

Council of the Municipality of Murrysville held a Regular Voting Meeting and Public Hearing on Wednesday, September 7, 2022, at 7:00 p.m. in the Municipal Building. Present at the meeting were Council members Dayne Dice, Jason Lemak, Jamie Lingg, Mac McKenna, Tony Spadaro, and Carl Stepanovich. Also, present were Chief Administrator, Michael Nestico, Community Development Director, James Morrison, Director of Finance, Jacie Milchak, and Solicitor George Kotjarapoglus. Mayor Synan and Council member Jamie Lee Korn were absent.

PUBLIC HEARING
CU-1-22, TOMMY'S CAR WASH, 4765 OLD WILLIAM PENN HIGHWAY
TAX PARCELS #49-14-08-0-015 AND #49-14-08-0-016
FOR CONSTRUCTION OF AN AUTOMATED CAR WASH

A Public Hearing was held at 7:00 p.m. concerning CU-1-22, Tommy's Car Wash, 4765 Old William Penn Highway. Charles Hergenroeder, Attorney for Tommy's Car Wash, stated that Council had gotten some information about Tommy's Car Wash when they went through the zoning change, which is now a B-Zone with Conditional Use.

Adele Beaves, Engineer from Kimley-Horn, gave a presentation on Tommy's Car Wash for Conditional Use and approval. The property is located at 4765 Old William Penn Highway, between Route 22 and Old William Penn, just east of the School Road intersection. Two existing buildings on the site will be demolished. A 3800-SF one-story building will be constructed. There will be a driveway off of William Penn Highway, a driveway onto Old William Penn Highway, circulation through the site with two stacking lanes for the tunnels. Some of the elements for Conditional Use relate to building architecture. They decided to go with an alternate from the traditional Tommy's standard just to be more in line with the Murrysville architectural standards. It will be more of a gray brick building. They have complied with all the Conditional Use criteria.

Mrs. Lingg asked if the building faces Route 22 or Old 22. Ms. Beaves answered, Route 22. Mrs. Lingg asked about the 50% grade slope going onto Old Route 22. Ms. Beaves stated that there is a slope going onto Old 22 that is not a 50% slope. It is a 4 to 1 slope that comes from the right-of-way to a retaining wall. Mrs. Lingg asked the hours of operation for this facility. Ms. Beaves answered that operation hours are 7:00 a.m. to 9:00 p.m. Mrs. Lingg voiced her concern about traffic during school hours.

Mr. McKenna asked about traffic coming west on Route 22 and if traffic would be backed up onto Route 22. Ms. Beaves stated that an analysis was done looking at the peak trips likely to come to that site in the peak months and was determined that there would not be backing up onto Route 22. There is enough capacity in the stacking lanes that are provided onsite.

Mr. Lemak asked about noise suppression and lighting factor. Ms. Beaves stated that lighting is mitigated by the fixtures and does meet the township ordinance in regard to light levels at the property line. Mitigation that has been proposed for noise are silencers on vacuums and a sound wall barrier on Old 22 of material that absorbs sound. The vacuums are closed when the car wash is closed.

Mr. Dice asked what was considered as peak hours and how many cars are expected during those times. Jeff Depaolis, Traffic Study Engineer, stated that approximately 101 washes were anticipated during the

peak hours of 5 – 6 p.m. weekdays.

Mr. Spadaro asked if it was a full-service car wash. The answer was yes. It's a drive through from pre-wash when you enter to dry as you are exiting. Mr. Spadaro asked if the vacuums were free or if there was a charge. The vacuums are free to use.

Mr. Dice asked for any additional comments or questions from Council. Hearing none, the floor was open for comments from the audience.

