

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

Regular Council Meeting  
Monday, June 27, 2011 7:30 p.m.  
Council Chambers, Municipal Building  
610 East McMurray Road, McMurray, PA 15317  
Agenda

Roll Call  
Pledge of Allegiance

1. Approve the Minutes of the Regular Council meeting of June 13, 2011  
Approve transcript from Public Hearing May 31, 2011
2. Special Reports
3. Audience Comments – Limited to 5 minutes for non-agenda items, unless extended by Council
4. Unfinished Business
5. New Business
  - A. Decision on a curative amendment submitted by Audia Group Investments, LLC., amending Chapter 27 of the Township Code of Ordinances, the Zoning Ordinance, to include cremation within the definition of funeral homes.
  - B. Request by Ronald Boocks to speak about the advanced license plate recognition system
  - C. Special Permit Requests
    1. The Cob Collection, 504 Valley Brook Road, for a tent sale July 14-15, 2011
    2. Central Blood Bank for a blood drive in the parking lot of Brusters, 444 Valley Brook Road
  - D. Resolution amending the Peters Township Personnel Manual to include the position of Land Use Planner.
  - E. Authorization to continue snow removal on selected state roads within Peters Township.
  - F. Bids received for repairs adjacent to the Hidden Valley Stormwater Detention Pond.
6. Payroll and Bills
7. Correspondence
  - A. M. Silvestri – Stonebrook traffic study
8. Reports

Administration	Engineering	Cable TV
Financial	Public Works	
Public Safety	Parks & Recreation	
Planning	Library	
9. Miscellaneous
  - A. Park Expansion Schedule

- B. Regional Comprehensive Plan
- C. PNC/Hidden Brook financial Security Update
- D. Authorization for Sherriff Sale of Properties Delinquent in Garbage Payments

10. Next Agenda

11. Adjournment

Executive Session  
Personnel Matter

Adjournment		12
Agreements		
Peters Township Sanitary Authority Right of Way		3
Bids		
Rejuvenator- Pavement Technology		7
Asphalt – Hanson		8
Approval of Minutes		
Council Meeting		2
Public Hearing – May 2, 2011		2
Public Hearing – May 9, 2011		2
Public Hearing – May 23, 2011		2
Miscellaneous		
Tax Collection Committee Special Report		3
Peters Township Sanitary Authority		
Act 537 Grant Funds		4
Friar Lane Pilot Project		4
Change Order # 3		7
Electronic Signs – Hearing Date		9
Zoning Hearing Board		9
Planning Position		9
Ethics Forms		11
Electronic Sign – PNC Site		11
Spring Street Incident		11
Crematorium		11
Payroll and Bills		9
Resolutions		
Center Church Road Funding	No. 06-01-11	6
Management System	No. 06-02-11	7

Council Meeting  
Monday, June 13, 2011 7:30 PM  
Council Chambers, Municipal Building  
610 East McMurray Road, McMurray, PA 15317

**Roll Call**

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

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

**Pledge of Allegiance**

**1. Approval of Minutes**

**Motion:** To approve the minutes of the May 23, 2011 Council meeting.

**Action:** Approve

**Moved by** Frank Arcuri, **Seconded by** Monica R. Merrell

**Vote:** Motion passed (summary: Yes = 6, No = 0, Abstain = 1)

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

**Abstain:** Gary J. Stiegel

**Motion:** To approve the transcripts of the May 2, 2011 Public Hearing.

**Action:** Approve

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

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 7)

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

**Motion:** To approve the transcripts of the May 9, 2011 Public Hearing with corrections as noted (page 6).

**Action:** Approve

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

**Vote:** Motion passed (summary: Yes = 6, No = 0, Abstain = 1)

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

**Abstain:** Robert J. Lewis

**Motion:** To approve the transcripts of the May 23, 2011 Public Hearing.

**Action:** Approve

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

**Vote:** Motion passed (summary: Yes = 6, No = 0, Abstain = 1)

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

**Abstain:** Gary J. Stiegel

## **2. Special Reports**

### Tax Collection

Mr. Lauer updated Council and the community on the status of the mandated Act 32 countywide earned income tax collection. The committee's efforts have been focused on three things: 1. Collecting information from existing tax collectors; 2. A series of educational seminars for employers in 6 locations during June & July; 3. Educating residents on Act 32. Mr. Lauer explained about the 6 digit code that is critical to each municipality getting the tax due them. Peters Township will be mailing this to its residents in September.

He pointed out that Council will need to act on a new Earned Income Tax and Local Service Tax ordinances. The ordinance will not change anything substantive in our current ordinances. Mr. Lauer recommends the local service tax be collected by the new collector, although that is not required. Council will also need to address what we are going to do with regards to the date of the transition as it relates to delinquent taxes. He is recommending Jordan continue to collect 2011 taxes and delinquent taxes until 2012 taxes become delinquent. He is convinced that there will be a delay of months, in the receipt, of taxes in comparison to past experience. He is also requesting Jordan to submit a proposal for collecting Real Estate Taxes and Garbage Fees. Council will then need to decide if we should bid this out.

Mr. Arcuri asked about overpayments. Will that be credited? Mr. Lauer feels that the resident should take a refund due to the fact there will be two different collectors.

Council also agreed with the manager's concern about the amount of effort and time put forth by Mr. Lauer. They supported pushing the Washington Tax Collection Committee to hire a part time executive director to perform these duties.

**3. Audience Comments** – There were none.

**4. Unfinished Business** – There was none.

**5. New Business**

### **5. A. Peters Township Sanitary Authority**

#### 1. Sewer Easement Right-of-Way Peterswood Park

The Authority is preparing to extend the sewers to Valley View Drive. This extension is beneficial to the Township not only from the elimination of a malfunctioning sewage problem, but it will bring the sewers

to the new restroom/concession building in the park expansion. Mr. Silvestri is recommending Council approve the right-of-way agreement.

Mr. Silvestri said that the easement would go under Arrowhead Trail and tie in to the Township lateral. And tie into the Sugar Camp road lateral. This is a temporary construction easement. This will provide sewers to the Peterswood Park expansion project, phase 1.

**Motion:** To approve the Right-of-Way Agreement with the Peters Township Sanitary Authority for sanitary sewer extensions in Peterswood Park.

**Action:** Approve

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

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 7)

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

## 2. Act 537 Planning Grant

As Council may recall, the DEP has approved the Act 537 Sewage Facilities Plan for the Donaldson's Crossroads Watershed. Council approved the plan by resolution in September 2010. Under the act, the municipality is eligible for a 50% reimbursement of the approved costs for the planning efforts. In this case, the amount of the reimbursement is \$43,430.01. Although the municipality is the agency responsible for the planning effort, the Authority was given the responsibility to do the plan and contract for engineering. The Authority is now asking the Council to authorize the state to submit that reimbursement to the Authority. This is what the Township has done in the past and is the proper thing to do, since the costs were expended from the Authority's fund.

**Motion:** To authorize the request by the Peters Township Sanitary Authority for sewage facilities planning grant funds.

**Action:** Authorize

**Moved by** Robert J. Lewis, **Seconded by** Frank Arcuri

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 7)

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

## 3. Friar Lane Pilot Project

The authority has approved a proposal to conduct a study of private laterals on Friar Lane. This is a voluntary program which will primarily be funded by the authority. Sufficient participation by the property owners will be needed to make the study effective. Residents will be given \$250 to participate and up to \$3,000 to cover costs of repairs needed. Council is aware that the authority believes it imperative that private laterals be addressed. The most recent wet weather period illustrates the need to address the issue. The authority (rate payers) is spending millions to address the infiltration issue. This program will permit them to gather sufficient data to determine if correcting the private laterals will be effective. This is not to indicate that the authority will be paying to correct everyone's lateral in the future.

Mr. Silvestri said that the way the pilot program would work is if a resident volunteers to participate they get a \$250 check from the Authority. Studies will be done and up to \$3,000 worth of repairs will be covered by the Authority. The thinking is currently they have repaired all of the main lines and it has not had an impact so this will be a test to see if there is a problem.

Council was resistant to make this a requirement by ordinance because it was not sure in this would be effective. This is the Authority trying to respond to provide enough information to Council, but eventually they will approve a program that will require the testing at least at the sale or by neighborhood to go in and correct these problems.

Mr. Ball asked that if a resident signs up for this program and the authority runs the test and finds a problem, and it needs up to \$5,000 worth of repairs, is it mandatory for the repairs to be made.

Mr. Silvestri said that up to \$3,000 of those costs would be covered. Once the Authority discovers that there is a malfunction in the line they can require the resident repair the line.

Mr. Ball said that the residents need to understand that if you participate, if there is a problem it is not an option to repair it, you must repair the problem.

Mr. Silvestri said that in talking with Mr. Miskis, their approach is going to be to not mandate wholesale replacements but to make repairs as needed and wherever possible.

Mr. Ball said that he would hope that when the Authority looks at this that they look at repair methodology. What are they seeing for defects – major/minor problem and those that can be corrected inexpensively?

Mr. Stiegel said he thought the problem council had the first time was the methodology. The time of the sale of a property was not the time to make or require repairs. It did not focus on the areas that were problems.

Mr. Silvestri said that he believes this area will be the worst case scenario. One of the reasons this neighborhood was selected was that it has the highest amount of infiltration and inflow. There is more terra cotta pipe here than in some of the newer neighborhoods.

Mr. Atkison asked if there was a percentage of participation required before they will go ahead with the project.

Mr. Silvestri said yes, he believes that there has to be at least 60% participation, if not they would go to the second worst neighborhood.

Mrs. Merrell said that there are 83 properties in the Friar Lane neighborhood. Needing a majority, the opportunity for the Authority is to have something determined and then to have it repaired with some of the costs mitigated. This is not for everybody right now; they are only going to invite certain residents to participate. So if people are listening, it not like they will have to sign up for this, it is only the Friar Lane neighborhood.

Mr. Silvestri said that the authority is setting up a meeting where they will invite the residents and explain the program. It is a voluntary program.

Mr. Arcuri thinks the program is ludicrous. The Authority wants to conduct a pilot program to spend other rates payers' monies to see if there is an infiltration problem that they already know exists. That is not right.

Mr. Silvestri said it is not to see if there is a problem; it is to determine if the program will resolve the problem.

Mr. Arcuri said that this is the tail wagging the dog. It is not right that somebody in this community is going to shell out \$6,000 to correct a problem. It is a timing issue. He was not gung ho when Council talked about it before. But the timing is when the people have the cash available. He is not going to tell some 40 year resident who is on a fixed income, "OH, by the way, you have to pay \$6,000 to cure this problem.

Mr. Berquist asked if a water line broke in their yard, wouldn't they have to pay to get it fixed?

Mrs. Merrell said that it seems like the idea of a pilot program is somewhere to start. Something needs to be done.

Mr. Silvestri said that part of the rationale of the Authority is that if no action is done then this can significantly reduce the inflow infiltration. More money will have to be spent on a much larger scale, millions, to upgrade the plants to make them bigger.

After significant discussion, Council did not come to a consensus on this item. There was no one from the Sanitary Authority present.

## **5. B. Center Church Road Funding Agreement**

This agreement addresses the match the Township will be contributing to the project to keep it active. The bidding is set for August. To keep the August date viable, the Township will need to act on the agreement this evening. Paragraph 6 was revised to limit our financial liability to only the part we agree to fund and old paragraph 9 eliminated any legal liability for the project. Unlike the Valley Brook/Rt. 19 project, this project has federal funding. This means all items, especially land acquisition and utility right of ways, must be resolved prior to bidding. So if a bid is awarded, work will occur. Mr. Silvestri has submitted the revised agreement to Mr. Johnson. Mr. Silvestri recommends Council approve the agreement. Mr. Silvestri said that the Township's portion of this project would be \$483,000 which would be funded through traffic impact fees. Although a portion of it will be temporarily loaned from the Gaming Funds.

Mrs. Merrell asked if the Township contributed more money so that this project could be underway.

Mr. Silvestri stated initially, this project was completely funded by the state. He said that this very dangerous intersection that needs to be corrected.

Mr. Arcuri asked if for some reason council approves this, and for strange reason the State does not do this project, what happens to the Township money.

Mr. Silvestri said that he does not have an answer; it is highly remote that it would not proceed. It has been funded and it is on the Transportation Improvement Budget. If this project ends up getting delayed then that money would be gone and that project would be dead.

**Motion:** To adopt Resolution No. 06-01-11 A RESOLUTION OF THE COUNCIL OF PETERS TOWNSHIP, AUTHORIZING THE CHAIRMAN OF COUNCIL TO SIGN A CONTRIBUTION AGREEMENT WITH PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR THE SR 1002 INTERSECTION PROJECT.

**Action:** Adopt

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

**Vote:** Motion passed (summary: Yes = 6, No = 1, Abstain = 0)

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

**No:** Frank Arcuri

Mr. Silvestri noted in addition he passed out a proposed resolution to authorize Mr. Lauer and he to sign document through the Electronic Construction Management Business Partner System (ECMS). This is primarily in reference to the Bebout Trail Bridge Project. We need a business partner number as part of the bid package. Mr. Arcuri asked if this is specific to this project. Mr. Silvestri said it would pertain to any projects with PennDOT.

**Motion:** To adopt Resolution No. 06-02-11 A RESOLUTION OF THE COUNCIL OF PETERS TOWNSHIP, AUTHORIZING THE TOWNSHIPMANAGER AND ASSISTANT TOWNSHIP MANAGER TO SIGN ANY ECMS BUSINESS PARTNER FORMS AND DOCUMENTS TO THE PENNSYLVANIADEPARTMENT OF TRANSPORTATION

**Action:** Approve

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

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7)

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

### **5. C. Rejuvenator Bid**

As is normally the case, the township only received one bid from Pavement Technology. This year's contract will rejuvenate 9.8 miles of roads. The roads to be treated were paved in 2003/2007/2008. The bid price is 76¢ per square yard for a total of \$98,000, which is within our budget estimates; the rate is 2.7% higher than last year. Mr. Silvestri recommends Pavement Technology be awarded the bid.

**Motion:** To award the bid for the 2011 Rejuvenator Project to Pavement Technology, at the rate of \$.76 per square mile in the amount of \$98,000.

**Action:** Award

**Moved by** David M. Ball, **Seconded by** Gary J. Stiegel

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 7)

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

### 5. D. Change Order # 3 Masco

This change order extends the time period for completion based on weather conditions. It was literally impossible to do much site work. Approval is recommended.

Mr. Silvestri said that this was not an item that will increase the cost of the project; it is approving a 45 day extension to completion which would be to the end of this week because of weather conditions.

Mr. Lauer said that the one thing that needs to be clear is that he thinks that this is a reasonable date to finish this project, even giving the weather conditions this spring. There is a good chance that this project will not be done this Friday, in which case there will be further discussions with Council as to what to be done.

Mr. Silvestri said that the contract does provide for liquidated damages.

**Motion:** To approve the change order request # 3 from Masco Constructions for the Peterswood Park Project.

**Action:** Approve

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

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 7)

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

### 5. E. Asphalt Bids

The low bidder through the SHACOG bidding process is Lane Construction at their Bridgeville plant. The only other feasible bidder for us would be Hanson out of their Washington plant. The Township expects to use 1,016 tons of 19mm for the McClelland Road project for a total of \$50,292. Mr. Silvestri believes the Township can purchase the 9.5 mm products from Hanson under the Washington County contract cheaper. Mr. Silvestri is recommending Council award a formal bid to Lane for the 19mm Super Pave Asphalt only.

Mr. Stiegel asked about paving McClelland Road, giving the fact that a gas well might be put in there will be increased traffic on the road.

Mr. Zemaitis said that McClelland is just a shot and chip road right now. Truck traffic would completely destroy it.

Mr. Lewis said that he did not underhand the pricing between Lane and Lindy.

Mr. Silvestri said that Lindy's asphalt plant was too far away to be used by the Township. The Township has to be able to get there with its own trucks and pick up the material. There are only two contractors that are close enough for the Township to use, Lane in Bridgeville and Hanson in Donegal Township.

**Motion:** To award the bid for 19 mm super pave asphalt to Hanson Aggregates BMC, Inc.

**Action:** Award

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

**Vote:** Motion passed (summary: Yes = 7, No = 1, Abstain = 0)

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

**No:** Gary J. Stiegel.

## 5. F. Zoning/Electronic Signs Hearing Date

Based on advertising and required planning commission notices, the hearing can be set for the July 25<sup>th</sup> meeting. Mr. Silvestri would appreciate any comments Council may have, so that he can make corrections prior to advertising and sending to the County.

Council set a date of July 25, 2011 for a Public Hearing date for Electronic Signs.

## 6. Payroll and Bills

**Motion:** To pay the Payroll and Bills as follows: General Fund: Checks # 134172 – 134293; Payroll Account: Checks # 41723 – 41961.

**Action:** Approve

**Moved by** Monica R. Merrell, **Seconded by**

**Vote:** Motion passed (summary: Yes = 6, No = 0, Abstain = 0)

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

**7. Correspondence** – There was none.

**8. Reports** – There were none.

## 9. Miscellaneous

### Zoning Hearing Board

There are 3 unresolved matters before the Zoning Hearing Board. At their upcoming hearing, it has a special exception for the Donaldson's Crossroads Treatment Plant. Since Council approved the plan, Mr. Silvestri assumes Council has no objections to the plant location. The Farmhouse Coffee site is asking for permission for a place of assembly on the second floor and a parking variance. Parking is currently an issue on the site. The last item is the baseball sign. The sign is currently up but is only on a temporary basis. The Zoning Hearing Board suggested if Council wants to permit a permanent sign, the ordinance should be amended and that a variance would be inappropriate.

Council did direct staff to prepare a zoning amendment concerning permanent signs at the Park. Mrs. Merrell raised the issue that this may cause other signs to be constructed for other sports. Mr. Berquist noted the only high school sport to play at Peterswood is baseball. Mrs. Merrell noted that other recreation sponsored sports may want signs.

Planner Position

It would have been Mr. Silvestri's recommendation that the Township hire a full time person to work in the planning department for the duration of the comprehensive plan process. He has observed Mr. Shiring's work and believes it to be very good. His experience as an intern in Dublin, Ohio was very pertinent to what the Township will be looking at in the comprehensive plan. His knowledge of the community and ordinances would be valuable as would his skills as both a planner and landscape architect. Mr. Silvestri supports Mr. Zuk's request and respectfully request Council approve it.

Mrs. Merrell said that she believes that this is a personnel decision at that Council either adjourns to an Executive Session or table the item until more information is received.

Mr. Silvestri said that he does not believe that this is a topic for an Executive Session. He does understand the request for additional information.

Mrs. Merrell said that she would like to know whether there is anyone internally that could assume that position and do the job.

Mr. Silvestri said that he does not believe that there is anyone internally that could do that job. One of the things that happened when council adopted the Property Maintenance code a few years ago was the amount of activity in the Planning Department has increased. He does not know if there is anyone that has the time or the skills in the Planning Department to do this job.

Mrs. Merrell said that she understand the gas and oil discussions and the crematorium has been a distraction that was somewhat unexpected for Mr. Zuk, but housing is still down.

Mr. Zuk said that it is not down.

Mrs. Merrell said that comparatively speaking for the past number of years.

Mrs. Merrell said that for volumes of what your staff would be used for. She was trying to understand the rational for giving him this job as opposed to advertising. Again, I don't know if you want to get into that discussion at this time.

Mr. Silvestri said that certainly any discussions about the skills of one individual over another are something that should be done in executive session.

Mr. Ball asked if Mr. Silvestri was recommending this action.

Mr. Silvestri said that he is recommending this action.

Mrs. Merrell said that she does not object to the need, she objects to the process.

Mr. Silvestri said that he will follow up with Council for a job description for this position.

**Motion:** To create a position of Assistant Planner during the duration of the comprehensive plan process and to hire Mr. Shiring (current intern) to that position (Class 5 at about \$37,000 per year), subject to Council approving a job description.

**Action:** Approve

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

**Vote:** Motion passed (summary: Yes = 6, No = 1, Abstain = 0)

**Yes:** David M. Ball, Frank Arcuri, Gary J. Stiegel, James F. Berquist, Robert J. Lewis, Robert L. Atkison.

**No:** Monica R. Merrell

### Ethics Forms

Included in the docket is a report on the status of Financial Interest and Ethics form submittals. As you can see the Township has 2 active and 1 former PTSA members who have not submitted their financial interest forms. There are 4 board members who have not submitted their ethics forms, 2 PTSA members a planning commissioner and a cable board member.

Council directed Mr. Silvestri to again contact the board members to submit the forms. Mrs. Merrell stated at some point in time they need not to continue as board members if they do not submit.

### Electronic Sign Board PNC site

The developer, Cozza, of the site is asking for a determination as to whether or not the Township wants to pursue a joint sign. Mr. Silvestri is not certain what to tell him. He is looking for advice from Council.

Mr. Silvestri said that the Township cost for sharing a sign would be \$20,000.

Mrs. Merrell said at this point the Lamar people are allowing people to post information for free, is that correct?

Mr. Silvestri said they are allowing the Township and some of its organizations, if space is available, to post signs. The Community Day sign is up there. The Clean-up Day sign was not able to go up.

Consensus of Council was that \$20,000 was too much to pay for a portion of the sign or advertising.

Mr. Arcuri said that if the Township needs to advertise something, there is always the Fire Department sign.

The conclusion was not to pursue the joint sign arrangement.

### Spring Street Incident

Mr. Silvestri said that he has spoken with the insurance company as to getting the property cleaned up. His intent is to send a letter to the property owner letting him know that the property needs to be cleaned up. The Township will work with him but the primary goal is to get the exterior cleaned up.

### Crematorium

Mr. Lewis asked if there was a date set for action on the crematorium issue.

Mr. Silvestri said at the next Council meeting. He said that he is assuming that Council will deliberate on comments made by Council and then act on the issue.

## **10. Next Agenda**

Mr. Arcuri asked whatever became of the speeding issue on Center Church Road.

Mr. Silvestri said that he has the report from the Police Department. The threshold levels were below what would qualify for traffic calming.

He also asked about a break in on Valley Brook where copper pipe was stolen. How did they gain access? Mr. Silvestri assumed they broke in through one of the boarded up panels.

Mrs. Merrell said that she had a comment regarding Flag Day. She noticed that many of the flags on the sports fields are in deplorable condition and are not being flown with the statues. Attention needs to be paid to the flags and they need to be flown in accordance with rules and regulations.

Mrs. Merrell asked Mr. Silvestri if he had a report on the Washington County Planning Session that he attended.

Mr. Silvestri said that there was low attendance and not much detail was covered. He will provide information.

She also asked about a Transportation meeting that was attended by planning employees. What was the outcome of that?

Mr. Zuk said that it was held in Wilkinsburg and it was Transit Oriented Development. Mr. Zuk said that he would check with Emily but it was mainly focused on the City of Wilkinsburg.

## **11. Adjournment**

The meeting was adjourned at 9:02 PM.

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Michael A. Silvestri  
Township Manager

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PETERS TOWNSHIP PUBLIC HEARING

MAY 31, 2011, 7:30 P.M.

COUNCIL MEMBERS:

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

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

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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 1234:  
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1 solicitor, to coordinate the order of testimony to  
 2 ensure efficiency and the proper order of the compliance  
 3 with the proper legal proceedings.  
 4 It is the desire of Council to complete the  
 5 hearing this evening and we ask all participants and  
 6 attorneys to keep that in mind.  
 7 Mr. Silvestri, do you have any additional  
 8 items to place into the record?  
 9 MR. SILVESTRI: Yes, sir, there are three  
 10 additional letters that came in. One from Dale Thomas  
 11 undated in opposition to the proposed ordinance.  
 12 Another one dated May 31st from David and Holly Wall of  
 13 Molly Drive also in opposition. And one this evening  
 14 from Peggy and Thomas Roe also in opposition from  
 15 Sherborne Drive.  
 16 CHAIRMAN ATKISON: Okay. Anyone planning to  
 17 give testimony this evening stand to be sworn as one  
 18 group here.  
 19 (All witnesses sworn)  
 20 CHAIRMAN ATKISON: Again, I want to  
 21 reiterate Mr. Johnson is going to conduct this hearing  
 22 so we don't make any missteps legally. But our desire  
 23 is to finish this thing tonight. If we can't wrap it up  
 24 in an hour or two shame on us because we have had two

Page 3

1 7:30 p.m.  
 2 (Roll Call)  
 3 (Pledge of Allegiance)  
 4 CHAIRMAN ATKISON: This hearing is a second  
 5 continuation of a hearing initially heard on March 21,  
 6 2011 and then heard on May 2, 2011. The purpose of this  
 7 hearing is to accept additional comments on the proposed  
 8 curative amendment challenging the validity of the  
 9 Peters Township zoning ordinance relating to funeral  
 10 homes and crematories. The challenge has been filed by  
 11 the Audia Investment Group, LLC.  
 12 This hearing was advertised in the Observer  
 13 Reporter on May 17th and 24th, also on the township  
 14 bulletin boards, cable television and the township  
 15 website.  
 16 Council will not be taking action on the  
 17 proposed ordinance this evening. If the hearing is  
 18 closed this evening, action will be taken at either the  
 19 June 13th or June 27th Council meetings. I would like  
 20 to note that this is a continued hearing and for  
 21 purposes of efficiency, if you have testified before, we  
 22 do have your comments and they need not be repeated  
 23 again.  
 24 I will be asking Mr. Johnson, township

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1 three-hour sessions that is six hours, that is a lot.  
 2 By all standards that is a lot. The desire is to finish  
 3 it tonight. We will shoot for that, I guarantee it.  
 4 Mr. Johnson.  
 5 MR. JOHNSON: Thank you, Mr. Atkison, we  
 6 will proceed with party litigants however we will give  
 7 the audience an opportunity parties to comment. It is  
 8 our intent to conclude these hearings this evening.  
 9 With that, Mr. Ribar, anything else you want  
 10 to present in your case in chief.  
 11 MS. RIBAR: Yes, thank you, Tammy Ribar for  
 12 the applicant, R-I-B-A-R.  
 13 It is our desire also to wrap this up  
 14 tonight. It has been a long process. In that respect I  
 15 wanted to bring to Council's attention to a letter that  
 16 Mrs. Belusko received at her home. It is a bit  
 17 disturbing to all of us involved from an unnamed Peters  
 18 Township resident characterizes her as an adult bully,  
 19 states that her three young children may suffer  
 20 emotional harm due to the way they may be treated if she  
 21 resides in Peters Township. It is generally derogatory  
 22 to Mrs. Belusko and her family. We do want you to have  
 23 a copy of this. We don't understand why somebody would  
 24 send this to her home or why they would not put their

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1 name on it. Be that as it may, it is what it is.  
 2 We also would like to present additional  
 3 testimony from Brian Kelly who was the appraiser who  
 4 appeared at the last hearing. There was some criticism  
 5 of him for not preparing an analysis of specific  
 6 properties called a matched pair analysis which would  
 7 compare homes that were sold prior to and after a  
 8 specific crematory was installed. We has done that and  
 9 we have very brief testimony to that effect.  
 10 Due to the fact that the Thomases are also  
 11 intervening in this proceeding, this is more  
 12 anticipatory on our part we don't know who or what  
 13 testimony is going to be elicited from those people.  
 14 We do have e-mails from Jeff Ross of Howard  
 15 Hanna and Patty Thomas from Wellington Real Estate  
 16 Services which established that they had considered  
 17 selling their property to the Belusko's for the  
 18 crematory and funeral home.  
 19 These are marked as Exhibits 48, 49 and 50  
 20 on behalf of the applicants and I have copies for  
 21 everybody here.  
 22 MR. JOHNSON: We will make those part of the  
 23 record. Do you have some testimony?  
 24 MS. MITINGER: Mr. Johnson, without seeing

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1 the exhibits, sorry, my name is Alice Mitinger on behalf  
 2 of the Thomas. And before you can assume they can be  
 3 admitted into the record, I would like the opportunity.  
 4 MR. JOHNSON: I am going to assume they will  
 5 be admitted into the record, may be over objection and  
 6 may be on review they are not relevant or material.  
 7 MS. MITINGER: I just wanted to note my  
 8 objection.  
 9 MR. JOHNSON: For the purpose of proceeding  
 10 we will take the exhibits and make them available to you  
 11 for your comments at the conclusion of the hearing.  
 12 What I anticipate is that after the conclusion of the  
 13 public hearing we will give you a brief period in which  
 14 to make a written comment, proposed findings to Council.  
 15 MS. MITINGER: Thank you.  
 16 MR. ARCURI: If you would like to see these  
 17 exhibits, you can have my copy, just make sure I get it  
 18 back.  
 19 MS. MITINGER: I will.  
 20 MS. RIBAR: I will ask Mr. Kelly to testify.  
 21 BRIAN KELLEY  
 22 Testified as follows:  
 23 BY MS. RIBAR:  
 24 Q. State your name.

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1 A. Brian Kelly.  
 2 Q. Mr. Kelly, you testified at the last proceeding,  
 3 correct?  
 4 A. I did.  
 5 Q. Since that last proceeding, what additional work  
 6 have you done with regard to property, with regard to  
 7 the impact of a crematory on property values?  
 8 A. I conducted an analysis of properties. The most  
 9 recent, one of the most recent crematories installed  
 10 into the Allegheny County was in Blawnox, the Smith  
 11 Funeral Home in Blawnox located at 930 Centre Avenue,  
 12 Blawnox 15238. In order to conduct the analysis, I  
 13 provided a matched pair scenario with 14 sales.  
 14 Q. What year was the Smith crematory installed in  
 15 Blawnox?  
 16 A. The Smith crematory was installed in 1996.  
 17 Q. Can you explain what a matched pair analysis is,  
 18 please?  
 19 A. In this analysis what I did is I provided sales  
 20 that occurred before and after the crematory was  
 21 installed which was 1996. And I went five years before  
 22 and five years beyond so sales that occurred five years  
 23 prior to the installation of the crematory and five  
 24 years after. Resales of the same property.

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1 My analysis provided it indicated that there is  
 2 no change in value attributed to the installation of a  
 3 crematory. For instance, in 1990, between 1990 and  
 4 2001, the average rate of change of property values in  
 5 Blawnox based on Real Stats public records was 4.64  
 6 percent. Based on my analysis taking matched pairs that  
 7 occurred between 1990 and 2001, the analysis provided an  
 8 average of, average increase of 13.01 percent.  
 9 What I did is I took out the top three and the  
 10 bottom three because there are several up around 50  
 11 percent increase, 50, 47.5 and 45.52. There were three  
 12 at 1.24, 1.02 and 1.58. So I excluded those I came out  
 13 with an average increase per year, an average increase  
 14 per year 4.41 percent.  
 15 Q. Those are all homes in Blawnox?  
 16 A. For all homes in Blawnox matched pairs. So that  
 17 would be a property that sold prior to 1996 and that  
 18 same exact property selling after 1996. So that  
 19 analysis provided an average of 4.41 percent whereas the  
 20 average increase in Blawnox which I established earlier  
 21 was 4.64 percent.  
 22 I went further to grab six sales that were  
 23 located within a three block radius of the crematory.  
 24 The six sales produced a range from 1.02 percent to

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1 45.52 percent increase average over the period.  
 2 Excluding again the highest sale and the lowest sale  
 3 provided an average increase of 4.03 percent which was  
 4 in line with the prior two analyses.  
 5 So, therefore, in this particular case there is  
 6 no increase or no change in value attributed to the  
 7 crematory.  
 8 Now, as I testified the day, you know, last  
 9 month, I still do not think there is any impact, you  
 10 know, pertaining to the crematory of this property due  
 11 to the crematory mostly the impact is due to the retail  
 12 location on Route 19.  
 13 MS. RIBAR: Any questions?  
 14 MS. MERRELL: Of course, I have a question.  
 15 You indicate based on your statement that you don't  
 16 believe that this shows that the crematory had any  
 17 negative impact on the sale because all of them were  
 18 increased.  
 19 A. Sure.  
 20 MS. MERRELL: Do you have any other criteria  
 21 to identify why they would have increased, for example,  
 22 the improvements that were made? Could it have  
 23 increased more if there wasn't a crematory there?  
 24 A. The data is pretty closely rated and I think

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1 includes the set of data is large enough that it takes  
 2 all of that into account. There are several properties  
 3 that may have been improved more than others in between,  
 4 but when you have this amount of data, then you can  
 5 pretty much narrow it down which this is very reliable  
 6 on the number.  
 7 MS. MERRELL: Thank you.  
 8 MR. STIEGEL: How many home sales did you  
 9 say there were?  
 10 A. Well, there was, I used 14 resales of properties  
 11 between 1990 and 2001.  
 12 BY MS. RIBAR:  
 13 **Q. What was the proximity to the funeral home?**  
 14 A. These were all located within Blawnox.  
 15 MS. MERRELL: These are all the resales?  
 16 A. These were all the resales between 1990 and 2001.  
 17 BY MS. RIBAR:  
 18 **Q. Correct me if I'm wrong, but you did a different**  
 19 **analysis for homes that were close to the crematory.**  
 20 **The 14 you cited to were ones within --**  
 21 A. They were in Blawnox. They narrowed it down to a  
 22 three block radius.  
 23 **Q. The 14 homes you listed here are within the three**  
 24 **block radius?**

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1 A. No, the 14 homes here are within Blawnox. These  
 2 are sales and resales within ten-year period from 2000,  
 3 from 1990 to 2001.  
 4 So the original analysis if you look at the  
 5 bottom of the exhibit, residential resales between 1990  
 6 and 2001, it shows an average increase of 13.01 for  
 7 those sales. Now some of those may have been improved  
 8 which indicates you can see the 50 percent increase per  
 9 year was most likely the sales that may have been  
 10 renovated or significant improvements to it.  
 11 So what I did in order to narrow it down, I felt  
 12 that those were aberrations, those sales themselves. So  
 13 I took the three highest and three lowest out and  
 14 excluding those, balanced it to a 14.41 percent.  
 15 **Q. You mean 4.41?**  
 16 A. 4.41 average increase. Then narrowing it down  
 17 one more time to sales within a three block radius, we  
 18 indicated an average increase of 4.03 percent.  
 19 MR. BALL: Do you believe that you can  
 20 extrapolate homes that sell in the \$80,000 range in an  
 21 industrial town to homes that sell in 400,000 range in a  
 22 suburban town?  
 23 A. I didn't provide that analysis, but this analysis  
 24 was based on properties surrounding a crematory.

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1 MR. BALL: You didn't answer the question.  
 2 A. I said I did not provide that analysis.  
 3 BY MS. RIBAR:  
 4 **Q. Are you aware of any homes in a situation similar**  
 5 **to Peters Township where a crematory was installed you**  
 6 **could have done that analysis?**  
 7 A. Not within Allegheny County or south of the  
 8 county. So I pretty much pulled everything that I could  
 9 find. This is pretty, the newest of crematories  
 10 installed within the past 15 years.  
 11 There was only one other installed post 1990,  
 12 that was the one installed in, I think it was Boston  
 13 down in Elizabeth, that was Thomas, I believe, or  
 14 Gilbert.  
 15 MS. RIBAR: That was actually another unit  
 16 for Gilbert, that is why we didn't do that analysis,  
 17 they already had a unit, they just added another unit.  
 18 A. They added another unit, similar price range in  
 19 the neighborhood there as well.  
 20 MR. JOHNSON: In the order we went before,  
 21 Mr. Kamin, were you first?  
 22 MR. KAMIN: I believe that I was.  
 23 MR. JOHNSON: Do you have questions?  
 24 BY MR. KAMIN:

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1 **Q. Jonathan Kamin for the Genslers and Bellicinis.**  
 2 **So I was a little confused, so I want to make sure that**  
 3 **I got your testimony correct.**  
 4 A. Okay.  
 5 **Q. So, you did a study in Blawnox and the**  
 6 **crematorium was installed in 1996, correct?**  
 7 A. Yes.  
 8 **Q. We did five years before and five years after?**  
 9 A. I did.  
 10 **Q. And within Blawnox there was a total of 14 sales?**  
 11 A. Resales.  
 12 **Q. Resales.**  
 13 A. Yes.  
 14 **Q. But that was the whole town of Blawnox?**  
 15 A. Yes.  
 16 **Q. Do you know how big Blawnox is?**  
 17 A. Not exactly.  
 18 **Q. If I told you it was one square mile, does that**  
 19 **sound about right?**  
 20 A. About right.  
 21 **Q. If I told you the average home price in Blawnox**  
 22 **was about \$84,000, would that be right?**  
 23 A. I would say as of today, probably low.  
 24 **Q. Okay, my estimate is low?**

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1 A. Your estimate is low.  
 2 **Q. Now, as part of being one square mile within**  
 3 **Blawnox, let's just assume that is close to correct, is**  
 4 **there an industrial district located on the other side**  
 5 **of Main Street?**  
 6 A. Along the river, yes.  
 7 **Q. And if I were to hit a golf ball from let's say**  
 8 **the Blaw-Knox Company which is how they got its name?**  
 9 A. Sure.  
 10 **Q. B-L-A-W hyphen K-N-O-X, how far would it be for**  
 11 **me to hit the crematory?**  
 12 A. It is eight or nine blocks.  
 13 **Q. From the --**  
 14 A. From the crematory, so it is across Freeport Road  
 15 down the hill.  
 16 **Q. But?**  
 17 A. Along the river.  
 18 **Q. That is where the Blaw-Knox Company is, as I come**  
 19 **up the road up the hill, a little more towards Main**  
 20 **Street?**  
 21 A. Yes.  
 22 **Q. How close am I to the crematorium?**  
 23 A. You are within two blocks.  
 24 **Q. Within two blocks.**

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1 A. So, Blawnox is six blocks below Main Street and  
 2 the crematory was two blocks above Main Street.  
 3 **Q. Now, are there commercial uses directly across**  
 4 **from this funeral home?**  
 5 A. No.  
 6 **Q. There are not commercial uses?**  
 7 A. No, it is residential surrounding the property.  
 8 **Q. On each side of the funeral, crematory?**  
 9 A. Yes, and then down on the block of Freeport Road  
 10 there is within a block is the main street which is  
 11 Freeport Road which is mostly commercial.  
 12 **Q. Now, to do a match pair analysis, that is a term**  
 13 **of art, right, appraisal term of art?**  
 14 A. Analysis as a sales comparison approach.  
 15 **Q. Right. To do a statistically significant match**  
 16 **pair analysis, do you need more than one particular**  
 17 **event?**  
 18 A. It would help your cause.  
 19 **Q. To -- when you do an appraisal, do you usually**  
 20 **have more than one comparable sale on the appraisal?**  
 21 A. I do.  
 22 **Q. Now, we talked about again the values in Blawnox,**  
 23 **but what your six sales show is an increase of 4.03**  
 24 **percent, is that correct?**

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1 A. Yes.  
 2 **Q. And the Blawnox increase was 4.41 percent, right?**  
 3 A. Yes.  
 4 **Q. So we are about ten percent less?**  
 5 A. Yes.  
 6 **Q. Now, did you go ahead and speak to the town of**  
 7 **Blawnox, I believe Borough of Blawnox to find out if any**  
 8 **building permits were taken out on these properties?**  
 9 A. I did not.  
 10 **Q. Did you go ahead and physically inspect any of**  
 11 **these properties?**  
 12 A. I did not.  
 13 **Q. Does the testimony you are giving today qualify**  
 14 **under use path as a report?**  
 15 A. It does.  
 16 **Q. And is this what we would call an oral report?**  
 17 A. It is an oral report.  
 18 **Q. Now, as part of being an oral report, is there**  
 19 **other information in your files other than the two**  
 20 **sheets you have there that you have this evening to**  
 21 **testify to?**  
 22 A. Just the data that I used to compile the  
 23 information.  
 24 **Q. And what that data would show is a total of six**

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1 sales within this radius and that the increase in those  
 2 properties was about ten percent less than the overall  
 3 increase?  
 4 A. Yes.  
 5 **Q. Do we know if on any of those sales the fact that**  
 6 **a crematorium was in existence was disclosed to any of**  
 7 **those potential buyers?**  
 8 A. I do not.  
 9 **Q. Did you go ahead and contact any of the real**  
 10 **estate agents or anybody involved in those six sale**  
 11 **transactions to determine whether or not it was**  
 12 **disclosed to the buyers of the crematorium?**  
 13 A. I did not.  
 14 **Q. Do you know on the standard agreement of sale**  
 15 **whether or not the sellers disclosed that there was a**  
 16 **crematorium located nearby?**  
 17 A. It wasn't necessary.  
 18 **Q. It wasn't necessary to disclose or you don't know**  
 19 **if it was disclosed?**  
 20 A. I don't know if it was disclosed.  
 21 **Q. Are you familiar with the real estate disclosure**  
 22 **law in the statement all residential sellers have to**  
 23 **sign?**  
 24 A. Yes.

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1 **Q. Do you know if the crematorium was disclosed, do**  
 2 **you know if the crematorium is required to be disclosed**  
 3 **on any of those forms?**  
 4 A. I don't know.  
 5 **Q. So, what you presented is basically a sampling**  
 6 **this evening of matched pair sales but we don't know if**  
 7 **any of these people knew that there was a crematorium**  
 8 **located near the property they were buying, is that**  
 9 **correct?**  
 10 A. Correct.  
 11 **Q. Nothing further.**  
 12 **CHAIRMAN ATKISON: Mr. McDevitt.**  
 13 MR. McDEVITT: I have no questions.  
 14 MR. JOHNSON: Ms. Mitinger.  
 15 MS. MITINGER: I have no questions.  
 16 MS. MERRELL: Can I ask a clarifying  
 17 question? Mr. Kamin touched on something that raised  
 18 another thought. Of the houses that you looked at here,  
 19 do you know how they compare in increased sales or  
 20 increased value compared to the rest of any sales in  
 21 Blawnox?  
 22 A. Within Peters Township?  
 23 MS. MERRELL: No, in Blawnox you are saying  
 24 the average increase 4.64 percent.

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1 A. Yes, that was based on general data between 1990  
 2 and 2000.  
 3 MS. MERRELL: Okay. So you are saying it is  
 4 comparable to the rest of the population.  
 5 A. Very similar.  
 6 MR. JOHNSON: Anything else?  
 7 BY MS. RIBAR:  
 8 **Q. Ten percent was thrown out, Mr. Kelly, I'm now a**  
 9 **little confused, where is the 10 percent differential?**  
 10 A. If you compare, it is minuscule, 4.41 versus 4.03  
 11 percent.  
 12 **Q. That would be less than?**  
 13 A. Less than, point --  
 14 **Q. Three-tenths?**  
 15 A. .36 percent which would be less than ten percent.  
 16 But again, this isn't an exact science, this is --  
 17 **Q. .36?**  
 18 A. .36.  
 19 **Q. .36 percent, not 10 percent?**  
 20 A. It would be, if you are taking ten percent of the  
 21 4.41 percent, it would using that calculation the  
 22 difference of .36 percent would be maybe nine percent of  
 23 the 4.1 percent.  
 24 **Q. Got it, got it, okay, you are looking at the**

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1 **difference between the two saying that the difference is**  
 2 **10 percent?**  
 3 A. What I believe he was asking the question.  
 4 **Q. Got it, understood. Thank you. Nothing further.**  
 5 MR. JOHNSON: Anything else?  
 6 MS. RIBAR: Not from Mr. Kelly.  
 7 MR. STIEGEL: Other witnesses?  
 8 MS. RIBAR: We do not have any witness, we  
 9 would like the chance for rebuttal for any new witnesses  
 10 presented by the objectors.  
 11 MR. JOHNSON: Mr. McDevitt indicated to me  
 12 he had brief testimony from two witnesses, one who had  
 13 another engagement. Do you want to proceed at this  
 14 point, Mr. McDevitt? I think you are done.  
 15 MR. McDEVITT: If I could at this time I  
 16 would like to put a few minutes of testimony on from  
 17 Mr. Henney and save the rest for whatever the normal  
 18 procedure is involved. Mr. Henney.  
 19 Mr. Johnson, with your permission, I have  
 20 put together a group of exhibits that I want to offer in  
 21 the record. I made a courtesy copy for every member of  
 22 Council so you can follow if I can have permission to  
 23 hand the binders to everybody.  
 24 MR. JOHNSON: Yes, as we did with Ms. Ribar,

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1 we will take them weed out what is relevant and  
 2 material.  
 3 MR. McDEVITT: It will be helpful to follow  
 4 some of the testimony if you have documents in front of  
 5 you. With this witness we will discuss a couple  
 6 exhibits and then cover the rest later.  
 7 BY MR. McDEVITT:  
 8 **Q. Mr. Henney, while he is finishing up passing out**  
 9 **the binders, can I ask you are a funeral director,**  
 10 **correct?**  
 11 A. Yes.  
 12 **Q. You have previously testified?**  
 13 A. I have.  
 14 **Q. I would just like to take some brief testimony on**  
 15 **modern cremation procedures, specifically on this point.**  
 16 **When families or people choose to be cremated now days,**  
 17 **do they ever have a viewing first?**  
 18 A. Yes.  
 19 **Q. And when a person is going to be viewed, they**  
 20 **have to be embalmed, is that correct?**  
 21 A. Yes, if the body is held for 24 hours or more,  
 22 yes.  
 23 **Q. Is it normal and customary now days that many**  
 24 **people choose to be viewed, embalmed, and then**

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1 **ultimately cremated?**  
 2 A. Yes. That segment is growing.  
 3 **Q. Roughly what percentage of cremations occur in**  
 4 **which an embalmed body is cremated?**  
 5 A. I would say 40 to 50 percent.  
 6 **Q. All right, sir, and are you familiar, sir --**  
 7 **strike that. When those kind of cremations occur, is it**  
 8 **often the case where people are cremated in caskets?**  
 9 A. Sometimes, yes, sometimes no, yes. Rental  
 10 caskets and sometimes they incinerate the actual casket.  
 11 There are caskets made strictly for cremation and they  
 12 incinerate them.  
 13 **Q. Are you familiar with the term, sir, called the**  
 14 **material safety data sheet?**  
 15 A. Yes.  
 16 **Q. Can you explain to the Council what that is?**  
 17 A. We call it MSDS, it is a form that the OSHA  
 18 requires us that describes any chemical we have in the  
 19 embalming room we have to describe it on MSDS sheet in  
 20 detail, everything that is contained inside the  
 21 chemicals.  
 22 **Q. For example, tab 10 of the binders that you have.**  
 23 **If I can show that to you, sir, is that a material**  
 24 **safety data sheet for embalming fluid?**

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1 A. Yes, it is.  
 2 **Q. And that is of a particular manufacturer?**  
 3 A. Pardon me?  
 4 **Q. And that is of a particular manufacturer called**  
 5 **the Bio Corporation?**  
 6 A. Right.  
 7 **Q. And just in terms of Council understanding what**  
 8 **information is imparted on this form, it lists under**  
 9 **section 1 the product name is embalming fluid, correct?**  
 10 A. Right.  
 11 **Q. And then section 2 of the form, the manufacturer**  
 12 **has to list the hazardous ingredients, correct?**  
 13 A. Yes.  
 14 **Q. And they are all listed here?**  
 15 A. Correct.  
 16 **Q. And it gives the chemical properties section 3,**  
 17 **fire and explosion hazards in section 4, correct?**  
 18 A. Yes.  
 19 **Q. And are you aware, sir, there has been testimony**  
 20 **give be in this proceeding that on the estimate of CEC**  
 21 **that at 13 percent capacity this crematory will turn out**  
 22 **196 pounds of hydrochloric acid a year?**  
 23 A. Am I aware of that? No.  
 24 **Q. I'm sure Council will remember. Will you turn to**

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1 **section 5 of this form Exhibit 10 under the reactivity**  
 2 **information. Am I correct, sir, reactivity means how**  
 3 **the embalming fluid will react with other chemicals,**  
 4 **correct?**  
 5 A. Correct.  
 6 **Q. And do you see the section called**  
 7 **incompatibility?**  
 8 A. Yes.  
 9 **Q. And do you see the, in fact it is the first**  
 10 **language on this form in very bold print, correct?**  
 11 A. Uh-huh.  
 12 **Q. What does it say?**  
 13 A. Avoid any contact with hydrochloric acid.  
 14 **Q. What does the next sentence say?**  
 15 A. Resultant product may contain Bis(chloromethyl)  
 16 ether, an OSHA regulated carcinogen.  
 17 **Q. If you would, sir, just to confirm for me, would**  
 18 **you look quickly at tab 11. Are these also material**  
 19 **safety data sheets from different types of embalming**  
 20 **fluids?**  
 21 A. Different company.  
 22 **Q. Take just for example the first one, do you have**  
 23 **the one marked Powertone special?**  
 24 A. Uh-huh.

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1 **Q. And again if we can go down to reactivity data,**  
 2 **the bottom of the page?**  
 3 A. Yes.  
 4 **Q. Do you see where it says conditions to avoid?**  
 5 A. Yes.  
 6 **Q. Would you read those into the record, please?**  
 7 A. Do not allow the inadvertent mixing of  
 8 formaldehyde with hydraulic chloric acid since such  
 9 mixtures may produce Bis(chloromethyl) ether.  
 10 **Q. It is actually Bis(chloromethyl) ether.**  
 11 A. Bis(chloromethyl) ether.  
 12 **Q. Can we have a protocol, we will call it BSME?**  
 13 A. BSME, a non-carcinogen.  
 14 **Q. And are you aware, sir, of any test ever been**  
 15 **done on the stack of a crematorium to determine how much**  
 16 **of that comes out of the stack?**  
 17 A. No, I'm not.  
 18 MR. McDEVITT: I have nothing further, thank  
 19 you. I have the other exhibits I do want to talk about  
 20 in summary fashion at whatever appropriate time I have.  
 21 Thank you.  
 22 CHAIRMAN ATKISON: All right.  
 23 MR. McDEVITT: Thank you.  
 24 MR. JOHNSON: Any questions for the witness

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1 Ms. Ribar?  
 2 EXAMINATION  
 3 BY MS. RIBAR:  
 4 **Q. Mr. Henney, I don't have a copy of that, is that**  
 5 **something that you have seen before? Do you know where**  
 6 **it came from, who prepared it?**  
 7 A. This particular exhibit right here?  
 8 **Q. Yes. I don't know what it even says, I don't**  
 9 **have it.**  
 10 A. Some of the sheets I did actually submit, some of  
 11 these MSDS sheets.  
 12 **Q. You prepared it?**  
 13 A. Did not prepare it.  
 14 **Q. What is the source of it, sir?**  
 15 A. The source Pierce Chemicals Royal Bond.  
 16 **Q. Say again?**  
 17 A. Pierce Chemicals Royal Bond.  
 18 **Q. A supplier for you?**  
 19 A. Yes, it is.  
 20 **Q. Are you during your embalming, do you ever mix**  
 21 **these chemicals together?**  
 22 A. These chemicals?  
 23 **Q. Yes.**  
 24 A. Yes.

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1 **Q. Do you take precautions when you mix those**  
 2 **chemicals together?**  
 3 A. As best we can what we know of, yes.  
 4 **Q. Is there a requirement by DEP or some other**  
 5 **oversight body that requires you handle these chemicals**  
 6 **specifically?**  
 7 A. No, there isn't.  
 8 **Q. Nothing further, thank you.**  
 9 MR. JOHNSON: Mr. Kamin.  
 10 MR. KAMIN: No questions.  
 11 MR. JOHNSON: Ms. Mitinger?  
 12 MS. MITINGER: No questions.  
 13 MR. JOHNSON: As an aside, Mr. Henney, I  
 14 know you gave testimony previously, do you know how many  
 15 funeral homes are in Allegheny?  
 16 A. I would say roughly 225.  
 17 **Q. How about Washington County?**  
 18 A. That I don't know. About 200,000 deaths in  
 19 Washington County and about a million-two in Allegheny  
 20 County.  
 21 MR. LEWIS: Is that an annual figure?  
 22 A. I'm sorry, I'm sorry, that's the population.  
 23 Strike that.  
 24 MR. JOHNSON: Glad to hear that.

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1 A. That would have been nice. 200,000 deaths, nine  
 2 deaths per thousand, so whatever that is.  
 3 MR. JOHNSON: Do you know how many  
 4 crematories are in Allegheny County?  
 5 A. No, I would be guessing 10, 12, maybe.  
 6 MR. JOHNSON: Washington?  
 7 A. Washington, four, three, four, five.  
 8 MR. JOHNSON: Thank you. Mr. McDevitt, do  
 9 you want to put the rest of your testimony in?  
 10 MR. McDEVITT: I can certainly do that.  
 11 First of all I would like to say to Council I certainly  
 12 understand the comments about wanting to be done  
 13 tonight. I have been to four of these, I can certainly  
 14 understand why. I do have put together some  
 15 information. I'm trying not to be repetitive. I am  
 16 here in support of the ordinance as written that would  
 17 prohibit these crematories from being put in C-2  
 18 district. I put together some information I hope it is  
 19 new to you that will be helpful to you in your decision.  
 20 If I can sort of walk you through what I put  
 21 together in the binder, I don't intend to talk about  
 22 them at great length. There are a few points I would  
 23 like to make about some of these. The first three are  
 24 simply photographs.

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1 MR. LEWIS: Can opposing counsel have  
2 copies?

3 MR. McDEVITT: Sure, I'm sorry, do you have  
4 another copy?

5 MR. ARCURI: I'm trying to give this stuff  
6 away, it keeps coming back. I can share.

7 MR. McDEVITT: The first two are just  
8 obviously pictures to make part of the record to show  
9 the site. The first document I think is important I  
10 would like to review one that is Exhibit 4. And just by  
11 way of background, this Council heard testimony on March  
12 21st, 2001, I may mispronounce his last name, from  
13 Mr. Ernie Czirok of Matthews was asked the question,  
14 quote, this particular unit contemplated the Power-Pak  
15 II. Is that the best available technology available  
16 today? Answer: Yes, it is.

17 MR. LEWIS: You correct the date of that,  
18 please, you said 2001.

19 MR. JOHNSON: Yes, you said 2001, obviously  
20 you mean '11.

21 MR. McDEVITT: 2011. Exhibit 4 if you can  
22 turn to Exhibit 4, this is pages that were pulled off a  
23 website. And I have accumulated the website pages. It  
24 might surprise you to learn that Matthews itself doesn't

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1 say this is the best available technology but instead  
2 touts this technology, so-called green bio cremation  
3 technology is superior technology.

4 On the cover sheet of this page one, you  
5 will see in the beginning of it where it says consider  
6 the environment first. It talks about the advantages of  
7 this bio cremation technology over traditional  
8 incineration technology.

9 Point number 2 is there are no vaporized  
10 mercury emissions, and no filtration or abatement  
11 systems required. Mercury from dental amalgam is  
12 contained and recycled, not vaporized. Caskets are not  
13 burned. Protects our natural resources. Produces less  
14 co2. Low carbon footprint. By-product affluent is  
15 safe. Embalming fluid is neutralized and toxic drugs  
16 are destroyed in the process.

17 If you look at the white paper listed there  
18 as the resource for this it is called Cremation of Human  
19 Remains Comparison of Alkaline Hydrolysis versus  
20 Combustion.

21 The next couple of pages are the pages off  
22 of the website and if I can explain if you go to the  
23 website, this little thing I have circled here where it  
24 says, Matthews, a partner actually changes if you look

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1 at the live website and shows the rest of the partners  
2 in this. It includes not only Matthews but CANA, the  
3 trade association for cremations and others. And the  
4 white paper that they rely upon to put this forward as  
5 the best available technology you find later in the tab  
6 under documents called Cremation of Human Remains. I  
7 won't read it all to you, but I think what is  
8 significant is on page two of that document. You will  
9 see it talks about emissions and carbon footprint and  
10 after it goes through the various differences between  
11 traditional incineration and cremation technology in the  
12 biochemistry involved in this, it summarizes it in terms  
13 that are very apt to this proceeding in the last two  
14 paragraphs on page 2 under emissions and carbon  
15 footprint.

16 And it says as follows: As for the bio  
17 cremation process, it operates at significantly lower  
18 temperatures than traditional cremation which prevents  
19 the mercury from vaporizing. Instead the amalgam is  
20 separated from the bone fragments in solid form at the  
21 end of the process.

22 The last paragraph says, as a result of the  
23 factors mentioned above the bio cremation technology has  
24 the potential to be installed in built-up commercial

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1 and/or residential areas without creating a nuisance or  
2 hazard to surrounding population, something which would  
3 be strictly forbidden with traditional cremation due to  
4 strict zoning regulations.

5 That is Matthews endorsing that statement.

6 Again, I put this together for you to read  
7 entirely if you want to. The next document I want to  
8 sort of point out to you is Exhibit 5. Exhibit 5 you  
9 may have heard some testimony during this proceeding  
10 about Professor Agee's study about the diminution in  
11 value associated with locating a crematory near  
12 residences. And one of the footnotes in that report was  
13 about an actual test that was done on the site in  
14 Wyoming.

15 Dr. Penkala testified a little bit about the  
16 last time he hadn't read the report, this is the report.  
17 And what it shows is essentially they did very  
18 sophisticated testing where they modeled the source and  
19 they put quadrant testing all around the site of the  
20 crematorium and did various testing using different  
21 modeling than was used here but actual testing. The  
22 significance of this I think to this proceeding is on  
23 page two in the summary, in the fourth paragraph down.  
24 It concludes by pointing out that at the

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1 boundary of the crematorium the measured annual cadmium  
 2 concentrated exceeded the PRG which is the shorthand  
 3 term for remediation goal by 200 percent, and the  
 4 dioxins and furans exceeded the goals by 2,200 percent.  
 5 Those are the standards where you are a Superfund site,  
 6 that is what you aim to clean up and they exceeded it by  
 7 that amount at the crematorium boundary nine months  
 8 after it began operation. This is actual test data.  
 9 The next thing I would like to show you if I  
 10 could, there has been a lot of talk about mercury and  
 11 what it does. I have a short video, a DVD about four  
 12 minutes long. It is from the University of Calgary  
 13 Medical School, a cellular biologist up there who have  
 14 been at the advent, if you will, of what mercury does.  
 15 And it shows in very graphic terms I think, very  
 16 understandable terms the impact of low level mercury  
 17 exposure on a human being at the cell level of life.  
 18 And with your permission I would like to play it. And  
 19 then I have some short follow up testimony for that, if  
 20 I could.  
 21 MS. RIBAR: Mr. Johnson, we would like to  
 22 object on the record to the video. I would like to note  
 23 for Council that the issue of mercury was addressed by  
 24 Dr. Penkala. If this is concerning methyl mercury, that

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1 is something that has been established on the record at  
 2 not being emitted from crematories. As Dr. Penkala had  
 3 already stated that the testing on the, that the stack  
 4 testing in the CEC reports also addressed mercury and  
 5 the limits that were results of those tests were within  
 6 EPA limits and, therefore, was not a concern to him.  
 7 MR. JOHNSON: Well, we haven't seen the  
 8 video yet so let's see it, it may be relevant or not.  
 9 MS. RIBAR: Just noting my objection for the  
 10 record.  
 11 MR. ARCURI: Is the ethyl mercury is that  
 12 what is in fillings?  
 13 MS. RIBAR: No, it is not.  
 14 MR. ARCURI: Then this obviously doesn't  
 15 pertain to that because I think there is an e-mail right  
 16 after from the doctor that prepared that --  
 17 MR. McDEVITT: Yes there is.  
 18 MR. ARCURI: From the guy that prepared the  
 19 CD and so, he is talking about mercury release thereof.  
 20 So, he is talking about fillings.  
 21 MR. McDEVITT: Right.  
 22 MR. ARCURI: So I would assume that if ethyl  
 23 mercury isn't in fillings, then your objection while  
 24 noted really is not relevant to this video. But that is

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1 okay. I just wanted to make that statement.  
 2 MR. JOHNSON: Well, you protected the  
 3 record.  
 4 MS. RIBAR: Thank you.  
 5 MR. McDEVITT: I hope this boots up okay,  
 6 sometimes it works, sometimes it doesn't. We don't seem  
 7 to be able to get that working.  
 8 MR. JOHNSON: We can proceed.  
 9 MR. McDEVITT: What I can do if it works, I  
 10 have it on my iPad. I can show you what it shows. And  
 11 for reference purposes, if one goes to find the video  
 12 that I'm talking about, if you go on Google and you type  
 13 in the search terms University of Calgary Medical School  
 14 Mercury, it is the first drop down on Google.  
 15 MR. LEWIS: Put it on the center square.  
 16 MR. McDEVITT: I'm not sure how it works.  
 17 (Video played)  
 18 MR. McDEVITT: As Mr. Arcuri noted, when you  
 19 listen to that when you heard them talk about low level  
 20 mercury exposure. So one of the things we were curious  
 21 about is what they mean by that. If you turn to tab 7,  
 22 I can proffer this or I can put the testimony on  
 23 whichever you wish. Mr. Alex Pilorusso who is my  
 24 fiancee's son in the interest of disclosure and a new

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1 law student has been helping me.  
 2 He actually wrote to the professor of cell  
 3 biology that did the study. The e-mails are attached as  
 4 is the answer of Dr. Syed, the professor of cell biology  
 5 and anatomy. You can see both Mr. Pilorusso's e-mail  
 6 dated May 16th and Dr. Syed's response.  
 7 Dr. Syed's response says, regarding the  
 8 question we used very low concentrations of mercury, I  
 9 will be happy to send a paper as well. What it would  
 10 amount to be if someone were to have seven to eight  
 11 fillings, and the mercury that they would excrete in the  
 12 morning would be equivalent to this amount.  
 13 Then it goes on to talk about the need to  
 14 know how many would be cremated, whatnot. He ends up  
 15 with the conclusion, there is no doubt that it would be  
 16 toxic for the people living in the surroundings. That  
 17 is a professor of cell biology anatomy at one of the  
 18 leading universities doing research on the subject.  
 19 The next thing if I could while we are on  
 20 the subject of mercury is talk about Exhibit Number 8  
 21 which was I gather introduced at a prior point in this  
 22 proceeding. I could not understand why there would be a  
 23 test for mercury vapor done at West Penn Plastic Company  
 24 would be submitted here so I asked Ms. Ribar some

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1 questions about that. And those answers and whatnot are  
 2 also attached there. Ms. Ribar indicated that is an  
 3 error, that test was actually done at the Boston funeral  
 4 home that has been the subject of some testimony which I  
 5 went back and looked at. And I have to say I find that  
 6 testimony to be frankly a little bit illuminating. It  
 7 was also given on 3/21/2001 and --  
 8 MR. JOHNSON: '11.  
 9 MR. McDEVITT: I'm sorry, 2011. The  
 10 gentleman asked the owner of the Boston home, or Boston  
 11 crematory, question: If you are not being paid to be  
 12 here, why are you here?  
 13 Answer: When I saw things happening about  
 14 the negative about crematories, I thought none of this  
 15 is true. This mercury stuff and all this, the majority  
 16 of the people that I'm cremating are elderly and do not  
 17 even have teeth.  
 18 Well, if you don't have teeth, you don't  
 19 have mercury in your teeth, and you don't have any  
 20 cremation of mercury. So, I don't think that test is  
 21 particularly revealing of anything if you cremate just  
 22 bodies with no teeth and no mercury. Surprise, you will  
 23 not get any mercury emissions.  
 24 Exhibit 9. You may recall I wanted you to

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1 have this in the record. CEC relied upon in one of the  
 2 supplemental reports that I questioned Dr. Penkala  
 3 about, a summary of references on mercury emissions from  
 4 crematory by Mr. Rendell. This is the full report of  
 5 that. Again, just to skim over it, if you may recall I  
 6 asked some questions the last time I was here about the  
 7 history of environmental testing and regulatory testing  
 8 at the one particular site in 1999.  
 9 Pages 9 through 12 of this document give you  
 10 a pretty good summary of how that particular site was  
 11 selected contrary to the testimony that was given here  
 12 on page nine at the bottom of page nine. It says,  
 13 however, the actual study, US EPA 1999 shows somewhat  
 14 different data for background the crematorium has four  
 15 cremation units that feed into a common chimney which  
 16 includes a wet scrubber according to Rahill who  
 17 testified here the last time. This is the only  
 18 crematorium in the US that is known to have a wet  
 19 scrubber and was specifically selected for this test to  
 20 determine if effectiveness of a scrubber to remove  
 21 materials from the exhaust gas.  
 22 And then goes on the next page to talk about  
 23 the other issues that exist with respect to that  
 24 particular test.

