

Council of the Municipality of Murrysville held a Regular Voting Meeting on Wednesday, May 7, 2008 at 7:03 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, May 7, 2008.

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

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

**ANNOUNCEMENT OF UNLISTED AMENDMENTS:**

Under Administration:

Add Item 10G – Consider approval of Banner Parket Agreement between Municipality of Murrysville and the Murrysville Economic and Community Development Corporation (MECDC). Upon a roll call vote: Mr. Franke – yes, Mr. Pavlik – no, Mr. Synan – yes, Mr. Nicolette – yes, Mrs. Kacin – yes, Mr. van de Venne – yes, Mrs. Kearns – no. Motion to add Item 10G to agenda was approved.

Mr. Nicolette moved to approve the amended agenda. Mr. Franke seconded. Upon a roll call vote: Mr. Franke – yes, Mr. Pavlik – no, Mr. Synan – yes, Mr. Nicolette – yes, Mrs. Kacin – yes, Mr. van de Venne – yes, Mrs. Kearns – no. Motion to approve amended agenda is approved.

**CONSENT CALENDAR ITEMS:**

4A. ACCOUNTS PAYABLE

4B. INVESTMENTS AND TRANSFERS

4C. APRIL 2, 2008 MEETING MINUTES TO BE APPROVED.

4D. APRIL 16, 2008 MEETING MINUTES TO BE APPROVED.

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

**COMMUNITY INPUT:**

Shirley Turnage – 3924 Sardis Rd. – Mrs. Turnage raised questions regarding the Streetscape Committee that is listed on the municipal web site. Mrs. Turnage asked if the committee is still active. Mr. van de Venne answered that this committee has not met since the Streetscape project was originated 6-8 years ago. Mayor Somers continued by saying that an Ad-Hoc committee is not officially dissolved. Mrs. Turnage also asked Council and staff why the official paperwork

from the Department of Environmental Protection certifying Banner Parklet to be a “clean site,” has not been obtained. Mr. Barrett answered that all steps have been taken to remediate this site including closure reports and assurances from all agencies involved, and that all necessary work has been completed.

George Matcuk – 2504 Sarah Ct. - Mr. Matcuk spoke against any open burning in Murrysville. His primary concern was for the health of young children and elderly residents who may have respiratory conditions.

**COMMENTS BY MAYOR SOMERS:**

Mayor Somers announced that the Senior Citizens had a memorial luncheon on May 7, 2008 to honor area police who have lost their lives or been injured in the line of duty.

Mayor Somers also announced that the municipality will have a Clean-Up Week during the week of May 19-23, 2008. Details can be found on the municipal website and in the local newspapers.

Mayor Somers also reported that there has been an expansion of the recycling program in Murrysville. The recycling bins at Veterans’ Field will now accept plastics (#1-5), aluminum cans, phone books, and non-corrugated cardboard. Mayor Somers said this change will not only keep the community cleaner, but will also increase grant funding for Murrysville.

Mayor Somers said that May 1, 2008 was declared a National Day of Prayer. Additionally, the annex of the United Methodist Church in Murrysville will have an ongoing prayer service every Thursday from 12:00 p.m. -1:00 p.m.

Mayor Somers announced that Murrysville will be one of the trial communities to have a new program called the “Forbes Trail Faith in Action” program. It will address the needs of senior citizens, will be funded through The United Way, and set up by the Women’s Leadership Council. Mayor Somers will serve on the board of this new group.

**COMMENTS BY THE CHIEF ADMINISTRATOR:**

Mr. Barrett reported that the Murrysville Area Football Association has come forward with plans to build a concession stand at Veterans Field. This would serve as a fundraiser and a storage unit for not only football, but could also serve other interested groups in Murrysville.

Mr. Barrett reported that PennDOT has had continued interest in “turning back” Logan Ferry Road to the municipality. Directed by Council, Mr. Barrett has made it clear in the past that the Municipality of Murrysville is not interested in ownership of this road unless significant improvements are made. Although PennDOT would like to obtain an estimate from the municipality to improve this road, Mr. Barrett said that such a bid would have to come from the state. If an estimate is received, Mr. Barrett will be in communication with Council.

Lastly, Mr. Barrett announced that May 18-24, 2008 is National Public Works Week. He acknowledged the hard work and achievements of Murrysville’s Public Works Department and encouraged citizens to do the same.

**LIAISON AND COMMITTEE REPORTS:**

Mr. van de Venne attended the Environmental Advisory Council meeting. They discussed several concerns regarding the addition being built on the old Pizza Hut building. They also questioned if the Municipality of Murrysville had an ordinance which would prevent spill over of light into the sky, since this could become an environmental concern. This may come before Council at a later date.

Mr. Nicolette attended the Personnel Board meeting and reported that they held two grievance hearings which will be brought forward at a later date.

Mr. Synan attended the Medic One meeting and reported that Medic One held an emergency services drill. Neighboring emergency services were also involved in this drill.

