BARRETT
CHIEF ADMINISTRATOR

Paf 01/29/08