

Council of the Municipality of Murrysville held a Regular Voting Meeting on Wednesday, April 2, 2008 at 7:00 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, April 2, 2008.

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

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

**ANNOUNCEMENT OF UNLISTED AMENDMENTS:**

Under Administration:

Remove Item 10B – Consider approval of Banner Parket Agreement. This item will be placed on a future agenda for consideration.

Under Administration:

Add Item 11C – Consider approval of Ordinance No. 766-08 for grant of a perpetual easement to Dominion Peoples Gas Company to accommodate relocation of their gas line in conjunction with the School Road Bridge Replacement.

Under Executive Session:

Move Item 15A – Executive Session (Legal issue) to immediately follow the Community Development section of the agenda.

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

**CONSENT CALENDAR ITEM:**

4A. MARCH 5, 2008 MEETING MINUTES TO BE APPROVED.

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

**COMMUNITY INPUT:**

Jerome Wolfe – 2380 Flagstaff Drive – Mr. Wolfe asked if the Banner Parklet site is a “clean site,” as it is still listed as “contaminated” on the Westmoreland County web site. Mr. Barrett answered that the underground fuel tanks have been removed from this site and the Municipality has received a closure report, but is still waiting for the Act II Clearance from the Department of

Environmental Protection (DEP). Mr. Barrett is confident that this site will be declared clean by the DEP in the near future.

Shirley Turnage – 3924 Sardis Road – Mrs. Turnage spoke concerning the possible agreement between the Municipality of Murrysville and the Murrysville Economic and Community Development Corporation (MECDC) regarding the Banner Parklet property. Mrs. Turnage asked why the details of this agreement have not been made public and why has there not been a Public Hearing on the subject.

David Hood – 4676 Stewart Court – Mr. Hood spoke against the proposed Ordinance to allow alcohol in Townsend Park stating that it would not bring in any anticipated added income.

Joseph Hoehn – 2945 Hills Church Road – Mr. Hoehn was seriously affected by the August, 2007 flooding in Export. He asked Council if there has been any progress in possible dredging of the creek behind his home. Mrs. Kacin answered that the Phase I of the Export flood control project has been approved and this might help the problems that Mr. Hoehn has sustained. Mr. Barrett also agreed to get in touch with the Westmoreland Conservation District to arrange a site visit to Mr. Hoehn's home and see if they can be of any help.

**COMMENTS BY MAYOR SOMERS:**

Mayor Somers spoke of a letter received from Kathleen Verrengia who was extremely thankful to the Municipality of Murrysville and the Franklin Township Municipal Sanitary Authority for the help they provided in a recent problem with a plumbing contractor.

Mayor Somers said that the annual street sweeping has begun and that Bob Bell, Foreman of Roads for the Municipality, has reported that Murrysville housing plans would be cleaned first, followed by the major roads.

Mayor Somers also reported that on March 19, 2008, representatives from the Smooth Operator Program awarded Police Officer Brian Dulkis an award for his exceptional job performance in this program associated with traffic laws and aggressive driving. Additionally, the Murrysville Police Department received a certificate of appreciation for its participation in the Smooth Operator program.

Mayor Somers reported that on March 26, 2008 Sergeant Chuck Tappe was honored as "Officer of the Year" from the Murrysville - Export Rotary for his service to the community and his involvement with the department's accident reconstruction team, and as a supervisor for the Field Training Officer Program.

Mayor Somers announced that the 2008 Citizens' Police Academy concluded on March 31, 2008. All involved are very pleased with this year's program and plan to continue it in 2009.

**COMMENTS BY THE CHIEF ADMINISTRATOR:**

Mr. Barrett introduced Rob Hunter, the Municipality's new Director of Recreation. Mr. Hunter expressed his passion for recreation and is looking forward to serving the citizens of Murrysville.

Mr. Barrett announced that the Public Works Department has filled the job opening for an additional laborer that was approved by Council. Marty Starn, who has been a summer aide for the Public Works Department, has filled this vacancy and will start immediately.

Mr. Barrett gave an update on the Streetscape grant. He said there has been a preliminary submittal to PennDOT and Murrysville has received a response concerning what PennDOT is willing to fund. Discussions will continue and Mr. Barrett will keep Council informed.

