

COUNCIL OF THE MUNICIPALITY OF MURRYSVILLE  
REGULAR VOTING MEETING  
March 5, 2008

The meeting began with the presentation of Citizen of the Year to Michele Clarke, Director of Recreation, by the Murrysville *Star*. Tom McGee from the Murrysville Star presented the award to acknowledge Mrs. Clarke's eleven years of dedicated service to the Municipality of Murrysville.

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Council of the Municipality of Murrysville held a Regular Voting Meeting on Wednesday, March 5, 2008 at 7:10 p.m. in the Municipal Building. Present at the meeting were Council members Nancy Kacin, Larry Nicolette, Dennis Pavlik, Joan Kearns, Jeff Franke, Rege Synan, 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, March 5, 2008.

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

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

**ANNOUNCEMENT OF UNLISTED AMENDMENTS:**

None

Mrs. Kearns moved to approve the agenda. Mr. Nicolette seconded. All present voted aye. Motion approved.

**CONSENT CALENDAR ITEMS:**

4A. JANUARY 16, 2008 MEETING MINUTES TO BE APPROVED.

4B. FEBRUARY 6, 2008 COUNCIL MINUTES TO BE APPROVED.

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

**COMMUNITY INPUT:**

Shirley Turnage – 3924 Sardis Road – Mrs. Turnage spoke regarding the possible sale of Banner Parklet. Mrs. Turnage said that although she is not opposed to the sale of this property, she wants to assure that the Municipality of Murrysville gets a fair market value for it. She continued by saying that the municipality should expect top dollar.

Lawrence Keller – 3907 Bridgewood Circle – Mr. Keller stated his opinion that Banner Parklet is an asset to the citizens of Murrysville and that it should not be sold to the Murrysville Economic and Community Development Corporation (MECDC).

Fred Baldassare – 1229 Twelve Oaks Court – Mr. Baldassare reiterated Mr. Keller’s comments and added that Banner Parklet belongs to the people of Murrysville and should not be sold to a group who will quickly try to resell it.

**COMMENTS BY MAYOR SOMERS:**

Mayor Somers commended Jim Snitger and the residents of Trouthaven Drive for their impressive efforts involved with the remediation of the stream in their area which has repeatedly caused flooding. Together with the help of Senator White, this group successfully secured funds through a Growing Greener Grant in the amount of \$142,338.00 to improve conditions of this stream.

Mayor Somers reported that she has been traveling into the Franklin Regional schools to talk with students concerning local government and how it affects them.

Mayor Somers attended the Pennsylvania League of Cities and Municipalities’ Board Meeting in Harrisburg and provided staff and Council with details of that meeting. The Mayor stated that it is her opinion that the pending bill to hire a county- wide tax collector to collect local and school taxes would have a negative effect on the Municipality of Murrysville, and asked Council and Staff to support her on this issue.

**COMMENTS BY THE CHIEF ADMINISTRATOR:**

Mr. Barrett reported that on February 28, 2008, a meeting took place with staff, representatives from PennDOT, and local legislators concerning the ongoing problems with the traffic lights on Route 22. PennDOT’s District 12 agreed to do an internal investigation of this issue and respond back to the Municipality.

Mr. Barrett presented an update on the water line project to Murrysville Community Park (MCP). A meeting took place on March 5, 2008 with the Municipal (Water) Authority of Westmoreland County (MAWC) and municipal staff to resolve issues including financial considerations of the residents of Evans Road, existing water lines servicing Sinan Farms, and the proposed water line to be constructed. Mr. Barrett reported that more information will be coming before Council and his hopes are that this project will be ready to be bid in the near future.

Mr. Barrett also reported to Council that a collegiate bike association has proposed a bike race to be held in Murrysville on March 22, 2008. This is a regional event and these students have come to the municipality with concrete plans, volunteers, funds, and much support for their event.