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1 There is one point I ignored to make with  
 2 respect to the Matthews' document where they admit that  
 3 bio cremation is a better technology than traditional  
 4 one. Again, if we could go back to tab 4, the last page  
 5 of that document where it summarizes the cost which I  
 6 think are very interesting. It says as far as cost  
 7 goes, in North America the capital cost of a bio  
 8 cremation unit can be significantly greater than that of  
 9 a traditional crematory.  
 10 In Europe where mercury filtration is  
 11 mandatory, the cost of bio cremation is typically less  
 12 than that of a traditional crematory plus filtration  
 13 equipment. So it is not the best, it is just the  
 14 cheapest in America because unlike some places, we don't  
 15 restrict mercury from crematoriums.  
 16 As far as the rest of the information I have  
 17 accumulated there, beginning in tab 12, what I have done  
 18 there is I have printed out from the Agency for Toxic  
 19 Substances and Disease Registry which is adjunct of the  
 20 CDC the various information about various chemicals you  
 21 heard a lot of information about that is written in I  
 22 think fairly plain English and is pretty helpful to  
 23 understand not just low level inhalation exposure routes  
 24 which were analyzed by CEC, but something that went

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1 completely unanalyzed which is dermal exposure which is  
 2 a distinctly different kind path of exposure.  
 3 Just if I could to high point them number 12  
 4 is for BCME, bis(chloromethyl) ether a substance that  
 5 forms when you combine embalming fluid with hydrochloric  
 6 acid that will come out of the stack. It is a  
 7 non-carcinogen and it includes dermal effects which are  
 8 listed there.  
 9 Tab 13 is for cadmium. Cadmium is a known  
 10 carcinogen.  
 11 Tab 14 is for mercury. There was some  
 12 testimony if you recall the last time we were here where  
 13 Mr. Rahill professed not to know whether the mercury  
 14 that comes out of the chimney is odorless or colorless.  
 15 You will see on Tox FAQ sheet for mercury by the CDC  
 16 says what is mercury. It says if heated it is a  
 17 colorless, odorless gas.  
 18 So, if you are analyzing the risk of mercury  
 19 on the record before you, there is no regulation on the  
 20 amount of mercury that can be emitted in the State of  
 21 Pennsylvania. It is colorless, it is odorless and the  
 22 residents will have no idea it is even happening. They  
 23 can't smell it, they can't take shelter, they can't do  
 24 anything but breathe it.

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1 On 15 is hydrochloric acid, another  
 2 substance that will come out. I would just simply point  
 3 out to highlight that for hydrochloric acid on page one  
 4 where it indicates its affect and where it says, what is  
 5 hydrogen chloride. In the next to last sentence and the  
 6 last sentence it says, hydrochloric acid can be formed  
 7 during the burning of many plastics. Upon contact with  
 8 water it forms hydrochloric acid. Both hydrogen  
 9 chloride and hydrochloric acid are corrosive.

10 On the next page where it talks about how  
 11 hydrogen chloride can affect your health. It even talks  
 12 about hydrogen chloride being irritating and corrosive  
 13 to any tissue it contacts. Brief exposure to low levels  
 14 causes throat irritation. And it goes on to talk about  
 15 longer term exposure can cause respiratory problems, eye  
 16 and skin irritation, discoloration of the teeth.

17 Lastly I have, I shouldn't say lastly, the  
 18 next one tab 16 is the same thing for sulfur dioxide  
 19 that explains its health impact.

20 And then I have another one tab 17 for  
 21 nitrogen oxide. And then after that I have some other  
 22 publications from ATSDR that will I think will help to  
 23 enlighten you. To the extent that the science I think  
 24 this comes from a reliable, accurate source tasked by

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1 our government with putting out accurate information  
 2 about these things.

3 If I could close briefly simply by saying, I  
 4 am a citizen but I am also a lawyer.

5 I think I would be remiss if I didn't say to  
 6 you my understanding of the powers of this Council are  
 7 that they are extremely broad in dealing with a  
 8 situation like this. I think you have as broad of  
 9 powers as imaginable.

10 As I read the operative legal standard is if  
 11 you can make a good faith conclusion on the basis of the  
 12 record before you that there is the obvious potential,  
 13 nothing more, obvious potential that the air will be  
 14 poisoned by this, you have the complete ability to  
 15 prohibit it anywhere in the township which certainly  
 16 makes it reasonable to have the restrictions that you  
 17 have in place that keep it from being put in C-2 all  
 18 along Route 19 corridor, and in connection with all  
 19 these houses that are nearby.

20 I think that ordinance is reasonable, I  
 21 think it is valid. I think there is great risk to the  
 22 community if you change it.

23 In terms of their admission on the obvious  
 24 potential standard, page 8 of the CEC report itself says

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1 hazardous air pollutants have the potential, their  
 2 words, not mine, have the potential to create health  
 3 risks at very low emission rates. That is a fatal  
 4 admission. That is one that gives you all the power you  
 5 need to regulate these, to do whatever you want to do  
 6 basically as long as the science justifies it, and I  
 7 think it does. You could ban them, you can put best  
 8 available technology requirements in. You can put  
 9 restrictions in.

10 And I would point out one last thing, I  
 11 think you already have. I think Section 600 of  
 12 municipal ordinances that deal with -- give me one  
 13 second here -- you have a section on operating  
 14 performance standards already part of the law of Peters  
 15 Township which as I read it would govern this completely  
 16 and adopts essentially the obvious potential standard by  
 17 saying it can cause harm, it is not permitted. Thank  
 18 you for patience and time, I appreciate it.

19 CHAIRMAN ATKISON: Thank you.

20 MR. JOHNSON: Thank you.

21 CHAIRMAN ATKISON: This isn't Dancing with  
 22 the Stars.

23 MS. RIBAR: There was a lot of information.

24 MR. JOHNSON: If you want an opportunity to

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1 digest it and provide written comments.

2 MS. RIBAR: We can do that, but I think for  
 3 the record there is blatant mischaracterizations that  
 4 need to be corrected.

5 First of all, there are references at  
 6 several points.

7 MR. KAMIN: I just wanted to be clear, John  
 8 Kamin again. Just from a procedural --

9 MR. ATKISON: You will get your chance.

10 MR. KAMIN: Is she going to cross  
 11 Mr. McDevitt or is she testifying?

12 MR. JOHNSON: I think this is in response to  
 13 Mr. McDevitt's presentation.

14 MS. RIBAR: This is clarification of the  
 15 record for several mischaracterizations Mr. McDevitt  
 16 made.

17 MR. JOHNSON: We will give you an  
 18 opportunity to comment.

19 MS. RIBAR: There was a reference to  
 20 Matthews' literature in I believe Exhibit 12 or 4.  
 21 Mr. McDevitt read from a lengthy piece of paper in  
 22 Exhibit 4 regarding a bio cremation that is offered. We  
 23 can certainly have Ernie Czirok from Matthews testify in  
 24 rebuttal. What I wanted to correct on the record is

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1 what he read from behind the Matthews literature is  
 2 entitled Cremation of Human Remains a Comparison of  
 3 Alkaline Hydrolysis versus Combustion by Craig Sinclair,  
 4 an engineering manager for Resomation, Ltd. That is not  
 5 Matthews. Those statements that he read into the record  
 6 were not made by Matthews.

7 MR. ARCURI: I know it is referenced on the  
 8 first page of the exhibit under white papers, that  
 9 article is listed, I think that is where that came from.  
 10 Whether there is a link on Matthews' website to that  
 11 article by Craig Sinclair, I don't know that.

12 It is listed right there on the first page  
 13 of this exhibit, Cremation of Human Remains Comparison  
 14 of Alkaline Hydrolysis versus Combustion by Craig  
 15 Sinclair.

16 MS. RIBAR: I understand. It seemed to me  
 17 Mr. McDevitt was indicating that this was a paper  
 18 someone from Matthews authored.

19 MR. ARCURI: I didn't get that impression.  
 20 I would think that they didn't author it, it was  
 21 authored by Craig Sinclair from Resomation Ltd. They  
 22 may have tacitly approved it maybe because there is a  
 23 link from their website to the article, I don't know.

24 MS. RIBAR: I apologize, I misunderstood

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1 that testimony.

2 MR. ARCURI: Okay.

3 MS. RIBAR: How do you want to proceed with  
 4 rebuttal? We want to have Kris Macoskey testify and  
 5 Ernie Czirok from Matthews to testify with regard to the  
 6 informational statements that Mr. McDevitt just made.

7 MR. ARCURI: I think we should let the other  
 8 attorney put on his case and then she can have rebuttal  
 9 when we are done.

10 MR. JOHNSON: I understand you have an  
 11 opportunity to rebuttal at an opportune time. I don't  
 12 know whether Mr. Kamin or Ms. Mitinger's testimony or  
 13 cases have anything to do with the presentation made by  
 14 Mr. McDevitt, do they?

15 MS. MITINGER: No.

16 MR. KAMIN: No, they do not.

17 MS. RIBAR: You want us to proceed with  
 18 rebuttal now?

19 MR. JOHNSON: Yes, briefly.

20 EXAMINATION

21 BY MS. RIBAR:

22 **Q. Kris Macoskey from CEC who testified before and**  
 23 **who authored the studies that Mr. McDevitt had cited to.**  
 24 **Kris, there is reference to MSDS and some chemicals on**

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1 **the MSDS. Can you explain what quantity of chemicals**  
 2 **those would entail?**

3 A. Well, yes, the material safety data sheet does  
 4 describe the characteristics of the chemical. In this  
 5 case, embalming fluid, and the hazards associated with  
 6 mixing various chemicals.

7 So, if one were to be working in the workplace  
 8 which is the attempt of an MSDS to protect workers. If  
 9 you are working with chemicals the precaution is to not  
 10 mix hydrochloric acid with embalming fluid because it  
 11 can generate this other material whether it is gas or  
 12 something.

13 Maybe if you are going to be working with this  
 14 those perhaps a caution to use them in a hood so that  
 15 the exhaust gas of this form can be evacuated from the  
 16 room.

17 The implication or the assumption that the  
 18 embalming fluids after being used to preserve a human  
 19 body and then after cremation would remain in the state  
 20 that is the same as the raw material as purchased, and  
 21 then could somehow be mixed with hydrochloric acid as  
 22 formed in the exhaust stack and then still cause some  
 23 sort of reaction with a hazardous concentration of a  
 24 chemical I think is drawing an incorrect conclusion.

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1 **Q. The Rendell report that has been cited several**  
 2 **times during these proceedings and the scrubber issue,**  
 3 **could you explain to Council what your reliance was on**  
 4 **this report and how you dealt with the scrubber issue**  
 5 **for the EPA test?**

6 A. Right, exactly. Yes, our original report from  
 7 September I think it has been referred to by Dr. Penkala  
 8 CEC-1 for September 2nd, 2010, table 1, included a  
 9 summary of the different source test reports that we  
 10 obtained from Matthews, one of which was this 1999 US  
 11 EPA report which is in the first column. And it is  
 12 important to note that under the row entitled test notes  
 13 we clearly described there that we evaluated the inlet  
 14 concentration to the scrubber, not the exhaust  
 15 concentration coming out of the scrubber.

16 We were aware that there was a scrubber on this  
 17 device. We wanted to be comparing apples to apples.  
 18 All of our other devices did not have scrubbers so we  
 19 evaluated the concentration as reported going to the  
 20 scrubber, which made it a comparison appropriate for the  
 21 other, the emission characterization comparable to all  
 22 the other sources.

23 **Q. And I believe the last part of Mr. McDevitt's**  
 24 **testimony he said on page eight of your report you made**

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1 **a fatal admission with regard to hazardous pollutants.**  
 2 **Is that, is that mischaracterizing your report?**  
 3 MR. JOHNSON: Referring to the first report  
 4 or the second?  
 5 A. CEC-1, page 8. That is an opinion, that point  
 6 being that hazardous air pollutants have the potential  
 7 to cause health effects at low emission rates. That is  
 8 why they are called hazardous air pollutants, that is  
 9 why we evaluate them and that is why we are doing human  
 10 health risk evaluations for them.  
 11 The other pollutants that we talked about a  
 12 little bit, nitrogen oxide was mentioned by  
 13 Mr. McDevitt, sulfur dioxide, these are the US EPA calls  
 14 them criteria air pollutants. That means the health  
 15 agencies the US EPA have evaluated the health effects of  
 16 these and have established national ambient air quality  
 17 standards for those specific pollutants in addition to  
 18 carbon monoxide and so on.  
 19 The things emitted in large quantities and that  
 20 our nation is trying to protect our air quality from.  
 21 The hazardous air pollutants are looked at more on a  
 22 case-by-case basis for the individual health effects of  
 23 the minute concentrations as the focus of those  
 24 evaluations.

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1 **Q. Is there anything else you would like to address?**  
 2 A. Well, the You Tube video of the microbiological  
 3 effects of mercury on neuron formation, I'm certain that  
 4 was all biologically correct and accurate. I have no  
 5 doubt that the concentrations, whatever they happened to  
 6 be. Unfortunately the document doesn't describe the  
 7 concentrations other than a reference to 10 to the minus  
 8 8 M. Those concentrations, that is not a unit I'm  
 9 familiar with, so I couldn't comment relative to  
 10 exposures we evaluated for this study.  
 11 But, the other comment about the mercury fillings  
 12 there was reference to seven to eight fillings per  
 13 person and mercury excreted in urine, and that  
 14 equivalent amount would cause a health effect.  
 15 So, it seems to be some disconnect as to the  
 16 pathway of exposure between the Calgary study and the  
 17 type of evaluation that we are considering with ambient  
 18 air exposures from the cremation process.  
 19 I guess ultimately the take away point there is  
 20 that there is no disputing that mercury is a neurotoxin.  
 21 That is why it is a hazardous pollutant. That is why we  
 22 evaluated in this study and took the very conservative  
 23 approach of using a human health risk evaluation to  
 24 characterize it and look at the potential exposures to

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1 it.  
 2 **Q. Your ultimate conclusion with regard to mercury**  
 3 **was what?**  
 4 A. Well, after responding to Dr. Penkala's comments,  
 5 we increased the likely dose of mercury in a single  
 6 cremation and assumed that that tenfold increase of the  
 7 average would occur constantly. That is with every  
 8 cremation and still found that there was no excess human  
 9 health cancer risk, that is beyond the what EPA defines  
 10 as an acceptable health risk for carcinogenic exposure.  
 11 Just one other observation relative to the, there  
 12 was, it seemed to be a suggestion that the Power-Pak II  
 13 device wasn't really best available technology. Best  
 14 available technology is an air quality term of art, that  
 15 means that the regulatory agencies have determined that  
 16 is the best technology for that application, in this  
 17 case a crematorium.  
 18 I think what was being compared was, if I'm not  
 19 mistaken, alkaline hydrolysis which is not a crematory  
 20 process. It is a digestion-type process, a chemical  
 21 digestion.  
 22 So there is a difference in technology there,  
 23 completely different, not comparable.  
 24 MR. JOHNSON: Anything else?

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1 MS. RIBAR: Any questions for Kris?  
 2 MR. McDEVITT: I have a few brief ones. Are  
 3 you done?  
 4 MS. RIBAR: When they are finished with  
 5 Kris's cross-examination, I would like to have Ernie  
 6 Czirok from Matthews testify as to the bio cremation  
 7 evidence submitted to you.  
 8 BY MR. McDEVITT:  
 9 **Q. Just to clear up the point I think Ms. Ribar**  
 10 **began with again going back to the bio cremation**  
 11 **exhibit, what I tried to capture there is what you will**  
 12 **see if you go to the website right on the bottom of the**  
 13 **page, Matthews has several, list right in the second**  
 14 **page you can see our partners.**  
 15 **If you look at the screen, that changes. It goes**  
 16 **to Matthews, then it goes the next page, Resonation**  
 17 **Partners, then it goes to the Cremation Society, KANA.**  
 18 MR. JOHNSON: Mr. McDevitt, frankly I don't  
 19 think the issue is whether this is best available  
 20 practice, it is a question whether it is a practice that  
 21 as proposed creates a danger to the community.  
 22 MR. McDEVITT: I think their own document  
 23 establishes this eliminates the danger to the community  
 24 of traditional cremation. In fact, they even say it in

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1 the a paper they endorse and sponsor. In any event, I  
 2 wanted to make that point clear.  
 3 BY MR. McDEVITT:  
 4 **Q. Sir, can you tell me in all the reports you did**  
 5 **and all the studies you did, are you aware of a single**  
 6 **test ever done to determine what emissions came out of a**  
 7 **crematorium when embalmed bodies were burned?**  
 8 A. I don't recall there being information about the  
 9 pre cremation treatment of any of the bodies, no.  
 10 **Q. Would it be fair to say that of all the evidence**  
 11 **that is before this tribunal, there is month no evidence**  
 12 **whatsoever reflecting what the emissions are if you**  
 13 **cremate and embalmed body with these embalming fluids in**  
 14 **it?**  
 15 A. I don't think that is necessarily true because  
 16 organic chemicals --  
 17 **Q. Just tell me what test.**  
 18 A. -- created at 1800 degrees Fahrenheit, any  
 19 chemical of that nature and the MSDS I believe will  
 20 indicate what temperature it will be completely  
 21 destroyed. That is the idea behind the best available  
 22 technology and the very high temperatures that are used  
 23 so all the organic molecules are destroyed.  
 24 **Q. Can you tell me of a single test ever done on**

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1 **that, sir?**  
 2 A. I have not performed any test on that.  
 3 **Q. Will you turn to page, tab 10 of the materials**  
 4 **safety data sheet we were talking about?**  
 5 A. I don't have a copy.  
 6 **Q. You can get a copy from your counsel.**  
 7 MR. JOHNSON: Did you offer any testimony as  
 8 to tab 10?  
 9 MR. McDEVITT: I think he did, well, the  
 10 material safety data sheet.  
 11 **Q. Just a quick point, sir, if you would, turn to**  
 12 **page three of tab 10 under storage and handling.**  
 13 A. Sorry, section 3?  
 14 **Q. Tab 10, section 3. Let me help you.**  
 15 A. Section 3 physical properties. Section 8,  
 16 special protection.  
 17 **Q. Are you on tab 10, sir?**  
 18 A. Section 9, regulatory information? Precautions,  
 19 section 7, is that what you are referring to?  
 20 **Q. Storage and handling?**  
 21 A. Okay, top of the last page.  
 22 **Q. Am I correct under storage and handling it says**  
 23 **store away from heat or ignition sources. Do not heat**  
 24 **above 140 degrees Fahrenheit?**

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1 A. That is what it says.  
 2 **Q. What is the temperature that it will burn at in**  
 3 **crematories?**  
 4 A. 1800 degrees Fahrenheit.  
 5 **Q. So that would appear to be doing something at**  
 6 **odds with what the material safety data sheet says?**  
 7 A. Well, the point is that if you were intending to  
 8 use this material for its intended purpose, that is  
 9 embalming a human body, you would not want that material  
 10 to be 1800 degrees. You wouldn't want it to be over 140  
 11 degrees or wouldn't function properly and might emit  
 12 some hazardous chemicals. That's the point.  
 13 This is intended to protect the workers when  
 14 using the chemicals. This is not intended to  
 15 characterize what occurs when the materials are  
 16 incinerated.  
 17 **Q. How much time before you came in tonight did you**  
 18 **spend studying the issue whether crematories burning**  
 19 **embalmed bodies produce Bis(chloromethyl) ether, any?**  
 20 A. Can you point to the information about formation  
 21 of Bis(chloromethyl) ether, that was the chemical that  
 22 is formed during in combination --  
 23 **Q. My question sir, is simple. Did you spend any**  
 24 **time before you came in here tonight studying the issue**

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1 **of whether cremating embalmed bodies produces**  
 2 **Bis(chloromethyl) ether, yes or no?**  
 3 A. That is a no.  
 4 **Q. Thank you. Nothing else.**  
 5 MR. JOHNSON: Thank you. Mr. Macoskey, just  
 6 a minute.  
 7 EXAMINATION  
 8 BY MR. KAMIN:  
 9 **Q. Very briefly, Mr. Johnson. Mr. Macoskey, by the**  
 10 **way, were you sworn tonight?**  
 11 A. Yes.  
 12 **Q. So, is it your testimony that this is an**  
 13 **enterprise that is capable of operating in such a manner**  
 14 **as to control the external effects such as smoke, noise,**  
 15 **soot, dirt, traffic, vibration, an odor on surrounding**  
 16 **land uses?**  
 17 A. Absolutely.  
 18 **Q. Do you believe that any of the emissions that are**  
 19 **generated from this enterprise if permitted would in any**  
 20 **way endanger or disturb the neighboring properties, and**  
 21 **I'm referring to both residential and commercial**  
 22 **properties?**  
 23 A. No.  
 24 **Q. No, you don't believe that it will or it will not**

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1 **disturb?**  
 2 A. I answered your question specifically. Would you  
 3 like to rephrase your question.  
 4 **Q. Sure, my question for you is you are saying no it**  
 5 **will not disturb or endanger the adjoining properties,**  
 6 **is that correct?**  
 7 A. That is correct.  
 8 **Q. Nothing further.**  
 9 MS. RIBAR: Very briefly, Ernie Czirok from  
 10 Matthews with regard to the biohazard technology.  
 11 EXAMINATION  
 12 BY MS. RIBAR:  
 13 **Q. Mr. Czirok, where is this approved in the United**  
 14 **States?**  
 15 A. They are approved in the State of Florida,  
 16 Minnesota and California.  
 17 **Q. Not in Pennsylvania?**  
 18 A. Correct.  
 19 MS. MERRELL: Could you embellish on why  
 20 they are not, if anyone asked.  
 21 A. Absolutely, there is legislation that has to be  
 22 passed for this to be approved and it has not gone  
 23 through.  
 24 MR. ARCURI: Do those states ban the type of

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1 unit that we are talking about here?  
 2 A. No.  
 3 MR. ARCURI: Do they regulate it.  
 4 A. Absolutely.  
 5 MR. ARCURI: Those units.  
 6 A. As all 50 states do.  
 7 MR. ARCURI: I take it that these units are  
 8 used in Europe?  
 9 A. The bio units --  
 10 MR. ARCURI: Yes.  
 11 A. -- you are referring to, yes.  
 12 MR. ARCURI: I take it from some points made  
 13 earlier that I guess some European countries don't  
 14 permit a combustion-type unit?  
 15 A. That is not true, no.  
 16 MR. JOHNSON: Mr. McDevitt, any questions?  
 17 MR. McDEVITT: A couple quick ones.  
 18 EXAMINATION  
 19 BY MR. McDEVITT:  
 20 **Q. Are you from Pittsburgh, sir, by any chance?**  
 21 A. No.  
 22 **Q. Are you familiar with an article that was**  
 23 **published in the Post Gazette called -- are you familiar**  
 24 **with an article published in the Post Gazette in**

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1 **December of 2009 called the Bees Dying to be Green about**  
 2 **Matthews?**  
 3 A. In the Post Gazette, no. Maybe you can refresh  
 4 my memory on that.  
 5 **Q. Has Matthews been making an effort to promote and**  
 6 **sell these bio cremation units?**  
 7 A. We have been making an effort to promote an  
 8 alternative use if that is something individuals are  
 9 looking for. Just like any company that would be trying  
 10 to look at alternatives if somebody is asking for them.  
 11 **Q. And would it be a correct statement of Matthews**  
 12 **to say that quote, the target audience are those people**  
 13 **who buy organic salmon rather than farm salmon. Those**  
 14 **that buy a hybrid rather than a regular car?**  
 15 A. It is a different targeted audience.  
 16 **Q. Is that a fair statement of Matthews' position**  
 17 **about this?**  
 18 A. Correct.  
 19 **Q. You have announced the world's first commercial**  
 20 **launch of this new technique -- am I correct Matthews**  
 21 **announced in 2009 the first commercial launch of a human**  
 22 **alkaline hydrolysis unit in Florida?**  
 23 A. That has not been installed yet.  
 24 **Q. But they are planning that?**

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1 A. That is correct.  
 2 **Q. They are trying to do that?**  
 3 A. That is correct.  
 4 **Q. And they are trying to promote it various places**  
 5 **throughout the country?**  
 6 A. That is correct.  
 7 MR. McDEVITT: Thank you.  
 8 MR. JOHNSON: Mr. Kamin?  
 9 MR. KAMIN: No questions, Mr. Johnson.  
 10 MS. MITINGER: No questions, thank you.  
 11 MR. KAMIN: Mr. Johnson, we discussed an  
 12 order of procedure we will let Ms. Mitinger go with her  
 13 presentation first.  
 14 MR. JOHNSON: Would you refresh us whom you  
 15 represent?  
 16 MS. MITINGER: Sure, my name is Alice  
 17 Mitinger and I'm here tonight on behalf of Thomas Homes  
 18 Inc. and Jeff Thomas who lives on Sussex Drive.  
 19 MR. JOHNSON: Have you provided written  
 20 entry of appearance?  
 21 MS. MITINGER: I have not but will following  
 22 this proceeding. On behalf of Mr. Thomas and Thomas  
 23 Homes, Inc., I would like to just present one witness  
 24 and we have a prepared report which I will provide to

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1 the Board.

2 MR. JOHNSON: Do you want to give us the

3 report and summarize, that is fine.

4 MS. MITINGER: She is right here, I will

5 introduce her in a moment.

6 EXAMINATION

7 BY MS. MITINGER:

8 **Q. As I'm passing out the report I will ask**

9 **Ms. Sarraf to introduce herself to the board and**

10 **describe briefly her education and professional**

11 **background.**

12 A. My name is Roberta Sarraf, I'm a self-employed

13 planning consultant. I have a masters degree in urban

14 and regional planning from the University of Pittsburgh

15 Graduate School of Public International Affairs.

16 I'm a member of the American Institute of

17 Certified Planners. I established a consulting practice

18 in 1982 and since that time have assisted over 75

19 municipalities in Southwestern Pennsylvania with

20 comprehensive plans, zoning ordinances and subdivision

21 and land development regulations.

22 Prior to going into business for myself I was

23 zoning officer and director of community development for

24 the township Of Upper St. Clair.

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1 **Q. Ms. Sarraf, if you could explain briefly your**

2 **understanding of the basis of this action this evening?**

3 A. It is my understanding that the applicant has

4 filed a curative amendment with the municipality

5 claiming an exclusion of a crematory under the zoning

6 ordinance definition of funeral home which specifically

7 states but not including cremation.

8 **Q. And it is your understanding that the challenges**

9 **that simply the basis of that ordinance definition of**

10 **funeral home that the crematory use is excluded**

11 **throughout the municipality?**

12 A. Correct.

13 **Q. Have you had an opportunity to review where**

14 **funeral homes are permitted under the zoning ordinance?**

15 A. Yes, I have. Funeral homes are authorized as a

16 permitted use in the C-1 neighborhood commercial, C-2

17 general commercial, and the VNC, Venetia Neighborhood

18 Commercial Districts.

19 **Q. And what is your understanding of the proposed**

20 **curative amendment?**

21 A. The proposed curative amendment would add a

22 crematory as an accessory use to the funeral home

23 wherever it is authorized in the township zoning

24 ordinance. That would include C-1, C-2 and VNC.

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1 **Q. So, it is your understanding that essentially the**

2 **purpose of the proposed curative amendment would be to**

3 **rewrite the definition of funeral home to remove the**

4 **exclusion of crematory services?**

5 A. That's correct.

6 **Q. Based on your experience with planning and the**

7 **development of zoning ordinances, could you describe**

8 **ordinance provisions which a municipality could use to**

9 **accommodate uses which are not specifically identified**

10 **in a zoning ordinance?**

11 A. Many ordinances include a provision for something

12 called comparable uses or similar uses not specifically

13 listed. This is a way that a municipality can avoid

14 exclusionary challenges when they have failed to foresee

15 new types of technology or new types of uses that emerge

16 on the horizon as their zoning ordinance proceeds

17 through time. At the time of drafting a specific use

18 may not be defined and listed in an ordinance but could

19 be authorized either as a conditional use or a use by

20 special exception under this concept of a similar use or

21 comparable use not specifically listed.

22 **Q. And I should have asked you previously, in the**

23 **course of preparing for this hearing you have had an**

24 **opportunity to review the Peters Township zoning**

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1 **ordinance?**

2 A. I have.

3 **Q. And have you identified provisions in the Peters**

4 **Township zoning ordinance which would serve the purpose**

5 **of accommodating uses which are not specifically**

6 **identified, the type of device you have just been**

7 **describing?**

8 A. Yes, there are actually two provisions in the

9 Peters Township zoning ordinance. One is a category of

10 uses not provided for and this is a technique where an

11 application could be made by the property owner to the

12 zoning officer and the zoning officer would then refer

13 the application to the Zoning Hearing Board to consider

14 whether or not the use is comparable to other uses in a

15 specific zoning district.

16 And Section 1302B(1)(b) provides the criterion

17 for considering uses not provided for. I'm quoting from

18 the ordinance. When a use is neither specifically

19 permitted or denied in this chapter and an application

20 is made by the landowner and/or developer to the zoning

21 officer for such use, the zoning officer shall refer the

22 application to the Township Zoning Hearing Board that

23 shall have the authority to permit or deny the use.

24 The use may be permitted if it is similar to and

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1 compatible with permitted uses in the district, meets  
 2 the standards and criteria set forth below -- and they  
 3 are referring to the general standards for uses by  
 4 special exception -- and in no way is in conflict with  
 5 the general purpose and intent of this chapter.

6 **Q. Now, I would like to explore that a little bit  
 7 more with you, but I think you indicated that there are  
 8 two types of provisions in the Peters Township Zoning  
 9 Ordinance which are designed to accommodate uses not  
 10 specifically identified. Could you just briefly note  
 11 what that is and we will come back to that as well?**

12 A. Yes, there is also an authorization in the use  
 13 table for a category called "all other uses." And all  
 14 other uses are authorized as a use by special exception  
 15 in the townships LI, light industrial district.

16 **Q. Thank you. And let's go back to the uses not  
 17 provided for which are the uses that the zoning officer  
 18 would refer to the Zoning Hearing Board as a special  
 19 exception for consideration under the special exception  
 20 criteria. Could you describe briefly, and this will  
 21 refer to your report at page three, the uses that are  
 22 permitted by right in the C-2 district. I don't think  
 23 we need to read through all of the provisions in the  
 24 interest of time, but could you describe them generally**

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1 **and the purpose of that zoning district?**

2 A. The uses authorized in the C-2 district are  
 3 generally retail and service uses. Shopping center  
 4 types of uses and personal services. A funeral home is  
 5 included under the definition which excludes the  
 6 crematory. There are things such as gas stations,  
 7 hospitals, motels, offices, restaurants and retail uses.

8 **Q. But in your opinion, is the current definition of  
 9 funeral home which excludes the crematory services  
 10 consistent with the stated purpose of the C-2 districts?**

11 A. I believe that the current definition of funeral  
 12 home which excludes crematory is consistent with the  
 13 stated purpose of the C-2 district which is to provide  
 14 merchandizing and services that are compatible with the  
 15 surrounding property, specifically residential  
 16 neighborhoods.

17 **Q. Now, are any of the uses that are permitted,  
 18 excuse me -- do any of the uses permitted in the C-2  
 19 districts have characteristics that are typically  
 20 associated with cremation services as we have been  
 21 discussing here?**

22 A. It is my opinion that they do not.

23 **Q. Can you explain that?**

24 A. Cremation involves incineration albeit on a small

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1 scale. From a land use perspective incineration is a  
 2 process that is industrial in nature. There are  
 3 emissions and the processes are subject to air quality  
 4 regulations. That is typical of other industrial uses.  
 5 There are high temperatures involved, refractory linings  
 6 and emissions which again are more typical of an  
 7 industrial character of use, and not consistent similar  
 8 or compatible with the other types of uses in the C-2  
 9 district.

10 **Q. So, would it be your opinion that under the uses  
 11 not provided for provision which would be allowed if  
 12 consistent with the uses in that particular zoning  
 13 district that that would not be appropriate in this  
 14 case?**

15 A. Yes, it is my opinion that since the Zoning  
 16 Hearing Board has to make a determination that the use  
 17 not provided for is similar to and compatible with the  
 18 other uses in the C-2 district that that would not be an  
 19 appropriate way to authorize the crematory.

20 **Q. Now, let's turn for a minute to the all other  
 21 uses provision of the ordinance. Where in the ordinance  
 22 can that be found?**

23 A. The all other uses is listed in table 2, the  
 24 non-residential permitted use chart in section 303-C of

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1 the ordinance. And the specific criteria for the all  
 2 other use category are found in subsection 817 that  
 3 reads as follows: Any other additional standards that  
 4 are needed to protect the public health, safety and  
 5 welfare or to address unique characteristics of a  
 6 particular lot defined by the township Zoning Hearing  
 7 Board shall be complied with by the landowner and/or  
 8 developer.

9 And then the general standards applicable to all  
 10 uses by special exception would also apply in their  
 11 determination.

12 **Q. Now, in the course of preparing your report, did  
 13 you have an opportunity to review the light industrial  
 14 districts in Peters Township and to review properties  
 15 that are, that exist within those districts?**

16 A. Yes, I did.

17 **Q. And if I could turn your attention to Exhibit C  
 18 within your report. Well actually let's start with  
 19 Exhibit B. Could you identify Exhibit B as attached to  
 20 your report?**

21 A. That's the township zoning district map.

22 **Q. Could you identify what color the light  
 23 industrial districts are depicted in?**

24 A. It is a brown, I believe.

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1 **Q. It is brown, showing up, you don't have this.**  
 2 **Could you, could you describe -- first, let's refer to**  
 3 **the first zoning district, I think you identified as the**  
 4 **Valleybrook Road --**  
 5 A. Yes.  
 6 **Q. -- zoning district. Light industrial district.**  
 7 **Can you describe that area generally?**  
 8 A. I'm designating the Valleybrook Road industrial  
 9 district that is linear along the road on the map that  
 10 is shown on the screen. It lies between the Peters  
 11 Township boundary with Cecil Township and U.S. Route 19.  
 12 The road is located in a valley with steep slopes on  
 13 either side and this industrially zoned land has direct  
 14 access to Valleybrook Road and lies between the road and  
 15 Montour Trail and traverses an old railroad  
 16 right-of-way. The trail lies at the foot of steep  
 17 slopes.  
 18 **Q. And could you just indicate for the Board under**  
 19 **Exhibit C are a series of photographs of the areas**  
 20 **within the Valleybrook Road light industrial district?**  
 21 A. Yes, that is correct.  
 22 **Q. And could you also describe approximately how**  
 23 **many acres are within that light industrial district?**  
 24 A. This particular light industrial district

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1 comprises approximately 95 acres. I didn't do a  
 2 specific analysis of parcel-by-parcel acreage but I  
 3 utilized the scale of the zoning district map to  
 4 approximate the area included in that LI district.  
 5 This district, the photographs show that this  
 6 district has several existing structures. There are  
 7 three self storage facilities, a contractor's warehouse  
 8 and a sewage treatment facility. However, much of the  
 9 land is not occupied by permanent structures but is used  
 10 for outdoor storage of vehicles and equipment on the  
 11 surface of the land.  
 12 **Q. Could we turn then to what you identified in your**  
 13 **report on page 9 as light industrial district 2 which is**  
 14 **the Hidden Valley Road area?**  
 15 A. Yes. And on this map that's this area here.  
 16 **Q. Again, could you describe generally that area?**  
 17 A. It is on the east side of Hidden Valley Road to  
 18 the north of its intersection with U.S. Route 19. The  
 19 properties have direct access to Hidden Valley Road.  
 20 The properties are generally in a higher elevation than  
 21 Hidden Valley Road. There are several flex buildings,  
 22 office warehouse and office light manufacturing and  
 23 Allegheny Power substation in this district. And I  
 24 provided photographs of that area as Exhibit D.

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1 **Q. And approximately how many acres are included in**  
 2 **that?**  
 3 A. My calculation is approximately 25 acres.  
 4 **Q. And if we could turn to industrial district**  
 5 **number 3 which is the Pittsburgh & Ohio Railroad on the**  
 6 **Cecil Township boundary?**  
 7 A. Yes, that is this area here I'm designating on  
 8 the screen. It is located along both sides of the  
 9 Pittsburgh & Ohio Railroad right-of-way adjacent to  
 10 Chartiers Creek. These properties have access to  
 11 Valleybrook Road by a Buckeye Street. The property is  
 12 used for a wholesale landscaping and excavating  
 13 business. There is a permanent building and several  
 14 trailers on the site. But the majority of the property  
 15 is used for storage of materials and equipment and  
 16 excavation of top soil. And those photographs are  
 17 included as Exhibit E.  
 18 **Q. And am I correct in noting that a portion of that**  
 19 **light industrial district is also adjacent to a**  
 20 **cemetery, is that correct? I think this one.**  
 21 MR. ARCURI: No.  
 22 **Q. Never mind. I apologize, I'm not correct. And**  
 23 **did you provide, could you estimate how many acres are**  
 24 **involved in that particular zoning district?**

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1 A. This third area zoned LI comprises approximately  
 2 37 acres.  
 3 **Q. Okay. And you provided the exhibits as Exhibit**  
 4 **E --**  
 5 A. Correct.  
 6 **Q. -- photographs of that district. Finally, can**  
 7 **you describe light industrial district which you**  
 8 **identified number 4, that would be the Churchill Road**  
 9 **near Bethel Park boundary?**  
 10 A. Yes, much smaller area here. Shown on the map.  
 11 It's along Churchill Road near the Bethel Park boundary.  
 12 And the properties do have direct access to Churchill  
 13 Road. They lie at the base of a steep slope and are  
 14 buffered from adjacent properties to the south. There  
 15 are two businesses located in this industrial zoned  
 16 area, a contractor's office and yard and a school bus  
 17 garage. The existing buildings do not occupy the entire  
 18 sites. There are significant outdoor storage of  
 19 vehicles and equipment on the surface of the land. And  
 20 my photographs are attached as Exhibit F.  
 21 **Q. Thank you very much. Could you, could you turn**  
 22 **back to pages 7 and 8 of your report and describe**  
 23 **briefly the types of other uses that are permitted in**  
 24 **light industrial districts either as a right or by**

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1 **special exception?**  
 2 A. The permitted uses by right in the light  
 3 industrial district are a combination of light  
 4 industrial uses and some, what I would consider heavier  
 5 commercial uses. The general merchandizing uses and  
 6 offices, medical offices which would draw customer  
 7 visits that are authorized in the C-2 district are not  
 8 authorized in the light industrial district.  
 9 However, some of the supporting uses for light  
 10 industry such as business services, commercial schools,  
 11 conference and training centers, gas stations, office  
 12 warehouse, post office, studios and academies,  
 13 veterinary services, those commercial uses are also  
 14 allowed in the light industrial district.  
 15 However, those uses that are in addition, the  
 16 light industry uses include a communications tower,  
 17 excavating and equipment storage, flex space, light  
 18 assembly, light industry, self storage facility,  
 19 wholesale landscaping service, warehouse and, of course,  
 20 the catchall category of all other uses.  
 21 **Q. And in reviewing the zoning districts as we have**  
 22 **just done, are you recommending any specific property**  
 23 **within those districts for the crematory use?**  
 24 A. Within the light industrial district, I'm not

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1 recommending a specific property. I'm simply pointing  
 2 out that there are ample opportunities within those  
 3 districts where all other uses are provided for for the  
 4 location of uses that are not specifically listed that  
 5 do not fit within the higher commercial classifications  
 6 within the township zoning scheme.  
 7 **Q. I believe you would characterize the light**  
 8 **industrial districts being the least restrictive zoning**  
 9 **district within the municipality?**  
 10 A. That is correct.  
 11 **Q. And if you add up the acreage of properties in**  
 12 **Peters Township that are zoned for light industrial,**  
 13 **would you agree it is about 150 acres?**  
 14 A. Based on my calculations using the scale of the  
 15 map it is approximately 161 acres and that represents  
 16 approximately 1.3 percent of the total land area of the  
 17 township is zoned LI, light industrial.  
 18 **Q. Now, is the all other use or uses not provided**  
 19 **for a provision that is fairly typical in zoning**  
 20 **ordinances?**  
 21 A. Yes, it is.  
 22 **Q. And when we, when the definition of funeral home**  
 23 **specifically refers to crematory services, does the**  
 24 **exclusion of crematory services from that definition**

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1 **alone result in an exclusion of the use in your opinion?**  
 2 A. No, it simply excludes it as part of the funeral  
 3 home establishment.  
 4 **Q. And we are talking about a combined use as**  
 5 **proposed, a crematory and a funeral home. And from your**  
 6 **planning perspective and experience, is it necessary to**  
 7 **provide for any combination of uses or is it sufficient**  
 8 **to allow for different types of uses in different areas**  
 9 **of the municipality?**  
 10 A. It's typical to provide for uses related to the  
 11 appropriateness of the zoning district in which they are  
 12 located and it is my opinion that it is not necessary to  
 13 provide for certain uses in conjunction with other uses  
 14 if the location is not appropriate for that combination.  
 15 **Q. So, if a municipality were to decide to allow**  
 16 **four gas stations in one category of zoning district and**  
 17 **car washes in a different category of zoning ordinances,**  
 18 **its failure to provide for car washes that also have gas**  
 19 **stations or gas stations that also have car washes does**  
 20 **not necessarily exclude the car wash/gas station use?**  
 21 A. That's correct.  
 22 **Q. Okay. In your professional opinion, does the**  
 23 **Peters Township ordinance allow for the crematory use?**  
 24 A. I believe that the Peters Township ordinance

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1 provides for all other uses in the light industrial  
 2 district and there could be a determination by the  
 3 Zoning Hearing Board that that is an appropriate use in  
 4 that zoning classification.  
 5 MS. MITINGER: Subject to questioning of  
 6 Ms. Sarraf, I would like to offer her report which  
 7 includes Exhibit A which is A description of her  
 8 background and experience, Exhibit B which is we  
 9 described the Peters Township zoning map, and Exhibits  
 10 C, D, E and F are photographs the various LI districts  
 11 as described in her report.  
 12 MR. JOHNSON: We will put that into the  
 13 record.  
 14 MS. MITINGER: Thank you very much.  
 15 MR. JOHNSON: Ms. Ribar, have you been  
 16 provided a copy of Ms. Sarraf's report?  
 17 MS. RIBAR: Just now, yes.  
 18 MR. JOHNSON: Ms. Ribar, go ahead.  
 19 EXAMINATION  
 20 BY MS. RIBAR:  
 21 **Q. My name is Tammy Ribar, I represent the applicant**  
 22 **here. You are giving your opinion with regard to the**  
 23 **exclusionary nature of the ordinance based on your**  
 24 **experience, that is not a legal opinion, correct? You**

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1 **are not a lawyer by training?**  
 2 A. No, I'm not.  
 3 **Q. You do recognize that crematories are excluded**  
 4 **from the definition of funeral homes in the township?**  
 5 A. I do recognize that.  
 6 **Q. You have stated your testimony basically says**  
 7 **that this applicant should take her funeral**  
 8 **home/crematory to a light industrial district?**  
 9 A. The crematory part of it, yes.  
 10 **Q. The crematory only, so you are advocating stand**  
 11 **alone crematories in the township?**  
 12 A. I think that that's what the definition of the  
 13 funeral home would envision for this residential,  
 14 primarily residential character of a municipality.  
 15 MR. JOHNSON: I don't think she is  
 16 advocating that, she is saying it is allowable.  
 17 **Q. It is your opinion that stand alone crematories**  
 18 **are allowed as a -- what did you call it?**  
 19 A. All other use.  
 20 **Q. All other use?**  
 21 A. Yes.  
 22 **Q. Because you do acknowledge that funeral homes are**  
 23 **not permitted in light industrial districts?**  
 24 A. That is correct.

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1 **Q. Therefore, if Ms. Belusko wanted to put her**  
 2 **crematory in the township, you are saying that the most**  
 3 **appropriate place for her to go would be as a stand**  
 4 **alone crematory in a light industrial?**  
 5 A. From a land planning standpoint, yes.  
 6 **Q. That is because you are saying cremation involves**  
 7 **incineration on a small scale?**  
 8 A. Correct.  
 9 **Q. Can you point to me any industrial districts in**  
 10 **Peters Township that are not adjacent to residential**  
 11 **districts?**  
 12 A. This is primarily a residential community, so  
 13 there are no industrial or commercial districts that are  
 14 not adjacent to residentially zoned property. They may  
 15 not be developed for residential use at this time.  
 16 **Q. So, if you are telling her to take her stand**  
 17 **alone crematory to an industrial district, you are**  
 18 **saying that that is okay even though it would be**  
 19 **adjacent to a residential district just like the C-2?**  
 20 A. The light industrial districts, the majority of  
 21 them are buffered by topography from the residential  
 22 properties or residentially zoned properties.  
 23 MR. JOHNSON: I think she also said it would  
 24 have to meet the special exception criteria in order to

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1 be placed there also.  
 2 **Q. I understand that. What I note with interest in**  
 3 **your report on page -- let me find it. On page 10 in**  
 4 **your first summary and conclusion?**  
 5 A. Yes.  
 6 **Q. You stated that the specific legislative intent**  
 7 **of Peters Township Council is to exclude cremation from**  
 8 **services provided by a funeral home. Did you do any**  
 9 **research or speak to anyone at the township to determine**  
 10 **what the legislative intent was when this ordinance was**  
 11 **enacted?**  
 12 A. No.  
 13 MR. JOHNSON: Is that a conclusion you drew  
 14 from your analysis of the ordinance?  
 15 A. Yes.  
 16 **Q. Are you aware of how other communities in the**  
 17 **immediate vicinity have zoned for funeral homes?**  
 18 A. Yes.  
 19 **Q. Are you aware that Upper St. Clair permits**  
 20 **funeral, permits crematories as accessory uses to**  
 21 **funeral homes in C-2 and C 3 districts?**  
 22 A. My review of the ordinance that is on-line did  
 23 not indicate that.  
 24 **Q. What was your review of the ordinance that was**

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1 **on-line?**  
 2 A. I understood from reviewing Upper St. Clair and  
 3 Mt. Lebanon that they both authorized funeral homes and  
 4 mortuaries as a permitted use in their general  
 5 commercial districts, however, the term is not defined  
 6 in either ordinance nor is crematory defined or  
 7 specifically listed.  
 8 **Q. Have you seen the report that Mr. Zuk prepared**  
 9 **dated March 16, 2001 addressed to M. A. Silvestri which**  
 10 **was tab 4 in the binder that was submitted from the**  
 11 **applicant?**  
 12 A. No.  
 13 **Q. You have not reviewed any of our materials?**  
 14 A. No.  
 15 **Q. So would you be surprised then that Mr. Zuk**  
 16 **indicated that crematories are permitted as accessory to**  
 17 **funeral homes in C-2 and C 3 districts? You are saying**  
 18 **that is not your interpretation?**  
 19 A. That is not my understanding, correct.  
 20 **Q. Did you review the North Strubane ordinance?**  
 21 A. Yes, I did.  
 22 **Q. And what is your interpretation of that**  
 23 **ordinance?**  
 24 A. Unless it has been recently amended, I assisted

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1 the township with drafting that ordinance and they have  
 2 a definition of funeral homes that is the same as the  
 3 Peters Township exclusion for cremation.  
 4 **Q. So a statement that crematories are permitted in**  
 5 **a C-1 district accessory to funeral home and as a**  
 6 **special exception in a cemetery in the A-1 zone is**  
 7 **incorrect?**  
 8 A. As I stated, unless it has been amended since I  
 9 was aware of what the ordinance stated.  
 10 **Q. When was the last time you reviewed that**  
 11 **ordinance?**  
 12 A. I think it was adopted two years ago.  
 13 **Q. Did you review it in connection with your**  
 14 **testimony tonight?**  
 15 A. I didn't review it on-line, I reviewed my copy of  
 16 the ordinance. So it may have been amended.  
 17 **Q. Did you review the Upper St. Clair ordinance in**  
 18 **connection with your testimony tonight?**  
 19 A. On-line, yes.  
 20 **Q. Did you review the Cranberry Township ordinance?**  
 21 A. No, I did not.  
 22 **Q. Are you aware that Cranberry Township allows**  
 23 **crematories --**  
 24 MR. LEWIS: We are in Peters Township. Can

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1 we locate and continue our discussion --  
 2 MS. RIBAR: She has testified that in her  
 3 opinion as a planning measure it is inappropriate for  
 4 this township, and I think she would probably testify  
 5 other townships to zone for crematories in other than  
 6 light industrial districts. I think it is important to  
 7 the basis of her testimony.  
 8 MR. ARCURI: You have to lay a foundation  
 9 for this witness as to what these other communities, how  
 10 they were structured, what kind of residential areas, I  
 11 mean I don't think she has any basis for that. I just  
 12 don't see the relevance.  
 13 MR. JOHNSON: I think at best it is  
 14 marginally relevant what other municipalities do. We  
 15 are all autonomous with respect to this.  
 16 BY MS. RIBAR:  
 17 **Q. Are you aware of any crematories located in**  
 18 **Allegheny County or Washington County that are in**  
 19 **industrial districts?**  
 20 A. I am not aware of where any crematories are  
 21 located.  
 22 **Q. You just gave an opinion as to where they should**  
 23 **be located, correct?**  
 24 A. Under a zoning scheme, yes.

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1 **Q. Have you ever met with Mr. and Mrs. Thomas in**  
 2 **connection with your engagement this evening?**  
 3 A. No.  
 4 **Q. So, is it also your testimony that funeral homes**  
 5 **are service industries but that cremations are not**  
 6 **service, not a service provided to residents?**  
 7 A. I'm not indicating that it is not a service  
 8 industry.  
 9 **Q. You said a funeral home is a service?**  
 10 A. Correct. Cremation services are related to that  
 11 service industry. But, their impacts from a land  
 12 planning standpoint do not characterize them as a  
 13 commercial or retail merchandising type of use that is  
 14 appropriate in a commercial district.  
 15 **Q. And in connection with your review of the light**  
 16 **industrial properties that were available, were any of**  
 17 **these for sale?**  
 18 A. I'm not certain that that is relevant in an  
 19 exclusionary challenge.  
 20 **Q. Will you please answer my question.**  
 21 MR. BALL: Frankly, I agree it is not  
 22 relevant.  
 23 **Q. Can she answer the question?**  
 24 MR. JOHNSON: Sure.

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1 A. I'm not aware of any properties that were for  
 2 sale.  
 3 MR. ARCURI: I am.  
 4 **Q. So to summarize your testimony then, you gave**  
 5 **Council the opinion that crematories should be allowed**  
 6 **as stand alone uses in light industrial districts in**  
 7 **Peters Township?**  
 8 A. I believe that the ordinance is valid in that a  
 9 crematory could be considered in the all other use  
 10 category provided for in the LI district.  
 11 **Q. That is not based on a legal opinion?**  
 12 A. Correct.  
 13 MS. RIBAR: Thank you.  
 14 CHAIRMAN ATKISON: Mr. Kamin.  
 15 MR. JOHNSON: Briefly, please.  
 16 EXAMINATION  
 17 BY MR. KAMIN:  
 18 **Q. Ms. Sarraf, nice to see you.**  
 19 A. Nice to see you.  
 20 **Q. Nice to be on the same side.**  
 21 A. For a change.  
 22 **Q. For a change. Just for the record, I spent many**  
 23 **hours cross-examining her on a different case a couple**  
 24 **months ago. I would like to do something novel to read**

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1 **the Peters Township ordinance.**  
 2 MR. LEWIS: Why do you want to read our  
 3 ordinance to us?  
 4 MR. KAMIN: I think it is relevant for her  
 5 discussion.  
 6 MR. LEWIS: I think that is our job to read  
 7 the ordinance.  
 8 MR. KAMIN: Mr. Lewis, with all due respect  
 9 I would like to question her on what your ordinance says  
 10 because I think it is relevant for the discussion.  
 11 MR. LEWIS: You were admonished at the  
 12 Planning Commission for taking entirely too much time, I  
 13 will do the same this time.  
 14 MR. KAMIN: I have taken at this point a  
 15 minute and about 20 seconds.  
 16 MR. LEWIS: To read our ordinance.  
 17 MR. KAMIN: I am going to read two  
 18 definitions of the ordinance.  
 19 MR. JOHNSON: It is appropriate.  
 20 MR. KAMIN: The first definition I would  
 21 like to read is found on page 27-22 Peters Township  
 22 ordinance, Section 200. That definition is industry,  
 23 light. Do you see where I'm talking about underlined?  
 24 A. I do.

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1 **Q. That's described as enterprises capable of**  
 2 **operating in such a manner as to control the external**  
 3 **effects such as smoke, noise, soot, dirt, traffic**  
 4 **vibration, odor, ect, on surrounding land uses. Did I**  
 5 **read that correctly?**  
 6 A. Yes.  
 7 **Q. Did you hear Mr. Macoskey testify earlier tonight**  
 8 **that he thought that is how their enterprise would**  
 9 **operate?**  
 10 A. Yes.  
 11 **Q. I would like to read the definition of, also from**  
 12 **the Peters Township ordinance. This is entitled "light**  
 13 **industry." It is on page 27-23. Do you have that?**  
 14 A. I do.  
 15 **Q. I believe I underlined a portion of that. Again**  
 16 **page 27-23. Light industry. A facility for the**  
 17 **processing and fabrication of certain materials and**  
 18 **products where no process involved produces noise,**  
 19 **vibration, air pollution, fire hazard or noxious**  
 20 **emissions which will disturb or endanger neighboring**  
 21 **properties.**  
 22 **Did I read that first sentence correctly?**  
 23 A. You did.  
 24 **Q. And did you hear Mr. Macoskey testify earlier**

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1 **this evening that he believed this facility would**  
 2 **operate that way?**  
 3 A. Yes.  
 4 **Q. Now, you have been a planner for many, many years**  
 5 **and I think you testified in business for yourself since**  
 6 **the early 80s?**  
 7 A. Yes, 1982.  
 8 **Q. And in your experience as a planner, is it**  
 9 **necessary to specifically enumerate every possible use**  
 10 **that could be within the township?**  
 11 A. It is not reasonable or practical to even try to  
 12 do that. But it is not necessary.  
 13 **Q. In writing zoning ordinances which you have done**  
 14 **for I think you said for 75 municipalities, you can't**  
 15 **possibly name every use?**  
 16 A. That is correct.  
 17 **Q. So you have categories of uses and that is how**  
 18 **you figure out where use belongs?**  
 19 A. Yes.  
 20 **Q. Is that ordinary and typical business practice**  
 21 **within drafting ordinances?**  
 22 A. Yes, it is.  
 23 **Q. Now, I think you testified briefly as well that**  
 24 **it is common for in the definition of a funeral home for**

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1 **there to be this exclusion that there is in Peters'**  
 2 **ordinance, correct?**  
 3 A. Yes.  
 4 **Q. That is because they are separate and distinct**  
 5 **uses?**  
 6 A. Correct.  
 7 **Q. That is from a planning perspective, right?**  
 8 A. Correct.  
 9 MR. KAMIN: Nothing further.  
 10 MR. JOHNSON: Thank you.  
 11 MS. MITINGER: I don't have any redirect.  
 12 EXAMINATION  
 13 BY MS. RIBAR:  
 14 **Q. Are you aware of any instances where other, you**  
 15 **testified that other municipalities had excluded the**  
 16 **crematories from the definition of funeral homes?**  
 17 A. Yes.  
 18 **Q. Are you aware of any instances where those**  
 19 **ordinances have been challenged?**  
 20 A. I'm not aware of that, no.  
 21 MS. RIBAR: Thank you.  
 22 MR. JOHNSON: Okay, thank you. Unless  
 23 Council has questions.  
 24 MR. LEWIS: Absolutely not.

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1 MR. KAMIN: I have brief testimony.  
 2 MS. MITINGER: That concludes our testimony.  
 3 MR. KAMIN: I call Mr. Ned Gensler, please.  
 4 EXAMINATION  
 5 BY MR. KAMIN:  
 6 **Q. Mr. Gensler, will you introduce yourself and**  
 7 **spell your name please for the reporter?**  
 8 A. I am Ned Gensler, G-E-N-S-L-E-R. I live on  
 9 Sussex.  
 10 **Q. And Mr. Gensler, how close do you live to the**  
 11 **proposed site?**  
 12 A. About 130 yards.  
 13 **Q. And 130 yards or 130 feet?**  
 14 A. It is more than I think it was, what did we  
 15 figure? About 175 yards.  
 16 **Q. And does your property sit above the proposed**  
 17 **site?**  
 18 A. Yes, it does.  
 19 **Q. And if the property, if a crematorium was**  
 20 **developed with a smoke stack, where would that smoke**  
 21 **stack come out in relation to your property?**  
 22 A. Probably even with my deck.  
 23 **Q. So, when you say even with your deck, you are**  
 24 **referring to the deck off the back of your home,**

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1 **correct?**  
 2 A. Right.  
 3 **Q. Do you believe that if that smoke stack were**  
 4 **erected and the materials as described came out of that**  
 5 **particular smoke stack that that would have a**  
 6 **detrimental effect on your property?**  
 7 A. It will blow right in my face.  
 8 **Q. And do you believe that it would also have a**  
 9 **detrimental effect on your property value?**  
 10 A. I would think so.  
 11 **Q. And as far as having -- let me back up. When you**  
 12 **purchased your property, were you aware that there was a**  
 13 **commercial district below you?**  
 14 A. Yes, absolutely.  
 15 **Q. Is part of that was your expectation there would**  
 16 **be commercial uses within the district?**  
 17 A. Yes, offices, stores, you know.  
 18 **Q. And do you believe that the uses proposed is**  
 19 **commercial, the crematorium use is commercial?**  
 20 A. No, it is industrial.  
 21 **Q. Nothing further for Mr. Gensler.**  
 22 MR. JOHNSON: Thank you.  
 23 MR. LEWIS: Was he sworn?  
 24 MR. KAMIN: Yes, he was. I call Dr.

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1 Bellicini to the stand, please.  
 2 EXAMINATION  
 3 BY MR. KAMIN:  
 4 A. My name is Nicholas Bellicini, 202 Sussex Way, is  
 5 spelled B-E-L-L-I-C-I-N-I.  
 6 **Q. Dr. Bellicini, do you live adjacent to the**  
 7 **Genslers?**  
 8 A. Yes, I do.  
 9 **Q. Are you actually closer to the proposed funeral**  
 10 **home crematorium than the Genslers?**  
 11 A. Yes.  
 12 **Q. Did you hear Mr. Gensler testify earlier this**  
 13 **evening?**  
 14 A. Yes, I did.  
 15 **Q. Would you agree with the testimony?**  
 16 A. Yes, I would.  
 17 **Q. As part of your experience on living on Sussex**  
 18 **Drive, are you familiar at all with the wind direction**  
 19 **or any wind that happens to blow up there?**  
 20 A. Yes, I am.  
 21 **Q. And do you believe that wind would go ahead and**  
 22 **blow materials and matters from the proposed crematorium**  
 23 **towards your house?**  
 24 A. Yes. The predominant wind direction is directly

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1 towards my deck.  
 2 **Q. And --**  
 3 A. And to Ned's deck.  
 4 **Q. As part of that, do you believe that that would**  
 5 **have a detrimental effect on your property value?**  
 6 A. Yes.  
 7 **Q. And were you aware when you -- when did you**  
 8 **purchase your property?**  
 9 A. Three and a half years ago.  
 10 **Q. Were you aware at the time you purchased it there**  
 11 **was a commercial district there?**  
 12 A. Yes.  
 13 **Q. At the time that you purchased it, did you think**  
 14 **that there would be industrial development or industrial**  
 15 **uses?**  
 16 A. No, it was not industrial.  
 17 **Q. I have nothing further for Dr. Bellicini.**  
 18 A. Thank you.  
 19 MR. JOHNSON: Ms. Ribar.  
 20 MS. RIBAR: Nothing, thank you.  
 21 MR. KAMIN: The only other item that I would  
 22 offer, I didn't see that the zoning ordinance was  
 23 offered as part of the record from the transcripts. I  
 24 imagine that all township documents are part of the

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1 record.  
 2 The last part of our presentation that we  
 3 would like to offer is just -- if I could approach.  
 4 MR. ARCURI: Is the ordinance part of the  
 5 record?  
 6 MR. JOHNSON: We will make it part of the  
 7 record.  
 8 MR. ARCURI: Make it on the record it is  
 9 part of the record.  
 10 MR. KAMIN: The only item I offer in  
 11 addition, you can pass these one way or another. I can  
 12 probably call Mr. Silvestri or Mr. Zuk to ask about  
 13 this, this is a declaration of restricted covenant  
 14 affecting what is the piece of property known as Forest  
 15 Lawn Gardens Realty in Peters Township, Pennsylvania.  
 16 This was adopted in July 18th of 1997 and  
 17 the only purpose for offering this document is to go  
 18 ahead and to show that as early as 1997 that Peters  
 19 Township recognized as part of being the beneficiary to  
 20 this covenant that crematorium and funeral home were not  
 21 accessory uses and not compatible uses.  
 22 We believe the zoning ordinance has been  
 23 amended multiple times since adoption and believe it is  
 24 appropriate to go ahead and offer that into the record

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1 to show the course of dealing how the township has  
 2 treated this.  
 3 MS. RIBAR: Mr. Johnson, I object to this  
 4 only because the township is not party to this. This is  
 5 not a township ordinance, this is a declaration by a  
 6 private property owner. It has no relevance on how the  
 7 township has treated crematories in the past.  
 8 MR. JOHNSON: The township is the intended  
 9 beneficiary of the covenant, is it not?  
 10 MR. KAMIN: If you want I can call, I  
 11 believe Mr. Silvestri was here back in '97, I can call  
 12 him for testimony. I don't know if Mr. Zuk was back  
 13 here in '97, were you here Ed? I made a proffer.  
 14 MR. JOHNSON: Any other comment with respect  
 15 to it?  
 16 MS. RIBAR: Other than the objection, there  
 17 is no basis for his statement. If he wants to call  
 18 Mr. Silvestri, that is fine, but otherwise we have no  
 19 background as to this other than it is being offered as  
 20 a restrictive covenant.  
 21 MR. KAMIN: Why don't I call Mr. Silvestri.  
 22 EXAMINATION  
 23 BY MR. KAMIN:  
 24 **Q. Mr. Silvestri, how long have you been township**

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1 **manager in Peters Township?**  
 2 A. 30 years.  
 3 **Q. I didn't realize it was that long. As part of**  
 4 **being here, do you recall, maybe I should, I don't know**  
 5 **if you have a copy of this?**  
 6 A. I'm familiar with it.  
 7 **Q. Do you recall the proceedings surrounding, I have**  
 8 **a couple extras here, did everybody on the board get**  
 9 **one?**  
 10 **CHAIRMAN ATKISON: We are shy up here.**  
 11 **Q. Mr. Silvestri, do you remember the application of**  
 12 **Forest Lawn Gardens, Inc. to Peters Township?**  
 13 A. Yes.  
 14 **Q. And I presented to you a declaration of**  
 15 **restrictive covenant that appears to be between Forest**  
 16 **Lawn Gardens that appears to bind the property and to**  
 17 **say that it will only be used as a funeral home and not**  
 18 **used as a crematory. Have I adequately described that**  
 19 **document?**  
 20 A. Basically, yes.  
 21 **Q. Can you just describe a little bit the rationale**  
 22 **behind the adoption of this back in 1997?**  
 23 A. Forest Lawn was asking to have a portion of their  
 24 property zoned commercial. The cemetery was zoned R-1.

