

Ligonier Township Supervisors
Regular Meeting
June 10, 2014

The Ligonier Township Supervisors met in regular session at 7:00 pm. Chairman Paul Knupp took roll call. Present were Chairman Paul Knupp, Vice Chairman D. Scott Matson and Timothy R. Komar.

Public Comment:

1. Joel Thomas stated that in his opinion the original motion to send the amendment to the zoning ordinance to the Planning Commission stands because it was never rescinded. Solicitor Scott Avolio stated that the supervisors were not aware of what they were voting on and a new vote was taken. Mr. Thomas questioned why the K-9 unit does demonstrations on what the K-9 unit can do and asked why traffic control is not addressed. Chief Matrunics stated that the police department has issued over 120 citations in the last two months for speed enforcement. A grant is provided through the state to cover traffic enforcement so when there are two officers on duty one is covered through the grant money.
 2. Don Korb stated that violations need to be enforced when they are occurring. He said there needs to be some sort of system for enforcing the laws of the township. He requested that a procedure be set up to address this issue.
 3. Charles Shadron asked Scott Avolio if he had the right to tell Mr. Matson that his vote wasn't right. He questioned whether or not the vote was carried. He asked what their reason was for not passing the amendment to the Planning Commission.
 4. Butch Bellas stated that we need Agritourism to help farmer's sustain their farms. He also stated that he is in favor of placing a cell tower in the Ligonier Valley Cemetery.
 5. Judy Leonard thanked the board for the job they are doing. She also thanked the Police Department and the Municipal Authority. She spoke in support of the work done by the road crew. She asked the board to stand up for them and not let other people's poor choices take away all that these men have done.
- A motion was made by Timothy Komar and seconded by Scott Matson to approve the minutes of the May 13, 2014 meeting. Motion carried.
 - A motion was made by Scott Matson and seconded by Timothy Komar to approve the minutes of the May 29, 2014 public meeting. Motion carried.

A hearing was conducted by Special Council Gary Falatovich for Foxley Farms. A court transcript of this hearing is attached to these minutes.

Zoning Office: Zoning Officer Shelly Kaltenbaugh reported on the following items:

1. Since there were no applications submitted to the Planning Commission and the Zoning Hearing Board for the month of June there will be no meetings held this month for either of these Boards.
2. Authorization will be given to prepare a proposal for consultants to submit a scope of work for updating the comprehensive plan and preparing a subdivision and land development ordinance, zoning ordinance and map. The preparation of these documents will be approximately an eighteen month process and one of the first steps upon selection of a consultant will be the formation of a comprehensive plan steering committee. That group will be working with the public to develop a vision, a statement, about where you see the community being in the next ten years.
3. The zoning office has issued twenty permits for new structures, accessory structures, pools and fences.
4. Kaltenbaugh requested that anyone witnessing a violation to the township ordinances should access the Ligonier Township website to complete a complaint form and the violation will be investigated by the Code Enforcement Officer or the Zoning Officer.
5. Zoning office hours are Monday, Tuesday, Thursday and Friday from 8:00 am till 3:30 pm. The office is closed on Wednesday. Hours will be posted weekly on the website.

Police Department:

Chief Matrunics stated that in April the police issued 69 citations through the Aggressive Driving Program and 61 in May, which helps to enforce the driving speed. The amount of accidents in high accident areas including Route 711, Route 271 and Route 30 have been reduced during these programs. There were only two reportable accidents in April. In May, there were only three. This program will continue as long as funding is available through the state.

Treasurer's Report:

Rae Ann Tronetti stated that it has been a pleasure working with the Ligonier Township Road Crew, Police Department, Administrative staff and Board over the last year. The cash position has been improved by approximately \$200,000.00 over the last month. This is primarily due to a surplus in the General Fund, increased tax revenue and the fact that the road crew expenses have been reduced in the last month as winter maintenance has ended and summer road work has not yet started.

- A motion was made by Timothy Komar and seconded by Scott Matson to approve the financial statement for May. Motion carried.

Engineer's Report – Brian Vogelsang stated that they had addressed questions in regards to the Verizon Cell Tower and consultation regarding the Harvey Road Bridge that is to be closed this week for repairs.

Solicitors Report – none

- A motion was made by Timothy Komar and seconded by Scott Matson to pay the bills as presented. Motion carried.

Old Business – None

New Business

- Timothy Komar asked to table the motion requesting a donation to the Ligonier Valley Historical Society in the amount of \$1,620.00 to fund mowing of abandoned cemeteries at this time. Consideration of this request died for lack of a motion.
- A motion was made by Paul Knupp and seconded by Timothy Komar to approve the Motor Vehicle Record Review policy required by Worker's Comp for Ligonier Township. Motion carried.
- A motion was made by Paul Knupp and seconded by Scott Matson to approve Resolution 2014-R-09 appointing Timothy R. Komar as Loss Control Standards Delegate. Motion carried.
- Timothy Komar addressed a donation request by Westmoreland Cleanways for support of Hazardous Household waste disposal for Ligonier Township residents in the amount of \$240.00. Consideration of this request died for lack of a motion.
- A motion was made by Scott Matson and seconded by Timothy Komar to approve a request by Sunesys, LLC for permission to install fiber optics telecommunication facilities within the public roadway right of way of Clark Hollow Road. Motion carried.
- A motion was made by Timothy Komar and seconded by Scott Matson to approve the release of a road bond by Maust Excavating for Kissell Springs Road. Motion carried.
- A motion was made by Scott Matson and seconded by Timothy Komar to approve the audited financial statements and DCED audit for the year ended December 31, 2013 submitted by Wessel & Company. Motion carried. The DCED Audit is attached to these minutes.
- A motion was made by Timothy Komar and seconded by Paul Knupp to approve a subdivision for the William D. Frye Estate. Motion carried.

Solicitor Scott Avolio stated that the consideration of an application for a wireless tower on Ligonier Cemetery property. The applicant in that matter had forwarded a letter to the township consenting to continue that matter to a date in the future. That new date for a public hearing will be advertised in conformity of the law and a hearing will be held. It is likely that that matter will be held on a special evening as designated between the parties.

- A motion was made by Scott Matson and seconded by Timothy Komar to approve a final subdivision for Good Fellow Sportsmen's Club Plan. Motion carried.
- A motion was made by Timothy Komar and seconded by Paul Knupp authorizing the preparation of a request for Proposal (RFP) to solicit professional services to assist the township in the planning and preparation of land development and the zoning ordinance. Motion carried.

