

The regular meeting of the Bear Creek Township Board of Supervisors was held at 7:00 PM January 5, 2009 at the Municipal Building located at 3333 Bear Creek Blvd., Bear Creek Township, and Chairman Zingaretti called the meeting to order. Roll was called. Mr. Slusser, Mr. Masi, Mrs. Koval, and Mr. Zingaretti were present. Ms Wasilewski was absent. The salute to the flag followed.

First item of business was the reorganization portion of the meeting. All positions were declared vacant. The following motions were made and seconded as follows:

Temporary Chairman: motion made by Mr. Slusser to appoint Mrs. Koval- seconded by Mr. Masi. Vote: unanimous yes.

Temporary Secretary: motion made by Mr. Zingaretti to appoint Mr. Masi – seconded by Mr. Slusser. Vote: unanimous yes.

Chairman: motion made by Mrs. Koval to appoint Mr. Zingaretti – seconded by Mr. Masi. Vote: unanimous yes.

Vice Chairman: motion made by Mrs. Koval to appoint Ms Wasilewski – seconded by Mr. Masi. Vote: unanimous yes.

Roadmaster: motion made by Mr. Slusser to appoint Mrs. Koval – seconded by Mr. Masi. Vote: unanimous yes.

Secretary/Treasurer: motion made by Mr. Zingaretti to appoint Paula Weihbrecht – seconded by Mrs. Koval. Vote: unanimous yes.

Open Records Officer: motion made by Mr. Zingaretti to appoint Mr. Masi – seconded by Mrs. Koval. Vote: unanimous yes.

Zoning Officer: motion made by Mr. Slusser to appoint Joseph Andrews – seconded by Mr. Masi. Vote: unanimous yes.

UCC Code Enforcement: motion made by Mrs. Koval to appoint Building Inspection Underwriters – seconded by Mr. Slusser. Vote: unanimous yes.

Sewage Enforcement Officer: motion made by Mr. Slusser to appoint Frank Egenski – seconded by Mr. Masi. Vote: unanimous yes.

Sewage Enforcement Officer Alternate: motion made by Mrs. Koval to appoint Brian Egenski – seconded by Mr. Masi. Vote: unanimous yes.

Engineer: Tabled until February meeting.

Solicitor-Board of Supervisors: motion made by Mr. Slusser to appoint Bill Vinsko – seconded by Mrs. Koval. Vote: unanimous yes.

Solicitor-Planning Board: motion made by Mrs. Koval to appoint Bill Vinsko – seconded by Mr. Zingaretti. Vote: unanimous yes.

Solicitor-Zoning Hearing Board: motion made by Mrs. Koval to appoint Angelo Terrana – seconded by Mr. Slusser. Vote: unanimous yes.

EMA-Primary: motion made by Mrs. Koval to appoint Christopher Keats – seconded by Mr. Masi. Vote: Mr. Slusser: no, Mr. Masi: yes, Mrs. Koval: yes, Mr. Zingaretti: yes.

EMA-Secondary: motion made by Mrs. Koval to appoint Ed Jasulevicz – seconded by Mr. Masi. Vote: unanimous yes.

Regular meeting day: motion to retain 1st Monday of each month made by Mr. Zingaretti – seconded by Mrs. Koval. Vote: unanimous yes.

Regular meeting time: motion to retain 7:00 PM made by Mr. Slusser – seconded by Mr. Masi. Vote: unanimous yes.

Secretary-Planning Board: motion made by Mrs. Koval to appoint Denise Clark – seconded by Mr. Zingaretti. Vote: unanimous yes.

Secretary-Zoning Hearing Board: motion made by Mr. Zingaretti to appoint Paula Weihbrecht – seconded by Mr. Masi. Vote: unanimous yes.

Planning Board Member (4 yr term): motion made by Mr. Zingaretti to appoint Rose Andrews – seconded by Mr. Masi. Vote: unanimous yes.

Planning Board Member (4 yr term): motion made by Mrs. Koval to appoint Tony Ciliberto – seconded by Mr. Slusser. Vote: unanimous yes.

Zoning Hearing Board Member (3 yr term): motion made by Mr. Zingaretti to appoint Jim Gorman – seconded by Mrs. Koval. Vote: unanimous yes.