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1 And they wanted to get a portion of the property zoned  
 2 commercial.  
 3 At the time they were specifically looking at a  
 4 funeral home to go into it. And as part of their offer  
 5 to make it more appealing to the township to rezone the  
 6 property they had offered to put in a restriction that  
 7 crematories would not be part of that use.  
 8 **Q. And is that because the township recognized that**  
 9 **that wouldn't necessarily be compatible in the**  
 10 **commercial district?**  
 11 A. Generally, yes.  
 12 MR. KAMIN: Nothing further.  
 13 CHAIRMAN ATKISON: I remind everyone too we  
 14 are into our ninth hour of this thing, okay? We are in  
 15 the ninth hour. We are rapidly approaching the end,  
 16 okay.  
 17 MR. KAMIN: Just to be clear, we rest.  
 18 CHAIRMAN ATKISON: Wonderful. We need more  
 19 rest, believe me.  
 20 MS. RIBAR: I have a question for  
 21 Mr. Silvestri.  
 22 EXAMINATION  
 23 BY MS. RIBAR:  
 24 **Q. Mr. Silvestri, do you recall a meeting that we**

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1 **had at the beginning of this process at the township**  
 2 **office myself, Mary Joe, Ms. Belusko and Mr. Johnson?**  
 3 A. Yes.  
 4 **Q. Do you recall we had questioned you as to what**  
 5 **the township's rationale was for excluding crematories**  
 6 **from the definition of funeral home?**  
 7 A. Yes, and my answer was I wasn't really sure what  
 8 rationale was at that time. I wasn't exactly sure when  
 9 that was put into the ordinance.  
 10 **Q. Do you know now when that was put into the**  
 11 **ordinance?**  
 12 A. I don't. I know that at one time crematories  
 13 were prohibited use. We have a list of prohibited uses.  
 14 Then when basically when court decisions had you had to  
 15 provide, we eliminated that. I'm assuming that is when  
 16 it was eliminated as part of the funeral home.  
 17 **Q. But you do admit that crematories are not**  
 18 **specifically allowed anywhere in the township?**  
 19 A. No, I don't agree with that. I think we have  
 20 provisions for a special exception for use not provided  
 21 for.  
 22 **Q. But crematories, specifically a crematory is not**  
 23 **a listed use?**  
 24 A. Right, it is not a listed use.

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1 MS. RIBAR: Thank you.  
 2 CHAIRMAN ATKISON: What I wanted to say was  
 3 that we have had a run of attorneys in this thing for  
 4 hours and hours. Now, there are a couple of people  
 5 tonight that wanted to offer additional testimony. I  
 6 want to give them the opportunity to do that. Is there  
 7 anyone out there that would like to say something that  
 8 will not be followed by 14 cross-examinations? Come on  
 9 up here, Judge, we will bring you first. You are a  
 10 short speaker.  
 11 JUDGE DiSALLE: I'm only 5-9, you are right.  
 12 My name is Richard DiSalle, and having listened to the  
 13 testimony of the learned planner from Upper St. Clair, I  
 14 just have a couple of observations to make. I won't be  
 15 more than two minutes, I promise.  
 16 I think I heard her say that the section of  
 17 the ordinance under which this application was made  
 18 provides that if a use is neither permitted nor denied,  
 19 then the application is appropriate under that section.  
 20 Am I saying that correctly, Frank?  
 21 MR. JOHNSON: She also appended to that had  
 22 to be comparable to other uses within the district. It  
 23 could be treated as a special exception.  
 24 JUDGE DiSALLE: Okay. I also have learned

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1 tonight, I apologize for not having been at the prior  
 2 meetings.  
 3 MR. LEWIS: You are excused.  
 4 JUDGE DiSALLE: Thank you. That crematories  
 5 are excluded under the ordinance. Crematories are  
 6 excluded. So, it seems to me that being excluded is the  
 7 same as being denied. And if they are proceeding, if  
 8 they are attempting to proceed under that part of the  
 9 ordinance, under that section which says, if a use is  
 10 neither permitted nor denied, that crematories are  
 11 denied because they are excluded, therefore, they have  
 12 no standing to make the application under that section.  
 13 In fact, they have no standing to put a  
 14 crematory anywhere in the township. And I respectfully  
 15 disagree with learned planner from Upper St. Clair when  
 16 she says that crematories are allowed in light  
 17 industrial districts in the township. Because as I read  
 18 that section, I haven't read it, but as I listened to it  
 19 having been read, I don't think that they have standing  
 20 to proceed with their application under that section of  
 21 the ordinance.  
 22 That concludes my remarks, thank you.  
 23 CHAIRMAN ATKISON: Let's refrain from that  
 24 time-consuming clapping. This is not Dancing with the

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1 Stars, I'm serious. This is a quasi judicial proceeding  
 2 here. We are trying to conduct it that way. If you  
 3 were in a courtroom, you wouldn't be doing what you are  
 4 doing. I please ask you, I ask you ever damn meeting to  
 5 act like adults. Okay? Let's get it over with and be  
 6 gentlemen about it.  
 7 JUDGE DiSALLE: I apologize if I look like  
 8 Heinz Ward.  
 9 CHAIRMAN ATKISON: Believe me, Judge, you  
 10 don't look like Heinz Ward. Who else would like to say  
 11 a few words?  
 12 MR. HAZO: My name is Samuel Hazo, I live at  
 13 304 Buffalo Ridge Road. H-A-Z-O.  
 14 CHAIRMAN ATKISON: I remind you, Sam, you  
 15 have given multiple comments before. So don't --  
 16 MR. HAZO: Actually, no, not in the public  
 17 hearing. I have not.  
 18 CHAIRMAN ATKISON: That was the Planning  
 19 Commission?  
 20 MR. HAZO: I spoke to the Planning  
 21 Commission and I came to one meeting in the proposed  
 22 ordinance.  
 23 CHAIRMAN ATKISON: I'm thinking the Planning  
 24 Commission, go ahead.

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1 MR. HAZO: You have seen me a lot. I will  
 2 be brief. I actually came here this evening armed to  
 3 the teeth with research and the vast majority of it is  
 4 going to remain unsaid. I have changed my entire  
 5 approach. I have changed my presentation. In fact, I  
 6 wrote the whole thing while I was sitting listening  
 7 because enough facts have been given to be digested.  
 8 I am, I'm a homeowner's president, so I will  
 9 speak only about home. When we all first learned about  
 10 a crematorium being proposed, our gut reaction was just  
 11 psychologically unpleasant. I'm sure that is understood  
 12 by all.  
 13 The very first thing and the very first  
 14 meeting when I saw Ms. Ribar come up, the first thing  
 15 she said was, and it was to the Planning Commission, I  
 16 believe, it was I understand that death and dying is an  
 17 unpleasant subject. And I appreciate your understanding  
 18 in hearing us out.  
 19 One of the first things I heard Mrs. Belusko  
 20 say was not many people in the world can do what I do,  
 21 meaning not many people have the stomach for it. And  
 22 that is true. What she does is an appreciated and  
 23 needed profession. This has nothing to do with being  
 24 anti cremation. Just the location of where it is being

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1 done.  
 2 So everyone in the room regardless of the  
 3 side understands how people feel about this  
 4 psychologically. And then as we started to learn about  
 5 it, learned some facts about it, that is why we are  
 6 here. We are here tonight in this public hearing  
 7 because this has the potential to add the most dangerous  
 8 toxins into Peters Township's air that we have.  
 9 To the best of my knowledge, the most  
 10 dangerous toxins now are methane which you get a lot of  
 11 from the Marcellus shale, something called hexagonal  
 12 chromium which you get in an auto body shop when you are  
 13 welding. Both of those are actually on the list of the  
 14 Agency for Toxic Substances and Disease Registry on  
 15 their most toxic. The methane is number 66. I said it  
 16 wrong, the hexagonal chromium is 18. But in this list  
 17 mercury is number three.  
 18 And from what I read from the Matthews  
 19 pamphlet, there is even some arsenic involved in the  
 20 crematory process which is number one.  
 21 One drop, one mercury thermometer drop of  
 22 mercury is enough to contaminate the food supply in a  
 23 small lake. One drop. I actually have an illustration  
 24 I brought of what one drop looks like, the amount it is

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1 speaking about.  
 2 It is not the quarter, it is not the pencil,  
 3 it is what is in between. It has also been said by  
 4 Professor Neal Donahue. Professor Donahue is professor  
 5 of chemistry and chemical engineering at our own  
 6 Carnegie Mellon University. In regard to crematory,  
 7 mercury that winds up as a, I'm sorry as a particle  
 8 outside a chimney stack will probably be rained out  
 9 nearby.  
 10 The process that I won't go into, I have a  
 11 little illustration, I won't bore you with it. It will  
 12 be rained out nearby. Now the one thing we have not  
 13 seen so far and now would be a good time to show it is  
 14 that. That is the proposed building and that is an area  
 15 of homes on Sussex Way.  
 16 There is no gage to gage distance except  
 17 that occasionally we humans tattoo the earth the rulers.  
 18 That will give you perspective. Those are two aerial  
 19 photos to the same scale. The distance from wall to the  
 20 corner of that house is exactly 50 yards which is 150  
 21 feet.  
 22 On a rainy day when a crematory is  
 23 dispersing out of the stack everything it does, if one  
 24 drop of mercury is enough to contaminate a small lake,

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1 what is it enough to do there, or there? Or on that  
 2 play set?  
 3 I don't want to talk about facts, I just  
 4 want to talk about home. We mentioned the dermal  
 5 effects. And I read this and perhaps I'm stupid,  
 6 perhaps I'm misunderstanding this. It says for this  
 7 evaluation the exposure pathway being evaluated is the  
 8 inhalation route. Although there is potential for  
 9 dermal or ingestion exposure to chemicals emitted from  
 10 the cremator that are deposited on the ground surface  
 11 over time. Soil sampling down wind of a cremator that  
 12 performed over, this is the sample, performed over  
 13 112,000 cremations over a 40-year period found no  
 14 contamination of mercury in the soil. This is from the  
 15 packet I think it was CEC-1 is what it was labeled.  
 16 112,000 cremations over 40 years.  
 17 It is a 1999 study. There were two things  
 18 that bothered me about it, first, 112,000 cremations in  
 19 40 years means 7.7 cremations a day, every day, seven  
 20 days a week since 1959.  
 21 The other thing that bothered me, again,  
 22 maybe I'm reading it wrong, you can't read it there, but  
 23 it is labeled as ANON 1999. When I see ANON, anonymous  
 24 is all I can think of. The sole dermal and ground

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1 exposure example in that packet, and maybe I'm wrong, is  
 2 an anonymous study with a number of cremations that  
 3 rival any crematory in the Nazi regime.  
 4 Finally, one thing I wanted to point out  
 5 just in listening, Mr. Kelly earlier stated and stated  
 6 in the last meeting that funeral, I'm sorry, that  
 7 property values didn't change and stated a mass  
 8 comparison this evening when the Smith Funeral Home put  
 9 in a crematory in 1996.  
 10 We are in uncharted territories. We have  
 11 the only place that I can in my entire research say  
 12 there was no death business there before. It was a  
 13 furniture store. And now there is a funeral  
 14 home/crematory proposed. That example has not existed  
 15 anywhere I can find in Pittsburgh in the surrounding  
 16 area. The Smith Funeral Home was founded in 1966, 30  
 17 years before they put the crematory in.  
 18 So people who moved next door to a funeral  
 19 home knew they were moving next to the death business.  
 20 Nobody on Sussex Way knew they were moving next door to  
 21 the death business or building a home next to the death  
 22 business.  
 23 So, if this whole thing goes through, we are  
 24 going to be the sole example of what happens when you

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1 have nothing and then you have a funeral home and a  
 2 crematory. Then people can study us to see what happens  
 3 to real estate values.  
 4 In closing. We use the term residential  
 5 properties. We use the term housing plans. I am a  
 6 homeowner association president. But those terms  
 7 regardless of their descriptive accuracy are empty  
 8 phrases. Where we live is our home. Where we sleep  
 9 tonight is our home. After our babies are born in the  
 10 hospital, we brought them home. The only place my  
 11 elderly parents feel safe is at home. Home encompasses  
 12 everything, not just our property or the bricks that  
 13 built it. Home is our family, our character, our  
 14 health, the symbol of everything for which we sacrificed  
 15 both material and out of love.  
 16 We are all here tonight because there are  
 17 many ways this can affect home. So, put yourself in our  
 18 shoes. If there is one thing we all share, it is that  
 19 after this meeting we are all going home. Thank you for  
 20 your time.  
 21 CHAIRMAN ATKISON: Thank you. Anyone else  
 22 have any comments? Who made the comment initially, we  
 23 should be allowed to clap? I could have guessed. Any  
 24 way. We will close this hearing and we will render a

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1 decision on this thing at the June 27th meeting which  
 2 will be the second meeting the month of June.  
 3 MR. KAMIN: Would it be possible for us to  
 4 submit findings of fact?  
 5 MR. JOHNSON: Yes, I recommend if any of you  
 6 wish to submit proposed findings and argument, whatever,  
 7 do so by June 20.  
 8 MR. KAMIN: Thank you.  
 9 CHAIRMAN ATKISON: This proceeding the is  
 10 adjourned. Thank you.  
 11 (Meeting adjourned at 10:02 p.m.)  
 12  
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 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24

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1 \* \* \* \* \*

2  
 3 I hereby certify that the foregoing is a correct  
 4 transcript from the record of proceedings in the above  
 5 entitled matter.  
 6  
 7  
 8  
 9 William E. Weber, RDR, CRR  
 10 Court Reporter  
 11  
 12  
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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 201 DEFINITIONS.

WHEREAS, the Peters Township Planning Staff found that allowing funeral homes with crematory in the C-1 , C-2 and VNC zoning districts to be consistent with the C-1, C-2 and VNC districts intent set forth in Section 302 of the Zoning Ordinance; and

WHEREAS, the Planning Commission of Peters Township has reviewed the proposed ordinance amendment at its March 10, 2011 meeting; and

WHEREAS, The Council of Peters Township has determined that the zoning ordinance as currently written does not allow for a crematory in any zoning district and is subject to challenge; and

WHEREAS, the Council of Peters Township has held a Public Hearing, reviewed the proposed ordinance and determined the amendment to be sound land use planning.

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.

**§ 201. Definitions.**

Funeral Home - A building used for the embalming of the deceased prior to burial, but not including cremation, and/or for the viewing of the deceased and ceremonies connected therewith before burial or cremation.

be amended as follows:

Funeral Home - A building used for the embalming and/or cremation of the deceased prior to burial and for the viewing of the deceased and ceremonies connected therewith before burial or cremation.

Section 2.

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:

PETERS TOWNSHIP

\_\_\_\_\_  
Michael A. Silvestri  
Township Manager

By: \_\_\_\_\_  
Robert L. Atkison  
Chairman of Council

**Table 2: Non-Residential Permitted Use Chart (Continued).**

- P Permitted Use
- C Conditional Use
- Use by Special
- S Exception
- A Accessory Use

		Residential						Non-residential/ Industrial						Mixed Use		
		Single-family Conventional R-1A	R-1B Single-family Woodland Protection	Single-family Cluster R-1C	Multi-family Residential R-2	Village Residential R-3	Development PRD Planned Residential	C-1 Neighborhood Commercial	General Commercial C-2	Business Commercial C-3	Transitional Commercial C-4	Light Industrial I-1	Town Center TC	Veneta Neighborhood Comm. VNC	Mixed-Use Valley Brook Road Corridor MIX-VB	Mixed Use West Veneta Road Corridor MIX-WV
<i>Non-residential</i>																
51	Public, Private and Semi-Private Recreation Facilities	S	S	S	S	S	S	P	P	S	S		S	P	S	S
52	Public Works Facility	S						S	S	S	S	P	S	S	S	S
53	Research and Development											P			C	C
54	Restaurant, High Turnover w/ Drive-Thru								P							
55	Restaurant, High Turnover w/out Drive-Thru								P	P			P	P		
56	Restaurant, Medium Turnover w/out Drive-Thru							P	P	P			P	P		
57	Restaurant, Low Turnover							P	P	P	C		P	P	P	P
58	Retail Stores							P	P	P			P	P		
59	Satellite Dish/Antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
60	School	S							P				P			P
61	Self-Storage Facility											P				
62	Sexually-Oriented Establishment								C							
63	Shed	A	A	A	A	A	A		A	A		A				
64	Single-Family Res. Recreational Facility	A	A	A	A	A	A									
65	Studios/Academies	S						P	P	P	P	P	P	P	P	P
66	Theatre/Auditorium								P				P	P		
67	Wholesale Landscaping Service											P				C
68	Veterinary Services							P	P		P	P	P	P	P	P
69	Warehouse											P				
70	All Other Uses											S				

Ordinance 657, November 29, 2005 as amended by Ordinance 669, June 26, 2006; Ordinance 683, May 14, 2007 and Ordinance 684, June 11, 2007; Ordinance 699, January 28, 2008

**§ 304. Dimensional Requirements.**

A. Any permitted building, structure or use which is erected, added to or structurally altered shall be located on a lot having not less than the minimum requirements set forth by this Chapter.

- (1) In challenges before the Township Zoning Hearing Board, the challenging party shall make a written request to the Township Zoning Hearing Board that it hold a hearing on its challenge. The request shall contain the reasons for the challenge. Where the landowner and/or developer desires to challenge the validity of such ordinance and elects to proceed by curative amendment under § 1107, his application to the governing body shall contain, in addition to the requirements of the written request hereof, the plans and explanatory materials describing the use of development proposed by the landowner and/or developer in lieu of the use of development permitted by the challenged ordinance or map. Such plans or other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a permit, so long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating the challenged ordinance or map in light thereof. Nothing herein contained shall preclude the landowner and/or developer from first seeking a final approval before submitting his challenge.
- (2) If the landowner and/or developer makes a submission to the Township Council under § 1107 the request also shall be accompanied by an amendment or amendments to the ordinance proposed by the landowner and/or developer to cure the alleged defects therein.
- (3) If the submission is made to the Township Council, the Townships solicitor shall represent and advise Township Council at the hearing or hearings referred to.
- (4) The Township Council may retain an independent attorney to present the defense of the challenged ordinance or map on its behalf and to present their witnesses on its behalf.
- (5) Based upon the testimony presented at the hearing or hearings, Township Council or the Township Zoning Hearing Board as the case may be, shall determine whether the challenged ordinance or map is defective, as alleged by the landowner and/or developer. If a challenge heard by Township Council is found to have merit, the Township Council shall proceed as provided in section 609.1 of the Pennsylvania Municipalities Planning Code. If a challenge heard by a Township Zoning Hearing Board is found to have merit, the decision of the Township Zoning Hearing Board shall include recommended amendments to the challenged ordinance that will cure the defects found. In reaching its decision, the Township Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and/or developer and shall also consider:
  - (a) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
  - (b) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;

- (c) The suitability of the lot for the intensity of use proposed by the lot's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
  - (d) The impact of the proposed use on the lot's soils, slopes, wetlands, woodlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
  - (e) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
- (6) The Township Council or the Township Zoning Hearing Board, as the case may be, shall render its decision within forty-five (45) days after the conclusion of the last hearing.
- (7) If the Township Council or the Township Zoning Hearing Board, as the case may be, fails to act on the landowner and/or developer's request within the time limits referred to in (6) above, a denial of the request is deemed to have occurred on the forty-six (46<sup>th</sup>) day after the close of the hearing.
- (8) The Township Zoning Hearing Board or Township Council, as the case may be, shall commence its hearings within sixty (60) days after the request is filed unless the landowner and/or developer requests or consents to an extension of time.
- (9) Public notice of the hearing shall include notice that the validity of the ordinance or map is in question and shall give the place where and the times when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.
- (10) The challenge shall be denied when:
- (a) The Township Zoning Hearing Board or Township Council, as the case may be, fails to commence the hearing within the time limits set forth in subsection (8).
  - (b) The Township Council notifies the landowner and/or developer that it will not adopt the curative amendment;
  - (c) The Township Council adopts another curative amendment that is unacceptable to the landowner and/or developer.
  - (d) The Township Zoning Hearing Board or Township Council, as the case may be, fails to act on the request forty five (45) days after the close of the last hearing on the request, unless the time is extended by the mutual consent by the landowner and/or developer and Township.

PETERS TOWNSHIP COUNCIL

LANDOWNER CURATIVE AMENDMENT OF  
AUDIA GROUP INVESTMENTS, LLC

**PROPOSED FINDINGS OF FACT and CONCLUSIONS OF LAW IN SUPPORT  
OF LANDOWNER CURATIVE AMENDMENT**

Houston Harbaugh, P.C., on behalf of Audia Group Investments, LLC (“Audia”), submits the following Proposed Findings of Fact and Conclusions of Law in support of Audia’s request for a landowner curative amendment pursuant to section 609.1 of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended (the “MPC”). Public hearings were held before Council on March 21, 2011 (the “March 21st Hearing”), May 2, 2011 (the “May 2nd Hearing”) and May 31, 2011 (the “May 31st Hearing”), collectively, the “Hearings” and the written transcripts of such Hearings are hereinafter referred to as the “March 21<sup>st</sup> Transcript”, the “May 2<sup>nd</sup> Transcript” and the “May 31<sup>st</sup> Transcript”, respectively.

**PROPOSED FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

**I. FINDINGS OF FACT**

1. Audia is under contract to purchase the former La-Z-Boy furniture store on Route 19 located at 3287 Washington Road in Peters Township (the “Property”) (March 21<sup>st</sup> Transcript, page 13 lines 4-13).

2. The Property is located in a C-2 General Commercial District (March 21<sup>st</sup> Transcript, page 13 line 15).

3. The Property has been vacant for at least five (5) years except for seasonal Halloween costume sales (March 21<sup>st</sup> Transcript, page 13 lines 15-17).

4. Audia intends to lease the Property to Danielle Andy Belusko and Rod Belusko, or an entity formed and controlled by them, to own and operate a full service funeral home and crematory (March 21<sup>st</sup> Transcript, page 13 lines 7-12).

5. Section 200 of the Peters Township Zoning Ordinance (the "Ordinance") defines a funeral home as "A building used for the embalming of the deceased prior to burial, **but not including cremation**, and/or for the viewing of the deceased and ceremonies connected therewith before burial or cremation" (emphasis added).

6. Funeral homes are permitted uses in C-1 Neighborhood Commercial districts, C-2 General Commercial districts and VNC Venetia Neighborhood Commercial Districts (Ordinance Section 303C, Table 2, Non-Residential Permitted Use Chart).

7. Currently, there is only one (1) funeral home in Peters Township, Beinhauer's, located at 2828 Washington Road, which does not have a crematory on site.

8. Crematories are specifically excluded from the definition of a funeral home and are not permitted in any zoning district in the Township (Audia Exhibit 4).

9. Ms. Belusko was previously under contract to purchase property along Hidden Valley Road in a C-4 Commercial District which does not permit funeral homes and sought an amendment to the Ordinance to allow funeral homes with crematories in C-1, C-2 and C-4 Districts in the Township (Audia Exhibits 8 and 37; March 21<sup>st</sup> Transcript, page 40 lines 10-18).

10. Peters Township planning staff, in a memo to the Peters Township Planning Commission dated October 6, 2010, recommended that the proposed amendment to the Ordinance to allow funeral homes with crematories in C-1, C-2 and C-4 Districts in the Township be approved (Audia Exhibit 37).

11. At the urging of residents and the Township, Ms. Belusko located a property in a C-2 Commercial District which allows funeral homes as uses by right (Audia Exhibit 8; March 21<sup>st</sup> Transcript, page 40 lines 10-18).

12. Counsel for Audia submitted a written request for the landowner curative amendment by letters dated January 11, 2011 and February 18, 2011 (Audia Exhibits 38 and 8, respectively) to change the definition of "funeral home" to include cremation as follows: "A building used for the embalming **or** cremation of the deceased prior to burial **and/or** for the viewing of the deceased and ceremonies connected therewith before burial or cremation" (emphasis added).

13. A public hearing was held before the Planning Commission on March 10, 2011 (Audia Exhibit 4).

14. Public hearings were held before Council on March 21, 2011, May 2, 2011 and May 31, 2011, hereafter collectively referred to as the "Hearings".

15. During the course of the Hearings, Audia submitted a total of fifty (50) exhibits and presented numerous witnesses.

16. By email dated March 11, 2011 (Audia Exhibit 7) and orally at the March 21<sup>st</sup> Hearing, Audia amended the language of the landowner curative amendment to read as follows: "A building used for the embalming **and/or** cremation of the deceased prior to burial **and** for the viewing of the deceased and ceremonies connected therewith before burial or cremation" (emphasis added) (March 21<sup>st</sup> Transcript at page 13 line 18 through page 15 line 20).

17. The Pennsylvania Funeral Director Law, 63 P.S. Section 479.2(1), defines the term "funeral director" as any person engaged in the profession of a funeral director

or in the care and disposition of the human dead, or in the practice of disinfecting and preparing by embalming the human dead for the funeral service, burial or cremation, or the supervising of the burial, transportation or disposal of deceased human bodies, or in the practice of funeral directing or embalming as presently known, whether under these titles or designation or otherwise (Audia Exhibit 35).

18. The Pennsylvania Funeral Director Law, 63 P.S. Section 479.2(6), defines the term "funeral establishment" as every place or premise approved by the State Board of Funeral Directors wherein a licensed funeral director conducts the professional practice of funeral directing including the preparation, care and funeral services for the human dead (Audia Exhibit 35).

19. Danielle Andy Belusko is a Pennsylvania licensed funeral director with extensive experience in the funeral business (March 21<sup>st</sup> Transcript, page 38 lines 4-16).

20. Danielle Andy Belusko and her husband, Rod, intend to own and operate a family owned business on the Property offering full service funeral, burial and cremation services (March 21<sup>st</sup> Transcript, page 13 lines 10-12, page 38 lines 11-14).

21. All funeral homes offer cremation services to their patrons but funeral homes without a crematory on-site have to outsource cremation services to other funeral homes with on-site crematories (March 21<sup>st</sup> Transcript, page 39 lines 13-20).

22. Demand for cremation is increasing (March 21<sup>st</sup> Transcript, page 17 lines 14-17).

23. As noted by the Township Planning Director, Ed Zuk, in his memo to the Peters Township Planning Commission dated October 6, 2010, most, if not all, funeral

homes are located in residential areas and frequently operate within former residences (Audia Exhibit 37).

24. Ed Zuk, Township Planning Director, issued a memo to Michael Silvestri, Township Manager, dated March 16, 2011, wherein he provided a summary of sample surrounding communities and how they zone for crematories, as follows:

<u>Community</u>	<u>Zoning</u>
Upper St. Clair	Permitted as an accessory use to funeral homes in C-2, C-3 districts
Bethel Park	Not provided for in any district
North Strabane	Permitted in C-1 district accessory to funeral home special exception in a cemetery in the A-1 zone
Mt. Lebanon	Permitted accessory to funeral home & mortuary in the C-2 (RT. 19) zoning district
Monroeville	Accessory to cemetery in S-1 and S zoning districts
Cranberry Township	Conditional use in R-1, R-3, SV-1, SP-1 and TND_PRD districts

(Audia Exhibit 4).

25. Ms. Belusko desires to provide on-site cremation to her patrons in order to avoid outsourcing and to keep the deceased within her exclusive care for the duration of the funeral, burial and cremation services she will provide (March 21<sup>st</sup> Transcript, page 39 lines 5-20).

26. In Allegheny County, the Allegheny County Health Department Air Quality Division permits and oversees crematories (March 21<sup>st</sup> Transcript, page 23, lines 14-20).

27. In Washington County, the Pennsylvania Department of Environmental Protection (“PA DEP”) permits and regulates crematories (March 21<sup>st</sup> Transcript, page 23 lines 10-13).

28. There are thirteen (13) permitted crematories in Allegheny County and two (2) permitted crematories in Washington County (March 21<sup>st</sup> Transcript, page 23 lines 21-23).

29. The PA DEP inspects the Washington County crematories annually (March 21<sup>st</sup> Transcript, page 23, line 13).

30. Mrs. Belusko intends to utilize the Power-Pak II cremation unit with the Smoke Buster™ 140 feature in the funeral home on the Property which is manufactured by Matthews International (the “Proposed Unit”).

31. Matthews International has installed approximately two thousand (2000) of the Proposed Units in the United States with approximately one hundred twenty (120) of those units located in Pennsylvania (March 21<sup>st</sup> Transcript, page 22 line 23 through page 23 line 4).

32. The Proposed Unit contains the most advanced safety features and is the “best available technology” for cremation units (March 21<sup>st</sup> Transcript, page 17, line 18 through page 21 line 22; Audia Exhibit 13 page 13; Audia Exhibit 15 page 3).

33. “Best available technology” is an air quality term of art that means that the regulatory agencies have determined that the Proposed Unit is the best available technology for its application as a crematorium (May 31<sup>st</sup> Transcript, page 52 lines 11-17).

34. In his report dated March, 2011, the Township's air quality expert, Dr. Stanley Penkala of Air Science Consultants, Inc., noted the following:

(a) the Proposed Unit qualifies for Best Available Control Technology when operated with the proper preheating and cycling times;

(b) the automated controls and operation sequencing design also should prevent any emission excursions over expected levels; and

(c) an opacity monitor [instrumental means of observing 'visual' emissions on a continuing basis] built into the exhaust gas stack will provide continuous monitoring of actual operations which will provide documentation of visual emissions to accompany the other records which the facility must maintain.

(Audia Exhibit 15 page 3).

35. Ernie Czirok of Matthews International testified that the Proposed Unit has corrective action capabilities to maintain particulate emissions at or below the .08 particulate matter emission limit set by the PA DEP and the United States Environmental Protection Agency ("US EPA") (March 21<sup>st</sup> Transcript, page 18 lines 2-9, page 19 lines 16-19).

36. Mr. Czirok testified that most operators operate generators to keep the units operating in the event of a power failure in order to allow the cremation process to finish (March 21<sup>st</sup> Transcript, page 21 lines 1-4, page 19 lines 16-19).

37. Even without a generator, in the event of a power failure, the unit is self-contained so that no emissions or particulates will escape (March 21<sup>st</sup> Transcript, page 20 line 23 through page 21 line 16-18).

38. Matthews International provides training and on-going operations support to its operators (March 21<sup>st</sup> Transcript, page 21, line 23 through page 22 line 21).

39. Matthews International performs required maintenance checks on its crematory units every twelve (12) to eighteen (18) months as well as optional

preventative maintenance checks as often as three (3) to four (4) times within a two (2) year period of time (March 21<sup>st</sup> Transcript, page 22, lines 11-22).

40. Ms. Belusko will receive training on how to operate the Proposed Unit via the Cremation Association of North America's 2011 Crematory Operators Certification Program (Audia Exhibits 30 and 31; March 21<sup>st</sup> Transcript, page 44 lines 12-16).

41. Township Planning staff, Grant Shiring and Emily Moldovan, conducted a site visit at the Drew Gilbert Funeral Home and Crematory at 6028 Smithfield Street, Boston, PA 15135, located in Elizabeth Township, Allegheny County ("Gilbert's Crematory"), on March 8, 2011 (Audia Exhibit 6).

42. Gilbert's Crematory is located in the middle of a residential neighborhood and across the street from a Methodist Church, with the closest residence located approximately thirty (30) feet from the stacks (March 21<sup>st</sup> Transcript, page 28 lines 3-9).

43. During Planning staff's site visit to Gilbert's Crematory, staff observed two cremation units while in operation, one of which is similar to the Proposed Unit, and observed that minor noise, no visible emissions, other than heat, and no odors were emitted from the crematory stacks (Audia Exhibit 6).

44. Drew Gilbert, the owner and operator of Gilbert's Crematory, testified that he has never received any complaints of odor or other emissions from his two stacks from surrounding residents (March 21<sup>st</sup> Transcript, page 26, lines 8-15 and page 50 lines 14-19).

45. The Proposed Unit is designed so that the high temperature combustion destroys any odor molecules (Audia Exhibit 34; March 21<sup>st</sup> Transcript, page 49 line 13 through page 50 line 13).

46. Ms. Belusko is required to obtain a General Operating Permit from the PA DEP to install and operate the Proposed Unit (Audia Exhibits 11 and 37; March 21<sup>st</sup> Transcript, page 46 lines 8-16).

47. The PA DEP requires any crematory operating under a General Permit, including the Proposed Unit, to comply with 18 conditions, including, but not limited to, the following:

(a) Operated in such a manner as not to create air pollution, as defined in 25 Pa. Code Section 121.1;

(b) Operated and maintained in a manner consistent with good operating and maintenance practices;

(c) Attended by a trained operator at all times when the unit is in operation;

(d) Observed by a trained operator for odor and visible emissions;

(e) Operated and maintained in accordance with the manufacturer's specifications and the applicable terms and conditions of this General Permit;

(f) Designed to provide sufficient secondary chamber volume to maintain the exhaust gases at the required temperature for at least one second; and

(g) Fueled by natural gas, LP gas, propane or # 2 fuel oil meeting the applicable sulfur requirements for commercial fuel oil.

(Audia Exhibit 11; March 21<sup>st</sup> Transcript, page 46 line 8 through page 48 line 8).

48. Authorization to use a General Permit for a crematory shall be suspended or revoked by the PA DEP if the permittee fails to comply with the applicable terms and conditions of the General Permit (Audia Exhibit 11).

49. The PA DEP General Permit requires the owner or operator of the crematory to ensure that all medical devices such as pacemaker and defibrillators and potentially hazardous remedial devices such as radioactive implants, have been removed

from bodies and properly disposed of prior to cremation and to provide documentation of compliance (Audia Exhibit 11, item 14, page 9).

50. The PA DEP General Operating Permit also requires the manufacturer's representative or another qualified training source to provide adequate instruction to all crematory operators (Audia Exhibit 11, item 18, page 10).

51. The PA DEP General Permit must be renewed every five (5) years (Audia Exhibit 11, items 16 and 17, page 9).

52. Planning Director, Ed Zuk, prepared a memo dated October 6, 2010 ("October 6 Memo") addressed to the Township Planning Commission wherein he confirmed that he contacted Mark Gorog, manager new source review section of the PA DEP who confirmed that PA DEP cannot authorize a permit for a crematory unit that will cause air pollution (Audia Exhibit 37).

53. The October 6 Memo also confirms that DEP requires crematories to operate at such high heat levels that zero emissions occur (Audia Exhibit 37).

54. The General Operating Permit issued by the PA DEP requires annual inspections, stack testing and stringent record keeping that must be made available upon request by DEP (Audia Exhibits 37 and 11).

55. Audia submitted evidence from the PA DEP revealing one insignificant complaint in the last three years arising from the operation of crematories in PA DEP's Southwest Region which covers nine (9) counties in Western Pennsylvania including Washington County (Audia Exhibit 9; March 21st Transcript, page 24 line 9 through page 25 line 4).

56. Audia submitted evidence from the Allegheny County Health Department which oversees crematories in Allegheny County revealing one unfounded complaint arising from the operation of crematories in Allegheny County as well (Audia Exhibit 34; March 21<sup>st</sup> Transcript, page 25, lines 5 through 14).

57. When developing the proposed general plan approval and operating permit criteria for human and animal crematories, the PA DEP noted in its Background Document for the Development of the Proposed General Plan Approval and General Operating Permit for Human and Animal Crematories dated December, 2005 (“Background Document”) that recent experience with crematories indicates that they are generally well maintained and operated and once installed, observed emission problems and complaints associated with their operation are very infrequent (Audia Exhibit 12).

58. The Background Document also notes that given adequate process monitoring and control, and competent operation, smokeless and odorless operation of human crematories is reliably achieved (Audia Exhibit 12).

59. The US EPA exempted human and animal crematories from its more stringent emission limits and guidelines for “other solid waste incinerators” (“OSWI”) (Audia Exhibits 12, page 3-4; Audia Exhibit 28).

60. In the Background Document, the PA DEP noted that the US EPA concluded that emission of criteria and hazardous air contaminants associated with human and animal crematories was not of sufficient concern to justify their inclusion in the OWSI category (Audia Exhibit 12, page 3-4).

61. Testimony and reports submitted by Audia’s expert witness, Kris Macoskey from Civil and Environmental Consultants (“CEC”), revealed that the

Proposed Unit, when operated in accordance with the manufacturer's recommendation, will not produce atmospheric emissions that pose a health hazard to the environment or to residents of the Township (Audia Exhibits 13, 14, 16; March 21<sup>st</sup> Transcript, pages 29 through 37).

62. As acknowledged by the Township's expert witness Dr. Stanley Penkala from Air Science Consultants, Inc., neither the US EPA nor the PA DEP in connection with the General Operating Permit, requires screening for hazardous air pollutants ("HAPS") (May 2<sup>nd</sup> Transcript, page 14 lines 20-24; see also Audia Exhibit 11).

63. The PA DEP General Operating Permit only requires evidence of compliance with particulate matter and SO<sub>2</sub> emission limitations (May 2<sup>nd</sup> Transcript, page 14 lines 20-24; see also Audia Exhibit 11, pages 4 and 5, items 7 and 9).

64. Even though not required for issuance of the PA DEP General Operating Permit, Audia engaged CEC to perform more refined modeling with regard to HAPS (Audia Exhibits 14 and 16).

65. The US EPA publishes a list of all potential HAPS and concentrations that relate to a particular threat of those species to cancer (May 2<sup>nd</sup> Transcript, page 25 lines 17-21) and has devised an acceptable threshold in terms of concentration (March 21<sup>st</sup> Transcript page 34 line 15 through page 35 line 1).

66. The refined modeling performed by CEC compared estimated emissions of HAPS from the crematory to the thresholds identified by the US EPA as causing a risk of cancer of one in one million (May 2<sup>nd</sup> Transcript, page 25 line 19 through page 26 line 1).

67. Mr. Macoskey initially performed a five-part air quality evaluation of the proposed crematory which included: (1) review of the engineering aspects of the Proposed Unit, (2) review of available emissions data and stack test data for five different evaluations, (3) measurement of actual emissions from similar units, (4) compilation of US EPA and other published literature concerning measurements and estimates of emissions from a variety of crematory devices, and (5) a comparative evaluation to other common sources of combustion such as automotive idling, wood combustion in fireplaces or charbroiling of meat from fast food restaurants (March 21<sup>st</sup> Transcript, page 30 lines 6-30; Audia Exhibit 13).

68. Mr. Macoskey also performed a screening level evaluation using worst case scenarios to evaluate potential human health risks associated with exposure to potential sources of pollutants emitted by crematories using the US EPA approved model called Risk Concentration Screen 3 ("Screen 3") (March 21<sup>st</sup> Transcript, page 31 lines 1-30; Audia Exhibit 13).

69. Mr. Macoskey issued a comprehensive report dated September 2, 2010 ("CEC-1") which demonstrated that the Proposed Unit would generate significantly lower emissions of several criteria air pollutants than other common combustion sources such as woodstoves and fireplaces, charbroiling of meat from restaurants or idling of automobile engines (Audia Exhibit 13).

70. Fast food restaurants with pollutant emissions higher than those of a crematory, listed as "Restaurant, High Turnover w/Drive-Thru", are permitted uses in C-2 Districts (Ordinance Section 303C, Table 2, Non-Residential Permitted Use Chart).

71. The CEC-1 report demonstrates that the Proposed Unit would not cause unacceptable levels of health risk to residents of the Township (Audia Exhibit 13).

72. Mr. Macoskey also compiled additional available literature regarding potential mercury emissions and again, applying a worst case scenario, demonstrated that there is no significant risk to residents associated from the emission of mercury from crematories (Audia Exhibit 14; March 21<sup>st</sup> Transcript page 31 line 18 through page 32 line 7).

73. Mr. Macoskey also evaluated the risk to the closest resident using a worst-case scenario of 24/7 operation and a single wind direction and again, found no significant health risk to that resident (Audia Exhibit 116; March 21<sup>st</sup> Transcript page 32 line 16 through page 33 line 6).

74. Paul Rahill, the President of Matthews International Cremation Division, testified that the reason more current test information is not available for emissions from crematories is that there is no requirement from any governmental agency to perform such testing (May 2<sup>nd</sup> Transcript, page 31 lines 11-24).

75. Mr. Rahill further testified that on the rare occasion that refined modeling is performed, the US EPA database is used for information relating to HAPS (May 2<sup>nd</sup> Transcript, page 31 line 24 through page 32 line 2).

76. As acknowledged by the Township's air quality expert, Dr. Stanley Penkala, CEC's March 18, 2011 report ("CEC-2") (Audia Exhibit 16), did a credible job of applying the Screen 3 to the proposed crematory facility (March 21<sup>st</sup> Transcript, page 37 lines 15-21; May 2<sup>nd</sup> Transcript, page 9 lines 4-8).

77. As acknowledged by the Township's air quality expert, Dr. Stanley Penkala, the Proposed Unit will meet PA DEP requirements for particulate and SO<sub>2</sub> emission rates (Audia Exhibit 43; May 2<sup>nd</sup> Transcript, page 9 lines 10-15).

78. As acknowledged by the Township's air quality expert, Dr. Stanley Penkala, CEC-2 demonstrated that all of the HAPS species pass the Screen 3 with the exception of Chromium VI (Audia Exhibit 43; May 2<sup>nd</sup> Transcript, page 9 line 16 through page 10 line 1).

79. With regard to Chromium VI, the Township's air quality expert, Dr. Stanley Penkala stated that the difference between the modeling performed by CEC and the EPA Screen is so close that it is well within the variability he would assign to the chromium emission factor and therefore, is not a basis to deny relief to Audia (May 2<sup>nd</sup> Transcript, page 13 line 5 through page 14 line 4).

80. As acknowledged by the Township's air quality expert, Dr. Stanley Penkala, mercury specifically met all of the US EPA screening criteria even with maximum estimates of emissions and is the most documented and best estimated emission factor so that the screening results from the CEC modeling are credible and compliant (Audia Exhibit 43; May 2<sup>nd</sup> Transcript, page 10 lines 2-5, page 14 lines 15-19 and page 25, lines 13-16).

81. At the May 31<sup>st</sup> Hearing, Intervenor Jerry McDevitt attempted to mislead Council by suggesting that the Proposed Unit was not the best available technology for cremation as had been previously testified to by both Applicants' expert, Kris Macoskey from CEC, and the Township's expert, Dr. Stanley Penkala from Air Science

Consultants, Inc. (May 31<sup>st</sup> Transcript, page 30 line 21 through page 33 line 4 and page 40 lines 1-9).

82. Intervenor McDevitt suggested that “bio-cremation” is, in fact, the best available technology (May 31<sup>st</sup> Transcript, page 30 line 21 through page 33 line 4 and page 40 lines 1-9; McDevitt Exhibit 4).

83. The “bio-cremation” technology referred to by Intervenor McDevitt is an alternative to traditional combustion cremation; it is an alkaline hydrolysis process, not a combustion process. In sum, it is a chemical digestion-type process not comparable to the combustion process utilized by the Proposed Unit. (May 31<sup>st</sup> Transcript, page 52, lines 11 – 23).

84. The “bio-cremation” technology proffered by Intervenor McDevitt is not approved for use in Pennsylvania (May 31<sup>st</sup> Transcript, page 58 lines 13 – 23).

85. Jeff Ross, a Pennsylvania realtor with Howard Hanna, compiled information on home sales surrounding Miller’s Funeral Home in Somerset, PA which installed a cremation unit in April of 2010 (March 21<sup>st</sup> Transcript, page 52 line 6 through page 54 line 2).

86. Mr. Ross compared home sales from January 1, 2007 through January 1, 2010, pre-crematory and then from April 30, 2010 through March 21, 2011 post-crematory, for three (3) bedroom one bathroom homes, all of which were within a mile and a half radius of the Miller’s crematory (March 21<sup>st</sup> Transcript, page 52 line 17 through page 53 line 5).

87. The statistics compiled by Mr. Ross reveal a thirty-one percent (31%) increase in the average sale price of homes surrounding the Miller's crematory after the crematory unit was installed (March 21<sup>st</sup> Transcript, page 53 lines 5 to 9).

88. At the May 2<sup>nd</sup> Hearing and the May 31<sup>st</sup> Hearing, Audia presented testimony and evidence from Brian Kelly, a general certified real estate appraiser, member of the Appraisal Institute with MAI and SRA designations and partner with the firm Kelly-Reilly-Nell-Barna Associates, Inc. (Audia Exhibit 40).

89. Mr. Kelly has twenty (20) years of experience as an appraiser in western Pennsylvania and has appraised numerous buildings on Route 19 directly surrounding the Property (May 2<sup>nd</sup> Transcript, page 37 lines 6-22).

90. Mr. Kelly provided an expert opinion that the installation of a crematory on the Property will not have a negative impact on the value of surrounding properties in the Township (May 2<sup>nd</sup> Transcript, page 48 lines 1-4).

91. Similar to Mr. Ross, Mr. Kelly provided a matched pair analysis of specific sales information for homes surrounding the Smith Funeral Home and Crematory located in Blawnox at 930 Centre Avenue, Blawnox, PA 15238 (the "Smith Crematory") (May 31<sup>st</sup> Transcript, pages 8 through 10).

92. The matched pair analysis performed by Mr. Kelly for the Smith Crematory considered five (5) years of sales prior to the installation of the Smith Crematory in 1996 to five (5) years of sales after 1996 for the same properties and revealed an increase in value consistent with the average home sales in Blawnox and therefore, no detrimental impact on surrounding home values from the Smith Crematory (May 31<sup>st</sup> Transcript, pages 8 through 10).

93. The only information offered by the objecting residents in support of their allegation that the proposed crematory will negatively impact property values in the community was what they referred to as “the Penn State Study”.

94. The “Penn State Study” is not reliable evidence on the issue of decreased property values in Peters Township for several reasons:

(a) the study was performed by two economics professors with no training or credentials in real estate or property valuation;

(b) the study looked at twenty-seven (27) months of housing sales in a small isolated town in Rawlins, Wyoming;

(c) the housing sales included in the study were for only seven (7) months prior to the crematory being started but the subsequent housing sales after the crematory was installed were for more than twenty (20) months; and

(d) while this study was cited to show a decrease in housing values as a result of a crematory, the study also notes several instances of groups of homes that increased in value from between .3% and 3.6%.

95. The Penn State Study is a complicated hedonic study performed by economics professors of homes in an isolated area of Wyoming that both increased and decreased in value after the installation of a crematory and provides no reliable basis for any conclusion that housing values in Peters Township will be negatively impacted by the proposed crematory (March 21<sup>st</sup> Transcript, page 50, lines 20 – 24 and page 51, lines 1 – 24).

96. Roberta Sarraf, a consultant hired by intervenors Jeff Thomas and Thomas Homes, Inc., offered her opinion that the Ordinance is not exclusionary because

crematories could exist as stand-alone uses in L-I Light Industrial Districts pursuant to the "All Other Uses" category of special exceptions.

97. Ms. Sarraf acknowledged that funeral homes are not permitted uses in L-I Light Industrial Districts (May 31<sup>st</sup> Transcript, page 78 lines 22-24).

98. Ms. Sarraf acknowledged that cremation services are related to the funeral home service industry (May 31<sup>st</sup> Transcript, page 84 lines 4-14).

99. Ms. Sarraf acknowledged that all of the L-I Light Industrial Districts in the Township border on residential districts (May 31<sup>st</sup> Transcript, page 79 lines 9-15).

## II. CONCLUSIONS OF LAW

The following Conclusions of Law are based on the above Findings of Fact.

1. Crematories are valid legal uses that provide an essential service to residents of this community.

2. The MPC and various court decisions require municipalities to provide for all legal uses, unless it can be factually demonstrated that there is no place such a use can be located in a community without substantial harm and the burden of proving this is on the municipality (Audia Exhibit 5, item no. 7).

3. The Ordinance is exclusionary on its face by expressly prohibiting crematories from the definition of a funeral home.

4. Since the Ordinance is exclusionary on its face and excludes a legitimate use, the Township bears the burden of demonstrating that the exclusion bears a substantial relationship to public health, safety and welfare. Maciocc, ct al. v. The Zoning Hearing Board of the Borough of Baldwin, Pennsylvania, 850 A.2d 882 (Pa. Cmmwlth. 2004) (Audia Exhibit 36).

5. Cremation services cannot be considered as a “use not provided for” under section 1302B(1)(b) of the Ordinance because crematories are specifically excluded from the definition of a funeral home.

6. Funeral homes are retail service establishments. Rabenold v. Zoning Hearing Board of the Borough of Palmerton, 777 A. 2d 1257 (Pa. Cmwlth. 2001) (Audia Exhibit 10).

7. An “Accessory Use” is defined in the Ordinance as “a use located on the same lot as the principal use, customarily incidental and subordinate to the principal use (e.g. home occupation)” (Ordinance Section 200).

8. The operation of a crematory is an ancillary service of a funeral home because both deal with the disposition of human remains and cremation units are customarily located within funeral homes.

9. Cremation should be permitted as an accessory use to a funeral home in Peters Township to allow funeral homes to provide full service funeral and cremation services to its patrons.

10. The general intent of all Commercial Districts in Peters Township is to provide sufficient space in appropriate locations for the types of commercial and **service establishments** anticipated in the Comprehensive Plan (Zoning Ordinance Section 302 B(1)(a), emphasis added).

11. Including cremation as an accessory use to a funeral home in C-1 Neighborhood Commercial districts, C-2 General Commercial districts and VNC Venetia Neighborhood Commercial Districts in the Township is consistent with the general intent

of these districts and allows funeral homes to provide a full range of services to its retail customers.

12. Crematories do not have an adverse effect on public health, safety or welfare.

13. To restrict crematories to the L-I Light Industrial District as a stand alone use would force funeral home operators to purchase two properties within the Township to operate one business and would prevent funeral directors from providing on-site cremation services to its patrons.

14. Although the residents have provided a great deal of speculation and paranoia about the production of smoke, odors and toxic fumes that will allegedly be emitted from the Proposed Unit, they have provided no reliable, probative and substantial evidence that the Proposed Unit will in fact produce or emit any harmful smoke, odors or toxic fumes.

15. None of the residents who testified or provided written materials provided any reliable, probative, and substantial evidence to refute the two opinions given by either Audia's air quality expert, Kris Macoskey of CEC, or the Township's air quality expert, Dr. Stanley Penkala of Air Science Consultants, Inc.

16. Lay opinions without any reliable data or evidence for such opinions cannot be accepted.

17. The crematory will not pose a hazard to the environment or a health hazard to residents.

18. The installation of the crematory in the funeral home will not decrease the values of adjoining properties, either commercial or residential.

19. Neither the Township nor any resident offered any empirical evidence that a crematory located in the funeral home on the Property will, in fact, reduce property values in this community.

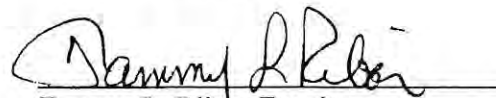
20. The mere possibility or fear of potential future injury from a lawful business which is not a nuisance per se cannot be the basis for denying the Landowner Curative Amendment.

### III. DECISION

The Landowner Curative Amendment is granted and the definition of funeral home in Section 200 of the Ordinance is amended to read as follows: A building used for the embalming **and/or** cremation of the deceased prior to burial **and** for the viewing of the deceased and ceremonies connected therewith before burial or cremation.

Respectfully submitted,

Houston Harbaugh, P.C.



Tammy L. Ribar, Esquire  
Pa. I.D. 80669

Three Gateway Center  
401 Liberty Avenue, 22<sup>nd</sup> Floor  
Pittsburgh, PA 15222-1005

**CERTIFICATE OF SERVICE**

I, hereby certify that on the 20<sup>th</sup> day of June, 2011, a true and correct copy of the foregoing Proposed Findings of Fact and Conclusions of Law in Support of Landowner Curative Amendment were served via first class mail and electronic mail, upon the following:

William A. Johnson, Esquire  
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A handwritten signature in black ink that reads "Danny L. Rubin". The signature is written in a cursive style and is positioned above a solid horizontal line.

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June 20, 2011

*via Electronic & U.S. Mail*

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**Re: Audia Group Investments, Inc. Application for Curative Amendment/  
Proposed Findings of Fact and Conclusions of Law of Intervenors Jeffrey  
Thomas and Thomas Construction, Inc.**

Gentlemen:

Pursuant to the request made at the close of the hearing on this matter before the Peters Township Council on May 31, 2011, enclosed for the Council's consideration are Proposed Findings of Fact and Conclusions of Law on behalf of Jeffrey Thomas and Thomas Construction, Inc. Copies have been provided to all counsel of record.

Thank you for you for your consideration.

Very truly yours,



Alice B. Mitinger

ABM:lms  
Enclosure

cc: Tammy L. Ribar, Esquire  
Jonathan M. Kamin, Esquire  
Jerry S. McDevitt, Esquire

**BEFORE THE TOWNSHIP COUNCIL OF  
PETERS TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA**

APPLICATION OF:                       :  
   :  
AUDIA GROUP INVESTMENTS, INC.     :  
FOR CURATIVE AMENDMENTS         :  
   :  
   :  
     (3287 Washington Road           :  
     Peters Township, PA)            :  
   :

**PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW  
ON BEHALF OF JEFF THOMAS AND THOMAS CONSTRUCTION, INC.**

Jeff Thomas and Thomas Construction, Inc. offer the following proposed findings of fact and conclusions of law in opposition to the request for curative amendment of Audia Investment Group, Inc. and Danielle Andy Belusko and Rod Belusko (“Audia Group”), for the consideration of the Township Council of Peters Township, Pennsylvania (“Township”):

**I.     PROPOSED FINDINGS OF FACT**

1.     Audia Group seeks to develop a funeral home, which also includes a crematory use, on property located at 3287 Washington Road in the Township.
2.     The Subject Property is located in a C-2 (General Commercial) District.
3.     The Township Zoning Ordinance defines “funeral home” as “[a] building used for the embalming of the deceased prior to burial, but not including cremation, and/or for the viewing of the deceased and ceremonies connected therewith before burial or cremation.”

4. The funeral home use, as defined in the Zoning Ordinance, is permitted in the Township's C-1 (Neighborhood Commercial), C-2, and VNC (Venetia Neighborhood Commercial) Districts.
5. Pursuant to the clear language of the Zoning Ordinance's definition of "funeral home," cremation is not a permitted accessory use to the funeral home use and is not permitted in the Township's C-1, C-2 and VNC Districts.
6. Pursuant to Section 609.1 of the Pennsylvania Municipalities Planning Code ("M.P.C."), 53 P.S. § 10609.1, Audia Group challenged the Township Zoning Ordinance, alleging, based on the Ordinance's definition of "funeral home," that the Ordinance impermissibly excludes cremation as a use throughout the Township.
7. Audia Group seeks site specific relief in the form of permission to operate a crematory as part of the funeral home it has proposed to locate on the Subject Property.
8. Pursuant to Section 101-E of the Zoning Ordinance, "uses not provided for" can be permitted as a special exception in a zoning district where the Ordinance does not specifically provide for or prohibit a proposed use. Section 1302-B states that "uses not provided for" must be "similar to and compatible with" the uses permitted in the district and must comply with the criteria for a special exception.
9. Pursuant to Section 303-C of the Ordinance (Table 2, Non-Residential Permitted Use Chart), uses not specifically identified or "all other uses" are permitted as a special exception in the Township's LI (Light Industrial) Districts.
10. The Ordinance includes among the purposes of all commercial districts "provide appropriate space for the requirements of present day merchandising" and

“promote the most desirable use of land. . .while protecting the character of the commercial areas and nearby districts.” Ordinance Section 302(B)(1).

11. Cremation, which involves incineration and requires air quality permits, is not “similar to and compatible with” the uses permitted C-2 Districts and thus would not be appropriate as a “use not provided for” in the C-2 District proposed.

12. The determination not to include “cremation” in the “funeral home” definition reflects a determination that cremation is not “similar to and compatible with” the uses permitted in the C-1, C-2 and VNC Districts where funeral homes are permitted.

13. Because it is a use which the Zoning Ordinance does not specifically identify, the cremation use is permitted within the “all other uses” provision, as a special exception, in LI Districts.

14. The Township includes four separate LI Districts, consisting of approximately 161 acres or 1.3% of the municipality.

15. Because the use is permitted within the “all other uses” provision, the Peters Township Zoning Ordinance does not exclude cremation as a use.

16. Audia Group did not seek approval for its proposed cremation use in any of the Township’s LI Districts.

17. The testimony and evidence the Audia Group presented failed to demonstrate that the Zoning Ordinance excludes the cremation use.

18. The cremation use is not consistent or compatible with the purposes the Zoning Ordinance describes for commercial districts.

19. Given the proximity of residential areas to the Subject Property and the potential environmental impacts of the proposed cremation use, use of the Subject

Property for the proposed cremation use would not promote the general public health, safety and welfare and would be inconsistent with the purposes the Zoning Ordinance describes for commercial districts.

## **II. ALTERNATIVE FINDINGS OF FACTS**

1. Audia Group represented that it had standing to present the proposed curative amendment pursuant to a February 17, 2011 Agreement of Sale with the seller of the Subject Property.

2. The final contingency period described in the February 17, 2011 Agreement of Sale expired as of June 17, 2011 and was not further extended.

3. With the expiration of the Agreement of Sale and its contingency periods, Audia Group holds no legal, beneficial or proprietary interest in the Subject Property and is no longer a “landowner” of the Subject Property.

## **III. CONCLUSIONS OF LAW**

1. Zoning ordinances are presumed to be constitutional. *Fernley v. Bd. of Sup'rs of Schuylkill Township*, 502 A.2d 585, 587 (Pa. 1985); *Upper Salford Twp. v. Collins*, 669 A.2d 335 (Pa. 1995); *Overstreet v. ZHB of Schuylkill Twp.*, 618 A.2d 1108 (Pa. 1992); *National Land and Investment Co. v. Easttown Twp. Bd. of Adj.*, 215 A.2d 597, 607 (Pa. 1965).

2. The party challenging the validity of an ordinance bears a heavy burden of proof and must clearly establish that the ordinance’s provisions are arbitrary and unreasonable. *See, e.g., Fernley*, 502 A.2d at 587; *Upper Salford*, 669 A.2d at 336; *C&M Developers, Inc. v. Bedminster ZHB*, 820 A.2d 143, 150-51; *National Land*, 215 A.2d at 607; *Schubach v. Silver*, 336 A.2d 328, 335 (Pa. 1975); *Bilbar Construction Co. v. Bd. of Adj. of Easttown Twp.*, 141 A.2d 851, 855-56 (Pa. 1958).

3. Uncertainties in the interpretation of an ordinance are to be resolved in favor of a construction which renders the ordinance constitutional. *Upper Salford*, 669 A.2d 336, citing *Archbishop O'Hara's Appeal*, 131 A.2d 587, 594 n. 5 (Pa. 1957); *Schmalz v. Buckingham Twp. ZHB*, 132 A.2d 233, 234 (Pa. 1957); *see also Montgomery Crossing Assocs. v. Twp. of Lower Gwynedd*, 758 A.2d 285 (Pa. Commw. Ct. 2000); *Kratzer v. Bd. of Sup'rs of Fernmaugh Twp.*, 611 A.2d 809 (Pa. Commw. Ct. 1992).

4. Zoning ordinances are to be liberally construed to allow for the broadest possible use of land. *Upper Salford*, 669 A.2d at 336, citing *Bakerstown Container Corp. v. Richland Twp.*, 500 A.2d 420, 421 (Pa. 1985); *Fidler v. Zoning Bd. of Adj.*, 182 A.2d 692, 695 (Pa. 1962); *see also* M.P.C. Sections 603.1, 53 P.S. § 10603.1.

5. A zoning ordinance which does not make provision for a legitimate business use is impermissibly exclusionary. *Exton Quarries, Inc. v. Zoning Bd. of Adj.*, 228 A.2d 169, 179 (Pa. 1969); *Allegheny Energy Supply Company v. Twp. of Blaine*, 829 A.2d 1254, 1260 (Pa. Commw. Ct. 2003).

6. The presumption of a zoning ordinance's validity can be overcome only if the challenger is able to demonstrate the ordinance's total exclusion of a legitimate use. *Fernley*, 502 A.2d at 587; *); see also Ficco v. Bd. of Sup'rs of Hempfield Twp.*, 677 A.2d 897, 899 (Pa. Commw. Ct. 1996) (unless the challenger is able to demonstrate that the ordinance completely or effectively excludes a legitimate use, the challenger has failed to carry its burden and the rejection of a curative amendment is proper).

