

Public Hearing on CU-3-07, Murrysville Commons, intersection of Manor Road and Route 22 (known as the Cassol property), B Zoning District. The Public Hearing concerns Conditional Use authorized by 220 51 (E) of the Zoning Ordinance. The Public Hearing began at 7:05 p.m. Present were Council members Nancy Kacin, Larry Nicolette, Dennis Pavlik, Joan Kearns, Bob Brooks, and Theo van de Venne. Also present were Mayor Joyce K. Somers, Chief Administrator John M. Barrett and Solicitor George A. Kotjarapoglus. Jeffrey Franke was absent.

Mr. Rearick, Director of Community Development began by giving a brief explanation of this Public Hearing. The applicant, Echo Development is requesting to construct a Target and Lowe's with structures 75 feet from adjoining property zoned R-3, rather than the 100 feet which is the required distance. There are also various traffic impact issues which will be presented in the Public Hearing.

Phil Bishop with Echo Real Estate gave a detailed presentation on the future development on the Cassol site, including numerous traffic patterns, storm water issues, architectural features of the plan, and schedules of construction.

#### Public Comments

Larry Canobbio – 6000 Arizona Court, White Valley- spoke in appreciation of the Cassol family's intention to build a well thought out plan. Mr. Canobbio complimented Echo Development and the Murrysville Council for their efforts, but expressed concern about the public safety issues associated with this new shopping center.

Linda Marts – 3210 Brison Court – spoke against this development stating that these new stores are not needed and also expressed concern regarding public safety.

#### Council Comments

Mr. Brooks asked Mr. Bishop to confirm that there will be no other stores other than Target and Lowe's in this complex. Mr. Bishop did confirm this, however, stated that there is a 1 ½ acre out parcel which may eventually be used for a bank or a restaurant.

Mayor Somers requested that Mr. Bishop explain and point out the section of Wilson Road which will be changed with this plan. Mr. Bishop complied accordingly.

Mr. Brooks asked for a clarification of traffic patterns in regards to this development. Mr. Bishop gave a detailed explanation of all traffic patterns.

Mr. van de Venne asked Mr. Bishop what will be the amount of dirt removed for this project and, the total number of parking spaces in this shopping center. Mr. Bishop answered that there will be 510 spaces in the Target lot and 423 spaces in the Lowe's lot. He reported that 550,000 cubic yards of dirt will be removed in the construction.

Mrs. Kearns asked about the developer's plans for plantings/trees in the parking lots, and also requested a more detailed explanation of the waiver reduction of 25 feet in the back of the

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structure. Mr. Bishop clarified the waiver reduction issue and also provided Council with details on the projected landscaping.

Mrs. Kearns asked if Echo Development has done any research as to the under mining of this land. Mr. Bishop answered that yes, that research has been done and there was no evidence of subsidence.

The Public Hearing closed at 7:55 p.m.

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Council of the Municipality of Murrysville held a Regular Voting Meeting on Wednesday, July 18, 2007 at 7:55 p.m. in the Municipal Building. Present at the meeting were Council members Nancy Kacin, Larry Nicolette, Dennis Pavlik, Joan Kearns, Bob Brooks and Theo van de Venne. Also present were Mayor Joyce K. Somers, Chief Administrator John M. Barrett and Solicitor George A. Kotjarapoglus. Jeffrey Franke was absent.

**CALL TO ORDER:** Mrs. Kacin called to order the Regular Voting Meeting of Wednesday, July 18, 2007.

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

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

**ANNOUNCEMENT OF UNLISTED AMENDMENTS:**

Under Engineering - remove Item 10C, Consider Authorization to advertise DPW-2-07, Remaley Road Reconstruction Project.

Mr. Kearns moved to approve the amended agenda. Mr. van de Venne seconded. All present voted aye. Motion approved.

**CONSENT CALENDAR ITEMS:**

4A. ACCOUNTS PAYABLE

4B. INVESTMENTS AND TRANSFERS

Council directed staff to report on specific figures associated with bills to Glenn Engineering and what percentage of the budget these figures represent.

Council further directed staff to present a preliminary estimate of year end figures of the Earned Income Tax and how these figures compare to the Municipal budget.

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

**COMMUNITY INPUT:**

George Meert – 216 Ridge Lane – Mr. Meert expressed his opinion that with new developments like the one planned by Echo Development, and the fact that there is no mercantile tax in Murrysville, our community could be losing money.

**COMMENTS BY MAYOR SOMERS:**

Mayor Somers traveled with Mrs. Kacin to Greensburg last week to hear Louis Barletta, the Mayor of Hazelton, Pennsylvania, speak about his community's illegal immigration problems and the ordinance he has created to deal with this issue.

**COMMENTS BY THE CHIEF ADMINISTRATOR:**

Mr. Barrett reported that he and Mayor Somers hosted the Mayors and Managers of the Eastern Suburb Communities meeting on July 18, 2007. They discussed potentially developing a cooperative transportation plan for our area and the possible funding involved in such an effort.

Mr. Barrett announced that Buena Vista Drive is scheduled to reopen July 26, 2007, but Manor Road will remain closed for several weeks.

Mr. Barrett said that the citizen surveys are due this Friday, July 20, 2007.

Lastly, Mr. Barrett announced that Detective John Verner will be retiring at the end of this month after 25 years of dedicated service to Murrysville.

**LIAISON AND COMMITTEE REPORTS:**

Mr. Pavlik reported that the Library Board has asked, relative to the state budget, that people communicate to continue the funds coming to the library.

Mr. van de Venne reported that the Personnel Board met and reviewed four policies. Three were approved without change, and one was approved with conditions. The Board also discussed the salary scales and merit increases, and a recommendation will be coming to Council in the future.

