

Council of the Municipality of Murrysville held a Regular Voting Meeting on Wednesday, August 15, 2007 at 7:02 p.m. in the Municipal Building. Present at the meeting were Council members Nancy Kacin, Dennis Pavlik, Joan Kearns, Bob Brooks, Jeff Franke, and Theo van de Venne. Also present were Mayor Joyce K. Somers, Chief Administrator John M. Barrett and Solicitor David Pohland. Larry Nicolette was absent.

**CALL TO ORDER:** Mrs. Kacin called to order the Regular Voting Meeting of Wednesday, August 15, 2007.

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

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

**ANNOUNCEMENT OF UNLISTED AMENDMENTS:**

Mr. Barrett requested that Comments by Mayor Somers and Comments by Chief Administrator be moved before Community Input so that comments regarding the August 9, 2007 storm could be reported before the Community Input portion of the meeting.

Mrs. Kearns moved to approve. Mr. Franke seconded. All present voted aye. Motion approved.

**CONSENT CALENDAR ITEMS:**

4A. ACCOUNTS PAYABLE

4B. INVESTMENTS AND TRANSFERS

4C. July 11, 2007, Meeting Minutes

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

**COMMENTS BY MAYOR SOMERS:**

Mayor Somers reported, in detail, the extensive effort put forth by many in our Municipality during the August 9, 2007 storms. The Mayor paid special tribute to all our Emergency Services including the Police Department, the various fire companies who offered their time, Medic One, the Public Works Department, and all staff who helped in any way, noting in particular, the extensive work carried out by Cherie Weber, Executive Assistant for the Municipality of Murrysville.

The Mayor reported that the Municipality has received 84 Small Business Administration Physical Disaster forms submitted to the Pennsylvania Emergency Management Agency to date, and there may be funds available for loans for small businesses. As far as help at the local level is concerned, our community suffered a tremendous amount of damage, but it is unlikely that citizens will qualify for state assistance.

Mayor Somers stressed that there must be a solution to remedy the lack of communication within the Municipal building. The lack of cell phone service and 800 MHz radio use was a serious detriment in this emergency situation. Despite these communication problems, Mayor Somers spoke highly of the entire Emergency Operations Center deployment and thanked all who were involved in these disaster efforts.

Mayor Somers also informed Council and the public that during the storms on August 9, 2007, our traffic lights were kept operational with the new generators purchased from the grant from Senator White and Representative Markosek.

**COMMENTS BY THE CHIEF ADMINISTRATOR:**

Mr. Barrett echoed the comments by Mayor Somers to commend all involved in the emergency situation in Murrysville on August 9, 2007. He further asked the residents of the Municipality for their patience. The administrative offices were inundated with an enormous volume of phone calls, and Mr. Barrett assured the public that these calls would be answered as soon as possible.

Mr. Barrett also informed the public that the representatives from the Pennsylvania Emergency Management Agency have been at the Municipal offices all week and will continue to take Assessment Worksheets to report any damage incurred in the recent storms.

Mr. Barrett reported that a Municipal wide clean up event is being planned to assist residents in the disposal of property damaged in the storm event. Further details will be posted on the Municipal website, on Channel 19, and in the local newspapers.

Mr. Barrett reported that additional costs were incurred during the recent storms including overtime pay, and expenses of various materials. Staff will be reporting these costs to Council at a future date.

**COMMUNITY INPUT:**

Jim Cename – 3989 Remaley Road – Mr. Cename urged the Municipality to reconsider canceling the Remaley Road reconstruction project citing dangerous driving conditions that exist on this road.

Jerome Wolfe -2380 Flagstaff Drive – Mr. Wolfe stated his opinion that the former Buncher property on Route 22 and Berlin Farm Road should not be rezoned from R2 Residential to B, General Business. Mr. Wolfe suggested that, if possible, this issue should be placed on a referendum for public opinion.

James Albring – 4024 Holiday Park Drive and Sharon Loeski – 4026 Holiday Park Drive – These next door neighbors first spoke to commend the quick response of the Municipal staff during the August 9, 2007 storms. They both live in an area with a very steep hillside behind their homes and continually suffer damage from water and debris coming down this hillside. Although they were pleased with the immediate attention to this problem after the storms

occurred, they urged the Municipality to take action so that this problem does not become even worse.

Sarah Kerr – 5558 Old William Penn Highway #E – Penn Vista Townhouses – Mrs. Kerr spoke of the tremendous amount of damage incurred at the Penn Vista Townhouses. She urged Council to consider finding a remedy for the continued problem with Turtle Creek overflow.

Dianne Jeske – 3718 Glen Eagle Drive – Experienced sewer backup in the recent storms and would like to ask the Municipality if any funds may be available in the future to help this type of problem. Mrs. Jeske was very complimentary of the Franklin Township Municipal Sewer Authority concerning this problem.

