

## Municipal Calendar for June 2011

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7 - 12:00 Character Counts - 7:30 Cable TV Board	8	9 - 7:00 Planning Commission	10	11 9:00 Peters Township 5k Run
12	13 <b>- 7:30 Council Meeting</b> - 7:00 PCSA	14 - 7:30 Library Board - 7:30 EQB - 7:30 PTSA	15	16 - 6:00 Parks & Rec	17	18 9:00 – 1:00 Tennis Fun Day
19	20	21 - 7:30 Zoning Hearing Board	22	23	24	25 <b>- 11:00 – 5:00 Community Day</b> - 9:30 Fireworks
26	27 <b>- 7:30 Council Meeting</b> - 7:30 School Board	28	29	30		

## Municipal Calendar for July 2011

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	<b>4 Independence Day</b> Municipal Offices Closed	<b>5</b> - 7:30 Cable TV Board	<b>6</b> - 7:00 p.m. Concert in the Park	<b>7</b> - 7:00 Youth Commission	8	<b>9</b> 10:00 – 12:00 Touch a Truck
10	<b>11 - 7:30 Council Meeting</b> - 7:00 PCSA	<b>12</b> - 7:30 Library Board - 7:30 EQB - 7:30 PTSA	13	<b>14</b> - 7:00 Planning Commission	15	16
17	<b>18 - 7:30 Gas Drilling Public Hearing</b>	<b>19</b> - 7:30 Zoning Hearing Board	<b>20</b> - 7:00 p.m. Concert in the Park	<b>21</b> - 6:00 Parks & Rec Board	22	23
24	<b>25 - 7:30 Council Meeting</b>	26	27	28	29	30
31						

Regular Council Meeting  
Monday, June 13, 2011 7:30 p.m.  
Council Chambers, Municipal Building  
610 East McMurray Road, McMurray, PA 15317  
Agenda

Roll Call

Pledge of Allegiance

1. Minutes – Approve minutes from Regular Council meeting of May 23, 2011.

Approve the transcript from the May 2, 2011 Public Hearing.

Approve the transcript from the May 9, 2011 Public Hearing.

Approve the transcript from the May 23, 2011 Public Hearing.

2. Special Reports

A. Washington County Tax Collection District update.

3. Audience Comments – Limited to 5 minutes for non-agenda items, unless extended by Council

4. Unfinished Business

5. New Business

A. Peters Township Sanitary Authority Items

1. Agreement of right-of-way with the Peters Township Sanitary Authority for sanitary sewer extensions in Peterswood Park.

2. Authorization request by the Peters Township Sanitary Authority for sewage facilities planning grant funds.

3. Proposed pilot program to test private sanitary sewer laterals, by the Peters Township Sanitary Authority.

B. Resolution authorizing an agreement with the Commonwealth of Pennsylvania Department of Transportation for funding of the Center Church Road project.

C. Bid received for the 2011 Rejuvenator program.

D. Change Order Number 3 for the Peters Park construction project with MASCO Construction.

E. Bids received from SHACOG for bituminous surfacing materials.

F. Set hearing date on a proposed ordinance amending the Zoning Ordinance, Chapter 27 of the Township Code of Ordinances regulating electronic signs.

6. Payroll and Bills

7. Correspondence

None

8. Reports

9. Miscellaneous

A. Zoning Hearing Board updates

B. Planner position discussion

C. Status report – ethics forms

D. Electronic sign at PNC

10. Next Agenda

11. Adjournment

Adjournment		11
Agreement		
eLoop		4
Road Salt		7
Approval of Minutes		2
Miscellaneous		
Park rules and Policy		6
CRC Policy		6
Background Check Policy		6
Community Development Block Grant Participation		9
PTSA Audit		10
Revised Sign Ordinance		10
North Strabane Meeting		10
Grass Cutting Contract		10
Ethics Forms		11
Earned Income Tax Status		11
Payroll and bills		9
Ordinances		
Park rules	No. 732	7
Fee Schedule	No. 733	8
Resolutions		
Traffic Calming	No. 05-01-11	3
Liquor Transfer	No. 05-02-11	4
Subdivisions		
Woodlands of Peters Township Phase 3		5

Council Meeting  
Monday, May 23, 2011 7:30 PM  
Council Chambers, Municipal Building  
610 East McMurray Road, McMurray, PA 15317

**Roll Call**

**Present:** David M. Ball, Frank Arcuri, James F. Berquist, Monica R. Merrell, Robert J. Lewis, Robert L. Atkison

**Absent/Excused:** Gary J. Stiegel

**Also:** Michael A. Silvestri, Township Manager  
Paul Lauer, Assistant Township Manager  
Edward Zuk, Planning Director  
William A. Johnson, Solicitor  
Michele Harmel, Parks & Recreation Director

**Pledge of Allegiance**

**Public Hearing**

A public hearing was conducted on an application for a liquor license transfer to 133 Camp Lane for Maccheroni Holding Company, LLC. This was done by a separate transcript.

**1. Approval of Minutes**

**Motion:** To approve the minutes of the May 9, 2010 Council meeting.

**Action:** Approve

**Moved by** Frank Arcuri, **Seconded by** David M. Ball

**Vote:** Motion passed (summary: Yes = 5, No = 0, Abstain = 1)

**Yes:** David M. Ball, Frank Arcuri, James F. Berquist, Monica R. Merrell, Robert J. Lewis

**Abstain:** Robert L. Atkison

**2. Special Reports – There were none.**

**3. Audience Comments**

Ron Books, 855 Bebout Road stated that he wanted to share some information with Council. Westinghouse is working on smaller nuclear reactor units. They are being built in China and he believes that they will soon be used in the United States. He brings this up before Council because western Pennsylvania does not appeal to new businesses, manufacturing and other organizations. He believes that Marcellus Shale natural gas will reduce the cost of energy and make western Pennsylvania a little more appealing. He also believes that the area needs to look at this if wants to attract new businesses and residents. It is critical that we are on the leading edge of technology.

Mr. Books also asked that Council share a moment of silence for the folks in Missouri, Joplin, Missouri. As you all know there was a very severe tornado which struck that town yesterday. There are several hundred dead.

Ann Shaner 123 Robinhood Lane, stated that in her effort to help educate Council in regards to the effects of Marcellus shale drilling she wanted to know if anyone received the Public Health Quarterly issue from the Pittsburgh University Graduate School of Public Health?

In November 2010 a conference was held and come up with some conclusions. She explained the findings to Council and asked that they consider this report.

Grant Caroll, 210 Stonebrook Drive, asked if there was anything that could be done about the speeders on Stonebrook Drive before and after mass at St. Benedicts. He has spoken to Father Miller at the church and he had suggested that the police might give out a few tickets. He cited numerous events where he, his family and neighbors have almost been hit by speeding cars. He is asking Council to do something.

Mrs. Merrell indicated that this is an important issue to her as she has similar problems in her plan and that one of the problems is that it is the residents who are speeding.

Mr. Silvestri said that he did receive a call from Father Miller last week and he said that he would address the speeding issue at mass. Mr. Silvestri said that he also told the Father that he would pass this information to Captain Yanchak and ask the department to put out some speed monitors on Stonebrook Drive.

Council asked Mr. Silvestri to see if the street was properly posted with speed limit signs.

Scott Langley, 173 Bittersweet Circle, said that Marcellus Shale is the biggest single issue that this Township will ever face. He is concerned that most people do not know what is going on. He would like to know if Council has made a decision yet as to drilling or no drilling. He is concerned about the scope of this. If an ordinance is written as to the amount of land needed; has anyone determined how many wells that would be on one tract of land? Once the flood gates are opened – they go.

Mr. Ball said that it has been looked at a number of times. Council has been discussing this for two years. Council has heard the same thing over and over again. From a well pad, typically they can drill 3 – 6 wells. Staff is working on the ordinance and reviewing another version of it right now. There will be another workshop and they do need to act on it.

#### **4. Unfinished Business**

##### **4. A. Traffic Calming Policy**

The policy was revised from the submittal at the last meeting to change the voting process to reflect Council's direction. If approved, then Mr. Silvestri would assume that Council will want him to get the next study started.

Mr. Silvestri said that as he understood it, the only area that needed to be changed in the resolution was the voting process. This has been done. At least 50% of the eligible property owners must response and a majority of those must vote in favor.

**Motion:** To adopt Resolution No. 05-01-11 A RESOLUTION OF THE COUNCIL OF PETERS TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA AMENDING THE TRAFFIC CALMING POLICY AND PROGRAM.

**Action:** Adopt

**Moved by** Monica R. Merrell, **Seconded by** James F. Berquist

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 6).

**Yes:** David M. Ball, Frank Arcuri, James F. Berquist, Monica R. Merrell, Robert J. Lewis, Robert L. Atkison

#### 4. B. eLoop Agreement

Mr. Silvestri has included a new agreement with eLoop for electronic recycling. The firm would not eliminate the 3 year commitment; however after consulting with Mr. Johnson, staff has determined the agreement is not exclusive. So if a better offer is received, the township is not precluded from using multiple vendors. An additional change is that eLoop has agreed to pay the Township 2¢ per pound and would retain the option of matching any other offer. Based on the current information, Mr. Silvestri is recommending Council enter into the agreement.

Mr. Silvestri said that eLoop will drop off containers at the Public Works Garage that people can drop off their items. Possibly 3 days a week during business hours items can be dropped off. Once the containers are full eLoop will pick them up. This is not limited to Township residents, but if it becomes a problem, it can.

Mr. Arcuri asked if there are other companies. Mr. Silvestri said there are, we are using a company for special recycling and we have to pay them. Also Waste Management is promoting a Household Hazardous Waste program, door to door, but it is expensive.

**Motion:** To authorize the Township Manager to enter into an agreement with eLoop LLC for electronic recycling.

**Action:** Approve

**Moved by** David M. Ball, **Seconded by** Robert J. Lewis

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 6)

**Yes:** David M. Ball, Frank Arcuri, James F. Berquist, Monica R. Merrell, Robert J. Lewis, Robert L. Atkison.

#### 5. New Business

##### 5. C. Liquor License Resolution

Assuming there is no opposition to the proposal; Mr. Silvestri would recommend Council approve the resolution permitting the transfer of a liquor license for the new restaurant at 133 Camp Lane.

Mr. Silvestri said that there is a correction, 5 Diamonds, LLC should be changed to Maccheroni Holding Company, LLC

**Motion:** To approve Resolution 05-02-01 A RESOLUTION OF THE COUNCIL OF THE HOME RULE MUNICIPALITY OF PETERS TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA APPROVING A REQUEST FOR A LIQUOR LICENSE TRANSFER BY MACCHERONI HOLDING COMPANY, LLC FOR 133 CAMP LANE, MCMURRAY, PA 15317, PURSUANT TO ACT 141 OF 2000.

**Action:** Approve

**Moved by** Frank Arcuri, **Seconded by** James F. Berquist

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 6)

**Yes:** David M. Ball, Frank Arcuri, James F. Berquist, Monica R. Merrell, Robert J. Lewis, Robert L. Atkison

### 5. A. Woodlands of Peters Township Phase 3 Improvements

The Township recently discovered that the public improvements in the Woodlands Phase 3 plan were never accepted by the Township. Mr. Silvestri's records indicate that the Township accepted this plan in 2009 along with a number of other plans; this was an error. There are three items that need addressed, the most serious being steps missing in a manhole. He has sent a letter to the original developer Mr. Caste as to his position on making the corrections. He has not heard back from Mr. Caste and Council may wish to wait until we get a response. It is in the Township's interest to have the plan accepted before the end of summer, so that it can be recorded with the state.

Mrs. Merrell said that being a resident of this development she said that the sidewalks need to be looked at, they are deteriorating. Another issue is the detention pond and the expectation that it would be under the ownership of the homeowners association. Based on the fact she pays homeowner fees she knows that there is no budget line item for the storm water pond maintenance. She does not understand where this is in the resolution.

Mr. Silvestri said that would not be something that the Township would be accepting. There are other plans, homeowner associations which do have responsibility of storm water ponds. He does not know how they are handling it internally. There should be some type of recognition that there is maintenance being done.

Mrs. Merrell said she was questioning it because she believes the residents have no idea that they are responsible for it.

Mr. Arcuri asked if it was on the recorded plan that the homeowners association was responsible for the detention pond.

Mr. Zuk replied yes.

Mr. Arcuri said that the recorded plan is a public record; they (the residents) are on notice.

Mr. Silvestri said that the only part that the Township is responsible for is the structure.

Mr. Atkison said that he believes that they should give the developer a chance to respond before anything is done. Council agreed that a certified letter should be sent to Mr. Caste with a specific response date.

**Motion:** To table any action on this agenda item until Mr. Silvestri hears from the developer.

**Action:** Table

**Moved by** James F. Berquist, **Seconded by** Robert J. Lewis

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 6)

**Yes:** David M. Ball, Frank Arcuri, James F. Berquist, Monica R. Merrell, Robert J. Lewis, Robert L. Atkison

## 5. B. Park Rules and Policies

### 1. Trail Policy for Individual with Mobility Disabilities

The policy was approved by the Parks and Recreation Board in April. This policy puts the Township in compliance with the Americans with Disability Act and the Department of Justice regulations. The policy is similar to the one adopted by the Montour Trail Council, which consulted with the Township in its development. The policy limits mobility devices to those who need them, restricts them to electric devices, and controls the side and speed. Approval is recommended.

Mrs. Merrell questioned the maximum width of the mobility devices. The minimum trail width is 6 ft., so this is more than 45% of the width. Ms. Harmel used 8 feet, which is the average.

Mrs. Merrell questioned how the 15mph speed. Ms. Harmel stated this is an average speed. Mrs. Merrell asked if there should be a maximum speed. Ms. Harmel said that it is possible to set a maximum speed, but from a practical standpoint this will be difficult to enforce.

Ms. Harmel stated she did speak with the Justice Department and attended a webinar to make sure the policy is consistent with federal regulations.

**Motion:** To approve the Trail Policy for Individuals with Mobility Disabilities.

**Action:** Approve

**Moved by** Robert J. Lewis, **Seconded by** Monica R. Merrell

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 6)

**Yes:** David M. Ball, Frank Arcuri, James F. Berquist, Monica R. Merrell, Robert J. Lewis, Robert L. Atkison.

### 2. CRC Rules

The CRC rules have been in effect for some time, but Mr. Silvestri does not believe Council has ever acted on them.

Mr. Ball asked if there is anything different from current practices. Mr. Silvestri said no.

Mrs. Merrell requested the policies be placed on the website.

**Motion:** To approve the rules and policies for the Peters Township Community Center.

**Action:** Approve

**Moved by** David M. Ball, **Seconded by** James F. Berquist

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 6)

**Yes:** David M. Ball, Frank Arcuri, James F. Berquist, Monica R. Merrell, Robert J. Lewis, Robert L. Atkison

### 3. Background Check Noncompliance

Council approved a background check policy in 2006 and modified it in 2009. Despite the policy being in effect, compliance by associations has been mixed. The Parks and Recreation Board have been struggling with how to get the associations in compliance and is proposing associations be fined for failure to comply. Mr. Silvestri does believe Council needs to affirm the policy, as the policy was initiated at the Council level.

Ms. Harmel said if she had to give an estimate of all of the sports associations within the Township probably 60 – 75% are compliant, some are 90% compliant. At this point not all are compliant. She is trying to work with the associations that are trying to get coaches.

She said that she did a survey as to why the coaches were not certified and she said that the response was that they were “just volunteers”. She said that she made a list of things to do – to make it as easy as possible for the volunteers to comply.

Mr. Arcuri asked if it would help if there was a night for registration, and help was there for them to fill out the forms.

Ms. Harmel said that it would if everyone had the same playing season.

Mr. Atkison said that the township has to take a hard stand on this because the first time there is an incident there is a big problem. You have to understand who you are protecting.

Mrs. Merrell said that she is surprised that the parents are not pushing for the clearances.

Mr. Berquist asked if the Parks and Recreation Board would have a “compliance officer” to check all associations for certification.

Ms. Harmel said that she already does that. She said that if the associations do not have 100% clearance for their coaches then they do not supply a list of coaches to her or the board. She hates the thought of fining associations and she does not believe in deny field use for the kids. But the Parks and Recreation Board is coming up with a solution that will make the associations think.

Mr. Berquist asked if legally the Township could impose a fine.

Mr. Johnson replied yes.

Mr. Lewis asked where the money for the fines would go. He does not believe that it should go back into the general fund account but kept in parks and recreation.

**Motion:** To approve the levying of fines for sports associations that are non-compliant with regard to coaches having clearances.

**Action:** Approve

**Moved by** James F. Berquist, **Seconded by** David M. Ball

**Vote:** Motion passed (summary: Yes = 5, No = 1, Abstain = 0)

**Yes:** David M. Ball, James F. Berquist, Monica R. Merrell, Robert J. Lewis, Robert L. Atkison

**No:** Frank Arcuri.

#### 4. Park Rules Ordinance

The Township currently has ordinances enforcing park rules and special uses. The ordinances were enacted in 1986/1987 and slightly modified in 1998. Some facilities such as the Skate Park and Community Recreation Center were not in existence at that time. This ordinance amends the current one to include regulations for those facilities, the mobility issue, as well as changes approved by Council for signs.

Mrs. Merrell questioned the subsection on parking. She does not believe that is being enforced. Does it need to be in the ordinance if it is not being enforced?

Ms. Harmel said that she thought so; steps are being taken to make parking enforcement more of an issue.

Mrs. Merrell also asked about children of a certain age need to be accompanied by an adult, but not necessarily a parent. If this is the case, children being dropped off at sporting events under coaches' supervision it are more important than ever to get the certification issue resolved.

**Motion:** To adopt Ordinance No. 732 AN ORDINANCE OF THE TOWNSHIP OF PETERS, WASHINGTON COUNTY, PENNSYLVANIA, AMENDING CHAPTER 16, PARTS 1 & 2, OF THE TOWNSHIP CODE OF ORDINANCES REGULATING SPECIAL USE AND PARK RULES.

**Action:** Adopt

**Moved by** David M. Ball, **Seconded by** James F. Berquist

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 6)

**Yes:** David M. Ball, Frank Arcuri, James F. Berquist, Monica R. Merrell, Robert J. Lewis, Robert L. Atkison

#### 5. Fee Schedule Ordinance

The changes to the fee schedule reflect some minor errors from the last time it was amended and also updates the fees to reflect the current rates for the Tennis Court. These rates were changed in 2010 and were needed to make the facility operate in the black.

Mr. Silvestri noted he place a revision before Council to also change provisions for conditional use fees if it requires multiple hearings and technical costs such as gas drilling that an escrow of \$5,000 be placed.

Mr. Ball stated it should be multi-tiered so that if the fund is depleted, it should be replenished. Mr. Silvestri stated that such a provision is included in the ordinance.

Mrs. Merrell asked how the fee was determined. Mr. Silvestri stated it was an estimate based on experience.

**Motion:** To adopt Ordinance No. 733 AN ORDINANCE OF PETERS TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA, AMENDING CHAPTER 1, PART 4, OF THE TOWNSHIP CODE OF ORDINANCES, with an additional provision for conditional Use Hearing fees.

**Action:** Adopt

**Moved by** David M. Ball, **Seconded by** James F. Berquist

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 6)

**Yes:** David M. Ball, Frank Arcuri, James F. Berquist, Monica R. Merrell, Robert J. Lewis, Robert L. Atkison

**6. Payroll and Bills**

**Motion:** To pay the Payroll and Bills as follows: General Fund: Checks # 134079 – 134171; Payroll Account: check # 41622 – 41722.

**Action:** Approve

**Moved by** Monica R. Merrell, **Seconded by** David M. Ball

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 6)

**Yes:** David M. Ball, Frank Arcuri, James F. Berquist, Monica R. Merrell, Robert J. Lewis, Robert L. Atkison

**7. Correspondence**

[Letter from Morton Salt, Inc. dated May 4, 2011]

Morton Salt is not exercising the option year of the agreement. SHACOG is now out to bid. Mr. Silvestri said he is seeing early salt contracts much higher due to the fuel prices.

[Letter from Board of County Commissioners dated May 10, 2011]

There is no advantage to opt out as by doing so, the County would lose its Urban County designation and CDBG funds would be lost. The CDBG program is taking a big hit in 2012 and will be reduced significantly. Peters Township is not large enough to qualify for grants on our own. In the last round, the Township received funds to pave Chuck’s Drive, McClure Way and Telban Way. The Township is also are getting funds for sidewalk repairs in the McMurray Town Center area. No action is needed to stay in the program.

[Memo from the Washington County Planning Commission]

There is a meeting on May 24<sup>th</sup> at the County building for the regional long range plan. Mr. Silvestri plans to attend.

[Letters commending Police Officers]

Mr. Silvestri said that he also passed out letters from a resident/business commending Officers Brunetti and Chief Fruecht for assisting them in matters.

**8. Reports**

Reports submitted for discussion and review:

Administration  
Financial  
Public Safety  
Police

Planning  
Engineering  
Public Works  
Public Works

Mr. Lewis asked Mr. Silvestri to go over the first three items in the administrative section.

New Hires - Mr. Silvestri said that the Township has hired a number of part time firefighters.

Gas Drilling – Mr. Silvestri said that the Township has submitted a gas drilling revised ordinance to Council. The ordinance is significantly different or more restrictive than the prior ordinance. Council will need to proceed; schedule a public hearing and secondly decide if they want to have a work shop on the ordinance.

Members of Council were divided as to whether a workshop should be held. After discussion, it was agreed to have a work shop o discuss the ordinance before the Public Hearing.

Council scheduled a Public Hearing for July 18, 2008 and a workshop for June 6, 2011.

Crematorium – A Public Hearing is set for May 31, 2011.

## **9. Miscellaneous**

### Peters Township Sanitary Authority Audit

Despite a slow development year, the authority's income did increase in 2010, more than their expenses. Their debt ratio improved. There were no findings in the audit.

### PSATS Bulletin

The sprinkler requirement for new homes was repealed. The firefighter cancer bill is moving along.

### Revised Sign Ordinance

Mr. Zuk has copies of the new sign ordinance. He said that the ordinance proposes a 20 second change on electronic signs or 3 times per minute. It was originally 1 time per minute or 60 seconds per sign or announcement. Comments from the public were that needed to be changed. Mr. Zuk said that council needs to set a Public Hearing date to review and discuss the changes.

### North Strabane Meeting

Mr. Silvestri said that another topic was the meeting with North Strabane Supervisors. Mr. Siffrinn, North Strabane supervisor suggested instead of having all members of both boards meet, have a representative(s) from each meet and discuss the issue. Mr. Berquist and Mr. Atkison volunteered to represent Peters Township. A third member still needs to be appointed.

## **10. Next Agenda**

Mr. Berquist asked about the grass cutting contract.

Mr. Silvestri said that there has been a problem with the current mowing contractor. Mr. Overcashier and Mr. Mizia had a meeting with them. If the situation is not corrected a letter of termination will be sent. They are in the process of seeing if the second bidder would be interested in continuing the contract.

Mr. Berquist said that he realizes that the weather has presented a problem but the situation had gotten out of hand. A number of areas look terrible.

He also asked about the gas company parking lot by the trail. Mr. Silvestri said that he contacted the gas company and they said they would get their contractor out to cut the grass.

Mrs. Merrell asked that Mr. Silvestri give Council an update on the ethics forms, if any are missing and if council needs to take action.

Also, she would like Mr. Lauer to give council an update on the earned income tax collections.

## **11. Adjournment**

The meeting was adjourned at 8:57 PM.

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Michael A. Silvestri  
Township Manager

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PETERS TOWNSHIP PUBLIC HEARING

MAY 2, 2011, 7:30 P.M.

COUNCIL MEMBERS:

- Chairman Robert Atkison - At Large
- Vice Chairman Monica R. Merrell - District B
- David M. Ball - District A
- James F. Berquist - District D
- Robert Lewis - At Large
- Gary J. Stiegel, Jr.-At Large
- Frank Arcuri - District C

ALSO PRESENT

- Mr. Silvestri
- Mr. Zuk
- Mr. Johnson

Reported by William E. Weber, RDR, CRR  
Weber Reporting, LLC  
3579 Ashland Drive  
Bethel Park, Pa 15102  
412-414-5846  
Weberreporting@comcast.net

1 Representing the Petitioners:

2 Tammy Ribar, Esquire  
3 Houston Harbaugh  
4 Three Gateway Center  
5 401 Liberty Avenue  
6 22nd Floor  
7 Pittsburgh, PA 15222

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1 (Monday, May 2, 2011, 7:30 p.m.)

2 CHAIRMAN ATKISON: Good evening, ladies and  
3 gentlemen. Welcome to continuation of the public  
4 hearing held on March 21, 2011. Roll call,  
5 Mr. Silvestri.

6 (All Council present)

7 (Pledge of Allegiance recited)

8 CHAIRMAN ATKISON: The purpose of this  
9 hearing is to accept additional comments on the proposed  
10 curative amendment challenging the validity of the  
11 Peters Township Zoning Ordinance regulating funeral  
12 homes and crematories filed by te Audia Invest Group,  
13 LLC.

14 This hearing has been advertised in the  
15 Observer Reporter on April 18th and 25th, on township  
16 bulletin boards, the website cable television. A copy  
17 of the proposed ordinance and prior transcript was  
18 available on the website.

19 Council will not be taking action on the  
20 proposed ordinance this evening. If the hearing is  
21 closed this evening, action will be taken at the May  
22 23rd regularly scheduled Council meeting.

23 I would like to note this is a continued  
24 hearing and for purposes of efficiency, if you have

1 testified before, you do not -- we do have those  
2 comments and they need not be repeated again.

3 We will be asking Mr. Johnson, our  
4 solicitor, to coordinate the order of the testimony to  
5 ensure efficiency and the proper order for compliance  
6 with proper legal procedures.

7 Prior to Mr. Johnson taking on this role, I  
8 will ask the township manager if he has any additional  
9 things to be placed in record.

10 Once Mr. Johnson has completed coordination  
11 of the necessary testimony, we will then open the  
12 comments to the audience for additional testimony.  
13 Mr. Silvestri.

14 MR. SILVESTRI: Thank you, Mr. Atkison, I do  
15 have a few items to be placed into the record. First,  
16 there is a report titled Evaluation of Funeral Home with  
17 Crematory Variance Request, Part 2 dated April 2011 from  
18 Dr. Stanley Penkala.

19 There is a letter from Jerry McDevitt,  
20 attorney of resident plan dated April 26 requesting to  
21 be a party to matter. There were a number of emails  
22 received over the weekend and today that would be  
23 included.

24 They are one from Cheryl Ferris dated May

1 2nd, these are all in essence opposed. One from Willard  
2 and Karen Martin dated May 1st. Fedor R. Salva dated  
3 May 1st. Susan and George Anderson dated May 1st.  
4 David Miller dated May 1. Lynn Williams dated April 29.

5 We also received a packet from the applicant  
6 which everybody has before them. Mr. Johnson.

7 MR. JOHNSON: Thank you, Mr. Silvestri. I  
8 believe at the conclusion of the first hearing we left  
9 the record open in order that Ms. Ribar could present  
10 additional testimony or pursue whatever  
11 cross-examination she sought at this time relative to  
12 witnesses that had been presented. Do you have anything  
13 else that you want to present at this time, Ms. Ribar?

14 MS. RIBAR: Not with respect to the  
15 witnesses that testified at the last hearing. We are a  
16 bit unclear whether this hearing was intended to just  
17 remain open Dr. Penkala to have the opportunity to  
18 review the revised report that CEC submitted the morning  
19 of the hearing.

20 MR. JOHNSON: No, we are not limiting scope  
21 of the hearing.

22 MR. LEWIS: In fact, I thought part of the  
23 reason we were having the continuation was your  
24 challenge to want an opportunity to cross-examine some

1 of the people that testified before.

2 MS. RIBAR: After reviewing the transcript,  
3 we see no need to cross-examination.

4 MR. JOHNSON: Do you have anything else you  
5 want to present at this time?

6 MR. RIBAR: We do.

7 MR. JOHNSON: Not barring you from  
8 presenting stuff you know, as a response to whatever may  
9 arise out of the hearing.

10 MS. RIBAR: We do, do you want that to occur  
11 now?

12 MR. JOHNSON: Yes.

13 MS. RIBAR: First some housekeeping issues  
14 that I did want to address with regard to the  
15 transcripts from the March 21st hearing. I understand  
16 that was adopted as the official transcript. But it  
17 also includes attachments that pertain to the March 28  
18 regular Council meeting which are not related to the  
19 crematory with one exception, just merely one indication  
20 on page 10 of a stack about this high of a continued  
21 hearing.

22 So, we just wanted to make sure those were  
23 not supposed to be attached as part of the official  
24 transcript but that was perhaps an oversight or error of

1 some kind.

2 MR. SILVESTRI: Correct, what Council  
3 received as the official transcript was purely the  
4 transcript. That is what they acted on. What happened  
5 was after the hearing you had asked for a copy of the  
6 transcript as well as other additional information. I  
7 think my staff put that all together in a document to  
8 you.

9 MS. RIBAR: Okay. Also, some of our  
10 exhibits were not listed on an April 4st posting on the  
11 township website, as applicant exhibits, specifically  
12 Exhibits 1, 2, 3 and 5 from the binder that we had  
13 presented at the last meeting were not included. I  
14 think maybe because the drawings were large and Exhibit  
15 5 was something that was a township exhibit. But just  
16 to be clear for the record, we wanted to make sure that  
17 the binder that consisted of the 39 numbered and indexed  
18 exhibits be part of the record as the official applicant  
19 exhibits. And we did give a copy of that to the court  
20 reporter.

21 As Mr. Silvestri noted, we also have  
22 additional exhibits to present tonight numbered 40  
23 through 47 which we will go through as we proceed.

24 As a question for you, Mr. Johnson, do you

1 intend to have Dr. Penkala speak as to his updated  
2 report?

3 MR. JOHNSON: I believe that is easier for  
4 that purpose.

5 MS. RIBAR: Would you like --

6 MR. JOHNSON: If you concluded your case in  
7 chief.

8 MS. RIBAR: Well, part of the case in chief  
9 is in response to Dr. Penkala's report. Mr. Macoskey  
10 did some revised modeling at the suggestion of  
11 Dr. Penkala.

12 MR. JOHNSON: We will have Dr. Penkala  
13 testify now.

14 MS. RIBAR: If you mean just temporarily  
15 until we can proceed after that?

16 MR. JOHNSON: Yes.

17 MS. RIBAR: Yes, thank you.

18 MR. JOHNSON: Dr. Penkala, you have an  
19 updated report?

20 DR. PENKALA: Yes, I received the revisions  
21 to the CEC report the morning of the last meeting and  
22 had a chance to review that since and submitted a  
23 summary of the observations I made on that.

24 And there is obviously room for them to come

1 back with addendums and additional work relative to what  
2 they had done to this point.

3 I'm not going to go over a lot of the  
4 technical details. In summary, my conclusions and  
5 recommendations effectively say that the CEC-2 report  
6 did a credible job of applying Screen 3 to the proposed  
7 crematory facility. They considered Simple Terrain,  
8 Building Cavity Downwash and Complex Terrain.

9 I indicated the need for better  
10 documentation on the estimated exit gas flow rate. I  
11 indicated that the PE -- the Pennsylvania DEP  
12 requirements for particulate and SO2 emission rates  
13 ought to be met by the proposed installation. Based on  
14 the information that was, additional information that  
15 was contained in the addendum.

16 And I indicated that the CEC revision report  
17 demonstrated that all HAPS species passed the EPA risk  
18 concentration screen with the exception of Chromium VI.  
19 And I further indicated that the potential reasons that  
20 that particular chemical did not need meet the standard  
21 is possibly related to the lack of estimated emission,  
22 estimates, or lack of credible emission estimates of  
23 that particular species in the testing that was provided  
24 such that additional data might document Chromium VI

1 emissions would pass those screening tests.

2           Implicit in that statement is that mercury  
3 specifically met all of the criteria the EPA set forward  
4 as far as screening. Even with the maximum estimates of  
5 mercury emissions per case treated by a crematoria.

6           I did indicate that the screening should  
7 compare the maximum hourly concentrations against the  
8 EPA risk screening concentrations without recourse to  
9 estimated hours of operation because there effectively  
10 was no way of credibly limiting the source to an  
11 operating schedule without significant additional  
12 controls on the issuance of a permit.

13           The final recommendation or summary was that  
14 the proposed installation, if it could not meet the risk  
15 screening criteria using Screen 3 or another  
16 EPA-approved screening model, demonstration of accepted  
17 concentrations might require recourse to refine modeling  
18 more closely represents the site meteorology and  
19 dispersion conditions.

20           So, in my opinion it comes down to a  
21 regrettable lack of good estimates of the emissions that  
22 could take place during the crematory process. And that  
23 is a function of essentially the literature presented to  
24 date not having sufficient cases and estimates of those

1 species that were subjected to the EPA screening.

2 The modeling itself for the most part  
3 demonstrates compliance, with the exception of as I  
4 mentioned the Chromium VI. However, the data itself has  
5 implicit indications that the emissions of some of these  
6 species exhibit considerable variability. In the case  
7 of cadmium, for instance, there is a factor of 100  
8 difference between the highest and lowest estimates on  
9 three tests that were presented that had cadmium  
10 numbers.

11 So we have uncertainty in the input data,  
12 therefore, we will have uncertainty in the output  
13 modeling results.

14 That's pretty much the extent of the  
15 evaluation I presented.

16 MR. JOHNSON: Thank you, Dr. Penkala. Your  
17 report of April 21st has been put into the record. Ms.  
18 Ribar, do you have any questions of Dr. Penkala?

19 MS. RIBAR: Yes.

20 EXAMINATION

21 BY MS. RIBAR:

22 Q. Dr. Penkala, with regard to Chromium VI, are you  
23 aware of any better data that is available?

24 A. No.

1 Q. And you had stated that there is a regrettable  
2 lack of good estimate of emissions as a function of the  
3 literature presented to date and that would be  
4 literature available to yourself and to your profession  
5 in general, that is not just limited to data we  
6 presented to you, correct?

7 A. That's correct. And I should comment that I did  
8 not do a literature search to determine the existence or  
9 lack thereof of any addition information.

10 Q. So you are not aware of any additional  
11 information?

12 A. Correct.

13 Q. As far as the specific estimates for these  
14 chemicals, would you agree that it is what Mr. Macoskey  
15 did in his various reports is based on the best  
16 available data that is out there?

17 A. Well, to the extent that the EPA source that he  
18 used is supposedly the most credible source, that's  
19 true. I don't know whether the crematory associations,  
20 and so forth, have produced any additional numbers or  
21 credible numbers to augment that information.

22 Q. We do have somebody here from Matthews that can  
23 address that. But before we get to that issue, your  
24 last conclusion in your part two report stated that

1 there may be more refined modeling that is necessary.

2 Would you find that helpful if the underlying  
3 information was the same?

4 A. No.

5 Q. Again, I don't want to get overly technical, but  
6 as far as the chromium numbers and the difference  
7 between the EPA screening and the test results from the  
8 modeling, can you summarize what that difference is?

9 A. I don't have the exact numbers in front of me,  
10 but --

11 Q. Would you consider it to be significant, close?

12 A. It was close. It was so close that I believe it  
13 is well within the variability I would assign to that  
14 chromium emission factor in the first place.

15 Q. Given the variability and the limited information  
16 that is available and how close the numbers were, would  
17 you recommend to Council that they deny this application  
18 on the basis of that one test for chromium?

19 A. I'm not going to put myself in the position of  
20 making a decision for them.

21 Q. What is your opinion?

22 A. My opinion is that that should not disallow  
23 passing or allowing the permit.

24 MS. RIBAR: Thank you.

1 MR. LEWIS: If I try to understand what you  
2 said, my reasoning, it would not be grounds in itself to  
3 reject the application?

4 Correct.

5 MR. LEWIS: Is that a good way of saying it?

6 A. Yes.

7 Q. And Dr. Penkala, just to be clear, other than  
8 Chromium VI which is on the borderline there, all of the  
9 other materials and chemicals that were tested exceed  
10 the EPA testing thresholds, correct?

11 A. They do not exceed.

12 Q. I'm sorry, they are within the EPA?

13 A. They are within the thresholds. Of course, most  
14 of them have the same problems with variability as the  
15 Chromium VI with the exception of mercury. Mercury  
16 appears to be the most documented and best estimated  
17 emission factor so that the results that came out of the  
18 screening for mercury are credible and indicate  
19 compliance.

20 Q. And to be clear then, the DEP does not require  
21 the specific testing in connection with its permit  
22 application?

23 A. That's correct, they only require the particulate  
24 and the SO2.

1 Q. And you noted that this would meet the  
2 particulate and SO2 emission rates?

3 A. Yes.

4 Q. You also noted in your first report that as part  
5 of the requirement for the permit, the crematory has to  
6 be operated in a manner that does not cause air  
7 pollution as defined by the PA DEP?

8 A. Yes.

9 Q. And if I can point Council to tab 44, I have  
10 included the excerpt from the PA code section which  
11 defines air pollution. And Dr. Penkala, would you agree  
12 that air pollution there, do you have a copy of that?

13 A. No, I don't.

14 Q. Would you agree that that definition, I don't  
15 want to read it into the record, but would you agree  
16 that that discusses air pollution in terms of quantity  
17 of chemicals in air concentration that are harmful?

18 A. Yes.

19 Q. And you had made the point to this Council on  
20 prior, on a prior occasion that the presence of  
21 chemicals alone is not enough, that it is the quantity  
22 issue that actually governs whether something is toxic?

23 A. Yes.

24 MR. ARCURI: I have a question. Can

1 something constitute air pollution and not be toxic  
2 under that definition?

3 A. Yes. Well, actually the definition says public  
4 health, safety or welfare or is or may be injurious to  
5 human, plant or animal life or to property and so forth.  
6 So, potentially a release which could damage vegetation  
7 could be air pollution or which could cause buildings to  
8 corrode.

9 MR. ARCURI: What happens if it is just an  
10 odor.

11 A. And includes odor as a function of welfare, human  
12 welfare.

13 Q. And if the crematory was operated in violation  
14 and caused air pollution to be emitted, then its permit  
15 could be revoked, right?

16 A. As far as I know. That is a legal question I  
17 would say.

18 Q. But you had noted as a condition of getting the  
19 permit it be operated in a way that does not emit air  
20 pollution?

21 A. Correct.

22 MS. MERRELL: Could I ask a question, Dr.  
23 Penkala. Do you know of any circumstances when the EPA  
24 has authorized or permitted a township to impose an

1 environmental bond on a company? From what I'm hearing  
2 from your statement you are saying that the threshold of  
3 chemicals meet the DEP standards at this point. But,  
4 from the way you wrote your report it seems like there  
5 could be potential for that not to be the case.

6 So would there be any situation which you  
7 would, a township would require a bond to make sure that  
8 the building stayed within those limits?

9 A. On air pollution, I'm not sure. I know on other  
10 things such as mining and such, there are bonds that are  
11 required. Restoration after strip mining, things of  
12 that nature.

13 MR. BALL: If I may ask a question. The  
14 data that is cited in your study and in your review, is  
15 that from equipment that is similar or the same as the  
16 proposed equipment?

17 A. The information that is presented by CEC came  
18 from equipment that is documented to be very similar to  
19 the proposed, and in some cases, it came from  
20 crematories for which there is no documentation as to  
21 whether it was similar or not. Unfortunately, it is  
22 hard to track down exactly what the conditions were in a  
23 lot of these cases.

24 MR. BALL: You make a statement it says

1 that, this is on page four, the third to last paragraph,  
2 it says this is very sketchy information on which to  
3 evaluate any source.

4 A. The reasons for that were the lack of  
5 documentation that was available from the original  
6 sources. The information was provided by, in the CEC  
7 report and it was apparently the best available. The  
8 lack of documentation was not the problem with CEC. It  
9 was a function of the people that put together those  
10 original sources.

11 MR. BALL: Are you aware of any local or  
12 similar facilities that have been monitored, actually  
13 monitored for emissions in this area?

14 A. No. Monitoring is a very expensive operation  
15 procedure. And for the low level of emissions from this  
16 sort of a source, it would be even more expensive than  
17 let's say monitoring emissions from a fast food place.

18 MR. BALL: We are making a lot of seems to  
19 be extrapolations as to what potential output is. What  
20 is the, how do you determine the species loading in your  
21 assumptions? Or doesn't that make a difference, you  
22 just are concerned with the output?

23 A. In the test data that was presented there were  
24 estimates made of the species loading. I don't know who

1 made those estimates. And I don't know the, I will say  
2 the accuracy of those estimates. In some cases it was  
3 simply average case loading. In some cases it was more  
4 tightly defined which would give you a better measure of  
5 the quality of that data.

6 MR. BALL: And then you indicated in the  
7 fourth paragraph on page four that some of the EPA test  
8 data comes from 1999 when your its, use your words, it  
9 is likely not to have computer control combustion  
10 process of the newer equipment.

11 A. That was a speculation. I have no indication one  
12 way or the other as to whether they had computer control  
13 of the temperature, the secondary chamber at the time.  
14 But --

15 MR. BALL: But would it --

16 A. It would affect the emissions.

17 MR. BALL: It would be a reasonable  
18 assumption that with computer control combustion  
19 equipment that you would probably expect better results  
20 than non-controlled?

21 A. The emissions would be better controlled. The  
22 potential for odor would be reduced considerably. The  
23 potential for smoke would be reduced considerably.

24 MR. BALL: You discuss at some length

1 conversions between average cubic feet per day and  
2 standard cubic feet. And I understand the difference  
3 certainly between the two, but --

4 A. Correction, actual cubic feet.

5 MR. BALL: Actual. Is there anything in not  
6 seeing all the data converted to CFM that would lead us  
7 lead us to a false conclusion of some kind here?

8 A. As long as you know the temperature and the  
9 volume at that temperature, you can make an evaluation  
10 of what the standard cubic feet is.

11 MR. BALL: Okay.

12 MS. RIBAR: And I think you raise some good  
13 points because in particular the Chromium VI numbers  
14 came from a 1992 study. And I think that even  
15 Mr. Penkala has recognized that the Power-Pak II unit  
16 that the applicant is proposing here is the best  
17 available technology that is on the market today.

18 Some of those test results may be  
19 significant and different, but again, we are faced with  
20 a lack of information and can only use what is out  
21 there, and what the EPA test results are or others that  
22 -- Mr. Macoskey can attest to. But the technology has  
23 advanced. The units are better. And I think it is  
24 really important to note there is no specific testing

1 requirement by either the EPA or the DEP. So a lot of  
2 this technicality that we are getting into back and  
3 forth here is speculation on some level because the EPA  
4 has determined that no specific test is required. The  
5 DEP does not require specific stack testing, nor does  
6 the DEP require site specific evaluation for these units  
7 because they already determined they are safe when  
8 operated correctly. And they do have follow-up and  
9 inspections to confirm that those are continually  
10 operated correctly under the permit requirements.

11 MR. BALL: It would seem to me that the  
12 manufacturer of this equipment has probably addressed  
13 these same questions in the past. And it would seem  
14 that it would probably have been to their advantage to  
15 collect some data somewhere, and I'm kind of surprised  
16 there is not a set of specific data related to this  
17 equipment. Unless they intend to address that.

18 MS. RIBAR: We have Paul Matthews here from,  
19 Paul Rahill from Matthews. And he is the president of  
20 the Cremation Division of Matthews International which  
21 is the manufacturer of the unit that is proposed here.

22 Mr. Rahill has authored several of the  
23 articles that are in your binder with particularly  
24 numbers 18, 19, 20, 21, 22, 23, 24 and 26. So he has a

1 lot of history and information with regard to these  
2 units and the industry in general.

3 MS. MERRELL: Could I ask for clarification  
4 from Mr. Penkala? You made a comment the EPA considers  
5 this safe. Is safe the correct term or is it within  
6 legal limits of toxicity?

7 A. In EPA evaluations safe means that you do not  
8 have a risk to sensitive population groups from a  
9 particular threat. It is not, effectively they are  
10 setting the limits. Effectively they evaluate and  
11 reevaluate the limits on a routine basis based on  
12 additional health studies that have taken place since  
13 the last evaluation.

14 As a result, for instance, particulates have  
15 changed since the original Clean Air Acts were passed  
16 and roughly every five years they have a more stringent  
17 standard.

18 I volunteer my time with the Allegheny County  
19 Health Department in the evaluation of their state  
20 implementation plan. We are currently working on PM 2  
21 and a half. I previously worked on PM 10 and total  
22 suspended particulate state implementation plans. And  
23 they are looking now at an even more stringent  
24 particulate standard.

1 MS. RIBAR: Thank you.

2 MS. MERRELL: Thank you.

3 MR. JOHNSON: Before you speak, do you have  
4 a report of April 21st that has been offered for the  
5 record is a review of the March 18th report that was  
6 commissioned by the applicant. And this is in response,  
7 correct?

8 A. Yes, it is.

9 MR. JOHNSON: At the end of your report you  
10 noted several conclusions and recommendations and I was  
11 specifically, I would like to specifically refer you to  
12 conclusion number 2 which says estimated exit gas flows  
13 rate in CEC-2, the second report, needs better  
14 documentation than, quote, per vendor, quote, perhaps by  
15 reference to ACFM values from the four stack tests used  
16 to estimate the exit gas temperature. Can you perhaps  
17 elaborate on that?

18 A. Okay. In the first report that CEC presented,  
19 they had a particular value for the exit gas flow rate,  
20 the temperature of those gases, and came up with the  
21 buoyancy of the stack gases and the exit gas velocity as  
22 a result.

23 In the revision they had a revised exit gas  
24 temperature based on these four stack tests that I, that

1 were presented, and used that temperature. However,  
2 they referenced an exit gas volume of value that just  
3 said okay per vendor, 2000 ACFM at such-and-such a  
4 temperature per vendor, referencing the vendor.

5 And my comment was simply maybe you should just,  
6 since you use the average of the temperatures from those  
7 four stack tests, you should also use the average of the  
8 exit gas flow rates from those four stack tests, or some  
9 other estimate.

10 The unit is supposed to operate with the  
11 residence time of one second in the secondary chamber  
12 and 1800 degrees at that point given the volume from the  
13 secondary chamber and one second radius you come up with  
14 a volumetric flow rate at that point which would then  
15 decrease down to an actual standard cubic foot, I'm  
16 sorry, actual cubic foot per minute emission at the  
17 temperature that was documented to be occurring. That  
18 would have been one way to do it.

19 They used a particular number. I was just saying  
20 it should be better documented. There was no attempt to  
21 impugn the data, it was just I thought it ought to have  
22 a little more documentation.

23 MR. JOHNSON: What about your conclusion  
24 number four that the revised report does not, and I'm

1 paraphrasing, CEC-2 does not demonstrate that all the  
2 HAPS species passed the EPA risk concentration screen,  
3 specifically Chromium VI is the only species that does  
4 not pass.

5 A. That is what I discussed in terms of, by the  
6 numbers, Chromium VI had a concentration that was very  
7 close to the screening level for Chromium VI. But I  
8 also mentioned that because of the poor quality of the  
9 input data from the stack test and the only stack test  
10 that reported Chromium VI numbers, that I believe that  
11 to be a technical difference that likely could be  
12 eliminated if there was better data for Chromium VI.

13 All of the other species were below the EPA risk  
14 standard, and specifically mercury was well below the  
15 EPA limit and mercury is the best estimated emission  
16 rate.

17 MR. JOHNSON: When you make reference to  
18 screening tests, what are you referring to?

19 A. The EPA has essentially a list of all potential  
20 hazardous air pollutants with concentrations that relate  
21 to a particular threat of those species to cancer. And  
22 by comparing against those numbers, the emissions lower  
23 than those particular risk concentration numbers would  
24 protect the population against a risk of cancer of one

1 in a million.

2 MS. MERRELL: Could I ask another clarifying  
3 question?

4 A. Yes.

5 MS. MERRELL: You talk about comparing  
6 maximum hourly concentrations, and then in the paragraph  
7 that Mr. Johnson referenced about the plume buoyancy in  
8 this version in talking about the shorter period of time  
9 or quicker period of time in which the gas is exited.  
10 Is there a concentration issue there as far as the  
11 velocity that it comes out of the stack? Would that  
12 factor into the comparison that you made over a  
13 continued period of time? Would there be a different  
14 concern about that?

15 A. I'm not sure if I understand your question.

16 MS. MERRELL: If I understood what you  
17 talked about, the fact that the gas stays in the chamber  
18 4/10ths of the second instead of the required one  
19 second.

20 A. No, no, no. The required one second is a  
21 standard. The unit is capable of putting air through at  
22 a certain amount. If it were to put air through at that  
23 high of a flow rate, then it would result in a residence  
24 time on the order of 4/10ths of a second.

1           However, like anything else, if you try to mow  
2 the lawn and your mower only goes at five feet a second  
3 or something like that, then you can't go ahead and push  
4 it at 10 feet a second and expect it to do as good a  
5 job.