7. A zoning ordinance which provides for "other uses" is permissibly interpreted to allow for a use that the ordinance does not specifically identify and is

sufficient to support a conclusion that the use is not impermissibly excluded. *Upper Salford*, 669 A.2d at 337.

8. To avoid being exclusionary, a zoning ordinance need not allow a use absolutely, as a permitted use. A zoning ordinance that allows a use only as a conditional use or special exception does not “exclude” that use from the municipality. *Zajac v. ZHB of Mifflin Twp.*, 398 A.2d 244 (Pa. Commw. Ct. 1979).

9. The fact that a zoning ordinance does not contain a specific provision addressing each and every possible use or combination of uses does not, in and of itself, render the ordinance exclusionary as to the uses which are not specifically identified. *Kratzer*, 611 A.2d at 812.

10. Where a use can be considered within another zoning classification or where the ordinance is broad enough to encompass the proposed use, there is no *de jure* exclusion. *Kratzer*, 611 A.2d at 812, citing *Appeal of M.A. Kravitz Co., Inc.*, 460 A.2d 1075 (Pa. 1983).

11. The governing body’s interpretation of its zoning ordinance and the definitions contained in the ordinance are entitled to substantial deference. *Montgomery Crossing*, 758 A.2d at 288, citing *Borough of Milton v. Densberger*, 719 A.2d 829, 830 (Pa. Commw. Ct. 1998); *see also In re Thompson*, 896 A.2d 659 (Pa. Commw. Ct. 2006).

12. Where a municipality’s governing body acts as the finder of fact, it makes determinations as to the weight and credibility of evidence and may reject even uncontradicted testimony if it determines that the testimony lacks credibility. *Heritage Bldg. v. Plumstead Twp. Bd. of Sup’rs*, 833 A.2d 1205, 1210 (Pa. Commw. Ct. 2003).

13. Audia Group failed to meet its burden of proving that the Zoning Ordinance excludes cremation as a use throughout the Township.

14. Audia Group did not prove that the Ordinance excludes the proposed cremation use, either as a *de jure* exclusion or a *de facto* exclusion.

15. Because Audia Group did not prove that the cremation use is excluded, Audia Group is not entitled to site specific relief in the form of approval of that proposed use on the Subject Property.

#### IV. ALTERNATIVE CONCLUSIONS OF LAW

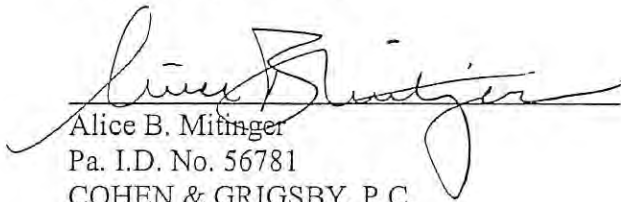
1. The M.P.C. defines "landowner" to include the holder of an option or contract to purchase land. 53 P.S. § 10107.

2. To have standing to present a zoning application, including a curative amendment, the applicant must be a "landowner."

3. Because Audia Group no longer holds a legal, beneficial or proprietary interest in the Subject Property, Audia Group is not a "landowner" of the Subject Property and lacks standing to proceed with its proposed curative amendment for the Subject Property.

Respectfully submitted,

Dated: June 20, 2011



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On Behalf of Jeffrey Thomas  
& Thomas Construction, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Proposed Findings of Fact and Conclusions of Law was provided on this 20<sup>th</sup> day of June, 2011, by Electronic Mail and by U.S. Mail, first class, postage prepaid, as follows:

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Alice B. Mitinger

BEFORE THE PETERS TOWNSHIP  
BOARD OF COMMISSIONERS

NICK AND JOANN BELLICINI, NED AND CAROLE GENSLER, ANDRAS AND MARIAN MECS, MARK AND ANNA HILBORN, AL AND KATHY BARBATI, PAUL AND JEANNE HENNEY, GARY AND GIGI COLOSIMO, KEN AND SHELLY SALA, and MIKE AND KATHY OBERSCHELP

Residents / Stakeholders

**PROPOSED FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

AND NOW, comes, NICK AND JOANN BELLICINI, NED AND CAROLE GENSLER, ANDRAS AND MARIAN MECS, MARK AND ANNA HILBORN, AL AND KATHY BARBATI, PAUL AND JEANNE HENNEY, GARY AND GIGI COLOSIMO, KEN AND SHELLY SALA, and MIKE AND KATHY OBERSCHELP, by and through their attorneys, JONATHAN M. KAMIN, ESQUIRE, RYAN M. WOTUS, ESQUIRE, and the law firm of GOLDBERG, KAMIN & GARVIN, LLP, and files the following FINDINGS OF FACT AND CONCLUSIONS OF LAW, and in support thereof avers the following:

**PROPOSED FINDINGS OF FACT**

**THE PARTIES**

1. Applicant, Audia Group Investments, LLC and Danielle Andy Belusko and Rod Belusko (hereinafter sometimes referred to as "Audia"), have a business address of 450 Racetrack Road, Washington, Washington County, Pennsylvania 15301.<sup>1</sup>

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<sup>1</sup> Residents intend to file on June 21, 2011 a Motion To Quash Appeal for lack of standing under the MPC. The within Proposed Findings of Fact and Conclusions of Law assume that said Motion To Quash has been denied. To the extent the same is granted, the Proposed Findings of Fact and Conclusions of Law are moot.

2. Nick and Joann Bellicini, Ned and Carole Gensler, Andras and Marian Mecs, Mark and Anna Hilborn, Al and Kathy Barbati, Paul and Jeanne Henney, Gary and Gigi Colosimo, Ken and Shelly Sala, and Mike and Kathy Oberschelp (hereinafter sometimes collectively referred to as “Residents” or “Stakeholders”), are the owners of real property located adjacent to the proposed development, on Sussex Way and Sherborne Drive, McMurray, Washington County, Pennsylvania 15317.<sup>2</sup>

3. Peters Township (hereinafter sometimes referred to as “Township”) is a political subdivision of the Commonwealth of Pennsylvania. The principal office of Peters Township is located at 610 E. McMurray Road, McMurray, Washington County, Pennsylvania 15317.

#### **BACKGROUND:**

4. The subject matter of this proceeding related to a Request for Curative Amendment (the “Petition”) to the Peters Township Ordinance filed by Audia.

5. Said Petition is an exclusionary challenge to the validity of the Peters Township Zoning Ordinance. Specifically, the Petition claims that the Peters Township Zoning Ordinance (hereinafter sometimes referred to as “Ordinance”) is exclusionary, as it purportedly does not specifically provide for a crematory in any zoning district and the definition of “Funeral Home” specifically excludes such use. (H.T. 3/21/11 Pg. 7). The proposed curative amendment seeks to amend the current definition of “Funeral Home” to include crematoria.

6. The Applicant previously submitted a curative amendment request, which sought to amend the definition of “Funeral Home” to include crematories. The Applicant initially sought to permit crematories within the C-1, Neighborhood Commercial, C-2, General Commercial, VNC, Venetia Neighborhood Commercial, and C-4, Transitional Commercial, zoning districts.

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<sup>2</sup> Audia Group has raised an objection to the granting of “Party” status to any of the Residents other than the Bellicinis and Genslers. To the extent that the Township grants the Audia Group’s request, the Proposed Findings of Fact and Conclusions of Law shall be amended to limit the definition of Residents to the Bellicinis and Genslers.

The first proposed location was for a property located on Hidden Valley Road, which was within the Township's C-4 Zoning District.

7. The Peters Township Planning Commission held a hearing regarding the proposed curative amendment on October 14, 2010. The Planning Commission issued its unanimous recommendation finding that no change should be made to the Ordinance and that the Petition should be denied. (H.T. 3/21/11 Pg. 56).

8. On or about February 18, 2011, Audia's counsel submitted a request to the Township providing that Applicant wished to amend its Petition. Audia thereafter proposed that the amendment to the definition of "Funeral Home" be removed from the C-4 zoning district. Audia continued to propose that cremation be allowed as an accessory use to funeral homes in all districts where funeral homes are currently authorized, which includes the C-1, C-2 and VNC districts.

9. Audia currently proposes to develop and construct a funeral home with a crematory located at the premises known as 3287 Washington Road, McMurray, Pennsylvania 15317 (hereinafter "Subject Property"). (H.T. 3/21/11 Pg. 13). The Subject Property is located in the Township's C-2, General Commercial, zoning district. (H.T. 3/21/11 Pg. 13).

10. Within the C-2 zoning district, property owners are permitted to operate, among other uses, an Indoor Amusement/Recreation facility, Bank, Day Care Facility, Offices, Restaurants, School, and a Funeral Home. *See Ordinance*, § 200.

11. Audia is, and has been, aware of the zoning of the Subject Property from the first date of its interest, has continued in spite of such knowledge.

12. The Ordinance defines a "Funeral Home" as "[a] building used for the embalming of the deceased prior to burial, **but not including cremation**, and/or for the viewing of the deceased and ceremonies connected therewith before burial or cremation." *Ordinance*, § 200 (Emphasis Added).

13. Audia's proposed curative amendment challenges the validity of the Ordinance by alleging that the Ordinance does not provide for a zoning district in the Township in which a Crematory is a permitted use, and challenges the definition of "Funeral Home" as specifically excluding the use of a crematorium with the Township.

14. Audia's proposed amendment would define a "Funeral Home" as "[a] building used for the embalming and/or cremation of the deceased prior to burial and for the viewing of the deceased and ceremonies connected therewith before burial or cremation."

15. The Stakeholders assert that the use contemplated by Audia is in fact explicitly permitted within the LI, which is the Township's Light Industrial zoning district. Furthermore, the Stakeholders contend that even if Audia's proposed development does not fall within the definitions of these terms, it still would be permitted under the "catch-all" provision of Ordinance.

16. On January 11, 2011, the Applicant requested a public hearing before the Peters Township Council. Three public meetings were held thereafter on March 21, 2011, May 2, 2011, and May 31, 2011.

17. During the hearing held on March 21, 2011, the following relevant testimony was elicited:

A. Danielle Ann Belusko, the Applicant, testified that:

- i. She chose the Subject Property based upon the current zoning as she was aware that a funeral home is only permitted in the C-1, C-2 and VNC zoning districts. (H.T. 3/21/11 Pg. 40)
- ii. The proposed crematory will house one (1) cremation unit. (H.T. 3/21/11 Pg. 43).

B. Audia Group provided that the crematories are regulated by the DEP and a DEP permit requires annual inspections, stack testing and stringent record keeping that must be available upon request of the DEP. (H.T. 3/21/11 Pg. 54).

- C. Kevin Laster, an objector, provided that within one-half (1/2) mile of the Subject Property there are three (3) day care centers, two (2) preschools, one (1) waterway and one (1) hiking and biking trail. Within a mile there are four (4) day care centers, three (3) preschools, and two (2) country clubs. (H.T. 3/21/11 Pg. 72).
- D. Ned Gensler, a Resident, stated that his personal residence is located approximately 200 yards from the Subject Property. He explained that he purchased his home knowing that the zoning behind his property was commercial, which includes banks and offices, not a factory. (H.T. 3/21/11 Pg. 77).

18. The second hearing was held on May 2, 2011, and the following relevant testimony was elicited:

- A. Brian Kelly, a real estate appraiser with the firm Kelly, Reilly, Nell & Barna & Associates, testified on behalf of Audia in regard to the effect of the existence of a crematorium on abutting properties, providing the following:
  - i. A property owner would not know if there was a crematory located in an area unless they were specifically notified. (H.T. 5/2/11 Pg. 39)
  - ii. He stated he had not done any specific study that would explain what the value or the impact of the value was regarding the location of the crematory. (H.T. 5/2/11 Pg. 59).
  - iii. He did not determine if the properties he utilized as comparables were appraised before or after a crematorium and if any sold before or after the installation of a crematorium. (H.T. 5/2/11 Pg. 62).
  - iv. Mr. Kelly stated that residential properties located in close proximity to industrial uses would have a higher negative effect upon property values than being located next to commercial uses. (H.T. 5/2/11 Pg. 66).

B. Kris Macoskey, a qualified environmental professional, testified on behalf of the Applicant to the following:

- i. He did not expect odors to be given off by the proposed crematory or the cremation device. (H.T. 5/2/11 Pg. 103).
- ii. Mr. Macoskey explained that the particular operation would not endanger or disturb the neighboring properties. (H.T. 5/2/11 Pg. 104).
- iii. He further stated that the proposed crematory would emit approximately 196 pounds of hydrogen chloride during a given year of operation. (H.T. 5/2/11 Pg. 109).

19. The third, and final hearing, was held on May 31, 2011, and the following testimony was presented:

A. Mr. Kelly, being recalled as a witness regarding the effect on property values, testified to the following:

- i. He did not determine if the crematory was disclosed to any potential buyers of the homes used as comparable properties. (H.T. 5/31/11 Pg. 18).
- ii. Mr. Kelly did not determine if the existence of the crematory was disclosed on the agreement of sale to any purchasers of the comparable properties. (H.T. 5/31/11 Pg. 19).

B. Kris Macoskey, being recalled as a witness for the Applicant, testified to the following:

- i. *The crematory use is an enterprise that is capable of operating in such a manner as to control the external effects such as smoke, noise, soot, dirt, traffic, vibration, and odor on surrounding land uses.* (H.T. 5/31/11 Pg. 57).
- ii. The emissions from the crematory would not in any way endanger or disturb the neighboring residential and commercial properties. (H.T. 5/31/11 Pg. 57).

20. The hearing and record was closed on May 31, 2011, at which time all legal counsel agreed to a schedule for the submission of proposed findings of fact and conclusions of law.

21. Based upon the foregoing, Objectors submit the following proposed Conclusions of Law.

### **PROPOSED CONCLUSIONS OF LAW:**

#### **I. Ordinance Interpretation Principles**

1. The burdens facing Applicant in mounting an exclusionary zoning challenge are mountainous. As stated by the Pennsylvania Supreme Court in Upper Salford Township v. Collins, 669 A.2d 335, 336 (Pa. 1995):

The controlling principles of law are well settled. Zoning ordinances are presumed constitutional. Fernley v. Board of Supervisors of Schuylkill Township, 509 Pa. 413, 418, 502 A.2d 585, 587 (1985). Anyone challenging the constitutionality of such an ordinance bears a heavy burden of proof. Id. Uncertainties in the interpretation of an ordinance are to be resolved in favor of a construction which renders the ordinance constitutional. Archbishop O'Hara's Appeal, 389 Pa. 35, 50 n. 5, 131 A.2d 587, 594 n. 5 (1957); Schmalz v. Buckingham Township Zoning Board, 389 Pa. 295, 298, 132 A.2d 233, 234 (1957). In addition, zoning ordinances are to be liberally construed to allow the broadest possible use of land. Bakerstown Container Corp. v. Richland Township, 508 Pa. 628, 631, 500 A.2d 420, 421 (1985); Fidler v. Zoning Board of Adjustment, 408 Pa. 260, 265, 182 A.2d 692, 695 (1962); 53 P.S. § 10603.1.

2. Moreover, Pennsylvania law is well settled that every possible use need not be named in a Zoning Ordinance. As the Commonwealth Court stated in Caln Nether Company, L.P. v. Board of Supervisors of Thornburg, 840 A.2d 484, 491 (Pa. Cmwlth. 2004):

The fact that a zoning ordinance does not contain a specific provision addressing a proposed use is not, in and of itself, a basis for finding an unconstitutional exclusion of that use. Kratzer v. Bd. of Supervisors of Fermanagh Township, 611 A.2d 809 (Pa. Cmwlth. 1992). *Where an ordinance does not mention a specific use, we must determine whether the proposed use is included within another use specifically provided for. Id.* *When a proposed use can be considered within another zoning*

*classification or, where a zoning ordinance is broad enough to encompass the proposed use, there is no de jure exclusion. Id.*

The issue of whether a proposed use falls within a given category of permitted use in a zoning ordinance is a question of law, subject to this Court's review. H.E. Rohrer Inc. v. Zoning Hearing Bd. of Jackson Township, 808 A.2d 1014 (Pa. Cmwlth. 2002). Undefined terms are given their plain meaning, and any doubt is resolved in favor of the landowner and the least restrictive use of the land. Kissell v. Ferguson Township Zoning Hearing Bd., 729 A.2d 194 (Pa. Cmwlth. 1999). To define an undefined term, we may consult definitions in statutes, regulations or the dictionary for assistance. Manor Healthcare v. lower Moreland Township Zoning Hearing Bd., 139 Pa. Cmwlth. 206, 590 A.2d 65 (1991). In addition, the board of supervisors is entitled to considerable deference in interpreting its zoning ordinance. Montgomery Crossing Assocs. V. Township of Lower Gwynedd, 758 A.2d 285 (Pa. Cmwlth. 2000).

3. A zoning ordinance is presumed constitutional and anyone challenging it bears a heavy burden of proving its invalidity. Fernley v. Bd. of Supervisors of Schuylkill Township, 502 A.2d 585, 589 (Pa. 1985). The party challenging the validity of a zoning ordinance must clearly establish that the ordinance's provision is arbitrary and unreasonable. C&M Developers, Inc. v. Bedminster ZHB, 820 A.2d 143 , 150-51 (Pa. 2002); Schubach v. Silver, 336 A.2d 328, 335 (Pa. 1975).

4. Uncertainties in the interpretation of an ordinance are to be resolved in favor of a construction which renders the ordinance constitutional. Upper Salford v. Collins, 669 A.2d 335, 336 (Pa. 1995).

5. The fact that a zoning ordinance does not contain a specific provision addressing a proposed use does not, in and of itself, render the zoning ordinance exclusionary. Kratzer v. Bd. of Supervisors of Fermanagh Township, 611 A.2d 809, 812 (Pa. Cmwlth. 1992).

6. Where a use can be considered within another zoning classification or where the ordinance is broad enough to encompass the proposed use, there is no *de jure* exclusion. Kratzer, 611 A.2d at 812, *citing* Appeal of M.A. Kravitz Co., Inc., 460 A.2d 1075 (Pa. 1983).

7. The Board's interpretation of the Zoning Ordinance and the definitions contained in the Zoning Ordinance is entitled to substantial deference. Montgomery Crossing Assoc's v. Township of Lower Gwynedd, 758 A.2d at 288 (Pa. Cmwlth. 2000).

8. Consistent with the ordinance interpretation principles mandated by Pennsylvania law with respect to exclusionary zoning challenges, and the Applicant's own expert testimony, the Applicant's proposed use easily falls within the definition for "Light Industry".

**II. Audia's Petition Should Be Denied As The Peters Township Zoning Ordinance Has Classified Crematories As Light Industry, And The Same Can Operate In The LI Zoning District.**

a. The Crematory Use Falls Within The Ordinance's Definition Of Light Industrial.

9. The Ordinance defines Light Industrial Uses as the following:

Light Industry – A facility for the processing and fabrication of certain materials and products where no process involved produces noise, vibration, air pollution, fire hazards or noxious emission which will disturb or endanger neighboring properties.

Industry, Light – Enterprises capable of operating in such a manner as to control the external effects such as smoke, noise, soot, dirt, traffic, vibration, odor, etc. on surrounding land uses.

Ordinance, § 200.

10. By its express terms, the definitions for Light Industry fully anticipates and includes crematories, and uses similar to the proposed crematory.

11. Specifically, Mr. Macoskey, an expert that testified on behalf of Audia, stated **“[t]he crematory use is an enterprise that is capable of operating in such a manner as to control the external effects such as smoke, noise, soot, dirt, traffic, vibration, and odor on surrounding land uses.”** (H.T. 5/31/11 Pg. 57).

12. When asked to confirm if this specific testimony was correct, Mr. Macoskey stated “Absolutely”. (H.T. 5/31/11 Pg. 57).

13. The statements of a third person may be considered to be the admissions of a party if they are bound to that party because of agency, joint or common interest, or having vouched for their credibility and impliedly asserted that fact by calling the third person as a witness. Durkin v. Equine Clinics, 546 A.2d 665, 670 (Pa. Super. 1988).

14. This statement clearly places the proposed crematorium within the Ordinance’s definition of Light Industry. In fact, it is the definition of Light Industry.

15. In addition, the Commonwealth Court has provided, “while a township must in its zoning scheme provide for all reasonable uses, it is not required to zone for every business model . . . .” Montgomery Crossings Associates v. Township of Lower Gwynedd, 758 A.2d 285, 289 (Pa. Cmwlth. 2000). In the instant matter, the Township has clarified provided for all reasonable uses, and as such permits the operation of the crematory in the Light Industrial zoning district.

16. Audia cannot allege that such use is excluded from the Ordinance simply because it seeks to operate a crematory in a zoning district in which it is not permitted. Audia would be specifically permitted to operate a crematory in the Light Industrial district. Moreover, their own expert testified that its use falls squarely within the LI Category.

17. Furthermore, although the Funeral Home use is not explicitly enumerated within the Light Industrial zoning district, this does not amount to exclusionary zoning. Although a Funeral Home and Crematory are utilized in a similar industry, a zoning ordinance is not required to permit for both uses in one zoning district. For example, although in an ordinance may permit gas stations in one zoning district, it need not provide for a car wash as a permitted or accessory use, although the same are many times located in one zoning district.

b. To The Extent That The Township Determines That The Definition of Light Industrial Does Not Include Crematories, The Same Is Covered By The Ordinance's "Catch All" Provisions.

18. Section 1302(1)(b) of the Ordinance contains a "Catch All" Provision which specifically provides for "All Other Uses". (H.T. 5/31/11 Pg. 66).

19. "Catch All" provisions are valid protections in a zoning context. APT Limited Partnership v. Lower Yoder Township, 111 F.Supp. 2d 664, 670, 671 (W.D. Pa. 2000).

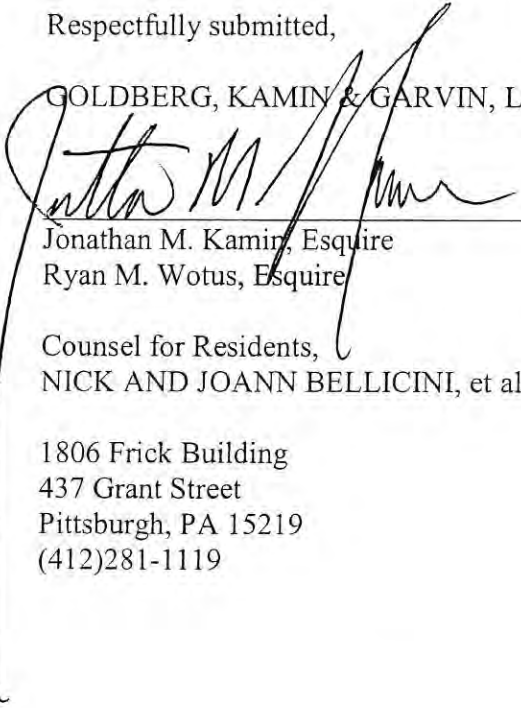
20. Under this provision the proposed crematorium would fall within the Township's LI District as a Special Exception. (H.T. 5/31/11 Pg.66)

CONCLUSION

For the foregoing reasons, the curative amendment requested by the Applicant should be denied as the Applicant has failed to meet its burden, and the Ordinance permits such uses within the Township's Light Industrial District.

Respectfully submitted,

GOLDBERG, KAMIN & GARVIN, LLP



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**CERTIFICATE OF SERVICE**

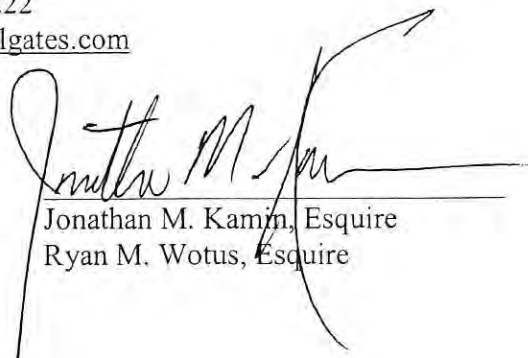
I hereby certify that a true and correct copy of the foregoing has been served via Electronic Mail and First Class U.S. Mail, postage prepaid, this 20<sup>th</sup> day of June, 2011, on the following parties:

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Washington, PA 15301  
[wajohnsonesq@yahoo.com](mailto:wajohnsonesq@yahoo.com)

Alice B. Mitinger, Esquire  
Cohen & Grigsby, LLP  
625 Liberty Avenue  
Pittsburgh, PA 15222  
[amitinger@cohenlaw.com](mailto:amitinger@cohenlaw.com)

Tammy L. Ribar, Esquire  
Houston Harbaugh, PC  
Three Gateway Center  
401 Liberty Avenue, 22<sup>nd</sup> Floor  
Pittsburgh, PA 15222  
[ribartl@hh-law.com](mailto:ribartl@hh-law.com)

Jerry S. McDevitt, Esquire  
K&L Gates Center  
210 Sixth Avenue, Suite 1100  
Pittsburgh, PA 15222  
[Jerry.McDevitt@klgates.com](mailto:Jerry.McDevitt@klgates.com)



Jonathan M. Kamin, Esquire  
Ryan M. Wotus, Esquire

Washington County, ss.

2011-3992

THE COMMONWEALTH OF PENNSYLVANIA

TO..... PETERS TOWNSHIP AND PETERS TOWNSHIP PLANNING COMMISSION,

WE, being willing, for certain causes, to be certified of certain proceedings wherein NED GENSLER AND JOANN BELLICINI,

APPELLANTS PETERS TOWNSHIP AND PETERS TOWNSHIP PLANNING COMMISSION,

APPELLEE S Defendant,

DO COMMAND YOU, That the APPEAL aforesaid, together with all things touching the same, in full and entire as before you they remain; you certify and have before the Judges of the Court of Common Pleas for the County of Washington aforesaid, at Washington, at a Court there to be held for said county, ~~the~~ WITHIN TWENTY (20) DAYS AFTER SERVICE THEREOF, INCLUDING ALL EXHIBITS ADMITTED INTO EVIDENCE IN THE SUBJECT ~~Monday in~~ PROCEEDING ~~next~~, so that we may further cause to be done thereupon that which of right, according to the laws of the State ought; and have you likewise there this writ.

WITNESS, DEBBIE O'DELL SENECA President Judge of our said Court, at Washington, the 10th day of JUNE A. D. 2011

Phyllis Ranko Matheny Prothonotary.

PHYLLIS RANKO MATHENY, PROTHONOTARY My Term Expires First Monday in January, 2012

RECEIVED

JUN 16 2011

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA

NED GENSLER  
AND JOANN BELLICINI

Appellants,

vs.

PETERS TOWNSHIP  
AND PETERS TOWNSHIP PLANNING  
COMMISSION

Appellee.

**FILED**

JUN 10 2011

P.R. MATHENY  
PROTHONOTARY

LOCATION:  
Peters Township

CIVIL DIVISION

NO. 2011-3992

LAND USE APPEAL

FILED ON BEHALF OF:  
NED GENSLER AND JOANN BELLICINI

COUNSEL OF RECORD FOR THIS PARTY:

JONATHAN M. KAMIN, ESQUIRE  
[jonathank@gkgattorneys.com](mailto:jonathank@gkgattorneys.com)  
PA I.D. NO. 81958

RYAN M. WOTUS, ESQUIRE  
[ryanw@gkgattorneys.com](mailto:ryanw@gkgattorneys.com)  
PA I.D. NO. 307599

GOLDBERG, KAMIN & GARVIN, LLP  
1806 FRICK BUILDING  
437 GRANT STREET  
PITTSBURGH, PA 15219  
(412) 281-1119  
(412) 281-1121 - Fax

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA

NED GENSLER  
AND JOANN BELLICINI

CIVIL DIVISION

NO.

Appellants,

vs.

PETERS TOWNSHIP  
PLANNING COMMISSION

Appellee.

**LAND USE APPEAL**

AND NOW, comes the Appellants, NED GENSLER and JOANN BELLICINI, by and through their attorneys JONATHAN M. KAMIN, ESQUIRE, AND RYAN M. WOTUS, ESQUIRE, and the law firm of GOLDBERG, KAMIN & GARVIN, LLP, and files this Land Use Appeal and in support thereof avers as follows:

1. Ned Gensler is the landowner of real property located at 200 Sussex Way, Peters Township, McMurray, PA 15317.
2. Joann Bellicini is the landowner of real property located at 202 Sussex Way, Peters Township, McMurray, PA 15317.
3. Appellee, Planning Commission of Peters Township (hereinafter sometimes referred to as "Planning Commission"), is the duly constituted planning board of the Township of Peters (hereinafter referred to as the "Township") which exists pursuant to the Zoning Ordinance of the Township (hereinafter referred to as "Zoning Ordinance").
4. Pursuant to Article VI of the Home Rule Charter of the Township and Article 27, § 1201 of the Zoning Ordinance the Planning Commission is vested with the authority to render final decisions for the purposes of site plan approval for permitted uses.

5. On or about February 18, 2011, Audia Group Investments, LLC and Danielle Andy Belusko and Rod Belusko (hereinafter collectively referred to as “Applicants”) filed an Application for Site Plan Approval before the Planning Commission for the property located at 3287 Washington Road (hereinafter sometimes referred to as “Application”).

6. Said Application sought site plan approval for a proposed Funeral Home.

7. On May 12, 2011, the Planning Commission convened a Public Hearing on this Application. After receipt of testimony, the Planning Commission granted the Applicants’ request. Said approval provided for eight (8) additional conditions. A true and correct copy of this decision is attached hereto as Exhibit “A” and is incorporated by reference herein.


8. The decision of the Planning Commission was arbitrary, capricious, an abuse of discretion, not supported by substantial evidence and was contrary to law.

9. The Planning Commission’s decision was in error under the laws of this Commonwealth, Peters Township Zoning Ordinance, and Pennsylvania case law in that it specifically failed to provide that the remainder of the building could not be utilized other than as provided for in the Applicant’s funeral home proposal.

10. The Planning Commission’s decision also fails to appropriately clarify the term “successful” in reference to the pending zoning hearing board appeal.

WHEREFORE, Appellants, respectfully request this Honorable Court to reverse the decision of the Peters Township Planning Commission.

Respectfully submitted,  
GOLDBERG, KAMIN & GARVIN, LLP

By:   
JONATHAN M. KAMIN, ESQUIRE  
PA I.D. #81958  
RYAN M. WOTUS, ESQUIRE  
PA I.D. #307599

Attorneys for Appellants  
1806 Frick Building  
Pittsburgh, PA 15219-6101  
(412) 281-1119  
(412) 281-1121 (Fax)

# 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.:



May 17, 2011



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.

Danielle Andy Belusko  
Audia Group Investments, LLC  
450 Racetrack Road  
Washington, PA 15301

RE: Planning Commission Decision –  
Site Plan – Belusko Funeral Home

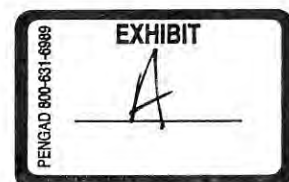
Dear Mrs. Belusko:

Please be advised that on Thursday, May 12, 2011 the Peters Township Planning Commission reviewed and approved the site plan for Belusko funeral Home to be located at 3287 Washington Road. The Commission's approval of the site plan was subject to compliance with the following conditions:

1. The owners execute a site plan improvement agreement prior to site work or building permit approval.
2. Prior to issuance of a building permit all Peters Township sanitary requirements be met including obtaining a sanitary sewer connection permit.
3. All review comments in Gateway Engineers 5-2-11 review be addressed and three (3) sets of revised plans be resubmitted.
4. The landscape plan include a clear note indicating grass as the ground cover along the Rt. 19 buffer.
5. Peters Township reserves the right to require lighting adjustments if lighting issues are found to exist after the lights are installed and operational.
6. The required \$8,154.00 traffic impact fee (TIF) be paid prior to issuance of a building permit.
7. All conditions set by the Zoning Hearing Board's March 15, 2011 decision (appeal no. 843-2011) be followed.
8. The note referencing the Zoning Hearing Board Appeal No. 843-2011 be revised as follows:

The Zoning Hearing Board decision No. 843-2011 dated March 15, 2011 granted a variance to:

1. Allow parking to be based on the use as a funeral home rather than size of building and
2. An encroachment into buffer Area C.



Mr. Belusko  
May 17, 2011  
Page 2

In addition to the eight (8) conditions placed by the Planning Commission, your attorney agreed to revise the plan and add the correct total building size to the C-2 Zoning Table. To further clarify the site plan, please add a breakdown of the square footage to be used as funeral home space and storage.

Three (3) sets of revised site plan drawings incorporating the Planning Commission's decision must be resubmitted to me prior to site work or building permit approval. When the revised plans are resubmitted, I will prepare the Site Plan Improvement Agreement for your signature. Once you have finalized who your contractor is going to be, the Township requires a preconstruction meeting with Township staff be held to go over the approved plans.

It is also important to point out that if the appeal to the variances granted by the Zoning Hearing Board is successful, the Township will be forced to revoke the Planning Commission's approval of the site plan.

If you have any questions or need additional information, please let me know.

Sincerely,



Ed Zuk  
Planning Director

Attached: Gateway Engineers' 5-2-11 Review  
PTSA Review 5-5-11

Cc: T. Ribar  
C. Salai  
L. Elliott  
J. Kamin ✓  
Gateway Engineers  
PTSA  
File



# GATEWAY

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THE GATEWAY ENGINEERS, INC.

201 SOUTH MAIN STREET  
SUITE 200  
BUTLER, PA 16001-5908  
724.287.1055 PHONE  
724.287.1104 FAX

May 2, 2011  
C-73309

[www.gatewayengineers.com](http://www.gatewayengineers.com)

Peters Township  
610 East McMurray Road  
McMurray, PA 15317

Attn: Mr. Edward Zuk, Director of Planning

Re: Belusko Funeral Home Site Plan

Dear Mr. Zuk:

We have reviewed the site plan for the proposed Belusko Funeral Home, located along Route 19, in a C-2 zoning district, near the intersection of Gallery Drive. The plan proposes the conversion of the existing structure into a funeral home with additional storage space, reconfiguration of parking areas, as well other external modifications, on the existing 1.611 acre parcel. The following are our comments relative to the plan submitted by Lawrence R. Elliott Surveying, Inc., dated February 2011, revised April 13, 2011:

1. The right-of-way width for Route 19 must be shown on the plan.
2. The zoning should be reviewed to show the correct building size requirements. The provided building size does not correspond with either value shown in the impervious Area Tabulation and should be reviewed. Also, an existing conditions plan should be included with the plan.
3. We recommend a note be added stating that the plan is in compliance with current ADA standards.
4. Please add dimension lines to the plan where driveway widths are shown.
5. The proposed grading in the rear of the lot should be reviewed. The parking spaces appear to have cross-slope greater than the 7% allowable. The proposed gradeline 1018 does not tie off correctly.
6. Spot elevations for the proposed parking lot grading must be shown on the plan to verify drainage patterns.
7. The size of the truck used for the turning template must be shown on the pan. The height of the canopy must be shown on the plan.
8. The proposed swale along the southern property line is within 3 feet of the lot line and should be moved.

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**MISSION STATEMENT**  
TO HELP OUR CLIENTS REACH A HIGHER  
LEVEL OF SUCCESS THROUGH KNOWLEDGE,  
EXPERIENCE AND RESPONSIVENESS.



# GATEWAY

Go. Call. Do. Trust. On Target.

May 2, 2011

C-73309

Page 2 of 2

9. The top elevation for the proposed inlet in the rear of the lot must be shown to verify proper drainage.
10. The landscape buffer on the southern side of the parcel appears to intersect the flowline of the proposed swale. The proposed planting should be reviewed.

The plan was reviewed for conformance to Township Ordinance standards only. The review is based on a survey and plan prepared by others and assumes that all information is correct and valid as submitted.

If you have any questions, please contact our office.

Sincerely,

THE GATEWAY ENGINEERS, INC.

W. Scott Rusmiser, P.E.

Township Consulting Engineer

Cc: Mark A. Zemaitis, P.E., Director of Engineering  
Lawrence R. Elliott Surveying, Inc., 608 East McMurray Rd., Ste. 104, McMurray, PA 15317

**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 5, 2011

Mr. Ed Zuk, Planning Director  
Peters Township  
610 East McMurray Road  
McMurray, PA 15317

RE: Site Plan Review – Belusko Funeral Home  
3287 Washington Road

Dear Mr. Zuk:

---

We have reviewed the above site plan dated February 2011 as prepared by Lawrence R. Elliot Surveying, Inc. and have the following comments.

Said plan calls for interior and facade renovations of the existing building for conversion to a funeral home. The Authority has no objections to the site plan as presented.

As this is a change in use, the Authority will require that the applicant secure a new permit for sanitary sewer connection and will evaluate if any additional tapping fees will be due. Additionally, we will require a complete set of plumbing plans for review prior to issuing a new permit. We request that the building permit be with held until we receive and evaluate the information received.

It is our understanding that the applicant is in the process of seeking permission to include a crematory on the site. At which time this matter is resolved, the Authority would like the opportunity to evaluate what impact, if any this will have on our facilities.

Sincerely,

PETERS TOWNSHIP SANITARY AUTHORITY

A handwritten signature in black ink that reads 'Mark A. Chucuddy'. The signature is written in a cursive, flowing style.

Mark A. Chucuddy, Assistant Manager

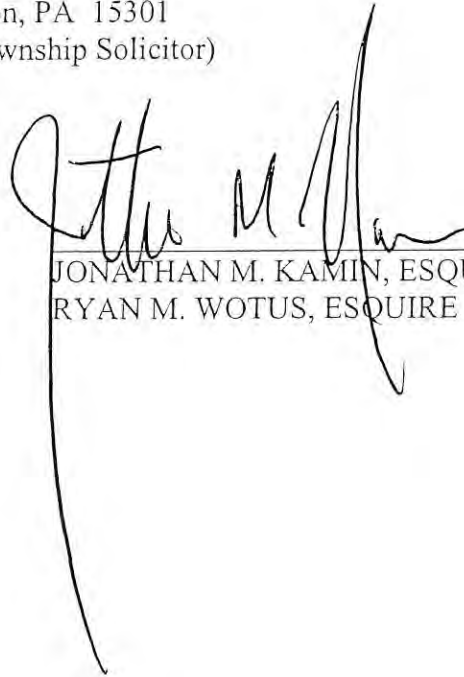
CC: Audia Group Investments, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of June, 2011, a true and correct copy of the foregoing Land Use Appeal was served upon the following parties by first-class mail, postage prepaid, addressed as follows:

Peters Township  
610 E. McMurray Road  
McMurray, PA 15317

William A. Johnson, Esquire  
8 Pine Avenue  
Washington, PA 15301  
(Peters Township Solicitor)

A handwritten signature in black ink, appearing to read "Jonathan M. Kamin". The signature is written in a cursive style with a long vertical line extending downwards from the end of the name.

JONATHAN M. KAMIN, ESQUIRE  
RYAN M. WOTUS, ESQUIRE

RECEIVED

JUN 20 2011

Date: June 20 2011

Memo To: Mr. M. Silvestri Manager, Peters Twp.

Subject: Request for time to address township council

From: Mr. Ron Boocks resident

I am requesting 15 minutes or less of time in order to address council at the June 27<sup>th</sup> scheduled meeting. The subject concerns over the A.L.P.R. system.

Thank you in advance.



Handwritten signature of Ron Boocks in cursive script.

Ron Boocks

## **Ron Boocks**

---

**From:** "Tedona, John" <jtedona@federalsignal.com>  
**To:** "Ron Boocks" <x4plus@verizon.net>  
**Sent:** Wednesday, May 04, 2011 8:50 PM  
**Subject:** RE: request for information re: PIPS system  
 Hi Ron,

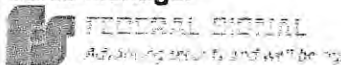
Thanks for your response. As you can imagine we do not provide details on encryption for law enforcement applications to the general public for obvious reasons; however you have a legitimate concern.

To ensure that I follow the appropriate protocol I will provide Washington County with the information that you request and will ask them to provide you with the requested information.

If you have any further questions please feel free to contact me.

Best Regards,

**John Tedona**  
**Sales Manager**



Federal Signal  
 Mobile 201-841-6237  
 Fax 908-813-9579  
[jtedona@federalsignal.com](mailto:jtedona@federalsignal.com)  
[www.youtube.com/fedsigpublicsafety](http://www.youtube.com/fedsigpublicsafety)  
[www.pipstechnology.com](http://www.pipstechnology.com)  
[www.youtube.com/platereader](http://www.youtube.com/platereader)  
[www.federalsignal.com](http://www.federalsignal.com)

**From:** Ron Boocks [mailto:x4plus@verizon.net]  
**Sent:** Wednesday, May 04, 2011 9:04 PM  
**To:** Tedona, John  
**Subject:** Re: request for information re: PIPS system

Hello John, thanks for getting back to me.  
 Per your request, my contact information is:  
 Ronald Boocks  
 855 Bebout Road  
 Venetia, Pa. 15367-1204  
 Telephone (724) 941-9755  
 e-mail [x4plus@verizon.net](mailto:x4plus@verizon.net)

I am a resident of Peters Township, Washington county, Pennsylvania. I am not affiliated with any government office or authority, nor another provider of a system similar to your A.L.P.R. device. The question of purchase of your PIPS system was put before the Peters Township council at it's regular meeting

on April 25. I later requested further information regarding your system but the township manager and assistant police chief could not answer my questions. Information was requested under Pennsylvania's "Right To Know Law"

A follow-up telephone call to the County's district attorney's office affirmed my worst suspicions, no one at the local and county levels know anything about the nuts and bolts of the PIPS system.

5/5/2011

Washington County Pennsylvania District Attorney's Office  
Washington County Court House  
Washington, Pa. 15301  
Attention: Right To Know Officer.

May 13<sup>th</sup>, 2011  
855 Bebout Road  
Venetia, Pa. 15367-1204

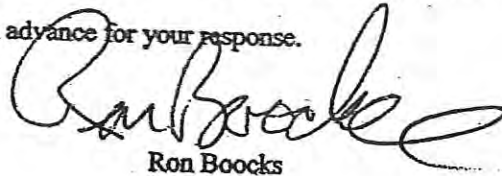
PHONE 724-941-875

Dear Sir;

Referencing Pennsylvania's Right To Know Law, I am formally requesting the following information:

1. The Washington County District Attorney has proposed using a technology grant to fund five Advanced License Plate Recognition Systems for municipalities located in Washington County.
2. Regarding the ALPR systems, I request answers to the following questions.
  - A. Is the system encrypted? If yes, please specify the type and level of encryption.
  - B. If the system is encrypted, is the entire system encrypted, or just parts of it.
  - C. Will information obtained with a single community's ALPR system be available to other Community's ALPR system? If so will this information flow be in "real time" or delayed?
  - D. If delayed, for how long?
  - E. What methods and devices are used to communicate information from individual ALPR equipped vehicles to the central BOSS, (back office system software) and then back to the individual police car?
  - F. Is there any history, from anywhere in the world, of the ALPR system being "hacked"?
  - G. If the system is hacked, how is the hacking event identified, and how soon after the hacking event does that identification occur? What is the delay time?
  - H. Does the system identify what information was obtained during the hacking event?

Thank you in advance for your response.

  
Ron Boocks

WASHINGTON COUNTY  
CHIEF CLERK  
MAY 13 PM 12:49



[Article Index](#)

[Find a Traffic Violation Lawyer or Stolen Car Lawyer](#)

## Police Car License Plate Scanner Computer Reader

BOOKMARK

The days of driving with a suspended license, revoked license or without a license, no insurance, expired registration or expired inspection are over! Police departments, both large and small are installing license plate cameras on police cars.

The license plate scanners which can run thousands of license plates per minute through a computer are so successful that you can expect to see them on every police car soon. They have been largely successful in two ways:

- 1) They result in capturing wanted criminals and increase compliance with motor vehicle laws; and
- 2) They bring in substantial revenue by increasing the number of summonses issued and will pay for themselves many times over.

In addition to ending minor vehicle violations, license plate camera scanners can easily and quickly discover stolen cars, stolen trucks, vehicles which are the subject of Amber Alerts, collection of delinquent fines and penalties for outstanding violations, collection of delinquent vehicle taxes and registration fees, and even terrorist interdiction.

The Mobile Plate Hunter-900 (MPH-900) license plate scanner which is now being used on many police cars. The license plate scanner consists of two cameras which can scan 3,600 license plates per minute. The scanner can read license plates of oncoming cars with a combined approach speed of 120 miles an hour and can even scan license plates from an altitude of 1,500 feet, so it can be used from stationery poles and helicopters.

The computer compares license plates with millions of license plates in DMV and police records and within milliseconds notifies the police officer with an audible alarm and voice identification of the reason to stop the car.

The license plate camera will check license plates listed on the computer for various offenses including stolen cars, stolen license plates, expired registration, expired inspection, expired insurance and other violations.

[ home ]

The Banner: a Newspaper For Houston's Inner Loop

NEWSBANNER/EL.COM

# Report On The Utility Of The Auto License Plate Recognition System IN BRITISH COLUMBIA

## TECH WORLD

### License plate reader technology spreads across the country

By David Ailday

Already widely used in Europe, automatic license plate reader (ALPR) technology is rapidly gaining ground in the U.S.

ALPR systems employ either mobile or stationary-mounted cameras which capture images of vehicles and their license plates. The systems read license plate numbers and automatically search local, state and federal databases looking for "hits" for stolen or wanted vehicles. Some systems are capable of querying four plates per second, and operating across multiple lanes of traffic.

One system is the Mobile Plate Hunter (MPH-900) from ELSAG North America Law Enforcement Systems. It is police cruiser mounted and uses two cameras. It captures images of all surrounding license plates and sends them to the officer's laptop. An alarm sounds when there is a "hit" with a plate number in one of the databases. The system has aided in everything from the apprehension of murderers, to uninsured vehicles, to people who illegally pass school buses. The MPH-900 is currently in use by 400 law enforcement agencies in 30 states.

Several companies are currently selling ALPR systems to state and local governments in the U.S. It is possible to integrate the systems with existing red light and speed cameras. ALPR systems sometimes gain public acceptance by their ability to recover stolen cars and help solve Amber alert cases.

Long Beach purchased four mobile ALPR systems in December, 2005, and later added an additional five units. As of August of this year they had checked almost 7.5 millions plates. The city credits the systems with making possible the recovery of 1,000 stolen vehicles, making 200 arrests, and towing over 700 vehicles with almost \$350,000 in outstanding parking citations. The systems have also assisted investigators in a number of criminal cases.

Cincinnati has made effective use of mobile ALPR systems, and plans to add fixed camera installations throughout the city. One use of the systems has been to combat copper theft.

In Britain, ten million journeys a day are presently being recorded, with this expected to rise to perhaps 50 million. Besides fixed and police cruiser systems, the UK has also installed infrared cameras in police helicopters that can read license plates from up to 2,000 feet away. The government generally does not reveal where the cameras are located or even what they look like. Surveillance records are stored for five years in a data center in North London.

In Australia, there are plans to upgrade red light and speed cameras to provide license plate data to a central database. Reportedly, law enforcement agencies also want frontal images of drivers and passengers that are clear enough for identification and use in court. It may be possible to combine this technology with facial recognition software.

ALPR systems are projected to someday record as many as 70 million vehicles a day in Australia with a network of 5,000 roadside cameras located mostly in highly populated areas. If you use main roads you could be recorded several times a day, and the records retained for up to five

Emley

## OB COLLECTION

• Home Decor • Interior Design

JUNE 9, 2011

PETERS TWP.

WE ARE PLANNING TO HAVE OUR ANNUAL  
TENT SALE ON THURS, JULY 14, FRIDAY, JULY 15 AND SAT.,  
JULY 16 AND WOULD NEED A PERMIT FOR A  
SMALL TENT TO BE IN FRONT OF THE STORE.  
WE WILL ALSO HAVE A TEMP. SIGN ON OUR  
PERMANENT SIGN ADVERTISING THE SALE.  
WE HAVE HAD THIS SIGN UP IN YEARS PAST.

THANK YOU

BARBARA GREMBA

SPECIAL PERMIT APPLICATION

Application No. \_\_\_\_\_ Date: Sunday, July 24, 2011 Fee: \$20.00  
Noon - 5 PM

PETERS TOWNSHIP, WASHINGTON COUNTY,  
PENNSYLVANIA

This application for a Special Permit is issued in accordance with Section 1209A and B of the Peters Township Zoning Ordinance.

Applicant's Name: CENTRAL BLOOD BANK - DONOR COACH

Address: 875 GREENTREE RD - Pgh, PA 15220

Owners Name: NANCY CASO

Address: 444 VALLEYBROOK ROAD

Location: McMURRAY, PA 15317

Beuster's

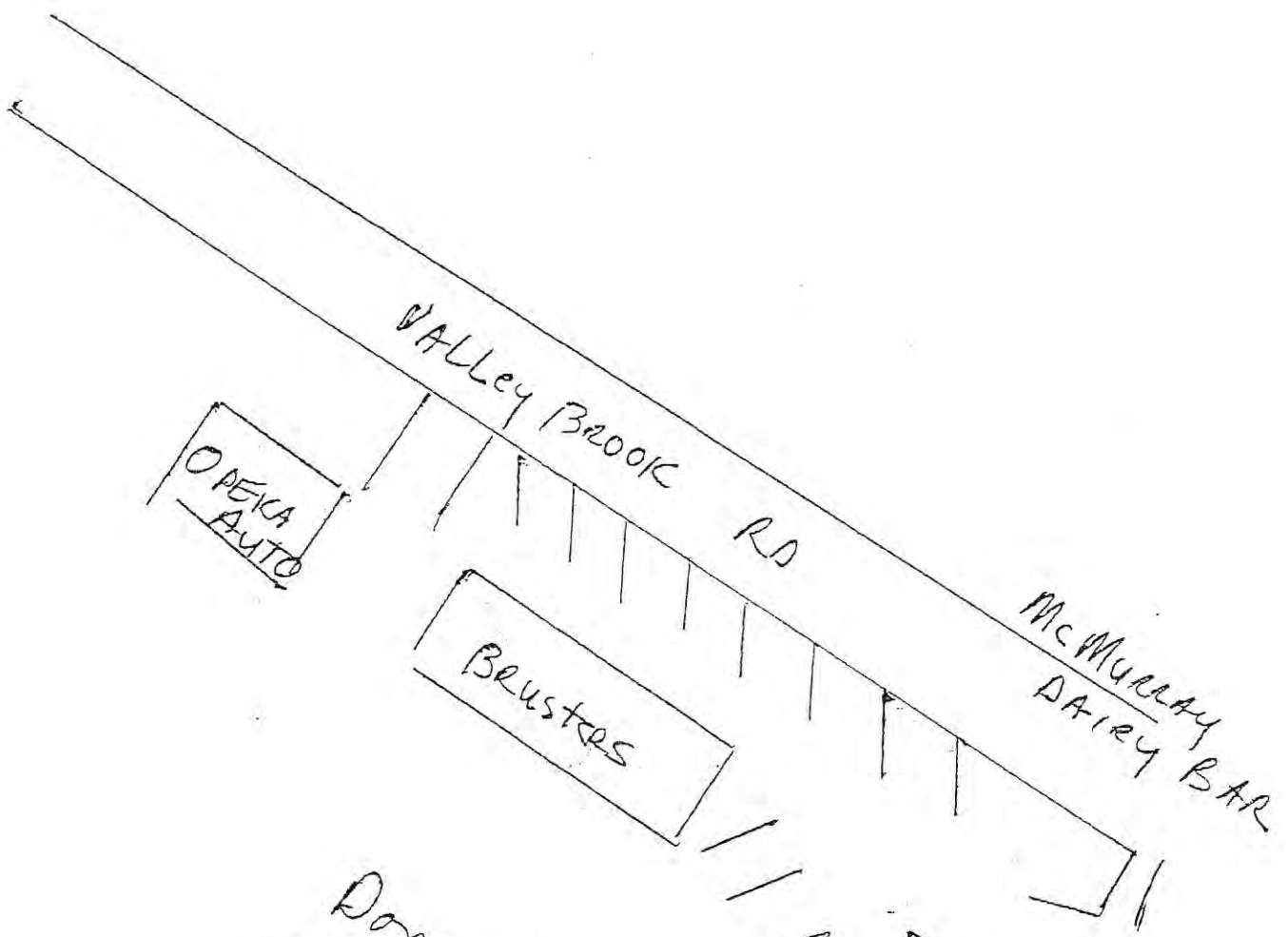
[Signature]  
Signature of Applicant

APPROVED FOR: ⊕ 7/24/11 from noon to 5:00 Date \_\_\_\_\_  
(Sunday)

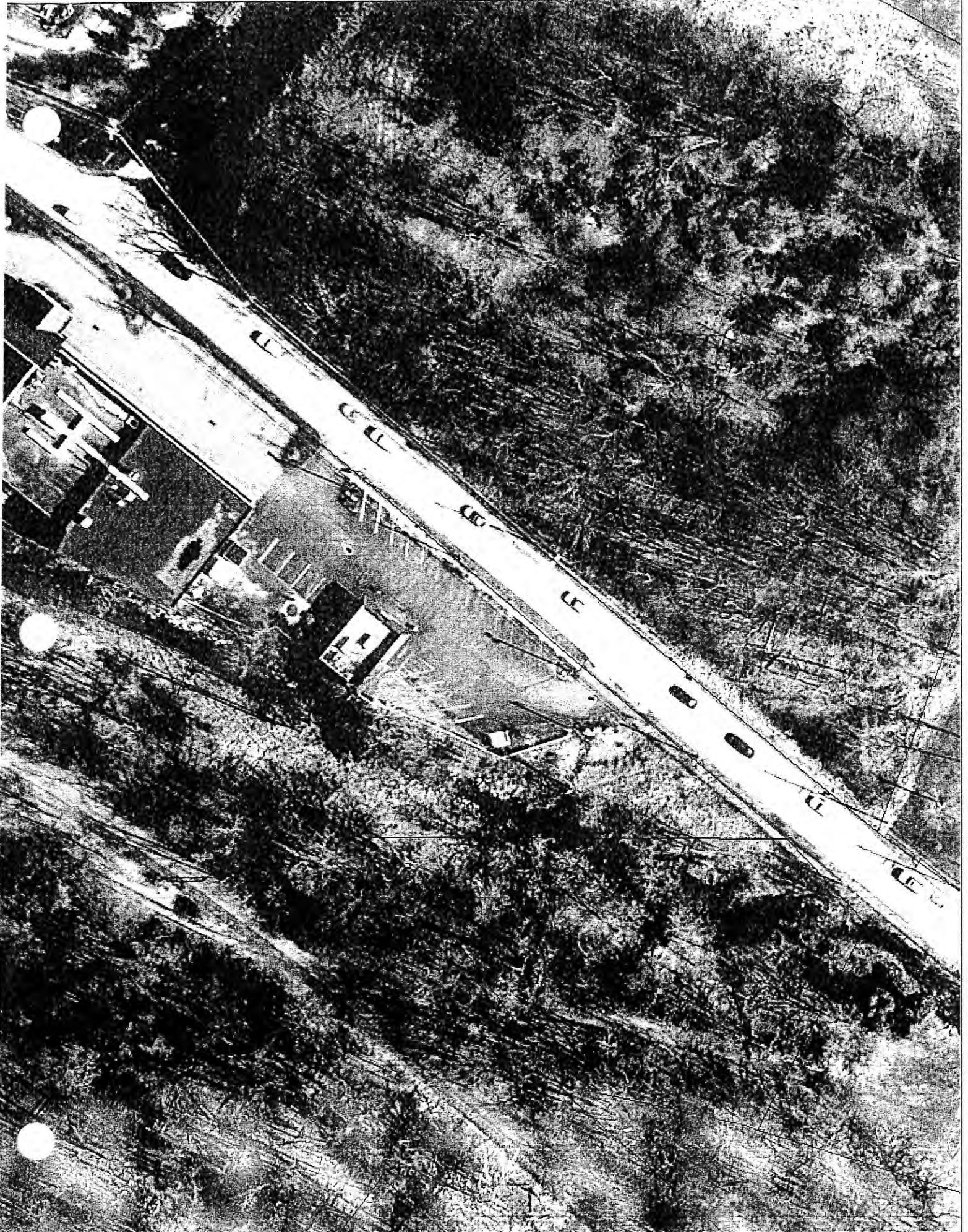
Permit Issued By: \_\_\_\_\_

Zoning Officer Date: \_\_\_\_\_

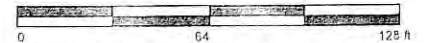
Attachments: \_\_\_\_\_



Donor Coach will be  
further "parallel to Valley Brook Rd"



Map Title Goes Here



OFFICIAL  
TOWNSHIP OF PETERS TOWNSHIP  
WASHINGTON COUNTY, PENNSYLVANIA

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE HOME RULE MUNICIPALITY OF PETERS TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA AMENDING THE PETERS TOWNSHIP PERSONNEL MANUAL, PURSUANT TO THE PROVISIONS OF THE PERSONNEL MERIT SYSTEM, ESTABLISHING A JOB DESCRIPTION FOR LAND USE PLANNER

WHEREAS, Chapter 1, Part 3 of the Township Code of Ordinances, which is the Personnel Merit System, requires a classification plan, and a pay plan and the procedure for the revision of said plans; and

WHEREAS, the Council, by Resolution No. 12-01-07, adopted the Peters Township Manual, Job Classification and Compensation Plan; and

WHEREAS, the Council has created the new position of Land Use Planner.

NOW, THEREFORE, be it resolved by the Council of Peters Township that the Peters Township Personnel Manual, Job Classification and Compensation Plan be amended by:

1. Adding the job description of Land Use Planner (Exhibit A, attached).

ATTEST:

TOWNSHIP OF PETERS

\_\_\_\_\_  
Township Manager

By: \_\_\_\_\_  
Chairman of Council

PETERS TOWNSHIP  
Job Description

Job Title: Land Use Planner

---

Exempt: No  
Pay Grade: 6  
Department: Planning  
Location: Municipal Building  
Reports to: Planning Director

Resolution Number:

Date:

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**GENERAL DESCRIPTION:**

The Land Use Planner works under the direction of the Planning Director. This is an administrative position whose primary responsibilities include the oversight of the development of the Comprehensive Land Use Plan and associated changes to the Zoning Ordinance and Subdivision Ordinances. The Land Use Planner will provide advice and support to the staff of The Planning Department, the Planning Commission and the Peters Township Council. The Land Use Planner will also assume responsibilities for varied assignments in support of the Planning Department's ongoing operations as assigned by the Planning Director or Township Manager

**ESSENTIAL DUTIES AND RESPONSIBILITIES** include the following. Other duties may be assigned.

Coordinate efforts of the Planning Department the preparation, updating and implementation of the Township's Comprehensive Land Use Plan and other long range planning efforts. These efforts will include but are not limited to:

- Drafting and managing a project timeline,
- Coordinating the selection process for the services of a consultant including drafting the request for proposal,
- Coordinating meetings involving the consultant, the Township staff, the Planning Commission, and Council,
- Providing public notification,
- Coordinating public hearing,
- Drafting ordinances designed to implement the Comprehensive Land Use Plan
- Maintains organizes records of all activities

Provides support and assistance to the Planning Director and all other employees of the Planning Department.

Performs special project for the Planning Department and other departments as directed by the Planning Director or Township Manager.

Prepares and delivers special reports to the Peters Township Council, The Planning Commission, and the Township Manager

Attends Peters Township Council meeting, Planning Commission meeting, and public hearings as directed.

**ADDITIONAL OR MARGINAL DUTIES AND REPSONSIBILITIES:**

Provides information to the general public and developers on planning, zoning and subdivision matters.

**SUPERVISOR DUTIES:**

None

**QUALIFICATION REQUIREMENTS:**

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

**Education and/or Experience:**

Bachelor degree in Planning or a related field from a four-year college; two years of related experience and/or training in planning and/or zoning and subdivision enforcement or the equivalent combination of education and experience.

**Language Skills:**

Ability to read, analyze, and interpret general business periodicals, professional journals, technical procedures, or governmental regulations. Ability to write reports, business correspondence, and procedure manuals. Ability to effectively present information and respond to questions from members of public boards, managers, and the general public.

Ability to examine applications, interpret maps, site plans and plats. Ability to express ideas effectively, both orally and in writing.

**Mathematical Skills**

Ability to work with mathematical concepts such as probability and statistical inference, and fundamentals of plane and solid geometry and trigonometry. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.

**Reasoning Ability:**

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form.

**Computer Skills:**

Ability to utilize office automation software including word processing, spreadsheets and databases.

Working knowledge of geographic information systems

**Other Skills and Abilities:**

Extensive knowledge of the principles, techniques, and practices in the field of planning and development, planning research and design.

Ability to comprehend the physical, social and economic structure of the Township, and of the legal concepts basic to planning and related ordinances.

Thorough knowledge of zoning and subdivision ordinances.

Thorough knowledge of the land use process

**WORK ENVIRONMENT**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee will occasionally visit sites, attend meetings and seminars, and will be subject to outside weather conditions.

**COMMENTS:**

Must have the ability to represent the Township in a professional, progressive, and positive manner.



**pennsylvania**  
DEPARTMENT OF TRANSPORTATION  
www.dot.state.pa.us

RECEIVED

JUN 13 2011

June 10, 2011

2011 - 2012 Exhibit A for Winter Municipal Snow Agreement

Dear Municipal Official:

Enclosed is a copy of your **2011-2012 Exhibit "A"** for the Winter Municipal Snow Agreement. The locations are the same as those contracted in the original agreement, except the rates per lane mile have increased from last season.

Please review the enclosed Exhibit A, initial, date and return before July 15, 2011 to: PennDOT, P O Box 459, Uniontown, PA 15401; Attention: Richard L. Marker.

Thank you for your continued service delivering ice and snow removal on state roads in your municipality.

If you have any questions or would like to make changes to the current Exhibit A please contact Richard L. Marker, P.E., District Programs Engineer at 724-439-7310, as soon as possible.

Sincerely,

A handwritten signature in black ink that reads "Richard L. Marker".

Handwritten initials "for" in black ink, positioned to the left of the typed name.