Vacancy Board Member: motion made by Mrs. Koval to appoint Michael Gober – seconded by Mr. Masi. Vote: Mr. Slusser: no, Mr. Masi: yes, Mrs. Koval: yes, Mr. Zingaretti: yes.

Convention Voting Delegate: motion made by Mr. Slusser to appoint Mr. Zingaretti – seconded by Mrs. Koval. Vote: unanimous yes.

Depository General Fund: motion made by Mr. Slusser to select PNC Bank – seconded by Mrs. Koval. Vote: unanimous yes.

Administrator of Pension Plan: motion made by Mr. Zingaretti to appoint the Township Secretary/Treasurer – seconded by Mrs. Koval. Vote: unanimous yes.

Signature Requirements: motion made by Mrs. Koval that 2 Supervisor signatures plus the signature of the Treasurer required on all checks and necessary bank papers – seconded by Mr. Masi. Vote: unanimous yes.

Mileage Rate: motion made by Mrs. Koval to pay mileage at the IRS approved rate for travel on Township business – seconded by Mr. Masi. Vote: unanimous yes.

Outstanding 2008 bills: motion made by Mr. Slusser to pay any and all outstanding bills for 2008 – seconded by Mrs. Koval. Vote: unanimous yes.

Supervisors Labor: motion made by Mrs. Koval to appoint each supervisor to do labor as needed to the extent permitted by second class township code – seconded by Mr. Slusser. Vote: unanimous yes.

Reorganization portion of the meeting was closed.

The regular meeting of the Bear Creek Township Board of Supervisors was held immediately following the Reorganization.

MINUTES: Motion was made by Mrs. Koval to accept the minutes of the December 1, 2008 meeting, seconded by Mr. Masi. Vote: Mr. Slusser: abstained, Mr. Masi: yes, Mrs. Koval: yes, Mr. Zingaretti: yes.

Mr. Zingaretti announced that the Board of Supervisors held an executive session on December 30, 2008 to evaluate various litigation and legal matters. All supervisors were in attendance.

The treasurer's report for December 2008 was read by Mr. Zingaretti.

RECEIPTS: A motion was made by Mrs. Koval to approve the December 2008 receipts, subject to audit, seconded by Mr. Masi. Vote: unanimous yes.

DISBURSEMENTS: A motion was made by Mrs. Koval to approve the December 2008 disbursements, seconded by Mr. Masi. Vote: unanimous yes.

FIRE DEPARTMENT REPORT: 17 Calls for the month of December were reported, 12 motor vehicle accidents, 3 activated fire alarms, 1 vehicle fire and 1 EMS assist.

ZONING OFFICERS REPORT: Mr. Andrews, Code Officer, reported 31 contractor's licenses, 1 building permit, and 1 certificate of occupancy for a total of \$3,995.00 for the month of December 2008.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of December 2008 net production was 7,380 MWh, site availability was 91%.

ACT 537 REPORT: Mr. Masi and Reilly Associates met with Plains Township Sewer Authority to evaluate their capacity should we ultimately determine that we need to pass through their community to get to a sewage treatment center. This needs to be priced out in advance for the Act 537 Plan.

Approximately 65 letters were sent out on behalf of the township and Reilly seeking permission to enter properties to evaluate soil. This is to determine if there are any areas that would be receptive to effluent.

ROADMASTERS REPORT: Mrs. Koval reported that the road crew has been out plowing and checking the roads. Repairs to vehicles have been done as needed. Recyclables are taken weekly to Mascaro's. The road crew has been reporting street lights to PPL that are out. Mrs. Koval told of requests by residents for the new traffic signals on 115 at the turnpike to be changed to strobe lights so they can be seen in fog. Mrs. Koval thanked the road crew for a job well done.

Mr. Zingaretti informed the audience about the plans to evaluate the conditions of the township roads and from there they will be prioritized and the work will begin. This will all begin in the spring.

Mr. Southward questioned if we will see a monthly income from recycling in the future. He also questioned what recycling expenses are incurred to buy recycling containers, have it hauled away and the labor. Mrs. Koval responded that we used money that was donated and earmarked for recycling. Mr. Slusser also agreed that a sum of \$10,000 was donated for recycling. Mr. Southward continued to raise questions concerning what happens when the money is depleted and why are we spending money for nothing.