6           So that is where the residence time consumed.  
7 You need the one second residence time to eliminate  
8 smoke and odor.

9           MS. MERRELL: That was my analogy. I was  
10 trying to get an understanding because when you talk  
11 about a plume, I think it of something going out. So if  
12 it comes out of the tube faster, the same difference of  
13 a straw, either you put something in a straw and let it  
14 drip out or put it up to your mouth blow it out, it  
15 comes out at a higher velocity.

16          A. That's correct.

17           MS. MERRELL: So if it is going up faster,  
18 is there a concern about the concentration.

19          A. Actually, if you are pushing more air through  
20 than the concentration it will be further diluted.  
21 However, if it doesn't have the proper residence time,  
22 then you won't be combusting everything as fully as it  
23 should be. So it is a balancing act and that is where  
24 the computer control allows the unit to maintain the

1 1800 degrees at the one second residence time to  
2 efficiently make it work right.

3 MS. MERRELL: Thank you.

4 MR. BALL: You indicated that the EPA's  
5 screening numbers, threshold numbers all relate to  
6 cancer risk. Is that what you said?

7 A. Pretty much, yes.

8 MR. BALL: Are any of the other, are any of  
9 the pollutants or species listed in, on the list, do any  
10 of them carry other dangers other than cancer?

11 A. There -- well, I'm not a toxicologist in the  
12 sense that I don't know what all of those were related  
13 to. I do know that you can have materials enter your  
14 body in different ways. It could be that some of these  
15 risks are related to damage to other organs other than  
16 through cancer. It could be damage to liver, kidney,  
17 whatever that would be more acute than a chronic injury  
18 like cancer.

19 MR. BALL: We heard, I think we heard some  
20 testimony at the last hearing that there were, there was  
21 hazard from certain chemicals for renal failure, for  
22 various other physiological problems. And I'm just  
23 wondering if we are using one criteria which is cancer  
24 risk when we ought to be also looking at some other

1 criteria.

2 A. The EPA list is supposed to be looking at the  
3 critical risk for whatever that particular hazard, this  
4 air pollutant is. So if the thing causes renal failure  
5 and it also causes cancer, then the concentration that  
6 would produce its effect at the lowest concentration,  
7 the lower of the concentrations would be the one they  
8 would use for screening.

9 MR. MACOSKEY: Excuse me, can I add  
10 something to that? My name is Chris Macoskey. The CEC  
11 author of the report. In response to your question, sir  
12 several of the constituents are non-carcinogenic, and  
13 several are carcinogenic. When one does health  
14 evaluation, there are two criteria.

15 There is the generally speaking the  
16 one-in-a-million cancer risk which we talked about,  
17 there is also a hazard quotient which is generally one  
18 for non-carcinogens.

19 So, when you are evaluating health risk with  
20 something like hydrogen chloride which is not a  
21 carcinogen but it can be an irritant. You would be  
22 comparing it to a hazard quotient as opposed to the  
23 one-in-a-million cancer risk.

24 MR. STIEGEL: Did you look at those.

1 MR. MACOSKEY: Oh, yes, that all part of  
2 those.

3 MR. BALL: Thank you.

4 MR. JOHNSON: Anything else you want to put  
5 in the record?

6 MS. RIBAR: Chris, can you elaborate on what  
7 the results were, briefly?

8 MR. MACOSKEY: Well, yeah, all of the  
9 evaluations of the non-carcinogen showed that there was  
10 no, that they were below the hazard quotient of 1 --  
11 wasn't any from the non-carcinogen. The only  
12 constituent that was of concern as Dr. Penkala pointed  
13 out was the accidental Chromium VI was marginally in  
14 excess -- the health risk.

15 MS. RIBAR: What do you mean by marginally?

16 MR. MACOSKEY: Oh, slightly over, where the  
17 acceptable risk is one in a million, it was 1.4 times 10  
18 to the minus six, slightly over the one threshold.

19 MS. RIBAR: So, one in 1,400,000?

20 MR. MACOSKEY: One in a million, 1.4 in a  
21 million as opposed to one in a million.

22 MS. RIBAR: Mr. Ball, I believe you had  
23 asked about why there was no more recent testing. I  
24 believe Mr. Rahill we would introduce can address that.

1 BY MS. RIBAR:

2 Q. Can you introduce yourself please and give the  
3 Council a brief background on your experience at  
4 Matthews?

5 A. My name is Paul Rahill, R-A-H-I-L-L. I am  
6 president of Matthews International Cremation Division.

7 Matthews is a local Pittsburgh company since  
8 1850. My experience has been in the design and  
9 manufacturing and testing of cremation equipment. I  
10 have been employed in this profession since 1975.

11 Q. And with regard to Mr. Ball's question about the  
12 testing, why aren't there more specific, more recent  
13 test results?

14 A. The, there is very accurate current test  
15 information on the common emissions associated with  
16 crematories which would be particulate emissions, SO2,  
17 carbon monoxide, Inconel, other very common emissions.  
18 Those that we don't have quantitative current data on  
19 would be the type of items that are on that National  
20 Commission's inventory database that they refer to for  
21 the modeling that they do.

22 The reason we don't test for those is that nobody  
23 has requirements for them. So, there is no need to test  
24 for them. So, when it is required on the rare occasions

1 where modeling like this is done, we all use the EPA's  
2 database for that information.

3 Q. And would you consider Chromium VI not to be a  
4 common, is that an accurate to say it is not a common  
5 emission from cremations?

6 A. I can't think of one instance in North America  
7 where that is a regulated emission on a crematory.

8 MR. BALL: What is the source of that so  
9 that --

10 A. It can be, we had this discussion, it is, there  
11 are trace elements in almost everything organic. But in  
12 that test that is referred to in 1992 I think is where  
13 it came from, that was from source in California. It  
14 could be from the wooden coffins that were used at the  
15 time, the particleboard caskets. Other than that, I'm  
16 not sure where it would come from.

17 MR. BALL: I have seen it associated with  
18 coal fire electric plants, and I don't see any coal in  
19 this place.

20 A. No, no. But if you look at the trace elements  
21 contained in the human body, very minute traces.

22 BY MS. RIBAR:

23 Q. Do you know what substance was used in that 1992  
24 cremation that has been an issue here?

1 A. The type of equipment?

2 Q. The equipment and what else was cremated with the  
3 body?

4 A. I don't know what was cremated with the body. It  
5 might be documented in the original test documents, but  
6 the equipment was an All Furnace crematory unit which is  
7 a very old model at the time it was tested. We actually  
8 acquired that company back in the 90s. We don't even  
9 manufacture that style of cremation equipment, it is all  
10 been replaced with newer technology.

11 Q. There was some question at the last hearing about  
12 what types of chemicals, substances and items are placed  
13 in the units for cremation. Can you give some detail on  
14 that?

15 A. Well, typically according to the Cremation  
16 Association of North America and their data, typically  
17 cremations are conducted in cardboard containers. 82  
18 percent of all cremations are in some type of cardboard  
19 container.

20 About ten percent use wood caskets. And five  
21 percent use some sort of particleboard. And the  
22 remaining three percent are probably some sort of a body  
23 bag from a hospital or some type of unit like that.

24 The industry has made some changes over the

1 years, especially as regard to the 1990 Clean Air Act.  
2 They voluntarily eliminated chlorinated plastics from  
3 the manufacture of caskets, for instance. So there were  
4 questions back in the 1990s about HCI emissions and that  
5 was an easy fix for the industry just to eliminate using  
6 chlorinated plastics. They also stopped using soft  
7 metals for orientation a lot of caskets were being  
8 cremated. So the industry has taken proactive steps  
9 towards eliminating emissions.

10 BY MS. RIBAR:

11 Q. Dr. Penkala, one additional question for you.  
12 You had stated that the screening should compare maximum  
13 hourly concentrations against the EPA risk screen. I  
14 want the Council to be clear on what that means. Can  
15 you explain the maximum hourly concentrations?

16 A. Maximum hourly concentration effectively would be  
17 the number that would apply were the operation of this  
18 particular unit to take place essentially 8,760 hours  
19 per year, effectively assuming that the maximum that  
20 under all conditions would be covered by that particular  
21 number.

22 It is simply a measure of let's say safety to do  
23 that rather than to make estimates on what the actual  
24 operating conditions and times would be since

1 effectively you can say well, concentration is 100, but  
2 if I only operate 10 percent of the year I have it down  
3 to 10 and effectively by adjusting your hours of  
4 operations you can meet any standard you wish.

5 Q. And the 8,000 plus hours, would that be a 24/7  
6 operation?

7 A. Yes.

8 Q. So that would not account for the warmup period  
9 cool down period and removal of remains, if you are  
10 operating 24/7 --

11 A. If that is outside the two hour circle for actual  
12 cremation, that is correct.

13 Q. So that is assuming a two hour cycle 24 days, 24  
14 hours a day, 7 days a week, 365 days a year?

15 A. Yes.

16 Q. Do you know if it is possible for a unit to be  
17 operated that much?

18 A. I would say it is impossible for a unit to be  
19 operated that much.

20 MS. RIBAR: If I can have a minute? If I  
21 could have a minute to make sure that Chris doesn't want  
22 to address anything else Dr. Penkala raised. Can we  
23 take a break, two minutes?

24 CHAIRMAN ATKISON: Two minutes. Then we

1 will take testimony from the audience.

2 MR. JOHNSON: Mr. Atkison, we've received a  
3 written request from Mr. Jerry McDevitt to intervene in  
4 this matter. He is a resident in the nearby vicinity.  
5 I know that Alice Mitinger and John Kamin are also here  
6 on behalf of clients who, although we have not received  
7 a written request, they have notified me they intend,  
8 are requesting to intervene as a party to this  
9 proceeding. So I would suggest that when Ms. Ribar is  
10 finished with her presentation that they be given an  
11 opportunity to --

12 CHAIRMAN ATKISON: Short break.

13 MS. RIBAR: Thank you.

14 (Recess held)

15 MS. RIBAR: Before we close our case in  
16 chief, there was a lot of testimony at the last hearing  
17 regarding concerns with devaluation of property  
18 surrounding the funeral home and crematory. I would  
19 like to present an additional witness to you, Brian  
20 Kelly of Kelly, Reilly, Nell & Barna Associates, Inc. to  
21 address that in particular.

22 BY MS. RIBAR:

23 Q. State your name.

24 A. Good evening, my name is Brian Kelly, I am a real

1 estate appraiser with the firm Kelly, Reilly, Nell &  
2 Barna & Associates located in 3535 Boulevard of the  
3 Allies, Oakland.

4 Q. Can you just give a brief educational background  
5 and work experience, please.

6 A. I have been appraiser for 20 years. I am a  
7 general certified appraiser. I also am a member of the  
8 Appraisal Institute and I hold the MAI and SRA  
9 designations with the Appraisal Institute.

10 Q. Mr. Kelly's resume is attached as tab 40 on the  
11 supplemental documents that we have given to you this  
12 evening.

13 Mr. Kelly, are you familiar with this specific  
14 location at 3287 Washington Road?

15 A. I am.

16 Q. Did you visit the site prior to this evening?

17 A. I did. Very, very well.

18 Q. Explain what experience you have with this area?

19 A. I have appraised numerous buildings up and down  
20 Route 19 directly surrounding the subject property as  
21 well as I have been involved in residential appraisals  
22 all throughout Peters Township.

23 Q. So you are very familiar with Peters in general  
24 and you are very familiar with this specific location?

1 A. I am.

2 Q. When did you visit the site?

3 A. Well, I have been there appraising properties  
4 there for the past 20 years, so, but I did actually go  
5 and look at the property from all angles one day this  
6 week.

7 Q. And if you were to give an opinion as to a  
8 neighboring property owner as to the value of their  
9 property after this funeral home would be installed,  
10 what would that opinion be?

11 A. Well, the funeral home itself would not have any  
12 impact on the market value of the surrounding  
13 properties.

14 Q. Are you talking commercial and residential?

15 A. I was talking residential. There is other  
16 commercial properties surrounding both sides,  
17 residential would have no impact on value.

18 Q. And the residential properties that were there,  
19 just to clarify, were those there before or after the  
20 commercial properties on Route 19?

21 A. The residential properties were built, I believe  
22 slightly after the property in question. I believe that  
23 building was probably constructed in early 1990s. The  
24 houses in question maybe in the late 1990s, or early

1 2000s.

2 Q. Any chance that building could be there prior to  
3 1990?

4 A. Yes.

5 Q. Okay. Like you said it was there since the  
6 1990s?

7 A. No, I don't know when it was constructed, I  
8 didn't have history on the property.

9 Q. So it is your opinion then, what about the  
10 crematory, does installation of the crematory into the  
11 funeral home change your opinion?

12 A. No, I appraised a number of funeral homes with  
13 crematoriums in them as well. I have appraised houses  
14 surrounding funeral homes as well as crematoriums and  
15 there has never been any discussion on the impact of a  
16 crematorium to the property.

17 Q. Have those all been in the Pittsburgh area?

18 A. Yes, Western Pennsylvania.

19 Q. Any questions?

20 MR. ARCURI: How would you know if there was  
21 a crematorium in the neighborhood?

22 A. Well, it is a funeral home and there are very few  
23 crematoriums, so really as a property owner you don't  
24 know if it is there unless you are specifically --

1                   CHAIRMAN ATKISON: Folks come on. That is  
2 grade school stuff. Okay? I'm serious. Be respectful.

3                   MR. ARCURI: I forgot my train of thought.

4                   CHAIRMAN ATKISON: Sorry, not my fault.

5                   MR. ARCURI: I know.

6                   CHAIRMAN ATKISON: You were saying how would  
7 you know there is a crematorium.

8                   MR. ARCURI: Right, when you would value  
9 residential property, how would you know that there was  
10 a crematorium within so many feet of it, so many miles  
11 of it, how would you ascertain that?

12                  A. I don't, it is not required to. I'm looking at  
13 the house residential dwelling and I look at things  
14 surrounding that property that would impact the value of  
15 the property. Therefore, you know, in this particular  
16 instance if there is residential housing, commercial,  
17 front and on the backside of it, then you are looking at  
18 retail uses that surrounds that property. So, that is  
19 what you are looking at.

20                  MR. STIEGEL: So you are looking at this  
21 property with the assumption that if somebody going into  
22 the home would have no idea there is a crematorium  
23 there?

24                  A. Not unless they are looking for it. You are

1 buying the.

2 Home you are looking to see what surrounds it.

3 MR. STIEGEL: If there was a sign on the  
4 building saying crematory, would that change your  
5 opinion on the value of it?

6 A. No.

7 MR. ARCURI: When were you retained to  
8 provide your opinion here tonight?

9 A. I'm not sure the exact date, maybe two, three  
10 weeks ago.

11 MR. ARCURI: How much are you being paid for  
12 your opinion?

13 A. I'm being paid on an hourly basis based on my  
14 time.

15 MR. ARCURI: And how much is that an hour?

16 A. Is that relevant to the case?

17 MR. ARCURI: I'm asking a question, I think  
18 you have to answer.

19 MR. JOHNSON: It is relevant.

20 A. I'm being paid \$175 and hour. As I said, I have  
21 been a professional for 20 years. I hold the MAI and  
22 SRA designations which are covered by the Appraisal  
23 Institution.

24 MR. ARCURI: What other pieces of commercial

1 property can you specifically state that you have  
2 appraised in Peters Township in the last five years?

3 A. I can't specifically state them because of  
4 confidentiality with my clients. But I will tell you  
5 within direct view of that property there is probably  
6 three or four, maybe more. Actually, one directly  
7 across the street.

8 MR. ARCURI: Car dealership?

9 A. I can't tell you which one, I have, it. If you  
10 owned the property, you wouldn't want me to disclose  
11 what I have done for you as well.

12 MR. BALL: How many properties have you, how  
13 many residential properties have you appraised where you  
14 specifically knew that there were crematories in the  
15 area?

16 A. I can't recall, as an appraiser I really never  
17 looked for a crematorium before. I discussed it with  
18 funeral home owners, owners of crematories before this  
19 case. And that is the extent of what I have known about  
20 crematories in funeral homes.

21 MR. BALL: But you did make the statement  
22 that a crematory being located there would not impact  
23 property value.

24 A. No, because you have to, you are looking to see

1 what the impact on that retail corridor will have on my  
2 house, if I would buy that property. Is that going to  
3 impact the value of my house having those retail  
4 properties surrounding me.

5 MR. ARCURI: What about a fast food  
6 restaurant, let's say you had a house and it was right  
7 behind a fast food restaurant, would the fact that the  
8 fast food restaurant there affect the value of that  
9 residential home?

10 A. Again, I haven't done a specific study on a fast  
11 food restaurant, therefore, I cannot tell you what the  
12 fast food would have opposed to an office building.

13 MR. ARCURI: Well, let me ask you a  
14 question, if you had two houses and they were both  
15 identical and one was smack next to Burger King and one  
16 was 20 miles away, in a purely traditional residential,  
17 wouldn't there be an impact on the value?

18 A. There is negative impact on value, that is called  
19 external obsolescence, that is your property being  
20 affected by surrounding properties.

21 MR. ARCURI: Right.

22 A. And that would have direct impact on the house  
23 that is immediately beside it as opposed to one that is  
24 20 miles away.

1 MR. ARCURI: Thank you.

2 MS. MERRELL: The way you have just  
3 described the situation, that would exist with the  
4 residences located directly above that opposed to the  
5 crematorium.

6 MS. RIBAR: I think it is important to note  
7 that there is commercial there regardless of what it is.  
8 Correct me if I'm wrong, I think your testimony is the  
9 impact of the commercial district is not affected by the  
10 different types of commercial uses that go in there,  
11 commercial, whatever is allowed, the commercial is  
12 allowed?

13 A. Correct.

14 MR. STIEGEL: I think there is a negative  
15 stigma that goes along with burning bodies as opposed to  
16 selling Halloween masks.

17 MS. RIBAR: That is why we are here.

18 MS. MERRELL: I think the other concern I  
19 have is similar to the concern raised about the other  
20 data, that there is a limited amount of data that you  
21 are looking at. You haven't actually evaluated or  
22 appraised houses next to crematoriums or not that you  
23 knew of. So, I'm trying to understand, I understand  
24 your comment about the commercial corridor.

1           I'm just trying to understand the relevance  
2 of your testimony. I believe you are well qualified,  
3 but you haven't convinced me that you actually looked at  
4 the data, specific type of data.

5           A. I understand. In fact, I did interview several  
6 funeral home owners and the specific case was a property  
7 crematorium down in Lawrenceville where I interviewed  
8 the owner of the D'alessandro Funeral Home in  
9 Lawrenceville and I asked him if there has ever been any  
10 opposition to his property being adjacent to residential  
11 housing. And the comment he gave me was, the gentleman  
12 that lives behind that facility said to him, you know,  
13 which is 25 feet behind his property, that it is closer  
14 for me to go when I die. So he had no negative.

15           MS. RIBAR: You make a good point, I think  
16 to clarify the issue, you can certainly ask Mr. Kelly  
17 his opinion if he were to appraise the homes behind the  
18 property right now, would that change once the funeral  
19 home is installed, and I think he already said in his  
20 opinion is no.

21           MS. MERRELL: Once the funeral home is  
22 installed isn't exactly the question. Once the funeral  
23 home and crematorium.

24           MS. RIBAR: I asked that as well.

1 MS. MERRELL: The funeral home is not the  
2 issue.

3 A. All right, the opinion would be if it were toxic  
4 or an issue with the environmental hazards to the  
5 surrounding houses then there would probably be a  
6 negative impact on value. But as has been discussed and  
7 what I have learned throughout the case there is no  
8 negative, there is no impact, environmental impact.

9 MS. MERRELL: When you do your appraisals,  
10 I' sorry to interrupt, when do you appraisal, you do an  
11 evaluation based on comparables.

12 A. Yes.

13 MS. MERRELL: And various factors. Do you,  
14 what validity or what percentage of the assessment is  
15 emotional, what people perceive, perception perhaps,  
16 perception is the correct term?

17 A. You are saying what is the as Mr. Arcuri said,  
18 what would the impact be of a house that is situated ed  
19 adjacent to a retail center as opposed to a house three  
20 blocks over in the subject plan, there would be an  
21 impact. Because nighttime you see retail lights, you  
22 see cars. So, I don't know if you call it emotional,  
23 but you, it would be based on surrounding uses.

24 MS. MERRELL: Thank you.

1 MR. SILVESTRI: You interviewed some funeral  
2 home directors and their opinion is that the funeral  
3 home has no affect on the value of adjoining property,  
4 is that the essence of your testimony?

5 A. No, the question was, was it, the crematorium has  
6 had impact on the surrounding uses as well.

7 MR. JOHNSON: You ever appraised a  
8 residential property that is adjoined to a crematory.

9 A. Probably. I appraised thousands of properties in  
10 my life.

11 MR. JOHNSON: You don't know you have done  
12 that?

13 A. Absolutely, I have. I know a specific instance  
14 where I have.

15 MR. JOHNSON: Did you take the crematory  
16 into consideration in making the appraisal?

17 A. No.

18 MR. JOHNSON: Why not.

19 A. Because it didn't, it wasn't an issue nobody had  
20 brought up, the buyer of the property, the seller, the  
21 broker, nobody had made it part of the analysis.

22 MR. JOHNSON: For purposes of the appraisal,  
23 isn't perception important to you?

24 A. Absolutely. But again --

1 MR. JOHNSON: You don't think there is a  
2 negative perception that goes along with the crematory?

3 A. I didn't find that it did. In my opinion there  
4 is no negative impact on value.

5 CHAIRMAN ATKISON: Okay.

6 MS. RIBAR: We rest.

7 MR. JOHNSON: I previously identified that  
8 Mr. McDevitt and Ms. Mitinger and Mr. Kamin is here on  
9 behalf of either themselves or clients. Do you have any  
10 understanding how you should proceed and what order you  
11 want to precede?

12 MR. McDEVITT: I don't have any  
13 understanding but I will certainly be glad to go first.  
14 I don't know what your format is.

15 My name is Jerry McDevitt, I am a resident  
16 of Peters Township since 1987. I live on 110 Sherborne  
17 Drive, and I am a lawyer. And I'm here to represent my  
18 personal interests. I have a presentation I wish to  
19 give you later, but I do have some questions that I  
20 would like to ask the last witness and perhaps  
21 Dr. Penkala.

22 The cross-examination will be by definition  
23 not complete because the data that you need to  
24 understand what is going on is not before the Council

1 which I will develop for you later.

2 But if I may, I would like to ask Mr. Kelly,  
3 the last witness a few questions. Just a few questions  
4 for Mr. Kelly.

5 BY MR. McDEVITT:

6 Q. You indicated you work by the hour?

7 A. Yes, sir.

8 Q. How many hours did you spend on this appraisal?

9 A. It has been 20 years of experience as well as  
10 reading the documents.

11 Q. Sir, that is not my question.

12 A. I don't have the document here with me.

13 Q. My question is since you were retained for  
14 purpose for which you came here today --

15 A. I do not --

16 Q. Let me finish my question. How many hours did  
17 you spend studying that?

18 A. I do not have it documented here with me.

19 Q. Ten?

20 A. I do not have it here.

21 Q. 20?

22 A. I don't have the number.

23 Q. What have you charged here today?

24 A. Zero.

1 Q. Zero. I take it you disagree with the last  
2 person they brought in here who tried to tell everybody  
3 residential values would actually increase if a  
4 crematorium is put in?

5 A. I --

6 MS. RIBAR: I object. There was no such  
7 testimony from an expert witness. That was a comment  
8 that I made based on the Penn State study presented to  
9 you where that comment was specifically noted there was  
10 a specific notation in that study that some property  
11 values surrounding that crematory did increase.

12 Q. I'm referring to witness they brought in for  
13 Audia Group that came in here and testified in one of  
14 the more laughable segments the property values would  
15 actually increase if the crematorium was present. I  
16 will rely on Council's memory for that.

17 Now you said, sir, that you don't consider this  
18 fact the crematorium is next to houses would have a  
19 negative impact because I think you said there is no  
20 environmental impact, right?

21 A. From what these gentlemen have said.

22 Q. You are relying solely on that?

23 A. Yes, I am not an engineer, I don't study these  
24 things, it is not my profession, I'm a registered real

1 state appraiser.

2 Q. If there is a negative impact on the property  
3 value, then I think your view would change, correct?  
4 Let me rephrase that. If, in fact, the science is wrong  
5 here and there is a negative impact, then your opinion  
6 would change, I take it?

7 A. I would have to do the analysis. Could be.

8 Q. And are you familiar with Fannie Mae?

9 A. I am.

10 Q. I dug out, sir, an official appraisal that I got  
11 when I bought my home in 1999. Would you care to guess  
12 what one of the questions is that they ask you on the  
13 official appraisal?

14 A. If there is any environmental impact?

15 Q. Let me be specific and read it for you, sir.  
16 Page 1, adverse environmental conditions such as but not  
17 limited to hazardous waste, toxic substances, present in  
18 the improvements, on the site, or in the immediate  
19 vicinity of the subject property. How would you answer  
20 that question?

21 A. If it has been proven that there are no  
22 environmental problems with the surrounding properties,  
23 I would answer no.

24 Q. Is the reason that question is asked is because

1 the answer to that if there are environmental conditions  
2 present that affects the appraisal in a negative way?

3 A. I think that has specifically to do with that  
4 property. Do you have 55 gallon drums on your property,  
5 do you have propane tanks? That is what that question  
6 is pertaining to.

7 Q. That is what you read that to mean?

8 A. Yes, sir.

9 Q. It says, present in the improvements, on the site  
10 or in the immediate vicinity of the subject property.

11 A. Right.

12 Q. What do you consider to be the immediate vicinity  
13 of the crematorium?

14 A. If it is environmentally hazardous to that  
15 property, then.

16 Q. How about the house right behind it?

17 A. Has it been proven to be an environmental hazard  
18 to the property?

19 Q. Within 150 feet, do you consider that to be  
20 within the immediate vicinity of the crematorium?

21 A. Sure.

22 Q. If that crematorium is spewing out methyl  
23 mercury, would you want your children to breathe that?

24 A. I don't know anything about methyl mercury, sir.

1 Q. Do you have any idea of what the value of the  
2 properties are?

3 A. I have a range.

4 Q. What would you guess they are?

5 A. Ranging from 350 to a million.

6 Q. To a million. Do you think somebody who is going  
7 to put down a million dollars for a home has no choices  
8 but to buy a place next to a crematorium?

9 A. They are looking at the surroundings and they are  
10 not going, they are going look at retail corridor this  
11 that this property surrounds.

12 Q. If you spend a million bucks, sir, on your dream  
13 house --

14 A. You are not going to build it into a retail area.

15 Q. Let me finish the question then I will give you  
16 the privilege of answering.

17 A. Yes, sir.

18 Q. If you are going to spend a million dollars on  
19 your dream house, sir, are you going to go look around  
20 and see if you find one located next to crematorium?

21 A. I am going to look in an area that doesn't back  
22 up to a retail corridor.

23 Q. But you would --

24 A. To build a million dollar house.

1 Q. You wouldn't look for a house that had a  
2 crematorium present, would you? And if you had  
3 children, you knew there were risks associated with  
4 that, would you put your children in that environment?  
5 You sir?

6 A. I'm not familiar with what the environmental  
7 hazards are, so I can't answer the question.

8 Q. Well, if you knew that mercury was coming out of  
9 there and mercury is a powerful neurotoxin and any  
10 exposure creates a risk to that child, would you buy  
11 that house?

12 A. No, if it were proven to be detrimental to their  
13 health, I would not.

14 Q. I'm sort of curious now, if you are marketing  
15 these houses, with all this, somebody comes to you now  
16 says I'm interested in a property on Sussex, are you  
17 going to tell them about this? Are you going to tell  
18 them there say crematorium down there, just so you know,  
19 or are you not going tell them?

20 A. If it has no impact on value, there is no reason  
21 to tell them about it.

22 Q. So you wouldn't tell them?

23 A. No.

24 Q. You would not tell a prospective buyer that there

1 is a crematorium?

2 A. There is no reason to tell them.

3 Q. And have you ever walked down Sussex?

4 A. Yes.

5 Q. Do you know which way the wind blows?

6 A. Every way.

7 Q. Have you ever turned the corner at Sherborne and  
8 walked down Sussex?

9 A. Probably.

10 Q. Blow your hair back? Seriously?

11 A. I didn't recognize, I have no idea.

12 Q. Do you know which way the prevailing winds are  
13 from the crematorium stacks?

14 A. From various different directions, I bet.

15 Q. Did you bother to look?

16 A. No.

17 Q. Did you bother to ask?

18 A. There was no reason to.

19 Q. Have you ever worked for Houston Harbaugh before?

20 A. Yes.

21 Q. How many times?

22 A. Various times.

23 Q. Did you ever work for Ms. Ribar before?

24 A. I have.

1 Q. How much money have you made working for her?

2 MS. RIBAR: I'm sorry, this is really --

3 Q. Goes to bias. Bias is always material.

4 A. It is because I'm a qualified professional.

5 Q. That begs the question. Bias is always material.

6 How much money have you made working for Ms. Ribar doing

7 this sort of things.

8 MS. RIBAR: I can answer that --

9 Q. I didn't ask you, I asked him.

10 A. I can't recall. It has been many years.

11 Q. How many times?

12 A. 20.

13 Q. 20. This is the 20th time you have testified in  
14 matters involving --

15 A. I have not testified, I have done different  
16 properties for different reasons.

17 Q. No further questions at this time.

18 MR. JOHNSON: I have been requested by other  
19 counsel if they could also participate and cross-examine  
20 these witnesses. I think that is appropriate way to  
21 proceed. So with that in mind, Alice Mitinger is here  
22 and John Kamin is here on behalf of their clients.

23 I would suggest that they be permitted to  
24 participate at this point.

1                   Mr. Kamin, can you identify your client and  
2   are you asking to be intervene as parties to this  
3   matter?

4                   MR. KAMIN: My name is Jonathan Kamin,  
5   K-A-M-I-N. I'm with the law firm of Goldberg Kamin and  
6   Garvin, our address is 1806 Frick Building, Pittsburgh,  
7   PA 15219. I'm here on behalf of the residents of Sussex  
8   Drive.

9                   Specifically, I can list all nine of them  
10  for you but they are basically run the 200 block of  
11  Sussex Drive and they are within, the closest is within  
12  less than 500 feet to the property. I think the further  
13  is right around 800 feet from the subject. I will  
14  provide, I have spoken with Mr. Johnson. It is our  
15  request to intervene as a party. We believe we have  
16  standing under, because we have a material property  
17  interest that is within the vicinity of the property.

18                   So specifically the Bellicini's are the  
19  closest to the property. They are probably within  
20  probably 400 feet.

21                   MR. JOHNSON: On that basis I would  
22  recommend Mr. Kamin be recognized on behalf of the  
23  client parties to the matter.

24                   MR. ARCURI: He will supply us a list.

1 Q. I will supply all nine for you.

2 MR. ARCURI: Okay.

3 MR. JOHNSON: All right.

4 BY MR. KAMIN:

5 Q. Mr. Kelly, you are an MAI, is that correct?

6 A. I am.

7 Q. Can you briefly explain to Council what that  
8 means?

9 A. I'm a member of the Appraisal Institute. I have  
10 been through peer review. I have taken a two-day  
11 comprehensive. I went through, I created a  
12 demonstration report which was provided to the Institute  
13 and was provided a passing grade.

14 I have thousands of hours of experience which is  
15 required in order to become MAI. I completed all those  
16 in 19 -- mid 2000s. I can't remember what year I had my  
17 MAI, since 2000, mid 2000.

18 Q. As far as your work on this specific property,  
19 can you describe briefly again because I don't think it  
20 was clear, what was the work you did to go ahead and  
21 analyze the property.

22 A. I have read some of the documentation that was  
23 provided to me from some of the professionals. I have  
24 also interviewed several funeral home directors both

1 with crematoriums and without. And I reviewed some of  
2 the past appraisals that I have done in areas that had  
3 crematoriums.

4 Q. So you haven't done any specific study that would  
5 tell what the value or the impact of the value was of  
6 the crematorium on a particular piece of property, you  
7 merely reviewed your database, correct?

8 A. I have. I have not done a specific study.

9 Q. Now to do eye specific study, I want to outline  
10 the scope and I want you to tell me if this is what  
11 would be required do a professional appraisal report on  
12 the value. You would first have to go ahead and  
13 identify properties that were surrounded by  
14 crematoriums, correct?

15 A. Correct.

16 Q. And after you had identified those properties,  
17 you would have to go ahead and make an analysis as to  
18 whether that crematorium operated at this same level or  
19 the same type of equipment as the one that is proposed,  
20 correct?

21 A. Correct.

22 Q. Then after making that analysis, the next thing  
23 you have to do is you have to look for sales of property  
24 that occurred surrounding the crematorium, correct?

1 A. Correct.

2 Q. And then to determine if there was an impact on  
3 the value of those specific properties, you would have  
4 to look and see whether they have resold after a  
5 crematorium had been put into the neighborhood, correct?

6 A. Correct.

7 Q. So you would have to look at the property before  
8 a crematorium coming in and then you have to look at the  
9 value of the property after the crematorium came in?

10 A. Yes.

11 Q. And then in order to establish that value you  
12 also have to go ahead and do, so you need two sales of  
13 the same property, is that correct?

14 A. Of similar properties.

15 Q. Okay, so two sales of similar properties within a  
16 reasonable time period that would be both before and  
17 after, is that correct?

18 A. Correct.

19 Q. And then in order to go ahead and determine  
20 whether or not the crematorium had any value, you would  
21 then have to go ahead and look at the local municipality  
22 to see if there were any building permits that had been  
23 pulled, if there had been any changes in assessments or  
24 alterations to the property, correct?

1 A. Correct.

2 Q. And only after determining that there were no  
3 alterations to the property you would then compare the  
4 first sale with the second sale to see if there was a  
5 change in value?

6 A. Correct.

7 Q. So, so far I have accurately described what  
8 appraisal methodology would be to determine whether or  
9 not a new land use had an impact on value, is that  
10 correct?

11 A. Depending on the scope you asked me to provide,  
12 that would be what you could do to that extent.

13 Q. And as part of that analysis, you would need more  
14 than one sale, you need multiple sales to test as to  
15 whether or not that impact was related to the  
16 crematorium, is that correct?

17 A. You could, yes. Multiple sales, two sales.

18 Q. Right, you can't do it on one sale?

19 A. No.

20 Q. Now, have you done, have you followed any of  
21 those steps with regard to the testimony that you  
22 offered this evening?

23 A. No, the scope was not to provide a detailed  
24 analysis of it. It was if I had done properties, if it

1 had ever impacted values the properties I have appraised  
2 in the past.

3 Q. And as far as impacting values of properties you  
4 appraised in the past, as part of your scope of work or  
5 analysis of problem analysis, did you review whether or  
6 not crematoriums had been placed around or near those  
7 properties prior to conducting, or performing your  
8 appraisal?

9 A. No, I haven't, because they were never proven to  
10 be an environmental detriment to properties surrounding  
11 it, so it was not required.

12 Q. So, as far as it not being required, you are  
13 saying it wasn't required for the scope of the  
14 appraisals that you perform previously?

15 A. Correct.

16 Q. But do you know of any of those properties you  
17 appraised if any of them came before or after a  
18 crematorium, and if any of them sold before or after a  
19 crematorium?

20 A. I didn't perform that analysis.

21 Q. And don't you think that analysis would be  
22 necessary to accurately determine if there is going to  
23 be a detriment on property values by the addition of a  
24 crematorium?

1 A. No.

2 Q. Why wouldn't that be necessary to tell if an  
3 addition of crematorium would hurt that?

4 A. In my profession, in my experience crematoriums  
5 have never been proven to be an external problem on  
6 surrounding properties, therefore, we have never needed  
7 to look at it that closely.

8 Q. And if you knew that it was, that there was an  
9 external problem in crematoriums on surrounding  
10 properties, would that go ahead and change your analysis  
11 that you just did?

12 A. It would.

13 Q. Now, with respect to the homes on Sussex, do you  
14 know the difference in elevations between the street  
15 that the homes are situated on and Route 19?

16 A. I don't know the exact elevation, probably 50 to  
17 60 feet above?

18 Q. And do you know if the proposed crematorium would  
19 have a smoke stack?

20 A. From what I understand it will.

21 Q. And do you know the height of those smoke stacks?

22 A. Not the exact height.

23 Q. Do you know if a crematorium smoke stack would go  
24 ahead and have emissions that would come out of it?

1           A. From what I understand it has heat but no  
2 emissions.

3           Q. Let's just assume that you are correct it has  
4 heat that is coming out of it. If there is a smoke  
5 stack of a heat source that is 10 feet below somebody's  
6 residential backyard, do you think that will have a  
7 negative impact on the value of the property?

8           A. Depending on the distance if it is going to  
9 protrude into the adjacent property.

10          Q. So, when you say it, you are talking about the  
11 emission?

12          A. Emissions or heat.

13          Q. Do you know if there is any plan by the applicant  
14 to go ahead and to control those emissions so that they  
15 do not protrude onto the adjacent residential  
16 properties?

17          A. I don't.

18          Q. Do you know if hot air generally rises or sinks.

19          A. It rises.

20          Q. So, would it be safe to assume that it would rise  
21 10 feet up to the adjacent residential property?

22          A. Again, I'm not an environmental, I don't know how  
23 far it rises.

24          Q. In any of the appraisals that you looked at to

1 make this determination as to impact to value, did you  
2 look at any properties that were above the elevation of  
3 the facilities?

4 A. I see the one specific case it was at the same  
5 level as the facility.

6 Q. So, no --

7 A. To answer your question, no.

8 Q. You previously appraised residential properties  
9 that are adjacent to commercial uses, correct?

10 A. Yes.

11 Q. Have you previously appraised residential  
12 properties that are adjacent to industrial uses?

13 A. Yes.

14 Q. And as far as a residential property adjacent to  
15 an industrial use, are there different factors that go  
16 into valuing that versus commercial use?

17 A. Appraising the residential versus the commercial?

18 Q. Appraising a residence situated next to  
19 commercial versus a residence situated next to  
20 industrial?

21 A. Yes, depending on the neighborhood you will try  
22 to find comparable houses in that neighborhood.

23 Q. And from a part of your analysis is doing what we  
24 call a residential characteristics analysis, you look at

1 surrounding land uses, correct?

2 A. You do.

3 Q. And would commercial be generally more or less  
4 desirable than industrial as surrounding land use?

5 A. I haven't done the specific analysis, but I would  
6 say that industrial depending on your proximity to the  
7 plant may be in what it is throwing off may have higher  
8 negative.

9 Q. Nothing further for this witness.

10 CHAIRMAN ATKISON: Thank you, sir.

11 MR. JOHNSON: Ms. Mitinger.

12 MS. MITINGER: My name is Alice Mitinger  
13 with the law firm of Cohen & Grigsby, 625 Liberty  
14 Avenue, Pittsburgh 15219. M-I-T-I-N-G-E-R.

15 And I have no additional cross-examination  
16 at this time but I would like to note that I'm entering  
17 my appearance on behalf of Thomas Homes, Inc., which  
18 owns property immediately above the proposed facility  
19 and that's the subject property as well as Mr. Jeff  
20 Thomas who owns a house on Sussex Way which is about 75  
21 feet from the proposed property.

22 But I don't have any questions at this time  
23 and can provide the board with a formal notice of  
24 intervention.

1 MR. JOHNSON: Do you have any redirect of  
2 your witness?

3 MS. RIBAR: No.

4 MR. JOHNSON: Thank you. Mr. McDevitt, are  
5 you still here? Do you have anything that you want to  
6 present at this point?

7 MR. McDEVITT: You mean of Dr. Penkala?

8 MR. JOHNSON: No, on behalf of yourself as a  
9 party in this matter.

10 MR. KAMIN: Excuse me, Council, for  
11 interrupting, I have a number of questions for Dr.  
12 Penkala and also a number of questions for CEC, I don't  
13 know from an order standpoint.

14 MR. JOHNSON: You are absolutely correct.

15 BY MR. KAMIN:

16 Q. Good evening. Dr. Penkala, I had an opportunity  
17 to review the transcript of the prior testimony in both  
18 of your reports. I would like to ask you a number of  
19 questions about some of those items as well as your  
20 testimony this evening.

21 A. Okay.

22 Q. The first item which I would like to ask about is  
23 the scope of your engagement. You were engaged by  
24 Peters Township, is that correct?

1 A. Yes.

2 Q. And as part of being engaged by Peters Township,  
3 your specific scope was to review the information that  
4 was supplied to you by the Township including the CEC  
5 report, let's call it the CEC-1, correct?

6 A. Yes.

7 Q. And as part of reviewing that report, the  
8 Township relied on you in terms of your expertise and  
9 issues of air science and meteorology, is that correct?

10 A. Correct.

11 Q. Did you do any studies whatsoever on the language  
12 and definitional issues within the Township zoning  
13 ordinance?

14 A. No.

15 Q. So, you were not asked to opine on the  
16 appropriateness of the curative amendment proposal, is  
17 that correct?

18 A. That is correct.

19 Q. You were not asked to opine whether or not the  
20 ordinance of the Township was exclusionary?

21 A. That is correct.

22 Q. Your specific scope of work was to address sort  
23 of the science of the crematoria and information  
24 provided to you?

1 A. Yes.

2 Q. So, when Ms. Ribar asked you earlier this evening  
3 whether or not you thought that the application should  
4 be voted on favorably or should be approved, your  
5 response was limited to the question of the science  
6 based on the information that you had been provided, is  
7 that correct?

8 A. Yes.

9 Q. Do you have any land use background whatsoever?

10 A. No.

11 Q. You weren't, so you weren't testifying as a land  
12 use expert, you weren't testifying as a zoning expert?

13 A. Right.

14 Q. Now, with regard to the information that has been  
15 provided to you, I think you testified earlier that you  
16 did not go ahead and seek out any original source  
17 information because there is a lack of original source  
18 information?

19 A. I did not seek out any original source  
20 information because that wasn't part of my task as I saw  
21 it.

22 Q. So, is part of your task as you saw it was merely  
23 to review the information that had been supplied?

24 A. Correct.

1 Q. If the information that had been supplied to you  
2 was not complete information, then your opinion is only  
3 as good as what you got?

4 A. Where I saw a potential incompleteness of  
5 information, I indicated the potential need for such  
6 documentation.

7 Q. Did you attempt to go ahead and seek out the  
8 original reports of the information that CEC relied on  
9 in making its conclusions?

10 A. No.

11 Q. Did you attempt to go on the internet to see  
12 those individual sources of those reports?

13 A. No.

14 Q. And as part of your analysis, did you go ahead  
15 and interview any of the authors or drafters of those  
16 reports or any of the studies such as the Penn State  
17 study?

18 A. No.

19 Q. Now --

20 A. Correct my assumption, the Penn State study had  
21 nothing whatsoever to do with the air dispersion of that  
22 source.

23 Q. But you didn't?

24 A. Is that correct?

1 Q. I'm asking you the questions, I just want to  
2 understand what you looked into to understand. Now, as  
3 far as the analysis of the information that CEC provided  
4 to you, did you ask them to go ahead and get any  
5 manufacturer specific information?

6 A. I didn't ask them to do anything. I indicated  
7 that that might be useful to their case in the sense of  
8 not having completeness. I don't believe potentially it  
9 is a -- go ahead, ask the question again because I'm not  
10 sure I understood your question.

11 Q. Well, as part of your analysis, did you ask them  
12 for any backup information from the manufacturers to  
13 operations?

14 A. In my summary and conclusions part 2 I indicated  
15 in number 2 that CEC needs better documentation than per  
16 vendor. That wasn't asking them to provide it, it was  
17 an indication that I saw a potential need. I didn't  
18 tell them to do anything.

19 Q. Right, but you identified it as sort of a  
20 deficiency in the data that was supplied to you,  
21 correct?

22 A. I thought it would add credibility to their  
23 report. I thought that they had potential for a better  
24 source of information than simply quoting per vendor.

1 Q. As part of your review function you would want  
2 the best available information, correct?

3 A. Every scientist wants the best available  
4 information. Sometimes it isn't available.

5 Q. Now, I would like to read to you a statement, and  
6 I would like you to tell me if you think this describes  
7 what a crematorium does. Is there a process associated  
8 with cremating bodies?

9 A. Yes.

10 Q. And as far as that process, is smoke created?

11 A. Not necessarily.

12 Q. How about noise?

13 A. If you would define smoke, we would be able to  
14 have a better idea as to what whether smoke is created.

15 Q. How about noise, what about noise, is there any  
16 noise spill-off?

17 A. How quietly can you talk? Noises are another  
18 relative measure.

19 Q. How about soot?

20 A. Again, soot is a relative measure. In this air  
21 right now, we have soot, we have particulates, we have  
22 various chemicals.

23 The fact of the matter is that unless and until  
24 you measure them with sufficiently accurate and precise

1 instrument, you don't know what it is.

2 Q. How about dirt?

3 A. Same answer.

4 Q. Odor?

5 A. Same answer.

6 Q. Now --

7 A. I mean, walking in you can smell after shave, you  
8 can smell perfume, powder, so forth, so on. If you  
9 consider them to be objectionable, as some people have  
10 sensitivities to various materials, for them it could be  
11 a problem. For most people it would not.

12 Q. Now, but, the crematory, the information supplied  
13 by CEC and the information that you reviewed that was  
14 supplied by them stated that they were capable of  
15 operating their business controlling all these items,  
16 correct?

17 A. They indicated they could operate their business  
18 in compliance with the regulations of the Pennsylvania  
19 DEP, and to the extent that they would not create and  
20 air pollution problem.

21 Q. So, they were able to control these external  
22 effects, is that a fair statement?

23 A. What is external?

24 Q. It means outside of the business.

1 A. Outside the business itself, yes.

2 Q. Now, are you familiar with Pennsylvania  
3 Department of Protection's regulations on various what  
4 we would call hazardous pollutants, volatile organic  
5 compounds, all of the items that would be on what we  
6 would consider to be DEP's list?

7 A. Specific levels on specific things, I would have  
8 to refer to their reports, but they do exist.

9 Q. Did you look at any of those reports as part of  
10 your review analysis of the CEC supplied information?

11 A. The criteria for conditions for crematories which  
12 refers to SO2 and particulates.

13 Q. Did you, are you familiar with something called  
14 DEP's state-wide health standard?

15 A. Which particular chemicals are you referring to?

16 Q. Well, right now I'm just asking about the  
17 standard, I will get to the chemicals?

18 A. It is fairly extensive.

19 Q. And are you familiar that there are different  
20 standards within DEP standards for different  
21 classifications of uses so there is a state-wide  
22 residential standard and a state-wide commercial  
23 standard?

24 A. Okay, in this case we are talking about standards

1 for emissions as opposed to standards for ambient air,  
2 correct?

3 Q. The answer is yes, but I believe there is a  
4 difference. So, I want to focus on this state-wide  
5 health standard promulgated by the DEP. There are air  
6 quality standards and then there are also what we would  
7 consider to be volatile or organic compound standards  
8 and other specific pollutant standards, that is correct.  
9 Is that correct?

10 A. There are air pollutant standards, correct.  
11 There are standards for hazardous chemicals.

12 Q. Are you familiar with whether there are standards  
13 for soil concentrations of hazardous chemicals?

14 A. I'm not a soil chemist. There may be.

15 Q. Are you familiar whether there are soil vapor  
16 standards that is promulgated by the DEP?

17 A. Same answer.

18 Q. As far as, are you familiar with there are  
19 different standards for indoor air quality and outdoor  
20 air quality, correct?

21 A. I don't believe that the state regulates indoor  
22 air quality.

23 Q. So there aren't different standards or there are  
24 different standards?

1           A. I don't believe that the state regulates indoor  
2 air quality where they can go ahead and say your indoor  
3 air violates our standards.

4           Q. Now, as far as the materials that are emitted  
5 from what we will just call the smoke stack, do you know  
6 as part of your study and your experience, do you know  
7 where those materials go once they are emitted?

8           A. Everywhere.

9           Q. It is based on factors of wind direction,  
10 correct?

11          A. Yes.

12          Q. Based on weather?

13          A. Yes.

14          Q. Based on perhaps sunlight or ambient light have  
15 some effect on them?

16          A. Yes.

17          Q. And once the materials get blown, do they have  
18 certain characteristics of dispersion based on how far  
19 they are away from the given pollutant source off point  
20 discharge?

21          A. There are various measures of dispersion, it is  
22 not necessarily a matter of how far away they are.

23          Q. Some of the different measures that you are  
24 talking about would depend on the weight of the

1 chemical, correct?

2 A. Very few air contaminants have a problem with  
3 weight. Most -- well -- if you are talking about an  
4 atom that has a particular molecular weight and you want  
5 to talk about whether that is an effect on its rate of  
6 which it falls, that is usually not a material factor.