Ronald J. Clark, P.E.  
Assistant District Engineer - Maintenance  
Engineering District 12-0

Enclosure  
120/RLM/dlr

2011 - 2012 WINTER MUNICIPAL AGREEMENT

EXHIBIT "A"

COUNTY: WASHINGTON  
 MUNICIPAL: PETERS TOWNSHIP

SAP Document No. 3900036061  
 SAP VENDOR NO. 159211  
 YEAR 2  
 OF 5

STATE ROUTE	LOCAL DESCRIPTION	BEGIN SEGMENT	BEGIN OFFSET	END SEGMENT	END OFFSET	LINEAR MILES	MFC	NO. OF LANES	RATE PER TRAVEL LANE	COST
1002	E. McMurray Rd.	50	0	130	2299	4.21	C	2	\$1,212.13	\$10,206.13
1004	Sugar Camp Road	10	0	30	2179	1.46	D	2	\$1,058.60	\$3,091.11
1010	Valley Brook Road	150	933	180	0	1.58	C	2	\$1,212.13	\$3,830.33
1010	Bebout Road	180	0	240	3597	3.53	D	2	\$1,058.60	\$7,473.72
1015	Church Hill Road	10	0	70	2049	3.58	E	2	\$1,058.60	\$7,579.58
1017	Thomas Road	20	0	50	2900	1.79	D	2	\$1,058.60	\$3,789.79
1019	Hill Place Road	10	0	50	2580	2.29	E	2	\$1,058.60	\$4,848.39
1019	Bebout Road	70	0	80	1795	0.92	D	2	\$1,058.60	\$1,947.82

MILAGE MFC B = 0.00  
 MILAGE MFC C = 5.79  
 MILAGE MFC D = 7.70  
 MILAGE MFC E = 5.87  
 TOTAL MILAGE 19.36  
 TOTAL COST = \$42,766.87

TERMS OF PAYMENT: The Municipality will be compensated with a lump sum payment in the amount indicated as Total Cost, and as adjusted by the Department of Transportation at the end of each year. The Municipality will be compensated with an adjustment equal to the percentage of the Department's actual costs (for similar roads serviced) over and above the five year average for a particular county less a \$1000.00 deductible for Municipalities with agreements totaling \$5000.01 or more and a \$500.00 deductible for all others.

# Peters Township

WASHINGTON COUNTY

MICHAEL A. SILVESTRI, *Manager*  
PAUL F. LAUER, *Assistant Manager*

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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.

MEMO TO: M.A. Silvestri, Township Manager

FROM: Mark A. Zemaitis, P.E., Director of Engineering

SUBJECT: **Tabulation of Bids and recommendation regarding Award  
Hidden Valley Manor Detention Pond rehabilitation**

DATE: June 21, 2011

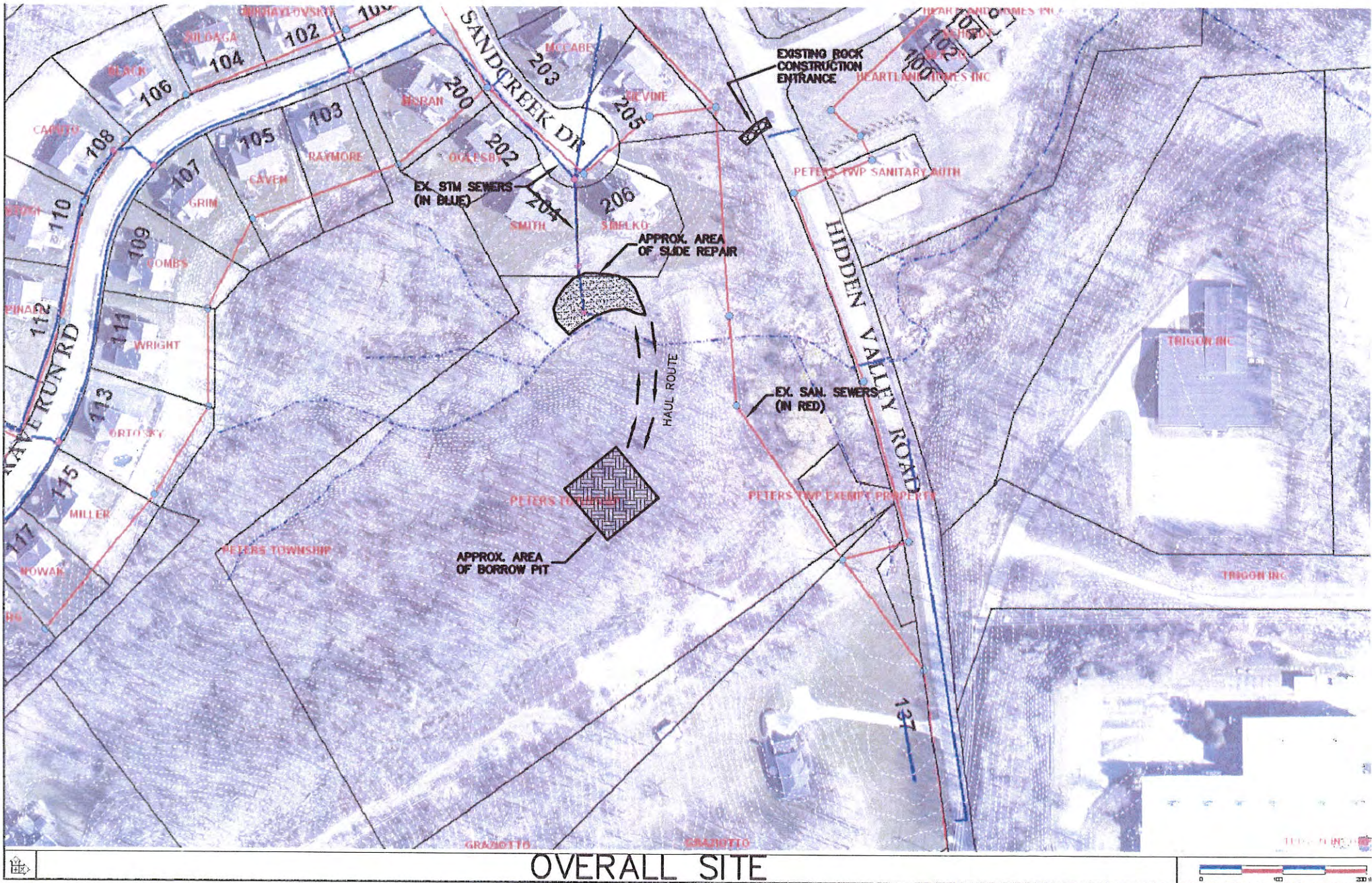
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Bids to rehabilitate the Township-owned detention pond at the Hidden Valley Manor Plan of Lots were opened on Tuesday, June 21, 2011. This rehabilitation work includes the repair of a landslide that developed on the interior slope of the pond during the wet-weather this spring. I have reviewed and tabulated the bids (below) and the low bidder is Dom Folino Construction who submitted a bid in the amount of \$ 27,339.00. This is within the budgeted amount for this project.

Bidder	Bid Amount
C. Crump, Inc.	\$ 36,500
Custom Contracting	\$ 44,000
<b>Dom Folino Construction</b>	<b>\$ 27,399</b>
Hoffman Construction	\$ 50,900
Investment & Enterprise	\$ 169,000
Joseph Vaccarello, Inc.	\$ 55,000
Piccolomini Contractors	\$ 96,400

Dom Folino has worked for the Township on several projects in the recent past and has performed satisfactorily. **I recommend that Council award the Bid to Dom Folino Construction for a total price of \$ 27,399.00.**



CHECK NO	EMPLOYEE NUMBER	-----EMPLOYEE-----	DEPOSIT AMOUNT	CHECK AMOUNT
41963	709	BELAJAC, BRANDEN J	704.20	.00
41964	14	COYLE, LINDA C	1,192.46	.00
41965	697	GROMEK, THOMAS J	1,160.21	.00
41966	408	KLIMA, WENDY L	1,100.70	.00
41967	9	LAUER, PAUL F	2,005.20	.00
41968	542	RODGERS, GAIL J	477.84	.00
41969	8	SILVESTRI, MICHAEL A	2,664.26	.00
41970	625	ZEMAITIS, MARK A	2,519.55	.00
41971	390	BONI, RYAN R	1,214.75	.00
41972	704	BONNER, DEREK S	590.49	.00
41973	721	ARMBRUSTER, JOSEPH E	.00	301.18
41974	719	BARCA, JAMES M	1,275.30	.00
41975	688	CAPUTO, DAVID M	1,959.91	.00
41976	700	CERCI, CHRISTOPHER J	479.46	.00
41977	687	CHIPRICH, CHRISTOPHER J	772.45	.00
41978	348	CLARK, GREGORY K	594.32	.00
41979	21	COYLE, DANIEL G	2,169.34	.00
41980	651	FRAZIER, TIMOTHY J	1,997.90	.00
41981	361	HOLOVACK, DAVID J	1,592.18	.00
41982	362	KOKKILA, BRIAN C	1,828.72	.00
41983	720	MCLAUGHLIN, MICHAEL R	740.20	.00
41984	247	MCMULLEN, NOEL	2,143.55	.00
41985	354	MILLIKEN, JOHN C	1,418.04	.00
41986	321	SCOTT, MARC S	1,722.12	.00
41987	652	SCOTT, MICHAEL P	152.09	.00
41988	579	ZIMAK, GARY D	1,783.87	.00
41989	32	EMERICK, JAMES R	1,434.14	.00
41990	45	CONN, OLIVE I	1,054.52	.00
41991	25	FRUECHT, HARRY J	2,187.87	.00
41992	254	LOWE, CHERIE M	1,111.33	.00
41993	42	YANCHAK, MICHAEL D	1,993.89	.00
41994	142	BARBOUR, BRYAN A	2,062.18	.00
41995	634	BONCZEK, RICHARD E	1,733.57	.00
41996	432	BRUCE, JOHN J	1,698.20	.00
41997	635	BRUNETTI, JASON R	1,472.11	.00
41998	29	CARSO, MICHAEL J	2,390.25	.00
41999	591	CARUSO, EVAN M	1,718.24	.00
42000	275	COLLINS, MATTHEW R	2,323.27	.00
42001	206	DAVIS, JAY R	2,042.60	.00
42002	34	GEBAUER, WILLIAM C	65.00	2,035.21
42003	707	GREENE, ANDREW K	1,448.52	.00
42004	96	GRIFFITH, JAY A	2,059.62	.00
42005	111	HEINLEIN, DONALD E	2,273.86	.00
42006	242	KEMP, ROBERT D	2,307.15	.00
42007	429	MADEY, MARK E	1,402.43	.00
42008	187	MALONI, GERALD J	2,140.97	.00
42009	543	MAZZOTTA, PATRICK D	1,985.62	.00
42010	592	ONORAD, STEVEN W	977.47	.00
42011	402	OROSZ, GARY E	2,184.71	.00
42012	185	ROBICH, RONALD D	2,062.69	.00
42013	708	SKRIP, JOHN A	462.37	.00
42014	40	STANTON, DAVID J	2,385.70	.00
42015	186	STEVICK, JAMES B	2,317.74	.00
42016	466	WOODS, WILLIAM V	1,819.14	.00
42017	57	BRIGHT, RICHARD W	1,470.30	.00
42018	235	CALDWELL, PAULETTE M	906.07	.00

PETERS TOWNSHIP  
 CHECK REGISTER  
 PAY RUN 113 PAY 06/24/2011

CHECK NO	EMPLOYEE NUMBER	-----EMPLOYEE-----	DEPOSIT AMOUNT	CHECK AMOUNT
42019	512	MOLDOVAN, EMILY L		
42020	441	MUZZEY, WILLIAM C	1,188.66	.00
42021	699	SHIRING, GRANT J	1,890.15	.00
42022	157	ZUK, EDWARD J	595.35	.00
42023	54	AGOSTINELLA, JOHN A	1,795.84	.00
42024	710	BACHIK, NATHAN J	360.00	1,491.19
42025	541	BANDI, JAMES L	438.97	.00
42026	55	BLASCH, C MATTHEW	1,409.22	.00
42027	507	CARRIER, CARMINE M	1,304.59	.00
42028	718	COGGIN, DANIEL J	1,521.64	.00
42029	58	CUSHEY, KEVIN S	419.04	.00
42030	682	FIFE, WILLIAM P	1,405.83	.00
42031	659	FLETCHER, RONALD L	453.41	.00
42032	577	KERNEN, LOUIS B	1,292.76	.00
42033	717	KINAVEY, MATTHEW W	361.34	.00
42034	716	LATINOVICH, ZOLTAN J	419.04	.00
42035	702	LAWRENCE, TRACY L	438.97	.00
42036	703	LUGAR, GREGORY J	1,311.14	.00
42037	676	MCCOY, JAY J	1,272.85	.00
42038	289	MIZIA, JOHN M	1,184.24	.00
42039	53	OVERCASHIER, PETER C	1,894.97	.00
42040	711	PARTYKA, CODY M	2,145.47	.00
42041	160	PODOLINSKY, JOSEPH L	453.20	.00
42042	60	SHEARER, THOMAS E	1,355.59	.00
42043	61	SWEENEY, RONALD J	1,205.14	.00
42044	238	TUTTY, DIANE M	575.00	704.29
42045	285	WHITE, FLOYD C	964.79	.00
42046	311	WILMOT, JEFFREY C	1,431.19	.00
42047	20	WILSON, JOSEPH E	1,445.35	.00
42048	393	WRIGHT, RICHARD D	1,332.27	.00
42049	693	CHAMBERLIN, MICHAEL P	1,484.81	.00
42050	677	CRUMMIE-DUCARME, LAURA A	25.06	.00
42051	694	HOLLERAN, KATHLEEN M	32.95	.00
42052	705	KISNER, CHRISTOPHER M	112.51	.00
42053	459	MOODISPAUGH, JAMES R	65.04	.00
42054	633	NITSCHMANN, NATALIE K	1,171.62	.00
42055	584	PFEIFER, REBECCA L	64.97	.00
42056	706	WALKER, DANA A	275.96	.00
42057	655	WEAVER, SARA E	67.49	.00
42058	624	WOLSKO, THEODORE F	95.40	.00
42059	564	GOODWIN-SOPKO, REBECCA S	243.57	.00
42060	570	HARMEI, MICHELE M	1,005.57	.00
42061	701	WHITTAKER, LISA L	1,667.96	.00
42062	52	JOZEFKOWICZ, EVELYN C	695.67	.00
42063	376	BOWMAN, BRANDT E	.00	444.66
42064	656	CALIGUIRI, ANDREW H	1,850.00	.00
42065	712	COPELAND, DAVID S	42.12	.00
42066	523	DELVALLE, GERALD D	158.22	.00
42067	552	DOLLARD, LISA M	664.35	.00
42068	667	FAULK, CHRISTOPHER D	258.22	.00
42069	691	FLOYD, JAKE E	423.38	.00
42070	713	GUARINO, SAMUEL N	60.58	.00
42071	243	HAPPE, STEPHEN P	588.39	.00
42072	692	KACHOWSKI, CODY J	928.25	.00
42073	400	PILARDI, WILLIAM A	84.29	.00
42074	365	RIDENER, MICHAEL J	1,884.99	.00
			80.08	.00

SUNGARD P 'AMATION - HUMAN RESOURCES  
DATE: 06/ 11  
TIME: 13:51:43

PETERS TO JHIP  
CHECK REGISTER  
PAY RUN 113 PAY 06/24/2011

PAGE NUMBER: 3  
MODULE NUM: PAYCH1  
PAY PERIOD END 06/25/2011  
CHECK DATE 06/24/2011

CHECK NO	EMPLOYEE NUMBER	-----EMPLOYEE-----	DEPOSIT AMOUNT	CHECK AMOUNT
42075	714	SCHRATZ, COURTNEY M	120.94	.00
42076	574	SKROK, PAUL F	1,477.38	.00
42077	715	STAAF, ROBERT R	125.30	.00
42078	678	TIMKO, TANYA M	211.65	.00
42079	672	WEIMER, ELIZABETH M	181.51	.00
TOTAL			133,764.88	4,976.53

117 CHECKS ISSUED

SUNGARD FINANCIAL INFORMATION, INC. - FUND ACCOUNTING  
DATE: 06, 11  
TIME: 15:07:57

PETERS TRUCKSHIP  
CHECK REGISTER

PAGE NUMBER:  
VENCHK21  
ACCOUNTING PERIOD: 6/11

FUND - 200000 - PAYROLL FUND

CHECK NUMBER	CASH ACCT	DATE ISSUED	VENDOR	ACCT	DESCRIPTION	AMOUNT
42080	000101	06/24/11	2564 CONST LABORERS & MATERIAL	100111	DED:0401 UNION DUES	348.00
TOTAL FUND						348.00
TOTAL REPORT						348.00

WIRE TRANSFERS:

06/24/11	FEDERAL/FICA TAX WITHHELD	\$49,758.32
06/24/11	STATE TAX WITHHELD	\$ 5,879.33
06/24/11	PA SCDU (DOM. REL.)	\$ 390.31
06/24/11	ICMA-457 (DEF. COMP.)	\$ 5,376.17

FUND - 010000 - GENERAL FUND

CHECK NUMBER	CASH ACCT	DATE ISSUED	VENDOR	ACCT	DESCRIPTION	AMOUNT
134294	000101	06/27/11	10-S TENNIS SUPPLY	420600	TENNIS NET	333.88
134295	000101	06/27/11	A-Z JANITORIAL SUPPLY	420100	RESTROOM SUPPLIES	427.30
134295	000101	06/27/11	A-Z JANITORIAL SUPPLY	420100	TOWELS/TISSUE/SOAP	209.36
134295	000101	06/27/11	A-Z JANITORIAL SUPPLY	420100	RESTROOM SUPPLIES	204.31
	TOTAL CHECK					840.97
134296	000101	06/27/11	ACCURINT	420100	CONTRACT FEE/MAY	45.00
134297	000101	06/27/11	AEC GROUP INC	439900	ON SITE VISIT/MAY	800.00
134297	000101	06/27/11	AEC GROUP INC	460200	UPGRADE MS EXCHANGE	750.00
134297	000101	06/27/11	AEC GROUP INC	439900	WDS SUPPORT	200.00
	TOTAL CHECK					1,750.00
134298	000101	06/27/11	AVENET LLC	420600	WEB HOSTING TO 6/12	1,000.00
134299	000101	06/27/11	BERNIES PHOTO CENTER	420600	CAMERA	689.00
134300	000101	06/27/11	BOBCAT OF PITTSBURGH	430700	SKID LOADER RNTL	1,000.00
134301	000101	06/27/11	BUGS B GONE	439900	PEST CONTROL/KITCHEN	20.00
134301	000101	06/27/11	BUGS B GONE	439900	PEST CONTROL/LUNCHRM	10.00
	TOTAL CHECK					30.00
134302	000101	06/27/11	CAD RESEARCH	420100	INK FOR PLOTTER	66.00
134302	000101	06/27/11	CAD RESEARCH	420100	INK FOR PLOTTER	66.00
	TOTAL CHECK					132.00
134303	000101	06/27/11	CAMPBELL INSURANCE ASSOCI	410207	WRKMNS COMP/FIRE DPT	1,311.00
134304	000101	06/27/11	CDW GOVERNMENT INC	420600	MONITORS	760.38
134304	000101	06/27/11	CDW GOVERNMENT INC	420600	STORAGE DEVICE	416.73
	TOTAL CHECK					1,177.11
134305	000101	06/27/11	COACH CRAFT AUTO TRIM	430400	REBUILD SEAT/CAR#1	75.00
134305	000101	06/27/11	COACH CRAFT AUTO TRIM	430400	REBUILD SEAT/CAR#7	100.00
	TOTAL CHECK					175.00
134306	000101	06/27/11	COHEN TELECOMMUNICATIONS	431100	LEGAL FEE/CABLE RATES	1,055.88
134307	000101	06/27/11	COMCAST	439900	POWER LINK ACCESS	53.37
134307	000101	06/27/11	COMCAST	420100	POWER LINK ACCESS	53.43
	TOTAL CHECK					106.80
134308	000101	06/27/11	COMMERCIAL CONSULTING LTD	439900	DRUG SCREENING	442.70
134309	000101	06/27/11	COMMONWEALTH OF PENNSYLV	420100	PATCH FEES	20.00
134310	000101	06/27/11	CRYSTAL SOUND SYSTEMS	420100	SPEAKER MIC	69.00
134311	000101	06/27/11	CRYSTAL SPRINGS	420100	COOLER SERVICE/MAY	194.64
134312	000101	06/27/11	DAVEVIC BENEFIT CONSULTAN	439900	ADM FEE/FLEX BENEFITS	150.00
134313	000201	06/27/11	ANTHONY & KENDRA DUDEK	100201	LANDSCAPING/ESCRW501	1,500.00

FUND - 010000 - GENERAL FUND

CHECK NUMBER	CASH ACCT	DATE ISSUED	VENDOR	ACCT	DESCRIPTION	AMOUNT
134314	000101	06/27/11	4111 EASTCOAST ENTERTAINMENT	439900	BAL.DUE-7/6 CONCERT	2,800.00
134315	000101	06/27/11	2172 ESRI	439900	ARCVIEW MAINT TO 7/12	800.00
134316	000101	06/27/11	3175 EVERGREEN TENNIS SERVICES	420600	TENNIS ROLLER	9,025.00
134316	000101	06/27/11	3175 EVERGREEN TENNIS SERVICES	420100	HAR TRU MATERIALS	1,631.46
			TOTAL CHECK			10,656.46
134317	000101	06/27/11	1284 THE EYE GALLERY	439900	SAFETY GLASSES	397.00
134318	000101	06/27/11	4125 AMANDA FEITT	320562	REFND/DAMAGE CLOTHING	80.00
134319	000101	06/27/11	1107 THE GATEWAY ENGINEERS INC	431200	ENG/PLEASANT VLLY FLD	726.50
134319	000101	06/27/11	1107 THE GATEWAY ENGINEERS INC	431200	ENG/OPEKA AUTO	408.50
134319	000101	06/27/11	1107 THE GATEWAY ENGINEERS INC	431200	ENG/BELUSKO SITE	125.00
134319	000201	06/27/11	1107 THE GATEWAY ENGINEERS INC	100201	ENG/ESCROW#505	272.50
134319	000201	06/27/11	1107 THE GATEWAY ENGINEERS INC	100201	ENG/ESCROW#439	17.00
134319	000201	06/27/11	1107 THE GATEWAY ENGINEERS INC	100201	ENG/ESCROW#474	434.00
134319	000101	06/27/11	1107 THE GATEWAY ENGINEERS INC	431200	ENG/PLAN DEPT ISSUES	215.50
134319	000101	06/27/11	1107 THE GATEWAY ENGINEERS INC	460200	HDN VLLY MNR SURVEY	3,762.75
134319	000201	06/27/11	1107 THE GATEWAY ENGINEERS INC	100201	ENG/ESCROW#499	346.50
134319	000201	06/27/11	1107 THE GATEWAY ENGINEERS INC	100201	ENG/ESCROW#240	62.50
134319	000201	06/27/11	1107 THE GATEWAY ENGINEERS INC	100201	ENG/ESCROW#498	184.25
134319	000101	06/27/11	1107 THE GATEWAY ENGINEERS INC	431200	RETAINER/JUN	350.00
134319	000101	06/27/11	1107 THE GATEWAY ENGINEERS INC	431200	ENG/RESURFACE PGM	166.00
			TOTAL CHECK			7,071.00
134320	000101	06/27/11	4124 MATTHEW GROSE	439900	DEPOSIT/8-17 CONCERT	1,900.00
134321	000101	06/27/11	2607 HITE COMPANY	420100	OUTDOOR FLOOD LIGHTS	200.88
134322	000101	06/27/11	3813 IN COMMUNITIES MAGAZINES	430200	TWP MAGAZINE/JUN-JULY	9,827.40
134323	000101	06/27/11	4127 J&E SANITATION INC	430900	SANI UNIT RNTL/MAY	325.00
134324	000101	06/27/11	3947 JAMES ELECTRIC INC	460200	FOOTBALL LIGHTS/FINAL	6,120.00
134325	000101	06/27/11	4128 JANKO PLUMBING	430400	PLUMBING REPAIR/STN#1	173.24
134326	000101	06/27/11	1444 LANE CONSTRUCTION CORP	420100	1.47 TNS ID3	81.66
134326	000101	06/27/11	1444 LANE CONSTRUCTION CORP	420100	2.29 TNS COLD MIX	166.03
134326	000101	06/27/11	1444 LANE CONSTRUCTION CORP	420100	8.42 TNS 9.5MM	522.23
134326	000101	06/27/11	1444 LANE CONSTRUCTION CORP	420100	2 TNS TAC KOTE	40.00
			TOTAL CHECK			809.92
134327	000101	06/27/11	1188 LIMESTONE PRODUCTS & SUPP	420100	CONCRETE/BASIN REPAIR	405.00
134328	000101	06/27/11	1689 MAGELLAN BEHAVIOR HEALTH	410204	EMPLOYEE ASST PGM	400.50
134329	000101	06/27/11	1482 MAGLOCLEN	439900	SUBSCRIPTION RENEWAL	400.00
134330	000101	06/27/11	2042 MAPLE MOUNTAIN INDUSTRIES	420100	TRACTOR PARTS	266.75
134331	000101	06/27/11	3957 THE MARSHALL COMPANY	430400	WINDOW CLEANING	710.00
134331	000101	06/27/11	3957 THE MARSHALL COMPANY	439900	WINDOW CLEANING	25.00
134331	000101	06/27/11	3957 THE MARSHALL COMPANY	430400	WINDOW CLEANING	325.00

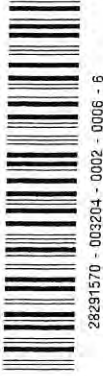
FUND - 010000 - GENERAL FUND

CHECK NUMBER	CASH ACCT	DATE ISSUED	VENDOR	ACCT	DESCRIPTION	AMOUNT
134331	000101	06/27/11	3957 THE MARSHALL COMPANY	430400	WINDOW CLEANING	240.00
			TOTAL CHECK			1,300.00
134332	000101	06/27/11	3831 MILES OF SMILES TIMING SE	439900	TIMING/5K RACE	150.00
134333	000101	06/27/11	3834 MODERN MARKETING	420100	TEXTING KILLS BANDS	148.88
134334	000101	06/27/11	3835 MOW MULCH & MORE	430400	MOWING SERVICE/MAY	180.00
134335	000101	06/27/11	4123 NATL PATENT ANALYTICAL SY	439900	DATAMASTER REPAIR	204.91
134336	000101	06/27/11	1070 OBSERVER-REPORTER	430200	7/18 P.H.NOTICE	198.34
134336	000101	06/27/11	1070 OBSERVER-REPORTER	430200	HDN VLLY POND NOTICE	315.78
			TOTAL CHECK			514.12
134337	000101	06/27/11	2166 OCE IMAGISTICS INC	439900	COPIER MAINT EXP	20.00
134338	000101	06/27/11	1722 PA DEPT LABOR & INDUSTRY-	430400	VESSEL CERTIFICATE	66.00
134339	000101	06/27/11	1179 PA ONE CALL SYSTEM INC	439900	FAX MESSAGES/MAY	224.00
134340	000101	06/27/11	4076 DEMETRIA PAPPAS	439900	INSTRUCTOR/MANNERS	73.50
134341	000101	06/27/11	1113 PAWC	430900	FIRE HYDRANTS	1,425.24
134341	000101	06/27/11	1113 PAWC	430900	FIRE HYDRANTS	7,574.36
			TOTAL CHECK			8,999.60
134342	000101	06/27/11	1078 PETERS TOWNSHIP LIBRARY	480110	JUNE PAYMENT	60,166.67
134343	000101	06/27/11	1374 PRINTERS USA	420100	CASH RECEIPTS	188.00
134343	000101	06/27/11	1374 PRINTERS USA	420100	TENNIS BROCHURES	287.50
134343	000101	06/27/11	1374 PRINTERS USA	430200	ORDINANCE BOOKS	283.80
			TOTAL CHECK			759.30
134344	000101	06/27/11	1394 JOE PRUCE AWARDS	420100	BRONZE PLAQUE/TYMAN	239.70
134345	000101	06/27/11	4025 MELISSA ROBB	439900	INSTRUCTOR/PHOTOS	192.50
134346	000101	06/27/11	2623 RONCO COMMUNICATIONS	430400	TELEPHONE UPGRADE	2,248.75
134347	000101	06/27/11	2702 ROBERT SCHULTZ	430400	REPAIR/CAR#1	78.15
134347	000101	06/27/11	2702 ROBERT SCHULTZ	460100	INSTALL EQUIP/NEW CAR	1,446.10
			TOTAL CHECK			1,524.25
134348	000101	06/27/11	1236 SERVICES BY GUTHRIE INC	430400	JANITORIAL SERV/JUN	1,831.33
134348	000101	06/27/11	1236 SERVICES BY GUTHRIE INC	430400	JANITORIAL SERV/JUN	2,671.33
134348	000101	06/27/11	1236 SERVICES BY GUTHRIE INC	430400	JANITORIAL SERV/JUN	1,884.34
			TOTAL CHECK			6,387.00
134349	000101	06/27/11	4122 SMITH IRRIGATION EQUIPMEN	460200	WATER REEL	10,179.00
134350	000101	06/27/11	3552 STAPLES ADVANTAGE	420100	COPY PAPER/INK CRTRDG	278.32
134350	000101	06/27/11	3552 STAPLES ADVANTAGE	420100	COPY & COLOR PAPER	291.31
134350	000101	06/27/11	3552 STAPLES ADVANTAGE	420100	SUPPLIES	57.39
134350	000101	06/27/11	3552 STAPLES ADVANTAGE	420100	COPY PAPER/SUPPLIES	95.50
134350	000101	06/27/11	3552 STAPLES ADVANTAGE	420100	SUPPLIES	45.45

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ACCT. NUMBER: XXXX XX51 6030 0002

CREDIT LIMIT	50,000.00	CASH ADVANCE BALANCE	
CURRENT BALANCE	7,818.17	MINIMUM PAYMENT DUE	7,818.17
AVAILABLE CREDIT	42,181.83	PAYMENT DUE DATE	06-20-11

**CORPORATE ACCOUNT ACTIVITY**PETERS TOWNSHIP  
XXXX-XX51-6030-0002TOTAL CORPORATE ACTIVITY  
\$7,541.72 CR

Post Date	Trans Date	Reference Number	Transaction Description	Amount
05-18	05-18		AUTO PAYMENT DEDUCTION	7,541.72 CR

**INDIVIDUAL CARDHOLDER ACTIVITY**RYAN R BONI  
XXXX-XX51-6030-0028

CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
\$0.00	\$1,399.01	\$0.00	\$1,399.01

Post Date	Trans Date	Reference Number	Transaction Description	Amount
05-06	05-05	24767901125126002114002	ADORAMA INC 212-7410401 NY	219.
05-09	05-06	24767901127129002946308	B & H PHOTO-VIDEO.COM 800-9479950 NY	249.95
05-16	05-12	24767901133134001996403	B & H PHOTO-VIDEO.COM 800-9479950 NY	25.80
05-16	05-14	24692161134000080109699	EPSON *STORE 800-873-7766 CA	97.08
05-16	05-12	24767901133134001981306	B & H PHOTO-VIDEO.COM 800-9479950 NY	148.25
05-16	05-14	24767901135136088607801	B & H PHOTO-VIDEO.COM 800-9479950 NY	214.60
05-16	05-14	24029461135701885723561	AIMTOFIND.COM 570-606-0729 PA	239.04
05-18	05-17	24694141137003592463700	MARKERTEK VIDEO SUPPLY 800-5222025 NY	205.19

JEFFREY WILMOT  
XXXX-XX51-6030-0036

CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
\$0.00	\$495.94	\$0.00	\$495.94

Post Date	Trans Date	Reference Number	Transaction Description	Amount
05-11	05-10	24388941130230166145600	MILLERS ACE HARDWARE MCMURRAY PA	17.08
05-16	05-13	24445001134500289023068	BROOKSIDE LUMBER BETHEL PARK PA	65.49
05-16	05-14	2438894113523015599061	MILLERS ACE HARDWARE MCMURRAY PA	67.97
05-20	05-19	24138291139286262600017	SUGAR RUN NURSERY VENETIA PA	206.96
06-01	05-31	24388941151230120447997	MILLERS ACE HARDWARE MCMURRAY PA	39.58
06-06	06-03	24013391155012469726810	NAPA AUTO PARTS OF MC MUR MC MURRAY PA	15.54
06-06	06-03	24692161154000276113856	LOWES #00671* WASHINGTON PA	83.32

NOEL MCMULLEN  
XXXX-XX51-6030-0044

CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
\$0.00	\$230.73	\$0.00	\$230.73

Post Date	Trans Date	Reference Number	Transaction Description	Amount
05-06	05-05	24164071125418182991387	USPS 41115295520501292 UNIVERSITY PA PA	1.88
05-11	05-10	24692161130000340573142	LOWES #00671* WASHINGTON PA	168.31
05-12	05-11	24164071131418144369344	USPS 41115205133910431 CANONSBURG PA	2.80
05-24	05-23	24164071143418172995529	USPS 41115295520501292 UNIVERSITY PA PA	1.08
06-03	06-01	24387751153004106310665	KMART 04770 MCMURRAY PA	56.66

JOHN A AGOSTINELLA  
XXXX-XX51-6030-0077

CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY
\$0.00	\$89.83	\$0.00	\$89.83

Post Date	Trans Date	Reference Number	Transaction Description	Amount
05-05	05-04	24388941124230178166105	MILLERS ACE HARDWARE MCMURRAY PA	17.98
05-26	05-25	24435651145200550600057	WELDING EQUIPMENT & REPA MEADOWLANDS PA	52.08
06-02	06-01	24388941152230166078051	MILLERS ACE HARDWARE MCMURRAY PA	19.77



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ACCT. NUMBER: XXXX XX51 6030 0002

CREDIT LIMIT	50,000.00	CASH ADVANCE BALANCE	.00
CURRENT BALANCE	7,818.17	MINIMUM PAYMENT DUE	7,818.17
AVAILABLE CREDIT	42,181.83	PAYMENT DUE DATE	06-20-11

## INDIVIDUAL CARDHOLDER ACTIVITY

Post Date	Trans Date	Reference Number	Transaction Description	Amount
<b>C MATT BLASCH JR</b>				
XXXX-XX51-6030-0085		CREDITS	PURCHASES	CASH ADV
		\$0.00	\$2,184.06	\$0.00
TOTAL ACTIVITY				\$2,184.06
05-06	05-04	24013391125010968407616	NAPA AUTO PARTS OF MC MUR MC MURRAY PA	29.88
05-06	05-04	24639231125900011500049	MONTAGE ENTERPRISES INC. 908-3825353 NJ	64.21
05-09	05-05	24013391126011016435533	NAPA AUTO PARTS OF MC MUR MC MURRAY PA	14.56
05-09	05-06	24435651126286623600185	WOLTZ & WIND FORD INC HEIDELBERG PA	16.70
05-09	05-06	24013391127011072519089	NAPA AUTO PARTS OF MC MUR MC MURRAY PA	76.88
05-11	05-09	24013391130011225410545	NAPA AUTO PARTS OF MC MUR MC MURRAY PA	23.31
05-12	05-10	24013391131011270425975	NAPA AUTO PARTS OF MC MUR MC MURRAY PA	52.18
05-16	05-12	24013391133011368420399	NAPA AUTO PARTS OF MC MUR MC MURRAY PA	26.48
05-20	05-19	24071051139987167162592	BATTERY SPECIALISTS CO 000-0000000 PA	159.13
05-20	05-19	24071051139987167162600	BATTERY SPECIALISTS CO 000-0000000 PA	212.04
05-20	05-19	24071051139987167162584	BATTERY SPECIALISTS CO 000-0000000 PA	224.33
05-27	05-26	24435651146200785000035	SOUTH HILLS LINCOLN ME PITTSBURGH PA	50.79
05-27	05-25	24254771146446705000205	BULL INTERNATIONAL INC WASHINGTON PA	187.78
05-30	05-25	24445001148000295037521	TRACTOR SUPPLY #1150 WASHINGTON PA	99.25
05-30	05-27	24435651147200765200055	SOUTH HILLS LINCOLN ME 724-941-1600 PA	209.30
05-30	05-27	24435651147206502100250	WASHINGTON FORD INC WASHINGTON PA	210.44
06-01	05-31	24435651151207770400011	BROOKSIDE SALES 412-833-7733 PA	241.50
06-02	05-31	24013391152012322409136	NAPA AUTO PARTS OF MC MUR MC MURRAY PA	107.96
06-03	06-01	24254771153446705000817	BULL INTERNATIONAL INC WASHINGTON PA	61.15
06-03	06-01	24193041153900018200201	FYDA FREIGHTLINER PITTSBU 724-5142055 PA	81.11
06-06	06-03	24013391155012469726802	NAPA AUTO PARTS OF MC MUR MC MURRAY PA	35.08
<b>KEVIN S CUSHEY</b>				
XXXX-XX51-6030-0101		CREDITS	PURCHASES	CASH ADV
		\$0.00	\$18.00	\$0.00
TOTAL ACTIVITY				\$18.00
05-25	05-24	24435651144200550500126	WELDING EQUIPMENT & REPA MEADOWLANDS PA	18.00
<b>MARC C SCOTT</b>				
XXXX-XX51-6030-0127		CREDITS	PURCHASES	CASH ADV
		\$0.00	\$157.17	\$0.00
TOTAL ACTIVITY				\$157.17
05-17	05-16	24435651137206625000140	CARDELLO ELECTRIC SUPPLY CANONSBURG PA	13.88
05-18	05-16	24707801137980147385542	REX GLASS & MIRROR MCMURRAY PA	84.00
05-30	05-28	24460811149921720230236	CROSSROADS MOWER CENTER I 724-9416501 PA	21.30
05-30	05-28	24398941149230100756123	MILLERS ACE HARDWARE MCMURRAY PA	37.99
<b>JOHN C MILLIKEN</b>				
XXXX-XX51-6030-0150		CREDITS	PURCHASES	CASH ADV
		\$0.00	\$221.32	\$0.00
TOTAL ACTIVITY				\$221.32
05-05	05-03	24013391124010919406551	NAPA AUTO PARTS OF MC MUR MC MURRAY PA	28.54
05-30	05-27	24013391148012129814618	NAPA AUTO PARTS OF MC MUR MC MURRAY PA	192.78
<b>THOMAS E SHEARER</b>				
XXXX-XX51-6030-0176		CREDITS	PURCHASES	CASH ADV
		\$0.00	\$272.07	\$0.00
TOTAL ACTIVITY				\$272.07
05-05	05-03	24387751124004087200717	KMART 04770 MCMURRAY PA	14.97
05-06	05-05	24388941125230123176265	MILLERS ACE HARDWARE MCMURRAY PA	5.39
05-17	05-16	24388941136230144059786	MILLERS ACE HARDWARE MCMURRAY PA	99.96
05-18	05-17	24388941137230185119878	MILLERS ACE HARDWARE MCMURRAY PA	24.25



ACCT. NUMBER: XXXX XX51 6030 0002				
CREDIT LIMIT	50,000.00	CASH ADVANCE BALANCE		
CURRENT BALANCE	7,818.17	MINIMUM PAYMENT DUE		7,818.17
AVAILABLE CREDIT	42,181.83	PAYMENT DUE DATE		06-20-11

INDIVIDUAL CARDHOLDER ACTIVITY					
06-03	06-02	2405523115328600000096	LYNCH LANDSCAPE SUPPLY VENETIA PA	127.50	
RONALD J SWEENEY XXXX-XX51-6030-0184		CREDITS \$0.00	PURCHASES \$153.30	CASH ADV \$0.00	TOTAL ACTIVITY \$153.30
Post Date	Trans Date	Reference Number	Transaction Description	Amount	
05-09	05-08	24692161126000469206504	LOWES #00671* WASHINGTON PA	153.30	
RICHARD D WRIGHT XXXX-XX51-6030-0218		CREDITS \$0.00	PURCHASES \$379.12	CASH ADV \$0.00	TOTAL ACTIVITY \$379.12
Post Date	Trans Date	Reference Number	Transaction Description	Amount	
05-17	05-16	24388941138230144059638	MILLERS ACE HARDWARE MCMURRAY PA	77.27	
05-18	05-17	24388941137230185119381	MILLERS ACE HARDWARE MCMURRAY PA	62.06	
05-19	05-18	24388941138230126947626	MILLERS ACE HARDWARE MCMURRAY PA	46.17	
05-20	05-19	24388941139230170022770	MILLERS ACE HARDWARE MCMURRAY PA	13.00	
05-23	05-20	24388941140230118158410	MILLERS ACE HARDWARE MCMURRAY PA	44.50	
06-06	06-03	2405523115428600000111	LYNCH LANDSCAPE SUPPLY VENETIA PA	135.15	
MICHAEL A SILVESTRI XXXX-XX51-6030-0226		CREDITS \$0.00	PURCHASES \$106.99	CASH ADV \$0.00	TOTAL ACTIVITY \$106.99
Post Date	Trans Date	Reference Number	Transaction Description	Amount	
05-05	05-03	24387751124004031422144	SEARS COM INTERNET 800-676-5543 IA	106.99	
PAUL F LAUER XXXX-XX51-6030-0234		CREDITS \$0.00	PURCHASES \$30.00	CASH ADV \$0.00	TOTAL ACTIVITY \$30.00
Post Date	Trans Date	Reference Number	Transaction Description	Amount	
05-12	05-12	24492151132207733407470	PAY FLOW PRO 888-883-9770 NE	30.00	
DANIEL COYLE XXXX-XX51-6030-0242		CREDITS \$0.00	PURCHASES \$818.94	CASH ADV \$0.00	TOTAL ACTIVITY \$818.94
Post Date	Trans Date	Reference Number	Transaction Description	Amount	
05-05	05-03	24473011124900011900435	OHIO TURNPIKE COMMISSION BERA OH	15.00	
05-05	05-04	24299101124010956926188	MARATHON OIL 034041 GRAND RAPIDS MI	55.01	
05-05	05-03	24445001124300227482641	LOGANS CALEDONIA MI	62.62	
05-05	05-03	24427331124120004769593	GREAT LAKES BROADVIEW HEI OH	75.00	
05-05	05-03	24164051124378006236885	EXXONMOBIL 96832514 HOWE IN	100.00	
05-05	05-04	24299101124010956926204	MARATHON OIL 034041 GRAND RAPIDS MI	154.79	
05-06	05-04	24473011125900010400345	OHIO TURNPIKE COMMISSION BERA OH	10.50	
05-06	05-04	24473011125900010400337	OHIO TURNPIKE COMMISSION BERA OH	28.00	
05-06	05-04	24427331125120004834610	COMMODORE PERRY CLYDE OH	58.00	
05-06	05-04	24427331125120004833554	COMMODORE PERRY CLYDE OH	71.88	
05-06	05-04	24427331125120004834636	COMMODORE PERRY CLYDE OH	74.19	
05-06	05-04	24072801125401050499809	HOLIDAY INN EXPRESS GRAND RAPIDS MI 05049980 ARRIVAL: 05-03-11	113.95	
JAMES EMERICK XXXX-XX51-6030-0259		CREDITS \$0.00	PURCHASES \$162.00	CASH ADV \$0.00	TOTAL ACTIVITY \$162.00
Post Date	Trans Date	Reference Number	Transaction Description	Amount	
05-30	05-26	24121571147139062931625	WINZIP COMPUTING SL 877-2946947 CT	162.00	



ACCT. NUMBER: XXXX XX51 6030 0002			
CREDIT LIMIT	50,000.00	CASH ADVANCE BALANCE	.00
CURRENT BALANCE	7,818.17	MINIMUM PAYMENT DUE	7,818.17
AVAILABLE CREDIT	42,181.83	PAYMENT DUE DATE	06-20-11

### INDIVIDUAL CARDHOLDER ACTIVITY

INDIVIDUAL CARDHOLDER ACTIVITY					
HARRY J FRUECHT XXXX-XX51-6030-0267		CREDITS \$0.00	PURCHASES \$39.97	CASH ADV \$0.00	TOTAL ACTIVITY \$39.97
Post Date	Trans Date	Reference Number	Transaction Description	Amount	
05-12	05-11	24492151131849363293711	PAYPAL *STREAKMASTE 402-935-7733 TX	39.97	
FLOYD C WHITE XXXX-XX51-6030-0291		CREDITS \$0.00	PURCHASES \$131.88	CASH ADV \$0.00	TOTAL ACTIVITY \$131.88
Post Date	Trans Date	Reference Number	Transaction Description	Amount	
05-20	05-19	24692161139000142609293	LOWES #00671* WASHINGTON PA	131.88	
JAMES L BANDI XXXX-XX51-6030-0309		CREDITS \$0.00	PURCHASES \$113.39	CASH ADV \$0.00	TOTAL ACTIVITY \$113.39
Post Date	Trans Date	Reference Number	Transaction Description	Amount	
05-05	05-04	24435651124200539300014	KIEFER COAL & SUPPLY CO BETHEL PARK PA	58.75	
05-17	05-16	24460811136921720230090	CROSSROADS MOWER CENTER I 724-9416501 PA	32.15	
05-26	05-25	24388941145230144297948	MILLERS ACE HARDWARE MCMURRAY PA	22.49	
JAMES R MOODSPAUGH XXXX-XX51-6030-0358		CREDITS \$0.00	PURCHASES \$237.45	CASH ADV \$0.00	TOTAL ACTIVITY \$237.45
Post Date	Trans Date	Reference Number	Transaction Description	Amount	
05-18	05-16	24387751137004092168532	KMART 04770 MCMURRAY PA	20.85	
05-25	05-24	24138291145781005046217	DICK'S SPORTINGGOODS PITTSBURGH PA	96.17	
05-26	05-24	24445741145100390979355	OFFICE DEPOT #100 BETHEL PARK PA	18.81	
06-01	05-31	24164071151418144363359	USPS 41115205133910431 CANONSBURG PA	5.65	
06-01	05-31	24692161151000639379155	GAI*GAIAM AMERICAS 303-222-3710 CA	73.95	
06-03	06-01	24387751153004106310673	KMART 04770 MCMURRAY PA	22.02	
MICHELE M HARMEL XXXX-XX51-6030-0366		CREDITS \$0.00	PURCHASES \$30.91	CASH ADV \$0.00	TOTAL ACTIVITY \$30.91
Post Date	Trans Date	Reference Number	Transaction Description	Amount	
05-25	05-23	24387751144004098244353	KMART 04770 MCMURRAY PA	30.91	
CARMINE M CARRIER XXXX-XX51-6030-0374		CREDITS \$0.00	PURCHASES \$46.91	CASH ADV \$0.00	TOTAL ACTIVITY \$46.91
Post Date	Trans Date	Reference Number	Transaction Description	Amount	
05-11	05-10	24388941130230166146269	MILLERS ACE HARDWARE MCMURRAY PA	35.01	
06-02	06-01	24460811152921720230040	CROSSROADS MOWER CENTER I 724-9416501 PA	11.90	
TIM FRAZIER XXXX-XX51-6030-0382		CREDITS \$0.00	PURCHASES \$58.81	CASH ADV \$0.00	TOTAL ACTIVITY \$58.81
Post Date	Trans Date	Reference Number	Transaction Description	Amount	
05-10	05-09	24388941129230125243820	MILLERS ACE HARDWARE MCMURRAY PA	7.64	
05-11	05-09	24013391130011225410594	NAPA AUTO PARTS OF MC MUR MC MURRAY PA	8.85	



ACCT. NUMBER: XXXX XX51 6030 0002			
CREDIT LIMIT	50,000.00	CASH ADVANCE BALANCE	
CURRENT BALANCE	7,818.17	MINIMUM PAYMENT DUE	7,818.17
AVAILABLE CREDIT	42,181.83	PAYMENT DUE DATE	06-20-11

**INDIVIDUAL CARDHOLDER ACTIVITY**

05-25	05-24	24435651145206625700103	CARDELLO ELECTRIC SUPPLY CANONSBURG PA	29.90
05-30	05-27	24013391148012129814758	NAPA AUTO PARTS OF MC MUR MC MURRAY PA	4.62
05-30	05-27	24013391148012129814642	NAPA AUTO PARTS OF MC MUR MC MURRAY PA	7.60

<b>PETER C OVERCASHIER</b>	<b>CREDITS</b>	<b>PURCHASES</b>	<b>CASH ADV</b>	<b>TOTAL ACTIVITY</b>
XXXX-XX51-6900-0009	\$0.00	\$300.08	\$0.00	\$300.08

Post Date	Trans Date	Reference Number	Transaction Description	Amount
05-09	05-07	24387751128004036627412	SEARS ROEBUCK 2114 WASHINGTON PA	87.93
05-20	05-20	24692161140000267400848	ULINE *SHIP SUPPLIES 800-295-5510 IL	103.15
05-24	05-23	24055231143286000000073	LYNCH LANDSCAPE SUPPLY VENETIA PA	109.00

<b>BRIAN C KOKKILA</b>	<b>CREDITS</b>	<b>PURCHASES</b>	<b>CASH ADV</b>	<b>TOTAL ACTIVITY</b>
XXXX-XX99-0001-338B	\$0.00	\$140.49	\$0.00	\$140.49

Post Date	Trans Date	Reference Number	Transaction Description	Amount
05-09	05-05	24013391126011016435566	NAPA AUTO PARTS OF MC MUR MC MURRAY PA	21.
05-10	05-08	24013391129011180398829	NAPA AUTO PARTS OF MC MUR MC MURRAY PA	20.98
05-19	05-17	24013391138011612392159	NAPA AUTO PARTS OF MC MUR MC MURRAY PA	30.31
05-30	05-29	24368941149230150451237	MILLERS ACE HARDWARE MCMURRAY PA	16.95
05-31	05-29	24013391150012236103413	NAPA AUTO PARTS OF MC MUR MC MURRAY PA	41.13
06-03	06-01	24013391153012365366101	NAPA AUTO PARTS OF MC MUR MC MURRAY PA	9.96

# Peters Township

WASHINGTON COUNTY

MICHAEL A. SILVESTRI, *Manager*  
PAUL F. LAUER, *Assistant Manager*

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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.

June 17, 2011

Mr. Grant Carroll  
210 Stonebrook Dr.  
McMurray, PA 15317

Dear Mr. Carroll;

Please be advised that I have reviewed the traffic data for Stonebrook Drive. As you know the counters were out from Wednesday, May 25 through Memorial Day. During that time period the 85<sup>th</sup> percentile for each day ranged between 23.9 and 24.8 miles per hour. In addition no individual hour exceeded the threshold speed (32mph) for traffic calming. The daily traffic volumes range from 218 to 298.

There were a total of 9 vehicles exceeding 36 mph, this is the speed we are allowed to ticket. The highest speed was 45.2 which is extremely fast for a street such as this. That vehicle passed through on Wed at 6:44 pm. There were a total of 60 vehicles in excess of 30 mph representing 3.79% of the traffic.

Based on the information received, we must conclude that speeding is not an issue on the street. Although there is the potential of speeding that can occur at any time. I will ask Chief Fruecht to have a police car present on a Sunday during mass times as available.

I am enclosing the traffic data, if you have any questions you may contact Captain Yanchak (724-942-5030) or me.

Sincerely yours

A handwritten signature in black ink, appearing to read 'Michael A. Silvestri', is written over a light blue horizontal line.

Michael A. Silvestri  
Township Manger

cc. Council

Chief Harry Fruecht  
Captain Michael Yanchak

enclosure

**ADMINISTRATION DEPARTMENT**  
**May 2011**

Personnel Matters—8 candidates were interviewed for part time firefighter positions, 4 were selected, Michael McLaughlin, James Barca, Joseph Armbruster, David Grady. Fire Contract implementation meetings are being overseen by Mr. Lauer; we have yet to approve a contract that incorporates the current agreement with the arbitration award.

Gas Drilling—The staff worked on finalizing a draft gas drilling ordinance. Chesapeake Appalachian met to discuss their desire to drill in the Township before the end of the year.

Crematory Challenge—Two public hearings were held on this topic.

Park Expansion—Meetings were held with the Phase 1 contractor to finalize work and responsibilities. Staff met to review in the field maintenance protocols.

Construction—The outdoor construction season has begun. A preconstruction meeting was held with Morgan Excavating, work has commenced and weekly schedules are on line for the public to view. Public Works has commenced in-house projects.

Columbia Gas—We met with the gas company to review the extensive work they plan in the Township for the next two years. They are currently working on Center Church area and will also working on East McMurray area and Lightholder/Overlook .

Planting Project—We are again working with 4 community groups to plant and maintain flower gardens at 5 locations in the Township.

## ADMINISTRATION DEPARTMENT

May 2011

### *Monthly Snapshots*

No-Lien Letters Issued:	70
Public/Legal Notices:	8
Website Hits:	5,989
Action Line Submissions	22
Staff Meetings:	2 Department Head Meetings Mark Scott—Safety Committee Preparation Park Maintenance-P. Overcashier, M. Harmel, J. Mizia Part Time Firefighter interviews-8-D. Coyle, N. McMullen, M. Grimm In Community Magazine-C. Evans, T. Gromek Park Expansion Maint.—P. Lauer, M. Zemaitis, P. Overcashier, M. Harmel, J. Mizia Resurfacing Preconstruction Meeting—Morgan, Pompei, Gateway, M. Zemaitis, P. Overcashier D. Coyle, N. McMullen—Contract issues Gas Drilling Ordinance—Planning Department Park Construction Meeting—M. Zemaitis, P. Lauer, M. Harmel, Liberoni Safety Committee Meeting Engineering Meeting Copier Training
Resident Meetings:	Kathy Tomamichael, Planting Project-P. Overcashier Neal Seamon—Tree buffer, Overlook Plan Mark Cicacci—Drainage & open space issues-M. Zeimaitis
Other Meetings:	Character Counts (2) Daniele Belusco—Community questions Chesapeake Appalachian—E. Zuk, S. Brodak Waste Management Community Outreach meeting—T. Gromek Clear Choice Energy—P. Lauer Energy Seminar—R. Bright, W. Muzzey SHACOG Manager's meeting Columbia Gas Projects—Gas Company Reps, M. Zemaitis, P. Overcashier SPC Long Range Plan Meeting
Other	Crematory Hearing (2) Hofbauer Field Light Up Program
Bids	Pavement Rejuvenator

**Peters Township Investments as of 5/31/2011**

	<b>Limit</b>	<b>Total</b>	<b>General Fund</b>	<b>State Liquid Fuels Fund</b>	<b>Capital Projects Fund</b>	<b>Cable Television Fund</b>	<b>Community Fund</b>	<b>Solid Waste Services Fund</b>
<b>Cash Balances</b>		\$8,850,068	\$5,946,246	\$465,592	\$1,516,490	\$862,154	\$59,586	\$284,907

**Investment Limit by Type**

Pooled Investment Programs	\$4,425,034	\$4,417,632	\$3,336,995	\$465,550	\$1,503	\$613,584	\$0	\$0
U.S. Securities <sup>1</sup>	8,850,068	\$1,110,654	921,093	0	129,974	0	59,586	284,907
Commercial Banks	4,425,034	\$3,321,782	1,688,158	42	1,385,012	248,570	0	0
Savings and Loans	1,327,510	\$0	0	0	0	0	0	0

**Investment Limit by Issuer**

U.S. Securities	\$8,850,068	\$1,110,654	\$921,093	\$0	\$129,974	\$0	\$59,586	\$284,907
Plgit	4,425,034	\$3,347,555	2,266,918	465,550	1,503	613,584	0	0
INVEST	4,425,034	\$1,070,077	1,070,077	0	0	0	0	0
Bank								
PNC Bank	\$2,212,517	\$1,085,868	\$641,943	\$42	\$195,313	\$248,570	\$0	\$0
Gateway Bank	2,212,517	\$0	0	0	0	0	0	0
Charleroi Federal	2,212,517	\$1,887,256	697,557	0	1,189,699	0	0	0
Washington Federal	2,212,517	\$348,658	348,658	0	0	0	0	0

**Investments by Type**

Armada Fund		\$1,110,654	\$921,093	\$0	\$129,974	\$0	\$59,586	\$284,907
Money Market Accounts								
National City		\$1,085,868	\$641,943	\$42	\$195,313	\$248,570	\$0	\$0
Plgit		\$3,347,555	2,266,918	465,550	1,503	613,584	0	0
INVEST		\$1,070,077	1,070,077	0	0	0	0	0
Charleroi Federal		\$540	540	0	0	0	0	0
Certificates of Deposit								
National City		\$0	0	\$0	\$0	\$0	\$0	\$0
Gateway Bank		\$0	0	0	0	0	0	0
Charleroi Federal		\$1,886,717	697,018	0	1,189,699	0	0	0
Washington Federal		\$348,658	348,658	0	0	0	0	0

**Return By Type of Investment**

	<b>Interest Rate</b>	<b>Term</b>	
PLIGIT	0.05%	Liquid	
PLIGIT Plus	0.10%	30 days	
INVEST	0.08%	Liquid	
Armada Fund	0.05%	Liquid	
CD			Balance
Charleroi Federal	2.36%	2/3/2013	\$522,795
Charleroi Federal	5.17%	10/26/2013	\$666,365
Charleroi Federal	5.17%	10/26/2013	\$665,044
Washington Federal	1.60%	2/18/2011	\$264,364

1. Funds listed as invested in US Securities are invested in the Armada Fund. The Armada Fund is a US Securities money market fund administered

SELECTION CRITERIA: genledgr.fund="010000"  
 ACCOUNTING PERIOD: 5/11

FUND - 010000 - GENERAL FUND			
ACCOUNT	TITLE	DEBITS	CREDITS
000101	CHECKING	921,093.13	
000102	FLEX FUND	.00	
000103	PLGIT	41.30	
000104	PLGIT PLUS	2,266,876.24	
000105	PETTY CASH	240.00	
000106	CERTIFICATES OF DEPOSIT	665,044.34	
000109	RECREATION ACCOUNT	32,512.67	
000111	HEALTH REIMBURSEMENT ACCT	120,770.44	
000112	PA INVEST	1,070,077.29	
000113	POST RETIREMENT BENEFITS	348,658.41	
000114	GAMING FUNDS ACCOUNT	520,932.36	
	TOTAL CASH	5,946,246.18	.00
000201	ESCROW CHECKING	127,638.43	
000202	ESCROW FLEX	23,666.41	
	TOTAL RETURNABLE DEPOSITS	151,304.84	.00
000303	DUE FROM CAPITAL PROJECTS	.00	
000305	DUE FROM CABLE TV FUND	1,514.16	
000306	DUE FROM COMMUNITY FUND	.00	
000309	DUE FROM POL PENSION FUND	.00	
000310	DUE FROM SOLID WASTE FUND	50,000.00	
000311	DUE FROM FLEX SPEND ACCT	33,801.17	
000320	DUE FROM PAYROLL FUND	.00	
	TOTAL DUE FROM OTHER FUNDS	85,315.33	.00
000400	OTHER GOVERNMENT	.00	
000402	DUE FROM LOCAL GOVT	2,500.00	
	TOTAL OTHER GOVERNMENT	2,500.00	.00
000501	REAL ESTATE TAXES	85,108.70	
000502	ASSESSMENT RECEIVABLE	48,165.87	
000504	EIT RECEIVABLE	995,318.08	
000599	OTHER RECEIVABLES	16,013.52	
	TOTAL RECEIVABLES	1,144,606.17	.00
000601	PRE PAID EXPENSES	3,836.00	
	TOTAL OTHER ASSETS	3,836.00	.00
	TOTAL ASSETS	7,333,808.52	.00
100101	PAYROLL PAYABLE	359.00	
100102	FICA PAYABLE	27.46	
100104	COMP ABSENCES PAYABLE		7,248.07
100118	PUB WRKS UNIFORMS		.00
100199	OTHER ACCOUNTS PAYABLE		3,749.12
	TOTAL ACCOUNTS PAYABLE	386.46	10,997.19
100201	RETURNABLE DEPOSITS		151,304.84



SELECTION CRITERIA: orgn.fund="010000"  
 ACCOUNTING PERIOD: 5/11

SORTED BY: FUND,1ST SUBTOTAL,2ND SUBTOTAL,ACCOUNT  
 TOTALED ON: FUND,1ST SUBTOTAL,2ND SUBTOTAL  
 PAGE BREAKS ON: FUND

FUND-010000 GENERAL FUND  
 1ST SUBTOTAL-310000 TAX REVENUE  
 2ND SUBTOTAL-310100 REAL ESTATE TAX

ACCOUNT	TITLE	BUDGET	CURRENT YEAR				PRIOR YEAR			
			REVENUE	BALANCE	%	BUDGET	REVENUE	BALANCE	%	
310101	REAL ESTATE TAX CU	4,027,000.00	2,056,146.29	1,970,853.71	51.06	4,271,000.00	2,076,609.89	2,194,390.11	48.62	
310102	REAL ESTATE TAX PR	18,000.00	24,105.56	-6,105.56	133.92	18,000.00	15,718.01	2,281.99	87.32	
310103	REAL ESTATE TAX LI	50,000.00	18,585.38	31,414.62	37.17	50,000.00	7,409.37	42,590.63	14.82	
TOTAL REAL ESTATE TAX		4,095,000.00	2,098,837.23	1,996,162.77	51.25	4,339,000.00	2,099,737.27	2,239,262.73	48.39	
310210	REAL ESTATE TRANSF	1,100,000.00	406,908.75	693,091.25	36.99	1,000,000.00	307,620.53	692,379.47	30.76	
TOTAL REAL ESTATE TRANSFER TAX		1,100,000.00	406,908.75	693,091.25	36.99	1,000,000.00	307,620.53	692,379.47	30.76	
310301	EARNED INCOME TAX	4,535,000.00	2,560,214.24	1,974,785.76	56.45	4,343,000.00	2,415,016.25	1,927,983.75	55.61	
310302	EARNED INCOME TAX	160,000.00	83,065.13	76,934.87	51.92	150,000.00	54,746.66	95,253.34	36.50	
TOTAL EARNED INCOME TAX		4,695,000.00	2,643,279.37	2,051,720.63	56.30	4,493,000.00	2,469,762.91	2,023,237.09	54.97	
310410	MECHANICAL DEVICE	4,500.00	5,700.00	-1,200.00	126.67	5,272.00	4,900.00	372.00	92.94	
310420	LOCAL SERVICES TAX	280,000.00	159,933.10	120,066.90	57.12	275,000.00	147,108.95	127,891.05	53.49	
TOTAL OTHER TAXES		284,500.00	165,633.10	118,866.90	58.22	280,272.00	152,008.95	128,263.05	54.24	
TOTAL TAX REVENUE		10,174,500.00	5,314,658.45	4,859,841.55	52.24	10,112,272.00	5,029,129.66	5,083,142.34	49.73	
320110	STREET OPENING	8,000.00	9,475.00	-1,475.00	118.44	7,000.00	3,750.00	3,250.00	53.57	
TOTAL LICENSES & PERMITS		8,000.00	9,475.00	-1,475.00	118.44	7,000.00	3,750.00	3,250.00	53.57	
320210	COURT FINES	1,500.00	822.09	677.91	54.81	1,000.00	1,187.52	-187.52	118.75	
320220	VEHICLE VIOLATIONS	65,000.00	21,394.36	43,605.64	32.91	47,500.00	19,386.67	28,113.33	40.81	
320230	VIOLATIONS OF ORDI	30,000.00	1,036.89	28,963.11	3.46	26,750.00	9,842.57	16,907.43	36.79	
TOTAL FINES & FORFEITS		96,500.00	23,253.34	73,246.66	24.10	75,250.00	30,416.76	44,833.24	40.42	
320310	INTEREST	32,500.00	781.06	31,718.94	2.40	60,000.00	1,587.39	58,412.61	2.65	
TOTAL INTEREST		32,500.00	781.06	31,718.94	2.40	60,000.00	1,587.39	58,412.61	2.65	
320410	BEVERAGE LICENSES	7,250.00	275.00	6,975.00	3.79	6,950.00	600.00	6,350.00	8.63	
320420	FOREIGN CASUALTY	295,000.00	.00	295,000.00	.00	278,000.00	.00	278,000.00	.00	
320430	FOREIGN FIRE INSUR	121,000.00	.00	121,000.00	.00	107,510.00	.00	107,510.00	.00	
320440	PURTA	13,672.00	.00	13,672.00	.00	13,000.00	.00	13,000.00	.00	
320460	GAMING FUNDS	200,660.00	119,593.74	81,066.26	59.60	.00	.00	.00	.00	
320490	STATE GRANT	62,000.00	52,589.17	9,410.83	84.82	62,000.00	312,608.81	-250,608.81	504.21	
TOTAL INTERGOVERNMENTAL TRANS		699,582.00	172,457.91	527,124.09	24.65	467,460.00	313,208.81	154,251.19	67.00	
320510	ZONING & SUBDIVISI	30,000.00	11,220.25	18,779.75	37.40	36,000.00	14,172.60	21,827.40	39.37	
320511	BUILDING PERMIT	200,000.00	172,732.27	27,267.73	86.37	190,000.00	59,757.91	130,242.09	31.45	
320520	SALE OF MATERIAL	50,000.00	2,708.27	47,291.73	5.42	50,000.00	1,290.40	48,709.60	2.58	
320530	TAX COLLECTION FEE	98,375.00	.00	98,375.00	.00	112,875.00	.00	112,875.00	.00	
320540	POLICE SERVICES	12,000.00	2,719.17	9,280.83	22.66	12,000.00	3,347.83	8,652.17	27.90	
320550	STATE ROAD MAINTEN	41,500.00	645.68	40,854.32	1.56	40,000.00	.00	40,000.00	.00	
320560	RECREATION FEES	210,000.00	111,860.54	98,139.46	53.27	210,000.00	89,538.84	120,461.16	42.64	
320561	TENNIS FEES	140,000.00	31,973.17	108,026.83	22.84	150,000.00	32,322.90	117,677.10	21.55	
320562	PARK FEES	5,000.00	3,180.00	1,820.00	63.60	5,000.00	3,240.00	1,760.00	64.80	