Supervisor's Comments:

Supervisor Komar reported that on April 26, 2014 the township held their annual Dumpster Day for residents of Ligonier Township. Forty tires were received, 14 freon containing appliances, 25 electronics, 8 lead acid batteries. They recycled 7200 pounds of tin and scrap iron and 200 pounds of aluminum. Between the user fees and what was received by selling the scrap, Dumpster Day once again did not cost the taxpayers a penny. He extended his thanks to the Loyalhanna Watershed Association for their help with the electronics recycling, PA Cleanways sponsors the dumpster dumps that normally would cost money and McInchok Sanitation donated hauling of our dumpsters and Waste Management donated some dumpsters for items that were non-recyclable. Paul Knupp donated his time and Ligonier Borough sent three guys to help. Also, the Harvey Road Bridge will be closed as of today and will be closed for approximately four weeks. The lower bridge by Watkins' Store on Harvey Road will be closed once the upper bridge is done for upgrades. Work schedule includes two mowers daily and members of the road crew working on the Harvey Road Bridge in addition to several other jobs.

Scott Matson stated he is pleased with the audit and it look like we are moving forward.

Paul Knupp stated that the American Red Cross will be at the Ligonier Township Municipal Building on July 24, 2014 from 11:00 am till 5:00 pm. Twenty-five pints of blood were donated at the last blood drive held here. The next work session is June 27, 2014 at 6:00 pm. Hiring the township manager is moving forward. Paul thanked people for securing house numbers for their residents and stated that he hopes to have a list of companies where these numbers can be obtained.

A motion was made by Timothy Komar and seconded by Scott Matson to adjourn the meeting at 8:37 pm. Motion carried.

Respectfully submitted,

Barbara L. Hollick
Assistant Secretary

LIGONIER TOWNSHIP
LIGONIER, PENNSYLVANIA

Financial Statements

December 31, 2013

LIGONIER TOWNSHIP
FINANCIAL STATEMENTS
FOR THE YEAR ENDED DECEMBER 31, 2013

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INDEPENDENT AUDITOR'S REPORT

May 16, 2014

Township Supervisors
Ligonier Township
Ligonier, Pennsylvania

Report on the Financial Statements

We have audited the accompanying cash basis financial statements of the governmental activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of Ligonier Township as of and for the year ended December 31, 2013, and the related notes to the financial statements, which collectively comprise the Township's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

The Township's management is responsible for the preparation and fair presentation of these financial statements in accordance with the cash basis of accounting described in Note 1; this includes determining that the cash basis of accounting is an acceptable basis for the preparation of the financial statements in the circumstances. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the partnership's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the partnership's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective cash basis financial position of the governmental activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of Ligónier Township as of December 31, 2013, and the respective changes in financial position-cash basis thereof for the year then ended on the basis of accounting described in Note 1.

Change in Accounting Principle

As discussed in Note 1 to the financial statements, management has elected in the current year to change its basis of accounting from modified accrual to the cash basis. Our opinion is not modified with respect to that matter.

Basis of Accounting

We draw attention to Note 1 of the financial statements, which describes the basis of accounting. The financial statements are prepared on a cash basis, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

Other Matters

Required Supplementary Information

Management has omitted the Management Discussion and Analysis and budgetary comparison information that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the financial statements is not affected by this missing information.



WESSEL & COMPANY
Certified Public Accountants

LIGONIER TOWNSHIP
GOVERNMENT-WIDE STATEMENT OF NET POSITION - CASH BASIS
DECEMBER 31, 2013

Governmental
Activities

ASSETS

Cash and cash equivalents	\$ 945,746
Total Assets	<u>\$ 945,746</u>

LIABILITIES

Accrued payroll taxes and withholdings	\$ -
Total Liabilities	<u>-</u>

NET POSITION

Unrestricted	814,445
Restricted	<u>131,301</u>
Total Net Position	<u>945,746</u>
Total Liabilities and Net Position	<u>\$ 945,746</u>

LIGONIER TOWNSHIP
GOVERNMENT-WIDE STATEMENT OF ACTIVITIES - CASH BASIS
DECEMBER 31, 2013

Functions/Programs	Expenses	Program Revenues			Net (Expense)
		Charges for Services	Operating Grants and Contribution	Capital Grants and Contributions	Revenue and Change in Net Position
Primary Government:					
Governmental Activities:					
General government	\$ 249,664	\$ 27,635	\$ 67,968	\$ -	\$ (154,061)
Public safety	420,995	-	68,558	-	(352,437)
Public works	828,499	-	312,698	46,933	(468,868)
Planning and zoning	7,492	-	4,105	-	(3,387)
Recreation	63,375	-	7,355	-	(56,020)
Debt Service	89,966	-	-	-	(89,966)
Employer Paid Benefits	459,302				(459,302)
Total Governmental Activities	\$ 2,119,293	\$ 27,635	\$ 460,684	\$ 46,933	(1,584,041)

General Revenues:

Taxes:

Property taxes	595,243
Earned Income Tax	774,405
Local enabling taxes	231,518
Licenses and permits	55,897
Fines and forfeits	23,584
Unrestricted investment earnings	(5,222)
Other revenues	35,739

Total General Revenues and Transfers 1,711,164

Change in Net Position 127,123

Net Position - Beginning of Year 818,623

Net Position - End of Year \$ 945,746

See Independent Auditor's Report and
Accompanying Notes to Financial Statements

LIGONIER TOWNSHIP
BALANCE SHEET - GOVERNMENTAL FUNDS - CASH BASIS
DECEMBER 31, 2013

	Governmental Fund Types				
	General	Liquid Fuels Fund	Capital Projects	K-9 Fund	Totals
	ASSETS				
Cash	\$ 814,445	\$ 12,436	\$ 103,701	\$ 15,164	\$ 945,746
Total Assets	<u>\$ 814,445</u>	<u>\$ 12,436</u>	<u>\$ 103,701</u>	<u>\$ 15,164</u>	<u>\$ 945,746</u>
	FUND BALANCE				
Fund Balance					
Restricted fund balance	\$ -	\$ 12,436	\$ 103,701	\$ 15,164	\$ 131,301
Unassigned fund balance	<u>814,445</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>814,445</u>
Total Fund Balance	<u>814,445</u>	<u>12,436</u>	<u>103,701</u>	<u>15,164</u>	<u>945,746</u>
Total Fund Balance	<u>\$ 814,445</u>	<u>\$ 12,436</u>	<u>\$ 103,701</u>	<u>\$ 15,164</u>	<u>\$ 945,746</u>

LIGONIER TOWNSHIP
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES-
GOVERNMENTAL FUNDS - CASH BASIS
DECEMBER 31, 2013