7 Q. Let me ask the question this way. If I'm putting  
8 out 199 pounds of mercury a year out of that smoke  
9 stack?

10 A. Yes.

11 Q. Where does it go?

12 A. Potentially everywhere.

13 Q. Does part of your engagement with the Township,  
14 did they ask you to go ahead and review the original  
15 source material or to go ahead and collect any of your  
16 own data?

17 A. They asked me to review the original source  
18 material supplied by CEC. At some point I discussed the  
19 idea of providing some background information on the  
20 specific case of mercury.

21 Q. Do you have, do you know whether the specific  
22 oven that the applicant has proposed, whether that  
23 specific oven associated emission control devices if  
24 that contains scrubbers or any other sort of pollution

1 prevention device?

2 A. To my knowledge it does not contain a scrubber.  
3 It operates by complete combustion of materials charged  
4 to the crematory.

5 Q. Can you just explain a little bit for the record  
6 what complete combustion means?

7 A. Complete combustion would be providing sufficient  
8 oxygen at a temperature and pressure such that the  
9 materials that can oxidize will oxidize, or the  
10 materials that can vaporize will vaporize.

11 Q. So, it burns really hot?

12 A. Yes.

13 Q. The basic of it?

14 A. Basic.

15 Q. Now, do you know if any studies or tests that you  
16 reviewed, if any of those studies or tests went ahead  
17 and were used on the same type of materials, or same  
18 time of equipment that Matthews put in?

19 A. Certain of the reports that I saw did reference  
20 exactly the same types of equipment that Matthews  
21 provides.

22 Q. Do you know if any of those equipment had  
23 scrubbers on them?

24 A. I do not.

1 Q. Would you feel that your report would be enhanced  
2 if you had had an opportunity or if you had reviewed the  
3 original source material?

4 A. What do you mean by enhanced?

5 Q. Well, if I'm basing my opinion on the fruit that  
6 comes out of the tree, would I want to know what  
7 happened at the trunk?

8 A. The truck that took it to market, the truck that  
9 took it from the tree to the processing facility that  
10 cleaned it, which truck?

11 Q. I'm saying trunk.

12 A. Trunk?

13 Q. So, in other words, if I'm going ahead and making  
14 conclusions and analysis based on interpretations that  
15 others have made of reports, wouldn't the best practice  
16 be to go look at the original source material?

17 A. If I were tasked with doing an entirely  
18 independent evaluation of the crematory, your assumption  
19 would be correct. If I was tasked with evaluating the  
20 materials provided and supplied by CEC, and their  
21 submissions, I did what I was asked to do. That did not  
22 require going to the original source materials. It did  
23 not require reading those materials and potentially  
24 having to critique those reports as well.

1 Q. So, your testimony is that that was beyond the  
2 scope what is asked of you?

3 A. That was well beyond the scope of what I was  
4 asked to do.

5 Q. Thank you.

6 MR. JOHNSON: Do you have questions for  
7 other witnesses?

8 Q. I think Jerry has questions for him.

9 EXAMINATION

10 BY MR. McDEVITT:

11 Q. Hello, Dr. Penkala.

12 A. Hello.

13 Q. Just thought it might be useful to sort of back  
14 up and make sure everybody understands, I think the  
15 limited nature of your engagement. Tell me if I have  
16 this wrong. CEC originally came out with a report where  
17 they characterized the estimated emissions based on data  
18 that was supplied to them by Matthews, correct?

19 A. Yes.

20 Q. All the information, all the tests, everything  
21 that they base their estimated, estimates of emissions  
22 was based on information given to them by Matthews,  
23 correct?

24 A. No, I don't believe so.

1 Q. Did you read their report?

2 A. I did read their reports. But I'm sure that  
3 Mr. Macoskey has background information that he drew  
4 upon in forming the analysis he performed, and verified  
5 the information that Matthews provided and established  
6 the EPA risk analysis information on an independent  
7 basis.

8 Q. In Section 2.21 of the first report, do you have  
9 that handy, sir?

10 A. Okay. Yes.

11 Q. And am I correct that is the emissions literature  
12 review section of their original report, correct?

13 A. It reads vendor literature.

14 Q. It says the literature reviewed for this  
15 evaluation consisted of obtaining information from the  
16 equipment vendors, the US EPA and other regulatory  
17 authorities about the atmospheric emissions produced by  
18 operation of cremation systems for humans or animal  
19 remains, correct?

20 A. Correct.

21 Q. Then below that it lists the vendor literature  
22 obtained, correct?

23 A. Yes.

24 Q. And it says contacted Matthews by phone to obtain

1 performance data and were provided five reports,  
2 correct?

3 A. Yes.

4 Q. And I think you mentioned in your direct  
5 testimony that you regarded the EPA test set forth in  
6 there as the most credible test?

7 A. I don't know -- of those five, I don't believe  
8 so.

9 Q. Do you regard the US EPA test of 1999 as a  
10 credible test characterizing emissions in this  
11 particular instance?

12 A. The EPA test of 1999 was deficient in a number of  
13 ways which I pointed out in my original evaluation.

14 Q. All right. What do you know about the history of  
15 that 1999 EPA test, sir?

16 A. Effectively what was in the CEC report. I did  
17 not go to the original EPA 1999 report.

18 Q. So you haven't read the actual report?

19 A. That is correct.

20 Q. Do you know where that test was done?

21 A. No.

22 Q. Have you ever researched the history of that  
23 test?

24 A. No.

1 Q. Do you know Matthews involvement in the test?

2 A. No.

3 Q. Did you remember the period when CEC came back  
4 with a supplement to its original report on the mercury  
5 matter and cited one additional source, specifically  
6 this Rendell report? Do you recall that, sir?

7 A. I'm looking for that report.

8 Q. It is dated February 24th, 2001.

9 A. Do you have a copy of that?

10 Q. I do. I will show you exactly what the reference  
11 is, sir.

12 MR. ARCURI: You can have my copy.

13 Q. I appreciate that.

14 MR. ARCURI: I don't know it is mine, it is  
15 in here what you are referring to.

16 Q. Do you recall reading this document when you  
17 received it?

18 A. Yes. I can't come up with it.

19 Q. That's all right, we have it here. Do you recall  
20 in general terms what they did to supplement their  
21 report about mercury?

22 A. Yes.

23 Q. And they did so on the basis of an additional  
24 study that they had obtained, correct?

1 A. Yes.

2 Q. And, in fact, it was only one study that they had  
3 obtained, correct? They cited in footnote three of that  
4 document?

5 A. Can I have the whole document, please?

6 Q. Sure, absolutely.

7 MR. JOHNSON: Given the nature, do you want  
8 to make you're point then perhaps ask Dr. Penkala to  
9 respond to it, it may expedite matters.

10 Q. I would love to but he wanted to read the whole  
11 report and I wanted --

12 MR. JOHNSON: We are giving you the  
13 latitude.

14 A. Let me read it, refresh my memory.

15 Q. Did you actually read the Rendell report that  
16 they cited?

17 A. No, I didn't.

18 Q. Never?

19 A. If I would read every reference that was made in  
20 every report, it would, this report referred to 15  
21 references across the United States, United Kingdom,  
22 Norway, Sweden, Switzerland and Germany. We are talking  
23 about referencing a tremendous amount of information  
24 that was not readily available to me. What is your

1 specific question relative to the soil deposition of  
2 mercury?

3 Q. It is not a question about that, sir, it is a  
4 question did you bother to read the report they cited?

5 A. I read their reference and the use of that  
6 report.

7 Q. Do you know what that report discloses about this  
8 1999 EPA study, sir?

9 A. The Rendell report of 2008?

10 Q. Yes, the one --

11 A. No, I don't. What does the Rendell report of  
12 2008 talk about on the EPA 1999 report?

13 Q. Do you know where the tests were done, sir?

14 A. No, I don't.

15 Q. Do you know what cremation units were present at  
16 that cemetery?

17 A. What cemetery?

18 Q. The one that they studied in the 1999 report?

19 A. No, I don't.

20 Q. Do you know how many tests they did there?

21 A. I have no idea.

22 Q. Do you have any idea what Matthews' involvement  
23 was in selecting that site for the test?

24 A. How did Matthews get involved in doing that

1 report?

2 Q. Do you know, sir?

3 A. No, I don't.

4 Q. Do you know why that test was even done in 1999?

5 A. Apparently, they were trying to evaluate not only  
6 emissions from crematories of mercury releases, but also  
7 soil levels of mercury in the vicinity of crematories.

8 Q. Do you know if that test was done for the purpose  
9 of determining whether the EPA was going to regulate  
10 emissions from crematories?

11 A. No, I don't.

12 Q. Do you know, sir, how many crematoriums in  
13 America have scrubbers?

14 A. No, I don't.

15 Q. Would it surprise you to learn that the test that  
16 was done in 1999 was done in a situation where there was  
17 four crematories a common flue and a scrubber?

18 A. I didn't know that.

19 Q. You didn't know that. That would matter,  
20 wouldn't it?

21 A. Depends on what the scrubber was designed to do.

22 Q. Well, scrubbers are all designed to remove  
23 emissions, aren't they?

24 A. They are designed to remove specific types of

1 emissions, yes.

2 Q. And according to what Mr. Rendell says, and I can  
3 supply a copy of this, actual document if Council  
4 doesn't have it. Page nine of the actual report says  
5 however the actual study US EPA 1999 shows somewhat  
6 different data. It is talking about nine cremations.  
7 For background the crematorium has four cremation units  
8 that feed into a common chimney which includes a wet  
9 scrubber. According to Rahill, the man sitting right  
10 there, this is the only crematorium in the US that is  
11 known to have a wet scrubber and was specifically  
12 selected for this test to determine the effectiveness of  
13 the scrubber to remove materials from the exhaust gas.  
14 Did you know that?

15 A. Very interesting. What did it show?

16 Q. Well, if you read the report you would know that.  
17 You also know, sir, whether there were any -- let me  
18 back up a minute. When you read the original report of  
19 CEC, am I correct that what they said they were going to  
20 do was characterize the emissions, that is what they  
21 said they would do, right, they were going to  
22 characterize them?

23 A. Yes.

24 Q. They are going to take these tests from other

1 sources and they are going to characterize them for us,  
2 right?

3 A. Yes.

4 Q. Do you know that in the Woodlawn study, the  
5 actual document, do you know there is a disclaimer in  
6 there about doing that?

7 A. I haven't read the report. How could I possibly  
8 know if there was a disclaimer?

9 Q. Would it surprise you to learn that according to  
10 the Rendell report that they cite in their own documents  
11 and rely on in their own documents the Rendell report  
12 says the authors of the Woodlawn study, however, caution  
13 against use of their data. All three volumes of the EPA  
14 study contain a disclaimer that, quote, this report  
15 presents the results of a single test program at a  
16 single cremation facility. It should not be assumed  
17 that these results would characterize emissions at other  
18 cremation facilities without further study. Did you  
19 know that, sir?

20 A. I didn't know that as I have not read the report.  
21 However, I would point out that the Rendell study is not  
22 solely limited to the 1999 EPA report. And the  
23 emissions of mercury which you appear to be focusing  
24 on --

1 Q. I'm not focusing on anything?

2 A. You are not?

3 Q. I'm focusing on what you have read and what you  
4 have done in emissions.

5 A. Okay.

6 Q. Do you understand, can you tell me why, sir,  
7 Matthews who was involved this study and presumably  
8 knows this disclaimer is in this document would ever  
9 supply it to an expert to use in characterizing  
10 emissions when it has a disclaimer right in the document  
11 not to do so? Do you think that is kind of misleading?

12 A. Gee, then why did they provide the other data?

13 Q. Do you think that is misleading?

14 A. I think it is misleading to characterize any one  
15 study which is why they provided four, apparently.

16 Q. And one other criticism that you also made in  
17 your recent report, correct me if I have this wrong,  
18 sir, is that of all the studies they produced only one,  
19 only one purports they even gauge hazardous air  
20 pollutants. Did you not criticize of the test that they  
21 provided in your most recent report, did you not point  
22 out, sir, that only one of the tests that they provided  
23 on page four of your report you say to produce  
24 meaningful estimates of ambient concentrations the

1 modeling must start with credible estimates of emission  
2 rates of the process under evaluation. In both reports  
3 the stack emission rates come from five reports provided  
4 to CEC by Matthews International and EPA web fire HAP,  
5 that stands for hazardous air pollutants, right?

6 A. Correct.

7 Q. Emission fact report performed in 1992. The test  
8 varied widely on operating conditions. Secondary  
9 chamber temperatures are only known for one case.  
10 Charge weights are missing in two of the cases. Fuel  
11 heat input rates are unknown in one test. And are  
12 assumed to be 3 million BTU for the most recent four  
13 cases. And only one criteria pollutant particulate  
14 matter was reported for all cases. Most of the HAPs are  
15 only available from a single test.

16 Is that what you said?

17 A. Not the same single test.

18 Q. Which test is that, sir?

19 A. The situation is that some of the tests provided  
20 valuations of some of the HAPs. And other tests  
21 provided valuations of other HAPs such that there were a  
22 number that only had one represented value. However, it  
23 could have been any one of the four tests that were  
24 provided by Matthews.

1           As Mr. -- I'm sorry, I forget your name --  
2           pointed out, HAPs were not considered by either the EPA  
3           or by Matthews to be a considerable pollution problem  
4           which is the reason why we do not have significant  
5           emission measurements of those particular HAPs --

6           Q. Do you know --

7           A. -- processed.

8           Q. Do you know whether that is because the 1999 test  
9           done by EPA on a system that had a scrubber convinced  
10          them it wasn't worth regulating the business?

11          A. I don't know that. However, I doubt that that  
12          would be the sole reason why EPA would make such a  
13          determination.

14          Q. Can you tell me any time that the EPA has ever  
15          come in and done systematic testing to determine the  
16          emissions from the crematory since 1999?

17          A. No.

18          Q. Can you name me one time?

19          A. No.

20          Q. By the way, sir, I think you indicated in  
21          fairness to you, you are not a toxicologist, correct?

22          A. That is correct.

23          Q. Correct me if I have this part wrong, in terms of  
24          the health risk that they were supposedly screening,

1 they only screened for inhalation exposure, didn't they?

2 A. That's correct.

3 Q. And there are other ways that these toxins can  
4 affect people other than inhalation, correct?

5 A. There are multiple ways by any toxin can affect  
6 people, yes.

7 Q. Did you by any chance consult with the Center for  
8 Disease Control or data that they put on their website  
9 in determining the risk to human health from what is  
10 going to come out of the chimney at this crematorium?

11 A. In general.

12 Q. I didn't ask in general, did you do that or not?

13 A. Did I consult? No, I did not consult.

14 Q. Are you aware that the Center for Disease Control  
15 has an agency that lists on a toxic portal all the  
16 hazardous chemicals and what the effects of them are?

17 A. Yes.

18 Q. Did you consult with that at all?

19 A. I did to verify that the risk standards that the  
20 CEC report had were credible for atmospheric inhalation  
21 standards.

22 Q. Which substances did you check on the toxic  
23 portal?

24 A. The ones that were in the list.

1 Q. Name them for me.

2 A. Excuse me, but can we get to the point here?

3 Q. Yes, I'm asking you which ones you checked.

4 A. Well, a laundry list of chemicals is not  
5 something that is necessarily important to this  
6 discussion.

7 Q. A laundry list of chemicals is not important to  
8 the discussion?

9 A. Right. Mainly because --

10 Q. Do you know what bis (chloromethyl) ether, do you  
11 know what that is, sir?

12 A. Organic chemical.

13 Q. Do you know if that can form during the cremation  
14 process?

15 A. Can it be, can it be formed during the cremation  
16 process?

17 Q. Yes, sir.

18 A. Probably because it is an organic chemical it has  
19 a combustion process you can get all sorts of things  
20 being formed, yes.

21 Q. Do you know how it formed during the cremation  
22 process?

23 A. And if the temperature in the oxidation process  
24 is sufficiently operated, it should oxidize to mostly

1 carbon dioxide, water and nitrogen oxides.

2 Q. Did you do any specific analysis of bis  
3 (chloromethyl) ether?

4 A. Of course not.

5 Q. Do you, when you say in your report here, sir,  
6 after you summarize all this data, this is very sketchy  
7 information on which to evaluate any source. Is it fair  
8 to say, sir, that it would be much better to have actual  
9 test data on this particular oven in order to make  
10 meaningful determinations about the hazards associated  
11 with it?

12 A. I would say that it is not necessary.

13 Q. Not necessary?

14 A. Because of the levels, extremely low levels of  
15 the concentrations we are talking about to the point  
16 where it would be a research project that potentially  
17 EPA would want to perform except that they have already  
18 decided that it is apparently not necessary to perform  
19 because they haven't done it since 1999 despite their  
20 continuing evaluation of all sorts of emission sources  
21 over the years.

22 If they were that concerned about hazardous air  
23 pollutants from well controlled, well designed crematory  
24 processes, they would have done such a study.

1 Q. Do you know if Matthews does any testing?

2 A. I assume that they test their operations to make  
3 sure the airflows, the temperatures --

4 Q. I'm not asking you to assume, sir, I'm asking you  
5 what you know.

6 A. I don't know.

7 Q. One minute. Did you by any chance, sir, have an  
8 opportunity to review the Matthews' sales literature  
9 that they submitted here?

10 A. Yes.

11 Q. Did you happen to come across anything that  
12 talked about claims that they do all kinds of actual  
13 testing?

14 A. The sales literature I saw didn't have, it had  
15 operational data.

16 Q. Did you --

17 A. I did not see claims of actual testing.

18 Q. You didn't?

19 MR. JOHNSON: Mr. McDevitt, perhaps to  
20 expedite the proceeding if there are particular points  
21 you want to make, why don't you go ahead and make those  
22 and Council will review any materials you want to submit  
23 without necessarily asking Dr. Penkala those questions.

24 Q. Fair enough, let me just add, did you ever see

1 this document, Dr. Penkala, called Cremation Systems  
2 Testing by Matthews?

3 A. No.

4 Q. Then were you aware that was submitted in  
5 connection with this proceeding?

6 A. No.

7 Q. Have you ever seen this document, sir?

8 A. This was part of the CEC presentation.

9 Q. Am I correct this is a CEC, sorry, a Matthews  
10 drawing for stack details, clearances and installation  
11 instructions for its stack?

12 A. Yes.

13 Q. Submitted in this proceeding?

14 A. Yes.

15 Q. What does it show as part of the design of the  
16 stack right where I'm pointing, sir? Test port?

17 A. Test ports to be accessible above roof line if  
18 equipped.

19 Q. So Matthews designs into the stack test ports?

20 A. I believe that is for opacity measurement.

21 Q. You believe or do you know?

22 A. I don't know. But that --

23 Q. If you don't know, sir, it would be helpful for  
24 you to say I don't know, all right?

1 A. Thank you very much.

2 Q. You are welcome. I think I concluded this, I  
3 will make the other points in my presentation if I  
4 could. But I think you were asked about Professor  
5 Agee's report?

6 A. Refresh my memory.

7 Q. The Penn State professor that wrote a study about  
8 the diminution in value. I think you indicated it  
9 didn't have any emissions information in it, in your  
10 prior testimony?

11 A. I indicated I didn't evaluate that in response to  
12 anything I did for Peters Township.

13 Q. Do you remember, sir, what the Agee report found  
14 in terms of the history when testing began on that  
15 crematory?

16 A. No.

17 Q. Is that a report you read?

18 A. No.

19 Q. So, insofar as the Agee report might provide  
20 information of value to you on what the emissions are  
21 from these things, dangers, that is not something that  
22 is part of your task to consider that?

23 A. Correct.

24 Q. And so you don't know then that the history of

1 that one was that state didn't come in, all in the Agee  
2 report, you can read it yourself, didn't come in until  
3 nine months after the crematory started operating and  
4 they actually did actual testing, do you know what they  
5 found at the boundary crematory property boundary as far  
6 as hazardous substances were concerned?

7 A. Since I didn't read the report, how would I know  
8 that?

9 Q. Well, would it surprise you I guess then to learn  
10 that the state, National State Air Quality Standards  
11 where dioxins and cadmium exceeded permissible limits by  
12 205 and 2200 percent at the boundary?

13 A. In the Penn State research has proved this was  
14 due to the crematory exactly how?

15 Q. Did you ever call and ask?

16 A. That was my question to you.

17 Q. Well, it is part of the science, sir, we are  
18 talking about what the science is here.

19 A. Right.

20 MR. JOHNSON: Anything else?

21 Q. No, that's all. Thank you, Dr. Penkala.

22 MR. JOHNSON: Anything? Any follow-up?

23 MS. RIBAR: No.

24 MR. JOHNSON: Thank you. Mr. Kamin, do you

1 want to put anything in the nature of a case in chief?

2 MR. KAMIN: I have a couple more questions  
3 for the CEC.

4 (Recess held)

5 CHAIRMAN ATKISON: I'm told we have a couple  
6 presentations that will be quite lengthy tonight. Which  
7 means we will not be able to complete this tonight by  
8 any measure.

9 So we will just set a deadline right now, we  
10 will go until 10:30 then we will stop and continue  
11 another date. We cannot continue because we have people  
12 that say they want to talk for an hour or three. Sam, I  
13 only know what I'm told.

14 The fact of the matter is we will not be  
15 able to proceed to be able to continue with that kind of  
16 a schedule. We will go as far as we can we and will  
17 knock it off at 10:30. All right? Next.

18 MR. KAMIN: I have a couple questions for  
19 the CEC witness, please.

20 EXAMINATION

21 BY MR. KAMIN:

22 Q. Will you just state your name for the  
23 stenographer?

24 A. Kris Macoskey.

1 Q. Kris, I took a look at your CV, and I see you  
2 just briefly describe the designations that you have?

3 A. I'm a qualified environmental professional.

4 Q. To be qualified environmental professional, you  
5 take a course at Duquesne University, is that correct?

6 A. That is not correct.

7 Q. Where did you take your qualified environmental  
8 professional course?

9 A. There is an exam given through the Institute for  
10 Professional Environmental Practice, I took it in  
11 Pittsburgh.

12 Q. And as part of that exam do you have to take any  
13 special studies or any special courses of study?

14 A. Yes. There are qualifying criteria to be  
15 eligible to test for QEP.

16 Q. And how many courses did you have to take?

17 A. It is not based on specific course work.

18 Q. What is it based on?

19 A. Experience.

20 Q. So, as far as experience, how many years of  
21 experience do you have to have to be QEP?

22 A. I think the requirement is when they started  
23 testing for QEPs, you could take an oral exam if you had  
24 I think ten years of experience. Right now the

1 requirement is that you can test I believe after five  
2 years of experience.

3 Q. You pay a fee and to the Institute or whoever  
4 runs this, correct?

5 A. That is right, I'm a regional coordinator for the  
6 Institute for Professional Environmental Practice. I  
7 proctor exams for other students who wish to become  
8 QEPs, and a member of the Institute and had multiple  
9 years of experience that would qualify me for an oral  
10 exam but I chose to take the written exam.

11 Q. Now, I have had an opportunity to review your  
12 testimony from March 21st and to review the two reports  
13 which we call CEC-1 and CEC-2, you were the principal  
14 author of the reports?

15 A. That's correct.

16 Q. You were also the same person who previously  
17 testified, correct?

18 A. That's correct.

19 Q. Now, is it, I'm going to summarize your testimony  
20 because we don't have all night. But would it be a fair  
21 statement to say that your testimony was that this  
22 particular crematorium could cooperate in such a manner  
23 as to control the external effects of smoke, noise,  
24 soot, dirt, vibration, etc.?

1           A. None of those criteria really were specific  
2 elements of my evaluation. It was based solely on human  
3 health risk associated with exposure to specific  
4 environmental contaminants.

5           Q. You are familiar with the crematoria, correct?

6           A. Of course.

7           Q. You wrote a couple reports?

8           A. Is that a question?

9           Q. It is.

10          A. I authored a report in September of 2010 on the  
11 topic, CEC-1. I authored an amendment on the topic of  
12 mercury. I responded to Dr. Penkala's comments which I  
13 believe refer to CEC-2.

14          Q. And as part of your response and as part of your  
15 study, you believe this crematoria could operate in such  
16 a way as to control those effects, is that correct?

17          A. I believe that this crematoria could operate in a  
18 manner that would not cause excess health risks to the  
19 surrounding population.

20          Q. So there would be no odors to the surrounding  
21 population, correct?

22          A. Well, again odors were not specific elements of  
23 our evaluation. We did a field visit to an operating  
24 crematorium, I observed no odor given the very high

1 temperature of the secondary combustion chamber, the  
2 after burner which is essentially the control device, I  
3 would not expect there to be odors associated with the  
4 device.

5 Q. This observation, I'm curious, were you at the  
6 ground level or were you above the smoke stack?

7 A. We were at every angle possible, from the ground,  
8 360 degrees around and from a window that gave us a  
9 vantage point of the roof and the roof stack.

10 Q. So, how much higher was the stack than that  
11 particular window that you were sitting at?

12 A. We were at a vantage point above the elevation of  
13 the stack. The stack was about, I believe, three to  
14 four feet above the roof.

15 Q. And did you go ahead and make an analysis above  
16 that so you would be --

17 A. Yes, well, sure. The plume from an operating  
18 crematorium is very hot. The plume was visible as a  
19 rising heat plume, so it was visible from any particular  
20 angle.

21 Q. But, so visible you observed it but you weren't  
22 standing above it?

23 A. Visible as a sheen, as a shimmer as you might  
24 see --

1 Q. Through the light?

2 A. -- heat rising. So, depending on your angle, it  
3 was more visible depending on the angle of the sun, that  
4 kind of thing.

5 Q. So but from your testimony and your observations,  
6 what you are saying is that this particular operation  
7 wouldn't go ahead and endanger or disturb the  
8 neighboring --

9 A. That is what we concluded, that is correct.

10 Q. When you observed that crematorium, was it  
11 operating?

12 A. Yes.

13 Q. Do you know when the most recent body had been  
14 put in it?

15 A. I don't recall how far apart through the cycle  
16 they were. I think we have that information, and the  
17 planning Council staff were there submitted a report on  
18 the topic if you have seen that.

19 Q. Yes, I read it. Now, do you know the body that  
20 was put through, that was in a coffin, box or bag?

21 A. No, I don't. It was in, they had a number of  
22 different types of receptacles, cardboard units there.  
23 I believe that is what their standard practice was. I  
24 didn't see it go in, I wouldn't know for sure.

1 Q. As part of your investigation of the operation,  
2 this is the D'alessandro property, is that the one you  
3 visited?

4 A. That is not correct, it's the Gilbert facility.

5 Q. That's the Boston, PA one you previously  
6 testified to?

7 A. Correct.

8 Q. Did you, as part of your process, did you  
9 interview any of the surrounding neighbors?

10 A. Personally, no, I did not speak to any neighbors.

11 Q. Do you know if any of those neighbors had kids?

12 A. I would suspect so, but I don't know for sure.

13 Q. As part of being a qualified environmental  
14 professional, did you study items other than air  
15 pollution, did you look to say soil samples, soil vapor  
16 samples, water quality issues?

17 A. In general?

18 Q. No --

19 A. This evaluation.

20 Q. As part of this evaluation?

21 A. No.

22 Q. Are you familiar with DEP state-wide health  
23 standards for various compounds found in soils?

24 A. I'm familiar that there are such things, and that

1 is about the extent of my knowledge.

2 Q. Do you know if there is a different standard  
3 between commercial and residential?

4 A. Well, I can speak to a procedure that is used to  
5 evaluate the appropriateness of land uses when hazardous  
6 sites have been remediated, for instance. There is a  
7 program called the Act 2 program which provides for a  
8 risk based evaluation, cleanups. So, once a property is  
9 remediated and our company does quite a bit of this  
10 work, not me personally, but then the site would be  
11 cleaned up to a level that is acceptable from a risk  
12 perspective for whatever the land use happens to be,  
13 whether it is industrial, commercial, residential, that  
14 sort of thing.

15 Q. So, I don't want to talk specifically about the  
16 Act 2 program. But, you do understand as part of the  
17 Act 2 program there are specific standards, there are  
18 specific residential standards for compounds and there  
19 are specific commercial standards for compounds,  
20 correct? If you don't know, it is okay to say you don't  
21 know.

22 A. Well, what I can tell you is that at a facility  
23 or site that has been cleaned up and remediated, if the  
24 future land use is intended to be residential, then the

1 cleanup criteria would be more strict than if the future  
2 land use is intended to be industrial.

3 Q. All right, I understand what you are talking  
4 about in terms of site specific standard which is the  
5 Act 2 process, what I'm trying to focus on is your  
6 knowledge as to whether or not there is a specific  
7 residential standard for chemicals and a specific  
8 commercial standard for chemicals on a state-wide basis,  
9 I'm not talking about the site specific area.

10 A. The only such criteria I'm familiar with is the  
11 Act 2 cleanup criteria.

12 Q. In performing your analysis did you not review  
13 the state-wide standard for commercial, for commercial  
14 compounds or for residential compounds, right?

15 A. Well, our analysis didn't evaluate any other  
16 potential risk pathways other than the inhalation  
17 pathway. So, we wouldn't be trying to characterize the  
18 deposition of constituents onto the soil and then the  
19 future ingestion or dermal contact of a resident or  
20 child with that kind of material.

21 Q. Right, but the state-wide standard doesn't  
22 require you to go ahead and to review pathways. It is a  
23 standard for parts per million, parts per billion within  
24 the soil, is that correct?

1 A. Again, I'm not familiar with that.

2 Q. Okay. That is all I have.

3 CHAIRMAN ATKISON: Thank you.

4 EXAMINATION

5 BY MR. McDEVITT:

6

7 Q. Mr. Macoskey, I just have a few questions for you  
8 at this time. I think you indicated at the end of your  
9 testimony there that in terms of doing your analysis,  
10 you only analyzed one exposure route of these toxins,  
11 correct?

12 A. That's correct.

13 Q. That is breathing?

14 A. Inhalation pathway, right.

15 Q. Not dermal?

16 A. Correct.

17 Q. Not whether it irritates your eyes?

18 A. Right, an inhalation pathway, not any kind of  
19 exterior irritants.

20 Q. And your report estimated I believe if I'm  
21 correct that 196 pounds of hydrochloric acid is going to  
22 be emitted from this crematory when operating at 13  
23 percent of its production capacity, is that correct?

24 A. I would have to check. 196 pounds, you say, over

1 the course of a year. That would have been most likely.  
2 If that was, I don't recall if that was stated in the  
3 text. I have the numbers, in the record, so,  
4 regardless, 200 pounds or maybe to clarify what your  
5 concern is about hydrochloric acid we could go on from  
6 there.

7 Q. I just want the first make sure I'm not  
8 misreading what you say here.

9 A. Okay.

10 Q. And --

11 A. We are looking at the September 2nd report.

12 Q. The original report, yes.

13 A. I have emission rates in terms of tons per hour.

14 Q. On page five of your report where you have your  
15 crematory emissions if I could let me back up. You are  
16 projecting these on the assumption this crematory is  
17 going to operate at 13 percent of its production  
18 capacity and sit idly 87 percent of the time, correct?

19 A. That's correct, yes.

20 Q. All right, so --

21 A. 196 pounds per year hydrogen chloride, yes.

22 Q. That is your prediction for what will come out of  
23 this crematory at 13 percent capacity?

24 A. That was our estimate, yes, what we reported in

1 CEC-1.

2 Q. And sir, are you familiar with agency for Toxic  
3 Substances and Disease Registry maintained by the CDC?

4 A. Sure.

5 Q. Did you consult that reference for determination  
6 of whether there were any exposure routes that could  
7 cause harm by that hydrogen chloride coming out of that  
8 stack?

9 A. Our risk evaluation is based on EPA screening  
10 level criteria for all the different constituents. I  
11 didn't cross-reference to see if EPA was consulting with  
12 the agency.

13 Q. Is that a no, did you read --

14 A. The point is --

15 Q. My point is, sir, did you read the CDC statements  
16 about the impact of hydrogen chloride exposure?

17 A. I believe I have, I believe I have read those at  
18 some point.

19 Q. What did they say about hydrochloric acid?

20 A. Well --

21 Q. The toxic substance CDC, what did it tell you  
22 about hydrochloric acid?

23 A. I'm speaking just from recollection and  
24 professional judgment on hydrochloric acid.

1 Q. I'm not asking that, sir, what did the Toxic  
2 Center of CDC tell you?

3 A. I couldn't quote that for you.

4 Q. Would you like me to read it to you?

5 A. If you choose to.

6 Q. Hydrochloric acid is corrosive to the eyes, skin  
7 and mucous membranes. Acute short-term inhalation  
8 exposure may cause eye, nose and respiratory tract  
9 irritation and inflammation and pulmonary edema in  
10 humans. Chronic long-term occupational exposure to  
11 hydrochloric acid has been reported to cause gastritis.  
12 Acute oral exposure may cause corrosion of the mucous  
13 membranes, esophagus, stomach. And dermal contact may  
14 produce severe burns, ulceration and scarring in humans?

15 A. Sure. Hydrochloric acid, hydrogen chloride  
16 hydrochloric acid, everybody used that in chemistry lab.  
17 And it is also constituent, can be contributing to acid  
18 rain. And the health risk evaluation that we did would  
19 have considered hydrogen chloride as a non-carcinogen  
20 and its associated health risks using EPA's criteria.

21 Q. You didn't even consider dermal exposure, did  
22 you? You said that here in your report?

23 A. Right, we didn't look at it from a dermal  
24 perspective.

1 Q. Are you aware that Center for Disease Control  
2 places on its official website various questions in the  
3 form of fact sheets and toxic frequently asked  
4 questions.

5 A. Yes.

6 Q. Do you know what the answer is to the question  
7 that they give is how can hydrogen chloride affect my  
8 health? Would you like me to read that?

9 A. No. I'm familiar with hydrogen chloride, sir.

10 Q. It is very corrosive?

11 A. Unless you want to read it for the audience.

12 Q. It is very corrosive?

13 A. That's what I said, it is an acid.

14 Q. It is not just corrosive to people, it is  
15 corrosive to property, too, isn't it?

16 A. I think that is what Mr. Penkala's point about  
17 welfare.

18 Q. Is my statement correct, sir, hydrochloric acid  
19 is corrosive to property, paint all that kind of stuff?

20 A. In sufficient concentrations.

21 Q. Sure. Just for the record, what the CDC says I  
22 would urge Council if you really want reliable  
23 information it is a great site to ask any questions you  
24 need about all these substances coming out of here, how

1 can hydrogen chloride affect health? Answer, by the  
2 Center for Disease Control.

3 Hydrogen chloride is irritating and corrosive to  
4 any tissue it contacts. Brief exposure to long, brief  
5 exposure to low levels causes throat irritation.  
6 Exposure to higher levels can result in rapid breathing,  
7 narrowing of the bronchi, blue coloring of the skin,  
8 accumulation of fluid in lungs, and even death.  
9 Exposure to even higher levels can cause swelling and  
10 spasm of the throat and suffocation.

11 Some people may develop an inflammatory reaction  
12 to hydrogen chloride. This condition is called reactive  
13 airway dysfunction syndrome, RAD, a type of asthma  
14 caused by some irritating or corrosive substances. If  
15 that happened to you, would you consider that a  
16 substantial health impact, sir?

17 A. I think the pertinent point is relative to this  
18 particular analysis --

19 Q. My question, if that happened to you, would you  
20 consider that a significant impact?

21 A. I think that is an irrelevant question. I will  
22 not answer it. The point is the concentration we are  
23 predicting would not cause such dire impacts.

24 Q. You are predicting?

1           A. Absolutely, that is part of this very  
2 conservative worst-case evaluation, concentrations we  
3 are predicting through our modeling and the very  
4 conservative worst-case concentration emission rates and  
5 continuous emission blowing in a single wind direction  
6 over 8,760 hours per year would not cause those effects.

7           Q. Cause them to you, would you consider those  
8 significant?

9           A. If I spilled hydrochloric acid on myself I would  
10 feel that I would certainly want to go to the emergency  
11 room, yes.

12          Q. And if you were exposed constantly to hydrogen  
13 chloride coming out of that stack, breathing it every  
14 day of your life --

15          A. Again, it gets to Dr. Penkala point about  
16 concentration.

17          Q. You didn't hear my question, sir, or does that  
18 not matter?

19                   MR. LEWIS: Can we proceed here?

20          Q. I'm trying to ask a question, he is interrupting  
21 before I can get it out.

22          A. No you are not.

23                   MR. LEWIS: You are consuming this Council's  
24 time as well as the public. I don't know that you are

1 doing yourself service or your client a service.

2 MR. McDEVITT: Well, I am my client and I'm  
3 trying to do a service to you because I think these are  
4 important facts.

5 MR. LEWIS: You are losing your target here.

6 MR. McDEVITT: So be it. I certainly don't  
7 mean to offend, I'm trying to put forward to you fact  
8 that I think are important to your analysis. I will  
9 reserve any further questions.

10 MR. LEWIS: Thank you.

11 MR. JOHNSON: Ms. Ribar, any redirect for  
12 Mr. Macoskey?

13 MS. RIBAR: Sorry, I didn't hear you.

14 MR. JOHNSON: Any redirect?

15 MS. RIBAR: Of Mr. Macoskey, no. We want to  
16 know, Mr. Rahill is here from out of town. If this is  
17 going to be continued, if anybody has any questions of  
18 him we can do that before the 10:30 cutoff. That would  
19 be most appreciated.

20 MR. KAMIN: I'm happy to defer my questions  
21 to Mr. McDevitt.

22 MR. JOHNSON: All right. Do you have a  
23 position on that? Mr. McDevitt, any questions.

24 MR. McDEVITT: Just a few.

1 EXAMINATION

2 BY MR. McDEVITT:

3 Q. Mr. Rahill, just as a general proposition, I  
4 think you indicated you have been working in this  
5 business for quite some time?

6 A. I have.

7 Q. And by way of background so Council can  
8 understand the regulatory scheme of the federal level,  
9 in 1990 Congress passed the Clean Air Act, right?

10 A. Yes.

11 Q. Am I correct that for a period of time after that  
12 Congress was trying to determine, I should say the EPA  
13 was trying to determine what sources would be regulated?

14 A. That's correct.

15 Q. Eventually it got around to the question of  
16 whether or not they were going to regulate emissions  
17 from crematoriums?

18 A. That's correct.

19 Q. Am I also correct you, sir, were personally  
20 involved on behalf of Matthews in working with the EPA  
21 to devise the test that would determine that?

22 A. I was asked by EPA to participate with other  
23 industrial groups --

24 Q. All right.

1           A. -- in determining not just crematories but other  
2 sources as well. Eventually we got around to  
3 crematoriums.

4           Q. In that crematorium test that was determinative  
5 of what EPA's future position would be was the Woodlawn  
6 test, right?

7           A. That was one of many they considered.

8           Q. The '99 test?

9           A. That's correct.

10          Q. Woodlawn?

11          A. Woodlawn Bronx.

12          Q. Am I correct, sir, that that test on which EPA  
13 based all future decisions was done on a unit that was  
14 fed through a scrubber?

15          A. They considered many stack sources. That was one  
16 of the ones they chose.

17          Q. The four units at Woodlawn fed to a common flue,  
18 didn't they?

19          A. Feed through a common flue, correct.

20          Q. The common flew there was a scrubber then to  
21 remove stuff before it came out of the stack?

22          A. Incorrect.

23          Q. Incorrect. What did the scrubber do?

24          A. Each of the four units had an individual water

1 scrubber on them then they fit into a common flue.

2 Q. And the unit we are talking about here has no  
3 scrubber, right?

4 A. No.

5 Q. Am I also correct, sir, just for reference, you  
6 have massive sales literature, you have sales literature  
7 here that describes actual testing done by Matthews?

8 A. We do not conduct any testing.

9 Q. Is that what your sales literature claim?

10 A. I'm happy to listen.

11 Q. Are you familiar with the document that has been  
12 submitted called Cremation Testing by Matthews?

13 A. I'm sure I probably read it.

14 Q. More specifically, I think I mentioned this to  
15 Council, this document Cremation System Testing?

16 A. I have to read it.

17 Q. I would give you a copy but it is the only one I  
18 have.

19 A. Yes, I'm familiar with that.

20 Q. And doesn't this document claim extensive testing  
21 done by Matthews?

22 A. Matthews does not conduct any environmental  
23 testing. We engage contractors, professionals, to do  
24 it, we don't do it ourselves.

1 Q. It describes various levels of testing done by  
2 Matthews, or its independent contractors?

3 A. Matthews does not do any environmental testing,  
4 we do other types of testing. We do combustion  
5 analysis, no environmental testing.

6 Q. It says here in the sales document, environmental  
7 testing is accomplished using independent test  
8 laboratories?

9 A. Correct.

10 Q. Right? Then it says there are different types of  
11 environmental testing?

12 A. Correct.

13 Q. It talks about the lowest form being somebody  
14 sits there looks to see if there is smoke or whatnot  
15 coming out of the stack?

16 A. Actually, that is called visible emissions test  
17 and it is prescribed, probably the most common type of  
18 testing done.

19 Q. Just for the record, some of the substances that  
20 come out of this stack are odorless and colorless,  
21 correct?

22 A. Yes.

23 Q. What is methyl mercury?

24 A. I would have to defer to the experts on that.

1 Q. Do you know if methyl mercury is odorless and  
2 colorless?

3 A. I have to defer to the experts on that.

4 Q. If it is, you can't see or smell that danger, can  
5 you?

6 A. I would have to defer to experts on that.

7 Q. If it is odorless and is colorless, then you  
8 couldn't see it or smell any danger associated with the  
9 substance, could you?

10 A. I would have to defer to experts on that.

11 Q. Do you have experts within your company on this  
12 subject?

13 A. We do.

14 Q. Who would know the answer to that question  
15 whether the methyl mercury that comes out of that stack  
16 is odorless and colorless?

17 A. There are two experts right here who will be  
18 happy to answer the question for you.

19 Q. And then am I correct that in describing the  
20 testing in this Matthews' sales literature, it says the  
21 next level up of stack testing is called instack  
22 emissions testing. With this type of test the mobile  
23 laboratory and usually three technicians travel to the  
24 site with testing equipment and portable laboratory.

1 Each test will last 60 minutes and will be performed at  
2 three different cremations. That is what Matthews  
3 claims, correct?

4 A. Again, we don't do environmental testing, this is  
5 a paper describing the testing process cremation  
6 equipment. It was just a white paper, not a sales,  
7 piece of sales literature.

8 Q. Is that testing done on Matthews equipment or  
9 not?

10 A. There is all types of testing done on Matthews  
11 and other types of cremation equipment.

12 Q. Are those test reports in Matthews' possession?

13 A. We get copies of them often from clients, but not  
14 always.

15 Q. Then it goes on to describe the rest of the  
16 testing and it says during this testing lab technicians  
17 monitor temperature flow rates as well as the oxygen  
18 levels, carbon dioxide levels, carbon dioxide levels,  
19 carbon monoxide, particulate emissions and nitrogen  
20 oxide emissions. It goes on to talk about how it is  
21 detailed report and even goes on to describe the next  
22 level of more advanced testing as requiring that more  
23 emissions are treated, tested, I'm sorry, during this  
24 process.

1           Usually there are a variety of metals such as  
2 mercury, lead, cadmium that are measured during the  
3 cremation process to determine their levels and to allow  
4 the local environmental authorities to determine what,  
5 if any, impact it has on the surrounding community.

6 That is what Matthews claims in this document?

7       A. We are describing different testing procedures  
8 here, and yes, that is a level of testing.

9       Q. Well, are any of these tests, the actual tests of  
10 your equipment in Matthews' possession?

11      A. Yes.

12      Q. And have any of those actual tests that you have  
13 in your possession been produced here?

14      A. Yes.

15      Q. How many of them?

16      A. I don't know. How many copies of tests, four or  
17 five, I think.

18                   MR. MACOSKEY: Five.

19      Q. Five tests, that is it. Is that the totality of  
20 what is your possession?

21      A. No.

22      Q. There are more?

23      A. Many more.

24      Q. And you do have test ports in the system, right?

1           A. When they are required by state authorities we  
2 put them in.

3           Q. So you can do testing of your equipment?

4           A. We cannot do the testing, it has to be done by a  
5 licensed contractor.

6           Q. Well, you say that, sir, let me ask as a company  
7 you are capable of testing your equipment?

8           A. No, we are not.

9           Q. You are not capable of doing that?

10          A. We do not do environmental testing.

11          Q. It is not a question of whether you do  
12 environmental testing, I'm asking a simple question.  
13 Sir, as a manufacturer of the equipment you are capable  
14 of testing your own equipment for what it emits from the  
15 stack?

16          A. No, we are not.

17          Q. You are not?

18          A. No.

19          Q. Why is that, sir?

20          A. We are not a licensed contractor to do that,  
21 don't own the sampling equipment. It is done by an  
22 independent laboratory. We engage private contractors  
23 to do that.

24          Q. You don't have anybody on the payroll of Matthews

1 that is, can design tests to show what comes out of  
2 those stacks?

3 A. The test protocols are designed by US EPA and  
4 everyone follows the same protocol. So we would not  
5 spend our time designing a test when US EPA has already  
6 designed one.

7 Q. Well, the test protocols you are talking about  
8 for the EPA, does the EPA regulate testing of crematory?

9 A. They set up test protocols that everyone uses to  
10 test crematories.

11 Q. But they don't have any regulations per se on  
12 testing of crematories, do they?

13 A. They have specific, for different constituents  
14 particulate matter, carbon monoxide, CO2, oxygen, for  
15 all these elements they have specific procedures you  
16 have to follow.

17 Q. And who keeps the records of these tests that are  
18 in Matthews' possession in your company?

19 A. I'm not sure I understand.

20 Q. Well, who is custodian of the test records in  
21 your possession?

22 A. Well, most of the tests belong to the clients the  
23 that they were engaged for.

24 Q. I understand. I think you indicated some of the

1 test reports you get copies of?

2 A. We have filing cabinets.

3 Q. Who keeps custody of the actual test reports that  
4 Matthews has in its possession?

5 A. Probably in our Engineering Department.

6 Q. Do you know the name of man?

7 A. I could provide that.

8 Q. Nothing further.

9 CHAIRMAN ATKISON: Okay, then it is close  
10 enough to 10:30. Anything else you need to say right  
11 now.

12 MR. JOHNSON: No.

13 CHAIRMAN ATKISON: Prediction on a  
14 continuation date?

15 MS. RIBAR: Two minutes, Mr. Rahill is here,  
16 he has to leave.

17 CHAIRMAN ATKISON: You got it.

18 MS. RIBAR: Thank you so much.

19 EXAMINATION

20 BY MS. RIBAR:

21 Q. There were some suggestion maybe not so, maybe  
22 more than suggestion, there was some I think testimony  
23 that Mr. McDevitt offered regarding the Woodlawn study  
24 in 1999. I think it is important to understand what

1 Matthews' role was in the study. And Mr. Rahill, if you  
2 could address that, please.

3 A. When US EPA was trying to determine whether or  
4 not they would federally regulate human and animal  
5 crematories, they contacted the Cremation Association of  
6 North America which is the largest association of  
7 cremation operators in the world to determine what data  
8 existed in the industry to determine whether or not they  
9 wanted to regulate.

10 Once they reviewed all the data, they then asked  
11 about the inventory cremation equipment across the  
12 country. Who owned them, what type of equipment, how  
13 old were they and so that was done. The association  
14 came together. I am the environmental liaison to the  
15 committee.

16 And so, I was, I participated the process. Once  
17 we gave the spectrum of different types of cremation  
18 equipment out there, some are one year old, some are 40  
19 years old. EPA, US EPA selected the one they wanted to  
20 test.

21 They considered it a worst-case representative  
22 sample. It was a poor design, it was about 20 years old  
23 at the time. It was the only one in the country that  
24 had wet scrubbers on them. So, they chose that site to

1 test. They asked us to be involved.

2 If you read the 1300 page test report you see I  
3 was on site. But they asked our company to be involved  
4 because that was our client at the time, still is. And  
5 we acted as a contractor on site as far as helping to  
6 install test ports other things.

7 But they then used their own contractors, Midwest  
8 Research to do all the tests. But they tested the  
9 emissions before the scrubber and after the scrubber to  
10 see what effect the scrubber had, if anything, on  
11 emissions.

12 They determined after the data was collected that  
13 they would not take a role in federally regulating human  
14 or animal crematories, they would leave that to the  
15 states.

16 However, the data they collected at that site is  
17 used today still on the National Emission Inventory  
18 Database as the standard so when states go to look at  
19 emission standards for crematories, if they don't have  
20 real data, that is the data they use. US EPA uses it to  
21 this day.

22 Our role was simply as a contractor on site. We  
23 did not do testing the extent of involvement. That is  
24 why they selected that site, it was not something we

1 selected.