Mrs. Kacin attended the Planning Commission meeting. Issues discussed involved some details regarding the Streetscape Project and shared parking for Murrysville businesses. Also discussed was a meeting held with the Murrysville Economic and Community Development Corporation and their work with the Streetscape Project. The Planning Commission reviewed the amended Overlay Ordinance which was unanimously approved.

Mrs. Kacin reported that she recently met with several Council members from Export to discuss the new Export Farmer's Market which will be open this summer, on Tuesdays, from 4:00 p.m. to 7:00 p.m.

**ADMINISTRATION:**

10A. DISCUSSION ON PROVIDING SEWAGE TO MURRYSVILLE COMMUNITY PARK. Dave Jobe, Sewage Enforcement Officer for the Municipality of Murrysville, presented an overview of the Drip Irrigation System, which could be implemented at Murrysville Community Park.

Mr. Pavlik moved to direct staff to obtain a proposal from Andrasko & Associates, Inc. detailing the costs to design and implement the entire Drip Irrigation System. Mrs. Kearns seconded. Upon a roll call vote: Mr. Franke – yes, Mr. Pavlik – yes, Mr. Synan – yes, Mr. Nicolette – no, Mrs. Kacin – yes, Mr. van de Venne – yes, Mrs. Kearns – yes. Motion approved.

10B. CONSIDER APPROVAL OF RENEWAL OF THE UNDERGROUND ARCHIVES (FORMALLY BRADY'S BEND UNDERGROUND STORAGE) ANNUAL CONTRACT FOR OFF-SITE STORAGE OF ARCHIVE FILES. Mrs. Kearns moved to approve contract in an amount not to exceed \$1,700. Mr. Pavlik seconded. All present voted aye. Motion approved.

10C. CONSIDER APPROVAL OF AGREEMENT WITH COHEN LAW GROUP TO PERFORM CABLE FRANCHISE RENEWAL SERVICES. Mr. Nicolette moved to approve in the amount of \$11,000. Mr. Franke seconded. All present voted aye. Motion approved.

10D. CONSIDER RESOLUTION NO. 533-08, A RESOLUTION AUTHORIZING CGI COMMUNICATIONS, INC. TO UTILIZE THE MUNICIPALITY OF MURRYSVILLE'S WEBSITE FOR STREAMING VIDEO PURPOSES IN PROVIDING PROGRAMMING CONCERNING MUNICIPAL AFFAIRS AND FOR COMMERCIAL SPONSORSHIP OF THE CGI COMMUNICATIONS, INC. PROGRAMMING ACTIVITIES. Mr. Pavlik moved to have an Executive Session at the conclusion of the meeting, pertaining to a contractual item which is relevant to CGI Communications, Inc. Mr. Nicolette seconded. All present voted aye. Motion approved.

10E. CONSIDER APPROVAL OF AGREEMENT WITH GARY HAYDEN FOR APPRAISAL OF EVANS ROAD PROPERTIES. Mrs. Kearns moved to approve agreement on an "as needed basis," at a cost of approximately \$10,000. Mr. Franke seconded. All present voted aye. Motion approved.

10F. CONSIDER APPROVAL OF RESOLUTION NO. 534-08, A RESOLUTION AUTHORIZING THE TRANSPORTATION ENHANCEMENTS PROGRAM AGREEMENT WITH PENNDOT FOR THE MURRYSVILLE STREETScape PROJECT. Mr. Franke moved to approve agreement in an amount not to exceed \$739,667 (grant amount administered by PennDOT District 12-0). Mr. Nicolette seconded. Upon a roll call vote: Mr. Franke – yes, Mr. Pavlik – no, Mr. Synan – yes, Mr. Nicolette – yes, Mrs. Kacin – yes, Mr. van de Venne – yes, Mrs. Kearns – yes. Motion approved.

Mr. van de Venne moved to amend the original motion to vote on the agreement in the absence of an actual resolution. Mr. Nicolette seconded. Upon a roll call vote: Mr. Franke – yes, Mr. Pavlik – no, Mr. Synan - yes, Mr. Nicolette – yes, Mrs. Kacin – yes, Mr. van de Venne – yes, Mrs. Kearns – yes. Motion approved.

10G. CONSIDER AGREEMENT BETWEEN MUNICIPALITY OF MURRYSVILLE AND THE MURRYSVILLE ECONOMIC AND COMMUNITY DEVELOPMENT CORPORATION (MECDC) FOR THE BANNER PARKLET PARCEL. Mr. Nicolette moved to approve. Mr. Franke seconded. Following is the discussion regarding this agreement:

Mr. van de Venne began with his opinions supporting this agreement and the reasons it would benefit the Municipality of Murrysville.

Mr. Nicolette stated that he agreed with Mr. van de Venne's statements, and added that any financial gains would not go to the MECDC, but rather to the businesses of Murrysville for the good of the community.