Mr. Zingaretti explained that there was an outcry from the residents of the township when recycling was eliminated. He continued that there are many residents who use the service including Mr. Southward. Mr. Zingaretti told of a partnership with Bear Creek Village for the recycling. We will receive \$250 a month from them to help offset any costs.

Mr. Smith from the Bear Creek Community Charter School explained that there is a benefit to the recycling, it eliminates an additional bag of trash on your curb and also eliminates trash in our parks and streets. He also asked if the Board would consider incorporating the school into the program and this would also help defray any costs.

A resident asked what plastics are acceptable for recycling. Mr. Zingaretti said we are accepting #'s 1 & 2 plastic and we will have a flyer available to the residents letting them know what we will and will not accept.

RESOLUTION 1-2009: A Resolution establishing the Bear Creek Township fee schedule for 2009. A motion to accept was made by Mrs. Koval, seconded by Mr. Masi. Vote: unanimous yes.

RESOLUTION 2-2009: A Resolution establishing the Bear Creek Township Uniform Construction code fee schedule for 2009. A motion to accept was made by Mr. Slusser, seconded by Mr. Masi. Vote: unanimous yes.

RESOLUTION 3-2009: A Resolution authorizing the advertisement for a Certified Public Accountant to prepare the 2008 audit. During discussion on Resolution 3, the Resolution was amended by the Board to cap the amount spent on a CPA at \$2,000. Motion to accept was made by Mr. Slusser, seconded by Mrs. Koval. Vote: unanimous yes.

RESOLUTION 4-2009: A Resolution extending the contract with Building Inspection Underwriters to December 31, 2009 as third party administrator of the Uniform Construction Code. Motion to accept was made by Mrs. Koval, seconded by Mr. Masi. Vote: unanimous yes.

RESOLUTION 5-2009: A Resolution implementing the amended Open Records Law for the Commonwealth of Pennsylvania. Motion to accept was made by Mr. Masi, seconded by Mr. Slusser. Vote: unanimous yes.

RESOLUTION 6-2009: A Resolution approving the new millage for Bear Creek Township for 2009 and revising the millage pursuant to the new property values certified by Luzerne County. Millage for 2009 will be 0.4412 or 44.12 cents per thousand dollars of assessed property value. Motion to accept was made by Mr. Masi, seconded by Mrs. Koval. Vote: unanimous yes.

RESOLUTION 7-2009: A Resolution approving the Fire Department allocation for 2009. The old rate was 3 mills which equates to 0.1103 mills with the new property values certified by Luzerne County. Motion to accept was made by Mrs. Koval, seconded by Mr. Slusser. Vote: unanimous yes.

RESOLUTION 8-2009: A Resolution authorizing the purchase of a new truck-2008 Ford F-557 Chassis Cab. Motion to accept was made by Mrs. Koval, seconded by Mr. Slusser. Discussion preceded the vote of Resolution 8. Residents expressed concern about purchasing a new vehicle and also had concerns about the vehicle being replaced. They asked that the road crew keep the old vehicle off of the road for safety reasons. Attorney Vinsko explained the bidding requirements in the Second Class Township code and that our purchase was within these guidelines. Vote: unanimous yes.

There were no planning board recommendations for the month.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Cell Tower Inspections- Waiting on their permit inspection fee.

Local Ordinance -Traffic Violations- Will be addressed this month.

Concini Lawsuit- Waiting on documents from their counsel.

Energy Unlimited- Litigation moving forward.

OLD BUSINESS:

Employee Health Insurance: A new plan is in place as of January 1st. The new plan will save the township approximately \$14,000.00 per year.

Gaming Grant Update: All paperwork is in. We have received correspondence from DCED and all inquiries have been satisfied. We should know sometime in February if we will be receiving any monies.

Zoning Map Changes: Changes will be discussed in March.

NEW BUSINESS:

Street Light Request: Tammy Evans sent a letter requesting the Township to pay for a street light located between 390 and 391 Pike Road. Currently she and another resident are paying for the light. After a preliminary evaluation it was found that it did not qualify as a street light. It is an area light and we will further evaluate the area to see if this lighting is needed and if it should be changed.