2 CHAIRMAN ATKISON: Thank you.

3 MS. RIBAR: It is also important to note the  
4 CEC report did not rely on that study on what we are  
5 calling the Woodlawn study. That is listed for  
6 reference only, if I'm correct.

7 MR. MACOSKEY: Right, if you take a careful  
8 look at the summary of emissions you will see that while  
9 that was recognized as a potential source, the other  
10 sources of emission factors most notably web fire, EPA  
11 web fire had higher emission rates for most all  
12 constituents so we used that instead of the old, the  
13 other 1999 report.

14 And I do believe also that we had  
15 information through that actual report, 1990 report that  
16 indicated the preemissions, the emission rates prior to  
17 the scrubber and after. We would have used the  
18 prescriber ones because we recognize there isn't a  
19 scrubber associated with the Power-Pak II.

20 MS. RIBAR: Thank you very much.

21 CHAIRMAN ATKISON: This hearing is recessed  
22 until a date to be announced.

23 (Hearing adjourned at 10:30 p.m.)

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I hereby certify that the foregoing is a correct transcript from the record of proceedings in the above entitled matter.

\_\_\_\_\_  
William E. Weber, RDR  
Court Reporter

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PETERS TOWNSHIP PUBLIC HEARING  
MAY 9, 2011, 7:30 P.M.

COUNCIL MEMBERS:

- Chairman Robert Atkison - At Large
- Vice Chairman Monica R. Merrell - District B
- David M. Ball - District A
- James F. Berquist - District D
- Gary J. Stiegel, Jr. - At Large
- Frank Arcuri - District C

ALSO PRESENT

- Mr. Silvestri
- Mr. Zuk
- Mr. Lauer
- Mr. Zemaitis
- Mr. Johnson

Reported by William E. Weber, RDR, CRR  
Weber Reporting, LLC  
3579 Ashland Drive  
Bethel Park, Pa 15102  
412-414-5846  
weberreporting@comcast.net

1                   CHAIRMAN ATKISON: Good evening everyone.  
2 Welcome to our regularly scheduled Council meeting of  
3 May 9th, 2011. Roll call, Mr. Silvestri.

4 (Roll call taken)

5                   CHAIRMAN ATKISON: Please join us in the  
6 Pledge of Allegiance.

7 (Pledge of Allegiance)

8                   CHAIRMAN ATKISON: The first item this  
9 evening is a public hearing to present and accept  
10 comments on a proposed ordinance amending the  
11 Subdivision and Land Development Ordinance as it  
12 regulates storm water management. This hearing has been  
13 advertised in the Observer Reporter on April 25th and on  
14 May 2nd. It was also on the township bulletin board,  
15 the website and cable television.

16                   Council may take action tonight under new  
17 business dependent upon comments made this evening. We  
18 will first have a presentation by the staff followed by  
19 Council and then comments then the audience. Thank you,  
20 Mr. Silvestri.

21                   MR. SILVESTRI: Thank you, Mr. Atkison.  
22 Just for the record the township did submit this  
23 proposed ordinance to the Council on March 30th for  
24 review. I don't have a record of any response, but the

1 45 day comment has expired. So we can proceed.

2 I will ask Mr. Zemaitis to do a brief  
3 presentation on the proposed ordinance and why this  
4 ordinance was -- Mark.

5 MR. ZEMAITIS: In your docket in the  
6 manager's report Mike presents a brief summary of the  
7 ordinance and I believe you also have a memo prepared by  
8 me kind of hitting the high points of why we are doing  
9 what we are doing.

10 I guess just to give you a little  
11 background. Within the last ten years, I would say,  
12 there has been a lot of changes at the state and federal  
13 level with regard to storm water management regulations.  
14 In 1978 the Act 167 the Storm Water Management Act in  
15 Pennsylvania was passed. Since then we have been  
16 practicing storm water management.

17 The overall focus has been towards rate  
18 control. In other words, the post development flow  
19 leaving the site has to be able equal to or less than  
20 predevelopment. Everybody probably heard that at one  
21 time or another when developers present their plans.  
22 That still holds true in the new ordinance but in the  
23 last ten years the focus has begun to swing not only  
24 towards rate control, but also towards volume control

1 and water quality considerations.

2 I just, in my memo I have four bullet points  
3 of recent regulations that have been adopted by the  
4 state or federal or county government that deal with  
5 storm water management.

6 Number one would be this NPDES regulation  
7 now that any site over one acre has to fill out an NPDES  
8 permit. This is a state permit that is basically  
9 mandated by the federal government. To fill that out  
10 you go by the guidelines presented in this manual.

11 And at the state level we have Chapter 102  
12 which is the Soil Erosion Sedimentation Control and Post  
13 Construction Storm Water Management Guidelines which  
14 have been recently revised to incorporate water quality  
15 and volume considerations.

16 Now at the county level as mentioned in my  
17 memo, we now have an official Washington County Storm  
18 Water Management Plan, Act 167 plan for short.

19 So, the law is that when the county adopts a  
20 plan such as this, our ordinance has to basically meet  
21 the minimum standards of this plan. And I took the  
22 winter to go over our existing storm water ordinance and  
23 take the county model ordinance and try to marry the two  
24 and come up with new revised ordinance. I have done

1 that basically and come to the conclusion the model  
2 ordinance really is fairly consistent with our ordinance  
3 as it is.

4           There are some major changes, but I don't  
5 know if people heard any of the grumblings in the rest  
6 of the county, I know some municipalities don't have  
7 storm water ordinances in place right now are kind of, I  
8 won't say in panic mode but were taken back by the level  
9 of detail that is in this plan and this model ordinance.

10           The truth is a lot of this was already in  
11 our ordinance in terms of whether it was in our  
12 subdivision ordinance under storm water management or  
13 our existing zoning ordinance under the conservation  
14 development process which looks at steep slopes,  
15 wetlands, stream corridors, avoidance features.

16           So, I took the county model ordinance and  
17 made some revisions to suit Peters Township. That is  
18 the draft you should have in front of you.

19           I just want to hit a couple of the high  
20 points, let you know what some of the major changes are.  
21 We have been working up until now to a release rate  
22 percentage in sub watershed map. We basically have the  
23 entire township map broken down into hundreds of sub  
24 watersheds. Each one of the sub watersheds is assigned

1 a release rate percentage. I'm not going to get into  
2 the details what that means, but we are doing away with  
3 that map.

4 The county only chose to study one watershed  
5 which was Chartiers Creek Watershed. The portion of  
6 that in Peters Township has 100 percent release rate as  
7 does the rest of the township in accordance with  
8 Washington's plan.

9 So we are doing away with release rates  
10 which in theory should shrink the size of the tension  
11 basins. But one of the features of the county plan is  
12 that we now have to control the 100-year storm event.  
13 In our current ordinance we only cover the 25-year storm  
14 event. So that theoretically enlarges basin. It is  
15 kind of a wash there in my mind.

16 A couple other high points. There has been  
17 a lot of discussion throughout the development of this  
18 plan as to how it is going to affect the single-family  
19 home builders. Large subdivisions have pretty much been  
20 forced to do a lot of the things in this county plan  
21 already given the fact they have to get NPDES permits  
22 and ENS permits whatnot.

23 But, in here we have a provision for small  
24 developments, less than 5,000 square feet of impervious

1 surface. There is a form and procedure the home builder  
2 can follow that complies with this plan.

3 Another thing that was discussed a lot  
4 during the development of this plan was buffers, some of  
5 you might have heard that. Basically what came out of  
6 the discussion was that buffers will be required along  
7 stream corridors and high quality watersheds.

8 In Peters Township there is only one  
9 watershed that is considered high quality, that's the  
10 Little Chartiers Creek watershed which is basically  
11 everything that drains to Canonsburg Lake. It is a very  
12 small percentage of the township, it is almost totally  
13 developed.

14 So in my mind that provision of buffers in  
15 that watershed really doesn't have a major impact on  
16 Peters.

17 And then last bullet point I have here in my  
18 memo is that we now include in our ordinance a lot of  
19 the best management practices, or BMPs that the state  
20 recommends on the volume control water quality side. A  
21 lot of those include encouraging infiltration back into  
22 the soil. If that can be proven, can't be done on the  
23 site because Western Pennsylvania has a very tough time  
24 infiltrating water with our clay soils.

1           The developer can choose to use some  
2     filtration techniques. There is different manhole  
3     structures that filter water now that they sell. There  
4     are different extended detention ponds which actually  
5     hold back a small volume of the permanent pool for a  
6     certain amount of time to settle out the road grit,  
7     salt, and other pollutants.

8           There are options other than infiltration.  
9     I know it is a tough thing to do in this area of  
10    infiltrate water, but there are different options in the  
11    manual. So those are the high points. I didn't want to  
12    bore anybody too much in too lengthy discussion.

13           I think what this will end up doing is it  
14    really makes storm water management more consistent  
15    across the board. As I said, any site over one acre  
16    which is really insignificant development now has to  
17    abide by state and county regs to begin with. It just  
18    makes our ordinance consistent of what is already out  
19    there.

20           So, I believe it is definitely our best  
21    interest to adopt it and as Mike explained in his  
22    report. At this point we are required by law to adopt  
23    an ordinance consistent with this plan and I believe we  
24    have.

1 MR. SILVESTRI: One other note too, I forgot  
2 to mention, the Planning Commission did review this at  
3 their last meeting and also has recommended approval.

4 CHAIRMAN ATKISON: Any comments or questions  
5 from Council?

6 MR. BALL: I would just note that the last  
7 requirement which is the BMP requirement, anything that  
8 requires filtration, sedimentation and so forth, you are  
9 going to have to increase the attention given to clean  
10 out, clean up and maintaining filtration devices so when  
11 the Planning Commission reviews things, you know, and  
12 you start adding conditions to plans, better put some  
13 provisions in there for that.

14 MR. ZEMAITIS: That is true, that is one of  
15 the problems we have with construction sites right now  
16 is maintenance of storm water controls during  
17 construction. Stuff gets clogged, stuff gets filled up  
18 with sediment if not maintained it does become a real  
19 problem.

20 MR. STIEGEL: Don't the BMPs include a  
21 maintenance provision?

22 MR. ZEMAITIS: They do. And we do now. I  
23 mean, we have a maintenance agreement now for storm  
24 water management facilities, permanent facilities and

1 they also as part of the approval of ENS plan through  
2 the county there is like an applied maintenance schedule  
3 on the plan itself. It is just a matter of making the  
4 contractor developer adhere to making sure it is  
5 inspected and checked.

6 MS. MERRELL: So Mark, can you speak to the  
7 impact it will have on developers, will it be more  
8 stringent and what kind of requirements will it add to  
9 the inspections?

10 MR. ZEMAITIS: Well, I don't think it will  
11 be more stringent in that, like I said, they already  
12 have to do this to begin with. I think it might have  
13 more of an impact on maybe the single-family home  
14 builder in that -- we already did require storm water  
15 management for sites between 5,000 and 10,000 square  
16 feet. That really hasn't changed much.

17 Just some of the methods that they can  
18 choose to control storm water. Pretty much before what  
19 we had was our standard underground tank detail and that  
20 was the only thing they had to choose from. Now it is  
21 expanded they can use bio retention facilities, rain  
22 gardens, level spreaders, there are a bunch of options  
23 they can choose. Like I said, there is a form they can  
24 fill out.

1                   They can get certain credits what they call  
2   disconnection of impervious surfaces if they drain the  
3   driveway onto a grass area before gets to adjacent  
4   property line, credits. I see it having more impact  
5   maybe on single-family random lots rather than the big  
6   developments.

7                   MS. MERRELL: And then related to inspection  
8   or anything extra required from our staff?

9                   MR. ZEMAITIS: Not really anything extra  
10   from the standpoint of our staff. I mean, we look at  
11   this stuff from a proposed construction standpoint and  
12   we rely on the conservation district to do a lot  
13   inspection, try to work with them if there is a problem,  
14   vice versa. But --

15                  MR. SILVESTRI: But we do have staff that  
16   part of their responsibility is to go and annually  
17   inspect all these storm water management facilities.  
18   There quite a few of them. It does take up a  
19   considerable amount of time, and it is something we have  
20   been doing since storm water management was created.

21                  MR. ZEMAITIS: We have been doing that and  
22   will continue doing that.

23                  MS. MERRELL: Just one last question. This  
24   ordinance if we modify it going forward, it will impact

1 all the developments that are coming up new after this  
2 point in the discussion?

3 MR. ZEMAITIS: I would think any application  
4 made after the ordinance is considered pending  
5 ordinance, they would have to adhere to the new  
6 ordinance. I know there are a couple of plans in the  
7 pipeline right now they submitted under the old one.  
8 Anything moving forward from here.

9 CHAIRMAN ATKISON: Any other comments or  
10 questions from Council?

11 Anyone in the audience like to speak on this  
12 subject?

13 MR. BOOCKS: Ron Boocks, 855 Bebout Road.  
14 B-O-O-C-K-S. Number one, what is this going to cost in  
15 terms of additional expense on a single-family  
16 structure? And what is it going to do for us? That is  
17 all I want to ask.

18 MR. ZEMAITIS: Cost is really a site  
19 specific question. I mean I think it will probably add  
20 costs to the average home builder.

21 I guess it depends on the site. It is site  
22 specific. It might be easier in some sites to utilize  
23 some of the BMPs that are outlined. Some sites it might  
24 be easier to take some credits and actually not --

1 MR. BOOCKS: Mark, do you have a range of  
2 what that expense will be?

3 MR. ZEMAITIS: I do not.

4 MR. BOOCKS: You do not. So it could be  
5 half the value of a home?

6 MR. ZEMAITIS: I would not think anywhere  
7 near that.

8 MR. BOOCKS: But you don't have a range. In  
9 other communities' experiences, what has that cost been,  
10 do you know?

11 MR. ZEMAITIS: I can't tell you because this  
12 is a new thing to Washington County. If I were to  
13 compare apples to apples and stick with our neck of the  
14 woods.

15 MR. BOOCKS: We don't have data from  
16 Allegheny or from Westmoreland.

17 MR. ZEMAITIS: Allegheny doesn't have 167  
18 plan, not a county wide plan.

19 MR. SILVESTRI: There aren't very many  
20 counties state wide that actually have a 167 plan.

21 MR. BOOCKS: So would this be conducive to  
22 encouraging home builders to build a home in Peters  
23 Township? Or the fact that this is an additional cost  
24 suggests to me that perhaps I need to go over to

1 Nottingham or to North Strubane?

2 MR. ZEMAITIS: It is county wide. North  
3 Strubane, you will be dealing with the same thing there.  
4 You could move over the border in Allegheny County.  
5 Then there is the tax issue there.

6 MR. BOOCKS: Squalor.

7 MR. BERQUIST: You could go to Greene  
8 County.

9 MR. BOOCKS: Yeah, boy. How about, what is  
10 the end result going to do for the average homeowner?  
11 What is the anticipated reward for going along with  
12 this?

13 MR. ZEMAITIS: Well, for the average  
14 homeowner, I guess, you know, globally when you think  
15 about storm water management, the intent is to lessen  
16 downstream flooding, you know, lessen the impact in  
17 terms of erosion accelerated flows coming off  
18 construction sites. From the global picture the theory  
19 is that everybody benefits from it. You know what is  
20 Joe homeowner going to see from this?

21 MR. BOOCKS: Will we see a decrease in our  
22 home insurance rates because there is less likely to be  
23 flooding?

24 MR. ZEMAITIS: No.

1 MR. BOOCKS: Will we see a decrease in water  
2 pollution costs?

3 MR. ZEMAITIS: No.

4 MR. BOOCKS: Treating water? Will there be  
5 a payback?

6 MR. SILVESTRI: Mr. Boocks, one thing to  
7 keep in mind is Peters Township has had a zone storm  
8 water management ordinance since the late 70s right  
9 after the act was adopted. And it has been through a  
10 number of reiterations, it has become more developed.

11 So, from the standpoint of the impact on the  
12 residents, it probably will not have much of a  
13 difference because we have already been addressing that  
14 issue. And it has had an impact in the township over  
15 the years, and definitely have seen you have not had the  
16 amount of flooding that would have been expected with  
17 all the new developments.

18 It has, we have very few real flooding  
19 problems. A lot of that is because of the storm water  
20 management because we have been doing it for so long.

21 The bottom line is what does it get us? It  
22 gets us in compliance with the state law. That is it.  
23 I mean really, there are differences in how it is being  
24 approached, but ultimately we already have storm water

1 management. A lot of developing communities already  
2 have it, municipalities to the north of us already have  
3 it. So it doesn't change our competitiveness.

4 It is just we have to revise ours to meet  
5 what the county plan is but other than that, you know,  
6 it is not that big of a change.

7 MR. BOOCKS: Okay, thank you.

8 CHAIRMAN ATKISON: Any other comments from  
9 the audience? Public hearing is closed.

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I hereby certify that the foregoing is a correct transcript from the record of proceedings in the above entitled matter.

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William E. Weber, RDR  
Court Reporter

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PETERS TOWNSHIP COUNCIL MEETING

PUBLIC HEARING

Monday, May 23, 2011

7:30 p.m.

IN RE:

LIQUOR LICENSE APPLICATION ON BEHALF OF  
MACCHERONI HOLDING COMPANY

APPEARANCES

Council Members:

- R.L. Atkinson- Chairman
- F. Arcuri
- D.M. Ball
- J.F. Berquist
- R.J. Lewis
- M.R. Merrell

Also present:

- P. Lauer, Assistant Township Manager
- M.A. Silvestri, Manager
- M. Zemaitis, Engineer
- E.J. Zuk, Peters Township Planning Director

Reported by:

Jill A. Josey, Court Reporter  
 314 Second Street  
 Oakdale, Pennsylvania 15071  
 (724) 747-0664

## P-R-O-C-E-E-D-I-N-G-S

1  
2  
3 MR. ATKINSON: Good evening ladies and  
4 gentlemen. Welcome to the Peters Township Council  
5 meeting, regularly scheduled meeting of Monday, May 23,  
6 2011. Roll call, Mr. Silvestri.

7 MR. SILVESTRI: Mr. Berquist is in the  
8 building. Mr. Arcuri?

9 MR. ARCURI: I'm here.

10 MR. SILVESTRI: Mr. Ball?

11 MR. BALL: Present.

12 MR. SILVESTRI: Mr. Atkinson?

13 MR. ATKINSON: Here.

14 MR. SILVESTRI: Mrs. Merrell?

15 MRS. MERRELL: Present.

16 MR. SILVESTRI: Mr. Lewis.

17 MR. LEWIS: Here.

18 MR. SILVESTRI: And Mr. Stiegel is not here.

19 MR. BERQUIST: I am here.

20 MR. ATKINSON: Stand for the Pledge of  
21 Allegiance.

22 (Reciting Pledge.)

23 MR. ATKINSON: Okay. The first item this  
24 evening is a public hearing on an application by  
25 Maccheroni Holding Company for a liquor license transfer

1 for a restaurant to be located at 133 Camp Lane, the  
2 former site of the Classroom Restaurant.

3 This hearing has been advertised in the Observer  
4 Reporter on May 9th and 16th. The property was posted.  
5 It was also on the township bulletin board, the website,  
6 and cable television.

7 Council may take action tonight under new  
8 business dependent on comments made this evening. Prior  
9 to presentation by the applicant, I will ask Mr.  
10 Silvestri to briefly summarize the matter. Thank you,  
11 Mr. Silvestri.

12 MR. SILVESTRI: Thank you, Mr. Atkinson.  
13 First of all, for the record, I want to place two items.  
14 One was a letter from Louis Caputo, dated April 13, 2011  
15 applying for the liquor license hearing. Then also, an  
16 application signed by Jonathan Vlastic, also dated April  
17 13.

18 Briefly, the reason this is before Council is,  
19 when the state changed the liquor laws in 2008, they now  
20 permitted liquor licenses to be transferred within the  
21 county. And when the license is being transferred into  
22 a county and the municipality is over the general number  
23 based on population, then we're required to conduct a  
24 public hearing and make a decision.

25 Our charge is very narrow. Council can only look

1 to see if the application would not create a problem  
2 from health, welfare, and moral standards. An ultimate  
3 decision would be made by the control board, but that  
4 cannot happen until this hearing and decision is held.  
5 And the Council would then have been to approve this by  
6 resolution. I'll turn it over to the applicant.

7 MS. GUNA: Good evening everyone. I'm Holly  
8 Guna. I'm an attorney here on behalf of the applicant  
9 tonight. I feel like Mr. Silvestri did my job for me.  
10 You were very informative about everything, but --

11 MR. BERQUIST: He does that a lot.

12 MS. GUNA: -- I'll give you guys a little  
13 bit of information. They are looking to transfer -- the  
14 company is Maccheroni Holding Company, LLC, doing  
15 business as Arlecchino's. They're looking to transfer  
16 liquor license number R-20960. It currently is issued  
17 by the Pennsylvania Liquor Control Board at 606 1st  
18 Street in Elco, Pennsylvania, which is in Washington  
19 County. They're looking to transfer it to 133 Camp  
20 Lane, McMurray, PA, 15317.

21 Mr. Vlastic and his wife are here tonight,  
22 Jonathan Vlastic. He's the only member of the  
23 corporation. He and his wife will be running the  
24 company. They are looking to do an Italian-style  
25 restaurant. Their focus will be on food, but of course,

1 they'll provide wine, beer, alcoholic beverages to their  
2 customers. I'll leave it up to you. If you have any  
3 questions related to the license transfer, I can answer  
4 it. Or if you have any questions related to the  
5 restaurant, Mr. Vlasic can help us.

6 MR. ATKINSON: Any questions from Council?

7 MR. ARCURI: Did the owner own the prior  
8 liquor license, that Alla Famiglia?

9 MS. GULA: He does have a -- it's in a  
10 different corporation name, but yes.

11 MR. ARCURI: I heard good things about that  
12 restaurant, that's why I asked.

13 MR. BERQUIST: Because it's very good.

14 MS. MERRELL: Are you a resident of the  
15 township, sir?

16 MR. VLASIC: I live in 84 now. Yes, we  
17 moved from out by Alla Famiglia to 84 last year?

18 MR. ARCURI: I don't have anything else.

19 MR. BERQUIST: I don't either.

20 MR. ATKINSON: Does anyone in the audience  
21 care to comment on the subject?

22 AUDIENCE MEMBER: He didn't bring any  
23 samples.

24 MR. ATKINSON: He doesn't have a place to  
25 cook yet.

1 MR. VLASIC: I don't have a kitchen yet.

2 MR. ARCURI: I move we close the public

3 hearing.

4 MR. BALL: Second.

5 MR. ATKINSON: It's been moved and seconded.

6 All in favor say, "aye."

7 ALL BOARD MEMBERS: Aye.

8 MR. ATKINSON: Opposed?

9 (No opposition.)

10 MR. ATKINSON: This public hearing is

11 closed.

12

13 (Whereupon, at 7:38 p.m. the record was

14 closed.)

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C E R T I F I C A T E

I hereby certify that the transcript of the proceedings and evidence contained herein are a true and accurate transcription of the stenographic notes taken by me at the time and place of the within case; that the transcription was reduced to printing by me; and that this is a true and correct transcript of the same.

-----

Jill A. Josey  
Court Reporter  
314 Second Street  
Oakdale, PA 15071

# Peters Township

WASHINGTON COUNTY

MICHAEL A. SILVESTRI, *Manager*  
PAUL F. LAUER, *Assistant Manager*

610 East McMurray Road  
McMurray, Pennsylvania 15317-3496

724 / 941-4180 Fax 942-5022

Dept. Direct Dial No.:



## COUNCIL

ROBERT L. ATKISON, *Chairman*  
MONICA R. MERRELL, *Vice Chair*  
FRANK ARCURI  
DAVID M. BALL  
JAMES F. BERQUIST  
ROBERT J. LEWIS  
GARY J. STIEGEL, JR.

To: Peters Township Council

From: Paul F. Lauer

Re: Washington County Tax collection Committee

The transition efforts to county-wide Earned Income Tax collection as prescribed under Act 32 of 2008 are well underway. The efforts of the Washington County Tax Collection Committee are focused on three distinct areas. These include the transfer of tax records from existing tax collectors to Keystone Collection Group, the education of local employers, and the education of local tax payers.

Keystone collection has sent a survey out to all taxing authorities in Washington County. This survey was intended to provide the rudimentary information needed to initiate tax collection on behalf of the tax authorities. In addition requests have been sent out to all existing tax collectors for copies of existing tax records including employers, as well as, taxpayer information. This information will serve as starting point in the creation of a unified taxpayer database. The creation of this data base will be challenging. In smaller communities it is not uncommon that the accounting for Earned Income Tax collection be done by hand. Automated accounting systems for Earned Income Tax Collection lack a standard file structure.

In late June and throughout July, the Washington County Tax Collection Committee in conjunction with Keystone Collection will be sponsoring a series of educational seminars for local employers. The intent of the seminars is to educate employers about their obligations under Act 32. Approximately 3,700 flyers inviting Washington County employers to the seminar have been mailed. (See attachment) Many employers including larger employers still are unaware of their obligations under the act.

It will be essential to educated Peters Township taxpayers as to changes in Earned Income Tax collection procedures. Toward this end we propose in conjunction with the Peters Township School District to send a mailing to every Peters Township household. (See attached sample). This letter will explain their obligation to file a Certification of Residency form with their employer and the importance of doing so. Our intent would be to send this mailing out in mid September.

At Peter Township Council's second meeting in June we will be asking Council to enact new ordinances authorizing the levying of the Earned Income Tax and the Local Services Tax. This action is

recommended by the Tax Collection Committee as to create a tax levy throughout the county with common definitions and penalties. The goal is to improve administration of the tax for the benefit of taxpayers, employers, and taxing authorities.

The other decision facing the Peters Township Council relates to the transition date for moving to the new tax collector for current and delinquent tax collection. Under Act 32 Keystone tax collection will be responsible for collection Earned Income tax on all wages earned by tax payers after January 1, 2012. The Township must determine who will close out the 2011 tax year. It is my recommendation that Jordan Tax Service be allowed to close out the 2011 tax year. Keystone Collection concurs with this recommendation. With regard to delinquent taxes it is my recommendation that Jordan Tax Service continue to collect delinquent taxes up to the point that 2012 tax payments are deemed to delinquent. Council will need to authorized these transition dates through the passage of resolution.

MAY 27 2011

**WCTCD**Washington County  
Tax Collection District**Board of Delegates Meeting  
North Strabane Municipal Building  
June 15, 2011  
7 PM**

Pledge of Allegiance

Roll Call

1. Approval of Minutes – December 15, 2010
2. Audience Comments – Limited to 5 minutes
3. Unfinished Business  
None
4. New Business
  - a. Financial disclosure forms
  - b. Update on transition activities
    - a. Tax Collector Meeting
    - b. Transition Dates
      - i. Current collections
      - ii. Delinquent collections
    - c. Request for tax information
    - d. Employer Meetings
    - e. Local tax court
  - c. Resolution establishing cost for the collection of delinquent taxes and imposing the costs upon the delinquent taxpayer.
  - d. Certificate of Residency Forms
  - e. Model Earned Income Tax Ordinance
  - f. Model Local Services Tax Ordinance
5. Reports
  - a. Financial Report
6. Audience Comments – Limited to 5 minutes
7. Next Meeting – Tentatively October 12, 2011 at 7 PM
8. Adjournment

# Act 32 mandates changes in the way your business does it payroll.

*Under Act 32 all companies doing business in Pennsylvania are now responsible for collecting local Earned Income Taxes from all employees on behalf of a new county-wide tax agency.*

## Act 32 Summary

- Mandated local tax deductions for all employees.
- 1 tax collector for 80 Washington County municipalities and school districts.
- Standardize online reporting
- New tax forms

Pennsylvania Act 32 of 2008 mandates that all companies doing business in Pennsylvania deduct Earned Income Taxes from the pay of all their employees. Furthermore that these local income taxes along with taxpayer information be forwarded to the county-wide tax collector utilizing new standardized forms and a prescribed schedule. This represents a fundamental change in your obligation as an employer in terms of local Earned Income Tax collection.

## *Act 32 fundamentally changes your business's role in collecting local Earned Income Taxes.*

Act 32 requires the county-wide consolidated collection of Earned Income Tax commencing on January 1, 2012. While each municipality and school district will still determine the income tax rate, collection of the Earned Income Tax will be done by a single county-wide tax collector. In Washington County, the Washington County Tax Collection Committee has entered into a contract with Keystone Collection Group for this purpose.

In an effort to educate local employers as to their obligations under the act, a series of free employer seminars will be held throughout Washington County.

While all are welcome, these seminars will be geared to Human Resource and Payroll Departments.

The Washington County Tax Collection Committee and Keystone Collections Group are pleased to provide a series of free educational sessions as part of an ongoing outreach effort to all Washington County employers transitioning to county-wide Earned Income Tax collection and Act 32 compliance.

Keystone representatives will explain the new requirements mandated under Act 32 related to employer reporting and mandatory withholding for local Earned Income Tax.

**Choose the Employer Session that works best for your staff.**

**June 29, 2011**

**10:30 am or 1:30 pm**

**Peters Township School District  
Middle School Auditorium**

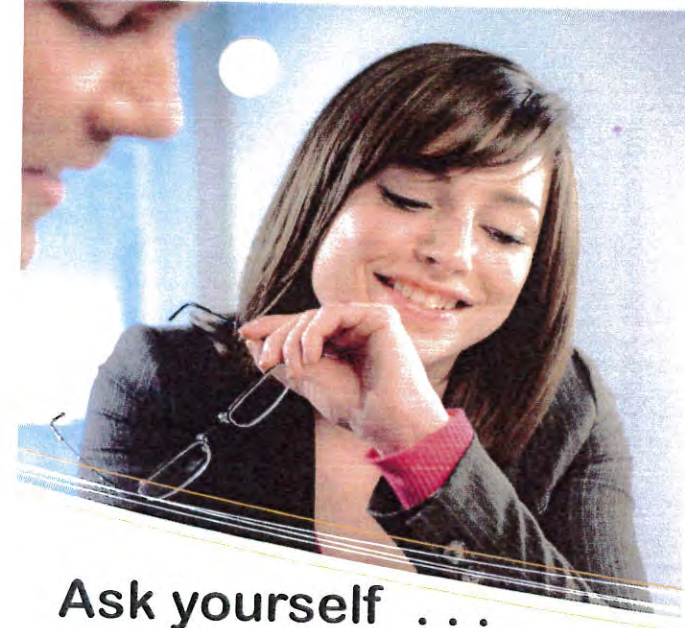
625 East McMurray Road  
McMurray, PA 15317



**Space is limited so register today for this free seminar:  
[seminar@keystonecollects.com](mailto:seminar@keystonecollects.com)**

**Preregistration is required.**

For more information call 724.941.4180



Ask yourself . . .  
*“Is my company’s payroll department ready for the challenge of implementing Pennsylvania Act 32?”*

Washington County Tax Collection Committee will be sponsoring additional employer training on these dates and at these locations:

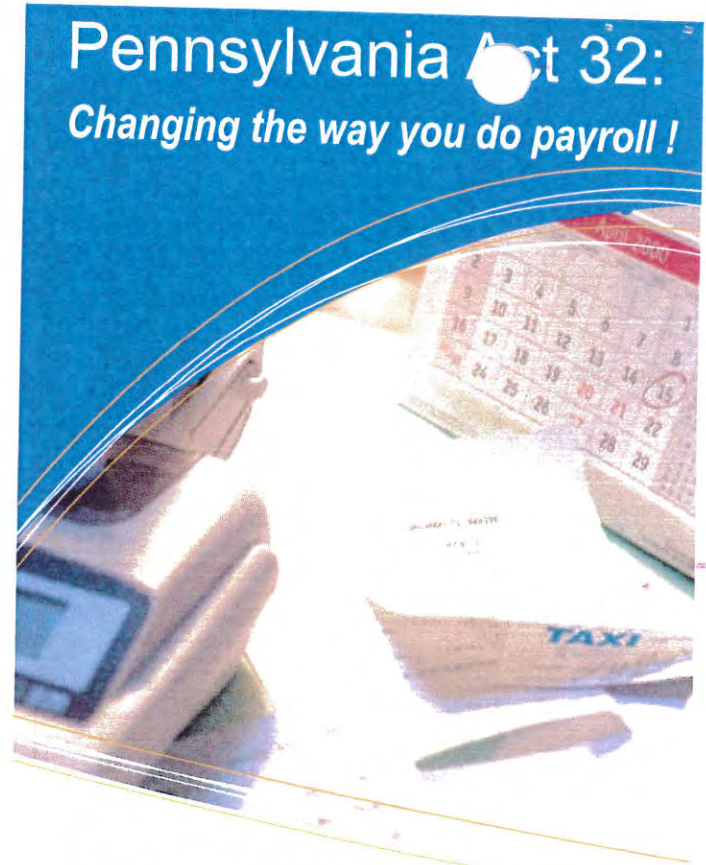
June 30, 2011  
 10:30 am, 1:30 pm or 6:30 pm  
 Ringgold School District Business Office  
 400 Main Street  
 New Eagle, PA 15067

◆◆  
 July 6, 2011  
 10:30 am, 1:30 pm or 6:30 pm  
 Washington Park Elementary  
 801 East Wheeling Street  
 Washington, PA 15301

◆◆  
 July 12, 2011  
 10:30 am or 1:30 pm  
 Bentleyville Volunteer Fire Company  
 900 Main Street  
 Bentleyville, PA 15314

◆◆  
 July 19, 2011  
 10:30 am, 1:30 pm or 6:30 pm  
 North Strabane Intermediate  
 20 Giffin Drive  
 Canonsburg, PA 15317

◆◆  
 July 20, 2011  
 10:30 am or 1:30 pm  
 Burgettstown Middle/High School  
 104 Bavington Road  
 Burgettstown, PA 15021



**Pennsylvania Act 32:**  
*Changing the way you do payroll!*

*Don't miss the training your company's payroll department needs to comply with the many changes mandated by Act 32!*

This Act 32 training is sponsored by:

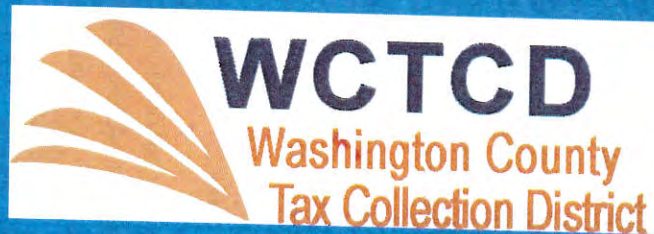
**Washington County Tax Collection Committee**

**Keystone Collection Group**

**Peters Township Chamber of Commerce**

**Peters Township**

**Peters Township School District**



**Pennsylvania Act 32 Employer Training**

June 29, 2011  
 10:30 am or 1:30 pm

**Peters Township Middle School**  
 625 East McMurray Road  
 McMurray, PA 15317



Dear Peters Township resident,

Starting on January 1, 2012, all Pennsylvania employers will be responsible for withholding local Earned Income Taxes from employee paychecks. Your help is needed to insure that the local income taxes deducted from your paycheck are received by Peters Township and the Peters Township School District for the benefit of your family.

To prepare for this change, all employees are required to file a Certification of Residency Form with their employers. The 6 digit Political Subdivision Code (PSD Code) that you place on this form determines which municipality and school district will receive your Earned Income Tax payment. It is therefore essential that this code be entered correctly. The 6 digit PSD Code for Peters Township and the Peters Township School District is 631101.

If you do not complete and submit the Certification of Residency Form, there is a good chance that your taxes will be directed to another municipality and school district. Should this be the case, you are still responsible for paying taxes to Peters Township and the Peters Township School District. In addition your payment will be subject to penalties and interest.

To assist Peters Township residents, we have enclosed a Certification of Residency Form with the PSD Code already inserted. Complete the remainder of Section 1, entitled "Employee Information - Residence Location". Sign in Section 3 to certify that the information you provided is correct. The employer is responsible for completing Section 2. Submit your completed Certification of Residency Form as soon as possible to your employer's payroll department.

An extra Certification of Residency Form is included with this letter in case there is an additional wage earner in your household. Additional forms can also be found at [www. PetersTownship.com](http://www.PetersTownship.com) if you have more than two wage earners in your household. Every wage earner must submit a form.

If your employer's payroll department is unfamiliar with the form, please suggest they contact ~~Paul Lauer, Assistant Township Manager~~, at 724.941.4180 or [pflauer@peterstownship.com](mailto:pflauer@peterstownship.com)

Please submit this form to your employer as soon as possible. Our ability to continue to deliver the services your family expects and needs depends on your cooperation.

Thank you for your help and cooperation.

Sincerely

Michael A. Silvestri  
Township Manager  
Peters Township

Dr. Nina Zetty  
Superintendent  
Peters Township School District



## LOCAL EARNED INCOME TAX RESIDENCY CERTIFICATION FORM

**TO EMPLOYERS/TAXPAYERS:**

This form is to be used by employers and/or taxpayers to report essential information for the collection and distribution of Local Earned Income Taxes. This form must be utilized by employers when a new employee is hired or when a current employee notifies employer of a name and/or address change.

SECTION 1

EMPLOYEE INFORMATION - RESIDENCE LOCATION				
NAME (Last, First, Middle Initial)			SOCIAL SECURITY NUMBER	
FIRST LINE OF ADDRESS (If PO Box, please include actual street address)				
SECOND LINE OF ADDRESS				
CITY	STATE	ZIP CODE	DAYTIME PHONE NUMBER	
MUNICIPALITY (City, Borough, Township) Peters Township				
COUNTY Washington County	PSD CODE 6 3 1 1 0 1			TOTAL RESIDENT EIT RATE 1%

SECTION 2

EMPLOYER INFORMATION - EMPLOYMENT LOCATION			
EMPLOYER NAME (Use Federal ID Name)			EMPLOYER FEIN
FIRST LINE OF ADDRESS (If PO Box, please include actual street address)			
SECOND LINE OF ADDRESS			
CITY	STATE	ZIP CODE	PHONE NUMBER
MUNICIPALITY (City, Borough, Township)			
COUNTY	PSD CODE 		MUNICIPAL NON-RESIDENT EIT RATE

SECTION 3

CERTIFICATION	
SIGNATURE OF EMPLOYEE	DATE
PHONE NUMBER	EMAIL ADDRESS

For information on obtaining the appropriate MUNICIPALITY (City, Borough, Township), PSD CODES and EIT (Earned Income Tax) RATES, please refer to the Pennsylvania Department of Community & Economic Development website:

**www.newPA.com**  
Select Get Local Gov Support, >Municipal Statistics

IF YOU HAVE QUESTIONS ABOUT THIS FORM CONTACT PAUL LAUER  
AT 724.941.4180 or PFLauer@PetersTownship.com

**Earned Income and Net Profits Tax (EIT) Model Ordinance - Borough/Township/City**

1. This model ordinance is to be adopted all municipalities within the WCTCD that levy EIT.
2. Under Act 32, the maximum rate for the EIT continues at 1% and, if a school district and the municipality in which the taxpayer resides both have the tax, the tax is split between the two.
3. Under Act, 32, school districts do not have the authority to levy EIT against nonresidents.
4. It is optional whether to exempt certain taxpayers based on income. Act 32 places the maximum income to be exempted at \$12,000.00 and does not allow for an exemption based on age, etc.
5. The EIT Ordinance should be adopted and forwarded to the WCTCD no later than November 15, 2011.
6. Pursuant to Act 32, prior to the passage of this ordinance, notice shall be given of the intention to pass such ordinance. Publication of such notice shall be made by advertisement once a week for three weeks in a newspaper of general circulation. Therefore, it is suggested the notice of intention to adopt be advertised in September 2011 to enable municipalities to adopt the ordinance in October 2011.

**ORDINANCE NO. \_\_\_\_\_**

**EARNED INCOME AND NET PROFITS TAX (EIT) MODEL ORDINANCE -  
Borough/Township/City, WASHINGTON COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF \_\_\_\_\_ Borough/township/city, WASHINGTON COUNTY, PENNSYLVANIA, LEVYING A TAX ON EARNED INCOME AND NET PROFITS; REQUIRING TAX RETURNS; REQUIRING EMPLOYERS TO WITHHOLD AND REMIT TAX; AND RELATED PROVISIONS.

ENACTED, by the Borough/township/city of \_\_\_\_\_, Washington County, Pennsylvania under authority of the Local Tax Enabling Act, 53 P.S. § 6924.101 et seq., and other applicable law, as follows:

## SECTION 1. DEFINITIONS

All terms defined in the Local Tax Enabling Act, 53 P.S. § 6924.101 et seq., shall have the meanings set forth therein. The following terms shall have the meanings set forth herein:

- a. Business. An enterprise, activity, profession or any other undertaking of an unincorporated nature conducted for profit or ordinarily conducted for profit whether by a person, partnership, association or any other entity.
- b. Collector. The person or entity appointed as tax officer pursuant to the Local Tax Enabling Act to collect the Tax.
- c. Municipal Tax Rate Applicable to Non-Residents. The total rate applicable to non-residents working within the Taxing Authority based on the municipal non-resident tax rate is one percent (1%).
- d. Combined Tax Rate Applicable to Residents. The total rate applicable to residents of the Taxing Authority, including the tax imposed by the School District and by the municipality in which the individual resides, is one percent (1%).
- e. Domicile. The place where a person lives and has a permanent home and to which the person has the intention of returning whenever absent. Actual residence is not necessarily domicile, for domicile is the fixed place of abode which, in the intention of the taxpayer, is permanent rather than transitory. Domicile is the voluntarily fixed place of habitation of a person, not for a mere special or limited purpose, but with the present intention of making a permanent home, until some event occurs to induce the person to adopt some other permanent home. In the case of a business, domicile is that place considered to be the center of business affairs and the place where its functions are discharged.
- f. Earned Income. The compensation required to be reported to as determined by the Pennsylvania Department of Revenue under Section 303 of the Tax Reform Code of 12971, as amended and rules and regulations promulgated thereunder. Employee business expenses as reported to or determined by the Department of Revenue under Article III of the Tax Reform Code shall constitute allowable deductions in determining earned income. The term does not include offsets for business losses. The amount of any housing allowance provided to a member of the clergy shall not be taxable as earned income.
- g. Effective Date. January 1, 2012.
- h. Employer. A person, business entity or other entity, employing one or more person for a salary, wage commission or other compensation. The term includes the Commonwealth, a political subdivision and an instrumentality or public authority of either. For purpose of penalties under this Ordinance, the term includes a corporate officer.
- i. Governing Body. The Board of Supervisors of the Borough/township/city of \_\_\_\_\_, Washington County, Pennsylvania.

- j. Local Tax Enabling Act. The Local Tax Enabling Act, 53 P.S. § 6924.101 et seq., and any amendments thereto.
- k. Net Profits. The net income from the operation of a business, other than a corporation, as required to be reported to or as determined by the Pennsylvania Department of Revenue under section 303 of the Tax Reform Code of 1971, as amended and rules and regulations promulgated thereunder. The term does not include income under any of the following paragraphs:
  - (1) Income which:
    - (I) is not paid for services provided; and
    - (ii) is in the nature of earnings from an investment.
  - (2) Income which represents:
    - (I) any gain on the sale of farm machinery;
    - (ii) any gain on the sale of livestock held for 12 months or more for draft, breeding or dairy purposes; or
    - (iii) any gain on the sale of other capital assets of a farm.
- l. Nonresident. A person or business domicile outside the Taxing Authority.
- m. Resident. A person or business domiciled in the Borough/township/city.
- n. Person. A natural person.
  - o. TCD. Any tax collection district to which the Taxing Authority or any part of the Taxing Authority is assigned under the Local Tax Enabling Act.
- p. TCC. The Washington County Tax Collection Committee, which has been established to govern and oversee the collection of earned income tax within the TCD under the Local Tax Enabling Act.
- q. Tax. The tax imposed by this Ordinance.
- r. Tax Return. A form prescribed by the Collector for reporting the amount of Tax or other amount owed or required to be withheld, remitted, or reported under this Ordinance or the Local Tax Enabling Act.
- s. Tax Year. The period from January 1 to December 31.
- t. Taxing Authority. The Borough/township/city of \_\_\_\_\_, Washington County, Pennsylvania.
- u. Taxpayer. A person or business required under this Ordinance and the Local Tax Enabling Act to file a return of the earned income and net profits tax or to pay the earned income and net profits tax.

**SECTION 2. EXEMPTIONS [Optional Additional Language]**

- a. *Any individual earning a total income of less than \_\_\_\_\_ (insert here determined amount set at Twelve Thousand and no/100 (\$12,000.00) Dollars or less) shall be exempt from the Earned Income Tax.*
- b. *Any non-resident who is otherwise subject to the Earned Income Tax of \_\_\_\_\_ Borough/township/city is hereby exempt from the imposition, collection and payment of this tax, provided that the domicile of the non-resident taxpayer provides a life exemption from the imposition, collection and payment of an Earned Income and Net Profit Tax to any resident of \_\_\_\_\_ Borough/township/city, Washington County, Pennsylvania, who would otherwise be subject to an Earned Income and Net Profit Tax in the domicile of that non-resident who is subject to this taxation of this borough.*

### **SECTION 3. IMPOSITION OF TAX**

- a. General Purpose Resident Tax. The Taxing Authority hereby imposes a Tax for general revenue purposes at the rate of one percent (1%) on earned income and net profits of residents of the Taxing Authority.
- b. General Purpose Nonresident Tax. The Taxing Authority also imposes a Tax for general revenue purposes at the rate of one percent (1%) on earned income and net profits derived by an individual who is not a resident of the Taxing Authority, from any work, business, profession, or activity, of any kind engaged in within the boundaries of the Taxing Authority.
- c. Ongoing Tax. The Tax shall continue at the above rates during the current Tax Year and each Tax Year thereafter, without annual re-enactment, until this Ordinance is repealed or the rate is changed.
- d. Local Tax Enabling Act Applicable. The Tax is imposed under authority of the Local Tax Enabling Act, and all provisions thereof that relate to a tax on earned income or net profits are incorporated into this Ordinance. Any future amendments to the Local Tax Enabling Act that are required to be applied to a tax on earned income or net profits will automatically become part of this Ordinance upon the effective date of such amendment, without the need for formal amendment of this Ordinance, to the maximum extent allowed by 1 Pa.C.S.A. § 1937.
- e. Applicable Laws, Regulations, Policies, and Procedures. The Tax shall be collected and administered in accordance with: (1) all applicable laws and regulations; and (2) policies and procedures adopted by the TCC or by the Collector. This includes any regulations, policies, and procedures adopted in the future to the maximum extent allowed by 1 Pa.C.S.A. § 1937.

### **SECTION 4. INDIVIDUAL TAX RETURNS AND PAYMENTS**

Every resident receiving earned income or earning net profits in any Tax Year shall file Tax Returns and pay Tax in accordance with the Local Tax Enabling Act and this Ordinance.

**SECTION 5. EMPLOYER WITHHOLDING, REMITTANCE, AND TAX RETURNS**

Every employer shall register, withhold, and remit Tax, and file Tax Returns in accordance with the Local Tax Enabling Act and this Ordinance.

**SECTION 6. TAX COLLECTOR**

The Tax will be collected from residents and employers by the Collector.

**SECTION 7. INTEREST, PENALTIES, COSTS, AND FINES**

Residents and employers are subject to interest, penalties, costs, and fines in accordance with the Local Tax Enabling Act, including costs imposed by the Collector in accordance with authorization by the TCC having jurisdiction.

**SECTION 8. SEVERABILITY**

The provisions of this Ordinance are severable and if any of its provisions are ruled by a court invalid or unconstitutional, such decision shall not affect or impair any of the remaining provisions of this Ordinance. It is declared to be the intention of the Borough/township/city that this Ordinance would have been adopted if such invalid or unconstitutional provision had not been included.

**SECTION 9. PURPOSE/REPEAL**

The primary purpose of this Ordinance is to conform the earned income and net profits tax currently imposed by the Taxing Authority to the Local Tax Enabling Act, as amended and restated by Act 32 of 2008, and to do so within the time frame required by Act 32. Any prior Ordinance imposing a tax on earned income or net profits of individuals is amended and restated in its entirety to read as stated in this Ordinance. Any other prior Ordinance or part of any prior Ordinance conflicting with the provisions of this Ordinance is rescinded insofar as the conflict exists. To the extent that this Ordinance is the same as any Ordinance in force immediately prior to adoption of this Ordinance, the provisions of this Ordinance are intended as a continuation of such prior Ordinance and not as a new Ordinance. If this Ordinance is declared invalid, any prior Ordinance levying a similar tax shall remain in full force and effect and shall not be affected by adoption of this Ordinance. If any part of this Ordinance is declared invalid, the similar part of any prior Ordinance levying a similar tax shall remain in effect and shall not be affected by adoption of this Ordinance. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall

such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish any offense under the authority of any Ordinance in force prior to adoption of this Ordinance. Subject to the foregoing provisions of this Section, this Ordinance shall amend and restate on the Effective Date any Ordinance levying a tax on earned income or net profits in force immediately prior to the Effective Date.