Joan Kearns, 4997 Longview Court: Mrs. Kearns stated that in her 18 years of sitting on the dais, she watched Old 22 go from residential, to mixed-use, to business and watched the gradual change in the appearance of what's along there. Most of it has been relatively harmonious., until this plan. Being a visual affront not only to drivers, but to businesses locally and residents across Old William Penn. If you look at the area from School Road down to GetGo and in the strip between the two highways, that is predominantly professional buildings. The traffic issue is a primary concern because of the school traffic and because of the influx of vehicles late in the afternoon. This will only be worsened by traffic going into the car wash or out of the car wash. Mrs. Kearns stated that her concern is that we try to have an attractive community whether it's residential or commercial. When something like this comes in, you have to consider if it belongs, does it fit, does it not fit. It is a Conditional Use. Make sure that the conditions are strong enough that if it does get built – that it fits and doesn't stick out like a sore thumb.

Mr. Morrison stated that the Conditional Use will run in conjunction with the site plan approval. The site plan approval will be before the Planning Commission next week. Their recommendation will come to Council probably the first meeting in October. At that time, Council will entertain both the Conditional Use application and the site plan for approval.

Mr. McKenna moved to close the Public Hearing. Mrs. Lingg seconded. All present voted aye. Motion approved. The Public Hearing was closed at 7:20 p.m. The Public Hearing was recorded by a stenographer.

REGULAR VOTING MEETING AGENDA

ROLL CALL/VOTING ORDER: Dayne Dice, Carl Stepanovich, Jamie Lingg, Tony Spadaro, Mac McKenna, Jamie Lee Korn-absent, Jason Lemak, and Mayor Synan-absent.

PLEDGE OF ALLEGIANCE: Mr. Dice led the audience in the Pledge of Allegiance.

UNISTED AMENDMENTS: None

CONSENT CALENDAR ITEMS:

4.A. Approval of August 17, 2022, Council Meeting Minutes.

Mr. Stepanovich made a motion to approve the August 17th Minutes. Mrs. Lingg seconded. All those present voted aye. Motion approved.

MAYOR'S COMMENTS: Mr. Nestico presented the following slides on behalf of Mayor Synan:

The 11th Annual Murrysville Historical Festival at the Sampson/Clark Toll House will be Saturday, September 17th from 11 a.m. to 5:00 p.m. They will have a petting zoo from 11 a.m. to 3 p.m.

The Holocaust Center of Pittsburgh will hold a story of love and resilience at the Murrysville Community Center on Wednesday, September 21st at 8:30 p.m. Hear the heart-wrenching story of Kurt Leuchter and Edith Loeb's experiences as hidden children as told by their daughter Debbie Stueber.

Monday Night Cornhole will be held weekly September 12th – November 14th at the Murrysville Community Center. Registration is at 6 p.m. Games start at 6:30 p.m. Cost is \$10 /per person which benefits the Murrysville Parks & Recreation Foundation.

Octoberfest! Save the date, October 1st from 4:00 – 8:00 p.m. at the Murrysville Volunteer Fire Company pavilion on Sardis Road. Take a chance to win a 1986 Corvette. \$10 entrance fee for adults. Proceeds benefit local charities. Brought to you by the Murrysville-Export Rotary Club.

Murrysville Farmers' Market continues Thursdays from 3:00 – 7:00 pm through September on Sardis Road down by the Murrysville Fire Department and Medic One.

Glass Recycling "Pop-Up" Collection Event will be held Saturday, September 17th from 9:00 a.m. – 2:00 p.m. at Veterans Field parking lot. Residents are encouraged to support the Loaves and Fishes Emergency Food Pantry by donating non-perishable food items during the event.

CHIEF ADMINISTRATOR'S COMMENTS: Mr. Nestico stated that as of yesterday, staff was notified by the PA Department of Conservation and Natural Resources that we have been awarded a DCNR grant for the Murrysville Community Park in the amount of \$323,000. The funds will be used for pedestrian walkways, the amphitheater, comfort station, storage building, parking area and storm water management.