Pocono Drag Lodge Reunion: A letter was received from Charles Hulsizer inquiring as to what permits would be necessary to hold a reunion at the old drag lodge. There would be no racing. All aspects including traffic control and waste disposal from the event would be taken care of. Attorney Vinsko and Mr. Andrews will evaluate what is necessary and advise Mr. Hulsizer.

Traffic Light: 30 day inspection test was performed by PennDot. Two items were listed as needing attention. Kuharchik Construction was notified and are in contact with Mohegan Sun to have these items addressed.

Christmas Trees: Our recycling center will be accepting “real” Christmas trees for recycling during the month of January.

Website Update: Supervisors history page is now available as well as information on the new open records. A picture page containing photos from places and activities in the township is now part of our website.

Meeting Schedule: Tentative schedule for Supervisors meeting is now available, including the monthly meeting for July scheduled at Meadow Run/ Mountain Lake and the August meeting scheduled for White Haven Pocono.

PUBLIC COMMENT:

Ted Carl- Mr. Carl had concerns that a statement he made at a February 2008 meeting was misquoted when it was brought up at a December meeting. He also stated that others

APPROVED

January 5, 2009

Reorganization & Regular Meeting

at the February meeting had similar concerns but they were not quoted in that month's minutes. He asked that in the future he be quoted completely. Mr. Zingaretti indicated that at the December meeting he specifically did not wish to identify Mr. Carl since Mr. Carl was not in attendance to explain his statements. Best efforts will always be used to accurately quote the public and the Board of Supervisors.

Motion was made by Mr. Slusser to adjourn, seconded by Mrs. Koval, all were in favor.

Respectfully submitted,

Paula Weihbrecht, Secretary

The regular meeting of the Bear Creek Township Board of Supervisors was held at the Municipal Building at 3333 Bear Creek Blvd. in Bear Creek Township, Chairman Zingaretti called the meeting to order at 7:05 PM. Roll was called and all Supervisors were in attendance. The salute to the flag followed.

MINUTES: Minutes were reviewed and Mr. Masi asked it to be known that concerning the minutes for the resolution to purchase the Ford 557, he would like them to include his question to Attorney Vinsko asking if all proper bidding procedures were followed. Motion was made by Mrs. Koval to accept the minutes of the January 5, 2009 meeting as amended, seconded by Mr. Masi. Vote: Mr. Slusser: yes, Mr. Masi: yes, Ms. Wasilewski: abstained, Mrs. Koval: yes, and Mr. Zingaretti: yes.

The treasurer's report for January 2009 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of January 2009 was \$55,121.00. Motion to approve the January receipts, subject to audit was made by Ms. Wasilewski, seconded by Mr. Slusser. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of January 2009 were \$106,141.00. Motion was made by Ms. Wasilewski to approve the January disbursements, seconded by Mr. Masi. Vote: unanimous yes.

FIRE DEPT REPORT: 18 Calls for the month of January 2009 were reported, 14 motor vehicle accidents, 1 fire alarm, 2 EMS assists and 1 vehicle fire.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of January 2009 net production was 6,199 M Wh, site availability was 91%.

ZONING OFFICER'S REPORT: Mr. Andrews, code Officer, reported 13 contractor's licenses, 1 building permit, 1 subdivision fee, and 2 certificate of occupancy for a total of \$2055.00 for the month of January 2009. There were no BIU fees reported.

ACT 537 REPORT: Joe Durken from Reilly Associates spoke about trying to accelerate the schedule for the Act 537 Plan Update in an effort to obtain funding that is going to become available. Funding will be available through PennVest and Commonwealth Financing Agency and also some federal funds from the stimulus package. Mr. Durken suggested that Bear Creek Township could consider filing for funding even though Act 537 Plan is not approved. The estimated cost of the filing is \$40,000 which is not part of the contract under which Reilly was retained.

Ms. Wasilewski asked if an approved Act 537 is required before applying for funding.

Mr. Durken stated this can be done concurrently. Penn Vest will award without an approved Act 537. The worst case scenario would be having to wait until the next round to apply. Final awards will be given without a planning approval.