**SECTION 10. EFFECTIVE DATE:** The provisions of this Ordinance shall become effective on January 1, 2012.

**DULY ENACTED AND ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_ 2011, by the Board of Supervisors of \_\_\_\_\_ Borough/township/city.

BOARD OF SUPERVISORS  
\_\_\_\_\_ TOWNSHIP

By \_\_\_\_\_  
By: \_\_\_\_\_

\_\_\_\_\_

**Local Services Tax (LST) Model Ordinance**

1. This model ordinance is to be adopted by any municipality that would like Keystone Collection to collect its Local Service Tax beginning on January 1, 2012.
2. Keystone Collections will charge a rate of 1.69% to collect this tax. The WCTCC may choose to levy an additional fee.
3. Municipalities make the choice of the LST tax collector for themselves and their School District.
4. School Districts which do not already levy a LST are prohibited from levying a new LST.
5. The LST rate may be any amount up to \$52.00, but where the amount is \$10.00 or more, the exemption for individuals with income less that \$12,000 must be included in the Ordinance.
6. The LST Ordinance must be adopted and forwarded to the WCTCD no later than November 15, 2011.
7. Pursuant to Act 32, prior to the passage of this ordinance, notice shall be given of the intention to pass such ordinance. Publication of such notice shall be made by advertisement once a week for three weeks in a newspaper of general circulation. Therefore, it is suggested the notice of intention to adopt be advertised in September 2011 to enable municipalities to adopt the ordinance in October 2011.

**ORDINANCE NO. \_\_\_\_\_**

**LOCAL SERVICES TAX ORDINANCE**

**\_\_\_\_\_, TOWNSHIP, WASHINGTON COUNTY**

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF \_\_\_\_\_ TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA, LEVYING A LOCAL SERVICES TAX, REQUIRING EMPLOYERS TO WITHHOLD AND REMIT TAX, AND RELATED PROVISIONS

ENACTED, by the Township of \_\_\_\_\_, Washington County, Pennsylvania under authority of the Local Tax Enabling Act, 53 P.S. section 6924.101 et seq, and other applicable law, as follows:

## SECTION 1. DEFINITIONS

The following words and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context or language clearly indicates or required a different meaning:

- a. **COLLECTOR** - The person, public employee or private agency approved by the Washington County Tax Collection Committee to collect and administer the tax herein imposed.
- b. **DCED** - The Department of Community and Economic Development of the Commonwealth of Pennsylvania
- c. **EARNED INCOME** - The compensation required to be reported to as determined by the Pennsylvania Department of Revenue under Section 303 of the Tax Reform Code of 12971, as amended and rules and regulations promulgated thereunder. Employee business expenses as reported to or determined by the Department of Revenue under Article III of the Tax Reform Code shall constitute allowable deductions in determining earned income. The term does not include offsets for business losses. The amount of any housing allowance provided to a member of the clergy shall not be taxable as earned income.
- d. **EFFECTIVE DATE** - January 1, 2012.
- e. **EMPLOYER** - A person, business entity or other entity, employing one or more person for a salary, wage commission or other compensation. The term includes the Commonwealth, a political subdivision and an instrumentality or public authority of either. For purposes of penalties under this Ordinance, the term includes a corporate officer.
- f. **HE, HIS or HIM** - Indicates the singular and plural number, as well as male, female and neuter genders.
- g. **INDIVIDUAL** - Any person, male or female, engaged in any occupation, trade or profession within the corporate limits of the Township.
- h. **LOCAL TAX ENABLING ACT** - The Local Tax Enabling Act, 53 P.S. section 6294.101 *et seq* and any amendments thereto.
- i. **NET PROFITS** - The net income from the operation of a business, profession; or other activity, as required to be reported or determined by the Pennsylvania Department of Revenue under section 3030 of the Tax Reform Code of 1971, as amended and rules and regulations promulgated thereunder. The term does not include income under any of the following paragraphs:
  - (1) Income which:
    - (i) is not paid for services provided;
    - (ii) is in the nature of earnings from an investment.
  - (2) Income which represents:
    - (i) any gain on the sale of farm machinery.
    - (ii) any gain on the sale of livestock held for 12 months or more for draft, breeding or dairy purposes; or
    - (iii) any gain on the sale of other capital assets of a farm.
- j. **OCCUPATION** - Any trade, profession, business or undertaking of any kind, or character, including services, domestic or other, earned in or performed within the corporate

limits of the political subdivision for which compensation is charged or received; whether by means of salary, wages, commission or fees for services rendered.

**k. PERSON** - A natural person.

**l. POLITICAL SUBDIVISION** - Includes cities, boroughs, townships, and public school districts.

**m. TAX** - The local services tax at the rate fixed in this Ordinance.

**n. TCC** - The Washington County Tax Collection Committee.

**o. TAX YEAR** - The period from January 1 until December 31 in any year; a calendar year.

**p. TOWNSHIP** - The Township of \_\_\_\_\_, Washington County, Pennsylvania.

## **SECTION 2. IMPOSITION OF TAX**

For specific revenue purposes, an annual tax is hereby levied and assessed, commencing January 1, 2012; upon the privilege of engaging in an occupation with a primary place of employment within the \_\_\_\_\_ Township during the tax year. Each natural person who exercises such privilege for any length of time during any tax year shall pay the tax for that year in the amount of \$52.00, assessed on a pro rata basis, in accordance with the provisions of this article. This tax may be used solely for the following purposes as the same may be allocated by the Township from time to time: (1) emergency services, which shall include emergency medical services, police services and/or fire services; (2) road construction and/or maintenance; (3) reduction of property taxes; or (4) property tax relief through implementation of a homestead property exclusion in accordance with 53 Pa. C.S. Ch. 85, Subch. F (relating to homestead property exclusion). The Township shall use no less than twenty-five percent of the funds derived from the tax for emergency services. This tax is in addition to all other taxes of any kind or nature heretofore levied by the Township. The tax shall be no more than \$52.00 on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed.

## **SECTION 3. EXEMPTIONS AND REFUNDS**

A. Exemption. Any person whose total earned income and net profits from all sources within the political subdivision is less than Twelve Thousand and no/100 (\$12,000.00) Dollars for any calendar year in which the tax is levied is exempt from the payment of the tax for that calendar year. In addition, the following persons are exempt from payment of the tax:

(1) Any person who has served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service if, as a result of military service, the person is blind, paraplegic or a double or quadruple amputee or has a service-connected disability declared by the United States Veterans' Administration or its successor to be a total one hundred percent disability.

(2) Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year. For the purposes of this subparagraph, "reserve component of the armed forces" shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast

Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

B. Procedure to Claim Exemption.

(1) A person seeking to claim an exemption from the local services tax may annually file an exemption certificate with the Collector with the person's employer affirming that the person reasonably expects to receive earned income and net profits from all sources within the Township of less than Twelve Thousand and no/100 (\$12,000.00) Dollars in the calendar year for which the exemption certificate is filed. The exemption certificate shall have attached to it a copy of all the employee's last pay stubs or W-2 forms from employment within the political subdivision for the year prior to the fiscal year for which the employee is requesting to be exempted from the tax. Upon receipt of the exemption certificate and until otherwise instructed by the political subdivision or except as required by clause (2), the employer shall not withhold the tax from the person during the calendar year or the remainder of the calendar year for which the exemption certificate applies, Employers shall ensure that the exemption certificate forms are readily available to employees at all times and shall furnish each new employee with a form at the time of hiring. The exemption certificate form shall be the uniform form provided by the political subdivision.

(2) With respect to a person who claimed an exemption for a given calendar year from the tax, upon notification to an employer by the person or by the political subdivision that the person has received earned income and net profits from all sources within the political subdivision equal to or in excess of Twelve Thousand and no/100 (\$12,000.00) Dollars in that calendar year or that the person is otherwise ineligible for the tax exemption for that calendar year, or upon an employer's payment to the person of earned income within the municipality in an amount equal to or in excess of Twelve Thousand and no/100 (\$12,000.00) Dollars in that calendar year, an employer shall withhold the local services tax from the person under clause (3).

(3) If a person who claimed an extension for a given calendar year from the tax becomes subject to the tax for the calendar year under clause (2), the employer shall withhold the tax for the remainder of that calendar year. The employer shall withhold from the person, for the first payroll period after receipt of the notification under clause (2), a lump sum equal to the amount of tax that was not withheld from the person due to the exemption claimed by the person under this subsection, plus the per payroll amount due for that first payroll period. The amount of tax withheld per payroll period for the remaining payroll periods in that calendar year shall be the same amount withheld for other employees. In the event the employment of a person subject to withholding of the tax under this clause is subsequently severed in that calendar year, the person shall be liable for any outstanding balance of tax due, and the political subdivision may pursue collection under this article.

(4) Except as provided in clause (2), it is the intent of this subsection that employers shall not be responsible for investigating exemption certificates, monitoring tax exemption eligibility or exempting any employee from the local services tax.

C. Refunds. The TCC, in consultation with the Collector and DCED, shall establish procedures for the processing of refund claims for any tax paid by any person who is eligible for exemption, which procedures shall be in accord with provisions of the general

municipal law relating to refunds of overpayments and interest on overpayments. Refunds made within seventy-five days of a refund request or seventy-five days after the last day the employer is required to remit the tax for the last quarter of the calendar year, whichever is later, shall not be subject to interest. No refunds shall be made for amounts overpaid in a calendar year that do not exceed One and no/100 (\$1.00) Dollar: The Collector shall determine eligibility for exemption and provide refunds to exempt persons.

#### **SECTION 4. DUTY OF EMPLOYER TO COLLECT**

A. Each employer within the Township, as well as those employers situated outside the Township but who engage in business within the Township, is hereby charged with the duty of collecting the tax from each employee engaged by him or performing for him within the Township and making a return and payment thereof to the Collector. Further, each employer is hereby authorized to deduct this tax for each employee in his or her employ, whether said employee is paid by salary, wage or commission and whether or not all such services are performed within the Township.

B. A person subject to the tax shall be assessed by the employer a pro rata share of the tax for each payroll period in which the person is engaging in an occupation. The pro rata share of the tax assessed on the person for a payroll period shall be determined by dividing the rate of the tax levied for the calendar year by the number of payroll periods established by the employer for the calendar year. For purposes of determining the pro rata share, an employer shall round down the amount of the tax collected each payroll period to the nearest one-hundredth of a dollar. Collection of the tax shall be made on a payroll period basis for each payroll period in which the person is engaging in an occupation, except as provided in Paragraph D of this Section. For purposes of this paragraph, combined rate shall mean the aggregate annual rate of the tax levied by the school district and the Township.

C. No person shall be subject to the payment of the local services tax by more than one political subdivision during each payroll period.

D. In the case of concurrent employment, an employer shall refrain from withholding the tax if the employee provides a recent pay statement from a principal employer that includes the name of the employer, the length of the payroll period and the amount of the tax withheld and a statement from the employee that the pay statement is from the employee's principal employer and the employee will notify other employers of a change in principal place of employment within two weeks of its occurrence. The employee's statement shall be provided on the form approved by DCED.

E. The tax shall be Fifty-Two and no/100 (\$52.00) Dollars on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed. The political subdivision shall provide a taxpayer a receipt of payment upon request by the taxpayer.

F. No employer shall be held liable for failure to withhold the tax or for the payment of the withheld tax money to the Township if the failure to withhold taxes arises from incorrect information submitted by the employee as to the employee's place or places of employment, the

employee's principal office or where the employee is principally employed. Further, an employer shall not be liable for payment of the local services tax in an amount exceeding the amount withheld by the employer if the employer complies with the provisions of this Ordinance and remits the amount so withheld in accordance with this article.

G. Employers shall be required to remit the local services taxes thirty days after the end of each quarter of a calendar year.

## **SECTION 5. RETURNS**

Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied to the employer by the Collector. If an employer fails to file the return and pay the tax, whether or not the employer makes collection thereof from the salary, wages or commissions paid by him or her to an employee, except as provided hereafter in this article, the employer shall be responsible for the payment of the tax in full as though the tax had been originally levied against the employer.

## **SECTION 6. DATES FOR DETERMINING TAX LIABILITY AND PAYMENT**

In each tax year, each employer shall use his or her employment records to determine the number of employees from whom, such tax shall be deducted and paid over to the Collector on or before the thirtieth day following the end of each calendar quarter of each such tax year.

## **SECTION 7. SELF-EMPLOYED INDIVIDUALS**

Each self-employed individual who performs services of any type or kind or engaged in any occupation or profession within a primary place of employment within the Township shall be required to comply with this article and pay the pro rata portion of the tax due to the Collector on or before the thirtieth day following the end of each quarter.

## **SECTION 8. INDIVIDUALS ENGAGED IN MORE THAN ONE OCCUPATION OR EMPLOYED IN MORE THAN ONE POLITICAL SUBDIVISION**

A. The situs of the tax shall be the place of employment on the first day the person becomes subject to the tax during each payroll period. In the event a person is engaged in more than one occupation, that is, concurrent employment, or an occupation which required the person working in more than one political subdivision during a payroll period, the priority of claim to collect the local services tax shall be in the following order:

- (1) First, the political subdivision in which a person maintains his or her principal office or is principally employed;
- (2) Second, the political subdivision in which the person resides and works if the tax is levied by that political subdivision;

- (3) Third, the political subdivision in which a person is employed and which imposed the tax nearest in miles to the person's home.

In case of dispute, a tax receipt of the taxing authority for that calendar year declaring that the taxpayer has made prior payment constitutes prima facie certification of payment to all other political subdivisions.

## **SECTION 9. NONRESIDENTS SUBJECT TO TAX**

All employers and self-employed individuals residing or having their places of business outside of the political subdivision but who perform services of any type or kind or engage in any occupation or profession within the political subdivision do, by virtue thereof, agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this article with the same force and effect as though they were residents of the political subdivision. Further, any individual engaged in an occupation within the political subdivision and an employee of a nonresidential employer may, for the purpose of this Section, be considered a self-employed person, and in the event his or her tax is not paid, the political subdivision shall have the option of proceeding against either the employer or employee for the collection of this tax as hereinafter provided.

## **SECTION 10: ADMINISTRATION OF TAX**

A. It shall be the duty of the Collector to accept and receive payments of this tax and to keep a record thereof showing the amount received by him from each employer of self-employed person, together with the date the tax was received.

B. The Collector is hereby charged with the administration and enforcement of this Section and is hereby charged and empowered, subject to TCC approval, to proscribe, adopt and promulgate rules and regulations, relating to any matter pertaining to the administration and enforcement of this article, including provisions for the examination of payroll records of any employer subject to this article, the examination and correction of any return made in compliance with this article and any payment alleged or found to be incorrect or as to which overpayment is claimed or found to have occurred. Any person aggrieved by any decision of the Collector shall have the right to appeal consistent with the Local Taxpayers Bill of Rights under Act 50 of 1998 (municipalities may detail their appeal processes).

C. The Collector is hereby authorized to examine the books and payroll records of any employer in order to verify the accuracy of any return made by an employer or, if no return was made, to ascertain the tax due. Each employer is hereby directed and required to give the Collector the means, facilities and opportunity for such examination.

## **SECTION 11: SUITS FOR COLLECTION**

A. In the event that any tax under this Ordinance remains due or unpaid 30 days after the due dates above set forth, the Collector may sue for the recovery of any such tax due or unpaid under this article, together with interest and penalty.

B. If for any reason the tax is not paid when due, interest at the rate of 6% on the amount of such tax shall be calculated beginning with the due date of the tax and a penalty of 5% shall be added to the flat rate for nonpayment thereof. Where suit is brought for the recovery of this tax or other appropriate remedy undertaken, the individual liable therefor shall, in addition, be responsible and liable for the costs of collection.

## **SECTION 12: VIOLATIONS AND PENALTIES**

Whoever makes any false or untrue statement on any return required by this article, or whoever refuses inspection of the books, records or accounts in his or her custody and control setting forth the number of employees subject to this tax who are in his or her employment, or whoever fails or refuses to file any return required by this article shall be guilty of a violation and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 30 days. The action to enforce the penalty herein prescribed may be instituted against any person in charge of the business of any employer who shall have failed or who refuses to file a return required by this article.

## **SECTION 13: INTERPRETATION**

A. Notwithstanding contained in this Ordinance shall be construed to empower the Township to levy and collect the tax hereby imposed on any occupation not within the taxing power of the Township under the Constitution of the United States and the laws of the Commonwealth of Pennsylvania.

B. If the tax hereby imposed under the provisions of this article shall be held by any court of competent jurisdiction to be in violation of the Constitution of the United States or of the laws of the Commonwealth of Pennsylvania as to any individual, the decision of the court shall not affect or impair the right to impose or collect said tax or the validity of the tax so imposed on other persons or individuals as herein provided.

SECTION 2: Except as set forth hereafter, all ordinances or parts of ordinances inconsistent herewith are hereby repealed. Nothing herein shall be construed to repeal the imposition and collection of an occupation privilege tax, plus applicable penalties and interest, any prior calendar years, or of an emergency and municipal services tax, plus applicable penalties and interest, for any prior calendar years, as the same existed prior to this amendment.

SECTION 3: The tax imposed by this Ordinance shall be effective on January 1, 2012 and all calendar years thereafter unless repealed or modified by Ordinance of the Township.

**ENACTED AND ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2011.

**PETERS TOWNSHIP  
SANITARY AUTHORITY**

111 BELL DRIVE  
McMURRAY, PA 15317-3415  
PHONE: 724-941-6709  
FAX: 724-941-2283  
Web Site: ptsaonline.org



James J. Miskis, Manager  
Mark A. Chucuddy, Asst. Manager  
Patricia L. Mowry, Financial Controller  
Gary A. Parks, Special Projects Manager  
Diane L. Gregor, Administrative Assistant

May 24, 2011

Michael A. Silvestri  
Township Manager  
Peters Township  
610 E. McMurray Road  
McMurray, PA 15317

RE: Valley View Drive Sanitary Sewer Extension Project Status Update

Dear Mr. Silvestri:

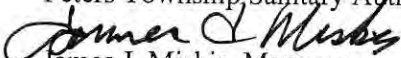
We are pleased to inform you the Authority was recently awarded an H2O PA Grant in the amount of \$225,000 for the Valley View Drive Sanitary Sewer Extension project. That brings the total grant funding for the project to \$525,000.

The Authority has received E&S Plan approval, has submitted for the stream encroachment permits, and will be submitting the PaDEP Part II Water Quality Management Permit application by the end of May. The Authority plans to advertise for bids for the Component A portion of the project by mid-June, with award of the contract at the Authority's July 12, 2011 Board meeting, subject to the Authority receiving the outstanding permits. We expect with the aforementioned schedule, construction would begin by mid-August and be substantially complete by the mid-October.

The Authority is requesting rights of way from the Township for the installation of the sewer. Enclosed is a right of way agreement for the portion of the sewer that crosses under the Arrowhead Trail near Sugar Camp Road and the former Bruni property. The agreement includes a temporary construction easement to allow the Authority's contractor to install the Township's service connection to connect with the existing sewer pipe installed recently by the Township, thereby completing the connection of the Park's restrooms to the public sewer. Please execute the enclosed agreement and return the original to the Authority. We will record it and provide a copy of the recorded agreement to the Township.

If you have any questions please call or email.

Sincerely,  
Peters Township Sanitary Authority

  
James J. Miskis, Manager  
JJM:ms

**AGREEMENT OF RIGHT-OF-WAY**

**THIS INDENTURE**, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2011,

**By and between:**

**PETERS TOWNSHIP**, a political subdivision of the County of Washington, and the Commonwealth of Pennsylvania, hereinafter referred as the "GRANTOR"

**AND**

The **PETERS TOWNSHIP SANITARY AUTHORITY**, a body corporate and politic, existing under and by virtue of the laws of the Commonwealth of Pennsylvania, whose principal place of business is 111 Bell Drive, County of Washington, McMurray, Commonwealth of Pennsylvania, 15317-3415, hereinafter referred to as the "PTSA".

WHEREAS, the GRANTOR is the owner of a certain real estate parcels located as hereinbefore and hereinafter set forth, being Parcel A of the Bruni Plan No. 2, with the **Tax Parcel Identification Number of 540-002-00-00-0066-17**, and lands of Peters Township known as Arrowhead Trail with the **Tax Parcel Identification Number of 540-001-00-00-0015-00**, and

WHEREAS, the GRANTOR desires to grant to the PTSA a right-of-way and/or easement for the construction, operation, maintenance, repair, replacement and removal sanitary sewer facilities including pipe, manholes, and other appurtenant facilities required for the transmission of sewage through, under, across and upon, *inter alia*, the property of the GRANTOR as located and more specifically described herein, and

WHEREAS, the PTSA is a municipal sewer authority engaged in the business of supplying sewage collection and sewage treatment to numerous residents in the Township of Peters and other areas, and the GRANTOR is desirous of assisting with said service from the PTSA.

**NOW THEREFORE, THIS INDENTURE WITNESSETH;**

SECTION 1. In consideration of the sum of ONE DOLLAR AND NO/CENTS (\$1.00) to it in hand paid by PTSA, the receipt of which is hereby acknowledged, as well as other covenants, promises, and agreements made to the GRANTOR, which are more fully set forth hereinafter, the GRANTOR does hereby TRANSFER, ASSIGN, CONVEY, and SET OVER, unto the PTSA, its SUCCESSORS, and ASSIGNS FOREVER, a permanent right-of-way and/or easement twenty (20) feet in width, along with a temporary construction easement forty (40) feet in width during initial construction as shown on the attached plans, for the construction, operation, maintenance, repair, replacement and removal sanitary sewer facilities including pipe, manholes, and other appurtenant facilities, of such size or sizes as may be determined necessary by the PTSA. The right-of-way and/or easement shall be over, through, under, across and upon, *inter alia*, the property of the GRANTOR, as described in the attached Exhibit A and Exhibit B, and as depicted on Exhibit C attached hereto.

SECTION 2. It is understood and agreed hereby that the sanitary sewer facilities shall be owned by and shall be an integral part of the sewer system operated by the PTSA, forever. It is further agreed and understood that the installation shall consist of sewer collection mains or lines, and other such connections and additions as are deemed necessary by the PTSA in its sole discretion to operate its sewer system.

SECTION 3. It is understood and agreed hereby that the right-of-way or easement is a subsurface and surface right-of-way or easement, and is granted solely for the purpose of permitting the PTSA to lay, install, construct, maintain, operate, inspect, alter, replace and/or remove said sanitary sewer facilities that are beneath the surface of the right-of-way or easement.

The PTSA shall have the right to make any excavations that are necessary within said easement or right-of-way to accomplish said work for the installation of or maintenance of said sanitary sewer facilities within said right-of-way or easement describing herein.

The PTSA hereby covenants and agrees that it shall not erect, install, or maintain any structures or improvements on the surface of the right-of-way described herein, except the PTSA may install manholes and other appurtenances as are necessary and essential in order to provide the sewer system service required.

SECTION 4. In the event that the PTSA makes excavations or otherwise performs work on the surface of the right-of-way or easement described herein, then, and in that event, the PTSA hereby covenants and agrees that it shall restore, at its sole cost and expense, the surface area to a condition reasonably equivalent to that prior to the commencement of such work.

SECTION 5. The GRANTOR (including its successors and assigns) hereby covenants and agrees that they shall keep said right-of-way or easement, including all manholes, clear of any and all obstructions that would inhibit ingress, egress, and maintenance of said sanitary sewer facilities within said right-of-way or easement by the PTSA. Failure to honor this covenant is a violation of the PTSA's Rules & Regulations and any and all obstructions shall be removed at GRANTOR's expense at the PTSA's request.

SECTION 6. This grant is perpetual.

IN WITNESS WHEREOF, the GRANTOR and the PTSA have hereunto set hands and seals the day and year first above written.

ATTEST:

**PETER TOWSHIP (GRANTOR):**

\_\_\_\_\_  
Michael A. Silvestri  
Township Manager

\_\_\_\_\_  
Robert Atkinson  
Council Chairman

ATTEST:

**PETERS TOWNSHIP SANITARY AUTHORITY:**

\_\_\_\_\_  
Secretary (seal)

\_\_\_\_\_  
G. Robert Jacobs, Chairman

COMMONWEALTH OF PENNSYLVANIA )

) SS:

COUNTY OF WASHINGTON )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2011, before me a Notary Public, the undersigned officer, personally appeared, G. Robert Jacobs, who acknowledges himself to be the Chairman of PETERS TOWNSHIP SANITARY AUTHORITY and that he as such Officer being authorized to do so, executed the foregoing instrument for the purposes therein contained, and to the end that it be recorded as such.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_

Notary Public

My Commission Expires:

\_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA )

) SS:

COUNTY OF WASHINGTON )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2011, before me a Notary Public, the undersigned officer, personally appeared, Robert Atkinson, who acknowledges himself to be the Chairman of PETERS TOWNSHIP and that he as such Officer being authorized to do so, executed the foregoing instrument for the purposes therein contained, and to the end that it be recorded as such.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_

Notary Public

My Commission Expires:

EXHIBIT "A"  
LEGAL DESCRIPTION  
OF A  
TWENTY (20') FOOT PERMANENT SANITARY SEWER EASEMENT  
OVER AND THROUGH LANDS OF  
PETERS TOWNSHIP

All that certain 20' wide permanent sanitary sewer easement for the Valley View Drive Sewer Extension situate in Peters Township, Washington County, Pennsylvania over and through lands of Peters Township recorded in Instrument No. 200634410 and being Parcel A in the Bruni Plan No. 2 recorded in Plan Book Volume 45 page 811 and identified as Tax Parcel No. 540-002-00-00-0066-17 and other lands of Peters Township known as Arrowhead Trail and being identified as Tax Parcel No. 540-001-00-00-0015-00, easement more particularly described as follows:

BEGINNING at a point on the said southerly right-of-way line of Sugarcamp Road, S.R. 1004, said point being distant North 73°37'22" West, 2.97 feet from the northwest corner of Parcel C in the aforesaid Bruni Plan No. 2; thence leaving said southerly right-of-way line and through the aforesaid lands of Peters Township the following three courses: South 49°03'38" West, 136.43 feet; thence South 89°26'50" West, 177.13 feet; thence North 52°29'45" West, 216.73 feet to a point on the easterly line of lands now or formerly Gerard and Angela O'Hare recorded in Instrument No. 201013279; thence along said easterly line North 60°04'11" East, 21.66 feet; thence leaving said easterly line and through aforesaid lands of Peters Township the following three courses: South 52°29'45" East, 201.52 feet; thence North 89°26'50" East, 162.87 feet; thence North 49°03'38" East, 116.24 feet to a point on the aforesaid southerly right-of-way line of Sugarcamp Road, S.R. 1004; thence along said southerly right-of-way line South 73°37'22" East, 23.76 feet to the point of beginning.

Having an area of 10,109 square feet or 0.23 acre.

See Exhibit "C" attached.

The course bearings in this description are based on the Pennsylvania State Plane Coordinate System. Rotation angle to deed bearing: 01°44'38" CCW.



EXHIBIT "B"  
LEGAL DESCRIPTION  
OF A  
TWO PART TEMPORARY CONSTRUCTION EASEMENT  
OVER AND THROUGH LANDS OF  
PETERS TOWNSHIP

All that certain temporary construction easement for the Valley View Drive Sewer Extension situate in Peters Township, Washington County, Pennsylvania over and through lands of Peters Township recorded in Instrument No. 200634410 and being Parcel A in the Bruni Plan No. 2 recorded in Plan Book Volume 45 page 811 and identified as Tax Parcel No. 540-002-00-00-0066-17 and other lands of Peters Township known as Arrowhead Trail and being identified as Tax Parcel No. 540-001-00-00-0015-00, easement more particularly described as follows:

**PART ONE:**

BEGINNING at a point on the southerly right-of-way line of Sugarcamp Road, S.R. 1004, said point being common with the northwest corner of Parcel C in the aforesaid Bruni Plan No. 2; thence leaving said southerly right-of-way line and through the aforesaid lands of Peters Township the following six courses: South 49°03'38" West, 150.53 feet; thence South 89°26'50" West, 152.55 feet; thence South 22°27'45" West, 242.42 feet; thence North 67°32'15" West, 40.00 feet; thence North 22°27'45" East, 240.32 feet; thence North 52°29'45" West, 202.10 feet to a point on the easterly line of lands now or formerly Gerard and Angela O'Hare recorded in Instrument No. 201013279; thence along said easterly line North 60°04'11" East, 10.83 feet; thence leaving said easterly line and through the aforesaid lands of Peters Township the following three courses: South 52°29'45" East, 216.73 feet; thence North 89°26'50" East, 177.13 feet; thence North 49°03'38" East, 136.43 feet to a point on the aforesaid southerly right-of-way line of Sugarcamp Road, S.R. 1004; thence along said southerly right-of-way line South 73°37'22" East, 2.97 feet to the point of beginning.

Having an area of 13,829 square feet or 0.32 acre.

**PART TWO:**

BEGINNING at a point on the said southerly right-of-way line of Sugarcamp Road, S.R. 1004, said point being distant North 73°37'22" West, 26.73 feet from the aforesaid northwest corner of Parcel C; thence leaving said southerly right-of-way line and through the aforesaid lands of Peters Township the following three courses: South 49°03'38" West, 116.24 feet; thence South 89°26'50" West, 162.87 feet; thence North 52°29'45" West, 201.52 feet to a point on the aforesaid easterly line of lands now or formerly Gerard and Angela O'Hare; thence along said easterly line North 60°04'11" East, 10.83 feet; thence leaving said easterly line and through aforesaid lands of Peters Township the following three courses: South 52°29'45" East, 193.92 feet; thence North 89°26'50" East, 155.75 feet; thence North 49°03'38" East, 106.15 feet to a point on the aforesaid southerly right-of-way line of Sugarcamp Road, S.R. 1004; thence along said southerly right-of-way line South 73°37'22" East, 11.88 feet to the point of beginning.

Having an area of 4,682 square feet or 0.11 acre.

See Exhibit "C" attached.

The course bearings in this description are based on the Pennsylvania State Plane Coordinate System. Rotation angle to deed bearing: 01°44'38" CCW.



SECTION 2. It is understood and agreed hereby that the sanitary sewer facilities shall be owned by and shall be an integral part of the sewer system operated by the PTSA, forever. It is further agreed and understood that the installation shall consist of sewer collection mains or lines, and other such connections and additions as are deemed necessary by the PTSA in its sole discretion to operate its sewer system.

SECTION 3. It is understood and agreed hereby that the right-of-way or easement is a subsurface and surface right-of-way or easement, and is granted solely for the purpose of permitting the PTSA to lay, install, construct, maintain, operate, inspect, alter, replace and/or remove said sanitary sewer facilities that are beneath the surface of the right-of-way or easement.

The PTSA shall have the right to make any excavations that are necessary within said easement or right-of-way to accomplish said work for the installation of or maintenance of said sanitary sewer facilities within said right-of-way or easement describing herein.

The PTSA hereby covenants and agrees that it shall not erect, install, or maintain any structures or improvements on the surface of the right-of-way described herein, except the PTSA may install manholes and other appurtenances as are necessary and essential in order to provide the sewer system service required.

SECTION 4. In the event that the PTSA makes excavations or otherwise performs work on the surface of the right-of-way or easement described herein, then, and in that event, the PTSA hereby covenants and agrees that it shall restore, at its sole cost and expense, the surface area to a condition reasonably equivalent to that prior to the commencement of such work.

SECTION 5. The GRANTOR (including its successors and assigns) hereby covenants and agrees that they shall keep said right-of-way or easement, including all manholes, clear of any and all obstructions that would inhibit ingress, egress, and maintenance of said sanitary sewer facilities within said right-of-way or easement by the PTSA. Failure to honor this covenant is a violation of the PTSA's Rules & Regulations and any and all obstructions shall be removed at GRANTOR's expense at the PTSA's request.

SECTION 6. This grant is perpetual.

IN WITNESS WHEREOF, the GRANTOR and the PTSA have hereunto set hands and seals the day and year first above written.

ATTEST:

**PETER TOWNSHIP (GRANTOR):**

-----  
Michael A. Silvestri  
Township Manager

-----  
Robert Atkison  
Council Chairman

ATTEST:

**PETERS TOWNSHIP SANITARY AUTHORITY:**

-----  
Secretary (seal)

-----  
G. Robert Jacobs, Chairman

COMMONWEALTH OF PENNSYLVANIA )  
 ) SS:  
COUNTY OF WASHINGTON )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2011, before me a Notary Public, the undersigned officer, personally appeared, G. Robert Jacobs, who acknowledges himself to be the Chairman of PETERS TOWNSHIP SANITARY AUTHORITY and that he as such Officer being authorized to do so, executed the foregoing instrument for the purposes therein contained, and to the end that it be recorded as such.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA )  
 ) SS:  
COUNTY OF WASHINGTON )

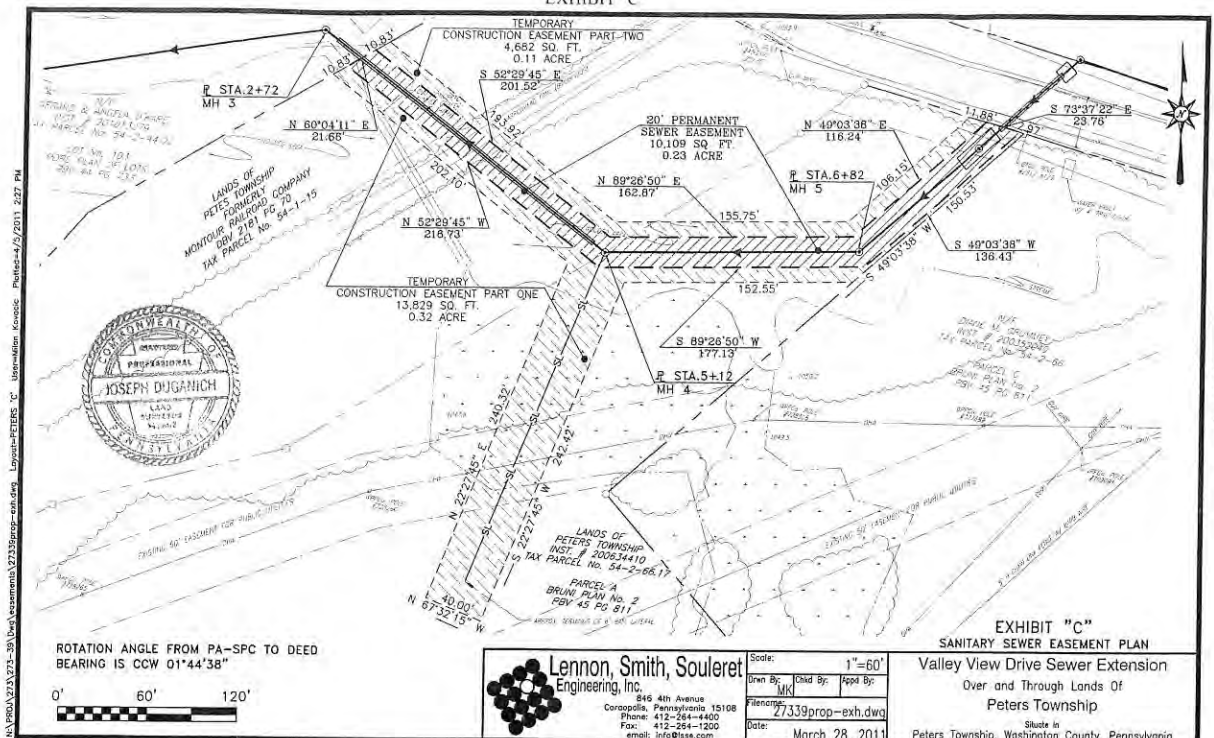
On this \_\_\_\_\_ day of \_\_\_\_\_, 2011, before me a Notary Public, the undersigned officer, personally appeared, Robert Atkison, who acknowledges himself to be the Chairman of PETERS TOWNSHIP and that he as such Officer being authorized to do so, executed the foregoing instrument for the purposes therein contained, and to the end that it be recorded as such.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

EXHIBIT "C"



MA:580A(23) 215-231-231 Small Easements 2/23/09 - encl. 10/20/09 LAYOUT: PETERS "C" Information Kovacic Profiles: 4/7/2011 2:27 PM

**PETERS TOWNSHIP  
SANITARY AUTHORITY**

111 BELL DRIVE  
McMURRAY, PA 15317-3415  
PHONE: 724-941-6709  
FAX: 724-941-2283  
Web Site: pisaonline.org



James J. Miskis, Manager  
Mark A. Chucuddy, Asst. Manager  
Patricia L. Mowry, Financial Controller  
Gary A. Parks, Special Projects Manager  
Diane L. Gregor, Administrative Assistant

June 6, 2011  
Michael A. Silvestri  
Township Manager  
Peters Township Municipal Building  
610 E. McMurray Road  
McMurray, PA 15317

RE: Donaldsons Crossroads Treatment Plant Act 537 Sewage Facilities Plan Update  
PaDEP Sewage Facilities Planning Grant

Dear Mr. Silvestri:

As you know the Pennsylvania Department of Environmental Protection (PaDEP) approved the Donaldsons Crossroads Treatment Plant Act 537 Sewage Facilities Plan Update by letter dated March 17, 2011. Therefore, the Township and the Authority are now able to submit for 50% reimbursement of the approved cost for the preparation of the plan by the Authority. By letter dated January 23, 2006, the PaDEP approved a total cost of \$74,910. That amount was an estimate and the Authority is permitted to submit the total cost of the plan in the amount of \$86,860.02. Thereby, the Township/Authority are eligible for a reimbursement up to \$43,430.01.

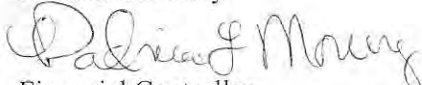
PaDEP's procedures require the planning grant to be provided to the municipality unless the municipality authorizes in writing that the municipal authority or other applicant receive the grant.

Peters Township Sanitary Authority hereby requests Peters Township to authorize PaDEP to release the grant proceeds to Peters Township Sanitary Authority. The grant proceeds will be applied to the project costs to reduce future design cost.

The Authority would like to apply for the grant as soon as possible while state funds for this program are still available, therefore we ask that our request be addressed at the Township's next regular Council meeting; and if approved, a letter be prepared to forward with our application.

Sincerely,  
PETERS TOWNSHIP SANITARY AUTHORITY

Patricia L Mowry



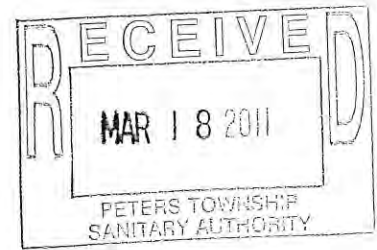
Financial Controller

plm/ms  
attachments



# pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
CALIFORNIA DISTRICT MINING OFFICE



March 17, 2011

Peters Township Sanitary Authority  
Mr. James J. Miskis, Manager  
111 Bell Drive  
McMurray, PA 15317-3415

Peters Township Council  
Mr. Michael Silvestri, Township Manager  
610 E. McMurray Rd.  
McMurray, PA 15317

Re: Act 537 Sewage Facilities Plan Update  
DEP Code #63950-11-100  
Donaldson's Crossroads Service Area  
Peters Township  
Washington County

Dear Mr. Miskis and Mr. Silvestri:

We have reviewed your Donaldsons Crossroads Act 537 Plan, submitted on November 8, 2010, prepared by Lennon, Smith, Souleret Engineering and entitled Donaldson's Crossroads Service Area. The submission is consistent with the planning requirements given in Chapter 71, of the rules and regulations of the Department.

The plan is approved and provides for:

Construction of a new 1.75 million gallon per day (MGD) sewage treatment facility (STP) on property adjacent to the existing Donaldson's Crossroads STP. The existing STP will be taken out of service. Sludge handling facilities will be located at the current STP site.

Interceptor capacity throughout the service area will be augmented primarily for wet weather flows and also to accommodate the Lehner Lakes area if necessary. Priority will be give to the Oakwood and the Giant Oaks Interceptors with the sections closest to the STP the primary focus.

The Lehner Lakes area of the township will continue to use onlot systems; a sewage management program is in place to address long term operation and maintenance of the onlot systems. Should development pressures in the area occur, the backup alternative is to convey the flows via pump station to the Donaldson's Crossroads STP. The Giant Oaks Interceptor Augmentation project would need to be completed prior to implementation of the backup alternative.

The costs of this project will be spread over the entire PTSA customer base. The chosen financing alternative will be PennVest, in conjunction with bond issue.

Approval of the Act 537 plan is approval of the concept and strategy for providing sewerage service to the area. This approval does not constitute approval of the chosen treatment system type or design. Those decisions will be made during the permitting process.

1. The approved project will require an NPDES permit for the proposed effluent discharge. The permit application must be submitted in the name of the municipality or authority, as appropriate.
2. The approved project will require a Water Management Part II Permit for the construction and operation of the proposed sewage facilities. The permit application must be submitted in the name of the municipality or authority, as appropriate. Issuance of a Part II Permit will be based upon a technical evaluation of the permit application and supporting documentation. Starting construction prior to obtaining a Part II Permit is a violation of The Clean Streams Law.
3. Other Departmental permits may be required for construction if encroachment to streams or wetlands will result. Information regarding the requirements for such permits or approvals can be obtained from the Department's Watershed Management Section telephone 412-442-4000.
4. It is now PTSA's responsibility to implement the 537 Plan in accordance with the schedules contained within the Plan.

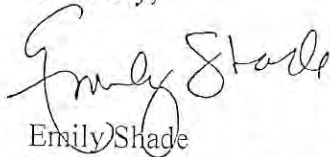
March 17, 2011

5. Following Act 537 plan approval, the Department administers grants for up to 50 percent of planning costs to municipalities with approved Task/Activity Reports. Costs for completion of any planning activities outside the scope of the originally proposed plan, or costs in excess of those previously approved, are not automatically eligible for grant participation. Design costs are not eligible. When you submit the grant application, you will find that you must attach cost invoices clearly identifying the task in the approved Task/Activity Report to which they apply, as well as proofs of payment for each invoice claimed. **Please be advised that this approval does not guarantee that eligible planning costs will be re-imbursed by the Commonwealth pursuant to Section 6 (a) of Act 537 and 25 Pa Code Chapter 71 of the Department's regulations.** A copy of the reimbursement application is available online at the web address listed below.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you have any questions, please call at 724 769-1055.

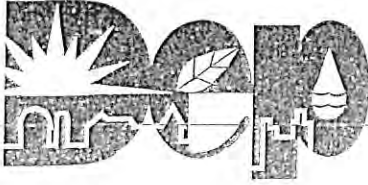
Sincerely,



Emily Shade

Sewage Planning Specialist II

cc: Lennon, Smith, Souleret Engineering, Inc.  
Washington County Planning Commission



Pennsylvania Department of Environmental Protection

25 Technology Drive  
California Technology Park  
Coal Center, PA 15423

January 23, 2006

California District Office

724-769-1100

Peters Township Council  
Mr. Michael Silvestri, Township Manager  
610 E. McMurray Road  
McMurray, PA 15317

Re: Act 537 Planning  
Plan of Study and Task/Activity Report  
Donaldson's Crossroads Service Area  
Peters Township  
Washington County

Dear Mr. Silvestri:

We received a Plan of Study and Task/Activity Report for preparation of an Act 537 Plan, submitted by KLH Engineers, Inc. under a cover letter dated September 21, 2005.

We are deleting from consideration the \$9000 proposed as payment to other communities for data. You have not secured letters of commitment from any of the neighboring communities. Without at least a letter of interest from those communities and confirmation that that Canonsburg Houston Authority would release them from any existing service agreements, we see no point in incurring expenses to evaluate those options.

Although a regional planning approach is normally the best approach on paper, it would be difficult to implement a regional approach in this case. North Strabane has completed the Fifeshire project and has made a recent major expenditure in upgrading the Rt. 19 pump station and force main. It is unlikely that they would agree to abandon those infrastructure improvements without a very significant cost savings. You would likely be wasting time and effort analyzing service to areas of North Strabane Township that are already served.

We still have reservations about the high cost of completing this study. This is an existing treatment facility with limited area within Peters Township for expansion. There are numerous alternatives that can be evaluated, but few truly feasible alternatives for an expansion of an existing STP with a built-out service area. We ask that you limit your alternatives analysis to focus on the feasible alternatives in an attempt to reduce the study costs.

Your Plan of Study has been approved by the Department for a total cost of \$74,910. The resulting Act 537 Official Plan must be consistent with Act 537, Chapter 71, Sections 71.21 and 71.31 of DEP regulations, and with information contained in both A Guide for Preparing Act 537 Update Revisions (February 1998), and Sewage Disposal Needs Identification Guidance (March 1996). These documents are available online in our e-library at [www.dep.state.pa.us](http://www.dep.state.pa.us)

JAN 26 2006



January 23, 2006

These documents are important. Appendix I in the first guide contains a comprehensive "Plan Content and Environmental Assessment Checklist" that details information required for a successful Act 537 Plan submission. This checklist is critical. Strictly following it will minimize the chance of submitting an incomplete plan and incurring untimely project delay; please ensure you are using the most recent version of the checklist. The second guide provides valuable insight about proper sewage disposal needs identification and documentation procedures. This "needs" information is not only used to determine whether a project is required, but it is also used when rating projects for priority based funding such as PENNVEST. Copies of either document can be obtained from the Department.

Following Act 537 plan approval, the Department administers grants for up to 50 percent of planning costs to municipalities with approved Task/Activity Reports. Costs for completion of any planning activities outside the scope of the originally proposed plan, or costs in excess of those previously approved, are not automatically eligible for grant participation. These additional activities must be within the scope of Act 537. Costs must be submitted as revised Task/Activity Reports and receive Departmental approval.

You should submit three (3) copies of the 537 plan. We encourage you to submit a draft plan prior to final adoption of the plan, by the municipalities, as a revision to their sewage facilities plan. If you prefer instead to adopt the plan prior to submitting the draft for our review, you should be aware that the plan might need to be readopted and republished if significant changes are required.

Please remember, following adoption and Departmental approval of your completed Act 537 Plan, you may apply for the reimbursement grant. At that time, as part of your grant application, you will find that you must submit cost invoices clearly identifying the task in the approved Task/Activity Report to which they apply, as well as proofs of payment for each invoice claimed

If you have any questions, please call me at (724) 769-1055.

Sincerely,



Emily Shade  
Sewage Planning Specialist II

cc: Peters Township Sanitary Authority  
KLH Engineers, Inc.

**PETERS TOWNSHIP  
SANITARY AUTHORITY**

111 BELL DRIVE  
McMURRAY, PA 15317-3415  
PHONE: 724-941-6709  
FAX: 724-941-2283  
Web Site: [ptsaonline.org](http://ptsaonline.org)



James J. Miskis, Manager  
Mark A. Chucuddy, Asst. Manager  
Patricia L. Mowry, Financial Controller  
Gary A. Parks, Special Projects Manager  
Diane L. Gregor, Administrative Assistant

June 8, 2011

Mr. Michael A. Silvestri  
Township Manager  
Peters Township  
610 E. McMurray Road  
McMurray, PA 15317

RE: Proposed Pilot Program for Building Sewer Test, Inspection, and Repair Program  
And Brush Run Water Pollution Control Plant Hydraulic Overload

As you know the Authority's efforts to reduce peak wet weather flows by public sewer rehabilitation projects, in conjunction with conventional dye testing to locate direct connections, has been unsuccessful, despite expending \$7 million on public sewer rehabilitation and interceptor replacement projects since 1997. In order to continue to connect new customers while properly treating the peak wet weather flows the Authority is undertaking a \$1.5 million wet weather improvements project at the Brush Run Water Pollution Control Plant (WPCP), currently underway.

Furthermore, the unusually wet weather this Spring has contributed to unprecedented groundwater and rainwater infiltration flow at the Authority's two treatment plants. The Brush Run WPCP has now exceeded its monthly average day hydraulic design capacity of 2.0 Million Gallons per Day (MGD) for three consecutive months (February, March and April). Based on PaDEP's Wasteload Regulations the Brush Run WPCP is now deemed hydraulically overloaded, and the regulations require the implementation of a tap restriction and Corrective Action Plan in order to alleviate the overload condition.

Fortunately, the wet weather improvements project when completed, will increase the plant's maximum monthly average day flow capacity to 2.5 MGD. The Authority chose when permitting the wet weather improvements to not increase the plant's hydraulic design capacity to 2.5 MGD in order to avoid more stringent NPDES Permit discharge limits, and believing the existing 2.0 MGD design capacity would suffice for the short term. However, due to the now existing hydraulic overload condition the Authority has little choice except to now seek a design capacity relating to 2.5 MGD. In the event more stringent discharge limits are imposed due to the increased hydraulic discharge capacity, we expect the new limits to be attainable with the improvements currently underway, without requiring any additional capital improvements. .