Lastly, Mr. Barrett wanted to commend the tireless efforts of the Public Works department during this particularly snowy winter. He said their hard work has been appreciated by the entire municipality.

**LIAISON AND COMMITTEE REPORTS:**

Mr. van de Venne attended the Library Board meeting and reported there was a discussion involving the ongoing space problem that exists in the Library. It has been decided to seek bids for a professional and detailed study on how best to remedy this problem.

Mr. van de Venne also attended the Environmental Advisory Council meeting. The primary discussion revolved around a new housing plan on Wiestertown Road which has many lots with wetlands in their back yards. A plan on how best to protect these wetlands is being brought forward to Chris Rearick, Director of Community Development.

Mr. Pavlik attended the Planning Commission meeting and this group has asked that a concern be brought to Council. Their concern involves storm water management and the municipal ordinances that pertain to this subject. The Planning Commission suggests that some of these ordinances need to be reviewed and possibly revised in accordance with Department of Environmental Protection regulations.

Mr. Synan attended the Medic One meeting and reported that Medic One saw a 50 percent increase in the number of calls in January, 2008.

Mr. Synan also reported that although there was no Emergency Management meeting, he wanted to publicly acknowledge Murrysville Emergency Services personnel who responded to the recent explosion in Plum Borough. This clearly shows the advantages of reciprocal emergency aid agreements.

**COMMUNITY DEVELOPMENT:**

9A. CONSIDER APPROVAL OF REQUEST FOR THE INCLUSION OF TAX MAP PARCELS 49-12-00-0-048, 49-12-00-0-099, AND 49-12-00-0-051, LOCATED ON HILTY AND FARM ROADS AND OWNED BY BETSY AIKEN AND ARVIND PARANJPE, IN THE AGRICULTURE SECURITY AREA. Mrs. Kearns moved to approve. Mr. Franke seconded. All present voted aye. Motion approved.

9B. CONSIDER APPROVAL OF CU-1-08, WILKES ENERGY, INC. PERETTO WELL NO. 3, 3650 HILLS CHURCH ROAD, R-1 ZONING DISTRICT, TAX MAP NUMBERS 49-11-00-0-029 AND CHERRY LANE WELLS #1 AND #2, 4894 CHERRY DRIVE, TAX MAP 49-11-00-0-002, R-1 ZONING DISTRICT. Mr. Nicolette moved to approve with conditions listed in the Agenda Briefing. Mr. Franke seconded. All present voted aye. Motion approved.

9C. CONSIDER APPROVAL OF S-3-08, WINGARD PLAN OF LOTS, KEITH WINGARD PROPERTY AT 2525 KOHOSEK COURT, IN THE R-R ZONING DISTRICT, 19.8 ACRES, REQUESTING A TWO-LOT SUBDIVISION TO PROVIDE FOR CONSTRUCTION OF A SINGLE FAMILY HOME. Mr. Pavlik moved to approve with conditions listed in the Agenda Briefing. Mr. Synan seconded. All present voted aye. Motion approved.

9D. CONSIDER WAIVER OF CHAPTER 97 STREET CONSTRUCTION STANDARDS TO PERMIT SERVICE OF ADDITIONAL LOT AS PROPOSED IN OF S-1-08, REVISED

EAGLES VISTA PLAN OF LOTS, BY EXISTING PRIVATE DRIVE KNOWN AS EAGLES LANE. Mr. Franke moved to approve. Mrs. Kearns seconded. All present voted aye. Motion approved.

9E. CONSIDER APPROVAL OF S-1-08, REVISED EAGLES VISTA PLAN OF LOTS, WAYNE ARNOLD PROPERTY AT 6300 EAGLES LANE, IN THE R-R ZONING DISTRICT, 16.76 ACRES, REQUESTING A TWO-LOT SUBDIVISION TO PROVIDE FOR CONSTRUCTION OF A SINGLE FAMILY HOME. Mr. Nicolette moved to approve. Mr. Franke seconded. All present voted aye. Motion approved.