	Governmental Fund Types				
	General	Liquid Fuels Fund	Capital Projects	K-9 Fund	Totals
Revenues:					
Real estate taxes	\$ 595,243	\$ -	\$ -	\$ -	\$ 595,243
Local enabling taxes	1,005,923	-	-	-	1,005,923
Licenses and permits	55,897	-	-	-	55,897
Fines, forfeits and costs	23,584	-	-	-	23,584
Interest and rents	(5,293)	71	-	-	(5,222)
Intergovernmental	174,917	285,767	46,933	-	507,617
Other fees and services	27,525	-	-	110	27,635
Miscellaneous revenue, receipts	34,234	-	-	1,505	35,739
Total Revenues	1,912,030	285,838	46,933	1,615	2,246,416
Expenditures:					
General government	249,664	-	-	-	249,664
Employee Benefits	159,096	-	-	-	159,096
Insurance	300,206	-	-	-	300,206
Public safety	417,758	-	-	3,237	420,995
Public works - Sanitation	7,615	-	-	-	7,615
Public works - Highways	554,048	266,836	-	-	820,884
Culture and recreation	63,375	-	-	-	63,375
Other enterprises	7,492	-	-	-	7,492
Debt Service	9,818	80,148	-	-	89,966
Total Expenditures	1,769,072	346,984	-	3,237	2,119,293
Excess/(Deficiency) of Revenues Over Expenditures	142,958	(61,146)	46,933	(1,622)	127,123
Other Financing Sources/(Uses):					
Short term debt proceeds	200,000	-	-	-	200,000
Short term debt payments	(200,000)	-	-	-	(200,000)
Operating transfers in	50,117	50,424	56,768	16,786	174,095
Operating transfers (out)	(123,978)	(50,117)	-	-	(174,095)
Total Other Financing Sources	(73,861)	307	56,768	16,786	-
Excess/(Deficiency) of Revenues and Other Sources Over Expenditures and Other Uses	69,097	(60,839)	103,701	15,164	127,123
Fund Balance at Beginning of Year	449,701	130,042	-	-	579,743
Prior Period Adjustment	295,647	(56,767)	-	-	238,880
Fund Balance at Beginning of Year	745,348	73,275	-	-	818,623
Fund Balance at End of Year	\$ 814,445	\$ 12,436	\$ 103,701	\$ 15,164	\$ 945,746

LIGONIER TOWNSHIP
RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND
BALANCES OF GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES - CASH BASIS
FOR THE YEAR ENDED DECEMBER 31, 2013

Amounts reported for governmental activities in the statement of activities are different because:

Net change in fund balance - total governmental funds (page 7)	\$ 127,123
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The issuance of long-term debt (e.g. bonds, leases) provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction, however, has any effect on net assets. This amount is the net effect of the differences in the treatment of long-term debt on the statement of activities

The net effect of various transactions involving capital assets, (i.e. purchases, disposals, etc.) is to increase net assets

Change in net position of governmental activities (page 5)	<u>\$ 127,123</u>
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LIGONIER TOWNSHIP
FIDUCIARY FUNDS
STATEMENT OF FIDUCIARY NET POSITION - CASH BASIS
DECEMBER 31, 2013

	Uniform Pension Trust Fund	Non-Uniform Pension Trust Fund	Total
	<u>ASSETS</u>		
Cash and Investments	\$ 1,091,629	\$ 707,522	\$ 1,799,151
Total Assets	<u>\$ 1,091,629</u>	<u>\$ 707,522</u>	<u>\$ 1,799,151</u>

LIABILITIES AND NET POSITION

Net Position:			
Reserve for employer's pension benefits	\$ 1,091,629	\$ 707,522	\$ 1,799,151
Total Net Position	<u>\$ 1,091,629</u>	<u>\$ 707,522</u>	<u>\$ 1,799,151</u>

LIGONIER TOWNSHIP
FIDUCIARY FUNDS
STATEMENT OF REVENUES,
EXPENSES AND CHANGES IN NET POSITION - CASH BASIS
FOR THE YEARS ENDED DECEMBER 31, 2013

	Uniform Pension Trust Fund	Non-Uniform Pension Trust Fund	Total
<u>Additions</u>			
Contributions - State Aid	\$ 7,400	\$ 53,739	\$ 61,139
Contributions - Employer	-	664	664
Net appreciation/(depreciation) in fair value of investments	130,832	249,672	380,504
Investment income	23,073	31,129	54,202
Total Additions	<u>161,305</u>	<u>335,204</u>	<u>496,509</u>
<u>Deductions</u>			
Pension benefits	36,133	160,531	196,664
Administrative expenses	1,525	322	1,847
Total Deductions	<u>37,658</u>	<u>160,853</u>	<u>198,511</u>
Increase in Net Assets	123,647	174,351	297,998
Net Position Held in Trust for Employee Pension Benefits:			
Beginning of the Year	<u>967,982</u>	<u>533,171</u>	<u>1,501,153</u>
End of the Year	<u>\$ 1,091,629</u>	<u>\$ 707,522</u>	<u>\$ 1,799,151</u>

LIGONIER TOWNSHIP
NOTES TO FINANCIAL STATEMENTS
DECEMBER 31, 2013

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Ligonier Township, the Township, is currently incorporated as a Second Class Township under the Commonwealth of Pennsylvania Municipalities Act. The Township operates under the Township Supervisors form of government whereby the three (3) Township Supervisors are elected officials. The Township provides municipal services, code enforcement and street services to approximately 6,600 residents.

a. Basis of Accounting

The accompanying financial statement has been prepared on the cash basis of accounting, a comprehensive basis of accounting other than U.S. GAAP. Under this basis, the only asset recognized is cash, no liabilities are recognized. All transactions are recognized as either cash receipts or disbursements, and non-cash transactions are not recognized. The cash basis differs from generally accepted accounting principles primarily because the effects of accounts receivable, capital assets and related depreciation, accounts payable, long-term debt obligations, and other liabilities are not included in the financial statement.

In the current year, management has elected to change its basis of accounting from modified accrual to the cash basis. The financial statement effects of the change in basis of accounting is further disclosed in Note 9.

b. Basis of Presentation

The Township's basic financial statements consist of government-wide financial statements, including a statement of net position and a statement of activities, and fund financial statements which provide a more detailed level of financial information.

Government-Wide Financial Statements

The statement of net position and the statement of activities display information about the Township as a whole. These statements include the financial activities of the primary government, except for fiduciary funds.

The statement of net position presents the financial position of the governmental activities of the Township at year end. The statement of activities presents a comparison between direct expenses and program revenues for each program or function of the Township's governmental activities. Direct expenses are those that are specifically associated with a service, program, or department and therefore, clearly identifiable to a particular function. Program revenues include charges paid by the recipient of the goods and services offered by the

program, grants, and contributions that are restricted to meeting the operational or capital requirements of a particular program, and interest earned on grants that is required to be used to support a particular program. Revenues that are not classified as program revenues are presented as general revenues of the Township, with certain limited exceptions. The comparison of direct expenses with program revenues identifies the extent to which each governmental program is self-financing or draws from the general revenues of the Township.

Fund Financial Statements

During the year, the Township segregates transactions related to certain Township functions or activities in separate funds in order to aid financial management and to demonstrate legal compliance. Fund financial statements are designed to present financial information of the Township at this more detailed level. The focus of governmental fund financial statements is on major funds. Each major fund is presented in a separate column. Fiduciary funds are reported by type.

c. Fund Accounting

The Township uses funds to maintain its financial records during the year. A fund is defined as a fiscal and accounting entity with a self-balancing set of accounts. There is one (1) category of fund: governmental.