PETERS TOWNSHIP  
 REVENUE COMPARISON REPORT

SELECTION CRITERIA: orgn.fund="010000"  
 ACCOUNTING PERIOD: 5/11

SORTED BY: FUND,1ST SUBTOTAL,2ND SUBTOTAL,ACCOUNT  
 TOTALED ON: FUND,1ST SUBTOTAL,2ND SUBTOTAL  
 PAGE BREAKS ON: FUND

FUND-010000 GENERAL FUND  
 1ST SUBTOTAL-320000 NON-TAX REVENUES  
 2ND SUBTOTAL-320500 CHARGES FOR SERVICES

ACCOUNT	TITLE	BUDGET	CURRENT YEAR			PRIOR YEAR			
			REVENUE	BALANCE	%	BUDGET	REVENUE	BALANCE	%
320563	FIRE STN RENTALS	42,000.00	17,500.00	24,500.00	41.67	42,000.00	17,500.00	24,500.00	41.67
320570	BURNING PERMITS	.00	50.00	-50.00	.00	.00	.00	.00	.00
	TOTAL CHARGES FOR SERVICES	828,875.00	354,589.35	474,285.65	42.78	847,875.00	221,170.48	626,704.52	26.09
320710	CONTRIBUTIONS	.00	.00	.00	.00	13,012.00	4,643.12	8,368.88	35.68
	TOTAL CONTRIBUTIONS	.00	.00	.00	.00	13,012.00	4,643.12	8,368.88	35.68
329910	MISCELLANEOUS	25,000.00	11,078.95	13,921.05	44.32	22,000.00	10,252.76	11,747.24	46.60
	TOTAL MISCELLANEOUS	25,000.00	11,078.95	13,921.05	44.32	22,000.00	10,252.76	11,747.24	46.60
	TOTAL NON-TAX REVENUES	1,690,457.00	571,635.61	1,118,821.39	33.82	1,492,597.00	585,029.32	907,567.68	39.20
	TOTAL GENERAL FUND	11,864,957.00	5,886,294.06	5,978,662.94	49.61	11,604,869.00	5,614,158.98	5,990,710.02	48.38
	TOTAL REPORT	11,864,957.00	5,886,294.06	5,978,662.94	49.61	11,604,869.00	5,614,158.98	5,990,710.02	48.38

SUNGARD PENNTAMATION, INC. - FUND ACCOUNTING  
 DATE: 06/ 1  
 TIME: 08: 52

PETERS TO TIP  
 EXPENDITURE COMPARISON REPORT

SELECTION CRITERIA: orgn.fund="010000"  
 ACCOUNTING PERIOD: 5/11

SORTED BY: FUND,DIVISION,1ST SUBTOTAL,ACCOUNT  
 TOTALED ON: FUND,DIVISION,1ST SUBTOTAL  
 PAGE BREAKS ON: FUND,DIVISION

FUND-010000 GENERAL FUND  
 DIVISION-011110 COUNCIL  
 1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	----- CURRENT YEAR -----				----- PRIOR YEAR -----			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	21,000.00	5,850.00	15,150.00	27.86	21,000.00	5,475.00	15,525.00	26.07
TOTAL-410100 SALARY & WAG	21,000.00	5,850.00	15,150.00	27.86	21,000.00	5,475.00	15,525.00	26.07
410201 FICA	1,607.00	447.54	1,159.46	27.85	1,607.00	418.91	1,188.09	26.07
TOTAL-410200 FRINGE BENEF	1,607.00	447.54	1,159.46	27.85	1,607.00	418.91	1,188.09	26.07
TOTAL-011110 COUNCIL	22,607.00	6,297.54	16,309.46	27.86	22,607.00	5,893.91	16,713.09	26.07

SELECTION CRITERIA: orgn.fund="010000"  
 ACCOUNTING PERIOD: 5/11

SORTED BY: FUND,DIVISION,1ST SUBTOTAL,ACCOUNT  
 TOTALED ON: FUND,DIVISION,1ST SUBTOTAL  
 PAGE BREAKS ON: FUND,DIVISION

FUND-010000 GENERAL FUND  
 DIVISION-011210 MANAGER  
 1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	CURRENT YEAR				PRIOR YEAR			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	329,800.00	131,234.88	198,565.12	39.79	322,000.00	127,815.16	194,184.84	39.69
410102 O/T WAGES	.00	986.26	-986.26	.00	.00	485.59	-485.59	.00
TOTAL-410100 SALARY & WAG	329,800.00	132,221.14	197,578.86	40.09	322,000.00	128,300.75	193,699.25	39.84
410201 FICA	25,230.00	9,909.68	15,320.32	39.28	24,633.00	9,623.06	15,009.94	39.07
TOTAL-410200 FRINGE BENEF	25,230.00	9,909.68	15,320.32	39.28	24,633.00	9,623.06	15,009.94	39.07
420100 OPERATING SUPPLIES	16,300.00	5,122.83	11,177.17	31.43	15,500.00	6,520.80	8,979.20	42.07
420600 MINOR EQUIPMENT	1,000.00	.00	1,000.00	.00	1,700.00	.00	1,700.00	.00
TOTAL-420000 SUPPLIES	17,300.00	5,122.83	12,177.17	29.61	17,200.00	6,520.80	10,679.20	37.91
430050 BANKING FEES	.00	.00	.00	.00	.00	125.00	-125.00	.00
430101 TELEPHONE	11,500.00	2,879.19	8,620.81	25.04	11,000.00	3,778.45	7,221.55	34.35
430200 ADVERTISING & PRIN	16,100.00	5,233.27	10,866.73	32.50	17,000.00	2,982.54	14,017.46	17.54
430302 BONDS	1,000.00	975.00	25.00	97.50	1,000.00	975.00	25.00	97.50
430700 CONTRACTED SERVICE	1,500.00	.00	1,500.00	.00	1,300.00	1,304.08	-4.08	100.31
439900 MISCELLANEOUS SERV	27,000.00	18,238.33	8,761.67	67.55	27,000.00	14,583.61	12,416.39	54.01
TOTAL-430000 SERVICES	57,100.00	27,325.79	29,774.21	47.86	57,300.00	23,748.68	33,551.32	41.45
TOTAL-011210 MANAGER	429,430.00	174,579.44	254,850.56	40.65	421,133.00	168,193.29	252,939.71	39.94

SUNGARD PENTAMATION, INC. - FUND ACCOUNTING  
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PETERS T HIP  
 EXPENDITURE COMPARISON REPORT

SELECTION CRITERIA: orgn.fund="010000"  
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FUND-010000 GENERAL FUND  
 DIVISION-011220 SPECIAL PROJECTS  
 1ST SUBTOTAL-420000 SUPPLIES

ACCOUNT	CURRENT YEAR				PRIOR YEAR			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
420100 OPERATING SUPPLIES	3,000.00	1,496.56	1,503.44	49.89	3,000.00	1,741.36	1,258.64	58.05
TOTAL-420000 SUPPLIES	3,000.00	1,496.56	1,503.44	49.89	3,000.00	1,741.36	1,258.64	58.05
439900 MISCELLANEOUS SERV	6,500.00	3,155.60	3,344.40	48.55	10,000.00	3,581.70	6,418.30	35.82
TOTAL-430000 SERVICES	6,500.00	3,155.60	3,344.40	48.55	10,000.00	3,581.70	6,418.30	35.82
TOTAL-011220 SPECIAL PROJ	9,500.00	4,652.16	4,847.84	48.97	13,000.00	5,323.06	7,676.94	40.95

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SELECTION CRITERIA: orgn.fund="010000"  
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FUND-010000 GENERAL FUND  
 DIVISION-011230 TAX COLLECTION  
 1ST SUBTOTAL-420000 SUPPLIES

ACCOUNT	----- CURRENT YEAR -----				----- PRIOR YEAR -----			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
420100 OPERATING SUPPLIES	750.00	1,001.48	-251.48	133.53	750.00	105.24	644.76	14.03
TOTAL-420000 SUPPLIES	750.00	1,001.48	-251.48	133.53	750.00	105.24	644.76	14.03
430302 BONDS	5,000.00	4,451.00	549.00	89.02	5,000.00	4,451.00	549.00	89.02
430700 CONTRACTED SERVICE	191,000.00	46,181.94	144,818.06	24.18	220,000.00	41,882.83	178,117.17	19.04
TOTAL-430000 SERVICES	196,000.00	50,632.94	145,367.06	25.83	225,000.00	46,333.83	178,666.17	20.59
TOTAL-011230 TAX COLLECTI	196,750.00	51,634.42	145,115.58	26.24	225,750.00	46,439.07	179,310.93	20.57

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FUND-010000 GENERAL FUND  
 DIVISION-011240 PROFESSIONAL SERVICES  
 1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	CURRENT YEAR				PRIOR YEAR			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	93,500.00	33,615.46	59,884.54	35.95	88,000.00	32,809.52	55,190.48	37.28
TOTAL-410100 SALARY & WAG	93,500.00	33,615.46	59,884.54	35.95	88,000.00	32,809.52	55,190.48	37.28
410201 FICA	7,153.00	2,502.59	4,650.41	34.99	6,732.00	2,446.79	4,285.21	36.35
TOTAL-410200 FRINGE BENEF	7,153.00	2,502.59	4,650.41	34.99	6,732.00	2,446.79	4,285.21	36.35
420100 OPERATING SUPPLIES	1,500.00	408.79	1,091.21	27.25	2,000.00	949.85	1,050.15	47.49
420600 MINOR EQUIPMENT	2,000.00	.00	2,000.00	.00	1,000.00	.00	1,000.00	.00
TOTAL-420000 SUPPLIES	3,500.00	408.79	3,091.21	11.68	3,000.00	949.85	2,050.15	31.66
430800 TRAINING	3,000.00	.00	3,000.00	.00	1,500.00	.00	1,500.00	.00
431000 ACCOUNTING/AUDITIN	13,000.00	.00	13,000.00	.00	12,230.00	.00	12,230.00	.00
431100 LEGAL	75,000.00	42,198.04	32,801.96	56.26	70,000.00	40,756.61	29,243.39	58.22
431200 ENGINEERING	75,500.00	2,692.20	72,807.80	3.57	83,000.00	5,967.00	77,033.00	7.19
439900 MISCELLANEOUS SERV	750.00	269.36	480.64	35.91	750.00	.00	750.00	.00
TOTAL-430000 SERVICES	167,250.00	45,159.60	122,090.40	27.00	167,480.00	46,723.61	120,756.39	27.90
TOTAL-011240 PROFESSIONAL	271,403.00	81,686.44	189,716.56	30.10	265,212.00	82,929.77	182,282.23	31.27

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FUND-010000 GENERAL FUND  
 DIVISION-011250 MUNICIPAL BUILDING  
 1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	----- CURRENT YEAR -----				----- PRIOR YEAR -----			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	18,000.00	4,307.40	13,692.60	23.93				
TOTAL-410100 SALARY & WAG	18,000.00	4,307.40	13,692.60	23.93	22,500.00	3,834.65	18,665.35	17.04
410201 FICA	1,377.00	322.20	1,054.80	23.40	1,721.00	286.44	1,434.56	16.64
TOTAL-410200 FRINGE BENEF	1,377.00	322.20	1,054.80	23.40	1,721.00	286.44	1,434.56	16.64
420100 OPERATING SUPPLIES	1,000.00	1,937.69	-937.69	193.77	8,000.00	1,282.79	6,717.21	16.03
420600 MINOR EQUIPMENT	3,000.00	.00	3,000.00	.00	2,000.00	-1,150.27	3,150.27	57.51
TOTAL-420000 SUPPLIES	4,000.00	1,937.69	2,062.31	48.44	10,000.00	132.52	9,867.48	1.33
430400 MAINTENANCE SERVIC	44,000.00	24,171.19	19,828.81	54.93	44,000.00	11,649.06	32,350.94	26.48
430900 PUBLIC UTILITIES	39,000.00	14,899.93	24,100.07	38.20	38,000.00	15,437.44	22,562.56	40.62
TOTAL-430000 SERVICES	83,000.00	39,071.12	43,928.88	47.07	82,000.00	27,086.50	54,913.50	33.03
TOTAL-011250 MUNICIPAL BU	106,377.00	45,638.41	60,738.59	42.90	116,221.00	31,340.11	84,880.89	26.97

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FUND-010000 GENERAL FUND  
 DIVISION-011260 NETWORK ADMINISTRATION  
 1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	----- CURRENT YEAR -----				----- PRIOR YEAR -----			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	26,200.00	10,475.76	15,724.24	39.98	26,000.00	10,319.14	15,680.86	39.69
TOTAL-410100 SALARY & WAG	26,200.00	10,475.76	15,724.24	39.98	26,000.00	10,319.14	15,680.86	39.69
410201 FICA	2,004.00	760.43	1,243.57	37.95	1,989.00	748.88	1,240.12	37.65
TOTAL-410200 FRINGE BENEF	2,004.00	760.43	1,243.57	37.95	1,989.00	748.88	1,240.12	37.65
420100 OPERATING SUPPLIES	500.00	.00	500.00	.00	500.00	5.39	494.61	1.08
420600 MINOR EQUIPMENT	13,000.00	9,856.65	3,143.35	75.82	8,000.00	2,534.34	5,465.66	31.68
TOTAL-420000 SUPPLIES	13,500.00	9,856.65	3,643.35	73.01	8,500.00	2,539.73	5,960.27	29.88
439900 MISCELLANEOUS SERV	82,960.00	28,376.12	54,583.88	34.20	82,000.00	29,937.07	52,062.93	36.51
TOTAL-430000 SERVICES	82,960.00	28,376.12	54,583.88	34.20	82,000.00	29,937.07	52,062.93	36.51
TOTAL-011260 NETWORK ADMI	124,664.00	49,468.96	75,195.04	39.68	118,489.00	43,544.82	74,944.18	36.75

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FUND-010000 GENERAL FUND  
 DIVISION-011270 ADMIN VEHICLE MAINT.  
 1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	CURRENT YEAR				PRIOR YEAR			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	2,000.00	465.20	1,534.80	23.26	3,000.00	794.85	2,205.15	26.50
TOTAL-410100 SALARY & WAG	2,000.00	465.20	1,534.80	23.26	3,000.00	794.85	2,205.15	26.50
410201 FICA	153.00	34.65	118.35	22.65	230.00	59.09	170.91	25.69
TOTAL-410200 FRINGE BENEF	153.00	34.65	118.35	22.65	230.00	59.09	170.91	25.69
420100 OPERATING SUPPLIES	1,000.00	498.68	501.32	49.87	1,000.00	18.44	981.56	1.84
420400 FUEL & TIRES	2,000.00	730.43	1,269.57	36.52	1,500.00	706.94	793.06	47.13
TOTAL-420000 SUPPLIES	3,000.00	1,229.11	1,770.89	40.97	2,500.00	725.38	1,774.62	29.02
430400 MAINTENANCE SERVIC	1,000.00	.00	1,000.00	.00	2,000.00	.00	2,000.00	.00
TOTAL-430000 SERVICES	1,000.00	.00	1,000.00	.00	2,000.00	.00	2,000.00	.00
TOTAL-011270 ADMIN VEHICL	6,153.00	1,728.96	4,424.04	28.10	7,730.00	1,579.32	6,150.68	20.43

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SELECTION CRITERIA: orgn.fund="010000"  
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FUND-010000 GENERAL FUND  
 DIVISION-012110 POLICE ADMINISTRATION  
 1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	CURRENT YEAR				PRIOR YEAR			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	251,500.00	98,718.08	152,781.92	39.25	245,000.00	96,835.64	148,164.36	39.52
TOTAL-410100 SALARY & WAG	251,500.00	98,718.08	152,781.92	39.25	245,000.00	96,835.64	148,164.36	39.52
410201 FICA	19,240.00	7,418.86	11,821.14	38.56	18,743.00	7,284.44	11,458.56	38.86
TOTAL-410200 FRINGE BENE	19,240.00	7,418.86	11,821.14	38.56	18,743.00	7,284.44	11,458.56	38.86
420100 OPERATING SUPPLIES	4,500.00	774.57	3,725.43	17.21	4,500.00	1,370.32	3,129.68	30.45
420600 MINOR EQUIPMENT	4,500.00	.00	4,500.00	.00	1,000.00	.00	1,000.00	.00
TOTAL-420000 SUPPLIES	9,000.00	774.57	8,225.43	8.61	5,500.00	1,370.32	4,129.68	24.91
430101 TELEPHONE	16,000.00	7,312.78	8,687.22	45.70	14,700.00	5,388.69	9,311.31	36.66
430400 MAINTENANCE SERVIC	250.00	499.00	-249.00	199.60	250.00	.00	250.00	.00
439900 MISCELLANEOUS SERV	10,000.00	6,486.12	3,513.88	64.86	10,000.00	7,483.39	2,516.61	74.83
TOTAL-430000 SERVICES	26,250.00	14,297.90	11,952.10	54.47	24,950.00	12,872.08	12,077.92	51.59
TOTAL-012110 POLICE ADMIN	305,990.00	121,209.41	184,780.59	39.61	294,193.00	118,362.48	175,830.52	40.23

SELECTION CRITERIA: orgn.fund="010000"  
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FUND-010000 GENERAL FUND  
 DIVISION-012120 POLICE PATROL  
 1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	CURRENT YEAR				PRIOR YEAR			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	1,335,000.00	520,106.94	814,893.06	38.96				
410102 O/T WAGES	105,500.00	31,026.72	74,473.28	29.41	1,315,000.00	517,029.00	797,971.00	39.32
TOTAL-410100 SALARY & WAG	1,440,500.00	551,133.66	889,366.34	38.26	1,409,000.00	535,500.79	873,499.21	38.01
410201 FICA	110,198.00	41,860.86	68,337.14	37.99				
TOTAL-410200 FRINGE BENEF	110,198.00	41,860.86	68,337.14	37.99	107,789.00	40,632.99	67,156.01	37.70
420100 OPERATING SUPPLIES	10,000.00	5,190.19	4,809.81	51.90				
420300 UNIFORMS	20,000.00	2,864.19	17,135.81	14.32	15,000.00	2,887.55	12,112.45	19.25
420600 MINOR EQUIPMENT	10,000.00	1,787.02	8,212.98	17.87	18,000.00	5,607.90	12,392.10	31.16
TOTAL-420000 SUPPLIES	40,000.00	9,841.40	30,158.60	24.60	47,197.00	11,465.95	35,731.05	24.29
430800 TRAINING	6,000.00	1,818.91	4,181.09	30.32				
430900 PUBLIC UTILITIES	150.00	86.14	63.86	57.43	8,000.00	829.88	7,170.12	10.37
439900 MISCELLANEOUS SERV	1,300.00	93.00	1,207.00	7.15	150.00	20.35	129.65	13.57
TOTAL-430000 SERVICES	7,450.00	1,998.05	5,451.95	26.82	1,300.00	49.00	1,251.00	3.77
TOTAL-012120 POLICE PATRO	1,598,148.00	604,833.97	993,314.03	37.85	1,573,436.00	588,498.96	984,937.04	37.40

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FUND-010000 GENERAL FUND  
DIVISION-012130 DETECTIVES  
1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	----- CURRENT YEAR -----				----- PRIOR YEAR -----			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	148,500.00	59,324.04	89,175.96	39.95	144,000.00	58,393.28	85,606.72	40.55
410102 O/T WAGES	2,000.00	2,383.07	-383.07	119.15	7,000.00	2,562.42	4,437.58	36.61
TOTAL-410100 SALARY & WAG	150,500.00	61,707.11	88,792.89	41.00	151,000.00	60,955.70	90,044.30	40.37
410201 FICA	11,513.00	4,731.87	6,781.13	41.10	11,552.00	4,649.46	6,902.54	40.25
TOTAL-410200 FRINGE BENEF	11,513.00	4,731.87	6,781.13	41.10	11,552.00	4,649.46	6,902.54	40.25
420100 OPERATING SUPPLIES	1,700.00	701.44	998.56	41.26	1,600.00	402.92	1,197.08	25.18
420300 UNIFORMS	1,500.00	787.81	712.19	52.52	1,400.00	.00	1,400.00	.00
420600 MINOR EQUIPMENT	1,200.00	.00	1,200.00	.00	2,000.00	.00	2,000.00	.00
TOTAL-420000 SUPPLIES	4,400.00	1,489.25	2,910.75	33.85	5,000.00	402.92	4,597.08	8.06
430800 TRAINING	1,000.00	.00	1,000.00	.00	1,000.00	209.00	791.00	20.90
TOTAL-430000 SERVICES	1,000.00	.00	1,000.00	.00	1,000.00	209.00	791.00	20.90
TOTAL-012130 DETECTIVES	167,413.00	67,928.23	99,484.77	40.58	168,552.00	66,217.08	102,334.92	39.29

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FUND-010000 GENERAL FUND  
DIVISION-012140 COMMUNITY RELATIONS  
1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	CURRENT YEAR				PRIOR YEAR			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	70,000.00	28,266.00	41,734.00	40.38	82,575.00	27,729.60	54,845.40	33.58
410102 O/T WAGES	4,500.00	1,261.88	3,238.12	28.04	4,500.00	956.48	3,543.52	21.26
TOTAL-410100 SALARY & WAG	74,500.00	29,527.88	44,972.12	39.63	87,075.00	28,686.08	58,388.92	32.94
410201 FICA	5,699.00	2,212.44	3,486.56	38.82	6,661.00	2,155.47	4,505.53	32.36
TOTAL-410200 FRINGE BENEF	5,699.00	2,212.44	3,486.56	38.82	6,661.00	2,155.47	4,505.53	32.36
420100 OPERATING SUPPLIES	7,300.00	186.94	7,113.06	2.56	7,000.00	311.02	6,688.98	4.44
420300 UNIFORMS	700.00	.00	700.00	.00	700.00	.00	700.00	.00
TOTAL-420000 SUPPLIES	8,000.00	186.94	7,813.06	2.34	7,700.00	311.02	7,388.98	4.04
439900 MISCELLANEOUS SERV	1,500.00	.00	1,500.00	.00	2,000.00	.00	2,000.00	.00
TOTAL-430000 SERVICES	1,500.00	.00	1,500.00	.00	2,000.00	.00	2,000.00	.00
TOTAL-012140 COMMUNITY RE	89,699.00	31,927.26	57,771.74	35.59	103,436.00	31,152.57	72,283.43	30.12

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FUND-010000 GENERAL FUND  
 DIVISION-012160 SCHOOL GUARDS  
 1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	CURRENT YEAR				PRIOR YEAR			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	11,900.00	5,796.78	6,103.22	48.71	12,275.00	5,702.40	6,572.60	46.46
TOTAL-410100 SALARY & WAG	11,900.00	5,796.78	6,103.22	48.71	12,275.00	5,702.40	6,572.60	46.46
410201 FICA	910.00	443.48	466.52	48.73	939.00	436.20	502.80	46.45
TOTAL-410200 FRINGE BENEF	910.00	443.48	466.52	48.73	939.00	436.20	502.80	46.45
420300 UNIFORMS	400.00	.00	400.00	.00	400.00	.00	400.00	.00
TOTAL-420000 SUPPLIES	400.00	.00	400.00	.00	400.00	.00	400.00	.00
439900 MISCELLANEOUS SERV	500.00	179.79	320.21	35.96	495.00	175.07	319.93	35.37
TOTAL-430000 SERVICES	500.00	179.79	320.21	35.96	495.00	175.07	319.93	35.37
TOTAL-012160 SCHOOL GUARD	13,710.00	6,420.05	7,289.95	46.83	14,109.00	6,313.67	7,795.33	44.75

SELECTION CRITERIA: orgn.fund="010000"  
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FUND-010000 GENERAL FUND  
 DIVISION-012170 POLICE VEHICLE MAINT  
 1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	CURRENT YEAR				PRIOR YEAR			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	10,200.00	3,442.48	6,757.52	33.75				
TOTAL-410100 SALARY & WAG	10,200.00	3,442.48	6,757.52	33.75	12,000.00	4,155.93	7,844.07	34.63
410201 FICA	780.00	255.87	524.13	32.80				
TOTAL-410200 FRINGE BENEF	780.00	255.87	524.13	32.80	918.00	309.29	608.71	33.69
420100 OPERATING SUPPLIES	11,000.00	4,155.14	6,844.86	37.77				
420400 FUEL & TIRES	80,000.00	28,104.62	51,895.38	35.13	10,000.00	4,471.32	5,528.68	44.71
420600 MINOR EQUIPMENT	5,000.00	454.25	4,545.75	9.09	55,000.00	26,884.89	28,115.11	48.88
TOTAL-420000 SUPPLIES	96,000.00	32,714.01	63,285.99	34.08	7,600.00	1,960.00	5,640.00	25.79
430400 MAINTENANCE SERVIC	10,000.00	9,963.91	36.09	99.64				
TOTAL-430000 SERVICES	10,000.00	9,963.91	36.09	99.64	13,500.00	-114.08	13,614.08	.85
460100 CAPITAL EQUIPMENT	70,000.00	915.45	69,084.55	1.31				
TOTAL-460000 CAPITAL EXPE	70,000.00	915.45	69,084.55	1.31	60,000.00	12,127.07	47,872.93	20.21
TOTAL-012170 POLICE VEHIC	186,980.00	47,291.72	139,688.28	25.29	60,000.00	12,127.07	47,872.93	20.21
					159,018.00	49,794.42	109,223.58	31.31

SUNGARD PENNTAMATION, INC. - FUND ACCOUNTING

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PETERS TO IIP  
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SELECTION CRITERIA: orgn.fund="010000"  
ACCOUNTING PERIOD: 5/11

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FUND-010000 GENERAL FUND  
DIVISION-012180 ANIMAL CONTROL  
1ST SUBTOTAL-430000 SERVICES

ACCOUNT	----- CURRENT YEAR -----				----- PRIOR YEAR -----			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
430700 CONTRACTED SERVICE	14,000.00	3,825.00	10,175.00	27.32				
TOTAL-430000 SERVICES	14,000.00	3,825.00	10,175.00	27.32	14,000.00	3,587.50	10,412.50	25.63
TOTAL-012180 ANIMAL CONTR	14,000.00	3,825.00	10,175.00	27.32	14,000.00	3,587.50	10,412.50	25.63

SELECTION CRITERIA: orgn.fund="010000"  
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FUND-010000 GENERAL FUND  
DIVISION-012210 FIRE ADM/PREVENTION  
1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	CURRENT YEAR				PRIOR YEAR			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	141,000.00	53,524.76	87,475.24	37.96	137,000.00	51,220.47	85,779.53	37.39
410102 O/T WAGES	1,000.00	3,054.90	-2,054.90	305.49	7,500.00	6,765.63	734.37	90.21
TOTAL-410100 SALARY & WAG	142,000.00	56,579.66	85,420.34	39.84	144,500.00	57,986.10	86,513.90	40.13
410201 FICA	10,863.00	4,299.32	6,563.68	39.58	11,054.00	4,407.96	6,646.04	39.88
TOTAL-410200 FRINGE BENEF	10,863.00	4,299.32	6,563.68	39.58	11,054.00	4,407.96	6,646.04	39.88
420100 OPERATING SUPPLIES	14,700.00	.00	14,700.00	.00	6,000.00	.00	6,000.00	.00
420300 UNIFORMS	1,300.00	1,108.89	191.11	85.30	1,300.00	.00	1,300.00	.00
420600 MINOR EQUIPMENT	4,600.00	.00	4,600.00	.00	.00	.00	.00	.00
TOTAL-420000 SUPPLIES	20,600.00	1,108.89	19,491.11	5.38	7,300.00	.00	7,300.00	.00
430800 TRAINING	6,000.00	550.00	5,450.00	9.17	8,000.00	1,077.86	6,922.14	13.47
439900 MISCELLANEOUS SERV	9,000.00	3,929.17	5,070.83	43.66	9,000.00	2,865.82	6,134.18	31.84
TOTAL-430000 SERVICES	15,000.00	4,479.17	10,520.83	29.86	17,000.00	3,943.68	13,056.32	23.20
TOTAL-012210 FIRE ADM/PRE	188,463.00	66,467.04	121,995.96	35.27	179,854.00	66,337.74	113,516.26	36.88

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 EXPENDITURE COMPARISON REPORT

SELECTION CRITERIA: orgn.fund="010000"  
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FUND-010000 GENERAL FUND  
 DIVISION-012220 FIRE SUPPRESSION  
 1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	CURRENT YEAR				PRIOR YEAR			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	460,000.00	151,534.32	308,465.68	32.94	424,000.00	151,913.73	272,086.27	35.83
410102 O/T WAGES	55,000.00	8,575.61	46,424.39	15.59	30,000.00	10,557.76	19,442.24	35.19
TOTAL-410100 SALARY & WAG	515,000.00	160,109.93	354,890.07	31.09	454,000.00	162,471.49	291,528.51	35.79
410201 FICA	39,398.00	12,114.30	27,283.70	30.75	34,731.00	12,299.83	22,431.17	35.41
TOTAL-410200 FRINGE BENEF	39,398.00	12,114.30	27,283.70	30.75	34,731.00	12,299.83	22,431.17	35.41
420100 OPERATING SUPPLIES	17,000.00	10,552.83	6,447.17	62.08	13,500.00	6,182.67	7,317.33	45.80
420300 UNIFORMS	8,000.00	1,126.00	6,874.00	14.08	5,000.00	3,256.80	1,743.20	65.14
420600 MINOR EQUIPMENT	24,700.00	.00	24,700.00	.00	31,000.00	6,217.00	24,783.00	20.05
TOTAL-420000 SUPPLIES	49,700.00	11,678.83	38,021.17	23.50	49,500.00	15,656.47	33,843.53	31.63
430101 TELEPHONE	.00	3,142.31	-3,142.31	.00	12,700.00	4,540.51	8,159.49	35.75
430700 CONTRACTED SERVICE	40,000.00	.00	40,000.00	.00	40,000.00	.00	40,000.00	.00
430900 PUBLIC UTILITIES	108,000.00	43,537.29	64,462.71	40.31	108,000.00	38,007.26	69,992.74	35.19
440000 CONTRIBUTIONS	121,000.00	.00	121,000.00	.00	107,510.00	.00	107,510.00	.00
TOTAL-430000 SERVICES	269,000.00	46,679.60	222,320.40	17.35	268,210.00	42,547.77	225,662.23	15.86
TOTAL-012220 FIRE SUPPRES	873,098.00	230,582.66	642,515.34	26.41	806,441.00	232,975.56	573,465.44	28.89

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FUND-010000 GENERAL FUND  
 DIVISION-012230 FIRE VEHICLE MAINT  
 1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	----- CURRENT YEAR -----				----- PRIOR YEAR -----			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	121,700.00	47,511.03	74,188.97	39.04	105,000.00	37,813.99	67,186.01	36.01
410102 O/T WAGES	.00	5,138.43	-5,138.43	.00	12,000.00	5,824.14	6,175.86	48.53
TOTAL-410100 SALARY & WAG	121,700.00	52,649.46	69,050.54	43.26	117,000.00	43,638.13	73,361.87	37.30
410201 FICA	9,310.00	3,992.63	5,317.37	42.89	8,951.00	3,280.87	5,670.13	36.65
TOTAL-410200 FRINGE BENEF	9,310.00	3,992.63	5,317.37	42.89	8,951.00	3,280.87	5,670.13	36.65
420100 OPERATING SUPPLIES	7,000.00	142.02	6,857.98	2.03	6,500.00	1,214.68	5,285.32	18.69
420300 UNIFORMS	1,300.00	.00	1,300.00	.00	1,300.00	.00	1,300.00	.00
420400 FUEL & TIRES	24,000.00	9,104.15	14,895.85	37.93	24,000.00	7,635.73	16,364.27	31.82
420600 MINOR EQUIPMENT	13,800.00	1,500.00	12,300.00	10.87	10,500.00	.00	10,500.00	.00
TOTAL-420000 SUPPLIES	46,100.00	10,746.17	35,353.83	23.31	42,300.00	8,850.41	33,449.59	20.92
430400 MAINTENANCE SERVIC	15,000.00	2,058.92	12,941.08	13.73	18,000.00	4,605.33	13,394.67	25.59
TOTAL-430000 SERVICES	15,000.00	2,058.92	12,941.08	13.73	18,000.00	4,605.33	13,394.67	25.59
TOTAL-012230 FIRE VEHICLE	192,110.00	69,447.18	122,662.82	36.15	186,251.00	60,374.74	125,876.26	32.42

SUNGARD PENTAMATION, INC. - FUND ACCOUNTING  
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FUND-010000 GENERAL FUND  
 DIVISION-012250 FIRE STATION  
 1ST SUBTOTAL-420000 SUPPLIES

ACCOUNT	----- CURRENT YEAR -----				----- PRIOR YEAR -----			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
420100 OPERATING SUPPLIES	8,500.00	2,587.86	5,912.14	30.45	5,000.00	3,886.71	1,113.29	77.73
TOTAL-420000 SUPPLIES	8,500.00	2,587.86	5,912.14	30.45	5,000.00	3,886.71	1,113.29	77.73
430400 MAINTENANCE SERVIC	8,500.00	3,877.79	4,622.21	45.62	5,000.00	523.00	4,477.00	10.46
430900 PUBLIC UTILITIES	27,500.00	10,572.98	16,927.02	38.45	36,000.00	6,083.38	29,916.62	16.90
TOTAL-430000 SERVICES	36,000.00	14,450.77	21,549.23	40.14	41,000.00	6,606.38	34,393.62	16.11
TOTAL-012250 FIRE STATION	44,500.00	17,038.63	27,461.37	38.29	46,000.00	10,493.09	35,506.91	22.81

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FUND-010000 GENERAL FUND  
 DIVISION-012310 SR CITIZENS SUBSCRIPTION  
 1ST SUBTOTAL-420000 SUPPLIES

ACCOUNT	CURRENT YEAR				PRIOR YEAR			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
420400 FUEL & TIRES	.00	1,293.64	-1,293.64	.00	.00	2,059.52	-2,059.52	.00
TOTAL-420000 SUPPLIES	.00	1,293.64	-1,293.64	.00	.00	2,059.52	-2,059.52	.00
439900 MISCELLANEOUS SERV	79,990.00	79,990.00	.00	100.00	79,990.00	79,990.00	.00	100.00
TOTAL-430000 SERVICES	79,990.00	79,990.00	.00	100.00	79,990.00	79,990.00	.00	100.00
TOTAL-012310 SR CITIZENS	79,990.00	81,283.64	-1,293.64	101.62	79,990.00	82,049.52	-2,059.52	102.57

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SELECTION CRITERIA: orgn.fund="010000"  
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FUND-010000 GENERAL FUND  
 DIVISION-012410 PLANNING  
 1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	CURRENT YEAR				PRIOR YEAR			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	180,500.00	68,855.31	111,644.69	38.15	170,000.00	59,758.84	110,241.16	35.15
TOTAL-410100 SALARY & WAG	180,500.00	68,855.31	111,644.69	38.15	170,000.00	59,758.84	110,241.16	35.15
410201 FICA	13,808.00	4,977.02	8,830.98	36.04	13,005.00	4,307.66	8,697.34	33.12
TOTAL-410200 FRINGE BENEF	13,808.00	4,977.02	8,830.98	36.04	13,005.00	4,307.66	8,697.34	33.12
420100 OPERATING SUPPLIES	3,500.00	1,257.75	2,242.25	35.94	2,000.00	1,354.10	645.90	67.71
420600 MINOR EQUIPMENT	5,000.00	433.06	4,566.94	8.66	1,600.00	.00	1,600.00	.00
TOTAL-420000 SUPPLIES	8,500.00	1,690.81	6,809.19	19.89	3,600.00	1,354.10	2,245.90	37.61
430200 ADVERTISING & PRIN	2,500.00	.00	2,500.00	.00	2,500.00	528.40	1,971.60	21.14
430700 CONTRACTED SERVICE	12,000.00	3,258.44	8,741.56	27.15	12,000.00	6,032.57	5,967.43	50.27
431200 ENGINEERING	15,000.00	3,582.00	11,418.00	23.88	15,000.00	2,187.25	12,812.75	14.58
439900 MISCELLANEOUS SERV	6,000.00	765.81	5,234.19	12.76	6,000.00	638.85	5,361.15	10.65
TOTAL-430000 SERVICES	35,500.00	7,606.25	27,893.75	21.43	35,500.00	9,387.07	26,112.93	26.44
TOTAL-012410 PLANNING	238,308.00	83,129.39	155,178.61	34.88	222,105.00	74,807.67	147,297.33	33.68

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FUND-010000 GENERAL FUND  
 DIVISION-012420 BUILDING INSPECTION  
 1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	CURRENT YEAR				PRIOR YEAR			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	124,000.00	51,427.56	72,572.44	41.47				
410102 O/T WAGES	2,500.00	147.32	2,352.68	5.89	120,000.00	48,426.19	71,573.81	40.36
TOTAL-410100 SALARY & WAG	126,500.00	51,574.88	74,925.12	40.77	5,000.00	88.47	4,911.53	1.77
			125,000.00		125,000.00	48,514.66	76,485.34	38.81
410201 FICA	9,677.00	3,849.63	5,827.37	39.78				
TOTAL-410200 FRINGE BENEF	9,677.00	3,849.63	5,827.37	39.78	9,563.00	3,662.77	5,900.23	38.30
			9,563.00		9,563.00	3,662.77	5,900.23	38.30
420100 OPERATING SUPPLIES	250.00	.00	250.00	.00				
TOTAL-420000 SUPPLIES	250.00	.00	250.00	.00	250.00	.00	250.00	.00
			250.00	.00	250.00	.00	250.00	.00
430200 ADVERTISING & PRIN	300.00	102.92	197.08	34.31				
430700 CONTRACTED SERVICE	13,000.00	2,808.81	10,191.19	21.61	300.00	55.21	244.79	18.40
439900 MISCELLANEOUS SERV	6,500.00	839.70	5,660.30	12.92	12,000.00	187.50	11,812.50	1.56
TOTAL-430000 SERVICES	19,800.00	3,751.43	16,048.57	18.95	5,000.00	4,110.74	889.26	82.21
			17,300.00		17,300.00	4,353.45	12,946.55	25.16
TOTAL-012420 BUILDING INS	156,227.00	59,175.94	97,051.06	37.88	152,113.00	56,530.88	95,582.12	37.16

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FUND-010000 GENERAL FUND  
 DIVISION-012430 ZONING  
 1ST SUBTOTAL-430000 SERVICES

ACCOUNT	----- CURRENT YEAR -----				----- PRIOR YEAR -----			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
430200 ADVERTISING & PRIN	4,000.00	1,277.80	2,722.20	31.95	4,000.00	917.98	3,082.02	22.95
430700 CONTRACTED SERVICE	3,000.00	820.13	2,179.87	27.34	3,000.00	480.00	2,520.00	16.00
431100 LEGAL	8,000.00	2,055.00	5,945.00	25.69	8,000.00	675.00	7,325.00	8.44
TOTAL-430000 SERVICES	15,000.00	4,152.93	10,847.07	27.69	15,000.00	2,072.98	12,927.02	13.82
TOTAL-012430 ZONING	15,000.00	4,152.93	10,847.07	27.69	15,000.00	2,072.98	12,927.02	13.82

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FUND-010000 GENERAL FUND  
 DIVISION-013120 RECYCLING  
 1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	----- CURRENT YEAR -----				----- PRIOR YEAR -----			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	18,000.00	4,310.86	13,689.14	23.95	17,000.00	17,241.51	-241.51	101.42
410102 O/T WAGES	3,000.00	309.02	2,690.98	10.30	1,000.00	514.07	485.93	51.41
TOTAL-410100 SALARY & WAG	21,000.00	4,619.88	16,380.12	22.00	18,000.00	17,755.58	244.42	98.64
410201 FICA	1,607.00	345.76	1,261.24	21.52	1,377.00	1,332.61	44.39	96.78
TOTAL-410200 FRINGE BENEF	1,607.00	345.76	1,261.24	21.52	1,377.00	1,332.61	44.39	96.78
420100 OPERATING SUPPLIES	5,000.00	4,288.83	711.17	85.78	7,000.00	1,549.15	5,450.85	22.13
TOTAL-420000 SUPPLIES	5,000.00	4,288.83	711.17	85.78	7,000.00	1,549.15	5,450.85	22.13
430700 CONTRACTED SERVICE	52,500.00	-114.00	52,614.00	.22	7,500.00	86.50	7,413.50	1.15
TOTAL-430000 SERVICES	52,500.00	-114.00	52,614.00	.22	7,500.00	86.50	7,413.50	1.15
TOTAL-013120 RECYCLING	80,107.00	9,140.47	70,966.53	11.41	33,877.00	20,723.84	13,153.16	61.17

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FUND-010000 GENERAL FUND  
 DIVISION-013210 PUBLIC WORKS ADM  
 1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	----- CURRENT YEAR -----				----- PRIOR YEAR -----			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	166,400.00	64,400.01	101,999.99	38.70	162,000.00	63,438.02	98,561.98	39.16
410102 O/T WAGES	9,000.00	4,413.26	4,586.74	49.04	9,000.00	7,232.97	1,767.03	80.37
TOTAL-410100 SALARY & WAG	175,400.00	68,813.27	106,586.73	39.23	171,000.00	70,670.99	100,329.01	41.33
410201 FICA	13,418.00	5,175.28	8,242.72	38.57	13,082.00	5,318.94	7,763.06	40.66
TOTAL-410200 FRINGE BENE	13,418.00	5,175.28	8,242.72	38.57	13,082.00	5,318.94	7,763.06	40.66
420100 OPERATING SUPPLIES	1,500.00	1,491.96	8.04	99.46	1,500.00	900.64	599.36	60.04
420300 UNIFORMS	7,100.00	2,475.15	4,624.85	34.86	8,100.00	1,719.28	6,380.72	21.23
420600 MINOR EQUIPMENT	750.00	.00	750.00	.00	1,600.00	.00	1,600.00	.00
TOTAL-420000 SUPPLIES	9,350.00	3,967.11	5,382.89	42.43	11,200.00	2,619.92	8,580.08	23.39
430101 TELEPHONE	2,000.00	658.00	1,342.00	32.90	2,500.00	1,000.04	1,499.96	40.00
439900 MISCELLANEOUS SERV	7,500.00	3,480.89	4,019.11	46.41	7,500.00	2,860.97	4,639.03	38.15
TOTAL-430000 SERVICES	9,500.00	4,138.89	5,361.11	43.57	10,000.00	3,861.01	6,138.99	38.61
TOTAL-013210 PUBLIC WORKS	207,668.00	82,094.55	125,573.45	39.53	205,282.00	82,470.86	122,811.14	40.17

SELECTION CRITERIA: orgn.fund="010000"  
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FUND-010000 GENERAL FUND  
DIVISION-013220 PUBLIC WORKS MAINT BLDG  
1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	CURRENT YEAR				PRIOR YEAR			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	11,000.00	5,125.91	5,874.09	46.60	17,250.00	3,340.92	13,909.08	19.37
TOTAL-410100 SALARY & WAG	11,000.00	5,125.91	5,874.09	46.60	17,250.00	3,340.92	13,909.08	19.37
410201 FICA	842.00	384.26	457.74	45.64	1,320.00	250.83	1,069.17	19.00
TOTAL-410200 FRINGE BENEF	842.00	384.26	457.74	45.64	1,320.00	250.83	1,069.17	19.00
420100 OPERATING SUPPLIES	3,000.00	1,549.09	1,450.91	51.64	6,000.00	656.91	5,343.09	10.95
TOTAL-420000 SUPPLIES	3,000.00	1,549.09	1,450.91	51.64	6,000.00	656.91	5,343.09	10.95
430900 PUBLIC UTILITIES	22,000.00	11,585.97	10,414.03	52.66	22,000.00	10,390.83	11,609.17	47.23
439900 MISCELLANEOUS SERV	10,000.00	120.69	9,879.31	1.21	9,000.00	175.00	8,825.00	1.94
TOTAL-430000 SERVICES	32,000.00	11,706.66	20,293.34	36.58	31,000.00	10,565.83	20,434.17	34.08
TOTAL-013220 PUBLIC WORKS	46,842.00	18,765.92	28,076.08	40.06	55,570.00	14,814.49	40,755.51	26.66

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FUND-010000 GENERAL FUND  
 DIVISION-013230 SNOW & ICE REMOVAL  
 1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	----- CURRENT YEAR -----				----- PRIOR YEAR -----			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	45,000.00	39,788.56	5,211.44	88.42	42,000.00	49,232.18	-7,232.18	117.22
410102 O/T WAGES	55,000.00	39,474.90	15,525.10	71.77	55,000.00	61,123.32	-6,123.32	111.13
TOTAL-410100 SALARY & WAG	100,000.00	79,263.46	20,736.54	79.26	97,000.00	110,355.50	-13,355.50	113.77
410201 FICA	7,650.00	5,975.49	1,674.51	78.11	7,421.00	8,339.70	-918.70	112.38
TOTAL-410200 FRINGE BENEF	7,650.00	5,975.49	1,674.51	78.11	7,421.00	8,339.70	-918.70	112.38
420100 OPERATING SUPPLIES	300,000.00	172,052.74	127,947.26	57.35	300,000.00	205,144.19	94,855.81	68.38
420600 MINOR EQUIPMENT	3,750.00	.00	3,750.00	.00	3,500.00	.00	3,500.00	.00
TOTAL-420000 SUPPLIES	303,750.00	172,052.74	131,697.26	56.64	303,500.00	205,144.19	98,355.81	67.59
430700 CONTRACTED SERVICE	9,000.00	4,346.35	4,653.65	48.29	9,000.00	9,067.00	-67.00	100.74
TOTAL-430000 SERVICES	9,000.00	4,346.35	4,653.65	48.29	9,000.00	9,067.00	-67.00	100.74
TOTAL-013230 SNOW & ICE R	420,400.00	261,638.04	158,761.96	62.24	416,921.00	332,906.39	84,014.61	79.85

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FUND-010000 GENERAL FUND  
 DIVISION-013240 SIGNS & SIGNALS  
 1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	CURRENT YEAR				PRIOR YEAR			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	14,000.00	3,281.33	10,718.67	23.44	14,000.00	2,194.91	11,805.09	15.68
410102 O/T WAGES	.00	.00	.00	.00	.00	102.20	-102.20	.00
TOTAL-410100 SALARY & WAG	14,000.00	3,281.33	10,718.67	23.44	14,000.00	2,297.11	11,702.89	16.41
410201 FICA	1,071.00	244.01	826.99	22.78	1,071.00	177.55	893.45	16.58
TOTAL-410200 FRINGE BENEF	1,071.00	244.01	826.99	22.78	1,071.00	177.55	893.45	16.58
420100 OPERATING SUPPLIES	15,000.00	3,175.85	11,824.15	21.17	15,000.00	818.90	14,181.10	5.46
420600 MINOR EQUIPMENT	900.00	709.85	190.15	78.87	.00	.00	.00	.00
TOTAL-420000 SUPPLIES	15,900.00	3,885.70	12,014.30	24.44	15,000.00	818.90	14,181.10	5.46
430700 CONTRACTED SERVICE	20,000.00	1,242.85	18,757.15	6.21	18,000.00	1,513.60	16,486.40	8.41
430900 PUBLIC UTILITIES	8,000.00	2,211.46	5,788.54	27.64	9,000.00	2,188.84	6,811.16	24.32
TOTAL-430000 SERVICES	28,000.00	3,454.31	24,545.69	12.34	27,000.00	3,702.44	23,297.56	13.71
TOTAL-013240 SIGNS & SIGN	58,971.00	10,865.35	48,105.65	18.42	57,071.00	6,996.00	50,075.00	12.26

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FUND-010000 GENERAL FUND  
 DIVISION-013250 STORM SEWER MAINT  
 1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	CURRENT YEAR				PRIOR YEAR			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	35,000.00	16,792.73	18,207.27	47.98	40,000.00	9,724.68	30,275.32	24.31
410102 O/T WAGES	.00	31.22	-31.22	.00	.00	113.92	-113.92	.00
TOTAL-410100 SALARY & WAG	35,000.00	16,823.95	18,176.05	48.07	40,000.00	9,838.60	30,161.40	24.60
410201 FICA	2,678.00	1,258.03	1,419.97	46.98	3,060.00	738.21	2,321.79	24.12
TOTAL-410200 FRINGE BENEF	2,678.00	1,258.03	1,419.97	46.98	3,060.00	738.21	2,321.79	24.12
420100 OPERATING SUPPLIES	12,500.00	3,110.98	9,389.02	24.89	12,500.00	4,332.06	8,167.94	34.66
420600 MINOR EQUIPMENT	3,200.00	.00	3,200.00	.00	3,200.00	.00	3,200.00	.00
TOTAL-420000 SUPPLIES	15,700.00	3,110.98	12,589.02	19.82	15,700.00	4,332.06	11,367.94	27.59
430700 CONTRACTED SERVICE	5,000.00	2,100.00	2,900.00	42.00	5,000.00	.00	5,000.00	.00
TOTAL-430000 SERVICES	5,000.00	2,100.00	2,900.00	42.00	5,000.00	.00	5,000.00	.00
TOTAL-013250 STORM SEWER	58,378.00	23,292.96	35,085.04	39.90	63,760.00	14,908.87	48,851.13	23.38

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FUND-010000 GENERAL FUND  
 DIVISION-013260 PUB WKS VEHICLE MAINT  
 1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	----- CURRENT YEAR -----				----- PRIOR YEAR -----			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	50,000.00	30,903.17	19,096.83	61.81	55,000.00	23,794.89	31,205.11	43.26
410102 O/T WAGES	.00	174.45	-174.45	.00	.00	204.39	-204.39	.00
TOTAL-410100 SALARY & WAG	50,000.00	31,077.62	18,922.38	62.16	55,000.00	23,999.28	31,000.72	43.64
410201 FICA	3,825.00	2,326.13	1,498.87	60.81	4,208.00	1,797.13	2,410.87	42.71
TOTAL-410200 FRINGE BENEF	3,825.00	2,326.13	1,498.87	60.81	4,208.00	1,797.13	2,410.87	42.71
420100 OPERATING SUPPLIES	27,000.00	15,004.27	11,995.73	55.57	27,000.00	27,891.91	-891.91	103.30
420400 FUEL & TIRES	50,000.00	15,554.40	34,445.60	31.11	50,000.00	15,111.93	34,888.07	30.22
TOTAL-420000 SUPPLIES	77,000.00	30,558.67	46,441.33	39.69	77,000.00	43,003.84	33,996.16	55.85
430400 MAINTENANCE SERVIC	8,000.00	6,874.71	1,125.29	85.93	7,000.00	4,100.48	2,899.52	58.58
TOTAL-430000 SERVICES	8,000.00	6,874.71	1,125.29	85.93	7,000.00	4,100.48	2,899.52	58.58
TOTAL-013260 PUB WKS VEH	138,825.00	70,837.13	67,987.87	51.03	143,208.00	72,900.73	70,307.27	50.91

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FUND-010000 GENERAL FUND  
 DIVISION-013270 HIGHWAY MAINTENANCE  
 1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	CURRENT YEAR				PRIOR YEAR			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	273,000.00	65,953.51	207,046.49	24.16	280,000.00	45,139.47	234,860.53	16.12
410102 O/T WAGES	6,500.00	466.04	6,033.96	7.17	6,500.00	1,738.57	4,761.43	26.75
TOTAL-410100 SALARY & WAG	279,500.00	66,419.55	213,080.45	23.76	286,500.00	46,878.04	239,621.96	16.36
410201 FICA	21,382.00	4,969.18	16,412.82	23.24	21,917.00	3,627.73	18,289.27	16.55
TOTAL-410200 FRINGE BENEF	21,382.00	4,969.18	16,412.82	23.24	21,917.00	3,627.73	18,289.27	16.55
420100 OPERATING SUPPLIES	60,000.00	8,433.10	51,566.90	14.06	50,000.00	1,762.46	48,237.54	3.52
420600 MINOR EQUIPMENT	9,150.00	.00	9,150.00	.00	11,000.00	-70.00	11,070.00	.64
TOTAL-420000 SUPPLIES	69,150.00	8,433.10	60,716.90	12.20	61,000.00	1,692.46	59,307.54	2.77
430700 CONTRACTED SERVICE	15,000.00	36.75	14,963.25	.25	12,000.00	.00	12,000.00	.00
TOTAL-430000 SERVICES	15,000.00	36.75	14,963.25	.25	12,000.00	.00	12,000.00	.00
TOTAL-013270 HIGHWAY MAIN	385,032.00	79,858.58	305,173.42	20.74	381,417.00	52,198.23	329,218.77	13.69

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FUND-010000 GENERAL FUND  
 DIVISION-013280 STREET LIGHTING  
 1ST SUBTOTAL-430000 SERVICES

ACCOUNT	----- CURRENT YEAR -----				----- PRIOR YEAR -----			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
430900 PUBLIC UTILITIES	15,500.00	5,789.31	9,710.69	37.35	14,000.00	4,814.90	9,185.10	34.39
TOTAL-430000 SERVICES	15,500.00	5,789.31	9,710.69	37.35	14,000.00	4,814.90	9,185.10	34.39
TOTAL-013280 STREET LIGHT	15,500.00	5,789.31	9,710.69	37.35	14,000.00	4,814.90	9,185.10	34.39

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FUND-010000 GENERAL FUND  
 DIVISION-014110 PARK & RECREATION ADM  
 1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	CURRENT YEAR				PRIOR YEAR			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	100,000.00	36,144.95	63,855.05	36.14	90,240.00	35,588.13	54,651.87	39.44
TOTAL-410100 SALARY & WAG	100,000.00	36,144.95	63,855.05	36.14	90,240.00	35,588.13	54,651.87	39.44
410201 FICA	7,650.00	2,750.64	4,899.36	35.96	6,903.00	2,708.65	4,194.35	39.24
TOTAL-410200 FRINGE BENEF	7,650.00	2,750.64	4,899.36	35.96	6,903.00	2,708.65	4,194.35	39.24
420100 OPERATING SUPPLIES	3,800.00	958.25	2,841.75	25.22	3,700.00	1,214.17	2,485.83	32.82
420600 MINOR EQUIPMENT	.00	.00	.00	.00	1,000.00	.00	1,000.00	.00
TOTAL-420000 SUPPLIES	3,800.00	958.25	2,841.75	25.22	4,700.00	1,214.17	3,485.83	25.83
439900 MISCELLANEOUS SERV	14,016.00	-12,421.69	26,437.69	88.63	7,500.00	-2,764.75	10,264.75	36.86
TOTAL-430000 SERVICES	14,016.00	-12,421.69	26,437.69	88.63	7,500.00	-2,764.75	10,264.75	36.86
TOTAL-014110 PARK & RECRE	125,466.00	27,432.15	98,033.85	21.86	109,343.00	36,746.20	72,596.80	33.61

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FUND-010000 GENERAL FUND  
 DIVISION-014120 RECREATION PROGRAM  
 1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	CURRENT YEAR				PRIOR YEAR			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	31,500.00	7,364.00	24,136.00	23.38				
TOTAL-410100 SALARY & WAG	31,500.00	7,364.00	24,136.00	23.38	27,000.00	5,730.12	21,269.88	21.22
410201 FICA	2,410.00	563.38	1,846.62	23.38				
TOTAL-410200 FRINGE BENEF	2,410.00	563.38	1,846.62	23.38	2,066.00	438.38	1,627.62	21.22
420100 OPERATING SUPPLIES	9,000.00	1,564.71	7,435.29	17.39				
420600 MINOR EQUIPMENT	5,000.00	.00	5,000.00	.00	8,000.00	2,524.23	5,475.77	31.55
TOTAL-420000 SUPPLIES	14,000.00	1,564.71	12,435.29	11.18	5,000.00	.00	5,000.00	.00
430700 CONTRACTED SERVICE	1,200.00	.00	1,200.00	.00	13,000.00	2,524.23	10,475.77	19.42
439900 MISCELLANEOUS SERV	132,200.00	39,570.71	92,629.29	29.93				
TOTAL-430000 SERVICES	133,400.00	39,570.71	93,829.29	29.66	140,000.00	41,974.63	98,025.37	29.98
TOTAL-014120 RECREATION P	181,310.00	49,062.80	132,247.20	27.06	140,000.00	41,974.63	98,025.37	29.98
					182,066.00	50,667.36	131,398.64	27.83

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FUND-010000 GENERAL FUND  
 DIVISION-014130 TENNIS CENTER  
 1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	----- CURRENT YEAR -----				----- PRIOR YEAR -----			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	119,000.00	9,653.42	109,346.58	8.11	116,000.00	9,359.77	106,640.23	8.07
TOTAL-410100 SALARY & WAG	119,000.00	9,653.42	109,346.58	8.11	116,000.00	9,359.77	106,640.23	8.07
410201 FICA	9,104.00	738.51	8,365.49	8.11	8,874.00	716.06	8,157.94	8.07
TOTAL-410200 FRINGE BENEF	9,104.00	738.51	8,365.49	8.11	8,874.00	716.06	8,157.94	8.07
420100 OPERATING SUPPLIES	11,000.00	3,035.50	7,964.50	27.60	11,000.00	1,261.75	9,738.25	11.47
420600 MINOR EQUIPMENT	9,550.00	301.03	9,248.97	3.15	10,000.00	.00	10,000.00	.00
TOTAL-420000 SUPPLIES	20,550.00	3,336.53	17,213.47	16.24	21,000.00	1,261.75	19,738.25	6.01
430900 PUBLIC UTILITIES	2,000.00	3,020.17	-1,020.17	151.01	5,000.00	2,387.37	2,612.63	47.75
439900 MISCELLANEOUS SERV	6,000.00	214.95	5,785.05	3.58	7,000.00	5,623.95	1,376.05	80.34
TOTAL-430000 SERVICES	8,000.00	3,235.12	4,764.88	40.44	12,000.00	8,011.32	3,988.68	66.76
TOTAL-014130 TENNIS CENTE	156,654.00	16,963.58	139,690.42	10.83	157,874.00	19,348.90	138,525.10	12.26

SELECTION CRITERIA: orgn.fund="010000"  
 ACCOUNTING PERIOD: 5/11

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FUND-010000 GENERAL FUND  
 DIVISION-014140 COMMUNITY CENTER  
 1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	CURRENT YEAR				PRIOR YEAR			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	100,000.00	30,351.67	69,648.33	30.35	82,000.00	33,736.07	48,263.93	41.14
410102 O/T WAGES	.00	.00	.00	.00	.00	824.01	-824.01	.00
TOTAL-410100 SALARY & WAG	100,000.00	30,351.67	69,648.33	30.35	82,000.00	34,560.08	47,439.92	42.15
410201 FICA	7,650.00	2,287.09	5,362.91	29.90	6,273.00	2,602.76	3,670.24	41.49
TOTAL-410200 FRINGE BENEF	7,650.00	2,287.09	5,362.91	29.90	6,273.00	2,602.76	3,670.24	41.49
420100 OPERATING SUPPLIES	9,750.00	3,474.92	6,275.08	35.64	10,000.00	1,976.62	8,023.38	19.77
420600 MINOR EQUIPMENT	9,600.00	1,279.85	8,320.15	13.33	5,000.00	.00	5,000.00	.00
TOTAL-420000 SUPPLIES	19,350.00	4,754.77	14,595.23	24.57	15,000.00	1,976.62	13,023.38	13.18
430400 MAINTENANCE SERVIC	56,000.00	16,474.32	39,525.68	29.42	62,500.00	20,943.73	41,556.27	33.51
430900 PUBLIC UTILITIES	90,000.00	31,058.46	58,941.54	34.51	90,000.00	28,981.05	61,018.95	32.20
439900 MISCELLANEOUS SERV	5,200.00	534.00	4,666.00	10.27	2,000.00	508.98	1,491.02	25.45
TOTAL-430000 SERVICES	151,200.00	48,066.78	103,133.22	31.79	154,500.00	50,433.76	104,066.24	32.64
TOTAL-014140 COMMUNITY CE	278,200.00	85,460.31	192,739.69	30.72	257,773.00	89,573.22	168,199.78	34.75

SUNGARD PENTAMATION, INC. - FUND ACCOUNTING  
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PETERS T. HIP  
 EXPENDITURE COMPARISON REPORT