Notice was received from the Auditor General that our distress score is zero. Funding levels for our pension plan are funded at 97% combined – 93% for the police pension plan and 4% for the non-uniform plan. The Pension plan is reaching benchmarks and looking good.

COMMUNITY INPUT:

Rick Fisher 6612 Italy Road: Mr. Fisher stated that he is member of the Westmoreland Heritage Bicycle Trail Board. The President of the Board suggested him as a replacement as a Murrysville representative to the Board. That is more of an offer than a request. He has been a Board Member of the bike trail for 10 plus years, he is a retired registered engineer, and he lives in Murrysville. Mr. Fisher stated that in regard to business, the WHTC would like to install a library box in the parking lot area at the Roberts parcel next to the trail. Does he need permission to do that? Mr. Morrison stated that the responsibility of the trail and what is done on the trail is through the County.

LIAISON COMMENTS AND COMMITTEE REPORTS:

Mr. Lemak: The Library meets later this month.

Mr. Stepanovich: The Planning Commission met on August 23rd. There were two requests for public hearings. They were both approved. 1) Fischione Enterprise, which is approximately 54.6 acres located at Wiestertown Road and Hilty Road, requesting to be rezoned from R-R Rural Residential to R-1 Residential zoning. 2) Redstone Presbyterian Senior Care who is looking to expand their facility on Cline Hollow Road and rezone from R-2 Residential to R-3 Residential zoning. There was a discussion by Olympus Energy on the Hermes Well located on Logan Ferry Road. It will essentially be a 5-year program for the construction of an unconventional oil and gas well pad. They are requesting a noise waiver. The ambient is lower than what was found at the Titan Well. They are looking to start in the spring of next year. Phase II of the Fustings property was discussed. It's going to be an 80,000 SF office building and 36,000 SF retail space with 500 parking spaces.

There was a meeting on August 29th of the Parks and Recreation Foundation. The ending balance for the Foundation is \$124,127. There was an anonymous donation of \$25,000 which will be used to fund the Hill Development Planning Group, who is a consultant that will advise the Foundation on how to solicit funds. Cornhole flyers are out which starts next Monday. Benches: they are going to go away from wooden benches and use only composite benches. The annual report, as required of the Foundation, will be presented along with the mayor's report in December.

Mr. Spadaro: Medic One had a meeting two weeks ago. A presentation was made to Mr. Pat Anderson for his 50 years of service with Medic One. Mayor Synan and President of Council, Dayne Dice attended the presentation. They had 1,121 trips, 185 Washington Township trips, 41 wheelchair trips, and 1,451 total trips since the last report. Medic One got a new radio system upgrade. They received a new truck which has to be inspected by the State before they can start to use it. They completed their audits for the year. An interesting note, Medic One was called and revived a gentleman at a dentist office in the Giant Eagle Plaza seven years ago. After he was revived, he developed some kind of condition and sued Medic One. The lawsuit after seven years, has finally been settled with the gentleman receiving a settlement and Medic One having to pay into that. This past month Medic One saved a 3-year old from downing.

Mrs. Lingg: The next School Board Meeting is a combined Committee-of-the-Whole and regular Board Meeting on Monday, September 19th.

Mr. McKenna: The Parks and Recreation Committee meets next Tuesday, September 13th. They did have the last Tuesday at Townsend which was a big success, and everyone is looking forward to next year. Hats off to Carly and Amy for all their work with getting everything set up with bands and food trucks and everything involved. Mr. McKenna wanted to thank Mr. Fisher for his volunteering for the Westmoreland Heritage Trail.

WORKSHOP ITEMS

ADMINISTRATION: None

ENGINEERING: None

COMMUNITY DEVELOPMENT: None

PUBLIC WORKS AND PARKS: None

COUNCIL ACTION ITEMS

ADMINISTRATION:

13.A. Consider approval of the proposed 2023-2027 Capital Improvements Program.