Governmental Funds

Governmental funds are those which most governmental functions of the Township are financed. The Governmental funds follow the modified cash basis of accounting. The following are the Township's major governmental funds:

General Fund - The General Fund is the general operating fund of the Township. It is used to account for all financial resources except those required to be accounted for in another fund.

Liquid Fuels Fund - Revenue recorded within this special revenue fund is received annually by virtue of the Commonwealth of Pennsylvania Liquid Fuels Tax Act and expenditures are restricted to certain appropriations for highway purposes as approved by the Pennsylvania Department of Transportation. Unexpended allocations of such revenues are available for carryover and reappropriation to the succeeding year.

Capital Projects Fund - Capital Projects Fund is used to account for the revenues and expenditures related to significant capital projects.

K-9 Fund - The K-9 Fund is used to account for the revenues and expenditures related to the Township Police Departments K9 program.

Fiduciary Funds (Trust and Agency Funds)

Fiduciary Funds account for assets held by a governmental unit in a trustee capacity and/or as an agent for individuals, private organizations, other governmental units and/or other funds. These include (a) expendable trust funds, (b) non-expendable trust funds, (c) pension trust funds, and (d) agency funds. The cash basis of accounting is utilized for fiduciary funds. The Borough's fiduciary funds are pension trust funds, which consists of the Police Pension and Non-uniform Pension plans.

d. Budgets

The Township Supervisors submit the proposed operating budgets in accordance with the Administrative Code. Prior to the inception of the calendar year, the budgets are legally enacted by the Township Supervisors through passage of budget resolutions. Any transfers of budgeted amounts between departments, as well as all budget amendments, require the approval of the Township Supervisors.

The budgets are prepared on the cash receipts and disbursements basis of accounting, for the following funds:

- General Fund

Formal budgetary integration is employed as a management control device on a cash receipts and disbursements basis of accounting during the year for the aforementioned funds. However, since the budgets are not adopted on a basis consistent with generally accepted accounting principles (GAAP), the budgetary comparisons presented in this report are on a non-GAAP budgetary basis. In this instance, however, the comparison between the two bases results in immaterial differences. The individual financial statements of the budgetary funds of the Township present comparisons of non-GAAP budgets to actual results.

e. Encumbrances

Encumbrance accounting is not utilized by the Township. This is the procedure under which purchase orders, contracts, and other commitments for the expenditure of monies are recorded in order to reserve that portion of the applicable appropriation. Reservations of fund balances are, therefore, not provided for in the financial statements.

f. Fund Balance

The Township follows GASB Statement No. 54, "Fund Balance Reporting and Governmental Fund Type Definitions." This statement required the governmental funds' fund balances to be reclassified into the following five new categories:

Nonspendable - fund balance permanently restricted and unavailable for current operations

Restricted - fund balance temporarily restricted for specified purposes stipulated by constitution, external resource providers, or through enabling legislation

Committed - fund balance temporarily restricted for specified purposes established by a formal action by the Township Supervisors. Formal action by Township Supervisors is also necessary to modify or rescind a fund balance commitment

Assigned - fund balance intended for specific purpose that does not meet the criteria to be classified as restricted or committed. The Township Supervisors are authorized to assign fund balance to a specific purpose.

Unassigned - fund balance available for operations without any restriction

The Township Supervisors will spend the most restricted dollars before less restricted in the order as defined above.

Other Governmental Fund Types

The Liquid Fuels Fund maintains a restricted fund balance of \$12,436 for expenditures for highway purposes as approved by the Pennsylvania Department of Transportation.

The Capital Projects Fund maintains a restricted fund balance of \$103,701 for future projects and improvements as authorized by Act 13 of 2012.

The K-9 Fund maintains a restricted fund balance of \$15,164 for expenditures associated with the Township Police Department's K-9 programs and activities.

g. Reporting Entity

The Township follows the Statement of Governmental Accounting Standards Board No. 61, "The Financial Reporting Entity." The criteria for including organizations as component units within the Township's reporting entity include whether:

- The Township is legally separate (can sue and be sued in their own name)
- The Township holds the corporate powers of the organization
- The Township appoints a voting majority of the organization's board
- The organization has the potential to impose a financial benefit/burden on the Township
- There is fiscal dependency by the organization on the Township

Based on the aforementioned criteria, the Township has determined that Ligonier Township Municipal Authority is a discretely presented component unit.

Ligonier Township Municipal Authority

The Township appoints the board members of the Authority, but it is not financially accountable for the Authority. The Township guarantees certain obligations of the Authority which is discussed further in Note 8. These guarantees have the potential to impose a financial burden on the Township.

Financial Information

Selected financial information from the most recently issued reports of Ligonier Township Municipal Authority is presented below. Complete financial statements are available at their administrative offices.

Condensed Statement of Net Position

	<u>December 31, 2013</u>
Assets:	
Current Assets	\$ 1,387,301
Capital Assets	17,626,998
Non-Current Assets	<u>386,767</u>
Total Assets	<u>\$ 19,401,066</u>
Liabilities	
Current Liabilities	\$ 1,331,668
Non-Current Liabilities	<u>6,053,829</u>
Total Liabilities	<u>\$ 7,385,497</u>
Net Position	
Restricted	\$ 4,509
Unrestricted	1,064,437
Invested in Capital Assets	<u>10,946,623</u>
Total Net Position	<u>\$ 12,015,569</u>

Condensed Statement of Activities

	<u>December 31, 2013</u>
Service fees	\$ 915,845
Other operating revenue	359,966
Other operating revenue	<u>2,092</u>
Total Revenues	<u>1,277,903</u>
Depreciation expense	285,215
Other operating expense	628,325
Non-operating expense	<u>59,612</u>
Total Expenses	<u>973,152</u>

Income before Capital contributions	304,751
Capital contributions	<u>3,545,922</u>
Increase in Net Position	3,850,673
Beginning Net Position	<u>8,164,896</u>
Ending Net Position	<u>\$ 12,015,569</u>

h. GASB Statement 45 – Post Employment Benefits

The Township does not provide any other post-retirement benefit (OPEB) other than pension benefits; therefore GASB 45 does not apply.

NOTE 2 - CASH AND INVESTMENTS

The Township has a policy that requires all deposits and investments, other than U.S. government obligations, to be covered by Federal insurance or to be fully collateralized by the financial institution issuing the investment or acquiring the deposit. Deposits that are not insured by the Federal Deposit Insurance Corporation are collateralized using the pooled asset method to 100% of value as required by Pennsylvania Law.

The securities pledged as collateral are held by the trust department of a financial institution or by its agents in the financial institution's name. When certificates of deposit are purchased, the Township or its agent either holds the actual certificate of deposit or receives a safekeeping certificate as its proof of ownership.