It is increasingly apparent to the Authority's Management that the rain dependent infiltration problem can not be managed by only addressing the public sewers, and ignoring the private portion of the sewer system. If our objective is to avoid repeated multi-million plant and interceptor capacity expansions to treat clean groundwater, and the significant rate increases that pay for them, then a comprehensive private building sewer/drain test, inspection and repair program is required to supplement the Authority's public sewer rehabilitation efforts.

The best way to design and implement a comprehensive program that will be successful in achieving its objective of substantially reducing peak wet weather flows is by first conducting a Pilot Program in one of areas where the public sewers have been comprehensively rehabilitated, however significant peak wet weather flows remain. The Authority Board has approved initiating a Pilot Program using the Friar Lane Sewershed as the Pilot Program test area, provided a majority of the property owners volunteer to participate. As an incentive to participate in the Pilot Program and as compensation for the granting of Rights of Entry to conduct the tests, investigations and investigative repairs, the Authority will offer a minimum payment as well as substantially contribute to the costs of required repairs.

Enclosed is a copy of the letter sent to the Friar Lane area property owners soliciting their interest in participating in the proposed Pilot Program. I have also enclosed a diagram of the subject area. *(The new homes in the Meadow Ridge Plan will not be included. These are new PVC sewers and wet weather investigations have confirmed that only a couple of gallons per minute of flow originate from this PVC sub-system).*

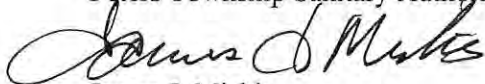
Assuming the Pilot Program is successful in demonstrating that peak wet weather flows can be substantially reduced, the Authority will use the data, information, knowledge and experience gained from the Pilot Program to design and implement a system wide program. Implementation of the program would begin in those areas where the public sewer has been comprehensively rehabilitated but excessive peak wet weather infiltration remains.

We caution you that the Pilot Program may not succeed at its objective, or it may demonstrate that it is cost prohibitive to homeowners to remove the targeted volumes of water. That is, in part, why the Pilot Program is necessary.

The Authority is also in the process of developing a comprehensive document that summarizes the Authority's knowledge base on the subject, and outlines the proposed Pilot and potential full scale programs. This document will be provided to the Township when completed later this summer. Perhaps after the Township has had an opportunity to review this document a workshop with Council could be scheduled to review the subject in depth.

If you have any questions please call or email

Sincerely,  
Peters Township Sanitary Authority



James J. Miskis  
Manger

JJM:ms  
Encl

**PETERS TOWNSHIP  
SANITARY AUTHORITY**

111 BELL DRIVE  
MURRAY, PA 15317-3415  
PHONE: 724-941-6709  
FAX: 724-941-2283  
Web Site: ptsaonline.org



James J. Miskis, Manager  
Mark A. Chucuddy, Asst. Manager  
Patricia L. Mowry, Financial Controller  
Gary A. Parks, Special Projects Manager  
Diane L. Gregor, Administrative Asst.

June 8, 2011

**REQUEST FOR INTEREST IN PARTICIPATING IN A  
SANITARY SEWER PILOT STUDY**

Dear:

The Peters Township Sanitary Authority (Authority) needs your assistance in the development of a comprehensive and equitable program to eliminate the infiltration of groundwater into the sanitary sewer system through defects in private building sewers and building drains. Your participation in this pilot project will benefit you, your neighbors and all residents in the Authority's service area. Best of all, there will be very little, if any, cost to you even if your building sewer or drain needs to be repaired or replaced to eliminate groundwater infiltration! The repairs would be made by the Authority or its contractor, in exchange for your cooperation in participating in the pilot program.

*The **building sewer** is the portion of the sewer that connects your house to the Authority's sewer main, and which is owned and maintained by you. The **building drain** is the lowest portion of your interior house plumbing, located beneath the basement floor.*

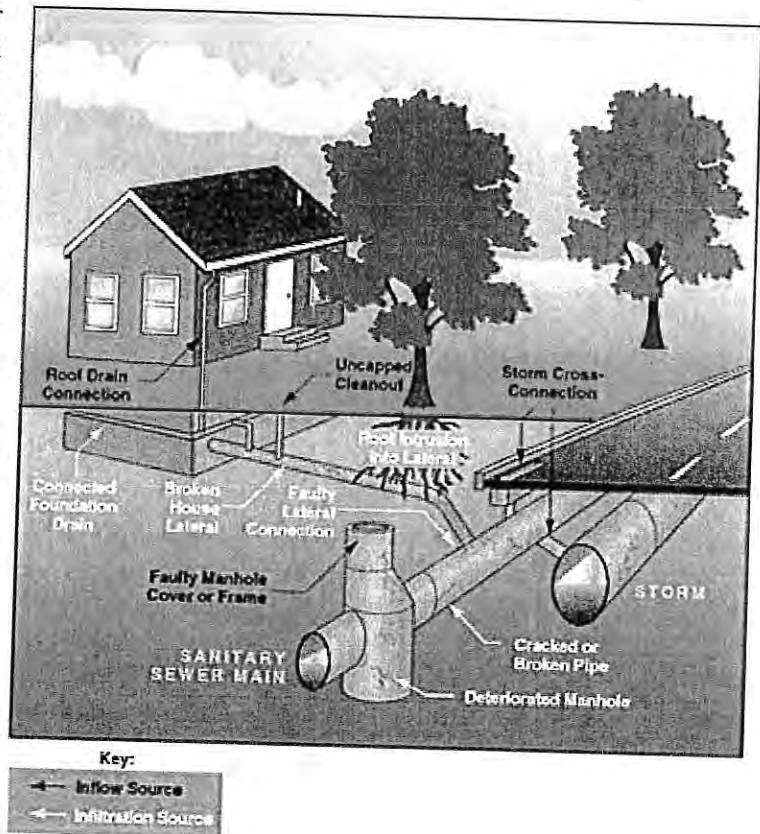
The discharge of groundwater or rainwater into the public sewer in any form is prohibited, and the Authority could compel property owners to eliminate the groundwater as identified during wet weather inspections. However, due to the widespread nature of the problem and the multitude of variables involved, the Authority believes it must first develop a comprehensive program to systematically address the problem. Unfortunately, it is nearly impossible to develop a program that addresses this complex issue and expect it to be successful without having access to a group of customers' properties to test out ideas and concepts, and measure progress.

This is where your assistance comes in. The Authority is proposing to undertake a Pilot Program in the Friar Lane area, involving the 83 homes that are connected to the Authority's Friar Lane trunk sewer.

Why Friar Lane? The Authority rehabilitated the public sewer serving the Friar Lane area in 2005 at a total cost of \$300,000. This project failed to reduce the volume of groundwater entering the Friar Lane sewer during severe rain events. During and immediately after severe rain events the past few years the Authority has performed internal inspections of the public sewer main. During these investigations and other specialized testing, the Authority has collected information that confirms the vast majority of groundwater infiltration entering the Friar Lane public sewer during and immediately after severe rain events originates from the private building sewer and/or building drain. In several instances where this inspection and testing identified extreme volumes of groundwater or rainwater entering the public sewer, your neighbors volunteered to make repairs at their cost to eliminate the source of the water. This has helped however, large volumes of groundwater remain.

This problem is not limited to the Friar Lane area sewers, but is widespread throughout the older areas of Peters Township as well as most other communities. It is this problem that is responsible for the endless cycle of multi-million dollar treatment plant capacity expansions. During 2011 the Authority is again expanding its treatment plant at a cost of \$1.5 million dollars to address the groundwater infiltration issue. In order to break this otherwise needless cycle of plant expansions the Authority will have to begin to compel property owners to repair the portion of the sewer system they own and maintain to eliminate the source of the groundwater infiltration.

The Authority recognizes your participation in the proposed Pilot Program may be a large inconvenience to you, and the Authority is willing to provide a financial incentive to each homeowner to participate, so that we may collect the valuable information that we can not collect otherwise.



**Participation in the Pilot Program is strictly voluntary, but encouraged**

The Pilot Program would generally consist of:

- Each participating property owner would execute an agreement identifying the terms and conditions of the Pilot Program.
- Each participating property owner will receive a minimum payment of \$200 for participation in the program, even if your property passes the initial test! Based on the testing completed, we estimate that 20 to 30% of the properties will not require repairs.
- Rainfall simulation testing would be performed by applying a volume of water equivalent to a severe rainstorm to various points on the property under test conditions. A camera inspection of the building sewer and drain would be performed during the test to locate sources of groundwater infiltration.
- The Authority will pay for required repairs identified in the testing up to a cumulative maximum of \$3,000 per participant.
- The Authority would accept the "Pass" results of the Pilot Program rainfall simulation tests in place of the standard Time of Sale Dye Test for one year. Thereby, if you sell your home within one year of testing, a Dye Test (at a cost \$150.00) will not be required.

The costs to the participating properties would be limited to:

- If repairs to the building sewer are made by the Authority we ask that you cover the cost of final lawn restoration. Driveway restoration would be the Authority's responsibility.
- If you have any illegal direct connection such as an roof downspout, area drain, or sump pump connected to the sanitary sewer, the cost of disconnection and rerouting will be the property owner's. The Authority has dye tested all downspouts and area drains therefore, we are 99% certain none of these are connected.

By participating in this Pilot Program, you will help us to remove large amounts of groundwater that would need to be conveyed and treated resulting in unnecessarily rate increases. More importantly, you will be helping the Authority develop a program to address the issue of groundwater infiltration from private building sewers and building drains that is fair and equitable to the overall customer base, and succeeds in its goal of reducing groundwater infiltration cost-effectively for our customers.

*Is this something that would interest you?* All other efforts to reduce the groundwater infiltration during severe rain events have failed. We have to start thinking outside the box to solve the problem. As part of our proposed Pilot Program the homeowner will have their sewer inspected and repaired if necessary, the Authority will gain valuable data, and all residents of our service area will benefit from what we learn and by the reduction of unnecessarily treating rainwater and groundwater.

We will need the majority of the 83 homeowners to participate to make this program a success. Please talk to your neighbors and encourage them to participate and to attend one of the information sessions identified below. If enough residents do not participate, or simply do not respond, the Authority will have to approach a different neighborhood to conduct the Pilot Program, and you and your neighbors will miss the opportunity to have repairs made at little or no cost.

Please complete the enclosed Letter of Interest and forward to my attention right away. If you have any questions, please call me or plan to attend one of our information sessions on June 7th.

PILOT PROGRAM  
INFORMATION SESSIONS  
Tuesday, June 22nd  
1:00 PM & 7:00 PM  
Peters Township Sanitary Authority Office  
111 Bell Drive  
Lower Level Meeting Room (rear entrance)

I look forward to working with you. Enclosed is a prior newsletter that provides more background information on the groundwater infiltration issue.

Sincerely,



Gary A. Parks  
Special Projects Manager

**PETERS TOWNSHIP  
SANITARY AUTHORITY**

111 BELL DRIVE  
McMURRAY, PA 15317  
PHONE: 724-941-6709  
FAX: 724-941-2283  
Web Site: ptsaonline.org



James J. Miskis, Manager  
Mark A. Chucuddy, Asst. Manager  
Gary A. Parks, Special Projects Manager  
Patricia L. Mowry, Financial Controller  
Diane L. Gregor, Administrative Asst.

**Friar Lane Sewershed  
Pilot Program  
Letter of Interest**

I am interested in learning more about the Pilot Program testing proposed in the Friar Lane area. I understand that this will be at little or no cost to me and repairs to my sewers may or may not be required based on the outcome of the inspection and testing by the Authority or its contractors.

Property Owner: \_\_\_\_\_

Property Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ cell: \_\_\_\_\_

Email: \_\_\_\_\_

Please check all that apply:

- I am interested in participating in this program.  
 I would like additional information. Please call me.  
 I will attend Information Session June 22nd at 1:00 pm  
 I will attend Information Session June 22nd at 7:00 pm  
 I am not interested at this time and understand that if defects are identified in my sewer at a later date I may be financially responsible for correcting the deficiencies.

**Please return no later than June 17, 2011:**

Mail to:  
Gary A. Parks, Special Projects Manager  
PETERS TOWNSHIP SANITARY AUTHORITY  
111 Bell Drive  
McMurray, PA 15317

Fax to: 724-941-2283

Email to: [gparks@ptsaonline.org](mailto:gparks@ptsaonline.org)



# PETERS TOWNSHIP SANITARY AUTHORITY NEWSLETTER

WE'RE ON THE WEB at [www.ptsaonline.org](http://www.ptsaonline.org)

## SEWER RATE ADJUSTMENT

**E**ffective February 16, 2009, the quarterly Minimum Service Charge will increase by one dollar and seventy-five cents (\$1.75) and the Sewer Use Charge will increase by ninety cents (\$.90) per thousand gallons of water used. The current minimum Service Charge of \$29.25 per quarter per dwelling will increase to \$31.00 and the Sewer Use Charge of \$4.15/1000 gallons will increase to \$5.05/1000 gallons. This is the largest rate increase the Authority has enacted since 1993, and the first time it has increased the Minimum Service Charge since 1993.

This increase was necessitated primarily because of the inflationary factors, a slow down in home construction, and reduced water consumption by both residential and non-residential customers, secondarily, in order to maintain the current level of service and to continue to rehabilitate the Authority's aging sewer infrastructure.

For the average residential customer that uses 14,700 gallons of water per quarter, the rate increase is 16.6% or \$14.98 per quarter. Even after the rate increase, the Authority's charge for sewage service remains lower than six of the eight other nearby sewage service providers that the Authority's considers comparable. The Authority's existing sewer charge remains below the inflation adjusted 1985 sewer charge, which was the first year water consumption was used as the basis for sewer use billing. While a \$105/quarter sewer bill for the average customer may seem large, it remains the best value available, far less than any other essential utility.

**CUSTOMERS SERVED BY PTSA: RESIDENTIAL 5,561 COMMERCIAL 272**

**WET WEATHER SEWAGE ISSUES** The remainder of this Newsletter is devoted to an important issue that all of our customers should become familiar with, and one that will serve to minimize sewer charges in the long term.

During extreme rain events rainwater/groundwater entering the sanitary sewer through pipe defects and prohibited connections can exceed the capacity of the sewer, causing raw sewage to erupt from manholes, or worse, backup sewage into basements. Furthermore, the volume of water conveyed to the treatment plant can exceed the volume that can be treated effectively, thereby reducing the water quality discharged to the receiving stream. During extreme rain events the sewage flow received at the treatment plant can increase ten-fold within one hour of the start of the event.

This wet weather sewer problem is not new, nor is it limited to Peters Township. Many nearby communities are under "tap bans" that severely limit customer growth until the sewer problems are addressed. In some cases, regulatory agencies issue consent orders establishing how the problem will be addressed. For example, the Allegheny County Sanitary Authority (ALCOSAN) and the 83 communities it serves, are under consent orders to eliminate untreated wet weather sewer discharges, at an estimated cost of \$4 billion dollars.

Understanding the Problem The Authority owns 120 miles of sanitary sewers which collect wastewater from its 5,800 customers. These sewers convey the wastewater to the treatment plant, where pollutants are removed, and then the treated wastewater is discharged to the receiving stream. Additionally, each property owner owns, and is responsible for maintaining its "building sewer", which connects the house's plumbing drain system to the public sewer. All underground pipes are subject to deterioration, and eventual failure, due to things like ground movement, root intrusion through pipe joints, gasket deterioration, external factors (such as an oak tree planted directly over a sewer that can crush the sewer as the tree matures).

During rain events the rainwater/groundwater can leak into the sanitary sewer through these pipe defects. This water can also enter through prohibited connections such as roof downspouts, and foundation footer drains. The sanitary sewer was not designed to receive the clean water from these sources, and it is this clean water leaking into the sewer that causes the sewer problems during extreme wet weather events.

*Continued on Reverse*

ISSUE 3  
JANUARY 2009

### BILLING CYCLE

1st Quarter  
November 16– February 15  
Bill Date—March 30

2nd Quarter  
February 16—May 15  
Bill Date—June 30

3rd Quarter  
May 16—August 15  
Bill Date—September 30

4th Quarter  
August 16—November 15  
Bill Date—December 30

All initial billing inquiries are to be made to Jordan Tax Service 724-731-2317

**Please mail payments to:**  
Peters Twp Sanitary Authority  
Jordan Tax Service  
102 Rahway Road  
McMurray, PA 15317

**Credit Card Payments**  
[www.officialpayments.com](http://www.officialpayments.com)  
Payment entity  
"Jordan Tax Service"

Drop-offs and walk-ins are accepted at :

- \* JTS Office
- \* PTSA Office

### BOARD MEETINGS

Held at PTSA Office located at  
3244 Washington Road  
2nd Tuesday of the month  
at 7:00 p.m.

Additional Meeting  
4th Tuesday if needed

**V**isit [www.ptsaonline.org](http://www.ptsaonline.org) for information about policies and procedures , Board meeting minutes, and current projects.

Understanding the Problem (continued) It is of great importance to this Authority, as it should be to each of our customers, to minimize and eventually eliminate the rainwater/groundwater that enters the public sewer system. Not only will its elimination help improve the environment, but it will serve to lower future capital and operating costs, thereby keeping the cost of sewage service lower. Much of 2009's 16.6% rate increase is due to expanding the Authority's facilities to manage wet weather sewage flows. If we continue to ignore the true source of the wet weather sewage problem, regular and large increases in our sewer rates will be required.

Combating the Problem The Authority administers programs designed to eliminate rainwater/groundwater from its system, including:

- A) Requires dye test inspections prior to sale of property to identify prohibited connections and requires their disconnection;
- B) Conducts area wide dye testing of neighborhoods that have been identified as contributing excessive wet weather flows;
- C) Conducts continuous sewer system flow monitoring to identify areas with excessive wet weather sewage flows;
- D) Performs video inspection of 24,000 linear feet of public sewer annually to identify defects, and schedule their repair; and
- E) Expends \$500,000 annually on sewer rehabilitation and capacity augmentation projects, with \$5 million dollars expended over the past 10 years. All of it paid for by your sewer use charges.

Unfortunately, the Authority's efforts in reducing wet weather sewage flows are not succeeding. Today's peak wet weather sewage flows are essentially the same as they were 10 years ago. *Why?* The reasons are believed to be the result of two major factors: 1) Groundwater Migration, when the public sewer is rehabilitated, most of the groundwater that previously leaked into the public sewer now migrates to nearby building sewers, entering the sewer system through building sewer defects; and 2) The total length of privately maintained building sewers of our 5,800 customers is approximately equal to the total length of public sewer. Until significant portions of the building sewers are made watertight, substantial progress will not be achieved. Video inspection of the public sewer during peak rain events reveals a substantial number of properties discharging considerable volumes of groundwater. Until these sources are removed all of the Authority's customers will suffer the expense of continual expansion of the Authority's facilities to needlessly convey and treat groundwater.

Where do we go from here? During 2009 the Authority will be investing \$1 million in wet weather improvements to its Brush Run Treatment Plant, and by 2012 will be investing \$15 million to replace its Donaldsons Crossroads Treatment Plant, with at least half of the plant expansion's cost due to providing wet weather capacity. Furthermore, Pennsylvania is expected to adopt more stringent water quality standards for nutrients (Nitrogen and Phosphorus) by 2012. If so, our treatment plants will have to undergo further multi-million dollar upgrades to meet the new standards, the cost of which will significantly increase due to wet weather sewage flows. Therefore, we have an opportunity to reduce future capital costs if we begin to seriously address the source of the wet weather flow. We have just barely enough time to realize some success in reducing wet weather sewage flows, if we implement the programs in 2009.

In order to reduce the wet weather sewage flow the Authority needs to begin addressing groundwater originating on private property that enters through defects in the building sewer/building drain, and from prohibited foundation footer drains. It will be necessary to hold the property owners responsible to repair defective piping that contributes excessive volumes of groundwater and to remove foundation footer drains. The Authority's Management is developing a program for implementation in 2009 whereby it will identify properties discharging excessive volumes of groundwater during rain events, and compel those property owners to eliminate the discharge. This program is sure to be controversial, and will cause considerable expense for a number of customers. The Authority welcomes your comments on this proposed program, and will schedule public hearings prior to adoption.

**PETERS TOWNSHIP SANITARY AUTHORITY**

POSTAGE

3244 Washington Road  
McMurray, PA 15317  
Phone: 724-941-6709

CURRENT RESIDENT



May 25, 2011

Washington County  
S.R. 1002, Section C10  
Agreement #M124267000 – East McMurray Center Church Road Intersection

Mr. Michael Silvestri  
Township Manager  
Peters Township Municipal Building  
610 E. McMurray Road  
McMurray, PA 15317

Dear Mr. Silvestri:

Attached is a revised copy of an unexecuted contribution agreement between the Department of Transportation and Peters Township for contribution to the subject project. This agreement was revised at your request. Paragraph 6 was revised and Paragraph 9 was removed.

Please review the agreement with particular attention to the cost sharing breakdown. Also, provide a resolution designating signature authority for the agreement.

If the agreement is satisfactory, please present it to the appropriate officials for signature, title and date. When signed, return the agreement to me for further processing. The Department will provide you with a copy when the agreement is fully executed.

Should you have any questions or require clarification, please contact Mr. William Oshnack, Project Manager, at (724) 439-7321.

Very truly yours,

A handwritten signature in cursive script that reads "Rachel D. Duda". The signature is written in black ink and is positioned above the printed name and title.

Rachel D. Duda, P.E.  
Assistant District Executive – Design  
Engineering District 12-0

120:WVO:lg

Attachment

Effective Date \_\_\_\_\_

(Date to be entered by Department)

Washington County

Peters Township

AGREEMENT NO. M124267000

FEDERAL ID NO. 25-6002462

MPMS # 70043

## CONTRIBUTION AGREEMENT

THIS AGREEMENT, made and entered into by and between the Commonwealth of Pennsylvania, Department of Transportation (“DEPARTMENT”),

and

Peters Township, Washington County, a political subdivision of the Commonwealth of Pennsylvania, with its address at 610 East McMurray Road, McMurray, Pennsylvania 15317-3496 (“TOWNSHIP”).

### WITNESSETH:

WHEREAS, the DEPARTMENT has jurisdiction and control over State Route (SR) 1002 in Peters Township, Washington County, Pennsylvania; and,

WHEREAS, the DEPARTMENT has planned an intersection improvement project on SR 1002 from Segment 0060/Offset 3018 to Segment 0070/Offset 1534; and,

WHEREAS, the TOWNSHIP has requested that the DEPARTMENT include as part of the intersection improvement project, additional improvements, including, but not limited to the widening of South Center Church Road (identified as TOWNSHIP Road T-752); (collectively, the ‘PROJECT’); and, along the affected roadway (the ‘PROJECT’); and,

WHEREAS, the TOWNSHIP has agreed to contribute Four Hundred Eighty-Three Thousand Dollars (\$483,000.00) to the DEPARTMENT for costs associated with the construction and construction inspection of the PROJECT; and,

WHEREAS, the DEPARTMENT and the TOWNSHIP desire to enter into this Contribution Agreement (the ‘Agreement’) for the purpose of setting forth their respective duties, responsibilities and financial obligations with respect to the PROJECT.

NOW, THEREFORE, the parties, intending to be legally bound, agree to the following:

1. The recitals set forth above are incorporated by reference as a material part of this Agreement.
2. The DEPARTMENT, with its own forces or by contract, shall design and construct the PROJECT in accordance with the plans, specifications, and drawings prepared by or for the DEPARTMENT, which are incorporated herein by reference as though physically attached hereto.
3. The TOWNSHIP shall pay to the DEPARTMENT Four Hundred Eighty-Three Thousand Dollars (\$483,000.00) for costs associated with the construction and construction inspection of the PROJECT.

4. The DEPARTMENT shall submit an invoice to the TOWNSHIP for the Four Hundred Eighty-Three Thousand Dollars (\$483,000) sixty (60) days after the project let. The TOWNSHIP shall make payment to the DEPARTMENT in full within thirty (30) days of receipt of such invoice.
5. The TOWNSHIP, by executing this Agreement, certifies that it has on hand sufficient funds to meet all of its obligations for the PROJECT as set forth in Paragraph 3.
6. If the TOWNSHIP fails to perform any of the terms, conditions or provisions of the Agreement, including, but not limited to, any default of payment for a period of forty-five (45) days, the TOWNSHIP authorizes the DEPARTMENT to withhold so much of the TOWNSHIP's Liquid Fuels Tax Fund allocation as may be necessary to fully reimburse the DEPARTMENT for all costs due hereunder up to the contribution amount set forth herein (\$483,000); and the TOWNSHIP does hereby and herewith authorize the DEPARTMENT to withhold such amount and to apply such funds, or portion thereof, to remedy such default.
7. The DEPARTMENT shall make every effort to let the PROJECT in the spring of 2011 and commence construction during the summer of 2011. The parties understand that this is a tentative schedule and is not binding on either party.
8. This Agreement may be terminated by the DEPARTMENT if state or federal funds are not provided for the PROJECT. Nothing contained in this Agreement shall be deemed to be a waiver by the DEPARTMENT of its discretion to abandon or postpone the PROJECT or any part and/or phase of the PROJECT. Termination shall be effected by delivery to the TOWNSHIP of a Notice of Termination specifying the reason for termination and the date such termination is to be effective. Within thirty (30) days of delivery of the Notice of Termination, the DEPARTMENT shall reimburse the TOWNSHIP for all funds contributed by the TOWNSHIP under this Agreement.
9. The TOWNSHIP agrees to comply with the Contractor Integrity Provisions, the Commonwealth Nondiscrimination/Sexual Harassment Clause and the Provisions Concerning the Americans with Disabilities Act, which are attached hereto as Exhibits "B," "C," and "D".
10. The Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101—3104, applies to this Agreement. Therefore, this Agreement is subject to, and the TOWNSHIP shall comply with, the clause entitled Contract Provisions – Right to Know Law 8-K-1532, attached as Exhibit "E" and made a part of this Agreement. As used in this Agreement, the term "Contractor" refers to the TOWNSHIP.
11. This Agreement will not be effective until all necessary Commonwealth officials as required by law have executed it. Following full execution, the DEPARTMENT will insert the effective date at the top of Page 1.

IN WITNESS WHEREOF, the parties have executed this Agreement the date first above written.

ATTEST

PETERS TOWNSHIP

\_\_\_\_\_  
Title: DATE

BY \_\_\_\_\_  
Title: DATE

*If a Corporation, the President or Vice-president must sign and the Secretary, Treasurer, Assistant Secretary or Assistant Treasurer must attest; if a sole proprietorship, only the owner must sign; if a partnership, only one partner need sign; if a limited partnership, only the general partner must sign. If a Municipality, Authority or other entity, please attach a resolution.*

**DO NOT WRITE BELOW THIS LINE--FOR COMMONWEALTH USE ONLY**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

BY \_\_\_\_\_  
Deputy Secretary of DATE  
Transportation

APPROVED AS TO LEGALITY  
AND FORM

FUNDS COMMITMENT DOC. NO. \_\_\_\_\_  
CERTIFIED FUNDS AVAILABLE UNDER  
SAP NO. \_\_\_\_\_  
SAP COST CENTER \_\_\_\_\_  
GL. ACCOUNT \_\_\_\_\_  
AMOUNT \_\_\_\_\_

BY \_\_\_\_\_  
for Chief Counsel Date

BY \_\_\_\_\_  
Deputy General Counsel Date

BY \_\_\_\_\_  
for Comptroller Date

BY \_\_\_\_\_  
Deputy Attorney General Date

## EXHIBIT "A"

### CONTRACTOR INTEGRITY PROVISIONS

It is essential that those who seek to contract with the Commonwealth of Pennsylvania ("Commonwealth") observe high standards of honesty and integrity. They must conduct themselves in a manner that fosters public confidence in the integrity of the Commonwealth procurement process.

In furtherance of this policy, Contractor agrees to the following:

1. Contractor shall maintain the highest standards of honesty and integrity during the performance of this contract and shall take no action in violation of state or federal laws or regulations or any other applicable laws or regulations, or other requirements applicable to Contractor or that govern contracting with the Commonwealth.
2. Contractor shall establish and implement a written business integrity policy, which includes, at a minimum, the requirements of these provisions as they relate to Contractor employee activity with the Commonwealth and Commonwealth employees, and which is distributed and made known to all Contractor employees.
3. Contractor, its affiliates, agents and employees shall not influence, or attempt to influence, any Commonwealth employee to breach the standards of ethical conduct for Commonwealth employees set forth in the *Public Official and Employees Ethics Act, 65 Pa.C.S. §§1101 et seq.*; the *State Adverse Interest Act, 71 P.S. §776.1 et seq.*; and the *Governor's Code of Conduct, Executive Order 1980-18, 4 Pa. Code §7.151 et seq.*, or to breach any other state or federal law or regulation.
4. Contractor, its affiliates, agents and employees shall not offer, give, or agree or promise to give any gratuity to a Commonwealth official or employee or to any other person at the direction or request of any Commonwealth official or employee.
5. Contractor, its affiliates, agents and employees shall not offer, give, or agree or promise to give any gratuity to a Commonwealth official or employee or to any other person, the acceptance of which would violate the *Governor's Code of Conduct, Executive Order 1980-18, 4 Pa. Code §7.151 et seq.* or any statute, regulation, statement of policy, management directive or any other published standard of the Commonwealth.
6. Contractor, its affiliates, agents and employees shall not, directly or indirectly, offer, confer, or agree to confer any pecuniary benefit on anyone as consideration for the decision, opinion, recommendation, vote, other exercise of discretion, or violation of a known legal duty by any Commonwealth official or employee.
7. Contractor, its affiliates, agents, employees, or anyone in privity with him or her shall not accept or agree to accept from any person, any gratuity in connection with the performance of work under the contract, except as provided in the contract.
8. Contractor shall not have a financial interest in any other contractor, subcontractor, or supplier providing services, labor, or material on this project, unless the financial interest is disclosed to the Commonwealth in writing and the Commonwealth consents to Contractor's financial

interest prior to Commonwealth execution of the contract. Contractor shall disclose the financial interest to the Commonwealth at the time of bid or proposal submission, or if no bids or proposals are solicited, no later than Contractor's submission of the contract signed by Contractor.

9. Contractor, its affiliates, agents and employees shall not disclose to others any information, documents, reports, data, or records provided to, or prepared by, Contractor under this contract without the prior written approval of the Commonwealth, except as required by the *Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101-3104*, or other applicable law or as otherwise provided in this contract. Any information, documents, reports, data, or records secured by Contractor from the Commonwealth or a third party in connection with the performance of this contract shall be kept confidential unless disclosure of such information is:
  - a. Approved in writing by the Commonwealth prior to its disclosure; or
  - b. Directed by a court or other tribunal of competent jurisdiction unless the contract requires prior Commonwealth approval; or
  - c. Required for compliance with federal or state securities laws or the requirements of national securities exchanges; or
  - d. Necessary for purposes of Contractor's internal assessment and review; or
  - e. Deemed necessary by Contractor in any action to enforce the provisions of this contract or to defend or prosecute claims by or against parties other than the Commonwealth; or
  - f. Permitted by the valid authorization of a third party to whom the information, documents, reports, data, or records pertain: or
  - g. Otherwise required by law.
  
10. Contractor certifies that neither it nor any of its officers, directors, associates, partners, limited partners or individual owners has been officially notified of, charged with, or convicted of any of the following and agrees to immediately notify the Commonwealth agency contracting officer in writing if and when it or any officer, director, associate, partner, limited partner or individual owner has been officially notified of, charged with, convicted of, or officially notified of a governmental determination of any of the following:
  - a. Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property.
  - b. Commission of fraud or a criminal offense or other improper conduct or knowledge of, approval of or acquiescence in such activities by Contractor or any affiliate, officer, director, associate, partner, limited partner, individual owner, or employee or other individual or entity associated with:
    - (1) obtaining;
    - (2) attempting to obtain; or

(3) performing a public contract or subcontract.

Contractor's acceptance of the benefits derived from the conduct shall be deemed evidence of such knowledge, approval or acquiescence.

- c. Violation of federal or state antitrust statutes.
- d. Violation of any federal or state law regulating campaign contributions.
- e. Violation of any federal or state environmental law.
- f. Violation of any federal or state law regulating hours of labor, minimum wage standards or prevailing wage standards; discrimination in wages; or child labor violations.
- g. Violation of the *Act of June 2, 1915 (P.L.736, No. 338)*, known as the *Workers' Compensation Act, 77 P.S. 1 et seq.*
- h. Violation of any federal or state law prohibiting discrimination in employment.
- i. Debarment by any agency or department of the federal government or by any other state.
- j. Any other crime involving moral turpitude or business honesty or integrity.

Contractor acknowledges that the Commonwealth may, in its sole discretion, terminate the contract for cause upon such notification or when the Commonwealth otherwise learns that Contractor has been officially notified, charged, or convicted.

11. If this contract was awarded to Contractor on a non-bid basis, Contractor must, (as required by *Section 1641 of the Pennsylvania Election Code*) file a report of political contributions with the Secretary of the Commonwealth on or before February 15 of the next calendar year. The report must include an itemized list of all political contributions known to Contractor by virtue of the knowledge possessed by every officer, director, associate, partner, limited partner, or individual owner that has been made by:
- a. Any officer, director, associate, partner, limited partner, individual owner or members of the immediate family when the contributions exceed an aggregate of one thousand dollars (\$1,000) by any individual during the preceding year; or
  - b. Any employee or members of his immediate family whose political contribution exceeded one thousand dollars (\$1,000) during the preceding year.

To obtain a copy of the reporting form, Contractor shall contact the Bureau of Commissions, Elections and Legislation, Division of Campaign Finance and Lobbying Disclosure, Room 210, North Office Building, Harrisburg, PA 17120.

12. Contractor shall comply with requirements of the *Lobbying Disclosure Act, 65 Pa.C.S. § 13A01 et seq.*, and the regulations promulgated pursuant to that law. Contractor employee activities

prior to or outside of formal Commonwealth procurement communication protocol are considered lobbying and subjects the Contractor employees to the registration and reporting requirements of the law. Actions by outside lobbyists on Contractor's behalf, no matter the procurement stage, are not exempt and must be reported.

13. When Contractor has reason to believe that any breach of ethical standards as set forth in law, the Governor's Code of Conduct, or in these provisions has occurred or may occur, including but not limited to contact by a Commonwealth officer or employee which, if acted upon, would violate such ethical standards, Contractor shall immediately notify the Commonwealth contracting officer or Commonwealth Inspector General in writing.
14. Contractor, by submission of its bid or proposal and/or execution of this contract and by the submission of any bills, invoices or requests for payment pursuant to the contract, certifies and represents that it has not violated any of these contractor integrity provisions in connection with the submission of the bid or proposal, during any contract negotiations or during the term of the contract.
15. Contractor shall cooperate with the Office of Inspector General in its investigation of any alleged Commonwealth employee breach of ethical standards and any alleged Contractor non-compliance with these provisions. Contractor agrees to make identified Contractor employees available for interviews at reasonable times and places. Contractor, upon the inquiry or request of the Office of Inspector General, shall provide, or if appropriate, make promptly available for inspection or copying, any information of any type or form deemed relevant by the Inspector General to Contractor's integrity and compliance with these provisions. Such information may include, but shall not be limited to, Contractor's business or financial records, documents or files of any type or form that refers to or concern this contract.
16. For violation of any of these Contractor Integrity Provisions, the Commonwealth may terminate this and any other contract with Contractor, claim liquidated damages in an amount equal to the value of anything received in breach of these provisions, claim damages for all additional costs and expenses incurred in obtaining another contractor to complete performance under this contract, and debar and suspend Contractor from doing business with the Commonwealth. These rights and remedies are cumulative, and the use or non-use of any one shall not preclude the use of all or any other. These rights and remedies are in addition to those the Commonwealth may have under law, statute, regulation, or otherwise.
17. For purposes of these Contractor Integrity Provisions, the following terms shall have the meanings found in this Paragraph 17.
  - a. "Confidential information" means information that a) is not already in the public domain; b) is not available to the public upon request; c) is not or does not become generally known to Contractor from a third party without an obligation to maintain its confidentiality; d) has not become generally known to the public through a act or omission of Contractor; or e) has not been independently developed by Contractor without the use of confidential information of the Commonwealth.
  - b. "Consent" means written permission signed by a duly authorized officer or employee of the Commonwealth, provided that where the material facts have been disclosed, in writing, by pre-qualification, bid, proposal, or contractual terms, the Commonwealth shall be deemed to have consented by virtue of execution of this contract.

- c. “Contractor” means the individual or entity that has entered into this contract with the Commonwealth, including those directors, officers, partners, managers, and owners having more than a five percent interest in Contractor.
- d. “Financial interest” means:
  - (1) Ownership of more than a five percent interest in any business; or
  - (2) Holding a position as an officer, director, trustee, partner, employee, or holding any position of management.
- e. “Gratuity” means tendering, giving or providing anything of more than nominal monetary value including, but not limited to, cash, travel, entertainment, gifts, meals, lodging, loans, subscriptions, advances, deposits of money, services, employment, or contracts of any kind. The exceptions set forth in the Governor’s Code of Conduct, Executive Order 1980-18, the 4 Pa. Code §7.153(b), shall apply.
- f. “Immediate family” means a spouse and any unemancipated child.
- g. “Non-bid basis” means a contract awarded or executed by the Commonwealth with Contractor without seeking bids or proposals from any other potential bidder or offeror.
- h. “Political contribution” means any payment, gift, subscription, assessment, contract, payment for services, dues, loan, forbearance, advance or deposit of money or any valuable thing, to a candidate for public office or to a political committee, including but not limited to a political action committee, made for the purpose of influencing any election in the Commonwealth of Pennsylvania or for paying debts incurred by or for a candidate or committee before or after any election.

## EXHIBIT "B"

### NONDISCRIMINATION/SEXUAL HARASSMENT CLAUSE [Contracts]

The Contractor agrees:

1. In the hiring of any employee(s) for the manufacture of supplies, performance of work, or any other activity required under the contract or any subcontract, the Contractor, each subcontractor, or any person acting on behalf of the Contractor or subcontractor shall not, by reason of gender, race, creed, or color, discriminate against any citizen of this Commonwealth who is qualified and available to perform the work to which the employment relates.
2. Neither the Contractor nor any subcontractor nor any person on their behalf shall in any manner discriminate against or intimidate any employee involved in the manufacture of supplies, the performance of work, or any other activity required under the contract on account of gender, race, creed, or color.
3. The Contractor and each subcontractor shall establish and maintain a written sexual harassment policy and shall inform their employees of the policy. The policy must contain a notice that sexual harassment will not be tolerated and employees who practice it will be disciplined.
4. The Contractor and each subcontractor shall not discriminate by reason of gender, race, creed, or color against any subcontractor or supplier who is qualified to perform the work to which the contracts relates.
5. The Contractor and each subcontractor shall, within the time periods requested by the Commonwealth, furnish all necessary employment documents and records and permit access to their books, records, and accounts by the contracting agency and the Bureau of Minority and Women Business Opportunities (BMWBO), for purpose of ascertaining compliance with provisions of this Nondiscrimination/Sexual Harassment Clause. Within fifteen (15) days after award of any contract, the Contractor shall be required to complete, sign and submit Form STD-21, the "Initial Contract Compliance Data" form. If the contract is a construction contract, then the Contractor shall be required to complete, sign and submit Form STD-28, the "Monthly Contract Compliance Report for Construction Contractors", each month no later than the 15<sup>th</sup> of the month following the reporting period beginning with the initial job conference and continuing through the completion of the project. Those contractors who have fewer than five employees or whose employees are all from the same family or who have completed the Form STD-21 within the past 12 months may, within the 15 days, request an exemption from the Form STD-21 submission requirement from the contracting agency.
6. The Contractor shall include the provisions of this Nondiscrimination/Sexual Harassment Clause in every subcontract so that those provisions applicable to subcontractors will be binding upon each subcontractor.
7. The Commonwealth may cancel or terminate the contract and all money due or to become due under the contract may be forfeited for a violation of the terms and conditions of this Nondiscrimination/Sexual Harassment Clause. In addition, the agency may proceed with debarment or suspension and may place the Contractor in the Contractor Responsibility File.

## EXHIBIT "C"

### PROVISIONS CONCERNING *THE AMERICANS WITH DISABILITIES ACT*

During the term of this contract, the Contractor agrees as follows:

1. Pursuant to federal regulations promulgated under the authority of *The Americans With Disabilities Act*, 28 C.F.R. § 35.101 et seq., The Contractor understands and agrees that no individual with a disability shall, on the basis of the disability, be excluded from participation in this contract or from activities provided for under this contract. As a condition of accepting and executing this contract, the Contractor agrees to comply with the "*General Prohibitions Against Discrimination*," 28 C.F.R. § 35.130, and all other regulations promulgated under *Title II of The Americans With Disabilities Act* which are applicable to the benefits, services, programs, and activities provided by the Commonwealth of Pennsylvania through contracts with outside contractors.
2. The Contractor shall be responsible for and agrees to indemnify and hold harmless the Commonwealth of Pennsylvania from all losses, damages, expenses, claims, demands, suits, and actions brought by any party against the Commonwealth of Pennsylvania as a result of the Contractor's failure to comply with the provisions of paragraph 1.

## EXHIBIT "D"

### Contract Provisions – Right to Know Law 8-K-1532

- a. The Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101-3104, ("RTKL") applies to this Contract. For the purpose of these provisions, the term "the Commonwealth" shall refer to the contracting Commonwealth agency.
- b. If the Commonwealth needs the Contractor's assistance in any matter arising out of the RTKL related to this Contract, it shall notify the Contractor using the legal contact information provided in this Contract. The Contractor, at any time, may designate a different contact for such purpose upon reasonable prior written notice to the Commonwealth.
- c. Upon written notification from the Commonwealth that it requires the Contractor's assistance in responding to a request under the RTKL for information related to this Contract that may be in the Contractor's possession, constituting, or alleged to constitute, a public record in accordance with the RTKL ("Requested Information"), the Contractor shall:
  1. Provide the Commonwealth, within ten (10) calendar days after receipt of written notification, access to, and copies of, any document or information in the Contractor's possession arising out of this Contract that the Commonwealth reasonably believes is Requested Information and may be a public record under the RTKL; and
  2. Provide such other assistance as the Commonwealth may reasonably request, in order to comply with the RTKL with respect to this Contract.
- d. If the Contractor considers the Requested Information to include a request for a Trade Secret or Confidential Proprietary Information, as those terms are defined by the RTKL, or other information that the Contractor considers exempt from production under the RTKL, the Contractor must notify the Commonwealth and provide, within seven (7) calendar days of receiving the written notification, a written statement signed by a representative of the Contractor explaining why the requested material is exempt from public disclosure under the RTKL.
- e. The Commonwealth will rely upon the written statement from the Contractor in denying a RTKL request for the Requested Information unless the Commonwealth determines that the Requested Information is clearly not protected from disclosure under the RTKL. Should the Commonwealth determine that the Requested Information is clearly not exempt from disclosure, the Contractor shall provide the Requested Information within five (5) business days of receipt of written notification of the Commonwealth's determination.
- f. If the Contractor fails to provide the Requested Information within the time period required by these provisions, the Contractor shall indemnify and hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of the Contractor's failure, including any statutory damages assessed against the Commonwealth.

- g. The Commonwealth will reimburse the Contractor for any costs associated with complying with these provisions only to the extent allowed under the fee schedule established by the Office of Open Records or as otherwise provided by the RTKL if the fee schedule is inapplicable.
- h. The Contractor may file a legal challenge to any Commonwealth decision to release a record to the public with the Office of Open Records, or in the Pennsylvania Courts, however, the Contractor shall indemnify the Commonwealth for any legal expenses incurred by the Commonwealth as a result of such a challenge and shall hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of the Contractor's failure, including any statutory damages assessed against the Commonwealth, regardless of the outcome of such legal challenge. As between the parties, the Contractor agrees to waive all rights or remedies that may be available to it as a result of the Commonwealth's disclosure of Requested Information pursuant to the RTKL.
- i. The Contractor's duties relating to the RTKL are continuing duties that survive the expiration of his Contract and shall continue as long as the Contractor has Requested Information in its possession.

OFFICIAL  
TOWNSHIP OF PETERS TOWNSHIP  
WASHINGTON COUNTY, PENNSYLVANIA

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF PETERS  
TOWNSHIP, AUTHORIZING THE CHAIRMAN OF  
COUNCIL TO SIGN A CONTRIBUTION  
AGREEMENT WITH THE PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION FOR THE  
S.R.1002 INTERSECTION PROJECT.

BE IT RESOLVED, by authority of the Peters Township Council of Peters Township,  
Washington County, and it is hereby resolved by authority of the same, that the Council  
Chairman of Peters Township be authorized and directed to sign the attached Agreement on its  
behalf and that the Township Manager be authorized and directed to attest and seal the same.

ATTEST:

PETERS TOWNSHIP

\_\_\_\_\_

By: \_\_\_\_\_

Michael A. Silvestri  
Township Manager

Robert L. Atkison  
Council Chairman

I, Michael A. Silvestri, Township Manager of Peters Township, do hereby certify that the  
foregoing is a true and correct copy of the Resolution adopted at a regular meeting of the Peters  
Township Council, held the 13<sup>TH</sup> day of June, 2011.

DATE: June 13, 2011

By: \_\_\_\_\_

Michael A. Silvestri  
Township Manager

**PETERS TOWNSHIP BID SHEET  
2011 Asphalt Rejuvenator Program**

**TOTAL BID AS SPECIFIED (Reclamite):**

Estimated total square yards	Unit Price/Square Yard	Total Price
130,000 s.y.	\$0.76	\$98,800.00

**TOTAL BID WITH EXCEPTIONS:**

Standard = Reclamite

Substitute = none

Estimated total square yards	Unit Price/Square Yard	Total Price
130,000 s.y.		

Bidders are requested to submit a detailed explanation of exceptions to the specifications and reasons for exceptions.

**BIDDER:**

Name of Firm Pavement Technology, Inc.