Mr. Lemak made a motion to approve the proposed 2023-2027 Capital Improvements Program. Mr. Spadaro seconded the motion.

Ms. Milchak stated that this is the Capital Improvements Program that was presented to Council at the Workshop on August 17th. There were no questions or concerns from Council. Mr. Dice stated that he would like to discuss the amphitheater at the first meeting in October as a workshop item just to see where it's at and where the money is coming from, etc.

All those in favor voted aye. Motion approved.

13.B. Consider renewing the fiduciary liability insurance coverage with Chubb for the period September 1, 2022, to August 31, 2023, in the amount of \$5,860.

Mr. Stepanovich made a motion to consider renewing the fiduciary liability insurance coverage with Chubb for the period September 1, 2022, to August 31, 2023, in the amount of \$5,860 which is the same amount that it was last year. Mrs. Lingg seconded.

Ms. Milchak stated that this is the insurance for the fiduciary coverage for both municipal pension plans. It is a yearly renewal and is pretty standard.

All those present voted aye. Motion approved.

13.C. Consider acceptance of the resignation of Mr. Tom Dittman from the Board of Directors of the Westmoreland Heritage Trail Chapter (WHTC).

Mr. Spadaro made a motion to accept the resignation of Mr. Tom Dittman from the Board of Directors of the Westmoreland Heritage Trail Chapter (WHTC). Mrs. Lingg seconded.

Mr. Dice stated that a letter will be sent thanking Mr. Dittman for his services on the Board.

All those present voted aye. Motion approved.

13.D. Consider municipal resolution for appointment of the Board of Directors of the Westmoreland Heritage Trail Chapter (WHTC).

Mrs. Lingg made a motion to consider municipal resolution for appointment of Richard Fisher to the Board of Directors of the Westmoreland Heritage Trail Chapter (WHTC). Mr. Stepanovich seconded.

Mr. Nestico noted that this will be Resolution No. 761-22.

All those present voted aye. Motion approved.

13.E. Consider authorization to advertise a Request for Proposals for Municipal Solicitor services.

Mr. McKenna made a motion to authorize advertising a Request for Proposals for Municipal Solicitor services. Mr. Spadaro seconded.

Mr. Dice noted that Mr. Kotjarapoglus has been with the Municipality for 46 years and will be retiring. We will be advertising for a new solicitor. Mr. Nestico stated that the RFP will be in the Penn Franklin seeking general municipal solicitor services. If there are specialized legal circumstances, we can always hire special counsel in those instances, but we are seeking to receive proposals for general municipal solicitor services.

Mr. Stepanovich asked if a firm was hired in lieu of an individual. Mr. Nestico answered that can be the case. Council could hire an individual attorney, there could be a solo practitioner as well, that is doing municipal work. A lot of municipal solicitors are affiliated with different firms. You would hire the firm and they would have a representative on behalf of the municipality whether it be coming to meeting or handling legal affairs. Part of the language in the RFP would be to identify who would be representing the municipality from that particular firm. Mr. Spadaro asked if it would be preferred that someone live in the municipality. Mr. Nestico answered that would be desirable and would be a benefit to have someone with familiarity of the community. There are quite a few options out there.

All those present voted aye. Motion approved.

13.F. Consider acceptance of the resignation of Mr. Theo van de Venne from the Murrysville Community Library Board.

Mr. Spadaro made a motion to accept the resignation of Mr. Theo van de Venne from the Murrysville Community Library Board. Mrs. Lingg seconded.

Mr. Nestico stated that Mr. van de Venne has been an integral part of the Library Board and quite a few other community endeavors. Mr. Dice noted that a letter will be sent to Mr. van de Venne thanking him for his service.

All those present voted aye. Motion approved.

13.G. Consider authorization to advertise the vacancy on the Murrysville Community Library Board, said term to expire December 31, 2023.

Mr. Lemak made a motion to authorize advertising of the vacancy on the Murrysville Community Library Board, said term to expire December 31, 2023. Mrs. Lingg seconded.