9F. CONSIDER APPROVAL OF CONTRACT WITH TRANS ASSOCIATES FOR ONGOING PLAN REVIEW AND CONSULTING SERVICES AS RELATED TO THE TRAFFIC IMPACT FEE AND SUBDIVISION ORDINANCES. Mr. Franke moved to approve. Mrs. Kearns seconded. All present voted aye. Motion approved.

9G. CONSIDER APPROVAL OF CONTRACT WITH URS CORPORATION AS THE ALTERNATE FIRM TO PERFORM PLAN REVIEW AND CONSULTING SERVICES AS RELATED TO THE TRAFFIC IMPACT FEE AND SUBDIVISION ORDINANCES. Mr. Franke moved to approve. Mrs. Kearns seconded. All present voted aye. Motion approved.

**ADMINISTRATION:**

10A. CONSIDER APPROVAL OF COLLECTIVE BARGAINING AGREEMENT WITH THE MURRYSVILLE POLICE FOR THE PERIOD JANUARY 1, 2008, THROUGH DECEMBER 31, 2010. Mr. Franke moved to approve. Mr. Synan seconded. All present voted aye. Motion approved.

10B. CONSIDER RESOLUTION NO. 530-08, DISPOSAL OF PUBLIC RECORDS. Mrs. Kearns moved to approve. Mr. Franke seconded. All present voted aye. Motion approved.

**ENGINEERING, PUBLIC WORKS, AND PARKS:**

11A. CONSIDER AWARD OF CONTRACT FOR LANDSCAPE MAINTENANCE OF THE ADMINISTRATION BUILDING. Mrs. Kearns moved to approve contract in an amount not to exceed \$1,250.00. Mr. Synan seconded. All present voted aye. Motion approved.

**NEW BUSINESS:**

A discussion regarding Banner Parklet follows:

A draft agreement between the Murrysville Economic and Community Development Corporation (CDC) and the Municipality has been created with the basic premise transferring the ownership of the Banner Parklet parcel to the CDC. The CDC would borrow against the property with a local bank and use the proceeds for furthering the streetscape concept. The focus would be on the streetscape corridor, including facade renovations and property acquisitions. Included in the agreement is a timeline of six years. Highlights of the discussion are as follows:

Mr. van de Venne began with an introduction of this proposal. He stated that if the municipality sold this property to the CDC rather than a random buyer, the future of the Streetscape project would be more secure. He said that the CDC could not use funds from this transaction for their own benefit, but rather only for improvements to the community. Mr. van de Venne said that if this property is sold to an outside buyer, Streetscape may never happen.

Mr. Nicolette stated that this property was a very strategic area for the Streetscape project and for the vision of a “downtown Murrysville.” He said the sale of Banner Parklet to the CDC was a win-win situation and is strongly in favor of it.

Mr. Franke stated that the Banner Parklet property should most definitely be developed together with Camille’s property as the larger parcel would be more valuable to the municipality.

Mr. Keller – 3907 Bridgewood Circle – Mr. Keller stated that the Banner Parklet site has not been declared a “clean site,” only because no one has yet applied for the closure of this site. He assured Council that, upon application, this site can be declared clean by the Department of Environmental Protection.

Mr. Pavlik stated that he did not object in principal that the Park be developed as a unit in conjunction with the Naffa property also known as the “Blue Spruce” property, but rather the terms of the agreement giving taxpayer money to the CDC.

Mr. Pavlik questioned the fact that under the agreement as presented, CDC would be allowed to keep \$250,000 from the proceeds of the sale. This is essentially a gift of taxpayer money to the CDC and he doesn’t believe this is appropriate. Mr. Hergenroeder acknowledged that the CDC would be allowed to keep \$250,000.

Mr. van de Venne followed by saying that if this sale with CDC occurs; all funds received by CDC would have to go back into the Murrysville community for the benefit of the Streetscape project.