Address 24144 Detroit Road

Westlake, Ohio 44145

Telephone (440) 892-1895

E-Mail Address jschlegel@pavetechinc.com

Signature 

Title Vice President

Print Name John J. Schlegel

Date 5/27/2011

**Bid bond or certified check equal to 10% of bid must be attached.**

**Successful bidder will be required to provide a performance bond and a labor and materials bond.**

**Bids opened Tuesday, May 31, 2011 at 2:00 PM.**

## 2011 Pavement Rejuvenator Program

Roster of Streets Resurfaced in 2008

<u>Street Name</u>	<u>Length</u>	<u>Dimensions</u>	<u>Sq. Yds.</u>	<u>Reference Points</u>	<u>Remarks</u>
Fireside Drive	0.398	19.25 X 2100	4,500	Candlelite to Salisbury	requires lane closure with flagmen
Salisbury Drive	0.095	19 X 500	1,060	Fireside to Lintel	requires lane closure with flagmen
Fieldbrook Drive	0.180	23.5 X 950	2,500	E. McMurray to Marion	requires lane closure with flagmen
Marion Drive	0.932	21.5 X 4920	11,800	Fieldbrook to Terminus	requires lane closure with flagmen
Crest Drive	0.073	22 X 385	950	Marion to Pleasant	requires lane closure with flagmen
Center Church Road	0.284	24 X 1500	4,000	Spruce to Johnson	requires lane closure with flagmen
Froebe Road	1.023	22 X 5400	13,200	Bebout to Sugar Camp	requires lane closure with flagmen
Redwood Drive	0.420	23.5 X 2220	5,800	Brookwood to Terminus	requires lane closure with flagmen
Brookwood Road	0.275	22 X 1450	3,550	E. McMurray to Redwood	requires lane closure with flagmen
Greenbriar Drive	0.133	18.5 X 700	1,450	Brookwood to Terminus	closure allowed with consideration for residents
Old Waterdam Road	0.311	24 X 1640	4,375	Waterdam to Rt. 19	requires lane closure with flagmen
Meredith Drive	0.170	22 X 900	2,200	Rec Center to Shelter #4	requires lane closure with flagmen
Coventry Court	0.069	24 X 365	1,400	Robinhood to Terminus	closure allowed with consideration for residents
	<b>4.36</b>		<b>56,785</b>		

## 2011 Pavement Rejuvenator Program

Roster of Streets Newly-Constructed by Developers receiving final wearing course in 2007/2008

<u>Street Name</u>	<u>Length</u>	<u>Dimensions</u>	<u>Sq. Yds.</u>	<u>Reference Points</u>	<u>Remarks</u>
Kingwood Drive	0.116	24 X 610	2,100	Church Hill to Terminus	closure allowed with consideration for residents
Greyhawk Drive	0.058	24 X 304	1,310	Kingwood to Terminus	closure allowed with consideration for residents
Cypress Court	0.142	24 X 750	2,000	Walnut to Terminus	closure allowed with consideration for residents
Walnut Drive (partial)	0.317	24 X 1675	4,470	Chestnut Ct. to Walnut Dr.	requires lane closure with flagmen
Scenic Ridge Drive	0.827	24 X 4368	11,700	Bower Hill to Great Meadows Dr.	requires lane closure with flagmen
Sutherland Drive	0.116	24 X 611	2,100	Scenic Ridge to Terminus	closure allowed with consideration for residents
Marigold Drive (partial)	<u>0.044</u>	24 X 230	<u>615</u>	Scenic Ridge to Plan Line	requires lane closure with flagmen
	<b>1.62</b>		<b>24,295</b>		

## 2011 Pavement Rejuvenator Program

Roster of Streets treated with Reclamite in 2007

Street Name	Length (ft)	Length (mi)	Avg. Width	Sq. Yds.	From	To	Remarks
Beacon Way	616	0.12	20	1,369	Manor Way	Locust Dr	closure allowed with consideration for residents
Bell Dr	472	0.09	21.5	1,128	E McMurray Rd	Terminus	closure allowed with consideration for residents
Demmel Dr	1343	0.25	16	2,388	E McMurray Rd	Terminus	closure allowed with consideration for residents
Druid Dr 2	245	0.05	24	653	HS# 147	Fireside Dr	requires lane closure with flagmen
Druid Dr 3	2241	0.42	23	5,727	Fireside Dr	Fireside Dr	requires lane closure with flagmen
Fireside Dr 3	1054	0.20	24	2,811	Salisbury Dr	Druid Dr (W)	requires lane closure with flagmen
Kathy Ann Ct	1019	0.19	24	2,717	Maplewood Dr	Terminus	closure allowed with consideration for residents
Lampliter Ln 1	277	0.05	25	769	Thomas Rd	Lantern Cir	requires lane closure with flagmen
Lampliter Ln 2	1465	0.28	25	4,069	Lantern Cir	HS# 111	requires lane closure with flagmen
Lantern Cir	401	0.08	25	1,114	Lampliter Ln	Terminus	closure allowed with consideration for residents
Locust Dr 1	238	0.05	18	476	Terminus	Manor Way	closure allowed with consideration for residents
Locust Dr 2	655	0.12	20	1,456	Manor Way	Beacon Way	closure allowed with consideration for residents
Locust Dr 3	703	0.13	20	1,562	Beacon Way	HS# 2790	requires lane closure with flagmen
Manor Way 1	317	0.06	20	704	Locust Dr	Beacon Way	closure allowed with consideration for residents
Maplewood Dr 1	439	0.08	22	1,073	Valley Brook Rd	Pinewood Dr	requires lane closure with flagmen
Nevin Dr	443	0.08	20	984	Alexander Dr	Mt Blaine Dr	requires lane closure with flagmen
Pleasant Ave 1	260	0.05	23	664	Route 19	Meadow St	requires lane closure with flagmen
Pleasant Ave 2	698	0.13	22	1,706	Meadow St	High St	requires lane closure with flagmen
Pleasant Ave 3	437	0.08	22	1,068	High St	McNary St	requires lane closure with flagmen
Pleasant Ave 4	1172	0.22	22	2,865	McNary St	Crest Dr	requires lane closure with flagmen
Pleasantview Dr 3	665	0.13	18	1,330	HS# 135	Sussex Way	requires lane closure with flagmen
Pleasantview Dr 4	384	0.07	20	853	Sussex Way	N Heide Ln	requires lane closure with flagmen
Pleasantview Dr 5	93	0.02	20	207	N Heide Ln	HS# 163	requires lane closure with flagmen
Proffer Rd 2	685	0.13	24	1,827	Prestonwood Ln	Rock Run Rd	requires lane closure with flagmen
Robinhood Ln 13	429	0.08	22	1,049	Evans Dr	Center Church Rd	requires lane closure with flagmen
Rock Run Rd 1	1633	0.31	24	4,355	Valley Brook Rd	Proffer Rd	requires lane closure with flagmen
Sunny Dell Ln	631	0.12	18	1,262	E McMurray Rd	Terminus	closure allowed with consideration for residents
Sussex Way 3	189	0.04	20	420	HS# 100	Pleasantview Dr	closure allowed with consideration for residents
Wilhaven Dr 1	793	0.15	22	1,938	Center Church Rd	Longvue Dr	requires lane closure with flagmen
Wilhaven Dr 2	107	0.02	22	262	Longvue Dr	HS# 105	requires lane closure with flagmen
		<b>3.81</b>		<b>48,806</b>			



**AIA**<sup>®</sup>

# Document G701<sup>™</sup> – 2001

## Change Order

<b>PROJECT:</b> <i>(Name and address)</i> Peterswood Park - Base Bid 1 700 Meredith Drive, Venetia PA	<b>CHANGE ORDER NUMBER:</b> 003	OWNER <input type="checkbox"/>
	<b>DATE:</b> May 26, 2011	ARCHITECT <input type="checkbox"/>
	<b>ARCHITECT'S PROJECT NUMBER:</b> 2010-007	CONTRACTOR <input type="checkbox"/>
<b>TO CONTRACTOR:</b> <i>(Name and address)</i> Masco Construction 506 Valleybrook Rd, Suite 101 McMurray, PA 15317	<b>CONTRACT DATE:</b> November 4, 2010	FIELD <input type="checkbox"/>
	<b>CONTRACT FOR:</b> General Construction	OTHER <input type="checkbox"/>


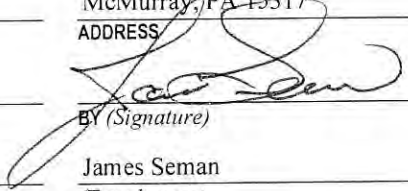
The Contract is changed as follows:  
*(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives.)*  
 Change Substantial Completion Date from May 3, 2011 to June 17, 2011 due to weather related delays.

The original Contract Sum was	\$	<u>483,838.00</u>
The net change by previously authorized Change Orders	\$	<u>4844.00</u>
The Contract Sum prior to this Change Order was	\$	<u>488,682.00</u>
The Contract Sum will be unchanged by this Change Order in the amount of	\$	<u>0.00</u>
The new Contract Sum, including this Change Order, will be	\$	<u>488,682.00</u>

The Contract Time will be increased by Fourty Five ( 45 ) days.  
 The date of Substantial Completion as of the date of this Change Order, therefore, is June 17, 2011

*(NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.)*

**NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.**

<u>Lab 8 Designs, Inc</u> ARCHITECT <i>(Firm name)</i>	<u>Masco Construction, Inc.</u> CONTRACTOR <i>(Firm name)</i>	<u>Peters Township</u> OWNER <i>(Firm name)</i>
<u>2328 Wharton Street</u> <u>Pittsburgh, PA 15203</u> ADDRESS	<u>506 Valleybrook Road, Suite 101</u> <u>McMurray, PA 15317</u> ADDRESS	<u>601 E. McMurray Road</u> <u>McMurray, PA 15317</u> ADDRESS
 BY <i>(Signature)</i>	 BY <i>(Signature)</i>	 BY <i>(Signature)</i>
<u>Richard Sabeh</u> <i>(Typed name)</i>	<u>James Seman</u> <i>(Typed name)</i>	<u>Michael A. Silvestri</u> <i>(Typed name)</i>
<u>May 31, 2011</u> DATE	<u>5/31/11</u> DATE	 DATE



**SHACOG PURCHASING ALLIANCE**  
**2011 BID TABULATION**  
**BITUMINOUS SURFACING MATERIALS (PRICE PER TON, FOB)**

	HANSON AGGREGATES			HEI-WAY	IA CONSTRUCTION	
	Adamsburg	Sewickley	Washington ✓		New Kensington	Zelienople
• ID 2 Binder using Stone or Gravel Aggregate	48.50	50.50	50.50	NO BID	47.00	43.50
• ID 2 Wearing Course using Stone or Gravel Aggregate	55.50	57.50	57.50	NO BID	58.00	55.25
• ID 2 Modified	56.50	58.50	58.50	NO BID	59.00	56.25
• ID 3 Wearing Course using Stone or Gravel Aggregate	54.50	56.50	56.50	NO BID	52.00	47.00
• FJ-1 Wearing Course using Stone or Gravel Aggregate	75.50	77.50	77.50	NO BID		
• Section 485 Cold Patch using Stone or Gravel Aggregate	NO BID	NO BID	NO BID	NO BID		
• HEI-Way Premium Patch	NO BID	NO BID	NO BID	84.94		
• HEI-Way Latex Modified Patch	NO BID	NO BID	NO BID	93.66		
• Polypave	NO BID	NO BID	NO BID	NO BID		
• Perma-Patch	NO BID	NO BID	NO BID	NO BID		
• Superpave 9.5 Millimeter (MM) .3<3 ESAL	55.50	57.50	57.50	NO BID	58.00	55.25
• Superpave 19 Millimeter (MM) .3<3 ESAL	49.50	51.50	51.50	NO BID	52.00	47.00
• Superpave 25 Millimeter (MM) .3<3 ESAL	48.50	50.50	50.50	NO BID	47.00	43.50
<b>DELIVERED HAUL RATE</b>	70.00/hour + 1 hour travel time			78.00/hour	77.00/hour	
<b>MINIMUM TONS FOR DELIVERY</b>	22			22	22	
<b>MILLED ASPHALT</b>						
• Picked up by the Bidder	NO BID	NO BID	NO BID	NO BID		
• Delivered by the Municipality	7.00	7.00	7.00	NO BID		

	LANE CONSTRUCTION			LINDY	RUSSELL
	Bridgeville ✓	McKees Rocks	Springdale		
• ID 2 Binder using Stone or Gravel Aggregate	47.50	45.00	44.00	44.80	N/A
• ID 2 Wearing Course using Stone or Gravel Aggregate	55.50	52.00	52.00	51.70	N/A
• ID 2 Modified	57.50	53.00	53.00	51.70	N/A
• ID 3 Wearing Course using Stone or Gravel Aggregate	54.50	51.25	52.00	51.20	N/A
• FJ-1 Wearing Course using Stone or Gravel Aggregate	85.00	85.00	85.00	NO BID	N/A
• Section 485 Cold Patch using Stone or Gravel Aggregate	72.50	NO BID	NO BID	80.00	N/A
• HEI-Way Premium Patch	NO BID	NO BID	NO BID	NO BID	N/A
• HEI-Way Latex Modified Patch	NO BID	NO BID	NO BID	NO BID	N/A
• Polypave	NO BID	NO BID	NO BID	NO BID	84.00
• Perma-Patch	NO BID	NO BID	NO BID	NO BID	N/A
• Superpave 9.5 Millimeter (MM) .3<3 ESAL	56.50	54.50	56.50	51.70	N/A
• Superpave 19 Millimeter (MM) .3<3 ESAL	49.50	46.00	45.00	45.80	N/A
• Superpave 25 Millimeter (MM) .3<3 ESAL	47.50	44.00	43.00	44.80	N/A
<b>DELIVERED HAUL RATE</b>	73.00/hour portal to portal			80.00/hour portal to portal	90.00/hour
<b>MINIMUM TONS FOR DELIVERY</b>	22			22	20
<b>MILLED ASPHALT</b>					
• Picked up by the Bidder	2.00	2.00	2.00	2.50	NO BID
• Delivered by the Municipality	4.00	4.00	4.00	6.00	NO BID

Bidder's prices are based on the Pennsylvania Asphalt Pavement Association price index dated April 1, 2011, Zone 3  
 Asphalt cement price on this date: \$533.00 per ton.



**PRICE ADJUSTMENT PROVISIONS**

The contractor/supplier will have the right to adjust its bid price(s) on a monthly basis consistent with the price adjustments, if any, for Asphalt Cement (AC) as published in the Price Index for Zone 3 published by, and posted on the website (<http://www.pahotmix.org>) of, the Pennsylvania Asphalt Pavement Association. Any price adjustment (increase or decrease) from the bid price will commence no sooner than seventy-five (75) calendar days from the bid opening. The adjusted price shall be computed as follows:

**Identify the prices to be used in the computations:** Identify the bituminous surfacing material, the Bid Price (per ton), the price of AC in the Price Index for the month in which the bid was opened, which will be termed the *Bid Index Price*, and the price of AC in the Price Index for the subsequent month under consideration for a price adjustment.

**Calculate the Change in the Price Index:** Subtract the *Bid Index Price* from the price of AC in the Price Index for the subsequent month under consideration for a price adjustment. The resulting sum shall be termed the *Price Index Change*.

**Calculate the Price Adjustment:** Multiply the *Price Index Change* by the Virgin AC% in the Job Mix Formula for the identified bituminous surfacing material. The product will be termed the *Price Adjustment*.

**Calculate the Adjusted Price:** Add (or subtract) the *Price Adjustment* to the Bid Price. The sum will be termed the *Adjusted Price*.

**EXAMPLE:**

Bid Price:	\$32.50/ton (JMF A06)
Bid Index Price of AC (from Price Index):	\$217.00
Monthly Price of AC (from Price Index):	\$339.00

\$339.00  
-217.00  
 \$122.00 = Price Index Change

JMF A06 has a Virgin AC% of 5.4 (0.054)  
 \$122.00 x 0.054 = \$6.59 = Price Adjustment

\$32.50/ton + 6.59 = \$39.09/ton = Adjusted Price

When adjusting the bid price, the contractor/supplier shall report the price adjustment(s) to the participating municipality either monthly or with each invoice for the bituminous surfacing materials ordered by the participating municipality. The report shall contain, as a minimum, the following information:

- Product (e.g., ID 2 Binder)
- Bid Price
- Bid Index Price of AC
- Current AC Index Price
- Month
- Price Index Change
- % Virgin AC
- Price Adjustment
- Adjusted Price



**SHACOG PURCHASING ALLIANCE**  
**2011 BID TABULATION**  
**BITUMINOUS SURFACING MATERIALS - PLANT LOCATIONS**

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**PLANT LOCATIONS**

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**HANSON AGGREGATES BMC, INC.**

Adamsburg Asphalt Plant, Adamsburg, PA  
Sewickley Creek Asphalt Plant, Economy, PA  
Washington Asphalt Plant, Dunningville, PA

**HEI-WAY, LLC**

290 North Pike Road, (Rt. 356)  
Sarver, PA 16055

**I A CONSTRUCTION CORPORATION**

New Kensington Asphalt Plant  
Zelienople Asphalt Plant

**THE LANE CONSTRUCTION CORPORATION**

Bridgeville Plant  
McKees Rocks Plant  
Springdale Plant

**LINDY PAVING, INC.**

Second Avenue Asphalt Plant, 2340 Second Avenue, Pittsburgh, PA 15219  
Monaca Asphalt Plant, 2 River Road, Monaca, PA 15061  
Neville Island Asphalt Plant, 4500 Neville Road, Pittsburgh, PA 15225 ✓

**RUSSELL STANDARD CORPORATION**

171 Seventh Avenue  
Valencia, PA 16059

# Peters Township

WASHINGTON COUNTY

MICHAEL A. SILVESTRI, *Manager*  
PAUL F. LAUER, *Assistant Manager*

---

610 East McMurray Road  
McMurray, Pennsylvania 15317-3420

724 / 941-4180 Fax 942-5022

Dept. Direct Dial No.:



## COUNCIL

ROBERT L. ATKISON, *Chairman*  
MONICA R. MERRELL, *Vice Chair*  
FRANK ARCURI  
DAVID M. BALL  
JAMES F. BERQUIST  
ROBERT J. LEWIS  
GARY J. STIEGEL, JR.

Date: June 8, 2011

To: M. A. Silvestri

From: Peter Overcashier

Re: 2011 Bituminous Surfacing Material Vendor

We have three known paving assignments that will be accomplished with the Joint Municipal Paving Group this year.

One is to pave the balance of the eastern portion of McClelland Road. The other two are located within Peterswood Park at the main picnic shelter area and on a 400-ft section of Bruni Drive.

After reviewing the bids submitted to both SHACOG and the Washington County Joint Purchasing, it appears that the prices bid by Lane Construction to SHACOG for 19mm SP asphalt is our lowest cost.

Our project quantity and price from Lane Construction is as follows:

McClelland Road      1,016 tons of 19mm SP asphalt      @ \$ 49.50/ton = \$ 50,292

The prices bid by Hanson to Washington County for 9.5mm SP asphalt (\$ 55.00/ton) is lower than that bid by Lane Construction ( \$ 56.50/ton) to SHACOG.

Peterswood              248 tons of 9.5mm SP asphalt      @ \$ 55.00/ton = \$ 13,640

Bruni Dr.                81 tons of 9.5mm SP asphalt      @ \$ 55.00/ton = \$ 4,455

\$ 18,095

We will, of course, have need for additional quantities of asphalt paving materials for maintenance and repair of pavements throughout the township.

OFFICIAL  
PETERS TOWNSHIP  
WASHINGTON COUNTY, PENNSYLVANIA  
ORDINANCE \_\_\_\_\_

AN ORDINANCE OF PETERS TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA, AMENDING ORDINANCE No. 657, DATED NOVEMBER 29, 2005, CHAPTER 27, PETERS TOWNSHIP, ZONING ORDINANCE OF THE TOWNSHIP CODE OF ORDINANCES SPECIFICALLY SECTION 200 LANGUAGE INTERPRETATIONS, SECTION 915 MINOR SIGNS- D TEMPORARY SIGNS IN COMMERCIAL OR INDUSTRIAL DISTRICTS AND F: PERMANENT SIGNS IN RESIDENTIAL/ AGRICULTURAL DISTRICTS, AND SECTION 916 GENERAL SIGN REGULATIONS- E. LIGHTING AND MOVEMENT.

WHEREAS, the Peters Township Staff found there to be inconsistencies in the Zoning Ordinance and the need for clarifications relative to Sections 200, 915 and 916, and recommend the Ordinance be revised, and Peters Township Staff has found that an allowance for electronic message signs to change every twenty seconds rather than sixty is appropriate; and

WHEREAS, the Planning Commission of Peters Township has reviewed the proposed ordinance amendment and recommended the ordinance be adopted by Council.

NOW, THEREFORE, be it ordained and enacted by the Council of Peters Township in meeting assembled, and it is hereby ordained and enacted by and with the authority of same as follows:

Section 1.

**§ 200. Language Interpretations.**

Definittions

Window Sign - A temporary sign affixed to the outside or inside of a window or inside the building within three feet (3') of a window in view of the general public. This does not

include merchandise on display. Window signage shall include, but is not limited to, business and logo signs.

be amended as follows:

Window Sign - A temporary sign affixed to the ~~outside or~~ inside of a window or inside the building within three feet (3') of a window in view of the general public. This does not include merchandise on display. Window signage shall include, but is not limited to, business and logo signs.

## Section 2.

### **§ 915. Minor Signs.**

#### D. Temporary Signs in Commercial or Industrial Districts.

(6) Temporary non-illuminated window signs may be displayed.

be amended as follows:

(6) Temporary non-illuminated window signs may be displayed on the inside of the window only, and no more than 50% of the window surface may be covered.

#### F. Permanent Signs in Residential/ Agricultural Districts

Permanent signs may be erected in Residential/ Agricultural Districts for the following purposes: (church, nursing home, hospital, use by Special Exception, etc.)

- (1). Institutional, Governmental, School, Municipal, Fire, Park, etc. or Residential Development Signs- Such signs shall be monument signs and may be erected at the entrance to the property or plan and may be double-faced.
  - a. Permits are required
  - b. Illumination by white light only
  - c. Maximum size is twenty (20) square feet.
  - d. Rules and restrictions are in Section 916.D.
  - e. If such signs are erected at a new driveway (institutional, governmental) or street intersection (subdivision) the double-faced allotment may be placed one (1) on each side of the intersection.

be amended as follows:

### **§ 915. Minor Signs.**

#### F. Permanent Signs in Residential/ Agricultural Districts

Permanent signs may be erected in Residential/ Agricultural Districts for the following purposes: (church, nursing home, hospital, use by Special Exception, etc.)

- (1). Institutional, Governmental, School, Municipal, Fire, Park, etc. or Residential Development Signs- Such signs shall be monument signs and may be erected at the entrance to the property or plan and may be double-faced.
  - a. Permits are required
  - b. ~~Illumination~~ Illuminated externally by white light only
  - c. Maximum size is twenty (20) square feet.
  - d. Rules and restrictions are in Section 916.D.
  - e. If such signs are erected at a new driveway (institutional, governmental) or street intersection (subdivision) the double-faced allotment may be placed one (1) on each side of the intersection.
  - f. Electronic variable message signs may only be located on streets classified as an arterial road. Rules and restrictions are in Section 916 E.
  - g. Limitation to the hours of 7AM to 10 PM for electronic signs.
  - h. Residential development signs shall not be permitted to have an electronic variable message sign.

### Section 3.

#### **§ 916. General Sign Regulations. E. - (2) (c)(i) and (ii)**

##### E. Lighting and Movement

(2) All signs may be illuminated in accordance with the following regulations unless otherwise noted:

- (i) Informational content shall be alphabetic or numeric only.
- (ii) Messages shall not change at a frequency of more than once every minute; except for time and temperature signs.

be amended as follows:

- (i) Informational content shall be alphabetic ~~or~~ numeric or graphic only.
- (ii) Messages shall not change at a frequency of more than once every ~~minute~~; twenty seconds except for time and temperature signs for the benefit of on-premises business activity only.
- (iii.) The LED shall be of a single color of amber or red, and shall have a black background/ face.
- (iv.) Electronic variable message signs shall be designed and placed so as not to distract, or interfere with operators of motor vehicles or to create glare on

- adjacent properties, and so that it is compatible with the intensity of ambient light and illumination on surrounding properties.
- (v.) Such displays shall be limited to static displays, and shall not have messages that appear or disappear from the display through dissolve, fade, travel or scroll modes, or similar transitions and frame effects that have text, animated graphics or images that appear to move or change in size, or be revealed sequentially rather than all at once. No portion of any image may flash, scroll, twirl or in any way imitate movement.
- (vi.) Transition. In instances when the message changes, the change sequence must be accomplished by means of instantaneous repixelization of less than one second.

Section 4.

That any ordinance or part of any ordinance conflicting with the provisions contained within this ordinance amendment be and the same are hereby repealed to the extent of such conflict.

BE IT ORDAINED AND ENACTED BY the Township of Peters, Washington County, Pennsylvania this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

ATTEST:

TOWNSHIP OF PETERS

\_\_\_\_\_  
Michael A. Silvestri  
Township Manager

By: \_\_\_\_\_  
Robert L. Atkison  
Chairman of Council

SUNGARD F AMATION - HUMAN RESOURCES  
 DATE: 05, 11  
 TIME: 15:35:22

PETERS T. JHIP  
 CHECK REGISTER  
 PAY RUN 111 PAY 05/27/2011

PAGE NUMBER: 1  
 MODULE NUM: PAYCH.  
 PAY PERIOD END 05/28/2011  
 CHECK DATE 05/27/2011

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41723	709	BELAJAC, BRANDEN J	.00	247.00
41724	14	COYLE, LINDA C	1,192.46	.00
41725	697	GROMEK, THOMAS J	1,160.21	.00
41726	408	KLIMA, WENDY L	1,100.70	.00
41727	9	LAUER, PAUL F	2,005.20	.00
41728	542	RODGERS, GAIL J	477.84	.00
41729	8	SILVESTRI, MICHAEL A	2,664.26	.00
41730	625	ZEMAITIS, MARK A	2,519.55	.00
41731	390	BONI, RYAN R	1,214.75	.00
41732	704	BONNER, DEREK S	590.49	.00
41733	688	CAPUTO, DAVID M	2,058.46	.00
41734	700	CERCI, CHRISTOPHER J	796.76	.00
41735	687	CHIPRICH, CHRISTOPHER J	1,123.13	.00
41736	348	CLARK, GREGORY K	492.65	.00
41737	21	COYLE, DANIEL G	2,169.34	.00
41738	651	FRAZIER, TIMOTHY J	1,834.46	.00
41739	361	HOLOVACK, DAVID J	1,830.86	.00
41740	362	KOKKILA, BRIAN C	2,004.01	.00
41741	247	MCMULLEN, NOEL	2,023.90	.00
41742	354	MILLIKEN, JOHN C	1,968.18	.00
41743	321	SCOTT, MARC S	1,883.58	.00
41744	652	SCOTT, MICHAEL P	178.86	.00
41745	579	ZIMAK, GARY D	1,574.89	.00
41746	391	BALACH, NOREEN L	.00	302.57
41747	32	EMERICK, JAMES R	1,434.14	.00
41748	45	CONN, OLIVE I	1,054.52	.00
41749	25	FRUECHT, HARRY J	2,202.40	.00
41750	254	LOWE, CHERIE M	1,111.33	.00
41751	42	YANCHAK, MICHAEL D	1,993.89	.00
41752	142	BARBOUR, BRYAN A	2,204.66	.00
41753	634	BONCZEK, RICHARD E	1,722.50	.00
41754	432	BRUCE, JOHN J	1,698.20	.00
41755	635	BRUNETTI, JASON R	1,671.21	.00
41756	29	CARSO, MICHAEL J	1,966.66	.00
41757	591	CARUSO, EVAN M	1,766.65	.00
41758	275	COLLINS, MATTHEW R	2,495.32	.00
41759	206	DAVIS, JAY R	1,995.65	.00
41760	34	GEBAUER, WILLIAM C	65.00	2,176.94
41761	707	GREENE, ANDREW K	1,213.91	.00
41762	96	GRIFFITH, JAY A	2,429.34	.00
41763	111	HEINLEIN, DONALD E	2,946.77	.00
41764	242	KEMP, ROBERT D	3,098.02	.00
41765	429	MADEY, MARK E	1,402.43	.00
41766	187	MALONI, GERALD J	2,290.67	.00
41767	543	MAZZOTTA, PATRICK D	2,156.29	.00
41768	592	ONORAD, STEVEN W	1,014.63	.00
41769	402	OROSZ, GARY E	2,147.64	.00
41770	185	ROBICH, RONALD D	2,007.95	.00
41771	708	SKRIP, JOHN A	1,268.87	.00
41772	40	STANTON, DAVID J	2,628.79	.00
41773	186	STEVICK, JAMES B	2,214.56	.00
41774	466	WOODS, WILLIAM V	1,728.40	.00
41775	57	BRIGHT, RICHARD W	1,470.30	.00
41776	235	CALDWELL, PAULETTE M	906.07	.00
41777	512	MOLDOVAN, EMILY L	1,188.66	.00
41778	441	MUZZEY, WILLIAM C	1,867.12	.00

PETERS TOWNSHIP  
 CHECK REGISTER  
 PAY RUN 111 PAY 05/27/2011

CHECK NO	EMPLOYEE NUMBER	-----EMPLOYEE-----	DEPOSIT AMOUNT	CHECK AMOUNT
41779	699	SHIRING, GRANT J		
41780	157	ZUK, EDWARD J	439.08	.00
41781	54	AGOSTINELLA, JOHN A	1,795.84	.00
41782	710	BACHIK, NATHAN J	360.00	1,401.68
41783	541	BANDI, JAMES L	.00	252.91
41784	55	BLASCH, C MATTHEW	1,412.23	.00
41785	507	CARRIER, CARMINE M	1,305.14	.00
41786	58	CUSHEY, KEVIN S	1,409.50	.00
41787	577	KERNEN, LOUIS B	1,263.51	.00
41788	716	LATINOVICH, ZOLTAN J	340.77	.00
41789	702	LAWRENCE, TRACY L	.00	154.95
41790	703	LUGAR, GREGORY J	1,196.71	.00
41791	676	MCCOY, JAY J	1,273.50	.00
41792	289	MIZIA, JOHN M	1,189.47	.00
41793	53	OVERCASHIER, PETER C	1,621.34	.00
41794	711	PARTYKA, CODY M	2,145.47	.00
41795	160	PODOLINSKY, JOSEPH L	.00	259.58
41796	60	SHEARER, THOMAS E	1,313.90	.00
41797	61	SWEENEY, RONALD J	1,208.21	.00
41798	238	TUTTY, DIANE M	575.00	714.42
41799	285	WHITE, FLOYD C	964.79	.00
41800	311	WILMOT, JEFFREY C	1,380.19	.00
41801	20	WILSON, JOSEPH E	1,407.86	.00
41802	393	WRIGHT, RICHARD D	1,332.87	.00
41803	693	CHAMBERLIN, MICHAEL P	1,326.32	.00
41804	677	CRUMMIE-DUCARME, LAURA A	72.40	.00
41805	673	GOIMARAC, PETER P	88.88	.00
41806	694	HOLLERAN, KATHLEEN M	25.97	.00
41807	705	KISNER, CHRISTOPHER M	147.14	.00
41808	459	MOODISPAUGH, JAMES R	35.25	.00
41809	584	PFEIFER, REBECCA L	1,203.29	.00
41810	706	WALKER, DANA A	218.02	.00
41811	655	WEAVER, SARA E	74.94	.00
41812	624	WOLSKO, THEODORE F	59.33	.00
41813	564	GOODWIN-SOPKO, REBECCA S	355.19	.00
41814	570	HARMEL, MICHELE M	1,005.57	.00
41815	701	WHITTAKER, LISA L	1,667.96	.00
41816	52	JOZEFKOWICZ, EVELYN C	644.33	.00
41817	376	BOWMAN, BRANDT E	.00	544.46
41818	656	CALIGUIRI, ANDREW H	1,085.60	.00
41819	712	COPELAND, DAVID S	139.53	.00
41820	523	DELVALLE, GERALD D	.00	35.61
41821	552	DOLLARD, LISA M	458.75	.00
41822	667	FAULK, CHRISTOPHER D	183.36	.00
41823	691	FLOYD, JAKE E	282.10	.00
41824	713	GUARINO, SAMUEL N	65.65	.00
41825	243	HAPPE, STEPHEN P	.00	678.93
41826	692	KACHOWSKI, CODY J	665.97	.00
41827	400	PILARDI, WILLIAM A	135.42	.00
41828	365	RIDENER, MICHAEL J	1,494.08	.00
41829	714	SCHRATZ, COURTNEY M	205.46	.00
41830	574	SKROK, PAUL F	.00	24.16
41831	715	STAAF, ROBERT R	800.22	.00
41832	366	TAYLOR, CHARLES	.00	96.23
41833	678	TIMKO, TANYA M	54.09	.00
41834	672	WEIMER, ELIZABETH M	57.86	.00
			233.22	.00

SUNGARD FINANCIAL SERVICES - HUMAN RESOURCES  
DATE: 05/27/11  
TIME: 15:35:22

PETERS TRUSTSHIP  
CHECK REGISTER  
PAY RUN 111 PAY 05/27/2011

PAGE NUMBER: 3  
MODULE NUM: PAYCHK  
PAY PERIOD END 05/28/2011  
CHECK DATE 05/27/2011

CHECK NO	EMPLOYEE NUMBER	-----EMPLOYEE-----	DEPOSIT AMOUNT	CHECK AMOUNT
TOTAL			112 CHECKS ISSUED 126,948.37	6,889.44

SUNGARD FINANCIAL AMATION, INC. - FUND ACCOUNTING  
DATE: 05, 11  
TIME: 16:11:51

PETERS TRIP  
CHECK REGISTER

PAGE NUMBER:  
VENCHK21  
ACCOUNTING PERIOD: 5/11

FUND - 200000 - PAYROLL FUND

CHECK NUMBER	CASH ACCT	DATE ISSUED	-----VENDOR-----	ACCT	-----DESCRIPTION-----	AMOUNT
41835	000101	05/27/11	2564	CONST LABORERS & MATERIAL 100111	DED:0401 UNION DUES	319.00
TOTAL FUND						319.00
TOTAL REPORT						319.00

WIRE TRANSFERS:

05/27/11	FEDERAL/FICA TAX WITHHELD	\$49,141.39
05/27/11	STATE TAX WITHHELD	\$ 5,736.11
05/27/11	PA SCDU (DOM. REL.)	\$ 390.31
05/27/11	ICMA-457 (DEF. COMP.)	\$ 5,439.59

CHECK NO	EMPLOYEE NUMBER	-----EMPLOYEE-----	DEPOSIT AMOUNT	CHECK AMOUNT
41836	709	BELAJAC, BRANDEN J	779.50	.00
41837	14	COYLE, LINDA C	1,192.46	.00
41838	697	GROMEK, THOMAS J	1,160.21	.00
41839	408	KLIMA, WENDY L	1,100.70	.00
41840	9	LAUER, PAUL F	2,005.20	.00
41841	542	RODGERS, GAIL J	477.84	.00
41842	8	SILVESTRI, MICHAEL A	2,664.26	.00
41843	625	ZEMAITIS, MARK A	2,519.55	.00
41844	390	BONI, RYAN R	1,214.75	.00
41845	704	BONNER, DEREK S	590.49	.00
41846	597	KURNAL, DARLA A	148.12	.00
41847	658	PINTO, JUSTIN W	36.25	.00
41848	561	ARCURI, FRANK	266.50	.00
41849	122	ATKISON, ROBERT L	270.84	.00
41850	562	BALL, DAVID M	266.50	.00
41851	565	BERQUIST, JAMES F	198.79	.00
41852	442	LEWIS, ROBERT J	.00	.00
41853	630	MERRELL, MONICA R	.00	.00
41854	675	STIEGEL, GARY J	198.79	.00
41855	719	BARCA, JAMES M	.00	830.15
41856	688	CAPUTO, DAVID M	1,636.14	.00
41857	700	CERCI, CHRISTOPHER J	809.16	.00
41858	687	CHIPRICH, CHRISTOPHER J	1,205.25	.00
41859	21	COYLE, DANIEL G	2,169.34	.00
41860	651	FRAZIER, TIMOTHY J	1,761.85	.00
41861	361	HOLOVACK, DAVID J	1,548.80	.00
41862	362	KOKKILA, BRIAN C	1,728.54	.00
41863	720	MCLAUGHLIN, MICHAEL R	.00	116.53
41864	247	MCMULLEN, NOEL	1,749.99	.00
41865	354	MILLIKEN, JOHN C	1,183.70	.00
41866	321	SCOTT, MARC S	1,756.12	.00
41867	652	SCOTT, MICHAEL P	138.71	.00
41868	579	ZIMAK, GARY D	1,708.63	.00
41869	391	BALACH, NOREEN L	.00	285.19
41870	32	EMERICK, JAMES R	1,434.14	.00
41871	45	CONN, OLIVE I	1,054.52	.00
41872	25	FRUECHT, HARRY J	2,228.92	.00
41873	254	LOWE, CHERIE M	1,111.33	.00
41874	42	YANCHAK, MICHAEL D	1,993.89	.00
41875	142	BARBOUR, BRYAN A	1,998.18	.00
41876	634	BONCZEK, RICHARD E	1,774.95	.00
41877	432	BRUCE, JOHN J	1,618.20	.00
41878	635	BRUNETTI, JASON R	1,516.14	.00
41879	29	CARSO, MICHAEL J	2,048.65	.00
41880	591	CARUSO, EVAN M	1,665.94	.00
41881	275	COLLINS, MATTHEW R	2,385.86	.00
41882	206	DAVIS, JAY R	1,986.08	.00
41883	34	GEBAUER, WILLIAM C	65.00	2,061.53
41884	707	GREENE, ANDREW K	1,370.32	.00
41885	96	GRIFFITH, JAY A	2,829.88	.00
41886	111	HEINLEIN, DONALD E	2,472.85	.00
41887	242	KEMP, ROBERT D	2,497.91	.00
41888	429	MADEY, MARK E	1,322.43	.00
41889	187	MALONI, GERALD J	2,220.30	.00
41890	543	MAZZOTTA, PATRICK D	1,920.46	.00
41891	592	ONORAD, STEVEN W	766.18	.00

PETERS TOWNSHIP  
 CHECK REGISTER  
 PAY RUN 112 PAY 06/10/2011

CHECK NO	EMPLOYEE NUMBER	-----EMPLOYEE-----	DEPOSIT AMOUNT	CHECK AMOUNT
41892	402	OROSZ, GARY E	2,316.74	.00
41893	185	ROBICH, RONALD D	1,982.69	.00
41894	708	SKRIP, JOHN A	1,200.02	.00
41895	40	STANTON, DAVID J	2,244.93	.00
41896	186	STEVICK, JAMES B	2,487.40	.00
41897	466	WOODS, WILLIAM V	1,943.27	.00
41898	57	BRIGHT, RICHARD W	1,470.30	.00
41899	235	CALDWELL, PAULETTE M	906.07	.00
41900	512	MOLDOVAN, EMILY L	1,188.66	.00
41901	441	MUZZEY, WILLIAM C	1,924.69	.00
41902	699	SHIRING, GRANT J	712.83	.00
41903	157	ZUK, EDWARD J	1,795.84	.00
41904	54	AGOSTINELLA, JOHN A	360.00	1,550.85
41905	710	BACHIK, NATHAN J	484.01	.00
41906	541	BANDI, JAMES L	1,435.69	.00
41907	55	BLASCH, C MATTHEW	1,333.59	.00
41908	507	CARRIER, CARMINE M	1,436.64	.00
41909	718	COGGIN, DANIEL J	.00	238.68
41910	58	CUSHEY, KEVIN S	1,511.72	.00
41911	682	FIFE, WILLIAM P	212.81	.00
41912	659	FLETCHER, RONALD L	1,321.76	.00
41913	577	KERNEN, LOUIS B	344.89	.00
41914	717	KINAVEY, MATTHEW W	.00	419.04
41915	716	LATINOVICH, ZOLTAN J	484.01	.00
41916	702	LAWRENCE, TRACY L	1,184.45	.00
41917	703	LUGAR, GREGORY J	1,272.85	.00
41918	676	MCCOY, JAY J	1,184.24	.00
41919	289	MIZIA, JOHN M	1,808.56	.00
41920	53	OVERCASHIER, PETER C	2,145.47	.00
41921	711	PARTYKA, CODY M	499.72	.00
41922	160	PODOLINSKY, JOSEPH L	1,553.32	.00
41923	60	SHEARER, THOMAS E	1,232.11	.00
41924	61	SWEENEY, RONALD J	575.00	868.31
41925	238	TUTTY, DIANE M	964.79	.00
41926	285	WHITE, FLOYD C	1,408.58	.00
41927	311	WILMOT, JEFFREY C	1,551.79	.00
41928	20	WILSON, JOSEPH E	1,361.27	.00
41929	393	WRIGHT, RICHARD D	1,332.06	.00
41930	693	CHAMBERLIN, MICHAEL P	25.06	.00
41931	677	CRUMMIE-DUCARME, LAURA A	45.18	.00
41932	673	GOIMARAC, PETER P	25.97	.00
41933	694	HOLLERAN, KATHLEEN M	33.63	.00
41934	705	KISNER, CHRISTOPHER M	102.30	.00
41935	459	MOODISPAUGH, JAMES R	1,199.77	.00
41936	633	NITSCHMANN, NATALIE K	14.74	.00
41937	584	PFEIFER, REBECCA L	330.51	.00
41938	706	WALKER, DANA A	95.45	.00
41939	655	WEAVER, SARA E	131.49	.00
41940	624	WOLSKO, THEODORE F	321.71	.00
41941	564	GOODWIN-SOPKO, REBECCA S	1,005.57	.00
41942	570	HARMEL, MICHELE M	1,667.96	.00
41943	701	WHITTAKER, LISA L	657.16	.00
41944	52	JOZEFKOWICZ, EVELYN C	.00	523.46
41945	376	BOWMAN, BRANDT E	1,453.96	.00
41946	712	COPELAND, DAVID S	186.02	.00
41947	523	DELVALLE, GERALD D	506.51	.00

SUNGARD PAYROLL INFORMATION - HUMAN RESOURCES  
DATE: 06/11/2011  
TIME: 11:40:38

PETERS TO. .HIP  
CHECK REGISTER  
PAY RUN 112 PAY 06/10/2011

PAGE NUMBER: 3  
MODULE NUM: PAYCHK  
PAY PERIOD END 06/11/2011  
CHECK DATE 06/10/2011

CHECK NO	EMPLOYEE NUMBER	-----EMPLOYEE-----	DEPOSIT AMOUNT	CHECK AMOUNT
41948	552	DOLLARD, LISA M	198.24	.00
41949	667	FAULK, CHRISTOPHER D	559.31	.00
41950	691	FLOYD, JAKE E	99.33	.00
41951	713	GUARINO, SAMUEL N	702.08	.00
41952	243	HAPPE, STEPHEN P	804.03	.00
41953	692	KACHOWSKI, CODY J	165.49	.00
41954	400	PILARDI, WILLIAM A	2,076.83	.00
41955	365	RIDENER, MICHAEL J	169.45	.00
41956	714	SCHRATZ, COURTNEY M	50.31	.00
41957	574	SKROK, PAUL F	1,502.37	.00
41958	715	STAAB, ROBERT R	72.97	.00
41959	366	TAYLOR, CHARLES	70.04	.00
41960	678	TIMKO, TANYA M	56.14	.00
41961	672	WEIMER, ELIZABETH M	120.33	.00
TOTAL		126 CHECKS ISSUED	132,391.79	6,893.74

SUNGARD FUNDAMATION, INC. - FUND ACCOUNTING  
DATE: 06 '11  
TIME: 09:54:06

PETERS T SHIP  
CHECK REGISTER

PAGE NUMBER:  
VENCHK21  
ACCOUNTING PERIOD: 6/11

FUND - 200000 - PAYROLL FUND

CHECK NUMBER	CASH ACCT	DATE ISSUED	VENDOR	ACCT	DESCRIPTION	AMOUNT
41962	000101	06/10/11	2163 TEAMSTERS LOCAL UNION NO.	100111	DED:0402 UNION DUES	1,589.00
TOTAL FUND						1,589.00
TOTAL REPORT						1,589.00

WIRE TRANSFERS:

06/10/11	FEDERAL/FICA TAX WITHHELD	\$51,244.87
06/10/11	STATE TAX WITHHELD	\$ 5,987.93
06/10/11	PA SCDU (DOM. REL.)	\$ 390.31
06/10/11	ICMA-457 (DEFL. COMP.)	\$ 5,429.07

FUND - 010000 - GENERAL FUND

CHECK NUMBER	CASH ACCT	DATE ISSUED	VENDOR	ACCT	DESCRIPTION	AMOUNT
134172	000101	05/31/11	1020 COLUMBIA GAS OF PA INC	430900	UTILITY	70.51
134172	000101	05/31/11	1020 COLUMBIA GAS OF PA INC	430900	UTILITY/STN#1	99.00
134172	000101	05/31/11	1020 COLUMBIA GAS OF PA INC	430900	UTILITY	162.30
134172	000101	05/31/11	1020 COLUMBIA GAS OF PA INC	430900	UTILITY/TC	38.34
134172	000101	05/31/11	1020 COLUMBIA GAS OF PA INC	430900	UTILITY/POL.STN.	124.32
134172	000101	05/31/11	1020 COLUMBIA GAS OF PA INC	430900	UTILITY/CRC	268.05
134172	000101	05/31/11	1020 COLUMBIA GAS OF PA INC	430900	UTILITY/STN#2	96.31
134172	000101	05/31/11	1020 COLUMBIA GAS OF PA INC	430900	UTILITY	503.49
TOTAL CHECK						1,362.32
134173	000101	05/31/11	1113 PAWC	430900	UTILITY/STN#2	88.67
134173	000101	05/31/11	1113 PAWC	430900	SPRINKLERS/VENETIA	526.05
134173	000101	05/31/11	1113 PAWC	430900	UTILITY/STN#1	349.93
TOTAL CHECK						964.65
134174	000101	05/31/11	4079 WEST PENN POWER	430900	UTILITY	1,167.88
134174	000101	05/31/11	4079 WEST PENN POWER	430900	UTILITY/TC	812.31
134174	000101	05/31/11	4079 WEST PENN POWER	430900	UTILITY/STN#1	1,300.49
134174	000101	05/31/11	4079 WEST PENN POWER	430900	UTILITY/POL.STN.	557.61
134174	000101	05/31/11	4079 WEST PENN POWER	430900	SCH CROSSING SIGNALS	4.11
134174	000101	05/31/11	4079 WEST PENN POWER	430900	SIGNAL TWR UTILITY	2.90
134174	000101	05/31/11	4079 WEST PENN POWER	430900	UTILITY/VENETIA PK	52.85
134174	000101	05/31/11	4079 WEST PENN POWER	430900	UTILITY	3,230.43
134174	000101	05/31/11	4079 WEST PENN POWER	430900	UTILITY/ELM GRV	3.34
134174	000101	05/31/11	4079 WEST PENN POWER	430900	TRAFFIC SIGNALS	266.49
TOTAL CHECK						7,398.41
TOTAL FUND						9,725.38
TOTAL REPORT						9,725.38

FUND - 010000 - GENERAL FUND

CHECK NUMBER	CASH ACCT	DATE ISSUED	VENDOR	ACCT	DESCRIPTION	AMOUNT
134175	000101	06/13/11	1453 12TH REGION EQUIPMENT CTR	430700	BUCKET TRUCK RNTL	675.00
134176	000101	06/13/11	1528 A-Z JANITORIAL SUPPLY	420100	TOWELS/TISSUE	181.51
134176	000101	06/13/11	1528 A-Z JANITORIAL SUPPLY	420100	LINERS	116.76
			TOTAL CHECK			298.27
134177	000101	06/13/11	3919 ACE INDUSTRIAL SUPPLY INC	420100	TIES/RATCHET STRAPS	669.00
134178	000101	06/13/11	2035 AEC GROUP INC	439900	NETWRK BROWSING ISSUE	2,100.00
134179	000101	06/13/11	3433 JENNIFER ALEXANDER	439900	INSTRUCTOR/FITNESS	777.00
134180	000101	06/13/11	3511 ALLEGHENY POWER	430900	STREET LIGHT/MCNARY	421.13
134181	000101	06/13/11	3266 AQUA FILTER FRESH INC	420100	COOLER SERVICE/MAY	52.00
134181	000101	06/13/11	3266 AQUA FILTER FRESH INC	420100	COOLER SERVICE/MAY	26.00
134181	000101	06/13/11	3266 AQUA FILTER FRESH INC	420100	COOLER SERVICE/MAY	26.00
134181	000101	06/13/11	3266 AQUA FILTER FRESH INC	420100	COOLER SERVICE/MAY	26.00
			TOTAL CHECK			130.00
134182	000101	06/13/11	4114 BATTERY SPECIALIST CO	420100	BATTERIES	357.53
134183	000101	06/13/11	3765 SUZANNE BODE	439900	INSTRUCTOR/SILVRSNKRS	358.40
134183	000101	06/13/11	3765 SUZANNE BODE	439900	INSTRUCTOR/FITNESS	857.50
			TOTAL CHECK			1,215.90
134184	000101	06/13/11	3883 J GURNEY BOLSTER	439900	INSTRUCTOR/TAI CHI	156.80
134185	000101	06/13/11	3876 BOY SCOUT TROOP #1320	430400	FLOWER GARDEN PRJ	250.00
134186	000101	06/13/11	2895 BUGS B GONE	430400	ANT CONTROL/MUN BLDG	60.00
134186	000101	06/13/11	2895 BUGS B GONE	439900	PEST CONTROL/KITCHEN	20.00
134186	000101	06/13/11	2895 BUGS B GONE	439900	PEST CONTROL/LUNCHRM	10.00
			TOTAL CHECK			90.00
134187	000101	06/13/11	3105 KATHERINE BURCHILL	439900	INSTRUCTOR/BLLRM DNC	630.00
134188	000101	06/13/11	3629 BUSINESS RECORDS MGMT LLC	439900	FILE STRG FEE	32.09
134188	000101	06/13/11	3629 BUSINESS RECORDS MGMT LLC	439900	FILE STRG FEE	32.08
			TOTAL CHECK			64.17
134189	000101	06/13/11	1496 CDW GOVERNMENT INC	420600	SURGE PROTECTOR	39.47
134190	000101	06/13/11	3287 CHOI KWANG DO OF SOUTH HI	439900	INSTRUCTOR/SELF DFNSE	784.00
134191	000101	06/13/11	3019 DEBBIE COLDITZ	439900	INSTRUCTOR/ZUMBA	3,710.00
134192	000101	06/13/11	1020 COLUMBIA GAS OF PA INC	430900	UTILITY	192.92
134193	000101	06/13/11	2853 COMBUSTION SERVICE & EQUI	430400	HVAC MAINT AGRMT	266.66
134193	000101	06/13/11	2853 COMBUSTION SERVICE & EQUI	430400	HVAC MAINT AGRMT	266.67
134193	000101	06/13/11	2853 COMBUSTION SERVICE & EQUI	430400	HVAC MAINT AGRMT	266.67
			TOTAL CHECK			800.00
134194	000101	06/13/11	1523 COMDOC	439900	COLOR COPIES	390.96