Mr. Barrett reported that the agreement with PennDOT has been finalized concerning the turn back program of Wiestertown Road. Costs involved with this project are approximately \$967,000.

Mr. Barrett reported that there has been an on-site meeting with representatives from PennDOT at the traffic signals in Murrysville. Technicians from PennDOT are assisting the Municipality in an attempt to solve the numerous technical problems that have been occurring at the lights.

Mr. Barrett concluded by reporting the most recent information on the Evans Road water line project. The latest estimate of costs is going out to the residents and the project is expected to get started in the near future.

**LIAISON AND COMMITTEE REPORTS:**

Mr. van de Venne attended the Library Board meeting and reported that two discussions took place. The first involved the continued space problem and how best to solve it. Consultants have been contacted and plans continue to be investigated. The second discussion involved whether or not The Murrysville Library should continue to serve as the headquarters of The Westmoreland Library System.

Mr. van de Venne also attended the Financial Sustainability Committee meeting. Mr. van de Venne will be meeting with Diane Heming, Director of Finance, to review the general fund deficit the Municipality of Murrysville will be facing.

Mr. Synan attended the Medic One meeting and reported that Medic One has been instructed by the Pennsylvania Department of Health to replace all cardiac monitors at an approximate cost of \$125,000.

Mr. Synan also reviewed with Medic One the section of the municipal code that deals with Medic One. After these discussions, information was shared with John Barrett, Chief Administrator, who will forward these discussions to Council for their review.

Mr. Franke attended the FTMSA meeting. Their current financials have been reviewed by their auditors and the report is very positive.

Mrs. Kacin attended the multi-municipal meeting between Murrysville and Export where a comprehensive plan between the two communities was discussed. Also reviewed were possible shared traffic impact fees and issues involving flood control for Murrysville and Export.

Mayor Somers requested that any flood control plans for Export be made available to Murrysville Council to assure that Council is aware of any possible effects such plans may have on the Murrysville community.

**COMMUNITY DEVELOPMENT:**

9A. CONSIDER APPROVAL OF SP-1-08, MARINELLI REVISED SITE PLAN, 4353 OLD WILLIAM PENN HIGHWAY, MU ZONING DISTRICT, TAX MAP 49-14-03-0-013. Mr. Franke moved to approve with conditions listed in the Agenda Briefing. Mr. Nicolette seconded. All present voted aye.

**EXECUTIVE SESSION:**

Council convened to an Executive Session (legal issue) at 7:45 pm and returned at 8:08 pm. There was no voting as a result of the Executive Session.

**ADMINISTRATION:**

10A. CONSIDER APPROVAL OF ORDINANCE NO. 761-08, AN ORDINANCE RESTATING THE POLICE PENSION DOCUMENT. Mr. Pavlik moved to approve with conditions listed in the Agenda Briefing. Mr. Franke seconded. All present voted aye. Motion approved.

10B. CONSIDER POLICY NO. 28-08, ALCOHOL IN MUNICIPAL PARKS. Mr. Nicolette moved to approve with conditions listed in the Agenda Briefing. Mr. Franke seconded. Upon a roll call vote: Mr. van de Venne - yes, Mr. Pavlik – no, Mr. Franke – yes, Mr. Nicolette – yes, Mrs. Kacin – yes, Mr. Synan – no, Mrs. Kearns – no. Motion approved.

Mr. van de Venne moved to amend the original motion to limit this policy to only the Lower Pavilion at Townsend Park. Mr. Franke seconded. Upon a roll call vote: Mr. van de Venne - yes, Mr. Pavlik – yes, Mr. Franke – yes, Mr. Nicolette – yes, Mrs. Kacin – yes, Mr. Synan – no, Mrs. Kearns – no. Motion approved.

Mr. Nicolette moved to further amend the original motion to change Condition # 3 of the Agenda Briefing to read “Beer and wine shall be the only acceptable forms of alcoholic beverages permitted.” Mr. Pavlik seconded. Upon a roll call vote: Mr. van de Venne - yes, Mr. Pavlik – yes, Mr. Franke – yes, Mr. Nicolette – yes, Mrs. Kacin – yes, Mr. Synan – no, Mrs. Kearns – no. Motion approved.