Mrs. Kacin reported that the Planning Commission met and passed both the Overlay District Ordinance and the Overlay District Map.

**COMMUNITY DEVELOPMENT:**

9A. CONSIDER APPROVAL OF CU-5-07, A REQUEST BY LINN OPERATING FOR A GAS WELL LOCATED AT 4568 ASHBAUGH ROAD, TAX MAP 49-07-00-0-015, R-R ZONING DISTRICT. Mr. Brooks moved to approve with the conditions that drilling occurs only from 7 a.m. to 9 p.m., and any emergencies requiring operations outside those hours require advance notification to police dispatch of why and when it will be corrected. Mr. Nicolette seconded. All present voted aye. Motion approved.

**ENGINEERING:**

10A. CONSIDER APPROVAL OF SALE OF EIGHT USED MUNICIPAL VEHICLES AND AUTHORIZE RE-ADVERTISEMENT FOR THE VEHICLES (10-TON DUMP TRUCK, 2001 FORD CROWN VIC) FOR WHICH NO BIDS WERE RECEIVED. Mr. Brooks moved to approve sale of vehicles. Mrs. Kearns seconded. All present voted aye. Motion approved.

Mrs. Kearns moved to re-advertise the two remaining vehicles. Mr. Pavlik seconded. All present voted aye. Motion approved.

10B. CONSIDER APPROVAL OF THE PLACEMENT OF APPROXIMATELY 35,000 CUBIC YARDS OF FILL AT THE INTERSECTION OF MELLON ROAD AND TECHNOLOGY DRIVE ON THE WUKICH PROPERTY. Mr. Brooks moved to approve. Mrs. Kearns seconded. All present voted aye. Motion approved.

Mr. Pavlik moved to reconsider the previous motion. Mrs. Kearns seconded. All present voted aye. Motion to reconsider approved.

Mr. Pavlik moved to approve the placement of approximately 35,000 cubic yards of fill at the intersection of Mellon Road and Technology Drive on the Wukich property to include all conditions and recommendations; specifically, Erosion and Sedimentation Control Plan, submitted to Westmoreland County Conservation District on May 25, 2007, subject to Penn DOT gaining final approval of the Erosion and Sedimentation Control Plan. Mrs. Kearns seconded. All present voted aye.

10D. CONSIDER AUTHORIZATION TO APPROVE A CONTRACT WITH DONEGAL CONSTRUCTION CORPORATION FOR THE MAMONT ROAD CULVERT RECONSTRUCTION PROJECT, DPW-40-07. Mr. Nicolette moved to approve. Mrs. Kearns seconded. All present voted no. Motion failed.

10E. CONSIDER OPTIONS FOR WATER AT MURRYSVILLE COMMUNITY PARK. Mr. Nicolette moved to approve "Alignment B" option for providing potable water service to Murrysville Community Park and the residents of Evans Road, and requested staff to communicate with the Municipal (Water) Authority of Westmoreland County as to the financial details of this option. Mrs. Kearns seconded. All present voted aye. Motion approved.

**ADMINISTRATION:**

None

**NEW BUSINESS:**

Mr. Pavlik stated that when he was doing some research on the Public Hearing, for the PRD from the July 11, 2007, Council Meeting, he tried to obtain a written copy of the transcript of

that Public Hearing. He discovered that the Municipality of Murrysville does not maintain a written copy of Public Hearings transcripts. He further stated that the Municipal Charter requires a written copy of Public Hearings. Mr. Pavlik cited Section 48 of the Charter procedures for Public Hearings, "Council shall publish notice 14 days causing minutes to be made." He further cited Section 706 of the Sunshine Act, "Written minutes of Proceedings, Public Records and Recordings." He said that there must be written proceedings of all meetings that are held. Mr. Pavlik stated that Public Hearings are considered a meeting. Mr. Pavlik continued by citing the Pennsylvania Municipal Planning Code, PRD's, Article VII, Section 10708, regarding Public Hearings, "Public Hearings have to be held within 60 days and in a manner as prescribed in Article IX, Section 10918 which requires stenographic copy."

Mr. Pavlik reported that as he has gone through past minutes, he found that written transcripts of Public Hearings were kept as late as 1991. His concern is that Council could be in serious trouble if anyone were to challenge them without written copy. He continued by saying that the taped copies are not a permanent record, and that there in no policy on the TV copies of meetings since that is a draft copy. He therefore expressed his opinion that it would behoove Council to reinstitute past policy to have written copy of all Public Hearings.

**OLD BUSINESS:**

None

**OTHER BUSINESS:**

Council discussed the Remaley Road Reconstruction Project, specifically why it was taken off the agenda. Mr. Barrett discussed the "full depth reclamation" process and the concerns that this process does not address the need for the realignment of Remaley Road. Discussions will continue to pursue a cost effective manner to improve this road.

**ACTION ITEMS:**

- ✓ **Council directed** staff to check the preservation time for cassettes and DVDs used to record Council Meetings.
- ✓ **Council directed** staff to report on specific figures associated with bills to Glenn Engineering and what percentage of the budget these figures represent.
- ✓ **Council directed** staff to present a preliminary estimate of year end figures of the Earned Income Tax and how these figures compare to the Municipal budget.
- ✓ **Council directed** solicitor to research requirements pertaining to written records of the Public Hearing portion of the Council meeting.

**ADJOURNMENT:**

Mr. Nicolette moved to adjourn. Mrs. Kearns seconded. All present voted aye. Motion approved.

Time: 9:05 p.m.

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JOHN M. BARRETT  
CHIEF ADMINISTRATOR

kjb 7/26/07  
revised 8/01/07

cc: Mayor  
Council  
Community Development  
Finance  
Engineering

Police  
Public Works  
Solicitor  
Front Office/Library  
Recreation