Mr. Zingaretti asked if Reilly were to prepare the grant application, would there be an additional charge beyond the price agreed to in our contract

Mr. Durken stated that anything related to the Act 537 plan would be within the scope of the contract. Anything related to the grant application, preliminary design or permit application designs would be at an additional cost. The maximum amount for the grant application would be \$40,000.

Ms Wasilewski asked if we would make an addendum to the original contract.

Mr. Durken stated that if this is acceptable we can authorize them to do so. He also stated they have already made contacts with water companies.

Ms Wasilewski stated that this is the first time she is hearing about this phase of the construction work. She asked if this is part of our original contract for Act 537.

Mr. Durken stated it is not. He explained that we have an opportunity to take advantage of some funding and accelerate the schedule for Act 537. He stated we could take a risk and put a design on paper and make an application. It could be submitted by Feb. 13.

While understanding the importance of submitting within the next 10 days, Ms Wasilewski said she was not in favor of this due to the fact that she was not aware of Reilly applying for the grant or the additional cost of \$40,000. She also said she would like proposals for the design phase, not wanting Reilly Associates to assume they are to take the next step.

Ms Wasilewski asked what would happen if we applied for funding first and then later find out that DEP is not satisfied with the submission we make.

Mr. Durken stated they are not going to get that far down the road. They would request a meeting with the department to go over the whole process layout.

After discussions, it was suggested that a more prudent approach would be to contact DEP to determine whether they would oppose our application since the Act 537 Plan was not finalized. This was deemed viable because there are additional windows in 2009 for grant applications.

ROAD MASTER REPORT: Mrs. Koval reported that the road crew has been out plowing and cindering as needed. The crew has been doing shop work and upkeep on vehicles. She also reported that the area light has been installed at Trailwood, the new truck has been picked up and also informed the Board and audience that a new back hoe will be needed in the near future. Mrs. Koval closed by thanking the road crew for a job well done.

Resolution 9-2009- A resolution appointing Michael J. Pasonick, Jr., Inc. as Engineer for the Bear Creek Township Planning Commission and for other Township matters as assigned by the Board of Supervisors. Motion to accept was made by Mr. Slusser, seconded by Mrs. Koval. Vote: unanimous yes.

Discussion followed and Mr. Masi questioned Attorney Vinsko about the term “matters as assigned”. Attorney Vinsko explained that the Board of Supervisors may use Pasonick on a project or may choose to bid a project out.

SOLICITOR’S REPORT: Attorney Vinsko reported:

Aqua PA-have submitted plans that will need to be addressed at the next meeting unless an extension is requested.

Energy Unlimited-in a motion stage and final discovery.

Concini Lawsuit- in final stages of discovery and resolution. It is expected to be resolved within the next 60 days, still waiting on a piece of information.

Local Traffic Ordinance-is complete, waiting for state input to see if the State Police will use the local ordinance as opposed to the state ordinance.

Cell Tower Inspections-resolution was passed to allow BIU to handle inspections. A formula needs to be created by Attorney Vinsko, Joe Andrews and Rich Sopko. This is for inspections of any towers, not just cell towers.

Drag Lodge Reunion-nothing on books that require permits. Attorney Vinsko will draft a letter and forward it to the township secretary to pass along to those involved with the reunion.

OLD BUSINESS:

Zoning Map Changes- Now that we have appointed an engineer: we can move forward with the requested changes for the zoning map. We should have an update at our next monthly meeting.

CORRESPONDENCE:

Liquid Fuels Audit- We received a letter from the Auditor General regarding an audit of our Liquid Fuels funds for 2006 and 2007. It was disclosed that there were no instances of noncompliance or other matter that are required to be reported under Government Auditing Standards.

BC Foundation Easter Egg Hunt- It was announced that the Bear Creek Foundation will host an Easter Egg Hunt on Saturday April 4, 2009 with a rain date of April 11. It is free of charge and open to all children.

PUBLIC COMMENT:

Jim Smith- gave an update on happenings at the BC Community Charter School. The library at the school is open to the public. There is a community youth group being formed for 6th, 7th and 8th graders and the foundation web site is now up and running and can be accessed at bearcreekfoundation.com.

Motion was made to adjourn by Mr. Slusser, seconded by Mrs. Koval, all were in favor.