Pennsylvania Law limits investment and deposit types the Township may purchase as follows:

- (a) U.S. Treasury bills.
- (b) Short-term obligations of the U.S. government or its agencies.
- (c) Demand, savings and time deposits with institutions insured by the FDIC or the National Credit Union Share Funds or collateralized with securities as provided by law.
- (d) Obligations of the United States or any of its agencies, the Commonwealth of Pennsylvania or any of its agencies or any political subdivision of the Commonwealth of Pennsylvania or any of its agencies providing the obligations are backed by the full faith and credit of the political subdivision.

Deposits include items described in (b) and (c).

Deposits

The Township maintains its cash and investment accounts in various financial institutions. Accounts at the financial institutions are guaranteed by the Federal Deposit Insurance Corporation (FDIC) up to deposits of \$250,000. The amount in excess of the FDIC limit totaled \$562,036. This amount is collateralized using the pooled asset method; however, because funds are not collateralized with securities registered in the Township's name, they are considered uncollateralized. The amounts are included on the statements of net position as cash and cash equivalents.

NOTE 3 - DEBT OBLIGATIONS

The Township's short and long-term liability activity for the year ended December 31, 2013 was as follows:

	Outstanding December 31, 2012	Additions	Payments	Outstanding December 31, 2013	Amounts Due Within One Year
2010 Note Payable	\$ 27,250	\$ ---	\$ (27,250)	\$ ---	\$ ---
2012 Note Payable	56,973	---	(56,973)	---	---
2013 Note Payable	---	24,098	(2,201)	21,897	5,340
2013 TAN	---	200,000	(200,000)	---	---
Total Obligations	<u>\$ 84,223</u>	<u>\$ 224,098</u>	<u>\$(286,424)</u>	<u>\$ 21,897</u>	<u>\$ 5,340</u>

2010 Note Payable

In 2010, the Township entered into a general obligation note for the purchase of a dump truck. The original amount of the note was for \$57,128, with a term of 60 months with an interest rate of 4.25%. The note was fully satisfied as of December 31, 2013.

2012 Note Payable

In 2012, the Township entered into a general obligation note for the purchase of a truck. The original amount of the note was for \$62,808, with a term of 60 months with an interest rate of 3.24%. The note was fully satisfied as of December 31, 2013.

2013 Note Payable

On August 25, 2013, the Township entered into a general obligation note for the purchase of a Ford Explorer. The original amount of the note was for \$24,098, with a term of 60 months. The current interest rate on this note is 3.99%. The amount outstanding on the note at December 31, 2013, amounted to \$21,897.

Principal and interest requirements to retire the above long-term note payables are as follows:

	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2014	\$ 4,534	\$ 806	\$ 5,340
2015	4,717	623	5,340
2016	4,908	432	5,340
2017	5,107	233	5,340
2018	<u>2,631</u>	<u>39</u>	<u>2,670</u>
Total	<u>\$ 21,897</u>	<u>\$ 2,133</u>	<u>\$ 24,030</u>

NOTE 4 - PROPERTY TAXES

The current tax rate is five (5) mills on real estate for each dollar of assessed value. The assessed valuation for 2013 totaled \$98,601,320 which would generate approximately \$493,000 of property tax revenue. The real estate tax is used entirely for general purposes.

The following is a summary of the tax calendar for the year ended December 31, 2013:

Mailing Date --- March 1, 2013
Discount Period at 2% --- March 1, 2013 to April 30, 2013
Face Period --- May 1, 2013 to June 30, 2013
Penalty Period at 10% --- July 1, 2013
Lien Date --- January 15, 2014

NOTE 5 - LIQUID FUELS TAX

Revenues recorded within the Highway Aid Fund are received annually by virtue of the Commonwealth of Pennsylvania Liquid Fuels Tax Act and expenditures are restricted to certain appropriations for highway purposes as approved by the Pennsylvania Department of Transportation. Unexpended allocations of such revenues are available for carryover and reappropriation to the succeeding year.

NOTE 6 - PENSION PLANS

Plan Description

The Township maintains two (2) single employer pension plans, the Uniform pension plan (defined benefit) and the Non-Uniform pension plan (defined contribution). The pension plans benefit provisions are established and may be amended by the Township Supervisors. The Township Supervisors have the authority to manage the plan assets. The Township issues a separate financial report on each pension plan. A copy of these financial reports can be obtained at the Township Municipal Building.

The Commonwealth of Pennsylvania has enacted the "Municipal Pension Plan Funding and Recovery Act" (Act 205). This Act establishes certain standards and requirements for municipal pensions in the areas of: (1) actuarial reporting; (2) employer contribution requirements; and (3) revising the State insurance allocations. The Township's actuarial reports for the pension have been changed to meet the reporting requirements of Act 205. The disclosure requirements for the respective plans are provided below.

Uniform Plan

The plan covers all full time employees of the Police Department. The members are vested after 12 years. Normal retirement is at age fifty-five (55) with twenty-five years of service. Benefits will be fifty percent (50%) of average compensation for employees hired after August 10, 1999. Average compensation is the average of monthly pay received for the thirty-six (36) latest months prior to a given date. Benefit provisions of the plan are established by Ordinance No. 99-14, as amended, adopted pursuant to Act 600.

Schedule of Contributions

The employee contribution requirements were established and may be amended by the Township Supervisors. The contribution required by the employer is based on an actuarial valuation and is expressed as a percentage of annual compensation. Ligonier Township's required contribution to the Police Pension Plan for the year ended December 31, 2013 was \$7,400. The employer's contribution for 2013 amounted to \$7,400 as employee contributions are currently suspended. The amount of payroll covered by the plan was approximately \$170,801.

At December 31, 2013, participants in the plan were as follows:

Active Employees	4
Retirees and beneficiaries	<u>2</u>
Total	<u>6</u>

The pension obligations were computed as part of the most recent actuarial valuation performed as of January 1, 2013. The following is a list of significant actuarial assumptions used in the valuation:

Rate of return on investments	5.5%
Projected salary increases	4.0%
Inflation	2.75%
Cost of Living Adjustment	None
Actuarial cost method	Entry Age Normal

The funding of the plan is made in accordance with Act 205, which establishes the minimum municipal obligation. The significant actuarial assumptions used to compute the actuarially determined contribution requirements are the same as those used to compute the pension benefit obligation as described above.

Funding Status and Progress

The amount shown as the "pension benefit obligation" is a standardized disclosure measure of the present value of pension benefits, adjusted for the effects of projected salary increases, estimated to be payable in the future as a result of employee service to date. The measure is the actuarial present value of credited projected benefits and is intended to help users assess the funding status on a going-concern basis and assess progress made in accumulating sufficient assets to pay benefits when due. The measure is independent of the actuarial funding method used to determine contributions to the plan, discussed above.