Wei Duan Liao – 3714 Glen Eagle Drive – Also experienced serious sewer backup damage. Mrs. Liao spoke highly of the response from Franklin Township Municipal Sewer Authority (FTMSA), but requested that Council consider working with FTMSA to remedy to this problem.

#### **LIAISON AND COMMITTEE REPORTS:**

Mr. Franke reported that the Parks and Recreation Commission recommended a fee in lieu for the revised Shag Bark Grove Plan. This will be coming before Council at a future date. Mr. Franke also reported that the bridge at Bear Hollow Park was washed away in the August 9, 2007 storms and it will need to be replaced. Mr. Franke also reiterated the Mayor's comments that the communication problems that exist within the Municipal building need to be corrected as soon as possible and requested that staff investigate the price of placing a tower on top of the municipal building.

Mr. Pavlik attended the Library Board Meeting and reported that the Library received their 501C3 certification so they are now in negotiations with the United Way of Allegheny and Westmoreland Counties to announce that they are an authorized charitable organization and can begin receiving charitable donations.

Mr. Pavlik also attended the Overlay Committee meeting. The group discussed planning a joint workshop meeting with this committee, the Planning Commission, and Council.

Mr. Brooks reported that the Pension Committee met and the municipality's investment firm was present for this meeting. The firm gave a lengthy presentation regarding their methods for picking stocks, and other information regarding the Municipality's portfolio.

#### **COMMUNITY DEVELOPMENT:**

9A. CONSIDER ADOPTION OF ORDINANCE NO. 744-07, AN ORDINANCE RECLASSIFYING PROPERTY LOCATED AT 3289 SARDIS ROAD, TAX PARCEL 49-14-01-0-109, FROM R-3, MULTI FAMILY RESIDENTIAL ZONING TO MU, MIXED USE ZONING DISTRICT. Mr. Brooks moved to approve. Mr. Franke seconded. Upon a roll call vote: Mr. Pavlik – no, Mr. Franke – yes, Mr. van de Venne – no, Mr. Brooks – yes, Mrs. Kacin – yes, Mrs. Kearns – no. Motion is defeated. (This item may be reconsidered at the September 5, 2007 Council meeting).

9B. DISCUSSION OF CU-3-07, SP-6-07, MURRYSVILLE COMMONS (TARGET AND LOWE'S), INTERSECTION OF MANOR ROAD AND ROUTE 22, B ZONING DISTRICT.

Bruce Haney from Echo Real Estate Services and Gene Price from Civil and Environmental Consultants led a discussion regarding waiver and modification requests and traffic impacts which were discussed at the July 18, 2007 Public Hearing. The four points discussed were as follows: landscaping issues, a reduction of the required setback from 100 feet to 75 feet from the R-3 District, Lowe's proposed parking spaces, and a \$25,000 contribution towards a possible traffic light at the corner of Wilson Road and Old William Penn Highway. Some possible issues that Council had with this plan are: too many proposed parking places, the amount of the contribution for the possible traffic light may be very low, and Shade Master Locust trees may not be suitable for this parking lot. Staff requested input from Council on this item which could be in a final briefing for the September 5, 2007 agenda.

9C. CONSIDER APPROVAL OF RUBRIGHT LOT LINE REVISION, 3 LOTS ON ROCKY HILL LANE, ZONED R-R, TAX MAP NUMBERS 49-03-00-0-149, 152, AND 229. Mr. van de Venne moved to approve. Mrs. Kearns seconded. All present voted aye. Motion approved.

9D. CONSIDER AUTHORIZATION TO ADVERTISE ORDINANCE 749-07 AND RELATED PUBLIC HEARING, CONCERNING 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.

Chris Rearick, Director of Community Development, led a discussion regarding the proposed advertisement of Ordinance 749-07 and related Public Hearing. Council requested that Mr. Rearick give three conceptual plans of this rezoning issue as follows: how the property would look at the present zoning, how it would look if rezoned to straight business, and how the property would look as an overlay.

There was no motion or second for this item. However, there was a roll call vote: Mr. Pavlik – yes, Mr. Franke – yes, Mr. van de Venne – yes, Mr. Brooks – no, Mrs. Kacin – yes, Mrs. Kearns - yes.

**ENGINEERING:**

10A. CONSIDER APPROVAL OF ORDINANCE NO. 745-07 – PARK SPEED LIMITS. Mrs. Kearns moved to approve. Mr. Franke seconded. All present voted aye. Motion approved.

10B. CONSIDER REDUCTION OF LETTER OF CREDIT FOR FOREST RIDGE COURT IN THE FOREST RIDGE DEVELOPMENT. Mrs. Kearns moved to approve this reduction in the amount of \$20,000. Mr. Pavlik seconded. All present voted aye. Motion approved.