All those present voted aye. Motion approved.

COMMUNITY DEVELOPMENT:

14.A. Consider approval of SP-2-22, Dollar General, Tax Parcels 49-16-00-0-062 & 57-08-00-0-195, Route 66, to construct a 10,640-sf retail store.

Mrs. Lingg made a motion to consider approval of SP-2-22, Dollar General, Tax Parcels 49-16-00-0-062 & 57-08-00-0-195, Route 66, to construct a 10,640-sf retail store. Mr. Spadaro seconded.

Mr. Morrison wanted to follow-up on the recommendations that the Planning Commission made and that they should be incorporated in the motion. Dollar General, at the last meeting, noted their difficulty in finding 4-foot shrubs, that the condition read: to find a height as close to the 4-foot as they can. In addition, Dollar General has agreed to provide a screened area for their racks and will be incorporate in the Conditions. There were two elevations shown in architecture design. Does Council have a preference. Council conveyed their preference. Mr. Dice asked Mr. Bob Gage, GBT Realty, if he agreed to the Conditions and he answered yes.

Mr. Spadaro made a motion to amend the motion to include the conditions contained in the Staff Briefing. Mr. McKenna seconded. All those present voted aye. Motion approved.

Mr. Lemak asked about the Traffic Impact Assessment and if there was any consideration for vehicles crossing from Ringertown Road across Route 66 in and out of the proposed Dollar General. Mr. Gage stated that their engineer looked at all scenarios regarding how the driveway would impact the road and highway going across and was all taken into account. Mr. Lemak was concerned about the future traffic anticipated going in and out of Dollar General. Mr. Gage noted that historically these stores are not a destination location. The concept is to capitalize on the existing traffic on the streets that they are built on.

Mrs. Lingg amended her motion to approve Dollar General, inclusive of the staff Conditions, as well as, the brick building approved by Council at the last meeting. Mr. Spadaro seconded.

Mr. Dice, Mrs. Lingg, Mr. Spadaro, and Mr. McKenna voted aye. Mr. Stepanovich and Mr. Lemak opposed. Motion approved 4-2.

14.B. Consider approval of Resolution #760-22, a resolution amending the Municipality of Murrysville's Act 537 Sewage Facilities Plan for the Dollar General land development.

Mrs. Lingg made a motion to approve Resolution #760-22, a resolution amending the Municipality of Murrysville's Act 537 Sewage Facilities Plan for the Dollar General land development. Mr. Lemak seconded.

All those present voted aye. Motion approved.

ENGINEERING:

15.A. Consider reducing the sequestered funds being held to insure completion of the required improvements at the Hillstone Village Development by \$417,327.50.

Mr. Spadaro made a motion to reduce the sequestered funds being held to insure completion of the required improvements at the Hillstone Village Development by \$417,327.50. Mr. McKenna seconded.

Mr. Nestico stated that Hillstone Village Development is requesting a reduction of \$417,327.50 leaving an amount of \$236,390.00. Hillstone has completed a portion of the required improvements.

All those present voted aye. Motion approved.

PUBLIC WORKS AND PARKS: None

OLD BUSINESS: None

NEW BUSINESS: None

EXECUTIVE SESSION: Mr. Dice noted that the executive session is to discuss matters of litigation pertaining to code enforcement. No action is anticipated coming out of that.

Mr. Spadaro made a motion to adjourn to an executive session. Mrs. Lingg seconded. All those present voted aye. Motion approved. The meeting was adjourned to an executive session at 8:08 p.m.

ACTION ITEMS: None

ADJOURNMENT: The meeting was adjourned at 8:20 p.m.

The Regular Voting Meeting and Public Hearing were broadcast on local government Channel 19. A true copy of the Council meeting DVD is available for the public to purchase from the Municipality of Murrysville and is in the Murrysville Public Library for review.