PAGE NUMBER 37  
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SELECTION CRITERIA: orgn.fund="010000"  
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FUND-010000 GENERAL FUND  
 DIVISION-014150 PARK MAINTENANCE  
 1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	CURRENT YEAR				PRIOR YEAR			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	272,000.00	82,477.94	189,522.06	30.32	290,000.00	78,313.08	211,686.92	27.00
410102 O/T WAGES	17,830.00	285.08	17,544.92	1.60	11,000.00	.00	11,000.00	.00
TOTAL-410100 SALARY & WAG	289,830.00	82,763.02	207,066.98	28.56	301,000.00	78,313.08	222,686.92	26.02
410201 FICA	22,172.00	6,251.06	15,920.94	28.19	23,027.00	5,922.23	17,104.77	25.72
TOTAL-410200 FRINGE BENEF	22,172.00	6,251.06	15,920.94	28.19	23,027.00	5,922.23	17,104.77	25.72
420100 OPERATING SUPPLIES	70,000.00	4,946.36	65,053.64	7.07	61,500.00	6,511.14	54,988.86	10.59
420600 MINOR EQUIPMENT	11,000.00	558.00	10,442.00	5.07	50,000.00	.00	50,000.00	.00
TOTAL-420000 SUPPLIES	81,000.00	5,504.36	75,495.64	6.80	111,500.00	6,511.14	104,988.86	5.84
430400 MAINTENANCE SERVIC	47,300.00	12,455.00	34,845.00	26.33	40,000.00	4,140.00	35,860.00	10.35
430900 PUBLIC UTILITIES	35,000.00	9,357.81	25,642.19	26.74	40,000.00	16,219.08	23,780.92	40.55
439900 MISCELLANEOUS SERV	4,500.00	572.00	3,928.00	12.71	4,000.00	315.50	3,684.50	7.89
TOTAL-430000 SERVICES	86,800.00	22,384.81	64,415.19	25.79	84,000.00	20,674.58	63,325.42	24.61
TOTAL-014150 PARK MAINTEN	479,802.00	116,903.25	362,898.75	24.36	519,527.00	111,421.03	408,105.97	21.45

SUNGARD PENTAMATION, INC. - FUND ACCOUNTING  
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PETERS TOWNSHIP  
 EXPENDITURE COMPARISON REPORT

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FUND-010000 GENERAL FUND  
 DIVISION-014210 LIBRARY BUILDING  
 1ST SUBTOTAL-410100 SALARY & WAGES

ACCOUNT	CURRENT YEAR				PRIOR YEAR			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410101 REGULAR WAGES	38,000.00	14,184.98	23,815.02	37.33	36,150.00	13,560.80	22,589.20	37.51
TOTAL-410100 SALARY & WAG	38,000.00	14,184.98	23,815.02	37.33	36,150.00	13,560.80	22,589.20	37.51
410201 FICA	2,907.00	1,044.16	1,862.84	35.92	2,765.00	996.79	1,768.21	36.05
TOTAL-410200 FRINGE BENEF	2,907.00	1,044.16	1,862.84	35.92	2,765.00	996.79	1,768.21	36.05
420100 OPERATING SUPPLIES	4,000.00	2,491.03	1,508.97	62.28	4,000.00	768.67	3,231.33	19.22
TOTAL-420000 SUPPLIES	4,000.00	2,491.03	1,508.97	62.28	4,000.00	768.67	3,231.33	19.22
430400 MAINTENANCE SERVIC	37,000.00	26,192.65	10,807.35	70.79	36,000.00	12,411.22	23,588.78	34.48
430900 PUBLIC UTILITIES	70,000.00	21,997.98	48,002.02	31.43	65,000.00	16,851.94	48,148.06	25.93
TOTAL-430000 SERVICES	107,000.00	48,190.63	58,809.37	45.04	101,000.00	29,263.16	71,736.84	28.97
TOTAL-014210 LIBRARY BUIL	151,907.00	65,910.80	85,996.20	43.39	143,915.00	44,589.42	99,325.58	30.98

SUNGARD PENTAMATION, INC. - FUND ACCOUNTING

DATE: 06/ 11

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PETERS T<sup>6</sup> HIP  
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PAGE BREAKS ON: FUND,DIVISION

FUND-010000 GENERAL FUND  
DIVISION-015110 TERM LOAN PRINCIPAL  
1ST SUBTOTAL-470000 DEBT SERVICE

ACCOUNT	----- CURRENT YEAR -----				----- PRIOR YEAR -----			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
470001 PRINCIPAL	137,709.00	61,100.34	76,608.66	44.37	61,183.00	58,480.42	2,702.58	95.58
TOTAL-470000 DEBT SERVICE	137,709.00	61,100.34	76,608.66	44.37	61,183.00	58,480.42	2,702.58	95.58
TOTAL-015110 TERM LOAN PR	137,709.00	61,100.34	76,608.66	44.37	61,183.00	58,480.42	2,702.58	95.58

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PETERS TOWNSHIP  
 EXPENDITURE COMPARISON REPORT

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 PAGE BREAKS ON: FUND,DIVISION

FUND-010000 GENERAL FUND  
 DIVISION-016200 EMPLOYEE BENEFITS  
 1ST SUBTOTAL-410000 PERSONAL SERVICES

ACCOUNT	----- CURRENT YEAR -----				----- PRIOR YEAR -----			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
410202 UNEMPLOYMENT INSUR	13,000.00	9,944.13	3,055.87	76.49	13,000.00	9,723.33	3,276.67	74.79
410203 SICKNESS & ACCIDEN	34,200.00	14,130.91	20,069.09	41.32	33,000.00	16,770.04	16,229.96	50.82
410204 HOSPITALIZATION	833,000.00	352,014.39	480,985.61	42.26	819,250.00	358,775.57	460,474.43	43.79
410206 GROUP LIFE	12,000.00	4,641.28	7,358.72	38.68	12,000.00	5,785.44	6,214.56	48.21
410207 WORKMEN'S COMPENSA	153,000.00	68,818.00	84,182.00	44.98	140,000.00	74,166.00	65,834.00	52.98
410208 PENSION	512,200.00	30,404.69	481,795.31	5.94	380,000.00	22,202.54	357,797.46	5.84
TOTAL-410000 PERSONAL SER	1,557,400.00	479,953.40	1,077,446.60	30.82	1,397,250.00	487,422.92	909,827.08	34.88
410201 FICA	.00	2,326.50	-2,326.50	.00	.00	2,234.62	-2,234.62	.00
TOTAL-410200 FRINGE BENEF	.00	2,326.50	-2,326.50	.00	.00	2,234.62	-2,234.62	.00
TOTAL-016200 EMPLOYEE BEN	1,557,400.00	482,279.90	1,075,120.10	30.97	1,397,250.00	489,657.54	907,592.46	35.04

SELECTION CRITERIA: orgn.fund="010000"  
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PAGE BREAKS ON: FUND,DIVISION

FUND-010000 GENERAL FUND  
DIVISION-017100 REFUNDS  
1ST SUBTOTAL-480000 OTHER FINANCING USES

ACCOUNT	----- CURRENT YEAR -----				----- PRIOR YEAR -----			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%
480200 REFUND	60,000.00	12,922.70	47,077.30	21.54	50,000.00	9,344.87	40,655.13	18.69
TOTAL-480000 OTHER FINANC	60,000.00	12,922.70	47,077.30	21.54	50,000.00	9,344.87	40,655.13	18.69
TOTAL-017100 REFUNDS	60,000.00	12,922.70	47,077.30	21.54	50,000.00	9,344.87	40,655.13	18.69

SUNGARD PENTAMATION, INC. - FUND ACCOUNTING  
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PETERS TOWNSHIP  
 EXPENDITURE COMPARISON REPORT

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SELECTION CRITERIA: orgn.fund="010000"  
 ACCOUNTING PERIOD: 5/11

SORTED BY: FUND,DIVISION,1ST SUBTOTAL,ACCOUNT  
 TOTALED ON: FUND,DIVISION,1ST SUBTOTAL  
 PAGE BREAKS ON: FUND,DIVISION

FUND-010000 GENERAL FUND  
 DIVISION-017200 INTERFUND TRANSFERS  
 1ST SUBTOTAL-480000 OTHER FINANCING USES

ACCOUNT	----- CURRENT YEAR -----					----- PRIOR YEAR -----			
	BUDGET	EXPENDITURES	BALANCE	%	BUDGET	EXPENDITURES	BALANCE	%	
480103	TRANSFER TO CAPITA	2,136,564.00	500,000.00	1,636,564.00	23.40	288,878.00	.00	288,878.00	.00
480110	TRANS.TO LIBRARY F	722,000.00	300,833.35	421,166.65	41.67	702,000.00	292,500.00	409,500.00	41.67
480112	TRANS.TO 2010 BOND	590,260.00	192,380.00	397,880.00	32.59	430,112.00	.00	430,112.00	.00
480113	TRANS. TO 2006 BND	568,783.00	49,390.40	519,392.60	8.68	570,276.00	57,637.16	512,638.84	10.11
TOTAL-480000	OTHER FINANC	4,017,607.00	1,042,603.75	2,975,003.25	25.95	1,991,266.00	350,137.16	1,641,128.84	17.58
TOTAL-017200	INTERFUND TR	4,017,607.00	1,042,603.75	2,975,003.25	25.95	1,991,266.00	350,137.16	1,641,128.84	17.58
TOTAL-010000	GENERAL FUND	14,019,349.00	4,550,992.46	9,468,356.54	32.46	11,602,189.00	3,814,559.78	7,787,629.22	32.88
TOTAL REPORT		14,019,349.00	4,550,992.46	9,468,356.54	32.46	11,602,189.00	3,814,559.78	7,787,629.22	32.88



## PETERS TOWNSHIP POLICE DEPARTMENT

WASHINGTON COUNTY, PENNSYLVANIA

Harry J. Fruecht, Chief of Police

200 MUNICIPAL DRIVE

McMURRAY, PA 15317

724-942-5030 FAX 724-942-5004

TO: Michael A. Silvestri, Township Manager  
and Peters Township Council

FROM: Harry J. Fruecht, Director of Public Safety

SUBJECT: Monthly Report – May 2011

DATE: June 6, 2011

Attached is the monthly report of the activities of the Police Department, Animal Control Officer and the VFW Ambulance Service for the month of June 2011.

Respectfully submitted,

A handwritten signature in cursive script that reads "Harry J. Fruecht".

Harry J. Fruecht,  
Chief of Police

HJF/oc  
Attachments



PETERS TOWNSHIP VFW POST 764 AMBULANCE SERVICE

300 Municipal Drive  
McMurray, PA 15317  
Phone: 724-941-4700/941-6660  
Fax: 724-942-2522

June 16, 2011

Peters Township Police Department  
200 Municipal Drive  
McMurray, Pennsylvania 15317

Chief Fruecht;

The following is a report of the trips made by the Peters Township VFW Post 764 Ambulance Service for the month of May 2011.

Canonsburg General Hospital. . . . .	30
The Washington Hospital. . . . .	30
St. Clair Memorial Hospital. . . . .	33
Allegheny General Hospital . . . . .	2
Children's Hospital of Pittsburgh. . . . .	4
Jefferson Regional Medical Center. . . . .	8
LZ for Lifeflight. . . . .	1
UPMC - Mercy . . . . .	5
UPMC - Presbyterian. . . . .	1
UPMC - Shadyside . . . . .	2
Cancelled enroute or on scene. . . . .	5
Care transferred . . . . .	2
DOA. . . . .	3
ALS or BLS Treat/Refused Transport . . . . .	26
Fire Standby . . . . .	7
Lift Assists . . . . .	4
No patient found . . . . .	2
Public Relations . . . . .	5
Standby. . . . .	1
Training . . . . .	2
May Ambulance Responses. . . . .	173
Year-to-Date Ambulance Responses . . . . .	879
May Senior Citizen Responses . . . . .	41
Year-to-Date Senior Citizen Responses . . . . .	211

  
\_\_\_\_\_  
Thomas W. McMurray, Director

PETERS TOWNSHIP VFW POST 764 AMBULANCE SERVICE

300 Municipal Drive  
McMurray, PA 15317  
Phone: 724-941-4700/941-6660  
Fax: 724-942-2522

June 17, 2010

Peters Township Police Department  
200 Municipal Drive  
McMurray, Pennsylvania 15317

Chief Fruecht;

The following is a report of the trips made by the Peters Township VFW Post 764 Ambulance Service for the month of May 2010.

Canonsburg General Hospital. . . . .	34
The Washington Hospital. . . . .	32
St. Clair Memorial Hospital. . . . .	43
Allegheny General Hospital . . . . .	5
Children's Hospital of Pittsburgh . . . . .	7
Jefferson Regional Medical Center. . . . .	4
Mon Valley Hospital. . . . .	3
UPMC - Mercy . . . . .	3
UPMC - Shadyside . . . . .	1
West Penn. . . . .	1
Family Hospice . . . . .	1
HCR - Manor Care . . . . .	2
Cancelled enroute or on scene. . . . .	6
DOA. . . . .	1
No Patient Found . . . . .	3
ALS or BLS Treat/Refused Transport . . . . .	20
Fire Standby . . . . .	1
Lift Assists . . . . .	2
Public Service . . . . .	3
May Ambulance Responses. . . . .	169
Year-to-Date Ambulance Responses . . . . .	841
May Senior Citizen Responses . . . . .	32
Year-to-Date Senior Citizen Responses . . . . .	167



Thomas W. McMurray, Director

**Peters Township Fire Department**  
**Monthly Activity Report**  
**May 2011**

**Noel McMullen**

**Deputy Fire Chief**

# Fire Response Highlights

May, 2011

## May 1<sup>st</sup>, 2011

Crews responded to 122 Oak Ridge Drive for a possible structure fire. Upon checking the residence crews found that steam from a burning iron set of the fire alarm. Crews searched residence for further issues; none found.

## May 1<sup>st</sup>, 2011

Fire crews along with North Strabane Fire Department responded to a residential structure fire on Stonegate Drive. Fire was located on the porch of the residence. Crews checked for extension after fire was extinguished.

## May 3<sup>rd</sup>, 2011

Fire personnel responded to Bittersweet Circle for a gas line that was struck by contractors. Crews assisted the gas company by checking several residences for gas.

## May 6<sup>th</sup>, 2011

Fire crews responded to Burger King for a possible commercial structure fire. Upon arrival crews found that one burger fell into the side of the broiler causing a small fire which was extinguished by workers prior to Fire Department arrival.

## May 6<sup>th</sup>, 2011

Fire personnel responded to Redwood Drive for a smell of gas inside a residence. Crews metered and ventilated the residence, as well as, notified and assisted the gas company.

## May 9<sup>th</sup>, 2011

Around 1am crews responded to the smell of gas in the area of King Richard Drive. Crews checked the area and assisted the gas company in attempting to find the source of the leak. Crews were later released by the gas company without further incident.

## May 9<sup>th</sup>, 2011

Fire crews responded to another gas line struck by contractors on Raffael Drive. Crews assisted the gas company and metered nearby residences for hazards. Crews were released by the gas company after hazards were controlled.

## May 10<sup>th</sup>, 2011

Crews responded to Subway restaurant for smoke in the building. Upon arrival crews found a toaster oven that was smoking causing the smoke condition. Crews checked for other fire extension none found. Natural ventilation was used to eliminate the hazard.

### May 10<sup>th</sup>, 2011

Rescue crews responded to Valley Brook Road for a motor vehicle crash with hazards on the roadway. Crews removed hazards from the roadway, as well as, assisted with traffic control.

### May 11<sup>th</sup>, 2011

Rescue crews responded to an ATV crash with entrapment on Justabout Road. Chief 64 arrived on scene and reported no entrapment, only EMS needed for patient evaluation. Rescue crews returned in service without incident.

### May 12<sup>th</sup>, 2011

Fire crews responded to a possible structure fire on Carol Drive. Crews arrived and checked the residence for fire, however, nothing was found. Crews returned to the residence to deliver smoke and carbon monoxide detectors, as well as, a fire extinguisher for the family.

### May 12<sup>th</sup>, 2011

Crews responded to multiple medical calls to assist Peters Township Ambulance Service throughout the day as they were busy with many calls.

### May 13<sup>th</sup>, 2011

Rescue crews responded to a motor vehicle crash in the early morning. Crews assisted with hazard control.

### May 13<sup>th</sup>, 2011

Fire crews responded with mutual aid to Kmart for a possible commercial structure fire. Crews located the source as a burnt belt in an air conditioner on the roof of the structure.

### May 14<sup>th</sup>, 2011

Crews responded to a residential structure fire in Lawrence as a mutual aid RIT response.

### May 15<sup>th</sup>, 2011

Crews responded to a residential structure fire in Nottingham as a mutual aid RIT response.

### May 24<sup>th</sup>, 2011

Crews responded to Gateshead Drive for a possible structure fire. Upon arrival the structure had the main electric service removed and damaged by a large tree due to a severe storm.

### May 25<sup>th</sup>, 2011

Fire crews responded to and extinguished a lawn tractor fire on Valley Brook Road.

# FIRE CAUSE VS. FIRE DEPARTMENT RESPONSE

May	2010	2011
AUTOMATIC ALARMS	14	12
GOOD INTENT ALARM	24	12
MALICIOUS FALSE ALARM	0	0
ARSON / INCENDIARY	0	0
CARELESS COOKING	7	4
CARELESS SMOKING	0	49
OPEN FLAME / MATCHES	1	2
ELECTRICAL MALFUNCTIONS	2	3
IMPROPER USE OF APPLIANCE	0	2
SEVERE WEATHER	5	9
FLAMMABLE GAS / VAPOR	0	2
HEATING APPLIANCE	2	3
REKINDLE	0	0
WATERFLOW / LEAKS / FLOODING	0	3
VEHICLE FIRE	1	1
WASHDOWNS	0	0
MUTUAL AID	13	17
BRUSH	3	31
RESCUE	1	3
SMOKE INVESTIGATIONS	2	6
MEDICAL	7	9
<b>TOTALS</b>	<b>82</b>	<b>91</b>

## ESTIMATED LOSS VS. ESTIMATED VALUE

YEAR	2011		2010	
	LOSS	VALUE	LOSS	VALUE
JANUARY	31,000	9,440,000	17,450	10,200,000
FEBRUARY	28,700	11,000,000	34,500	17,445.000
MARCH	22,540	10,150,000	120,000	14,680,000
APRIL	38,100	13,500,000	19,454	12,777.000
MAY	47,350	10,000,000	27,500	10,750.000
JUNE			15,554	9,987.000
JULY			49.500	6,750.000
AUGUST			63,000	11.720.000
SEPTEMBER			27,000	10,500.000
OCTOBER			49,500	7,760.000
NOVEMBER			26,500	8,800.000
DECEMBER			24,300	10,100.000
<b>TOTAL</b>			<b>474,258</b>	<b>131,469,000</b>



# Peters Township

WASHINGTON COUNTY

MICHAEL A. SILVESTRI, *Manager*  
PAUL F. LAUER, *Assistant Manager*

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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.

MEMO TO: M. A. Silvestri  
FROM: Ed Zuk   
DATE: June 20, 2011  
TOPIC: Planning Department Report for May 2011

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### **Plans Reviewed:**

1. Revised Site Plan Opeka Auto Repair – Valley Brook Road
2. Revised Site Plan Pleasant Valley Elementary Athletic Complex – E. McMurray Road
3. Site Plan Belusko Funeral Home – Rt. 19
4. Site Plan St. Clair Hospital Out-Patient Care Facility – Rt. 19

### **Planning Commission:**

The Commission met on May 12, 2011 to review and make final decisions on items 1-4 above. Item 1 - Revised Site Plan Opeka Auto Repair was approved by the Planning Commission subject to compliance with three (3) conditions. The approval allows for the parking field to be expanded for an additional twenty (20) spaces. Item 2 - Revised Site Plan Pleasant Valley Elementary Athletic Complex renovations was approved by Planning Commission subject to compliance with eleven (11) conditions. The revised site plan approval allows for new synthetic turf on the soccer field, concession building, restrooms, bleachers, additional parking, field and parking lighting and a public address system. Item 3 - Site Plan Belusko Funeral Home was approved by the Planning Commission subject to compliance with eight (8) conditions. The approval allows for building exterior façade improvements, landscaping and parking area restriping. The Township was informed the site plan approval is being appealed in court by neighboring property owners. Item 4 - Site Plan St. Clair Hospital was approved subject to compliance with eighteen (18) conditions. The approval allows for a 40,000 sq. ft. out-patient facility on the former Lorenzi Lumber Site.

**Zoning**  
**May 2011**

**Temporary Sign Permits:**

1. Salon K Sardo – 3311 Washington Road
2. Valvoline Instant Oil Change – 3851 Washington Road
3. Mattress World, Inc – 1675 Washington Road
4. The Pilates Body – 451 Valley Brook Road
5. Opeka Auto Repair – 440 Valley Brook Road
6. Pool Designs Inc – 2896 Washington Road

**Permanent Sign Permits:**

1. Giant Eagle – 4007 Washington Road
2. AT&T – 4120 Washington Road
3. Pulse Performance – Donaldson’s Crossroads
4. Firehouse Subs – 126 Gallery Drive

**Fence Permits:**

1. Josph and Leona Hodson, 127 Carol Drive – 4’ wood picket fence in rear yard
2. William and Joanna Coggin, 124 Thomas Road – 5’ split rail fence in back and front yard
3. Brian Garlick, 111 Scenery Circlce – 4’-6’ high chain link fence in rear yard
4. Darryl J Adams, 122 Thomas Road – Landscape timber posts and wire around the garden
5. Mandi Macik, 178 Iron Run Road – 4’ ornamental aluminum fence in rear and side yard
6. Gary Seward, 103 Taper Drive – 4’ vinyl coated chain link fence in rear yard
7. Lensie O Paugh Jr, 104 Colony Drive – 6’ Wood in rear and side yard

**Zoning/Code Enforcement:**

1. Blaine and Nancy Meider, 290 Center Church Road – Weeds/grass, roofs and drainage
2. Talebi, 101 Lexington Drive – Weeds/Grass
3. Levin Furniture, 3772 Washington Road – Protective Treatment
4. Martin and Virginia Cawley, 335 Stonebrook Drive – Weeds/Grass general structure maintenance including roofs, drainage, windows, etc.
5. Dennis and Kimberly Magulick, 223 Maplewood Drive – Unlawful deposits of grass clippings
6. ServiceLink, 537 Center Church Road – Weeds/Grass
7. Timothy Campbell, 200 Walnut Drive - Weeds/Grass
8. Rose Garden Pool Association, 129 Canterbury Lane – dead tree
9. Joseph and J. Ferens Jr. Tassone, 221 Robinhood Lane – Roofs and Drainage
10. Lewis E D, 548 Circle Drive - Weeds/Grass

11. S&T Bank, 3380 Washington Road - Weeds/Grass
12. Joseph and Ilde Pasquarelli, 555 Churchill Road - Weeds/Grass
13. John E. & Darlene L. Kern, 424 Robinhood Lane - Weeds/Grass
14. Malcom B Samakow Revocable Trust, 465 Valley Brook Road - Weeds/Grass
15. Sandra and Richard Pemberton, 156 Pleasantview Drive – Garbage, Rubbish, etc.
16. Mattress World, 3563 Washington Road – temporary signs
17. John William and Linda Dezack, 508 Laurel Drive – Abandoned Vehicles/Commercial Vehicle
18. Paul Becker, 114 Forest Drive – Commercial Vehicle, Home occupation

**Correspondence:**

1. David Clark, 532 McCombs Road – notification that gutters are clogged and there are weeds and call to discuss
2. St David’s Episcopal Church, 905 E. McMurray Road – Violation of the condition of variance approval to only operate electronic sign from 7 AM to 10 PM.
3. Samuel and Dawn Hazo, 304 Buffalo Ridge Road – Notice that permit is needed for a home occupation
4. Bing and Daihua Yu, 121 Woodside Drive – Chickens on property less than 10 acres.
5. Shawn and Diana Walsh, 211 Robinhood Lane – inquiry whether wood in yard was from a tree being cut or a home occupation

**Citations filed:**

1. Elisabeth Pisano, 156 Pleasantview Drive – detrimental weeds and trees
2. Patrick Pisano, 156 Pleasantview Drive – detrimental weeds and trees
3. Marie Burns, 131 Kimber Drive – Home occupation property maintenance
4. Dennis Burns, 131 Kimber Drive – Home occupation property maintenance
5. David Maffei, 824 Bebout Road – junked/abandoned vehicle
6. Bruce Evanovich, 732 Bebout Road – Garbage, Rubbish, etc.
7. Sterling National Bank, 225 Perimeter Park Drive Suite 200 – Weeds/grass, roofs/drainage
8. Rt. 19 Beer, 3626 Washington Road – moving, flashing electronic sign

**Illegal Signs picked up**

1. American Cancer Society (2)
2. Xmas Trees (1)
3. Cord Wood (1)
4. Garage Sale (4)
5. Endless Variety Entertainers (5)
6. Mr. Mulch (1)
7. Mulch Men College Students (3)
8. Century 21 (1)
9. For Sale by Owner (1)

### District Magistrate/ Hearings Held

1. David Maffei, 824 Bebout Road – junked/abandoned vehicle
2. Ethel and Kenneth Lindley, 351 Bower Hill Road – trash/rubbish and broken windows/doors

### Zoning Permits:

None this month

### Home Occupation Permits:

None this month

### Special Permits:

None this month

### Zoning Hearing Board:

The Zoning Hearing Board heard the following at their May, 2011 hearing:

- 846-2011 A request by Pleasant Valley Veterinary Clinic for a variance of 5.7' on height of freestanding monument sign– 211 E. McMurray Road. **Approved**
- 847-2011 A request by Shawn and Jocelyn Conroy for a variance of 6' on front building line for a porch- 316 Pleasant Avenue. **Approved**
- 848-2011 A request by the Peters Township High School Baseball Association for a variance to leave a ball field sign up permanently- Peterswood Park. **Tabled**

The Zoning Hearing Board will review the following at their June, 2011 hearing:

- 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.

### Miscellaneous:

1. Building permit reviews for zoning compliance.
2. Ongoing in-house GIS updates.

3. Met with a representative on preventative maintenance on taking care of the plotter and went over any issues we are having.
4. Set up Geoplan for Engineering intern.
5. Ongoing work/ research on sign ordinance amendments.
6. Met with Tom Gromek regarding the Planning web page, especially maps.
7. Tour of Brush Run sewage treatment facility.

## Permit Activity Report

5/01/2011 To 5/31/2011

<u>Category</u>	<u>Number</u>	<u>Estimated Cost</u>	<u>Permit Fees</u>
FENCE	7		\$196.00
SIGN	4		\$290.00
TEMPORARY SIGN	5		\$50.00
Totals	16		\$536.00
COMMERCIAL			
OCCUPANCY	1		\$55.00
TENANT IMPROV	1	\$205,025.00	\$1,293.15
Totals	2	\$205,025.00	\$1,348.15
SINGLE FAMILY			
ACCESSORY	4	\$147,000.00	\$540.00
ADDITION	3	\$146,500.00	\$476.00
DECK	2	\$20,000.00	\$158.00
DEMOLITION	1		\$0.00
IG POOL	4	\$152,000.00	\$526.00
NEW CONSTRUCTION	8	\$1,760,200.00	\$9,606.16
PATIO ROOM	1	\$13,000.00	\$79.00
PORCH	4	\$52,000.00	\$326.00
SHED	4	\$14,300.00	\$256.00
Totals	31	\$2,305,000.00	\$11,967.16
Grand Totals	49	\$2,510,025.00	\$13,851.31

# Peters Township

WASHINGTON COUNTY

MICHAEL A. SILVESTRI, *Manager*  
PAUL F. LAUER, *Assistant Manager*

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## COUNCIL

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JAMES F. BERQUIST  
ROBERT J. LEWIS  
GARY J. STIEGEL, JR.

MEMO TO: M.A. Silvestri, Township Manager  
FROM: Mark A. Zemaitis, P.E., Director of Engineering *MAB*  
SUBJECT: Engineering Department Report for June 27, 2011 Council Meeting  
DATE: June 20, 2011

## MAY / JUNE ACTIVITY

### Capital Projects:

- 2010 Community Development Block Grant (CDBG): - Senate Engineering, consultant for the RACW, submitted their fourth (4<sup>th</sup>) revision to PennDOT for a Highway Occupancy Permit for the construction of ADA improvements to the sidewalk in the 'Towne Centre' vicinity.
- Peterswood Park Expansion – Phase I: Now that Masco is nearly complete, Liberoni will perform maintenance on the infields and complete the remaining contract items.
- Peterswood Park Expansion – Phase II: A time extension was granted via Change Order to June 17<sup>th</sup>. As of the date of this report, the work is still not substantially complete with the roof being the major item outstanding.
- Sugar Camp Bridge replacement: - The Township Manager and myself met with Stahl Sheaffer Engineering (SSE) on June 17<sup>th</sup> to discuss the project status. The Highway Occupancy Agreement between PennDOT and the Township has been fully executed. SSE has proposed three options on how to proceed with bridge design in light of PennDOT's redundancy analysis comment. I anticipate that the options will be presented to Council at the July 11<sup>th</sup> meeting for direction on how to proceed.
- Storm Sewer Replacements (2011): Contracts for storm sewer replacements on Robinhood Lane, McNary Street, and Pleasant Avenue are publically advertised this week. Bids will be opened July 12<sup>th</sup> with award anticipated at the July 25<sup>th</sup> Council meeting.
- 2011 Resurfacing Program: Work has begun on several streets and I anticipate submission of the first pay application for the July 11<sup>th</sup> Council meeting. The following is a summary of progress on each street:

**BASE BID**

<b>Street</b>	<b>From</b>	<b>To</b>	<b>Status</b>
Lexington Drive	Yorktown	Hs #108	Concrete curb repairs, inlet repairs, & milling complete; binder installed; awaiting wearing course
Yorktown Drive	Saratoga	Hs #117	Concrete curb repairs, inlet repairs, & milling complete; awaiting binder & wearing course
Saratoga Drive	Thomas	Terminus	Concrete curb repairs, inlet repairs, & milling complete; binder installed; awaiting wearing course
Bunker Hill Drive	Hs #115	Lexington	Concrete curb repairs, inlet repairs, & milling complete; binder installed; awaiting wearing course
Concord Drive	Thomas	Yorktown	Concrete curb repairs, inlet repairs, & milling complete; awaiting binder & wearing course
Green Valley Ln	Hs #104	Terminus	Base repairs scheduled for this week
Cherrywood Ct.	Green Valley	Terminus	Base repairs scheduled for this week
Timber Lake Drive	Bebout	Hs #308	Inlet repairs and handicap ramps scheduled for this week
Creekside Court	Timber Lake	Terminus	Inlet repairs and handicap ramps scheduled for this week
Mill Stream Court	Timber Lake	Terminus	Inlet repairs and handicap ramps scheduled for this week
Eagle Brook Court	Timber Lake	Lake Colony	Inlet repairs and handicap ramps scheduled for this week
Lightholder Drive	Overlook	Terminus	No work
Overlook Drive	Hs #201	Hs #209	No work
Center Church Rd.	Route 19	Grandview	No work
Grandview Dr.	Center Church	Terminus	No work
Fineview Drive	Grandview	Terminus	No work
			No work
Bremen Lane	Pleasant View	Terminus	No work
Wiltshire Lane	Bremen	Terminus	No work
Warlington Circle	Bremen	N. Heide	No work
Tanglewood Drive	E. McMurray	Terminus	Inlet repairs complete; base repairs scheduled for this week
Scarborough Ln.	Gateshead	Terminus	No work
Sienna Trail	Bower Hill	Springdale	No work
Brookwood Road	Brush Run	Sugar Camp	No work

**ADD ALTERNATES**

Will Scarlet Road (W)	King Richard	Terminus	Concrete curb repairs, inlet repairs, & milling complete; binder installed; awaiting wearing course
Trillium Place	Brookwood	Terminus	No work

**Private Land Developments under construction:**

- West Penn Allegheny Health System Ambulatory Care Center (Gallery Drive) - NO CHANGE IN STATUS - Site work is mainly complete and portions of the facility are open for business. Interior renovations are progressing on the unopened portions.
- PNC Bank (Donaldson's Cross Roads) – Footers and slab have been poured; contractor is awaiting delivery of steel for the structure.
- Healthcare REIT: The building is under roof. The developer plans to begin construction of Crosswinds Drive Extension in July.
- Wilhaven Partners: Earthwork and storm sewerage installation is progressing.

**Traffic Issues:**

- Traffic Calming studies: A revised policy has been adopted.

**Miscellaneous:**

- MS4 Permit: - The Annual Report for Permit Cycle 1, Year 8 was sent to the PaDEP. Application for the next permit cycle is due at the PaDEP's offices in December 2011.
- Peters Creek Interceptor Engineers committee – NO CHANGE IN STATUS - The Engineers committee is now meeting once per month to discuss regional planning (Act 537 Plan) efforts, tap requests, and treatment plant expansion.
- Floodplain Management – NO CHANGE IN STATUS - Draft amendments to our Zoning Ordinance have been sent to the State for review to ensure the Township's continued participation in the National Flood Insurance Program.
- Evergreen Village Road take-over: The HOA met with the Township Manager to provide an update on their work toward requesting acceptance of the private streets within the Plan.
- Linwood Avenue: - NO CHANGE IN STATUS - Township Staff is discussing options regarding a potential acceptance of this now private road.
- LGA Intern: - My intern has completed an initial survey of all Township-Owned streets. At this point, I am having the intern re-rank the worst 25-miles to fine-tune what will be the basis for the next three-year resurfacing plan.
- Alternate (secondary) Consulting Engineer: - NO CHANGE IN STATUS - Proposals were opened on April 7<sup>th</sup> and interviews will be scheduled.
- Hidden Valley Manor Landslides: Bids to repair the slide in the Township-Owned detention pond will be opened on June 21<sup>st</sup>.
- Hidden Valley Manor Open Space encroachments: To investigate several suspected encroachments into Township-Owned Open Space, Gateway Engineers were engaged to perform a boundary survey. They completed the work in mid-June and several encroachments were identified. The Manager intends to send letters to the properties in violation.
- Columbia Gas projects: Three major replacement projects are planned for 2011 by Columbia Gas, one on East McMurray, one on Center Church/Clubview, and one on Overlook/Lightholder. Work by Columbia's subcontractor has begun on the Center Church project.
- Field 5 Lighting: Township Staff is preparing to advertise bids for lighting of the existing soccer fields in Peterswood Park (Field #5). RFPs have been sent out for obtaining soils information and providing a geotechnical report for the light pole foundations.
- Drainage Issues: As we pick away at some existing issues, new ones take their place. Currently, Township Staff is working to resolve issues on Thompsonville Road, Druid Drive, Tepee Drive, Mt. Blaine Road, and in the Anthony Farms development.

**Monthly Report of Activities**  
**By the Public Works Department**

***May 1 through May 28, 2011***

Public Works Projects identified for this reporting period were:

1. Eliminate hazardous trees on the Arrowhead Trail and on township roadways. *Completed. A crew spent one full day on the Arrowhead Trail removing trees damaged by the February 2010 snow storm as well as some others that had been felled or damaged by subsequent storms. A large sycamore located at Pelipetz Drive was brought down as it was in the process of dying. Trees were also removed from McClelland, Froebe and Bower Hill Roads.*
2. Install a storm sewer crossing on McClelland Road. *Delayed due to incessant rainy weather.*
3. Install a surface drainage system at the end of Elm Grove Dr. *Delayed for the same reason.*
4. Begin replacement of 670-ft. of storm sewer on Meadowbrook Circle. *Same reason.*
5. Rebuild or repair at least three storm sewer basins. *Completed. 101 Abbeybrook, 206 Robinhood, & 102 Joyce were each demolished and rebuilt.*
6. Begin the first circuit of roadside mowing. *In progress. Work was delayed due to storms and a mechanical problem with the tractor.*

There were two separate weather events that resulted in overtime on May 23 and 24.

Other work.

Building Maintenance: A gutter section and fascia board were replaced on the salt shed on Bebout. The 2-way radio repeater unit was transferred back from the football field in Peterswood to the picnic area at the top of the hill. This had been relocated due to the electrical service interruption caused by the park expansion project.

Recycling Services: The department answered 41 requests for yard waste collection. Scrap metal gathered from Clean Up Day and a recycling event on April 30 netted the township \$ 537.87.

Storm Sewers: A clogged standpipe at the Green Valley Drive storm water pond was cleared of surrounding debris. A crushed section of storm sewer pipe at the intersection of Old Washington and Moccasin was replaced.

Road Maintenance: Asphalt curbs were altered to contain surface run-off on Victoria Ct, Brookwood Road, and Valleyview Dr. There were 30 man-hours spent on clean up of downed trees and limbs from an event on May 24.

Park Maintenance Projects identified for this reporting period were:

1. Complete seasonal preparations and turf maintenance of athletic fields. *Inclement weather negated any such activity this month.*
2. Perform repairs to concrete spillway and operate drainage valves on the Peters Lake Dam. *In progress. The valves were operated and the repair of the concrete on the has been initiated sufficiently to contain the water within the physical limits of the spillway.*
3. Complete installation of the drinking fountain at the Tennis Center including yard restoration. *Completed.*
4. Move the tennis bubble to summer storage. *Completed.*
5. Erosion and/or drainage repairs in Peterswood Fields #2 & #5, Venetia, & Elm Grove. *Erosion repair was completed at Field 5. Inclement weather prevented any work at the other locations.*

The contractor engaged by the Township to perform mowing at 24 separate neighborhood locations has defaulted on his contract. Basically, he stated that he was unable to manage the demands of our contract. I assume this was because of the rainy weather that occurred in April and much of May. This caused us to begin mowing those locations during the last week of May. A new contractor has been secured from the list of vendors who bid for this work earlier in the year. The new contractor's total price was \$ 100.00 above that of the first contractor.

The manpower shortage has been alleviated although I have one employee working with a injury restriction to his left wrist. Another employee who had been on medical leave for over a year has returned to work with no restrictions. Additionally, six seasonal employees have been hired for the summer months. Some extra hours were allocated to park duties efforts during this period.

Public Works projects and assignments for the next four week period will be:

1. Install a storm sewer crossing on McClelland Road.
2. Install two basins and a storm sewer pipe at the end of Elm Grove Dr.
3. Replace 90-ft. of corrugated metal storm sewer in the rear of 128 N. Heide La.
4. Perform pavement base repairs on Janis and Dickey Drives.
5. Provide support services to the contractual paving program.
6. Begin replacement of 660-ft. of storm sewer pipe on Meadowbrook Cir.
7. Prep the neighborhood gardens and Gateway signs for flower planting by volunteer groups.

Park Maintenance projects and assignments for the next four-week reporting period will be.

1. Continue seasonal preparations and turf maintenance of athletic fields.
2. Complete repairs to concrete spillway and operate drainage valves on the Peters Lake Dam.
3. Erosion and/or drainage repairs at Peterswood Fields #2, and at Venetia and Elm Grove.
4. Improve vehicular access to the dam and spillway area of Peters Lake Park
5. Prepare the Arrowhead Trail for the 5k Race on June 11.
6. Prepare for Community Day on June 25.

Use of Manpower by Labor Category

	Current	Previous		Current	Previous
	%	%		%	%
Snow Removal	0	0	Municipal Center	.4	1.5
Police-Adm Vehicle	.9	1.7	Storm Sewer Maint	14.6	8.5
Traffic Services	1.0	2.9	Snow Rem. Equip. Maint.	1.7	8.3
Public Wks. Facil.	1.8	.5	Vehicle & Equip. Maint.	5.6	4.8
Road Maintenance	22.6	24.5	Park Maintenance	39.3	26.3
Recycling Services	1.5	5.2	CRC (by PWD)	0	0
Sick Call	6.8	2.5	Vacation	3.8	.4
Holiday	0	4.0	LOA (injury)	0	8.9

PA ONE CALLS - YEAR 2011

MONTH	# OF CALLS	INVOLVED	NOT INVOLVED
January	103	5	98
February	215	85	130
March	131	24	107
<b>1<sup>st</sup> Quarter Total</b>	<b>449</b>	<b>114</b>	<b>335</b>
April	183	80	123
May	169	23	146

STREET OPENING PERMITS – YEAR 2011

MONTH	NO. OF PERMITS	AMOUNT BILLED
January	13	950.00
February	5	375.00
March	5	375.00
<b>1<sup>st</sup> Quarter Total</b>	<b>23</b>	<b>1,700.00</b>
April	6	450.00
May	14	1,425.00

EQUIPMENT

Hi Lift HOURS	Old Washington		10
Backhoe	Old Washington, Ivy, Park		4
Tractor 4610	w/attachment w/mower	0	0
Tractor 3230	w/mowers w/backblade & broom		23 45
Limb Chipper	Yard waste, storm damage clean up McClelland, township roads		18
Air compressor	Bittersweet		1
Cat Roller	McClelland		1
Crack Seal			0
Leaf Vac			0

MATERIAL USE

Cold Patch TONS	McClelland		1
Milled Asphalt	McClelland		12
#2 b Stone	McClelland		20
Gabion Stine	McClelland		20
18" di. Pipe FEET	McClelland		80
6" di. Pipe	McClelland		150
9.5 MM TONS	Victoria Ct		1.5
Asphalt	228 Brookwood curb Valleyview		2 5
4000 lb. CU YDS Concrete	Joyce		1.25

**Peters Township  
Parks and Recreation Department  
Monthly Report  
May 2011**

**Recreation**

- Our Senior Lunch was held On May 11, 2011 at the Community Recreation Center. A representative from Mon Valley Hospital made a presentation. There were 20 seniors in attendance.
- Preparations continue for the 33<sup>rd</sup> Annual Community Day event. We only have a couple of vendor spaces left. Once spaces are filled vendors will be placed on a wait list and assigned spaces if another vendor cancels.
- The Senior Trip to Blannerhassett Island was cancelled. Due to all of the rain the river was too high for the river boat ride. The trip has been rescheduled for Tuesday, June 28, 2011.
- Some changes were made to the 4K Race. The race will now be held on the Arrowhead Trail, beginning at the Community Recreation Center. The race is scheduled on June 11, 2011 at 9:00 a.m. and will be run in cooperation with the High School Cross Country Booster Club. Proceeds go to benefit their program. We are currently taking registration for the event and accepting sponsors.

**Parks and Recreation Board**

- The Parks and Recreation Board reviewed a request by the Softball Association to install a batting cage at the park expansion site (when complete). After some discussion the Parks and Recreation Board determined that the batting cage could be installed if the Softball Association worked with the Parks and Recreation Director and met all the Township requirements and needs.
- Parks and Recreation Board members signed up to help cover the Parks and Recreation booth at the Community Day Event.

**Community Recreation Center**

- Rentals – 3
- Sports Association Rentals – 41
- PT Schools – 12
- Various meetings were conducted including the Youth Sports Associations, Park and Recreation Board, the Montour Trail Council and departmental projects
- Voting for 2 precincts were conducted at the Center
- Peters Township Baseball and Softball pictures were conducted

**Community Room**

- Rentals – 23
- Classes – 3
- In House – 5
- PT Sports – 3
- PT Schools – 1

**Shelters**

- Rentals – 23

- **Arrowhead Trail**
  - Temporary repair on fountain at Thomas entrance
  - Pruning and brush cutting
  - Tree removal
  - Prepare bench areas for mulch
  - Low branch rimming and removal
  
- **Peters Lake Park**
  - Spillway repairs and operated valves
  
- **Municipal Grounds**
  
- **Islands/Open Space**
  - Edging and weeding Gateway islands
  - Removal of tree at Bittersweet Drive
  
- **Tennis Center**
  - Moved bubble to salt shed for storage
  - Cleaned up plastic from bubble removal
  - Aerate clay courts
  - Haul Har-Tru materials to clay courts
  - Built form for drinking fountain concrete pad
  - Poured concrete pad for drinking fountain
  - Installed sprinkler heads on the clay court sprinkler system
  - Turned on water to sprinkler system and aimed sprinkler heads
  - Installed fountain and hydrant and turned on water
  - Restoration and landscaping at Tennis Center around new fountain
  
- **CRC**
  - Replace damaged ceiling tiles in conference room
  - Light, basketball hoop, table and sign repairs
  - Hedge and shrub pruning
  
- **Administrative**
  - Payroll
  - Staff meetings
  - Reconcile visa statement
  - Preparation and planning for spring field maintenance
  - Project meeting
  - Quotes and purchase order for push mowers
  
- **Special Events**
  
- **Other**
  - Cleaned and organized trucks
  - Cleaned mowers
  - Mowing roadside islands due to default by contractor

**Peters Township  
Park and Recreation  
May 2011**

**Community Recreation Center Membership Passes**

Pass Type	Online	Office	Total	Amount
Resident Individual	4	6	10	\$100.00
Resident Senior Citizen (65+)	1	9	10	\$50.00
Resident Family	5	53	58	\$1,160.00
Non Resident Individual	0	1	1	\$180.00
Non Resident Senior Citizens (65+)	0	1	1	\$90.00
<b>Pool Passes Total:</b>	<b>10</b>	<b>70</b>	<b>80</b>	<b>\$1,580.00</b>

**Class and Event Programs**

Program Name	Online	Office	Total	Amount
Pre-School/Youth	18	24	42	\$2,230.00
Youth/Teens	18	78	96	\$5,162.00
Adult and/or Seniors	12	51	63	\$3,796.00
Fitness	1	15	16	\$856.00
Dog Obedience	2	4	6	\$480.00
Family Activities	0	0	0	\$0.00
One Day Class/Events	0	0	0	\$0.00
HELP LINK	0	0	0	\$0.00
Summer Camps	0	0	0	\$0.00
<b>Class and Event Programs Total:</b>	<b>51</b>	<b>172</b>	<b>223</b>	<b>\$12,524.00</b>

<b>Recreation Total:</b>	<b>\$14,104.00</b>
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**Peters Township  
Park and Recreation  
12 Month Report (May 2011)**

**Community Recreation Center Membership Passes**

Pass Type	Online	Office	Total	Amount
Resident Individual	34	256	290	\$2,900.00
Resident Senior Citizen (65+)	1	232	233	\$1,165.00
Resident Family	95	1011	1106	\$22,120.00
Non Resident Individual	0	11	11	\$1,980.00
Non Resident Family	0	9	9	\$3,240.00
Non Resident Senior Citizens (65+)	0	13	13	\$1,170.00
<b>Pool Passes Total:</b>	<b>130</b>	<b>1532</b>	<b>1662</b>	<b>\$32,575.00</b>

**Class and Event Programs**

Program Name	Online	Office	Total	Amount
Pre-School/Youth	168	278	446	\$26,139.00
Youth/Teens	309	778	1087	\$55,016.00
Adult and/or Seniors	72	540	612	\$28,025.00
Fitness	101	222	323	\$13,879.00
Dog Obedience	21	45	66	\$5,835.00
Family Activities	0	0	0	\$0.00
One Day Class/Events	0	0	0	\$0.00
HELP LINK	0	0	0	\$0.00
Summer Camps	0	0	0	\$0.00
<b>Class and Event Programs Total:</b>	<b>671</b>	<b>1863</b>	<b>2534</b>	<b>\$128,894.00</b>

<b>Recreation Total:</b>	<b>\$161,469.00</b>
--------------------------	---------------------

Peters Township Public Library Monthly Statistics  
 May, 2011

USAGE:	5/11	5/10	2011 YTD	2010 YTD	YTD Percent Change
<b>Checked-Out:</b>					
Adult	15353	16059	81547	86238	-5.4396
Young Adult	1326	1405	6820	6984	-2.34822
Children	13032	12688	74259	69570	6.739974
Overdrive Circ.	318	113	1479	542	172.8782
E-book reader books	96		192		
Total	30125	30265	164297	163334	0.589589
Computers	1707	1663	8999	9095	-1.05553
Adult	1273	1351	6744	7210	-6.46325
Children	399	265	2072	1717	20.6756
YA	35	47	183	168	8.928571
es & Study Rooms	390	358	1837	1670	10
<b>Reference Questions:</b>					
Adult	448	500	2517	2530	-0.51383
Children	392	265	1646	1484	10.91644
YA	128		761		
<b>Information Inquiries:</b>					
Adult	489	532	2576	3207	-19.6757
Children	351	317	1555	1751	-11.1936
By Phone	170	124	814	762	6.824147
<b>Interlibrary Loans:</b>					
From other libraries	16	21	53	70	-24.2857
To other libraries	47	41	244	257	-5.05837
Operating YA Videotape Sessions	199	201	1101	733	50.20464
<b>Other Statistics:</b>					
Items thru Self-Checkout	162		723		

# Peters Township Community Television

Monthly Report

May 2011

## A. Programming Highlight



### “Let’s Talk Dentistry”

- Debuted: October 2005
- Number of episodes produced in the last 12 months: 6
- Executive Producer: Edmund Sulkowski
- Hosted by: Dr. William Sulkowski

Dentist Dr. William Sulkowski discusses dental procedures with dentists and other guests from around the area on the monthly program "Let's Talk Dentistry"

### ***Some 2010-11 Show Guests/Topics:***

“Sleep Anea, Part 2”

“Gum Disease”

“Questions from the Audience”

“Dental Implants”

“Dentistry from a Kid’s Perspective”

“Dental Implants, Part 2”



# Public Access Director's Report

## B. VIDEO PROGRAMS PRODUCED

### **PUBLIC ACCESS (COMCAST CHANNEL 7/VERIZON CHANNEL 38) PRODUCTIONS**

There were a total of **73** PTCT productions produced for the Public Access channel in May.

Program Title	Type of Production
Talking Politics in Western PA (2)	Studio
Highway & Hedges Outreach Ministries Show (3)	Studio
PTHS Sporting Events (14)	Community Event
PTHS Morning Announcements (18)	Studio
Conversations with Candidates (2)	Studio
Headlines (2)	Studio
Last Word in Sports with Dale Lolley	Studio
Things They Usually Don't Teach You (3)	Studio
Let's Talk Dentistry	Studio
Ask the Naturopath (2)	Studio
Memorial Day Ceremony	Community Event
PTHS Projects/Classes (32)	Local
Life Without Limits Family Wellness Show	Studio
Senior Perspective	Studio
Chamber of Commerce Recognition Awards	Community Event

Out of the programs recorded in May, 11 of the productions were recorded with a Panasonic AG-HVX200A camera and the other 62 productions were recorded in the Peters Township Community Television studio. All 73 productions were recorded digitally. Of those, 62 were recorded straight to a DVD and the other 11 of the productions was recorded straight to a P2 card. There were 22 live productions in May.

### **GOVERNMENT ACCESS (COMCAST CHANNEL 17/VERIZON CHANNEL 40) PRODUCTIONS**

There were 3 productions produced in May for the Government Access channel. These included:

- May 9<sup>th</sup> Peters Township Council Meeting*
- May 12<sup>th</sup> Peters Township Planning Commission Meeting*
- May 23<sup>rd</sup> Peters Township Council Meeting*

All of these productions utilized the multi-camera set-up in Council Chambers and were recorded onto DVD.

**EDUCATIONAL ACCESS (COMCAST CHANNEL 19/ VERIZON CHANNEL 39) PRODUCTIONS**

There were 2 productions produced in May for the Educational Access channel.

These were the:

- May 9<sup>th</sup> Peters Township Board of School Directors Finance Committee Meeting*
- May 16<sup>th</sup> Peters Township Board of School Directors Regular Meeting*

These productions were recorded on a PTSD camcorder and were recorded onto digital videotape.

**C. VIDEO PROGRAMS AIRED**

**PUBLIC ACCESS (COMAST CHANNEL 7/ VERIZON CHANNEL 38) PROGRAMMING**

- There were 696.8 total hours of programming on the Public Access channel, with the other 47.2 hours utilizing the bulletin board.
- There was 385.3 hours of local programming shown. This is an all-time monthly high for local programming for the station. "Conversations with the Candidates" was shown for 42 of those hours.
- There was 167.5 hours of community events aired on the Public Access channel. Broadcasts of PT Boys Lacrosse games accounted for 53.5 hours of that total.
- There was 101.5 hours of imported programming.
- There were 8 different religious services/programs shown accounting for 42.5 hours of programming.

**GOVERNMENT ACCESS (COMCAST CHANNEL 17/ VERIZON CHANNEL 39) PROGRAMMING**

Council and Planning Commission meetings accounted for 135.22 hours of airtime on the Government Access channel in May. The other 608.78 hours were taken up with the bulletin board.

**EDUCATIONAL ACCESS (COMCAST CHANNEL 19/VERIZON CHANNEL 40) PROGRAMMING**

Broadcasts of PTHS Morning Announcements and broadcasts of the Peters Township Board of School Directors meetings accounted for 60.4 program hours in May. The other 683.6 hours were used by the bulletin board.

## D. Web Site / Web Programming Update

- Peters Township Community Television Web site ([www.ptct7.com](http://www.ptct7.com)), hosted by Yahoo Small Business

### Page views:

May:

Home Page:	Watch Shows Online:	Programs:	Schedules:	Whole Site:
This month: <b>226</b>	This month: <b>174</b>	This month: <b>58</b>	This month: <b>62</b>	This month: <b>949</b>
Year to Date: 1352	Year to Date: 932	Year to Date: 409	Year to Date: 538	Year to Date: 5923

- Peters Township Web site: Hosted by govoffice

### Page views:

	May	Year to Date
Cable TV	263	1503
Watch Council Meetings Online	249	1260
Watch Planning Commission Mtgs	81	608
Watch Channel 7 Programs	54	384
Cable TV Board	52	414

- Peters Township Community Television Videos: Hosted by blip.tv

### Top 5 Episodes Watched Online (April):

Peters Township Council Meeting – April 11, 2011 – Part 1 (36)  
Peters Township Planning Commission Meeting – April 14, 2011 (22)  
Peters Township Council Meeting – April 11, 2011 – Part 2 (19)  
Peters Township Council Meeting – May 9, 2011 – Part 1 (17)  
Peters Township Council Meeting – April 25, 2011 – Part 1 (11)

### Most Viewed Shows Online (March):

PT Council Meetings (162)  
PT Planning Commission Meetings (58)  
Talking Politics in Western PA (22)  
Ask the Naturopath (20)  
Let's Talk Dentistry (20)

**Total Number of PTCT Programs watched online in May: 495**

**Total Number of PTCT Programs watched online in 2011: 3,611**

## E. MAINTENANCE AND EQUIPMENT

There is no equipment out for repair and the station purchased new studio camcorders in May.



# Washington County Public Participation Panel Meeting Agenda May 24, 2011

1. **Public Participation Panel Welcome** (5 Minutes)
2. **Opening Remarks** (5 Minutes)
3. **Introduction of the Public Participation Panel Members** (20 Minutes)
  - a. **What is SPC?**
  - b. **Purpose & Relationship to Your County**
  - c. **Structure of Panels**
  - d. **Roles and Responsibilities**
  - e. **Time Commitments**
  - f. **Questions?**
4. **Introduction of Draft Documents Available for Review** (5 minutes)
  - a. **2040 Transportation & Development Plan**
  - b. **Environmental Justice Benefits & Burdens Assessment**
  - c. **Southwestern Pennsylvania  
Public Transit-Human Services Coordinated Plan**
  - d. **Air Quality Conformity Report**
5. **Meeting Purpose and Format** (5 minutes)
6. **Opportunity for Public Comment: 2040 Long Range Plan** (Open Forum)
  - a. **Verbal (limit presentations to 3 minutes)**
  - b. **Written (provide copies of documents to SPC staff)**
7. **Open Discussion** (10 Minutes)
8. **Closing Comments / Open House**

Oral and written comments will be taken by SPC representatives at this meeting. Written comments can also be submitted:

- Online at [www.spcregion.org](http://www.spcregion.org);
- By mail to: SPC Comments, 425 Sixth Ave., Suite 2500, Pittsburgh, PA 15219-1852;
- By fax to Comments, 412-391-9160; or
- By e-mail to [comments@spcregion.org](mailto:comments@spcregion.org).

All comments must be received by 4:30 p.m. on June 17, 2011.

The Southwestern Pennsylvania Commission will consider these draft documents for action at their meeting on June 28, 2007 at 4:30 p.m., Regional Enterprise Tower, 425 Sixth Avenue, 31st Floor, Pittsburgh, PA 15219-1852.

Thank you!



Southwestern  
Pennsylvania  
Commission

Regional Enterprise Tower  
425 Sixth Avenue, Suite 2500  
Pittsburgh, PA 15219-1852  
Telephone: 412.391.5590  
Fax: 412.391.9160  
Email: [comments@spcregion.org](mailto:comments@spcregion.org)  
[www.spcregion.org](http://www.spcregion.org)

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## Overview

The Southwestern Pennsylvania Commission, or SPC, is the region's forum for collaboration, planning, and public decision-making. As the official Metropolitan Planning Organization (MPO) for the ten-county region, including the City of Pittsburgh and the counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Washington, and Westmoreland, SPC is responsible for planning and prioritizing the use of all state and federal transportation funds allocated to the region. The Commission has the authority and responsibility to make decisions affecting the 10-county region.

As the Local Development District (LDD) and Economic Development District for southwestern Pennsylvania (as designated by the U.S. Appalachian Regional Commission and the U.S. Department of Commerce), SPC establishes regional economic development priorities and provides a wide range of public services to the region. SPC combines management of community assistance, financial assistance, export and government procurement assistance, and special enterprise development activities with delivery of other state and federal programs to help our region become increasingly competitive in national and global markets.

## Mission

The Southwestern Pennsylvania Commission is the cooperative forum for regional collaboration, planning, and public decision-making. The Commission develops plans and programs for public investments; fulfills federal and state requirements for transportation, economic development, and local government assistance programs; and operates with public involvement and trust.

## History of the Southwestern Pennsylvania Commission

The Southwestern Pennsylvania Regional Planning Commission (SPRPC) was formed in 1962 under the provisions of the Planning Act. SPRPC was designated as the Metropolitan Planning Organization (MPO) in January 1974 by the Governor of Pennsylvania. SPRPC's membership included the counties of Allegheny, Armstrong, Beaver, Butler, Washington and Westmoreland, and the City of Pittsburgh. In 1992 the SPRPC membership, along with the counties of Fayette, Greene and Indiana formed the Southwestern Pennsylvania Regional Development Council (the Council) to act as the Local Development District (LDD) under the Appalachian Regional Commission Act, and in 1995 they formed an Economic Development District (EDD) under the Public Works Act and became the Area Loan Organization designated by the Pennsylvania Department of Community and Economic Development (DCED). In 1999, SPRPC and the Council merged to establish the Southwestern Pennsylvania Commission, or SPC. Its current membership includes counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Washington and Westmoreland, and the City of Pittsburgh.

To learn more about SPC, please visit [www.spcregion.org](http://www.spcregion.org).

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA

PETERS TOWNSHIP,

Plaintiff,

vs.

PNC BANK, N.A., SUCCESSOR BY  
MERGER TO NATIONAL CITY BANK,

Defendant.

CIVIL DIVISION

No. 2011-2576

**REPLY TO NEW MATTER**

Filed on behalf of Plaintiff

Counsel of record for this party:

William A. Johnson, Esquire  
Pa. I.D. No. 14906

8 East Pine Avenue  
Washington, PA 15301  
(724) 225-3955

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA

CIVIL DIVISION

PETERS TOWNSHIP, )  
 )  
 Plaintiff, )  
 )  
 vs. ) No. 2011-2576  
 )  
 PNC BANK, N.A., SUCCESSOR BY )  
 MERGER TO NATIONAL CITY BANK, )  
 )  
 Defendant. )

**REPLY TO NEW MATTER**

AND NOW, comes the Plaintiff, Peters Township, by its attorney, William A. Johnson, and files the following Reply to New Matter whereof the following is a statement:

1. The averments of Paragraph 12 are denied insofar as they contend that Plaintiff has not satisfied all conditions prerequisite to demand for payment.

2. The averments of Paragraphs 13, 14, 15 and 16 contain conclusions of law to which no response is required. However, to the extent that an answer is required, the averments are denied.

WHEREFORE, Plaintiff, Peters Township, respectfully requests that this Honorable Court enter judgment on its behalf and against Defendant, PNC Bank, N.A.

Respectfully submitted,

---

William A. Johnson, Esquire  
Attorney for Plaintiff

METZ LEWIS BRODMAN MUST O'KEEFE LLC

11 Stanwix Street 18th Floor Pittsburgh, Pennsylvania 15222  
T: 412.918.1100 F: 412.918.1199 www.metzlewis.com

June 15, 2011



ATTORNEYS AT LAW  
JOHN R. O'KEEFE, JR.

**Via Email (wajohnsonesq@yahoo.com)**  
**& Regular Mail**

William A. Johnson, Esquire  
8 East Pine Avenue  
Washington, PA 15301

**Re: Peters Township v. PNC Bank, N.A., successor by merger  
to National City Bank  
C.C.P. Wash. Cty. No. 2011-2576**

Dear Bill:

Enclosed is a true and correct copy of PNC Bank, N.A.'s Answer and New Matter to Peters Township's Complaint in the above-captioned matter, the original of which has been filed with the Court.

Very truly yours,



John R. O'Keefe, Jr.

JRO/sal  
Enclosure

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA

PETERS TOWNSHIP,

Plaintiff,

vs.

PNC BANK, N.A., SUCCESSOR BY  
MERGER TO NATIONAL CITY BANK,

Defendant.

CIVIL DIVISION

No. 2011-2576

TYPE OF PLEADING:

**ANSWER AND NEW MATTER TO  
COMPLAINT IN CIVIL ACTION**

FILED ON BEHALF OF:

PNC Bank, N.A., successor by merger to  
National City Bank, Defendant

COUNSEL OF RECORD FOR  
THIS PARTY:

JOHN R. O'KEEFE, JR., Esquire  
Pa. I.D. No. 36633

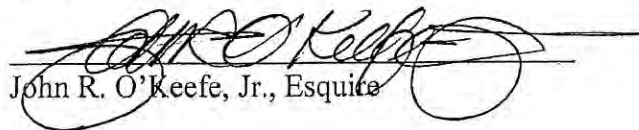
TO: PLAINTIFF

You are hereby notified to file a  
written response to the enclosed ANSWER  
AND NEW MATTER TO COMPLAINT  
IN CIVIL ACTION within twenty (20) days  
from the date of service hereof or a judgment  
may be entered against you.