FUND - 010000 - GENERAL FUND

CHECK NUMBER	CASH ACCT	DATE ISSUED	VENDOR	ACCT	DESCRIPTION	AMOUNT
134195	000101	06/13/11	4072 COLLEEN CONLEY	439900	INSTRUCTOR/AEROBICS	112.00
134196	000101	06/13/11	3954 MAJORIE KAY CONRAD	439900	INSTRUCTOR/FITNESS	112.00
134197	000101	06/13/11	4020 TIM CONROY	439900	INSTRUCTOR/BASKETBALL	655.20
134198	000101	06/13/11	4063 COVERAGE CONTINUATION	410204	BENEFITS/KAPUSTA	380.99
134199	000101	06/13/11	1221 JAMES M COX COMPANY INC	420100	PIPE/ELM GRV	370.40
134199	000101	06/13/11	1221 JAMES M COX COMPANY INC	420100	PIPE/ELM GRV-N HEIDE	698.30
134199	000101	06/13/11	1221 JAMES M COX COMPANY INC	420100	PIPE/KING RICHARD	25.63
134199	000101	06/13/11	1221 JAMES M COX COMPANY INC	420100	PIPE COUPLERS	15.80
TOTAL CHECK						1,110.13
134200	000101	06/13/11	1027 CRYSTAL SOUND SYSTEMS	439900	RADIO REPAIR	37.50
134200	000101	06/13/11	1027 CRYSTAL SOUND SYSTEMS	420600	PORTABLE RADIOS	1,478.00
TOTAL CHECK						1,515.50
134201	000101	06/13/11	3538 CUB SCOUT TROOP #1320	430400	FLOWER GARDEN PRJ	250.00
134202	000101	06/13/11	1029 CULVERTS INC	420100	PIPE/OLD WASHINGTON	345.80
134203	000101	06/13/11	4118 DANCE FORCE LLC	439900	INSTRUCTOR/DANCE	796.60
134204	000101	06/13/11	1472 DAY CHEVROLET	460100	CHEVY TAHOE	28,859.00
134205	000101	06/13/11	2302 DAY FORD	460100	2 FORD CRN VIC'S	43,594.00
134206	000101	06/13/11	3020 LYNN DUDA	439900	INSTRUCTOR/YOGA	666.40
134207	000101	06/13/11	4111 EASTCOAST ENTERTAINMENT	439900	DEPOSIT/7-6 CONCERT	700.00
134208	000101	06/13/11	4117 JANET FURTNEY	439900	INSTRUCTOR/BALLET	89.60
134209	000101	06/13/11	1325 GAMMA SPORTS	420600	TENNIS NETS	301.03
134210	000101	06/13/11	1969 GANNETT FLEMING COMPANIES	430700	GIS UPDATES	480.00
134211	000101	06/13/11	1107 THE GATEWAY ENGINEERS INC	431200	ENG/RESURFACE PGM	477.25
134211	000101	06/13/11	1107 THE GATEWAY ENGINEERS INC	431200	ENG/WILHAVEN SITE	34.00
134211	000201	06/13/11	1107 THE GATEWAY ENGINEERS INC	100201	ENG/ESCROW#498	210.00
134211	000201	06/13/11	1107 THE GATEWAY ENGINEERS INC	100201	ENG/ESCROW#494	1,383.75
134211	000101	06/13/11	1107 THE GATEWAY ENGINEERS INC	100201	ENG/ESCROW#240	193.00
134211	000201	06/13/11	1107 THE GATEWAY ENGINEERS INC	431200	ENG/HVM LANDSLIDE	863.50
134211	000201	06/13/11	1107 THE GATEWAY ENGINEERS INC	100201	ENG/ESCROW#505	615.75
134211	000101	06/13/11	1107 THE GATEWAY ENGINEERS INC	100201	ENG/ESCROW#499	442.50
134211	000101	06/13/11	1107 THE GATEWAY ENGINEERS INC	431200	ENG/BELUSKO SITE	411.25
134211	000101	06/13/11	1107 THE GATEWAY ENGINEERS INC	431200	ENG/PV ATHLETIC FIELD	212.75
134211	000101	06/13/11	1107 THE GATEWAY ENGINEERS INC	431200	ENG/WOODLNDNS PETERS	352.75
134211	000201	06/13/11	1107 THE GATEWAY ENGINEERS INC	431200	ENG/OPEKA AUTO	31.25
134211	000101	06/13/11	1107 THE GATEWAY ENGINEERS INC	100201	ENG/ESCROW#439	34.00
134211	000101	06/13/11	1107 THE GATEWAY ENGINEERS INC	431200	RETAINER/MAY	350.00
TOTAL CHECK						5,611.75
134212	000101	06/13/11	1712 GLASSMERE FUEL SERVICE	420400	GASOLINE/MAY	145.07
134212	000101	06/13/11	1712 GLASSMERE FUEL SERVICE	420400	GASOLINE/MAY	18.24

FUND - 010000 - GENERAL FUND

CHECK NUMBER	CASH ACCT	DATE ISSUED	VENDOR	ACCT	DESCRIPTION	AMOUNT
134212	000101	06/13/11	GLASSMERE FUEL SERVICE	420400	GASOLINE/MAY	5,294.94
134212	000101	06/13/11	GLASSMERE FUEL SERVICE	420400	DIESEL	1,354.07
134212	000101	06/13/11	GLASSMERE FUEL SERVICE	420400	GASOLINE/MAY	652.80
134212	000101	06/13/11	GLASSMERE FUEL SERVICE	420400	GASOLINE/MAY	1,160.53
134212	000101	06/13/11	GLASSMERE FUEL SERVICE	420400	DIESEL	811.32
134212	000101	06/13/11	GLASSMERE FUEL SERVICE	420400	DIESEL	2,433.95
TOTAL CHECK						11,870.92
134213	000101	06/13/11	GRAPHIX SHOPPE	460100	DECALS/NEW VEHICLES	1,385.00
134214	000101	06/13/11	RICHARD GRIBSCHAW	439900	SOUND TECH/8-3 CONCRT	50.00
134215	000101	06/13/11	NANCY GRIFFIN	439900	INSTRUCTOR/PILATES	1,136.80
134216	000101	06/13/11	E H GRIFFITH INCORPORATED	420100	MOWER PARTS	547.12
134217	000101	06/13/11	JOHN GRIM	320560	REFUND CAMP FEE	55.00
134218	000101	06/13/11	GROFF TRACTOR & EQUIPMENT	430400	BUCKET-CARRIER REPAIR	4,380.74
134219	000101	06/13/11	TERRY GUSTAS	439900	INSTRUCTOR/YOGA	315.00
134220	000101	06/13/11	KAREN HARTMAN	439900	INSTRUCTOR/ART CLASS	238.00
134221	000101	06/13/11	FRIEDA HAYSON	439900	INSTRUCTOR/LINE DANCE	196.00
134222	000101	06/13/11	HILL INTERNATIONAL TRUCKS	430400	INSPECTION/RESCUE#64	40.00
134223	000101	06/13/11	HUMBLE CARPET & DECORATIN	420600	CARPET INSTALLATION	2,623.00
134224	000101	06/13/11	IBIS TEK SIGNS & ACCESSOR	420100	VARIOUS SIGNS	810.36
134224	000101	06/13/11	IBIS TEK SIGNS & ACCESSOR	420100	STOP SIGN FACES	53.16
TOTAL CHECK						863.52
134225	000101	06/13/11	IRON CITY UNIFORM RENTAL	420100	FLOOR MATS	25.00
134225	000101	06/13/11	IRON CITY UNIFORM RENTAL	420100	TOWEL SERVICE	86.05
134225	000101	06/13/11	IRON CITY UNIFORM RENTAL	420100	FLOOR MATS	25.20
134225	000101	06/13/11	IRON CITY UNIFORM RENTAL	420300	UNIFORM SERVICE/MAY	325.78
134225	000101	06/13/11	IRON CITY UNIFORM RENTAL	420100	FLOOR MATS	27.00
TOTAL CHECK						489.03
134226	000101	06/13/11	WILLIAM A JOHNSON ESQUIRE	431100	LEGAL SERVICE/MAY	3,895.25
134227	000101	06/13/11	JOHNSTON MOREHOUSE DICKEY	420100	GRASS SEED/FERTILIZER	106.25
134228	000101	06/13/11	JORDAN TAX SERVICE-ESCROW	310101	R/EST TAX REFUNDS	3,610.16
134229	000101	06/13/11	JILL A JOSEY COURT REPORT	439900	5/23 P.H. TRANSCRIPT	171.00
134230	000101	06/13/11	EVELYN JOZEFKOWICZ	439900	MILEAGE EXPENSE	50.34
134231	000101	06/13/11	JAMES KAPUSTA	410204	MEDICAL BENEFITS/JULY	125.48
134232	000101	06/13/11	LANE CONSTRUCTION CORP	420100	1.24 TNS COLD MIX	86.80
134232	000101	06/13/11	LANE CONSTRUCTION COP	420100	2.13 TNS COLD MIX	149.17
TOTAL CHECK						235.5

FUND - 010000 - GENERAL FUND

CHECK NUMBER	CASH ACCT	DATE ISSUED	VENDOR	ACCT	DESCRIPTION	AMOUNT
134233	000101	06/13/11	LEVEL(3) COMMUNICATIONS LL	430101	TELEPHONE	258.69
134233	000101	06/13/11	LEVEL(3) COMMUNICATIONS LL	430101	TELEPHONE	49.13
134233	000101	06/13/11	LEVEL(3) COMMUNICATIONS LL	430101	TELEPHONE	602.39
			TOTAL CHECK			910.21
134234	000101	06/13/11	LEXINGTON CRT GARDEN CLUB	430400	FLOWER GARDEN PRJ	250.00
134235	000101	06/13/11	M&M UNIFORMS INC	420300	PANTS-BARBOUR	117.90
134235	000101	06/13/11	M&M UNIFORMS INC	420300	SHIRTS/PANTS-WOODS	533.70
			TOTAL CHECK			651.60
134236	000101	06/13/11	M.E.I.T.	410204	MEDICAL BENEFITS/JULY	57,984.11
134237	000101	06/13/11	MELLON BANK/LABORERS CONT	410208	PENSION BENEFITS	5,034.70
134238	000101	06/13/11	DEBBIE MILLER-GURCHAK	439900	INSTRUCTOR/DOG OBED	1,029.00
134239	000101	06/13/11	MOW MULCH & MORE	430400	ISLAND/DAM MOWING	410.00
134240	000101	06/13/11	MOYER'S TANKS INC	420100	TANK/TRK#34	499.00
134241	000101	06/13/11	NEOFUNDS BY NEOPOST	420100	POSTAGE	1,000.00
134242	000101	06/13/11	NEOPOST INC	420100	INK/POSTAGE METER	161.99
134243	000101	06/13/11	OBSERVER-REPORTER	430200	ORD#732 NOTICE	84.57
134243	000101	06/13/11	OBSERVER-REPORTER	430200	ORD#731 NOTICE	139.62
134243	000101	06/13/11	OBSERVER-REPORTER	430200	REJUVENATOR NOTICE	227.70
134243	000101	06/13/11	OBSERVER-REPORTER	430200	6/6 WRKSHIP NOTICE	88.24
134243	000101	06/13/11	OBSERVER-REPORTER	430200	ORD#733 NOTICE	77.23
134243	000101	06/13/11	OBSERVER-REPORTER	430200	ORD#657 NOTICE	301.10
			TOTAL CHECK			918.46
134244	000101	06/13/11	PA ONE CALL SYSTEM INC	439900	FAX MESSAGES/MAY	234.24
134245	000101	06/13/11	PAWC	430900	UTILITY	440.17
134245	000101	06/13/11	PAWC	430900	UTILITY/DOG FTN	17.59
134245	000101	06/13/11	PAWC	430900	UTILITY	479.35
134245	000101	06/13/11	PAWC	430900	UTILITY/REES	127.24
134245	000101	06/13/11	PAWC	430900	SPRINKLERS/ELM GRV	88.67
134245	000101	06/13/11	PAWC	430900	SPRINKLERS/SOCCER	96.86
134245	000101	06/13/11	PAWC	430900	UTILITY	69.08
134245	000101	06/13/11	PAWC	430900	UTILITY/CRC	372.42
134245	000101	06/13/11	PAWC	430900	UTILITY	222.51
134245	000101	06/13/11	PAWC	430900	UTILITY/ELM GRV	25.45
			TOTAL CHECK			1,939.34
134246	000101	06/13/11	PETERS CREEK SANITARY AUT	430900	SEWAGE/REES	19.04
134247	000101	06/13/11	PETERS TOWNSHIP SCHOOL DI	439900	USE OF FACILITIES	7,364.07
134248	000101	06/13/11	PITTSBURGH REPORTING SERV	430700	5/17 ZHB REPORTER	140.00
134249	000101	06/13/11	PRECISION COPY PRODUCTS I	439900	COLOR COPIES/MAINT	81.80
134249	000101	06/13/11	PRECISION COPY PRODUCTS I	439900	COPIER MAINT EXP	22.60

FUND - 010000 - GENERAL FUND

CHECK NUMBER	CASH ACCT	DATE ISSUED	VENDOR	ACCT	DESCRIPTION	AMOUNT
TOTAL CHECK						104.40
134250	000101	06/13/11	3157 PRINCE PRINTING	420100	TSHIRTS/CLEAN UP DAY	188.00
134251	000101	06/13/11	1374 PRINTERS USA	420100	ENVELOPES	64.00
134251	000101	06/13/11	1374 PRINTERS USA	420100	PURCHASE LOG SHEETS	50.00
134251	000101	06/13/11	1374 PRINTERS USA	420100	ENVELOPES	64.00
134251	000101	06/13/11	1374 PRINTERS USA	420100	CASH RECEIPTS	188.00
134251	000101	06/13/11	1374 PRINTERS USA	420100	ACCTS PAYABLE FORMS	54.00
134251	000101	06/13/11	1374 PRINTERS USA	420100	ENVELOPES	64.00
TOTAL CHECK						484.00
134252	000101	06/13/11	4116 PRINTSCAPE	420100	CLEAN UP DAY BANNER	23.00
134253	000101	06/13/11	1394 JOE PRUCE AWARDS	420100	PLAQUE/HARTLAGE	239.70
134253	000101	06/13/11	1394 JOE PRUCE AWARDS	420100	5K RACE TROPHIES	302.60
TOTAL CHECK						542.30
134254	000101	06/13/11	3540 PTHS SWIM & DIVE BOOSTERS	430400	FLOWER GARDEN PRJ	250.00
134255	000101	06/13/11	2428 QUALITY MECHANICAL SERVIC	430400	REPAIR REHEAT COILS	2,402.35
134255	000101	06/13/11	2428 QUALITY MECHANICAL SERVIC	460200	HEAT PUMP/RADIO TWR	4,310.00
TOTAL CHECK						6,712.35
134256	000101	06/13/11	3668 LOIS REICH	439900	INSTRUCTOR/HYPNOSIS	42.00
134257	000101	06/13/11	3707 RUDY'S PEST CONTROL	430400	PEST CONTROL/STN#1	45.00
134258	000101	06/13/11	1393 S&D CALIBRATION SERVICES	430400	VASCAR CERTIFICATION	382.50
134259	000101	06/13/11	1054 KYMBERLY A. SECREET	430700	DEER REMOVAL	50.00
134259	000101	06/13/11	1054 KYMBERLY A. SECREET	430700	ANIMAL CONTROL/MAY	775.00
TOTAL CHECK						825.00
134260	000101	06/13/11	1097 SECURITY SPECIALISTS OF P	439900	ALARM SERVICE/TC	84.00
134260	000101	06/13/11	1097 SECURITY SPECIALISTS OF P	430400	ALARM SERVICE	84.00
134260	000101	06/13/11	1097 SECURITY SPECIALISTS OF P	430400	ALARM SERVICE	84.00
134260	000101	06/13/11	1097 SECURITY SPECIALISTS OF P	430400	ALARM SERVICE	84.00
134260	000101	06/13/11	1097 SECURITY SPECIALISTS OF P	430400	ALARM SERV/POL.STN.	84.00
134260	000101	06/13/11	1097 SECURITY SPECIALISTS OF P	430400	ALARM SERV/POL.STN.	84.00
134260	000101	06/13/11	1097 SECURITY SPECIALISTS OF P	430400	ALARM SERVICE	84.00
134260	000101	06/13/11	1097 SECURITY SPECIALISTS OF P	430400	ALARM SERVICE	84.00
134260	000101	06/13/11	1097 SECURITY SPECIALISTS OF P	439900	ALARM SERV/RADIO TWR	84.00
TOTAL CHECK						756.00
134261	000101	06/13/11	1285 SOPKO CONTRACTING INC	430400	TRANSPORT HI LIFT	336.00
134262	000101	06/13/11	4112 STROBES N MORE	420100	EMERGENCY LIGHTING	431.06
134263	000101	06/13/11	4113 GEORGE SUHON	439900	ENTERTAINMENT/6-8 SRS	125.00
134264	000101	06/13/11	2948 FRANCIENE THOMPSON	320490	DRUG SCREEN/DUI CKPNT	100.00
134265	000101	06/13/11	2275 THREE RIVERS FENCING CTR	439900	INSTRUCTOR/FENCING	196.00
134266	000101	06/13/11	3494 THREE RIVERS POWER S	430700	STREET SWEEPING SERV	8,151.00

FUND - 010000 - GENERAL FUND

CHECK NUMBER	CASH ACCT	DATE ISSUED	VENDOR	ACCT	DESCRIPTION	AMOUNT
134267	000101	06/13/11	TIMBER MANAGEMENT SERVICE	4119 420100	LOGGING SERVICE	800.00
134268	000101	06/13/11	TRAFFIC CONTROL EQUIP & S	1308 430700	REPLACE LAMPS/VLLYBRK	202.06
134268	000101	06/13/11	TRAFFIC CONTROL EQUIP & S	1308 430700	SIGNAL MAINT/MAY	203.40
			TOTAL CHECK			405.46
134269	000101	06/13/11	TRANS ASSOCIATES	1178 430700	ENG/ST CLAIR HOSP	971.75
134269	000101	06/13/11	TRANS ASSOCIATES	1178 430700	ENG/5TH-3RD BANK	193.00
134269	000101	06/13/11	TRANS ASSOCIATES	1178 430700	ENG/BELUSKO SITE	520.50
134269	000101	06/13/11	TRANS ASSOCIATES	1178 430700	ENG/GIANT EAGLE	165.00
134269	000101	06/13/11	TRANS ASSOCIATES	1178 430700	ENG/PNC BANK	318.50
134269	000101	06/13/11	TRANS ASSOCIATES	1178 430700	ENG/ST CLAIR HOSP	1,740.50
			TOTAL CHECK			3,909.25
134270	000101	06/13/11	TRAPUZZANO'S	1109 420300	PANTS/SHIRTS-CHIPRICH	299.00
134271	000101	06/13/11	UNITED STATES TENNIS ASSN	2655 439900	MEMBERSHIP/HAPPE	65.00
134272	000101	06/13/11	THE UPS STORE	1959 439900	UPS CHRGR	8.67
134273	000101	06/13/11	VERIZON	2030 430900	CALL BOXES	84.50
134273	000101	06/13/11	VERIZON	2030 430900	CALL BOX/ELM GRV	27.00
134273	000101	06/13/11	VERIZON	2030 430900	TELEPHONE	97.45
			TOTAL CHECK			208.95
134274	000101	06/13/11	VERIZON COMMUNICATIONS	3816 439900	INTERNET SERV TO 6/27	239.99
134275	000101	06/13/11	VERIZON WIRELESS	1592 439900	MOBILE PHONES	65.63
134275	000101	06/13/11	VERIZON WIRELESS	1592 430101	MOBILE PHONES	164.10
134275	000101	06/13/11	VERIZON WIRELESS	1592 430101	AIR CARDS	360.06
134275	000101	06/13/11	VERIZON WIRELESS	1592 439900	MOBILE PHONE	32.82
134275	000101	06/13/11	VERIZON WIRELESS	1592 430101	MOBILE PHONES	69.57
134275	000101	06/13/11	VERIZON WIRELESS	1592 430900	MOBILE PHONE	32.82
			TOTAL CHECK			725.00
134276	000101	06/13/11	WALSH EQUIPMENT COMPANY	1114 420100	PARTS/BACKHOE	240.76
134277	000101	06/13/11	WASHINGTON HOSPITAL	1594 439900	EXAM/BARCA	196.50
134277	000101	06/13/11	WASHINGTON HOSPITAL	1594 439900	EXAM/GRADY	196.50
134277	000101	06/13/11	WASHINGTON HOSPITAL	1594 439900	EXAM/ARMBRUSTER	196.50
134277	000101	06/13/11	WASHINGTON HOSPITAL	1594 439900	EXAM/MCLAUGHLIN	184.50
			TOTAL CHECK			774.00
134278	000101	06/13/11	WEBER REPORTING LLC	2808 439900	5/9 P.H.TRANSRIPT	187.00
134278	000101	06/13/11	WEBER REPORTING LLC	2808 439900	5/2 P.H.TRANSRIPT	747.00
			TOTAL CHECK			934.00
134279	000101	06/13/11	WELDING EQUIPMENT REPAIR	1119 420100	OXYGEN/ACETYLENE	23.70
134280	000101	06/13/11	WEST PENN POWER	4079 430900	UTILITY/CRC	4,015.69
134280	000101	06/13/11	WEST PENN POWER	4079 430900	UTILITY/LWR CNCESSN	173.29
134280	000101	06/13/11	WEST PENN POWER	4079 430900	UTILITY/BLFLD LIGHTS	1,025.94
134280	000101	06/13/11	WEST PENN POWER	4079 430900	UTILITY/REES	10.54
134280	000101	06/13/11	WEST PENN POWER	4079 430900	UTILITY/FOOTBALL LGHTS	216.58
134280	000101	06/13/11	WEST PENN POWER	4079 430900	UTILITY/UPR CNCESSN	127.25

FUND - 010000 - GENERAL FUND

CHECK NUMBER	CASH ACCT	DATE ISSUED	VENDOR	ACCT	DESCRIPTION	AMOUNT
134280	000101	06/13/11	WEST PENN POWER	430900	UTILITY/STAGE	8.18
134280	000101	06/13/11	WEST PENN POWER	430900	UTILITY	476.17
TOTAL CHECK						6,053.64
134281	000101	06/13/11	WILSON SPORTING GOODS	420100	TENNIS BALLS	2,331.65
134282	000101	06/13/11	WOLTZ-WIND FORD INC	430400	ENGINE REPAIR/TRK#28	304.74
134283	000101	06/13/11	WOOD WASTE RECYCLING INC	420100	WOOD CARPET	2,662.50
134284	000101	06/13/11	GAYLE ZACHARIA	439900	INSTRUCTOR/YOGA	539.00
TOTAL FUND						250,481.37
TOTAL REPORT						250,481.37

# Peters Township

WASHINGTON COUNTY

MICHAEL A. SILVESTRI, *Manager*  
PAUL F. LAUER, *Assistant Manager*

610 East McMurray Road  
McMurray, Pennsylvania 15317-3496

724 / 941-4180 Fax 942-5022

Dept. Direct Dial No.:



## COUNCIL

ROBERT L. ATKISON, *Chairman*  
MONICA R. MERRELL, *Vice Chair*  
FRANK ARCURI  
DAVID M. BALL  
JAMES F. BERQUIST  
ROBERT J. LEWIS  
GARY J. STIEGEL, JR.

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## LEGAL NOTICE

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The Zoning Hearing Board of Peters Township will conduct a hearing on Tuesday, June 21, 2011 at 7:30 P.M. in Council Chambers, Peters Township Municipal Building, 610 E. McMurray Road, McMurray PA 15317. The following is the agenda:

- 849-2011 A request by the Peters Township Sanitary Authority for a Special Exception to expand the Donaldson's Crossroads Sewage Treatment Facility in the R-1A zoning district- 402 W. McMurray Road.
- 850-2011 A request by 502 Valley Brook Road LLC for a zoning use interpretation, Special Exception for place of assembly in the McMurray Town Center zoning district, a variance on buffer requirement for 3 parking spaces, and a variance on parking stall size- 502 Valley Brook Road.

**Both Appeal # 849-2011 and 850-2011 will go before the Planning Commission for a recommendation at their June 9, 2011 meeting at 7:00 PM in Council Chambers.**

You may at this time submit your comments in writing, in person, or through a representative. If you wish to establish your right to appeal the decision of the board, you must attend and sign the required form at the hearing requesting "**status as a party to the proceedings**". Plans are available for review at the Township Planning Department during regular business hours.

Emily Moldovan  
Peters Township

# Peters Township

WASHINGTON COUNTY

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MEMO TO: Michael Silvestri & Peters Township Council  
FROM: Ed Zuk *EZ*  
DATE: May 11, 2011  
TOPIC: Proposal – New Assistant Planner Position

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Contained within the 2011 Peters Township budget are the funds needed to initiate work on the revisions to the Peters Township Comprehensive Land Use Plan. Our intention is to commence work on this project upon completion of the revisions to the Mineral Extraction Ordinance.

As you will recall the last revision to the Comprehensive Plan extended over an inordinate period of time. The process resulted in numerous, long, and contentious meetings that often failed to provide clear direction to Council or staff. One contributing factor was the inability of the Planning Department to devote adequate oversight to the project due to the department's limited staffing.

The reality is that at current staffing levels the department has a difficult time performing its ongoing normal duties and responsibilities. Plan reviews, code enforcement, meeting preparation and citizen and developer inquiries consume much of the staff's time.

By its very nature the Comprehensive Plan demands a lot of in house staff time even when the services of consultants are used. If the plan is to reflect the community's aspirations the process must be driven from within our organization. If we are to attempt to avoid the problems associated with the last plan revision we will need additional in house support.

Toward that end it is my recommendation that we reprogram a portion of the funds budgeted for the Comprehensive Plan so as to fund a temporary fulltime planning position. This individual would in part assume the leadership position in the department for managing the process and effort of consultants related to the development of the Comprehensive Plan. In addition the position would provide general support to the efforts of the department.

Grant Shiring, our current Planning Department intern, through his work on the Mineral Extraction Ordinance has demonstrated his ability to work through complex and controversial issues in a creative and professional manner. He is self-directed in his work and represents the Township well in his interactions with residents. Grant is uniquely positioned to serve as the project manager for Peters Township Comprehensive plan.

It is my recommendation that Council create a fulltime temporary position in the Planning Department and that Mr. Silvestri be authorized to appoint Mr. Shiring to fill that position.

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# Peters Township

WASHINGTON COUNTY

MICHAEL A. SILVESTRI, *Manager*  
PAUL F. LAUER, *Assistant Manager*

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McMurray, Pennsylvania 15317-3420

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## COUNCIL

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ROBERT J. LEWIS  
GARY J. STIEGEL, JR.

## MEMO

**TO:** M.A. Silvestri  
**FROM:** Tom Gromek TG  
**DATE:** June 7, 2011  
**SUBJECT:** Ethics Forms

We are still missing ethics forms from the following individuals, representing various Township boards:

### State Financial Interest Forms

Jim Schafer	former PTSA member
Eric Grimm	former PTSA member
Michael Crall	new PTSA member

### Township Ethics Forms

Eric Grimm	former PTSA member
David Vogel	current Planning Commission member
Margaret Diamond	current Cable TV member
Michael Crall	new PTSA member

**PETERS CREEK SANITARY AUTHORITY**  
**Regular Meeting March 14, 2011**

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The meeting was opened by Chairman Otto Szabo, Jr., at 7:00 p.m.

**MEMBERS PRESENT:** Bruce Blednick, Richard Come, Joseph Benedetti, Otto Szabo, Jr., Christopher Labee, Charles Wilson, Jack Peart and Michael Kutsek.

**MEMBERS ABSENT:** Edward Schultz and Thomas Lumsden

**OTHERS IN ATTENDANCE:** Jason Stanton, Larry Lennon, James Liekar, Tim Babich, Rick Kovach and Kathy Howley.

The Pledge of Allegiance was recited.

**PUBLIC:** None

**MASTER MONITOR BID OPENING:**

Mr. Lennon recommended postponing bid opening until the next Board meeting due to the minimal contractor job inquiry and request of bid packets.

**Mr. Szabo asked for a motion, so moved by Joe Benedetti, second by Bruce Blednick, to extend the bid opening until the April 11, 2011 Regular Meeting. Motion carried unanimously. To be retained as Bid Opening: Contract 11-S1 Master Monitor Installation.**

**APPROVAL OF FEBRUARY 14, 2011 MINUTES:**

**Mr. Szabo asked for a motion, so moved by Bruce Blednick, second by Joe Benedetti, to approve the February 14, 2011 minutes. Motion carried unanimously.**

**TOTAL BILLS FOR APPROVAL:**

**Mr. Szabo asked for a motion so moved by Chuck Wilson, second by Bruce Blednick, to approve the total bills for \$122,748.42. Motion carried unanimously.**

**BOARD MEMBER BILLS FOR APPROVAL:**

**Mr. Szabo asked for a motion so moved by Joe Benedetti, second by Mike Kutsek, to approve the total Board Member bills for \$415.00. Bruce Blednick abstained. Motion carried.**

Mr. Szabo reported the Engineer Report will be delayed until the arrival of Mr. Stanton.

**FIELD REPORT:** Mr. Szabo asked for the Field Report.

Written report submitted.

Mr. Babich reported the following:

1. CCTV & Grouting Contract: Project nearly completed as of February 17, 2011 except for a few areas that need flow bypassed to grout the joint. Waiting for CCTV discs and reports to be submitted for review. **To be retained on agenda.**
2. Manhole Rehab: During yearly inspection process, one manhole on Rankintown Road was repaired by Sopko Contracting by removing three riser rings. In addition, three interceptor manholes were grouted by State Pipe Services.

**SOLICITOR REPORT:** Mr. Szabo asked for the Solicitor Report.

Mr. Liekar requested Executive Session to discuss CMA and Tomko Wall Encroachment.

Mr. Szabo called for an Executive Session at 7:10 p.m. to discuss the CMA Agreement and Tomko Wall Encroachment.

Mr. Szabo reconvened the meeting at 7:27 p.m. after discussing the CMA Agreement and Tomko Wall Encroachment.

**PETERS CREEK SANITARY AUTHORITY**  
**Regular Meeting March 14, 2011**

1. Resolution 2010-02: After reviewing the procedure cost and results with Mr. Kovach, Mr. Liekar recommended removing the requirement that landlord lien notices be mailed with a certificate of mailing USPS form 3817.

**Mr. Szabo asked for a motion, so moved by Bruce Blednick, second by Joe Benedetti, to amend Resolution 2010-02, section 2 by removing the last sentence of Section 2. Motion carried unanimously.**

**OFFICE MANAGER REPORT:** Mr. Szabo asked for the Office Manager Report.  
 Written report submitted.

Ms. Howley reported the following:

1. AR-Box: Presented final agreement to Board for approval.

**Mr. Szabo asked for a motion, so moved by Chuck Wilson, second by Bruce Blednick, to approve the agreement for Electronic Lock Box Service with Creative Payment Solutions. Motion carried unanimously.**

**AUTHORITY MANAGER REPORT:** Mr. Szabo asked for the Authority Manager Report.  
 Written report submitted.

Mr. Kovach reported the following:

1. Statement of Financial Interest: Forms were distributed to comply with the annual filing requirements of the Public Official and Employee Ethics Act 65 PA C.S. 1101. The form for the 2010 calendar year is due May 1, 2011. **To be retained on agenda.**
2. PCSA Incident report to PaDEP: March 6, 2011, the PCSA sanitary sewer line between Manhole 100-16 to Manhole 100-15 was blocked. Emergency procedures were executed and the line was cleared by Robinson Pipe Cleaning Company discovering that cloth rags had caused the blockage. The area was cleaned and the incident report was mailed March 7, 2011 to PaDEP.
3. Customer Accounts: Robert Brooks v. PCSA. Attended the hearing with Mr. Liekar on February 23, 2011 in Peters Township. The case was settled in favor of PCSA.
4. Sanitary Sewer Tap Status: Taps sold 01/01/11 - 02/18/11 (2) as attached to report. **To be retained on agenda.**

**CHAIRMAN REPORT:**

1. By-Laws Committee: Under review. **To be retained on agenda.**
2. PCSA Truck: The 2011 GMC truck was purchased and delivered March 2, 2011. Mr. Szabo welcomed Board members to view the truck parked on the lot tonight.

**ENGINEER REPORT:** Mr. Szabo asked for the Engineer Report.

Written report submitted.

Mr. Stanton reported the following:

1. Developments:
  - a) Hamlet of Springdale Plan 2: Capacity availability letter was issued on February 24, 2011. The development is currently in the Planning Module process. Plan review will be initiated when the Planning Module is submitted to PaDEP.
  - b) Kilkeary Auto-Body Connection: LSSE review letter dated February 17, 2011 states no objections to the property connecting into the PCSA system so long as it is to a PCSA facility and other administrative issues are met through the planning process. **To be retained on agenda.**

**PETERS CREEK SANITARY AUTHORITY**  
**Regular Meeting March 14, 2011**

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2. Easement Encroachments:
  - a) W.G. Tomko: No change. **To be retained on agenda.**
3. Clairton Municipal Authority Agreement/LTCP Review: The Engineers' consensus version was forwarded to the Solicitors by email dated February 8, 2011. **To be retained on agenda.**
4. PCSA Act 537 Plan Update – VI Analysis:  
No change. **To be retained on agenda.**
5. Corrective Action Plan (CAP): No change. **To be retained on agenda.**
6. Regional Act 537 Plan Update / PCI Interceptor Report:
  - a) PCI Modeling: The supplemental survey work was completed by Gateway. CMA flow monitoring data has been deconstructed by LSSE. LSSE is in the calibration/validation process and alternative analysis should be completed by end of March 2011.
  - b) Meetings: The most recent PCI Engineers meeting was held February 15, 2011 at Gateway Engineers. Primary discussion topic was near term status of multiple planning efforts and discussion of the semantics of the Regional Act 537 Plan. Pertinent Action Items follow:
    - i. LSSE/PCSA – Draft of the PCSA Act 537 Plan to KLH/CMA by April 19, 2011.
    - ii. Gateway/JH – Draft of the JH Act 537 Plan to KLH/CMA by April 19, 2011.
    - iii. KLH/CMA – Final Basis of Design Report to PCSA/JH by March 15, 2011.
    - iv. Group – PaDEP Draft Technical submittal by April 29, 2011.Next PCI Engineers meeting is scheduled for March 15, 2011 at LSSE at 10:00 a.m. **To be retained on agenda.**
7. Master Monitor Contract Documents and Tech Specifications:  
LSSE will contact several contractors attempting to generate interest. **To be retained on agenda.**
8. 2010 Interceptor Grouting Program. The Grouting Work is approximately 95% complete and the CCTV work is about 55% complete as of March 8, 2010. LSSE has recommended Payment Requisition No. 4 in the amount of \$28,939.69 and No. 5 in the amount of \$7,579.90 by letters dated March 7, 2011 and March 11, 2011 respectively.

**Mr. Szabo asked for a motion, so moved by Bruce Blednick, second by Joe Benedetti, to approve Contract No. 10-S2 Partial Payment No. 4 to Robinson Pipe Cleaning in the amount of \$28,939.69. Motion carried unanimously.**

**Mr. Szabo asked for a motion, so moved by Chuck Wilson, second by Bruce Blednick, to approve Contract No. 10-S2 Partial Payment No. 5 to Robinson Pipe Cleaning in the amount of \$7,579.90. Motion carried unanimously. To be retained on agenda.**
9. 2011 LSA Grant Application: The grant has a three year expiration period. As full funding was not awarded, LSA will permit another application in 2011 as part of a multi-year project.
10. Rules and Regulations Re-Draft: This will be listed for review after completion of the Draft PCSA Act 537 Plan and Draft PCI Plan.

**FINANCIAL REPORT:**

Mr. Szabo asked the Board to review the financial report for the month ended February 28, 2011. Mr. Kovach reported a line has been added under the A/R balance for the lien and judgment portion totals.

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PETERS CREEK SANITARY AUTHORITY  
Regular Meeting March 14, 2011

Mr. Szabo asked for a motion, so moved by Jack Peart, second by Chuck Wilson, to approve the financial report. Motion carried unanimously.

OLD BUSINESS: None

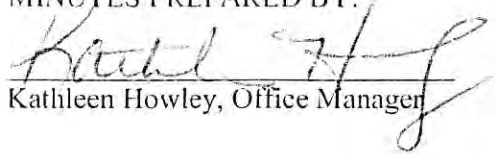
NEW BUSINESS: None.

THE CORRESPONDENCE WAS REVIEWED.


ADJOURNMENT

The Chairman adjourned the meeting at 7:50 p.m.

MINUTES PREPARED BY:

  
Kathleen Howley, Office Manager

APPROVED BY THE BOARD:

  
Jack Peart, Secretary

## MEETING RECAP

### Peters Township Council

■ Date: May 23

■ Action: Council approved a liquor license transfer from ELCO to Maccheroni Holding Co. for a proposed new restaurant, Arlecchino. The Italian-style restaurant is being constructed at 133 Camp Lane, the former site of the Classroom restaurant. While council approved the transfer, the ultimate decision will be made by the state Liquor Control Board. Council enacted an agree-

ment with eLoop to provide electronic recycling bins at the public works department. Beginning in January, residents will not be permitted to dispose of electronic equipment in landfills. Drop-offs will be permitted during regular business hours. The township will receive 2 cents a pound. No start date was announced.

Numerous rules and policies through the township's Parks and Recreation Department were authorized, including an average speed of 15 mph for motorized wheelchairs on Arrowhead Trail.

The most discussed change involved background checks. Currently, said Michele Harmel, director of the department, just 60 to 75 percent of the various athletic associations are in compliance with submitting criminal clearances. Associations have been required to provide the information on volunteer coaches since 2006. Following a vote, with only Councilman Frank Arcuri voting no and Councilman Gary J. Stiegel Jr. absent, associations not in compliance will be fined \$500. If the clearances are

not submitted after the fine is assessed, the association will be denied access to township fields.

■ Discussion: A Stonebrook Drive resident complained of speeding vehicles on the road before and after Mass at nearby St. Benedict the Abbot Church. Michael Silvestri, township manager, said he discussed the situation with the parish priest and asked police to set up speed monitors on the street.

■ Next meeting: 7:30 p.m. June 13 in the municipal building

# PT council sets workshop on gas drilling ordinance

By Terri T. Johnson  
Almanac staff writer  
tjohnson@thealmanac.net

Peters Township Council will hold a public workshop June 6 to discuss a proposed revision to the natural gas extraction ordinance, but no public comments will be taken. The meeting will involve a discussion among members of council and township staff only.

A public hearing, where comments from the audience will be heard, is set for Monday, July 18. Both meetings will begin at 7:30 p.m. in council chambers in the township building.

Council has been working on the revision for several months in an effort to protect township residents from the potential negative effects of natural gas drilling.

Currently, no drilling is taking place in the township. Council has limited authority to regulate the industry, with most controls levied through state and federal agencies, but the township is attempting to control the weight of trucks on local roads, noise levels and other possible pollutants.

In other action May 23, council approved a liquor license transfer from ELCO to Maccheroni Holding Co. for a proposed new restaurant, Arlecchino. The Italian-style restaurant is being constructed at 133 Camp Lane, the former site of the Classroom Restaurant.

While council approved the transfer, the ultimate decision will be made by the state Liquor Control Board. A three-minute public hearing was held before the decision by council.

■ One resident of Stonebrook Drive complained of speeding vehicles along the road that he said occurs before and after Mass at nearby St. Benedict the Abbot Church.

Michael Silvestri, township manager, said he discussed the situation with the parish priest and asked police to set up speed monitors on the street.

■ Council enacted an agreement with eLoop to provide for future electronic recycling bins at the public works department. Beginning in January, residents will not be permitted to dispose of electronic equipment in landfills. Drop-offs will be permitted during regular business hours.

The township will receive two cents a pound. No start date was announced.

■ Action to take over three streets in the Woodlands of Peters Township plan was tabled until there is a response from the developer.

■ Numerous rules and policies through the township's Parks and Recreation Department were authorized including an average speed of 15 mph for motorized wheelchairs on Arrowhead Trail.

The most discussed change involved background checks. Currently, said Michele Harmel, director of the department, only 60 to 75 percent of the various athletic associations are in compliance with submitting criminal clearances. Associations have been required to provide the information on volunteer coaches since 2006. Following a vote, with only Councilman Frank Arcuri voting "no" and Councilman Gary J. Stiegel Jr. absent, associations not in compliance will be fined \$500. If the clearances are not submitted after the fine is assessed, the association will be denied access to township fields.

Council plans to vote at June 27 meeting

# PT to make decision on crematory

By Terri T. Johnson  
Almanac staff writer  
tjohnson@thealmanac.net

Following more than nine hours of public comment during three separate hearings concerning a proposal to build a funeral home and a crematory along Washington Road in Peters Township, council announced that a decision will be made June 27.

The Audia Group of Meadow Lands is seeking approval to build the funeral home and crematory in a commercial

zone at the site of the former La-Z-Boy store that has been vacant for several years. However, township ordinances do not list crematories as a permitted use in any of the zoning areas.

Audia Group has filed a challenge claiming the zoning is exclusionary.

The May 31 public hearing was the third such hearing in which a bevy of attorneys presented exhibits, submitted data and questioned a series of experts in a variety of fields.

Attorney Tammy Ribar, who represents the developers, Audia Group and

the Belusko family, said Danielle Andy Belusko received an unsigned, threatening letter at the family's home. A copy of the letter was submitted to council.

Jerry McDevitt, a township resident and an attorney who said he represents himself, submitted thick, ringed binders to council containing a series of exhibits and findings regarding potential health hazards from a variety of sources including mercury. McDevitt questioned whether bodies that were embalmed would emit more potential-

ly dangerous toxins when cremated. He showed a You Tube video from a Canadian medical school that showed neurological degeneration caused by exposure to mercury.

Surrounding property owners to the La-Z-Boy building have contended that opening a crematory at 3278 Washington Road may lower their property values and emissions could result in dangerous health hazards.

Roberta Sarraf, a self-employed planning consultant, testified for neighboring property owners Thomas

Homes Inc. and Jeff Thomas.

Sarraf said, in her opinion, the incineration process involved with a crematory is more appropriate for areas zoned light industrial.

She then outlined four areas in the township that are zoned LI such a 95 acres along Valley Brook Road between the boundary with Cecil Township and Washington Road.

Another LI zone encompasses 25 acres in off Hidden Valley Road and 37

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acres along a railroad right-of-way off Buckeye Street near the Cecil Township boundary.

The fourth LI area is near Church Hill Road and Bethel Park. Sarraf said the LI areas are 161 acres or 1.3 percent of the total township acreage.

The crowd of between 60 and 70 and a vast majority of whom oppose the crematory, often erupted with applause. The final speaker, Sam Hazo of Buffalo Ridge Road, made an impassioned speech about looking past the data presented by both sides.

He said opening a crematory in the location Audia Group wishes to establish "has the potential to add the most dangerous toxins" in the township air.

Township Solicitor William Johnson said attorneys have until June 20 to submit written arguments to council.


On May 12, the township's planning commission approved the site plan for the funeral home only. Ribar said the existing building will be renovated with about 10,000 square feet of the more than 26,000 square feet used for the funeral home. Only the first floor of the two-story building will be used as a funeral home.

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PetersPatch

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## Coach Background Checks, Peters Township Council Authorizes Fine Against Teams Failing to Comply

The parks and recreation department will impose a \$500 fine on organizations failing to document criminal background checks for coaches

By [Earl Buqaile](#) | [Email the author](#) | 5:50am

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Groups using the Peters Township Parks and Recreation athletic fields will soon be facing a fine of \$500 if they fail to comply with a township ordinance passed in 2006, which requires them to prove that their coaches have all passed criminal and child abuse background checks.

Township council has given the parks and recreation board the power to impose the fines if sports associations do not produce documentation that their coaches have received Pennsylvania State Police background checks.

The board has been unable to obtain the proper clearances from some organizations despite repeated requests to produce them.

"The difficulty hasn't been with getting people to get their clearances, but it's been difficult to achieve 100 percent compliance with the policy," said Michelle Harmel, director of Parks and Recreation. "The board has made a large effort to get these clearances and they've made progress, but they thought it was necessary to take the next step."

Harmel said nine different sports organizations play at parks department facilities, and most are not 100 percent compliant with the policy.

She said organizations say they have had difficulty getting coaches to take the time to have background checks performed.

"They tell us that their coaches are volunteers and it's hard to get them to do the background checks," she said. "Short of saying it's inconvenient for them, it's what we are being told."

Harmel said the parks and recreation department has tried to assist the organizations in the process by offering them an avenue to have the checks performed.

"We've given them a way to certify the coaches on a temporary basis while they go through the process," she said. "They can do the criminal background checks online through the Pennsylvania State Police website, and you can get a response almost immediately. When you get the temporary clearance, the coaches and organizations can work on the next clearances."

Harmel said each organization has its own bylaws regarding the proper clearances for their coaches, but some don't have such requirements.

"Some of the groups, such as the soccer organization, belong to PA West, which require background checks for all coaches in their member teams, but others do not."

Now armed with a fine against organizations who fail to comply with providing the township proof that their coaches have had background checks, Harmel said her department is now working on the logistics of getting the information out to the various organizations using the township parks.

She said it is hoped that the township can officially begin enforcing the policy and imposing the fines by the fall season.

"We've tried to make accommodations for various scenarios over the past four years," she said. "Is it better than it was? Yes. But we're not looking for better—we're looking for 100 percent compliance."

Township council said fines collected from the organizations would be placed into the parks and recreation program.

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# Judge orders action on reassessment

6/2/2011 3:32 AM

"Call me if you need bail money," attorney Christopher Blackwell called out as Commission Vice Chairman Bracken Burns entered Courtroom No. 1 with his colleagues Wednesday morning.

As it turned out, President Judge Debbie O'Dell Seneca decided not to hold the commissioners in contempt of court for failing to initiate a countywide property reassessment, so no commissioners needed to head for the hoosegow.

But at a separate hearing Wednesday afternoon, the judge issued an order requiring the board to within five weeks sign a contract with a vendor who will provide computer software for the reassessment and within 10 weeks to have the financing in place for the estimated \$8 million cost associated with the reassessment.

Because the reassessment will take about 30 months to complete, property owners will not see their new assessments until they receive their 2015 county tax bills.

By then, it will have been 34 years since the last assessment in Washington County.

Burns, Commission Chairman Larry Maggi and Commissioner Diana Irely Vaughan were not present Wednesday afternoon when, in the midst of a sweltering air-conditioning breakdown, O'Dell Seneca crafted an order based on legal arguments from county solicitors and attorney Susan Key, who was representing the Washington and McGuffey school districts in their quest for a property reassessment.

While Maggi did not relish the thought of heading to jail, neither did he find much consolation in the afternoon's developments.

"I'm not happy about that, because I got an e-mail from (state Rep.) Jesse White, who's introducing legislation as we speak," Maggi said when told of the court order. "I think it's going to hurt the taxpayers in Washington County, whether it will cost \$5 million or \$8 million. And then the state comes up and tells us they're going to tweak it this way or do it that way.

"We've gone 30 years without reassessing. I can imagine another six months to a year without doing it would not hurt things."

As to the possibility of being found in contempt of court, Maggi, a former state trooper and sheriff, said, "I wasn't concerned. Are you going to put the board of commissioners in jail for not wanting to raise taxes?"

Robert Neil, former county chief assessor who retired in December but remains a contract employee with the title "tax reassessment manager," estimated the multimillion-dollar cost of the reassessment in testimony.

The judge had county solicitor Mary Lyn Drewitz phone county finance director Roger Metcalfe to see if it appears likely that the county will be able to pay for the reassessment through a bond issue.

Burns testified the county already has spent money on pictometry, aerial photography of properties that often reveals more than what can be seen at street level; summer employees who have updated property

records; and renovation of the former juvenile detention center in Arden as office space for the reassessment staff.

Having sought proposals in 2009, the county is most interested in the presentation by Tyler Technologies Inc. of Dayton, Ohio.

Washington County has approximately 118,000 land parcels, with another 5,000 expected to be added through new construction during the 30-month reassessment period.

Key first went to court in 2008.

"The holdout was because they wanted to see if there was state real estate tax reform, and now that is not an out for them anymore," she said.

O'Dell Seneca ruled that Key did not meet the burden of proof required for a contempt of court case, but the school districts prevailed a few hours later.

"I was willing to settle this morning if they would've entered into this order," Key said of the day's proceedings.

O'Dell Seneca signed the court order just a short time before White and state Rep. Brandon Neuman introduced in Harrisburg several bills related to property taxes.

The proposed legislation would require certified assessors be included on the State Board of Certified Real Estate Appraisers, and that they be trained in the ramifications of state Supreme Court rulings; create a task force to develop a set of uniform standards for county reassessment contracting; set up a revolving loan program to help pay for the cost of reassessments; and delineate penalties for local governments or school districts that violated anti-windfall provisions after a reassessment.

White already has introduced legislation that would place a moratorium on court-ordered reassessments. Copyright Observer Publishing Co.