Ligonier Township
SCHEDULE OF FUNDING PROGRESS
FOR THE YEARS ENDED DECEMBER 31, 2013, 2011 AND 2009

Actuarial Valuation Date	Actuarial Value of Assets	Actuarial Accrued Liability (AAL) Entry Age	Unfunded AAL (UAAL)	Funded Ratio	Covered Payroll	UAAL as a Percentage of Covered Payroll
<u>Uniform:</u>						
1/1/2013	\$ 1,043,704	\$ 678,765	\$ (364,939)	153.77%	\$ 170,801	213.66%
1/1/2011	1,043,732	772,596	(271,136)	135.09%	158,763	170.78%
1/1/2009	1,057,221	689,340	(367,881)	153.37%	120,661	304.89%

NOTE: Actuarial Reports for the Uniform pension plans is performed every other year.

Non-Uniform Employees

The plan covers full-time, non-uniform employees. The plan is controlled by the provisions of a money purchase plan document, restated as of January 1, 1997, as amended. The plan is governed by the Township supervisors which is responsible for the management of plan assets. The plan provides normal retirement, vesting, survivor and disability benefits to plan members and their beneficiaries in accordance with the provisions of the plan document above.

Contributions

Employer contributions for hourly employees are established pursuant to the terms of the applicable collective bargaining agreement. Employer contributions for salaried supervisory employees are established by the Board of Township Auditors. Employer contributions for salaried non-supervisory employees are established by the Township Supervisors.

Effective January 1, 2009, the employer contribution rate for eligible participants was set at 10.0% of compensation. Plan members are not required to contribute.

Ligonier Township's contribution to the Non-Uniform Pension Plan for the year ended December 31, 2013 was \$54,403.

At December 31, 2013, participants in the plan were as follows:

Active employees	9
Retirees and beneficiaries	0
Terminated employees entitled to benefits – Not yet receiving them	<u>2</u>
	<u>11</u>

Allocated Individual Retirement Accounts

As of December 31, 2013, the plan maintained four allocated individual retirement investment accounts. These allocated retirement accounts are excluded from plan assets and, therefore, will not appear on the pension plan's statement of net assets.

NOTE 7 - RELATED PARTY TRANSACTIONS

The Township shares certain operating costs with Ligonier Township Municipal Authority. Some of those costs include fuel, propane, office supplies, internet and copier maintenance. The Township invoices the Municipal Authority on a quarterly basis which amounted to approximately \$13,600 for the year.

NOTE 8 - COMMITMENTS AND CONTINGENCIES

Litigation

In the normal course of operations, the Township is involved in various disputes and grievances. Management is of the opinion that any outcome resulting from these actions would not have a material effect on the Township's financial position.

Stormwater Maintenance Agreement

In previous years, the Township received security bonds for various Stormwater Maintenance projects amounting to approximately \$241,000. Since the Township does not maintain a fiduciary fund to track this activity, any repayment of security bonds would come from the Township's General Fund.

Grant Programs

The Township participates in various state and federal grant programs which are subject to program compliance audits by the grantors or their representatives. Although the Township believes it has complied with applicable rules and regulations of the grants, it is potentially liable for any expenditures which may be disallowed pursuant to the terms of the grants.

Ligonier Township Municipal Authority Loan Guarantees

Currently the Township guarantees two (2) Municipal Authority loans, summarized as follows:

	Principal Balance <u>As of December 31, 2013</u>	<u>Year of Maturity</u>
2010 PENNVEST Loan	\$ 2,700,867	2050
2013 Sewer Revenue Bonds	\$ 3,171,000	2053

NOTE 9 – PRIOR PERIOD ADJUSTMENTS

In the current year, management has elected to change its basis of accounting from modified accrual to the cash basis. The financial statement effect of the change in basis of accounting is detailed as follows:

	<u>General Fund</u>	<u>Liquid Fuels Fund</u>
Fund Balance/Net Position at		
December 31, 2012, as originally stated	\$ 449,701	\$ 130,042
Bank reconciliation adjustments	(3,534)	---
Eliminate interfund transactions	56,767	(56,767)
Eliminate liability amounts	<u>242,414</u>	<u>---</u>
Fund Balance/Net Position at		
December 31, 2012, as restated	<u>\$ 745,348</u>	<u>\$ 73,275</u>

NOTE 10 – SUBSEQUENT EVENTS

Subsequent events have been evaluated through May 16, 2014, which is the date that financial statements were available to be issued.

LIGONIER TOWNSHIP SUPERVISORS

Monthly Agenda Meeting

TRANSCRIPT OF PROCEEDINGS

Ligonier Township Board of Supervisors meeting, held
on Tuesday, June 10, 2014 at the offices at One
Municipal Drive, Ligonier, PA 15658 commencing at
7:00 p.m.

COMPLETE REPORTING SERVICES
P.O. BOX 1702
GREENSBURG, PA 15601
724-837-2303

1 SPECIAL COUNSEL:

2
3 Gary Faltovich, Esq., 215 McKeon Way, Greensburg, PA
4 15601.

5
6 APPEARING ON BEHALF OF THE INTERVENORS:

7
8 William Sittig, Esq., 437 Grant Street, Pittsburgh,
9 PA 15219

10 TOWNSHIP EXHIBITS

- 11 #1 development application
12 #2 4/24/14 letter to Atty. Gallagher
13 #3 consent order
14 #4 4/29/14 letter to zoning officer Kaltenbaugh
15 #5 5/5/14 letter to Atty. Gallagher
16 #6 proof of publication
17 #7 5/30/14 letter to applicants
18 #8 proof of publication
19 #9 6/6/14 letter to zoning officer Kaltenbaugh
20 #10 6/0/14 letter from Atty. Gallagher
21 #11 6/10/14 letter from Atty. Falatovich

1 PROCEEDINGS

2 - - -

3 CHAIRMAN: I would like to call
4 this meeting to order. June 10, 2014 at
5 7:00 P.M.

6 We will do the roll call. Supervisor Tim
7 Komar?

8 MR. KOMAR here.

9 CHAIRMAN: Supervisor Scott Matson?

10 MR. MATSON: Here.

11 CHAIRMAN: Supervisor Paul Knupp is
12 here. Would everybody please stand for the
13 pledge of allegiance.

14 (Public comments)

15 MR. FALATOVICH: May it please the
16 members of the Board of Supervisors, my name
17 is Gary Falatovich. I am special counsel
18 for the Township appointed to replace Mark
19 Hamilton in matters associated with Foxley
20 Farm.

21 Tonight is the time, date and place
22 designated for a hearing on conditional use
23 request filed by Foxley Farms and the Nieds,
24 to conduct a bed and breakfast use along
25 with a, I believe it is a recreation social

1 club use on their property located at 118
2 Foxley Lane in Ligonier.

3 There are a number of procedural matters
4 that I would like to just go through first,
5 associated with how we got here this
6 evening.