10C. CONSIDER AUTHORIZATION TO ADVERTISE ORDINANCE NO. 767-08, FEES. Mr. Nicolette moved to approve noting that this pertains only to the Lower Pavilion at Townsend Park. Mr. Pavlik seconded. Upon a roll call vote: Mr. van de Venne - yes, Mr. Pavlik – yes, Mr. Franke – yes, Mr. Nicolette – yes, Mrs. Kacin – yes, Mr. Synan – yes, Mrs. Kearns – no. Motion approved.

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

11A. CONSIDER APPROVAL OF CONTRACT WITH TRESKO PAVING CORPORATION FOR THE REMALEY ROAD RECONSTRUCTION PROJECT, DPW-2-08. Mr. Franke moved to approve the contract in the amount of \$529,319.25. Mr. Synan seconded. All present voted aye. Motion approved.

11B. CONSIDER AUTHORIZATION TO ADVERTISE THE 2008 CRACK SEALING PROJECT DPW-3-08. Mr. Franke moved to approve. Mrs. Kearns seconded. All present voted aye. Motion approved.

11C. CONSIDER APPROVAL OF ORDINANCE NO. 766-08 FOR GRANT OF PERPETUAL EASEMENT TO DOMINION PEOPLES GAS COMPANY TO ACCOMMODATE RELOCATION OF THEIR GAS LINE IN CONJUNCTION WITH THE SCHOOL ROAD BRIDGE REPLACEMENT PROJECT. Mr. Franke moved to approve with conditions listed in the Agenda Briefing. Mr. Pavlik seconded. All present voted aye. Motion approved.

**NEW BUSINESS:**

None

**OLD BUSINESS:**

None

**OTHER BUSINESS:**

None

**ACTION ITEM:**

- Mr. Barrett, Chief Administrator, agreed to assist Joseph Hoehn of 2945 Hills Church Road, Export (ongoing flooding problem), by contacting the Westmoreland Conservation District. Mr. Barrett will try to arrange a site visit to Mr. Hoehn's property.

There was a brief discussion regarding the retention and the transcription of Council meeting minutes:

Mrs. Kacin asked Council what the minutes should and should not include. She continued by saying that it is her opinion that the minutes need not include all details of Council meetings, but rather be used as a guide to the DVDs of the meeting, which would include all details.

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Mr. Pavlik asked how long Council meeting DVDs will be kept. He stated that if they are not kept for an extensive period of time, a record of meeting details would be non-existent.

Mrs. Kacin answered that DVDs should be kept forever, thereby maintaining all information from Council meetings.

Mr. Pavlik questioned the longevity of the actual DVD media.

Mr. Nicolette suggested that this matter should be discussed at a future meeting as content of the meeting minutes is a separate issue from retention of meeting minutes.

Mr. van de Venne asked if there is anything in the Administrative Code concerning the content of meeting minutes.

Mr. Pavlik answered that the Administrative Code states that minutes should be "done according to applicable law." He continued that applicable law for the Municipality is Section 65-706 of the Sunshine Act. Mr. Pavlik said that this section states that minutes should include date, time, place, members present, names and subject matter of anyone who gives comments at the meetings, any and all motions and official actions. This information is not necessarily a complete transcript of the meeting. Mr. Pavlik said herein lies a problem. He said that 15 years ago, Council meeting minutes were transcripts. Then eventually, minutes became more of a reference for the DVDs of the meetings. But as lengthy discussions are recorded in detail, some of the meeting minutes are almost becoming transcripts again.

Mrs. Kacin reiterated that staff has been spending a great deal of additional time rewriting minutes lately, and that she is hoping to find a consensus of Council on this matter.

Mr. Pavlik concluded by saying that a discussion should not occur without a motion. Even if Council simply wants to discuss a subject, a motion to go to Committee of the Whole needs to occur. He stated that any motion must be in the minutes.

The topic will be investigated further at a future Council meeting.

**ADJOURNMENT:**

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

Time: 8:36 p.m.

JOHN M. BARRETT  
CHIEF ADMINISTRATOR

kjb 4/16/08

cc: Mayor  
Police

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Council  
Community Development  
Finance  
Engineering

Public Works  
Solicitor  
Front Office/Library  
Recreation