Mrs. Kearns questioned Mr. van de Venne regarding the taxes that Walnut Capital has brought to Murrysville. Her point is that those taxes go to the school district rather than the municipality.

Mr. Pavlik presented his opinion that this agreement with the MECDC is not a good idea, and he disagrees with statements saying if this deal does not get approved, the Streetscape Project will not occur. He continued by saying that he strongly disagrees with the concept of the MECDC getting half the proceeds of Banner Parklet, calling it a "false choice and an inappropriate use of our funds."

George A. Kotjarapoglus, Municipal Solicitor and Mayor Somers stated that it is clear in the agreement that any funds procured by MECDC from the sale of Banner Parklet cannot be used for their own administrative benefits, but rather they are bound to use such funds only for public purpose.

Upon a roll call vote: Mr. Franke – yes, Mr. Pavlik – no, Mr. Synan – yes, Mr. Nicolette – yes, Mrs. Kacin – abstained because her husband is involved with MECDC, Mr. van de Venne – yes, Mrs. Kearns – no. Motion approved.

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

11A. CONSIDER AUTHORIZATION TO APPROVE A PURCHASE ORDER FOR GLENN ENGINEERING TO COMPLETE PLANS AND SPECIFICATIONS FOR THE PAVILION AT MURRYSVILLE COMMUNITY PARK. Mr. Franke moved to approve in an amount not to exceed \$3,660. Mrs. Kearns seconded. All present voted aye. Motion approved.

Mr. Nicolette moved to amend the original motion to include ownership of all drawings included in the above-mentioned purchase order. Mr. Pavlik seconded. All present voted aye. Motion to amend approved.

### **NEW BUSINESS:**

12A. DISCUSSION ON OPEN BURNING – MURRYSVILLE CODE CHAPTER 96- CONSTRUCTION CODES – UNIFORM, 96 – 2.1.

Mr. Pavlik began the discussion by saying that in a recent conversation with Mr. Al Dover, Fire Chief for the Murrysville Fire Department, he was told that most problems with fires in the community involve chimney fires and developers' fires after a land clearing operation. In general the fire departments have not had problems with the kind of fires covered in the municipality's Burning Ordinance. Mr. Dover said if there is a problem, it often involves residents who are in violation of the Ordinance. Mr. Pavlik continued by saying that the municipality has adequate regulations that may need to be enforced more rigorously.

Mayor Somers stated her opinion that in heavily populated areas, burning is not only a serious health risk, but also inconsiderate to adjacent neighbors. She said that the garbage service in Murrysville now picks up almost everything and that burning is not necessary.

Mr. Pavlik disagreed stating that the garbage company no longer picks up larger tree limbs.

Mrs. Kearns followed by saying that she often sees residents burning on Sundays or burning garbage which are both violations of the Municipal Ordinance. She said the municipal code enforcement officers cannot always act as the "burn police."

The discussion concluded with a request to Mr. Barrett, Chief Administrator to obtain the number of citations issued for illegal burning. Mrs. Kearns also requested to increase the public

information to the community regarding the Burning Ordinance and fines for those who violate the ordinance.

Mr. van de Venne said that by allowing burning in the community we are ignoring the needs of residents with health issues.

**EXECUTIVE SESSION:**

Council convened to an executive session at 9:16 p.m. to discuss a legal matter, and returned at 9:23 p.m.

Upon returning, Mrs. Kearns moved to table, until the May 21, 2008 Council meeting, Agenda Item 10D, Consider Resolution No. 533-08, a resolution authorizing CGI Communications, Inc. to utilize the Municipality of Murrysville's website for streaming video purposes in providing programming concerning municipal affairs and for commercial sponsorship of the CGI communications, Inc. programs activities. Mr. Synan seconded. All present voted aye. Motion approved.

**OLD BUSINESS:**

None

**OTHER BUSINESS:**

None

**ACTION ITEMS:**

- Concerning the issue of providing sewage to Murrysville Community Park, Mr. Barrett agreed to obtain a proposal from Andrasko & Associates, Inc. detailing the costs to design and implement the entire Drip Irrigation System.
- Staff will provide to Council the number of citations issued for illegal burning since the Burning Ordinance was enacted in 2005.
- Staff will increase the media coverage, i.e., Channel 19 and local newspapers, regarding the Burning Ordinance and subsequent citations possible if residents do not abide by said ordinance.
- Mr. Barrett will contact Mr. Dan Cohen regarding Agenda Item 10D, Resolution No. 533-08, a Resolution authorizing CGI Communications, Inc. to utilize the Murrysville website for streaming video.

**ADJOURNMENT:**

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

COUNCIL OF THE MUNICIPALITY OF MURRYSVILLE  
REGULAR VOTING MEETING  
May 7, 2008

Time: 9:27 p.m.

JOHN M. BARRETT  
CHIEF ADMINISTRATOR

kjb 5/27/08

cc: Mayor  
Police  
Council  
Community Development  
Finance  
Engineering  
Public Works  
Solicitor  
Front Office/Library  
Recreation