7 There are a number of exhibits that we would
8 like to introduce as well.

9 The first exhibit that we will introduce is
10 Township's exhibit number one, which is a
11 copy of a development application filed by
12 Attorney Gallagher, as counsel for the
13 applicant, Foxley Farms. That document
14 contains a zoning narrative and a site plan
15 showing the general location of the
16 structure on the property in the overall
17 area of the property. That will be offered
18 and admitted as Township exhibit number one.
19 (Township exhibit one is marked for
20 identification)

21 Exhibit number two, is a copy of
22 correspondence from Township Zoning Officer
23 Shelly Kaltenbaugh, to Attorney Gallagher
24 dated April 24, 2014 rejecting this
25 application or returning this application to

1 Mr. Gallagher, asserting that the consent
2 order entered April 12, 2013 between the
3 Township and the representatives of Foxley
4 Farm that precluded them from filing this
5 particular conditional use or these
6 conditional use requests.

7 (Township exhibit number two is marked for
8 identification)

9 Exhibit number three is a copy of the
10 consent order dated April 12, 2013, which
11 sets forth the requirements, I am sorry
12 which sets forth an agreement that was
13 entered between Ligonier Township, Margaret
14 S. Nied, Paul J. Nied and Foxley Farm LLC,
15 associated with their continuing operations
16 on the property. That consent order
17 specifically in paragraph number ten,
18 indicates that the defendants, which are the
19 Niede and Foxley Farm LLC, shall withdraw
20 pending zoning appeal at civil action 1335
21 of 2013 with prejudice, and agree not to
22 seek approval for weddings or wedding
23 related events at the site unless a zoning
24 amendment or legislation is enacted to
25 specifically allow weddings at that site.

1 (Township exhibit number three is marked for
2 identification)
3 Township exhibit number four is a copy of
4 correspondence dated April 29, 2014 from
5 Attorney Gallagher, counsel for the Niede
6 and Foxley Farm LLC to zoning officer
7 Kaltenbaugh questioning the refusal of the
8 application and the return of the
9 application, and among other things,
10 requesting that this matter proceed for
11 hearing.
12 (Township exhibit four is marked for
13 identification)
14 Township's exhibit number five is a copy of
15 correspondence from zoning officer
16 Kaltenbaugh to Mr. Gallagher indicating that
17 pursuant to his letter of April 29, 2014,
18 the conditional use application will appear
19 on the agenda for the Ligonier Planning
20 Commission for their review and action. And
21 that there is a specific notice that the
22 hearing, the meeting before the Ligonier
23 Township Planning Commission was scheduled
24 on Wednesday, May 21, 2014 at 7:30 p.m. in
25 the Municipal Meeting Room.

1 Shelly, just so we are clear on this would I
2 be correct in saying that some time between
3 April 29 and May 5, 2014 is when the
4 application was actually accepted by the
5 Township?

6 MS. KALTENBAUGH: Yes.

7 MR. FALATOVICH: Thank you.

8 Exhibit number six is a copy of the proof of
9 publication received from the Latrobe
10 Bulletin, a newspaper of general circulation
11 within Ligonier Township, indicating that
12 the planning commission meeting referenced
13 in the zoning officer Kaltenbaugh's last
14 letter was advertised in the Latrobe
15 Bulletin on May 7 and May 14, 2014. And the
16 copy of proof of publication along with the
17 public notice that appeared in the Latrobe
18 Bulletin is included. That will be marked
19 the Township's exhibit number six.

20 (Exhibit six is marked for identification)
21 Township's exhibit number seven is a copy of
22 correspondence from zoning officer
23 Kaltenbaugh dated May 30, 2014 to PJ and
24 Maggie Nied at 118 Foxley Farm lane,
25 Ligonier, Pennsylvania indicating that the

1 planning commission meeting, I am sorry, at
2 the planning commission meeting on May 21
3 the planning commission recommended approval
4 of the request for a conditional use for the
5 conduct of a bed and breakfast but
6 recommended denial of the use as a social
7 recreational club to host various events
8 such as parties, weddings and farm to table
9 dinners. That would be admitted as the
10 Township's exhibit number seven.

11 (Exhibit seven is marked for identification)
12 Exhibit number, I am sorry that exhibit also
13 indicates that the plan will be presented to
14 the Ligonier Township supervisors at the
15 meeting this evening at 7:00 p.m. for review
16 and action.

17 Townships exhibit number eight is a copy of
18 a proof of publication, again from the
19 Latrobe Bulletin, indicating that notice of
20 tonight's proceedings were advertised in the
21 Latrobe bulletin, on May 27 and June 3,
22 2014, consistent with the terms of the
23 Pennsylvania Municipalities Planning Code.

24 (Exhibit eight is marked for identification)
25 Exhibit nine is a copy of correspondence

1 from Attorney Shawn Gallagher to zoning
2 officer Kaltenbaugh dated June 6, 2014.
3 Although the letter is quite lengthy and
4 will speak for itself, the gist of the
5 letter is that Attorney Gallagher, on behalf
6 of the folks at Foxley Farm is asserting
7 that the Township failed to schedule a
8 hearing and conduct a hearing consistent
9 with the terms of the Pennsylvania
10 Municipalities Planning Code, within the
11 required time periods. And as a result,
12 they are entitled to something called a
13 deemed approval of their request for relief.
14 (Exhibit nine is marked for identification)
15 Township's exhibit number ten is a copy of
16 correspondence from my office to Attorney
17 Gallagher explaining reasons why the Board
18 of Supervisors may disagree with that
19 particular request, and advising them that I
20 would be meeting with the supervisors this
21 morning in order to review the content of
22 this correspondence, and would advise them
23 on how they intended to proceed.
24 (Exhibit ten is marked for identification)
25 Township's exhibit number eleven is a copy

1 of correspondence from myself to Attorney
2 Gallagher dated June 10, 2014. That was a
3 short while ago, indicating that following
4 my meeting with the supervisors this
5 morning, that the hearing would progress as
6 scheduled. And that we would, I am sorry,
7 that the hearing would progress as
8 scheduled.

9 (Exhibit eleven is marked for
10 identification)

11 Township's exhibit number twelve is a copy
12 of correspondence that I received at
13 approximately 4:00 o'clock this afternoon,
14 being an e-mail from Attorney Gallagher,
15 generally offering objections to the
16 Township's conduct of the hearing and
17 reasserting his request that the Township
18 essentially agree that it did not conduct
19 proceedings consistent with the Pennsylvania
20 Municipalities Planning Code and that a
21 deemed decision should be advertised in
22 favor of his clients.

23 (Exhibit twelve is marked for
24 identification)

25 That being said, each of the Township's

1 exhibits that I just spoke of, will be
2 offered and admitted into evidence as how
3 got here this evening.

4 First, we are going to proceed with the
5 conditional use request hearings. I would
6 ask whether or not Attorney Gallagher is
7 present on behalf of the Nieds, for Foxley
8 Farm LLC?

9 Let the record indicate that he is not
10 present.

11 I would ask whether Mr. or Mrs. Nied are
12 present today and whether they are ready to
13 proceed?

14 Let the record show that neither of the
15 Nieds are present and are not proceeding.

16 I will also indicate that in my conversation
17 with Attorney Gallagher he indicated that
18 the Nieds would not be present tonight,
19 regardless of whether the knowledge of the
20 hearing was being conducted.