METZ LEWIS BRODMAN MUST  
O'KEEFE LLC  
11 Stanwix Street, 18th Floor  
Pittsburgh, PA 15222

Phone: (412) 918-1100

Firm #437

  
John R. O'Keefe, Jr., Esquire

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA

PETERS TOWNSHIP,	)	CIVIL DIVISION
	)	
Plaintiff,	)	No. 2011-2576
	)	
vs.	)	
	)	
PNC BANK, N.A., SUCCESSOR BY	)	
MERGER TO NATIONAL CITY BANK,	)	
	)	
Defendant.	)	

**ANSWER AND NEW MATTER TO COMPLAINT IN CIVIL ACTION**

Defendant, PNC Bank, N.A., successor by merger to National City Bank (“PNC”) by its attorneys, Metz Lewis Brodman Must O’Keefe LLC, files the following Answer and New Matter to Plaintiff’s Complaint in Civil Action (“Plaintiff’s Complaint”):

1. Paragraph 1 of Plaintiff’s Complaint is admitted.
2. Paragraph 2 of Plaintiff’s Complaint is admitted with the qualification that PNC’s principal place of business is located at 249 Fifth, One PNC Plaza, Pittsburgh, Pennsylvania 15222 and proof to the contrary is demanded.
3. Paragraph 3 refers to an agreement between parties other than PNC of which PNC is without knowledge and information sufficient to form a belief as to the truth or accuracy of the same, for which reason the allegations are denied.
4. Paragraph 4 sets forth a conclusion of law to which no response is necessary. To the extent a response is deemed necessary, Paragraph 4 appears to interpret the document referenced in Paragraph 3 of Plaintiff’s Complaint of which PNC is without knowledge or information sufficient to form a belief as to its truth or accuracy, for which reason the allegations are denied.

5. Paragraph 5 of Plaintiff's Complaint appears to interpret a document appended to Plaintiff's Complaint as an exhibit. To the extent inconsistent with Plaintiff's allegation, PNC incorporates by reference the document appended to Plaintiff's Complaint marked as Exhibit "B," which speaks for itself and provides, among other things, for possible disbursements to be made *only* in accordance with its provisions and prerequisites, not all of which have been satisfied and proof to the contrary as demanded.

6. Paragraph 6 of Plaintiff's Complaint appears to interpret a document appended to Plaintiff's Complaint as an exhibit. To the extent inconsistent with Plaintiff's allegation, PNC incorporates by reference the document appended to Plaintiff's Complaint marked as Exhibit "B," which speaks for itself and provides, among other things, for possible disbursements to be made *only* in accordance with its provisions and prerequisites, not all of which have been satisfied and proof to the contrary as demanded. By way of further response, the September 23, 2010 letter and referenced memorandum were directed to a party other than PNC, for which reason PNC is without knowledge or information sufficient to form a belief as to the truth or accuracy of the averment, for which reason the allegations are denied.

7. Paragraph 7 of Plaintiff's Complaint is admitted to the extent that the document marked "Exhibit B" was directed to its counsel and appears to make demand for payment of monies under the set-aside agreement to which PNC's predecessor, National City Bank, was a party. To the extent that paragraph 7 states, suggests or implies that conditions prerequisite to PNC making payment under the set-aside agreement have been satisfied by Plaintiff, it is denied and proof to the contrary is demanded.

8. Paragraph 8 of Plaintiff's Complaint is denied. It is denied that the referenced set-aside agreement requires PNC to make payment under the terms and within the time set forth in

paragraph 8 of Plaintiff's Complaint and proof to the contrary is demanded. By way of further response, PNC avers that the prerequisites to payment by PNC set forth in the set-aside agreement were not satisfied by Plaintiff and proof to the contrary is demanded.

9. Paragraph 9 of Plaintiff's Complaint is admitted to the extent that it states that its counsel sent a demand letter to PNC's counsel making demand for payment under the set-aside agreement. To the extent that paragraph 9 of Plaintiff's Complaint states, suggests or implies that matters prerequisite to payment by PNC under the set-aside agreement were satisfied by Plaintiff, it is denied and proof to the contrary is demanded.

10. PNC admits that it has not met the demands made upon it by Plaintiff's and its counsel's letters dated December 21, 2010 and March 17, 2011, but avers that demand is improper since Plaintiff has failed to satisfy prerequisites under the set-aside agreement to payment by PNC and proof to the contrary is demanded.

WHEREFORE, Defendants, PNC Bank, N.A., successor by merger to National City Bank, respectfully requests that judgment be entered in its favor and against Plaintiff, Peters Township, plus costs.

#### **NEW MATTER**

11. PNC incorporates by reference as if fully set forth herein paragraph 1 through 10 of its Answer and New Matter to Plaintiff's Complaint.

12. Section 3 of the set-aside agreement sets forth specific requirements which must be satisfied in order for proper demand for payment to be made, which have not been satisfied by Plaintiff.

13. Plaintiff's Complaint fails to state a claim against PNC upon which relief can be granted.

14. The claims in set forth in Plaintiff's Complaint are barred in whole or in part by agreement, in that they are contrary to the documents upon which the Plaintiff relies.

15. The claims in set forth in Plaintiff's Complaint are barred in whole or in part by consent.


16. The claims in set forth in Plaintiff's Complaint are barred in whole or in part by waiver.

WHEREFORE, Defendants, PNC Bank, N.A., successor by merger to National City Bank, respectfully requests that judgment be entered in its favor and against Plaintiff, Peters Township, plus costs.

Respectfully submitted,

METZ LEWIS BRODMAN MUST  
O'KEEFE LLC

By:

  
John R. O'Keefe, Jr., Esquire  
Pa. I.D. #36633

Attorneys for PNC Bank, N.A., successor  
by merger to National City Bank, Defendant  
11 Stanwix Street, 18<sup>th</sup> Floor  
Pittsburgh, PA 15222  
Phone: (412) 918-1100

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Answer and New Matter to Complaint in Civil Action in this action was served by email and by United States First Class Mail, Postage Prepaid on the 15<sup>th</sup> day of June, 2011, as follows:

William A. Johnson, Esquire  
8 East Pine Avenue  
Washington, PA 15301  
wajohnsonesq@yahoo.com

METZ LEWIS BRODMAN MUST  
O'KEEFE LLC

By:

  
John R. O'Keefe, Jr., Esquire  
Pa. I.D. #36633

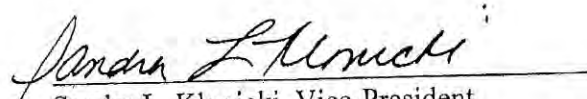
Attorneys for PNC Bank, N.A., successor  
by merger to National City Bank,  
Defendant  
11 Stanwix Street, 18<sup>th</sup> Floor  
Pittsburgh, PA 15222  
Phone: (412) 918-1100

VERIFICATION

I hereby verify that the facts set forth in the foregoing Answer and New Matter to Complaint In Civil Action are true and correct to the best of my knowledge, information and belief.

This Verification is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Date: 6/15/2011

  
Sandra L. Klonicki, Vice-President  
PNC Bank, N.A.

**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_\_ day of June, 2011, a true and correct copy of the within Reply to New Matter was mailed by U.S. first class mail, postage prepaid, to the following counsel of record:

John R. O'Keefe, Jr., Esquire  
11 Stanwix Street, 18<sup>th</sup> Floor  
Pittsburgh, PA 15222

---

William A. Johnson, Esquire

WASHINGTON COUNTY SEWAGE COUNCIL  
FULL COUNCIL MEETING  
February 3, 2011

The Washington County Sewage Council held a meeting on February 3, 2011 at 10:00 A M in the office of the W.C.S.C., at 550 Washington Road, Washington, PA 15301.

**PRESENT:**

Buffalo Township	Jim Arbore
Canton Township	Robert Neitzelt & John Sheppard
Carroll Township	Dennis Butler & Jim Bierbower
Centerville Borough	Cheryl Matesich
Cross Creek Township	Rachel Warner Blosser
Independence Township	Tom Jennings
Jefferson Township	Alan Gould
Morris Township	Kathy Lesnock
Mount Pleasant Township	Larry Chome
North Bethlehem Township	Bob Taylor
Peters Township	Ed Zuk
Smith Township	Tom Schilinsky
Somerset Township	Mary Ann Lobodinsky
South Franklin Township	Thomas F. Wright & Tyler Linck
South Strabane Township	John Stickle
Union Township	Andrew Tullai
West Bethlehem	Bob Mercante
West Finley Township	David Martin
West Pike Run Township	Steve Hajdu

**MEETING CALLED TO ORDER:** The meeting was called to order by the Chairman, Thomas F. Wright at 10:00 A.M.

**MINUTES:**

A *motion* to accept the minutes of the last meeting of the full council held May 6,, 2010 was made by Rachel Blosser, seconded by Tom Jennings, all agreed, none opposed, motion carried

**TREASURERS REPORT**                      Year ending 12/31/10      Balance \$ 76,285.94

A *motion* to accept the treasurers report was made by Tom Schilinsky, seconded by Bob Taylor, all agreed, none opposed, motion carried.

**NEW BUSINESS**

A *motion* to approve the actions of the Operating Committee for 2010 was made by Alan Gould, seconded by Larry Chome, all agreed, none opposed, motion carried.

A *motion* to elect the same officers of year 2010 for the upcoming year 2011 was made by Mary Ann Lobodinsky, seconded by Ed Zuk, all agreed, none opposed, motion carried.

WASHINGTON COUNTY SEWAGE COUNCIL  
FULL COUNCIL MEETING  
February 3, 2011

A *motion* to elect the new officers plus Bob Taylor, Mary Ann Lobodinsky and Rachel Blosser to the operating Committee was made by Kathy Lesnock, seconded by John Stickle all agreed, none opposed, motion carried.

The officers are: Thomas F. Wright, Chairman, Steve Hajdu, Vice-Chairman, Frank Siffrinn, Sec.-Treas. Operating Committee: The above officers plus Kathy Lesnock, Mary Ann Lobodinsky, Bob Taylor and Rachel Blosser.

A *motion* to approve the 2011 budget was made by Tom Jennings, seconded by Mary Ann Lobodinsky, all agreed, none opposed, motion carried.

A motion to appoint James McCune of Bassi, McCune & Vreeland, PC our solicitor was made by Bob Taylor, seconded by Rachel Blosser, all agreed, none opposed, motion carried.

Chairman Wright reviewed the 2010 suggested operations as follows; continue operating on a 3 day week for the first quarter of 2011 and keep the present fee schedule and the present emergency operations. At the March Operating Committee meeting to a review to determine any change.

A question and answer session was conducted.

A *motion* to adjourn the meeting was made by Jim Bierbower, seconded Alan Gould, all agreed, none opposed, motion carried and meeting was adjourned at 11:00 A.M.

Respectfully submitted

Thomas F. Wright, Acting Secretary

**MINUTES OF April 21, 2011**  
**PETERS TOWNSHIP PARKS AND RECREATION BOARD MEETING**

The scheduled meeting was held in the Conference Room at the community recreation center on April 21, 2011 at 6:00 p.m. Approved-meeting minutes can be viewed online at [www.peterstownship.com](http://www.peterstownship.com)

**AGENDA**

Prior to the Scheduled Board Meeting in the Conference Room there was a brief walk through of the new Softball area within the Park, this took place at 5:30 p.m. Board Members in attendance were Dorothy Schwerha, and Joe Maize. Parks Director Michele Harmel and Recreation Secretary, Becky Goodwin-Sopko.

- I. **Call to Order:** by Chairperson – Melissa Sickmund
- II. **Roll Call:** Board members attending: Melissa Sickmund, Dave Wall, Pat Airhart, Jeff Crummie, Dorothy Schwerha and (Joe Maize not able to attend the meeting due to prior School District Commitment). Board Member not in attendance Michelle Chavel. Staff attending: Michele Harmel, Parks and Recreation Director and Recreation Secretary, Becky Goodwin-Sopko.
- III. **Approval of Minutes:** Motion to approve Minutes for Parks & Recreation meeting of March 17, 2011 as submitted made by Dorothy Schwerha and seconded by Jeff Crummie. Motion carries 5/0.
- IV. **Audience Comments:**

**John Hilzendeger, Baseball Representative:** John Hilzendeger presented to the Parks and Recreation Board a request to replace/upgrade the current shed at Rees field. Mr. Hilzendeger passed around photo of the proposed shed that will be used to store equipment needed to maintain Rees field. This shed has a metal roll up door for easy access for equipment, shed is 2 feet wider than existing shed. Baseball would like to donate the old shed to Thomas Youth league, however Director Michele Harmel doesn't know if old shed needs to be removed if new shed is approved, she will get back to organization. Motion made by Dorothy Schwerha to accept the proposal of the new shed, and donate old shed to Thomas Youth League if they are approved. Seconded by Melissa Sickmund motion carries 5/0.

**Second Request:** from Baseball to tie in baseball games into Community Day Event. Requested 2 games on small field and 1 game on Large field to be completed by 1 p.m. Director, Michele Harmel stated that since the parking was taken off of Hofbauer field several years ago there is not enough parking spaces to accommodate games being played on Community Day. However, she would bring this question to the Community Day Committee once more at the next meeting. Baseball stated they would donate 20 cases of water to the Community Day Committee if permitted use of fields for games on Community Day.

**Bob Finn, Basketball:** Briefly discussed the individual that was confrontational with Director, Michele Harmel at the Recreation Center. At the last Basketball Tournament this individual was confrontational to officials and was asked to sit on the bench. After game the individual confronted the officials in front of parents and children. It is strongly suggest this person have their volunteer clearances be looked at and/or revoked. Chairperson, Mellissa Sickmund suggested the association also take steps with this person if confrontational attitude continues.

**Motion made by Chairperson, Melissa Sickmund to add in Executive session and Baseball sign requests to the meeting agenda. Seconded by Dave Wall motion carries 5/0**
- V. **Old Business:**
  - a. **Updates on:**
    - i. **Peters Park Expansion Project:** Update from Parks and Recreation Director, Michele Harmel; brief walk through of the new Softball area within the Park, this took place at 5:30 p.m. Board Members in attendance were Dorothy Schwerha, Joe Maize and Parks Director Michele Harmel and Recreation Secretary, Becky Goodwin-Sopko. The workers are a little behind due to weather but the area is looking good.
    - ii. **Baseball Deck at Venetia:** Deck at Venetia field has been built and only a few items on the finish list need to be completed. Parks and Recreation Director, Michele Harmel will take photos to show Deck and progress to board next meeting. Brief discussion about the railing height had to be raised to meet code requirements and this will now obstruct view of anyone sitting on the deck.
  - b. **Community Day Booth Coverage:** A signup sheet was sent around for Board members to sign up to man the Parks Department booth on Community Day.
  - c. **Background Check Non-Compliance Policy:** Some discussion among the board members on the Non-Compliance policy. Melissa Sickmund made a motion to send the Background Check Non-Compliance policy as submitted to Township Council. Seconded by Jeff Crummie. Motion carries 4/1/0.
- VI. **New Business**

- a. **Softball Batting Cage Project:** Brief Discussion on batting cages, discussion was tabled until next month's meeting.
- b. **High School Baseball Sign:** Glenn Grossi representing H.S. baseball attending this meeting to request placement of sign that was donated by a member to the Booster program. Mr. Grossi stated that this High School program has had many accomplishments that they wanted to show the community. They requested the sign be placed at field 1 in Peterswood Park near the concession stand. Director, Michele Harmel stated that they would not be permitted to attach the sign to the concession stand, but can be placed as a temporary sign and removed at the end of the season. Dave Wall made a motion to have the temporary sign placed near the concession stand on post and would support the baseball association in approaching the Planning Board for a zoning variance to have the proposed sign as permanent. Seconded by Dorothy Schwerha. Motion carries 5/0.

**Motion made by Melissa Sickmund to go into Executive Session at 6:40 p.m., Seconded by Dave Wall. Motion carries 5/0/**

**Melissa Sickmund made a motion to reconvene from Executive Session at 7:00 p.m. No votes were taken, No decisions were made. Seconded by Dave Wall, Motion carries 5/0.**

Dave Wall made a motion to vote on the information and person from Executive Session, to support Township Manager, Michael Silvestri's decision. Seconded by Melissa Sickmund, motion carries 5/0. Parks Director, Michele Harmel will draft a letter to be sent to the individual regarding the response from the board.

**c. Parks and Recreation Ordinance Amendments**

- i. **Trail Rules – Policy for Individuals with Mobility Disabilities:** Board members were given the updated regulation information on motorized vehicles for Mobility Impaired Individuals use on the trails. After brief discussion, Motion to recommend to council was made by Melissa Sickmund for changes to the Mobility policy to be made along with some minor changes to the Parks and Recreation rules. Seconded by Jeff Crummie, Motion carries 5/0

VII. **Y.E.S. Report - Jeff Crummie, Board Representative –** He will be working on information on a dinner for the fall. He discussed participating in "Random Acts of Sportsmanship Program". Additional discussion on the program and items that can be gifts/giveaways to the athlete and that parents, coaches and individuals could send in a form and nominee information could be posted on a website. Additional discussion next month on the program possibilities.

VIII. **Community Service Committee Update –** Melissa Sickmund Board Representative will be setting up a meeting with the new principle at the high school along with Parks Director, Michele Harmel over the next weeks.

IX. **Directors Report:**

- a. **Incident Report:** Parks Director, Michele Harmel spoke about an incident that took place between her and a coach at the Recreation Center. This Coach refused to speak calmly and proceeded to become very boisterous and rude. The incident was written up and information has been given to the Township Manager and the Parks and Recreation Board. After some discussion on the incident, a Motion was made by Melissa Sickmund that the individual be removed from the Approved Coaching list and that he be sent a letter of removal. Also that all organizations be informed that his coaching status has been revoked. Seconded by Jeff Crummie Motion carries 5/0.

b. **Board Member Attendance:** OK

c. **Monthly Reports:** OK

d. **Participation Attendance Sheet:** OK

e. **Community Recreation Center Membership:** renewals/new memberships steady

f. **Goals:** OK

g. **2011 Quarterly Review to Council:** Board members were asked to look over the quarterly reviews for 2011 and volunteer to present them during the year.

i. **2011 First Quarter -** Jeff Crummie - April 25

ii. **2011 Second Quarter –** Melissa Sickmund - July 25

iii. **2011 Third Quarter -** Dorothy Schwerha – October 24

iv. **2011 Fourth Quarter -**

Further discussion and assignment of board members for the quarterly reviews presentation will be assigned at future meetings.

h. **Outstanding School Facility Request:** OK

i. **Association Documents –** OK

X. **Monthly Financial Report:** OK

XI. **Correspondence:** Parks Director Michele Harmel responded to the email from Rev. Jamison Hardy, stating a response from the Parks and Recreation Board that many associations have fundraising to help keep fees low. If it is necessary for a family to seek financial assistance they could approach the specific association with their request.

- XII. **Complaints/Compliments:** None
- XIII. **Announcements:**
  - a. Get Lit Up – Lights at Hofbauer – May 5, 7pm
  - b. Senior Luncheon – May 11, 2011 12- 2pm
  - c. Senior Trip to Blannerhassett Island May 25
- XIV. Motion to adjourn made by Jeff Crummie seconded by Melissa Sickmund motion carried 5/0 at 9:00 p.m.

APPROVED

# Peters Township Cable TV Board Summary of Meeting

May 3, 2011

*ATTENDANCE: Ryan Boni, Bob Buck, Bill Herder, Toni Sulkowski, Ed Wisniewski*

## I. Approval of the April Peters Township Cable Television Board meeting minutes

The board voted unanimously to approve the April Peters Township Cable Television Board meeting minutes

## II. Comcast & Cable Franchise Update/Discussion / Verizon Update

Mr. Boni mentioned to the Board that there was no update on the negotiations of the Cable Franchise Agreement with Comcast.

## III. Highlights and Summary for April 2011

Mr. Boni presented the Board with the Highlights and Summary for April 2011.

## IV. Public Access Director's Report

### **BUDGET/EXPENSES**

Peters Township Community Television spent \$1,318.87 in April on operating supply purchases. These purchases included headset box, DVD printer, LCD cart, RF amplifiers, demodulator, modulators, DVD cases, LCD TV. The year-to-date total spent on operating supplies is \$5,403.48

The station made no minor equipment purchases in April. The year-to-date total spent on minor equipment is \$0.00.

There was no capital equipment purchases made in April. The year-to-date total spent on capital equipment is \$0.00.

Overall the station's April expenditures equaled \$6,851.08. This puts the year-to-date station expenditure total at \$28,035.74. This means the station has spent 17.31% of its allotted budget for this year.

### **WEB SITE/WEB PROGRAMMING UPDATE**

April:

The station's web site ([www.ptct.7.com](http://www.ptct.7.com)) is hosted by Yahoo Small Business. In the past month, the home page received 290 hits, the Watch Shows Online page had 239 hits, the Programs page had 85 views, the Schedules page had 73 views and the whole site had 1,344 hits. This brought the year-to-date totals to: Home page (1,126), Watch Shows Online page (758), Programs page (351), Schedules page (476) and the Whole Site (4,974).

The station has numerous pages inside of the Township's official web site ([www.peterstownship.com](http://www.peterstownship.com) which is hosted by govoffice. In the most recent month, the Cable TV page had 304 views, the Watch Council Meetings online page had 300 views, the Watch Planning Commission Meetings online page had 97 views, the Watch Channel 7 Program page had 91 views, and the Cable TV Board page had 75 views. This brought the year-to-date totals to: Cable TV page (1,240), Watch Council Meetings Online page (1,011), Watch Planning Commission Meetings online page (527), Watch Channel 7 Programs page (330), and the Cable TV Board page (362).

The station's online programming can be seen on blip.tv. The 5 most watched episodes of the month were: Real Estate A to Z – Home Staging (81), Peters Township Council Meeting – March 14, 2011 (33), Peters Township Council Meeting – March 28, 2011 – Part 1 (17), Peters Township Planning Commission Meeting – March 10, 2011 – Part 1 (15), Peters Township Council Meeting – March 28, 2011 – Part 2 (14), Highway and Hedges Outreach Ministries Show #23 (14).

The station's programming was watched a total of 714 times online this month. The top 5 most watched programs for the month were: PT Council Meetings (172), Real Estate A to Z (94), PT Planning Commission Meetings (73), Highway & Hedges Outreach Ministries Show (63), Talking Politics in Western PA (29) & Chamber Focus (25).

For the year, Peters Township Council Meetings are the most watched program online with 1,038 views. Peters Township Planning Commission meetings have been watched 491 times. The most watched studio programs are Highway & Hedges Outreach Ministries Show (308), Real Estate A to Z (199), Let's Talk Healthy Pets (135), Ask the Doctor (101), Let's Talk Dentistry (80), & Let's Paint...with James Sulkowski (80). In total, the station's programs have been watched 3,116 times this year.

#### **PUBLIC ACCESS (COMCAST CHANNEL 7/VERIZON CHANNEL 38) PRODUCTIONS**

There were a total of 53 PTCT productions produced for Comcast Channel 7/Verizon Channel 38 in April. Out of these productions, 35 were recorded in the studio, 1 was recorded in Council Chambers and 17 were recorded using a Panasonic AG-HVX200a camcorder. Out of these programs, 20 (38%) aired live to the community. There were 36 (68%) programs recorded to DVD and 17 (32%) programs recorded straight to P2 cards.

#### **GOVERNMENT ACCESS (COMCAST CHANNEL 17/VERIZON CHANNEL 40) PRODUCTIONS**

There were 3 productions produced in April for Comcast Channel 17/Verizon Channel 40. These were the April 11<sup>th</sup> and April 25<sup>th</sup> Peters Township Council General Meetings and the April 14<sup>th</sup> Peters Township Planning Commission Meeting, all utilizing the multi-camera set-up in Council Chambers and recorded onto DVD.

#### **EDUCATIONAL ACCESS (COMCAST CHANNEL 19/VERIZON CHANNEL 39) PRODUCTIONS**

There were 2 productions produced for Comcast Channel 19/Verizon Channel 39 in April, the April 11<sup>th</sup> Peters Township Board of School Directors Finance Committee Meeting and the

April 18<sup>th</sup> Peters Township Board of School Directors Regular Meeting. These productions was all recorded onto digital videotape .

### **'UBLIC ACCESS (COMCAST CHANNEL 7/VERIZON CHANNEL 38) PROGRAMMING**

April:

- There were 698.3 total hours of programming on Channels 7/38, with the other 21.7 hours utilizing the bulletin board.
- There were 350.8 hours of local programming shown. "Let's Talk Healthy Pets" and "Talking Politics in Western Pa" were each shown for 40 of those hours.
- There were 224 hours of community events aired on Channels 7/38. Broadcasts of PTHC Hockey games were shown for 65 hours of that total.
- There was 89.5 hours of imported programming.
- There were 8 different religious services/programs shown accounting for 34 hours of programming.

### **GOVERNMENT ACCESS (COMCAST CHANNEL 17/VERIZON CHANNEL 40) PROGRAMMING**

ouncil and Planning Commission meetings accounted for 122.4 hours of airtime on Channels 17/40 in April. The other 597.6 hours were taken up with the bulletin board.

### **EDUCATIONAL ACCESS (COMCAST CHANNEL 19/VERIZON CHANNEL 39) PROGRAMMING**

Broadcasts of the PTHS Morning Announcements and School Board Meetings accounted for 58.47 program hours in April. The other 661.5 hours were used by the bulletin board.

## **V. MAINTENANCE AND EQUIPMENT**

### **MAINTENANCE**

No equipment was out for repair.

### **EQUIPMENT**

Equipment that was purchased was mentioned in the Budget/Expense report.

## **VI. COMMUNICATIONS**

Ir. Boni mentioned that the Insider newsletter had been e-mailed to the Board members

## VII. OTHER

- A. The next meeting of the Peters Township Cable TV Board was set for **Tuesday June 7, 2011 at 7:30 p.m. in Room A100** of the Peters Township High School.
- B. Mr. Boni took a photo of the Board for inclusion in the Township's magazine.

**PETERS TOWNSHIP  
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James J. Miskis, Manager  
Mark A. Chucuddy, Asst. Manager  
Gary A. Parks, Special Projects Manager  
Patricia L. Mowry, Financial Controller  
Diane L. Gregor, Administrative Assistant

**REGULAR MEETING**

**May 10, 2011**

**ROLL CALL:**

The regularly scheduled meeting of the Peters Township Sanitary Authority was called to order at 7:00 p.m. by the Chairman. Board members present were G. Robert Jacobs, Terrence G. Byrne, Eric S. Grimm, and David G. Blazek. Also present were Keith Bassi, Solicitor, Jason E. Stanton, Lennon Smith Souleret Engineering, Inc. (LSSE), James J. Miskis, Manager, Mark A. Chucuddy, Assistant Manager, Gary Parks, Special Projects Manager, and Patricia L. Mowry, Financial Controller. Absent from meeting was Michael P. Crall, Board Member.

**APPROVAL OF MINUTES:**

A Motion was made by Mr. Byrne seconded by Mr. Blazek to approve the minutes of April 12, 2011 meeting as prepared by Patricia Mowry, with minor corrections. The Motion carried unanimously.

**VISITORS:**

**SOLICITOR'S REPORT:** Copy on file.

Mr. Bassi reported the Collective Bargaining Unit Agreement has been executed by the Union representatives.

Mr. Bassi reported the information as requested in the subpoena for the Quail Run condominiums issue has been submitted.

Mr. Bassi reported he is researching the legal issues and legal ramifications regarding an existing Marcellus gas lease from a prior owner dated 1913 for the Authority's property on Church Hill Road. Mr. Bassi is also exploring the potential of a new lease instead of entering into a modification of that original lease.

**ENGINEER'S REPORT:** Copy on file.

Mr. Stanton reported he is assisting Management with site plan review and the planned flows for the proposed St. Clair Hospital Outpatient center.

Mr. Stanton reported the Giant Oaks and Oakwood Road interceptor flow monitoring and modeling will be presented at the May 24<sup>th</sup> Board meeting.

Mr. Stanton reported the responses to review comments for the Valley View Sewer Extension have been submitted to the Washington County Conservation District regarding the Erosion and Sedimentation Control plan and the Stormwater Management plan.

**MANAGER'S REPORT:** Copy on file.

Mr. Miskis reported the Brush Run Treatment Plant exceeded 2.0 MGD monthly average daily flow for three consecutive months due to the prolonged wet weather conditions. Under the PaDEP regulations the plant is considered hydraulically overloaded. However, the effluent performance was excellent. When the 2011 Wet Weather improvements are completed the plant will have a permitted maximum month average day flow capacity of 2.5 MGD. Management will try to schedule a meeting with the PaDEP to discuss how to best proceed to re-rate the plant to a higher hydraulic capacity in order to avoid unnecessary and unwarranted tap restrictions. The re-rating will require a Part 1 NPDES Permitting and could result in more stringent effluent discharge limits.

Mr. Miskis reported the Authority submitted a H2O grant application for the Valley View Sewer Extension project in the amount of \$555,500. The Authority was awarded a grant in the amount of \$225,000. The combined funding support for the project is \$575,000, the H2O grant, the LSA grant of \$300,000 and Township contribution estimated at \$50,000, towards design and paving.

Mr. Bassi requested an executive session to present his opinion and advice in evaluating the option of proceeding with the pilot program for lateral repairs on private property and the potential of liability and litigation related to it.

A Motion was made by Mr. Grimm and seconded by Mr. Blazek to enter into executive session at 7:45 p.m. The Motion carried unanimously.

Executive Session ended at 8:00 p.m.

Mr. Miskis gave a presentation regarding the proposed peak wet weather flow management plan. The presentation included a summary of the peak wet weather flow problem, a condensed history of initiatives taken to manage the problem, and recommendations as to how to proceed in a manner to advance the Authority's objective of reducing peak wet weather flows to more manageable levels. The focus of the plan is the systematic development and implementation of a building sewer/drain test, inspection, and repair program. Before implementation of a full scale program, Management recommended conducting a pilot program in the Friar Lane area. The estimate cost of the pilot program is \$200,000, which includes cost of testing, repairs, supplies, flow metering, and legal cost. The pilot program is recommended to begin immediately in order to be able to perform metering during the Winter/Spring 2012. To initiate the program Management would send a letter of interest to the property owners in Friar Lane and then follow up with a Public workshop. The Board would like to review the letter prior to it being sent to the residents.

A Motion was made by Mr. Grimm seconded by Mr. Byrne to authorize Management to initiate the Pilot Program for the wet weather flow problem as outline in Management's presentation. The Motion carried unanimously.

Mr. Miskis reported the Developer for the Waterdam Road Office Park informally inquired as to the Authority's concerns regarding his tentative plans to request the Township to rezone his parcel from C-4 commercial to R-2 Multi-Family. Management informed him until the Donaldsons Crossroads treatment plant is upgraded the Authority would object to the proposed rezoning due to the limited organic capacity available, and the proposed re-zoning would increase loading.

Mr. Miskis reported Mr. Zuk, Township Planning Director, requested a pre-application meeting with the Authority and its Engineer in order to discuss for the special exception request for the Donaldsons Crossroads treatment plant.

**ASSISTANT MANAGER’S REPORT:** Copy on file

Mr. Chucuddy reported he is still investigating cost effective options for 139 Pleasant View Drive emergency repair. That particular segment of sewer is extremely deep and the work will need to be bid out.

Mr. Chucuddy reported both treatment plants had their annual PaDEP inspection. Both of the treatment plants passed the inspections and a formal report will be issued to the Authority.

**SPECIAL PROJECTS MANAGER’S REPORT:** Copy on File

**CORRESPONDENCE FOR THE BOARD’S INFORMATION:** Copy on file

**FINANCIAL CONTROLLER’S REPORT:** Copy on file

**FINANCIAL STATEMENT REVIEW:** Month ending April 30, 2011.

**PAYMENT OF BILLS & REQUISITIONS:** Copy on File

A Motion was made by Mr. Grimm and seconded by Mr. Blazek to approve disbursements in the amount of \$630,853.81 from the following funds:

<u>Fund</u>	<u>Disbursement</u>	<u>Total</u>
Operating	Checks: 19334-19410	\$99,053.95
Payroll	Transfer from Operating to Payroll fund	\$ 65,000.00
Operating	Operating Surplus to CIRF per Trust Indenture	\$210,000.00
Quarterly	Transfer – Debt Payment to DSF	\$185,908.75
PA Conservation Grant	Transfer to CIRF Account	\$55,000.00
Developer	Transfer to Operating	\$745.40
CIRF	Transfer to Operating & Req. 97-11	\$15,145.71

The Motion carried unanimously.

**OTHER BUSINESS:**

Mr. Miskis requested dates over the next couple of months for the Annual Board Member Facility tour.

A Motion was made by Mr. Blazek and seconded by Mr. Grimm to adjourn the meeting at 9:23 p.m. The Motion carried unanimously.

Respectfully Submitted,

Patricia L. Mowry

## MOTIONS SUMMARY

<b>MOTION NO.</b>	<b>MOVED</b>	<b>SECOND</b>	<b>MOTION SUMMARY TABLE</b>	<b>VOTE</b>
1	Byrne	Blazek	Approve Minutes of the April 12, 2011 meeting	Approved
2	Grimm	Blazek	Enter into executive session to discuss option of proceeding with pilot program for lateral repairs on private property	Approved
3	Grimm	Byrne	Approve authorization for Management to initiate Pilot Program for the wet weather flow problem	Approved
4	Grimm	Blazek	Approve disbursements in the amount of \$630,853.81	Approved
5	Blazek	Grimm	Adjourn the Meeting at 9:23 p.m.	Approved

**PETERS TOWNSHIP  
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Gary A. Parks, Special Projects Manager  
Patricia L. Mowry, Financial Controller  
Diane L. Gregor, Administrative Assistant

**SECOND REGULAR MEETING**

**May 24, 2011**

**ROLL CALL:**

The second regularly scheduled meeting of the Peters Township Sanitary Authority was called to order at 7:00 p.m. by the Chairman. Board members present were G. Robert Jacobs, David G. Blazek, Terrence G. Byrne, and Eric S. Grimm. Also present were Jason Stanton and Timothy Brett from Lennon Smith Souleret Engineering, James J. Miskis, Manager and Mark A. Chucuddy, Assistant Manager. Absent was board member Michael Crall.

**OTHER BUSINESS:**

Mr. Stanton and Mr. Brett presented the work completed on the Brush Run and Donaldson Crossroads (Giant Oaks/Oakwood Road) interceptor modeling. The modeling identified areas of the interceptors that would require capacity augmentations in order to convey current and future flows to the different treatment plants during a 10-year;24-hour winter rain event.

Mr. Stanton explained the original scope of work was to complete the hydraulic model of the Giant Oaks/Oakwood Road Interceptors for a cost of \$15,000. Due to the lack of large storms during the flow monitoring in 2010, Mr. Stanton completed a hydrologic and hydraulic modeling. This caused him to exceed his original budget for his portion of work. Mr. Stanton requested the Board to consider a budget amendment in the amount of \$11,000 for a total of \$26,000. Management indicated the finished product is a valuable asset to the Authority, and indicated there was a substantial amount of work that was re-done due to misunderstanding of a connectivity issue as shown on the Authority's GIS system. Management recommended approval of the budget amendment.

A Motion was made by Eric S. Grimm and seconded by Dave G. Blazek to amend the Giant Oaks/Oakwood Road Interceptors Service Order Authorization 273-036-05 for an increase of \$11,000. The motion carried unanimously.

The action on the Developers Construction Agreement with Eddy Land Company for the Crossing Six Revised was tabled as the performance security was not delivered.

A discussion on the draft correspondence regarding the Building Sewer/Drain Pilot Program was held. The consensus was the letters were fine as written.

A motion by Eric S. Grimm and seconded by Dave G. Blazek to send the correspondence to the Township Manager in advance of sending the correspondence to the residents. The motion carried unanimously.

**PAYMENT OF BILLS & REQUISITIONS:** Copy on File

A Motion was made by Eric Grimm and seconded by Terry Byrne to approve disbursements in the amount of \$3,265.21 from the following funds:

<u>Fund</u>	<u>Disbursement</u>	<u>Total</u>
Operating	Checks: 19411 & 19413	\$3,265.21

A Motion was made by Mr. Blazek and seconded by Mr. Byrne to adjourn the meeting at 10:00 p.m. The Motion carried unanimously.

Respectfully Submitted,

Mark A. Chucuddy

## MOTIONS SUMMARY

<b>MOTION NO.</b>	<b>Moved</b>	<b>SECOND</b>	<b>MOTION SUMMARY TABLE</b>	<b>VOTE</b>
1	Grimm	Blazek	Amend the Giant Oaks/Oakwood Road Interceptors Service Order Authorization No. 273-036-05 for an increase of \$11,000.	Approved
2	Grimm	Blazek	Approve to send correspondence to the Township Manager in advance of sending the correspondence to the residents.	Approved
3	Grimm	Byrne	Approve disbursements in the amount of \$3,265.21	Approved
4	Blazek	Byrne	Adjourn the Meeting at 10:00 p.m.	Approved

PETERS CREEK SANITARY AUTHORITY  
Regular Meeting May 9, 2011

The meeting was opened by Chairman Otto Szabo, Jr., at 7:00 p.m.

**MEMBERS PRESENT:** Jack Peart, Joseph Benedetti, Otto Szabo, Jr., Christopher Labee, Thomas Lumsden, Charles Wilson, Edward Schultz and Michael Kutsek.

**MEMBERS ABSENT:** Bruce Blednick and Richard Come

**OTHERS IN ATTENDANCE:** Jason Stanton, Larry Lennon, James Liekar, Rick Kovach and Kathy Howley.

The Pledge of Allegiance was recited.

**PUBLIC:** None

**APPROVAL OF APRIL 11, 2011 MINUTES:**

Mr. Szabo asked for a motion, so moved by Mike Kutsek, second by Joe Benedetti, to approve the April 11, 2011 minutes. Chris Labee abstained. Motion carried.

**TOTAL BILLS FOR APPROVAL:**

Mr. Szabo asked for a motion so moved by Jack Peart, second by Tom Lumsden, to approve the total bills for \$99,666.26. Motion carried unanimously.

**BOARD MEMBER BILLS FOR APPROVAL:**

Mr. Szabo asked for a motion so moved by Joe Benedetti, second by Chuck Wilson, to approve the total Board Member bills for \$522.40. Tom Lumsden abstained. Motion carried.

**ENGINEER REPORT:** Mr. Szabo asked for the Engineer Report.

Written report submitted.

Mr. Lennon reported the following:

1. Developments:

- a) Chadwick Estates Phase 2: Maintenance bond amount has been established.
- b) Great Meadows Phase 4: Developer is currently bidding sanitary sewer installation. The mylar/plot plan was reviewed in conformance to construction drawings per letter dated May 3, 2011.
- c) Hamlet Springdale Plan No. 2: Planning module was submitted to PaDEP. PaDEP provided comments and Developer's Engineer is preparing the response. LSSE has been working with Developer's Engineer as necessary. Initial review comments on Construction Drawing were forwarded to Developer's Engineer by letter dated April 1, 2011. Revisions were made and LSSE issued the re-review letter April 21, 2011. LSSE reviewed Performance and Labor Bonds amounts in letter dated April 20, 2011. Initial shop drawing review letter is dated April 22, 2011. Second shop drawing letter dated May 4, 2011 was issued. **To be retained on agenda.**

2. PCSA Act 537 Plan Update:

- a) Preliminary Sanitary Treatment Plant (STP) Site Plan: LSSE is continuing to work on outstanding items including STP site analysis in anticipation of a meeting with Waste Management pertaining to a potential STP site. Mr. Stanton presented maps indicating possible locations of the PCSA STP. This is presented as one of the alternative plans in the Draft Act 537 Plan that will be forwarded to the PCSA municipalities around August 2011. The Preliminary Draft Act 537 Plan was submitted to Pa DEP on April 19, 2011. Mr. Liekar requested to send the site plans to Waste Management to review and set up a meeting with them and the Board agreed. **To be retained on agenda.**

**PETERS CREEK SANITARY AUTHORITY**  
**Regular Meeting May 9, 2011**

469

3. Regional Act 537 Plan Update / PCI Interceptor Report:
  - a) PCI Modeling: LSSE is completed with the calibration/validation process and nearly completed with the alternative analysis. A meeting is scheduled with Gateway on May 6, 2011 to review the findings of the alternative analysis.
  - b) Meetings: The most recent PCI Engineers meeting was held April 19, 2011. The primary discussion topic was near term status of multiple planning efforts and discussion of the semantics of the Regional Act 537 Plan. LSSE hand delivered Preliminary Draft of PCSA Act 537 Plan to KLH/CMA. Gateway/KLH to evaluate impact if PCSA flows are removed from PCI. CMA/KLH to evaluate cost of STP expansion (if required) if PCSA flows are removed from PCI. PaDEP Draft Technical Submittal is May 27, 2011. Next PCI Engineers meeting is scheduled May 17, 2011, 10:00 a.m. at Gateway Engineers. **To be retained on agenda.**
  
4. Master Monitor Contract. Bids were opened at the April 11, 2011 PCSA Board meeting. LSSE's bid report dated May 4, 2011 was issued. Recommend rejecting bids considering the findings of the Preliminary Draft Act 537 Plan and the current status of the regional sewage facility planning and revisit the project at some time in the future.

**Mr. Szabo asked for a motion, so moved by Tom Lumsden, second by Joe Benedetti, to reject the bids on the Master Monitor contract and readdress the issue sometime in the future. Motion carried unanimously.**

**EXECUTIVE SESSION:**

Mr. Szabo called for an Executive Session at 7:37 p.m. to discuss Clairton Municipal Authority. Mr. Szabo reconvened the meeting at 7:40 p.m. after discussing Clairton Municipal Authority.

**FIELD REPORT:** Mr. Szabo asked for the Field Report.

Written report submitted.

Mr. Kovach reported the following on behalf of Mr. Babich:

1. CCTV & Grouting Contract: Robinson Pipe Company is waiting for better weather conditions and decrease in flows to access a few joints that still need to be grouted to complete the 88 Rehab Project. **To be retained on agenda.**
  
2. CCTV Venetia Road: Peters Township notified PCSA of customer complaint of water and sewage problem along Venetia Road. State Pipe Services cleaned and televised the line and PCSA followed up with residential dye testing. There was no indication of a problem with PCSA sewer lines. Peters Township was notified. Possible mine drainage from core drilling in Venetia Pointe Development.
  
3. CCTV Work: Started reviewing old S-5 Contract for possible CCTV proposal of 10,000+ lineal feet in Union Township area near Fawn Valley Street and vicinity. PCSA will request engineer review for possible bid proposal.
  
4. Portable Monitor Detection Instrument (Sniffer): Various instruments can detect the presence of gases, carbon monoxide, oxygen deficiency, etc. Presented to the Board as the unit reviewed by Mr. Blednick. This is a portable gas monitor rechargeable made by Gas Measurements Instruments costing \$630.88.

The Board discussed confined space and manhole non-entry by staff deciding not to purchase the unit.

**SOLICITOR REPORT:** Mr. Szabo asked for the Solicitor Report.

Mr. Liekar reported the following:

**PETERS CREEK SANITARY AUTHORITY  
Regular Meeting May 9, 2011**

1. Brown Delinquent Account: Mr. Liekar reported that judgments were filed against the tenants, the Browns, so a lien was not attached to the property. PCSA does not follow this practice anymore. Currently, liens are filed against the property.

**OFFICE MANAGER REPORT:** Mr. Szabo asked for the Office Manager Report.

Written report submitted.

Ms. Howley reported the following:

1. AR-Box: The new online payment system is up and running. To date, we have processed more than 400 payments by downloading them off the Creative Payment Solutions website. This method has saved considerable processing time.

**AUTHORITY MANAGER REPORT:** Mr. Szabo asked for the Authority Manager Report.

Written report submitted.

Mr. Kovach reported the following:

1. Chadwick Estates Phase 2 SLE: Developer is still working on field and administrative items. The official adoption date will be reported in the meeting minutes. **To be retained on agenda.**
2. Payment Agreement for Delinquent Accounts: Mr. Liekar revised the Agreement for added updates to the Promissory Note and current PCSA procedures.

**Mr. Szabo asked for a motion, so moved by Chuck Wilson, second by Tom Lumsden, to accept the Payment Agreement revised May 9, 2011. Motion carried unanimously.**

3. Sanitary Sewer Tap Status: Taps sold 01/01/11 - 05/08/11 (3) as attached to report. **To be retained on agenda.**

**CHAIRMAN REPORT:**

1. Tap Transfer Policy: Because many taps were purchased before December 31, 2010 without specific property in mind, the tap transfer policy that was approved by the Board last year needs to be extended.

**Mr. Szabo asked for a motion, so moved by Tom Lumsden, second by Chuck Wilson, to extend the Tap Transfer Policy previously approved by the Board until December 31, 2011. Motion carried unanimously.**

**FINANCIAL REPORT:**

Mr. Szabo asked the Board to review the financial report for the month ended April 30, 2011.

**Mr. Szabo asked for a motion, so moved by Chuck Wilson, second by Chris Labee, to approve the financial report. Motion carried unanimously.**

**OLD BUSINESS:** None.

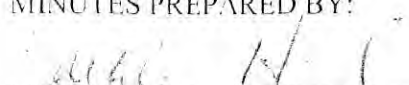
**NEW BUSINESS:** None.

**THE CORRESPONDENCE WAS REVIEWED.**

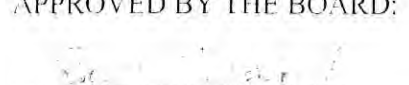
**ADJOURNMENT**

The Chairman adjourned the meeting at 8:02 p.m.

MINUTES PREPARED BY:

  
Kathleen Howley, Office Manager

APPROVED BY THE BOARD:

  
Jack Peart, Secretary

MINUTES

BOARD OF DIRECTORS MEETING

SOUTH HILLS AREA COUNCIL OF GOVERNMENTS

DATE: May 19, 2011  
TIME: 7:30 PM  
PLACE: Borough of Whitehall  
100 Borough Park Drive  
Pittsburgh, PA 15236

DIRECTORS IN ATTENDANCE:

BALDWIN BOROUGH	• Michael Stelmasczyk
BALDWIN TOWNSHIP	• Eileen Frisoli
BETHEL PARK	• Jack Allen
BRENTWOOD BOROUGH	• Cathy Trexler
CASTLE SHANNON BOROUGH	• Jean O'Malley
DORMONT BOROUGH	• Drew Lehman
HEIDELBERG BOROUGH	• Ken LaSota
JEFFERSON HILLS BOROUGH	•
MOON TOWNSHIP	•
MT. LEBANON	•
MT. OLIVER	•
PETERS TOWNSHIP	• Monica Merrell
PLEASANT HILLS BOROUGH	• Bob Karcher
SCOTT TOWNSHIP	• Jim Walther
SOUTH PARK TOWNSHIP	• Walt Sackinsky
UPPER ST. CLAIR TOWNSHIP	• Russell Del Re
WHITEHALL BOROUGH	• Harold Berkoben

OTHERS IN ATTENDANCE:

ALLEGHENY COUNTY COUNCIL	• John Palmiere
GREEN ROADS ENERGY, LLC	• Tom Stevenson
	• David Jason
	• Paul Steigerwald
GLACIAL ENERGY	• Tony Colangelo
JEFFERSON HILLS BOROUGH	• Jan Cmar
SHACOG Solicitor	• Bill Boyle
SHACOG Executive Director	• Stanley Louis Gorski

A presentation was given by representatives of Green Roads Energy and Glacial Energy regarding the purchase of electricity.

The meeting was called to order by President Frisoli.

A motion was made by Mr. Allen, seconded by Mr. Stelmasczyk, to approve the minutes of the March 17, 2011 regular meeting. Motion carried unanimously.

A motion was made by Mr. Karcher, seconded by Mr. Walther, to approve the financial statements for March and April 2011. Motion carried unanimously.

A motion was made by Mr. Sackinsky, seconded by Mr. Walther, to approve payment of the bills and invoices for March and April 2011. Motion carried unanimously.

#### BID ACCEPTANCE - CITF PROJECT

A motion was made by Mr. Allen, seconded by Ms. O'Malley, to accept a proposal for the following project based on the recommendations of the participating municipalities:

CITF: South Hills TRID Preliminary Engineering  
Dormont Borough and Mt. Lebanon

Motion carried unanimously.

#### EXECUTION OF CONTRACT – CITF PROJECT

A motion was made by Mr. Karcher, seconded by Mr. Allen, to authorize the proper officers to execute a contract for the following CITF project:

Dormont/Mt. Lebanon: South Hills TRID Preliminary Engineering  
Consultant: AECOM  
Amount: \$198,000.00

Motion carried unanimously.

#### EXECUTIVE DIRECTOR'S REPORT

##### • JOINT PURCHASE OF ELECTRICITY

Discussion ensued regarding the presentation by Green Roads Energy and Glacial Energy. Mr. Gorski asked the Board if they would like him to prepare an RFP to identify a potential vendor to provide this alternative service to the municipalities. A motion was made by Mr. Sackinsky, seconded by Mr. Stelmasczyk, to approve preparation of an RFP to identify potential alternate suppliers of electricity. Motion carried, Mr. Walther abstained.

##### • COOPERATIVE EMERGENCY RESPONSE PROGRAM

Mr. Gorski reported that the Police Chiefs Advisory Committee met in April and May and they continue to focus on training. A Critical Incident Management Training session was recently held for new hires.

The Fire Chiefs Advisory Committee met at the end of March and April as evidenced by the memos the Board received listing the attendance. Their Technical Rescue Team continues its training and they are discussing problems that they are encountering with County 911.

- ADMINISTRATIVE ADVISORY COMMITTEE

The Administrative Advisory Committee met on May 11, 2011. Matt Serakowski, who is the manager in Upper St. Clair and also the deputy fire chief for the Green Tree Fire Department, made an in-depth presentation on the relationship between the fire service and local government units.

- CONGRESSMAN MURPHY GRANT (FY2005)

The contractor began work this week on this project.

- JOINT PURCHASING – ROCK SALT

Morton Salt declined to the exercise of the first option year of the salt contract which means that a new bid for the 2011-2012 winter season will be let. The deadline for completion of the estimated requirements survey is June 3, 2011. A municipality must complete this survey to be included in this bid.

- JOINT PURCHASING – SPRING COMMODITIES

The tabulation of the bids for spring commodities is complete and has been posted to the SHACOG Purchasing Alliance website. This year we mandated a municipality's participation in the survey process in order to access the bid tabulations. There was an increase in survey completion from 35% to 70%. Mr. Gorski reminded the Board that they can logon to the website by using the following; Username: board and password: shacog101.

- FRANCHISING AUTHORITY PROGRAM

Franchise renewal negotiations with Comcast are almost complete. There is one outstanding issue to be resolved. Once that is settled the administrative committee will review the franchise agreement and then it will be presented to the franchising authority board for approval.

Information has been sent to the participating municipalities concerning the approved locations for a free cable drop as specified in the franchise agreement.

- JOINT POLICE TEST

The joint police test date is confirmed for August 6, 2011. A memo has been sent to the Administrative Advisory Committee requesting participation notification be given to the SHACOG office by May 25, 2011. Mr. Gorski reminded the Board that the cost to participate is only \$800.00, which is a savings of at least \$5,000.00 compared to what a municipality would spend to advertise and conduct the test individually.

- JOINT SEWER PROJECTS

JOINT CCTV INSPECTIONS - YEAR 6 – work is almost completed with only punchlist items remaining.

JOINT PIPE LINING - YEAR 5 – work has resumed and is in full progress.

JOINT POINT REPAIR - YEAR 5 – work is now under way after weather delays.

- O & M SEWER JOINT BID

A survey was released to determine if there is enough interest to conduct a joint bid for CCTV inspection and maintenance of sanitary sewer lines. Ten (10) municipalities are interested, with six (6) of them being non-SHACOG communities. A bid opening is scheduled for June 15, 2011.

Mr. Gorski said that a consultant working for 3RWW contacted him asking if this type of joint bid was possible and was surprised when Mr. Gorski told him that we have been doing this for several years.

- JOINT BID FOR MANHOLE REHABILITATION

This bid would address the Consent Decrees and is not the manhole rehabilitation project funded by Congressman Murphy's grant. The survey is in progress with a "yes" or "no" response requested by May 27, 2011.

- VACTOR PROGRAM

Marc Grivna, our new vactor operator, began work on April 18, 2011. He attended a vactor school from May 2-4 conducted by the company that manufactures our machine. Mr. Gorski said that so far Marc appears to be very conscientious and he thinks we made the right choice in hiring him.

- REFLECTIVITY OF TRAFFIC SIGNS

The requirements regarding reflectivity of traffic signs will be enforced and so we will investigate the purchase of the retroreflectometer for joint use by the municipalities interested.

- NEIGHBORHOOD STABILIZATION PROGRAM

This demolition program is still in progress. The contractor has been granted a contract extension due to the rainy weather.

- CDBG PROGRAM

CD YEAR 33 – there is still one project outstanding.

CD YEAR 34 – all projects have been completed.

CD YEAR 35 – there is one project outstanding.

CD YEAR 36 – twelve (12) projects are complete and five (5) are still in progress.

CD YEAR 37 – This is the current year and due to the budget deliberations in Washington the County has not yet received their formal award and letter of credit from HUD. They are expecting a 16.46% reduction, or \$3 million, from last year. The municipal services division, which is where our allocations derive, is expecting a \$781,000.00 decrease.

CD YEAR 38 – This year is an unknown, however, the County is moving forward with the pre-application process. Pre-applications are due in the SHACOG office by May 23, 2011. The minimum funding reduction expected next year is 7.5% with the maximum being 62%. Mr. Gorski again advised against submitting pre-applications for projects with large dollar values, especially in light of the funding reductions expected.

• INSTITUTE OF POLITICS STUDY

The Institute of Politics, which is an internal operation of the University of Pittsburgh, has released a draft study emphasizing the pursuit of collective services. This group is advocating regionalization and merger of municipal governments. However, they realize that this is unlikely to happen so they are proposing joint services and activities through COGs. They reference SHACOG three (3) times within the study as examples of successful intergovernmental cooperation.

COMMENTS FROM BOARD MEMBERS

Mr. LaSota requested to have a presentation regarding the Homeless Children Education Fund at the next Board meeting.

Ms. Trexler informed the Board that a presentation on the traffic sign reflectivity issue will be hosted by the APWA on June 2, 2011 in Franklin Park.

The next monthly meeting is June 16, 2011 at Moon Township.

There being no further business, a motion was made by Mr. Karcher, seconded by Mr. Del Re, to adjourn. Motion carried unanimously.

**COMMUNITY NEWS**

# Peters Twp. gets update on tax system

By Terri T. Johnson  
 Almanac staff writer  
 tjohnson@thealmanac.net

With the Jan. 1 deadline approaching for the start of the centralized earned income tax collection in Washington County, members of Peters Township Council received an update on the process June 13 from the township's assistant manager, Paul Lauer. Lauer chairs the countywide program.

Currently, each municipality collects earned income taxes from the residents. The new program will result in one agency, Keystone Collections, receiving the money before distributing the funds back to the municipalities.

Educating the public, including employers, about where earned income taxes should be paid is vital, Lauer said. The first employer meeting will be June 29 in Peters Township Middle School. Seminars will be held June and July in six separate locations around the county.

Forms indicating where an individual lives will be mailed mid-September, Lauer said.

The committee overseeing the change is expecting confusion, similar to the concern expressed by Councilman Robert Lewis. He lives in Peters Township, works in Pittsburgh for a California-based firm.

Lauer said he foresees "months" of delays in the township receiving its money.

In other action council unanimously approved extending sanitary sewers to Valley View Drive with a right-of-way granted under Arrowhead Trail and Peterswood Park to provide sewers to the new rest room and concession building in the park extension currently being constructed. Council unanimously approved the sewage plan for the Donaldsons Crossroads watershed in September, making the township eligible for a 50 percent reimbursement state grant of \$43,430. Council authorized the state to forward the money to the authority.

A pilot project to access the condition of private sewer laterals from homes to the township's sanitary authority's lines along Friar Lane was discussed. No authorization was

**The first employer meeting will be June 29 in Peters Township Middle School. Seminars will be held June and July in six separate locations around the county.**



needed by council.

The authority is beginning a voluntary program for the more than 80 homes that involve providing each property owner with \$250 to participate and with up to \$3,000 toward the cost of any repairs. A majority of the residents must opt to participate for the program, which may take years to complete.

Councilman Frank Arcuri called the program "ludicrous" for using, what he called, other authority members' money to investigate a problem that the authority already knows exist.

Dysfunctional laterals can result in additional infiltration and inflow, called I and I. The additional water results in excess fluids that must be processed in the authority's treatment plants. No representative of the sanitary authority attended the meeting.

■ Council approved a bid from Pavement Technology to rejuvenate nearly 10 miles of township roads at a cost of \$98,000.

■ A change order was approved to extend the completion date in Peterswood Park by 45 days due to the wet spring weather.

■ A bid for \$50,292 was awarded to Lane in Bridgeville for 1,016 tons of asphalt to complete the McClelland Road project.

■ Announced a decision is expected on an request for permission to build a crematory at the June 27 regular meeting. Several public hearings were conducted. On June 27, council members will discuss the issue. However, no public comment will be heard. Audia Group is asking to open a funeral home and crematory at the site of the

former La-Z-Boy site on Washington Road. Currently, township ordinances do not permit a crematory as an accessory to a funeral home in any of the zoning districts.

■ Council authorized hiring a temporary full-time planner to assist in the upcoming comprehensive plan process. A job description is needed before anyone is hired.

■ Silvestri will send a letter to the owner of the house on Spring Street that suffered fire damage during an incident June 2 in which a woman fired shots at police, set the house of fire and later died of a self-inflicted gunshot wound to the chest. Silvestri said debris is causing an odor. He said the conditions outside the house could become a safety issue.

■ Council authorized a match of \$483,000 toward the project at the intersection of East McMurray and Center Church roads. Bids are set for August. No update was given for the project along Valley Brook Road involving the ramp to and from Washington Road. That project has been delayed numerous times.

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## PT residents seek drilling ban

*1,000 valid signatures needed to place referendum on November ballot*

BY BARBARA S. MILLER  
Staff writer  
[bmiller@observer-reporter.com](mailto:bmiller@observer-reporter.com)

The Washington County elections office has learned that Peters Township citizens plan to circulate petitions aimed at putting a Marcellus Shale drilling ban on the November ballot.

The group within Peters Township Marcellus Shale

Awareness and Action will need to gather just under 1,000 valid signatures said Rod Fletcher, who is spearheading the referendum campaign that would amend the Peters Township home rule charter to exclude natural gas drilling.

Petitions can be circulated June 21. Members of the group plan to go door-to-door, have petitions available at local businesses and man a booth at Peters

Township Community Day on June 25 in Peterswood Park.

The website, [ptmsa.com](http://ptmsa.com), has a page-and-a-half proposed amendment to the community's home rule charter.

The drilling awareness group notes that Peters Township Council plans to consider a mineral extraction ordinance July 18.

Fletcher said of the proposed ordinance, "There's too much missing in there. Our group

doesn't want any drilling in Peters Township."

Chief among his concerns is what he considers an inadequate setback. He called a 200- to 300-foot setback "totally inadequate for what is really needed for the protection of the people.

"The (state) Oil and Gas Act is all about how a gas well is drilled, not where it is."

Fletcher also said the township intends to consider requests

piecemeal "rather than bringing the larger community into it."

The last environmental referendum in Washington County took place in fall 2009 in Blaine Township, when a study commission attempted to pass a home-rule ordinance that would have given residents the right to "prohibit environmentally unsustainable mining" and set up a policy on "toxic trespass."

The referendum failed.

THURSDAY  
JUNE 16,  
2011



### SELLING 'SATAN'S

An Idaho couple former home th was infested wit thousands of ga snakes is again p up for sale.

## Peters Township Council

■ Date: June 13

■ Action: Council unanimously approved extending sanitary sewers to Valley View Drive, with a right of way granted under Arrowhead Trail and Peterswood Park to provide sewers to the new restroom and concession building in the park extension currently being constructed. Council unanimously approved the sewage plan for the Donaldsons Crossroads watershed in September, making the township eligible for a 50 percent reimbursement state grant of \$43,430. Council authorized the state to forward the money to the authority.

Council approved a bid from Pavement Technology to rejuvenate nearly 10 miles of township roads at a cost of \$98,000.

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Council authorized hiring a temporary full-time planner to assist in the upcoming comprehensive plan process. A job description is needed before anyone is hired.

Council authorized a match of \$483,000 toward the project at East McMurray and Center Church roads. Bids are set for August.

■ Discussion: A pilot project to assess the condition of private sewer laterals from homes to the township's sanitary authority's lines along Friar Lane was discussed. No authorization was needed by council.

The authority is beginning a voluntary program for the more than 80 homes that involve providing each property owner with \$250 to participate and with up to \$3,000 toward the cost of any repairs. A majority of the residents must opt to participate for the program, which may take years to complete.

Councilman Frank Arcuri called the program "ludicrous" for using what he called other authority members' money to investigate a problem that the authority already knows exists.

A decision is expected on a request for permission to build a crematory at the June 27 regular meeting. Audia Group is asking to open a funeral home and crematory at the site of the former La-Z-Boy site on Washington Road. Currently, township ordinances do not permit a crematory as an accessory to a funeral home in any of the zoning districts.

Township manager Mike Silvestri will send a letter to the owner of the house on Spring Street that suffered fire damage during a June 2 incident in which a woman fired shots at police, set the house of fire and later died of a self-inflicted gunshot wound. Silvestri said debris is causing an odor. He said the conditions outside the house could become a safety issue.

■ Next meeting: 7:30 p.m. June 27 in the municipal building

# Standoff: Our system failed us

6/10/2011 3:34 AM

As we, the residents of Spring Street in McMurray, sit looking at the aftermath of Claire Rush's last tragic day, we are feeling completely frustrated in the way that it ended.

For years, our neighborhood has been affected by her abhorrent behavior. Each time there was an incident in which the Peters Township police responded, we were told that there was nothing they could do.

Fortunately, none of the officers was hurt in the standoff; however, that does not explain Chief Harry Fruecht's cavalier attitude that day: laughing with other responders as the home burned. As the chief law enforcement officer in the township, we feel he should have had the professionalism to come to each of the neighbors and express some concern for what we had experienced.

Reflecting on it all now, we have to question how the system failed to protect a woman who had been crying out for help with a pattern of behavior that spanned nearly a decade.

We question why after Claire had been committed in 2009 for threatening her husband's and her own life with a gun, that the sheriff's office had no ability to remove the many firearms from the home.

After all, if a person's driver's license is taken away for repeated traffic violations or for driving under the influence, shouldn't there be the authority to take away weapons from persons who have a history of mental illness and repeated police intervention?

As a matter of public safety, we need to examine the current laws and make changes so that our law enforcement is not rendered impotent until the situation has reached a point where they are faced with a dangerous standoff. It seems the system is set up to protect the rights of the very people committing crimes, while law abiding citizens' freedoms are being compromised.

**Laura Rager**

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