Mr. Pavlik also questioned that the money would be allowed to be given as grants, not just low interest loans. He stated that if CDC obtains a mortgage from the sale of this property and in turn gives grants or low interest loans, they would indeed be making a profit for themselves from this money. Specifically Section 6 Covenants and Restrictions, item D of the contract as presented to council. It was acknowledged that the updated contract held by Mr. Hergenroeder also contained the same clause.

Mr. Kotjarapoglus, Municipal Solicitor, stated that this clause would not be in the final version of the agreement.

**Verbatim discussion:**

**Dennis Pavlik - Then we ought to table this until we get the actual agreement.**

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Nancy Kacin - We're not tabling anything, we're discussing.

Dennis Pavlik - We ought to get it until we have the real agreement in front of us.

Nancy Kacin - We can discuss anything we want. You're not going to agree with it, whatever it says.

Dennis Pavlik - I'd agree with it if we said we'd give them 15% of the sale price like a real estate agent. We're not a banker either, giving loans and old mortgages.

Nancy Kacin - I think what we want to do determine here is if we are interested in actually creating a partnership with the CDC.

Verbatim discussion ends.

Mrs. Kearns stated that if Camille's property sells in the future and it is known that the Banner Parklet property is also for sale, the Municipality of Murrysville can reap the entire benefit of this sale. She stated she is not in favor of the pending agreement with the CDC.

Mr. Charles Hergenroeder- 3911 Bridgewood Circle- Mr. Hergenroeder spoke at length on behalf of the CDC. He stated that when the CDC was established in 2000, it was done so as an organization that would be a partner with the Municipality of Murrysville. He reiterated that the sale of Banner Parklet to the CDC is a perfect example of how the CDC can work in tandem with the municipality for the better of both.

Mayor Somers stressed that it is important that the municipality has a vision for the future and this agreement with the CDC could enable such a vision.

Mr. Nicolette said he thought it would benefit Council if they could have some sort of schematic, financial explanation of how this sale of property would take place. He also stated that this transaction would better the business community of Murrysville.

Fred Baldassare – 1229 Twelve Oaks Court – Mr. Baldassare concluded this discussion by saying that he believes most everyone agrees with the benefits of the Streetscape project. But he urged Council to be objective in their decision regarding this property.

Mrs. Kacin read from the Mayor's report from the Pennsylvania League of Cities and Municipalities' Board Meeting regarding the proposed bill of county- wide collection of local taxes. The Mayor has asked Council to request Mrs. Kacin or Mr. Barrett write a letter to Senator White expressing opposition to this bill. Mrs. Kearns moved to approve such a letter. Mr. Synan seconded. Upon a roll call vote: Mr. Synan – yes, Mrs. Kearns – yes, Mr. van de Venne – no, Mr. Pavlik – yes, Mr. Nicolette – no, Mr. Franke – yes, Mrs. Kacin – yes.

Mr. Nicolette said that he is in opposition to such a letter. He stated that he is in favor of county-wide tax collection.

Mr. Pavlik said that once the county starts collection of local taxes, it is just a short step to redistribution of wealth.

**EXECUTIVE SESSION:**

Council convened to an Executive Session regarding a Real Estate Issue at 9:00 p.m. and returned at 9:20 p.m. No voting resulted from the Executive Session.

**ACTION ITEM:**

- Council requested Mr. Barrett to write a letter to Senator White in opposition of a bill which would enable the county to collect local earned income taxes.

**ADJOURNMENT:**

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

Time: 9:25 p.m.

JOHN M. BARRETT  
CHIEF ADMINISTRATOR

kjb 3/18/08  
revised 3/27/08  
revised 4/2/08

cc: Mayor  
Police  
Council  
Community Development  
Finance  
Engineering

Public Works  
Solicitor  
Front Office/Library  
Recreation