10C. CONSIDER AUTHORIZATION TO ADVERTISE ORDINANCE NO. 746-07, STREET ACCEPTANCE OF GINA LYNN COURT IN THE EDGEBROOK PLAN OF LOTS. Mr. Franke moved to approve. Mrs. Kearns seconded. All present voted aye. Motion approved.

Mr. Pavlik moved to reconsider Item 10C to include the following amendment to the motion. Mr. Franke seconded. All present voted aye. Motion to reconsider approved.

Mr. Franke moved to amend the motion to include that street maintenance costs incurred in 2007 will be paid for by the developer until such time that liquid fuel costs are available from Penn DOT for the Municipality of Murrysville. Mr. Pavlik seconded. All present voted aye. Motion approved.

10D. CONSIDER AUTHORIZATION TO ADVERTISE ORDINANCE NO. 747-07, STREET ACCEPTANCE FOR JUNIPER COURT AND HARVEST DRIVE IN THE HERITAGE ESTATES – PHASE III DEVELOPMENT. Mr. Franke moved to approve. Mr. van de Venne seconded. All present voted aye. Motion approved.

Mr. Brooks moved to amend the motion to include that street maintenance costs incurred in 2007 will be paid for by the developer until such time that liquid fuel costs are available from Penn DOT for the Municipality of Murrysville. Mrs. Kearns seconded. All present voted aye. Motion approved.

Mr. Franke requested that staff develop a policy concerning acceptance of new streets with regards to payment of maintenance and liquid fuel costs in relation to density of the new developments.

10E. CONSIDER AUTHORIZATION TO ADVERTISE ORDINANCE NO. 748-07, STREET ACCEPTANCE FOR FOREST RIDGE COURT IN THE FOREST RIDGE DEVELOPMENT. There was no motion or second on this item. However, there was a vote. All present voted aye.

Mr. van de Venne moved to amend to include that street maintenance costs incurred in 2007 will be paid for by the developer until such time that liquid fuel costs are available from Penn DOT for the Municipality of Murrysville. Mrs. Kearns seconded. All present voted aye. Motion to amend approved.

10F. CONSIDER AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE MUNICIPAL AUTHORITY OF WESTMORELAND COUNTY FOR DESIGN OF THE EXTERNAL WATER LINE SYSTEM TO SERVE MURRYSVILLE COMMUNITY PARK. Mr. Brooks moved to approve in an amount not exceed \$8,000. Mrs. Kearns seconded. All present voted aye. Motion approved.

10G. CONSIDER AUTHORIZATION TO APPROVE A CONTRACT WITH GREAT LAKES SERVICE EQUIPMENT, INC. TO FURNISH AND INSTALL A 20,000 POUND HYDRAULIC VEHICLE LIFT. Mrs. Kearns moved to approve. Mr. Franke seconded. All present voted aye. Motion approved.

10H. CONSIDER AUTHORIZATION TO APPROVE A CONTRACT WITH JOSEPH M. HUGHES CARPENTER CONTRACTOR TO CONSTRUCT THE WETLAND MITIGATION PAVILION AT MURRYSVILLE COMMUNITY PARK. Mr. Franke moved to approve in the amount of \$62,438. Mrs. Kearns seconded. All present voted aye. Motion approved.

**ADMINISTRATION:**

11A. CONSIDER ALBERT SALERA'S REQUEST FOR EXONERATION OF YEAR 2005 MUNICIPAL TAXES. Mrs. Kearns moved to approve. Mr. Pavlik seconded. All present voted aye. Motion approved.

11B. Chief Administrator and Council discussed the Citizen-Based Survey results. There was no action taken on this item.

**NEW BUSINESS:**

None

**OLD BUSINESS:**

None

**OTHER BUSINESS:**

None

**ACTION ITEMS:**

- ✓ Council directed staff to look into ways to improve communications (800 MHz radio & cell phone service) within the Municipal building. This became a critical problem during the recent storms on August 9, 2007.
- ✓ Council directed staff to develop a policy concerning acceptance of new streets with regards to payment of maintenance and liquid fuel costs in relation to density of the new developments.
- ✓ Council directed staff to investigate feasibility of having developers post bonds for supplemental maintenance of retention ponds.

**ADJOURNMENT:**

Mr. Franke moved to adjourn. Mr. Pavlik seconded. All present voted aye. Motion approved.

Time: 9:30 p.m.

JOHN M. BARRETT  
CHIEF ADMINISTRATOR

kjb 8/28/07

cc: Mayor Police

Council  
Community Development  
Finance  
Engineering

Public Works  
Solicitor  
Front Office/Library  
Recreation

COUNCIL OF THE MUNICIPALITY OF MURRYSVILLE  
REGULAR VOTING MEETIN  
August 15, 2007