21 Also it is my understanding that obviously
22 there have been objectors who would have
23 relied upon the public notice, that was in
24 the newspaper regarding this request. And I
25 would just ask if there is any

1 representative of any objector who would
2 like to enter their appearance just for the
3 record in this particular case?

4 MR. SITTIG: Good evening. My name
5 is Bill Sittig and I represent Christopher
6 Turner, Donald Korb and David Barnhart, who
7 reside at 242, 224 and 280 Barron Road
8 respectively.

9 The supposition, for the record, is
10 obviously the applicants haven't put
11 anything on the record to meet their burden
12 of a conditional use. So it would be a
13 denial.

14 But I would also like to state these records
15 will all go to a trial judge. And it is
16 important because there is no indication,
17 other than the background, of exactly what
18 happened.

19 We would like to state on the record that we
20 strenuously disagree with the allegation
21 that this was an untimely error. The zoning
22 officer did timely schedule this and we
23 believe it was correct, that the application
24 wasn't accepted and should never have been
25 accepted. That application in paragraphs

1 two, eight and fourteen, specifically asks
2 for weddings as a requested use, in
3 violation of paragraph ten of the consent
4 order.

5 Mr. Gallagher was asked to delete those. I
6 want to note for the record, that I have
7 also made requests, on two occasions that
8 Mr. Gallagher delete the wedding request and
9 proceed with the rest of the application.
10 He refused to do so.

11 Despite that, I think the Township went
12 above and beyond in scheduling this hearing.
13 They really shouldn't have at all.

14 So it is hardly untimely because they
15 specifically said that they agreed it's in
16 the consent order that they would never ask
17 for weddings again, unless it was a zoning
18 amendment or legislation.

19 So we shouldn't be here. These costs
20 shouldn't be incurred by the Township. My
21 clients shouldn't be incurring these costs
22 as a result of their irresponsibility. And
23 it will be the subject of another contempt
24 petition in Commonwealth Pleas Court.

25 I would also like to note that this is an

1 odd area of the law, but for the audience,
2 they shouldn't perceive that even if they
3 are correct about the timeliness, it is not
4 a decision on the merits. It just says they
5 get to go to Common Pleas and say he, hold
6 the hearing.

7 So there is no reason for them not to be
8 here tonight, because we are going to
9 contest it on the merits. It doesn't mean
10 that even if you didn't hold the hearing
11 timely, that you get the approval. It just
12 means that you are entitled to a hearing.

13 Well, we are here tonight and they should
14 have been here.

15 This isn't going to get them there on the
16 merits anyway. And finally, and it goes
17 with what Mr. Korb said earlier, we are
18 asking that the Township, to the best of
19 their abilities, continue to enforce this
20 order.

21 The burden this illegal use is placing on
22 the everybody, it is unreasonable. It is,
23 and it really shouldn't be allowed to
24 continue.

25 Hopefully, it has come to a head. And again

1 whenever they ask for weddings, social and
2 the corporate parties, that in no way, shape
3 or form is anything related to agritourism.
4 They are just commercial uses. My clients
5 support agritourism.

6 MR. FALATOVICH: Thank you, Mr.
7 Sittig.

8 I should state that because no
9 representative of the applicant is present
10 and have not, has not offered evidence or
11 any testimony in support of their request
12 for relief, it would be inappropriate to
13 take testimony or evidence in opposition to
14 it.

15 So I will just ask, other than Mr. Sittig
16 and the clients he indicated he represents,
17 whether there are any other persons with an
18 interest in this action that would like to
19 identify themselves, their addresses and be
20 a part of the record in this proceeding.

21 Let the record reflect there are none.

22 That would close the public hearing on this
23 particular matter of the request for
24 conditional use approvals. Under the terms
25 of the Pennsylvania Municipalities Planning

1 Code the Board of Supervisors has 45 days
2 from the date of this hearing to issue a
3 written decision in this matter. You can do
4 that at a public meeting, at a public
5 workshop. And we can discuss that matter
6 and discuss the decision that you may be
7 issuing, at a later date.

8 There will be no decision issued this
9 evening.

10 That concludes the record.

11 MR. FALATOVICH: Let me just say
12 one other thing in response to Mr. Sittig's
13 comments and Mr. Korb, did I get that
14 correct?

15 MR. SITTIG: Yes.

16 MR. FALATOVICH: The Township is
17 currently in the middle of the enforcement
18 proceedings under the April 12, 2013 order
19 which were initialed by Mr. Korb through
20 Attorney Sittig. And argument was held on
21 the, I am sorry, the complete hearing was
22 held, I believe on a petition for contempt,
23 that was filed by Mr. Sittig on behalf of
24 the intervenors in this case on April 25. I
25 think, that was correct. That was prior to

1 my appointment. Please forgive me if I am
2 getting my dates wrong.

3 We appeared in front of Judge Feliciani on
4 this past Friday, June 6, on argument, on a
5 request that was made by the Nields for an
6 issuance of something called a rule to show
7 cause to vacate this order.

8 Judge Feliciani has scheduled a hearing, a
9 small hearing and an argument on that
10 particular issue for June 17, 2014 at 2:30
11 in the afternoon. And we will all be in
12 attendance.

13 The contempt action has not been decided by
14 Judge Feliciani at this time. I believe he
15 requested written findings of fact, and
16 proposed conclusions of law and a decision
17 within 20 days, from the date the transcript
18 became available. The transcript became
19 available yesterday.

20 So those matters will proceed, fortunately
21 or unfortunately for the members of the
22 Board of Supervisors I will be assisting
23 them through that proceeding, and I am sure
24 that they will take whatever action they
25 feel is necessary to protect the interest of

1 the Township, and come to some fair
2 resolution of all of these matters.
3 That being said, I think I have said enough
4 to you guys.
5 Conclude the meeting. Thank you.
6 (The hearing was concluded at 7:34 p.m.)

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1 STATE OF PENNSYLVANIA)
2 ss
3 COUNTY OF WESTMORELAND)

4 I, Kristine N. Samloff, Shorthand Reporter and
5 Notary Public duly and qualified in and for the State
6 of Pennsylvania, do hereby certify there came before
7 me the witnesses herein who were duly sworn to
8 testify to the truth and nothing but the truth
9 concerning the matters in this cause.

10 I further certify that the foregoing transcript
11 is a true and correct transcript of my original
12 stenographic notes.

13 I further certify that I am neither attorney or
14 counsel for, nor related to or employed by any of the
15 parties to the action in which this matter is taken;
16 and furthermore, that I am not a relative or employee
17 of any attorney or counsel employed by the parties
18 hereto or financially interested in the action.

19 IN WITNESS WHEREOF, I have hereunto set my hand
20 and affixed my Notarial Seal this 25th day of June,
21 2014.

22

KRISTINE N. SAMLOFF

23

My commission expires 8/9/14

24

25

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