Respectfully submitted,

Paula Weihbrecht, Secretary

The regular meeting of the Bear Creek Township Board of Supervisors was held at the Municipal Building at 3333 Bear Creek Blvd. in Bear Creek Township, Chairman Zingaretti called the meeting to order at 7:00 PM. Roll was called; Mr. Slusser, Mr. Masi, Ms Wasilewski and Mr. Zingaretti were present. Mrs. Koval was absent. The salute to the flag followed.

MINUTES: Minutes from the February 2, 2009 meeting were reviewed and a motion was made by Ms Wasilewski to accept, seconded by Mr. Masi. Vote: unanimous yes.

Mr. Zingaretti announced that two prior executive sessions were held in the month of February. One was held on February 16th and the other on February 25th. Both meetings addressed matters of litigation and real estate.

The treasurer's report for February 2009 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of February was \$60,060.14. Motion to approve the February receipts, subject to audit was made by Ms Wasilewski, seconded by Mr. Slusser. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of February were \$32,317.39. Motion to approve the disbursements was made by Ms Wasilewski, seconded by Mr. Masi. Vote: unanimous yes.

FIRE DEPT REPORT: 9 Calls for the month of February 2009 were reported: 6 motor vehicle accidents, 2 fire alarms and 1 structure fire.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of February 2009 net production was 8457MWh, site availability was 99.4%.

ZONING OFFICER'S REPORT: Mr. Zingaretti read the Zoning Officer's report for the month of February. There were 5 contractor's licenses, 1 building permit, 1 occupancy permit and 1 permit for demolition for a total of \$750.00.

ACT 537 REPORT: There are two primary updates. First we are in discussion with Plains Township to connect with their system and discussion is needed concerning the review of the capacity of their system and also the charges that they want to assess to us to evaluate that capacity. Secondly we had sent out letters to certain residents asking permission to access their property for soil studies. We have not received enough affirmative responses to allow us to so. We will contact those that did not respond the first time in an attempt to gain access for the soil testing.

ROAD MASTER REPORT: Ms Wasilewski read the monthly road master's report. Recycling bins were emptied, roads treated, repaired vehicles, monthly maintenance on buildings and grounds, swept streets, welded backhoe forks, checked roads, ditches and pipes and removed branches and residue from township roads.

PLANNING BOARD RECOMMENDATIONS:

Kresge Reverse Subdivision- Mr. Kresge presented his information concerning the combining of 2 lots on which he built his home. Mr. Kresge filed a deed at the Luzerne County Courthouse which combined 2 different parcels into a single 2 acre parcel. Mr. Kresge completed construction only to find out that a reverse subdivision application should have been filed and approved before construction began. The reverse subdivision plan has been approved by the planning board and all permits are in place, except the Occupancy Permit which the applicant cannot apply for until the Board rules on his reverse subdivision. A motion was made by Mr. Slusser to approve the Kresge reverse subdivision, seconded by Mr. Masi. Ms Wasilewski stated that she did not care for the manner in which this was all handled and therefore would be abstaining from the vote. Vote: Mr. Slusser: yes, Mr. Masi: yes, Ms Wasilewski: abstain, Mr. Zingaretti: yes.

Aqua PA-Doug Berg from Entech Engineering was present to discuss Aqua PA's plans for the Forest Park Well Station, the water storage tank and the Trailwood Development road openings. A lengthy discussion ensued.

Mr. Zingaretti questioned if the plans showed the fire hydrant that was to be placed at the fire station. Mr. Berg did not think the maps reflected the placement of the hydrant, but it is on the record that this is to be done.

Mr. Slusser asked if a layout was available of the streets in Trailwood where the piping was to be placed. Mr. Berg stated that they filed a Road Opening permit with the township and has not yet received a response. Attorney Vinsko stated that once this plan is approved, we will move forward with that permit.

Ms Wasilewski stated that she is concerned with the location of the water tower and that it may be a nuisance or distraction to motorists. She also commented on the light atop of the tower being a nuisance and stating that the light is not necessary.

Pat Moore commented that the roads in the Trailwood Development are in very good condition and wanted to know what guarantees would be made that the roads would be restored to their original condition. She also stated that she has a problem with the placement of the water tower. She was concerned that not only could it be a nuisance but also wanted to know what would happen if it should fall down.

Attorney Vinsko addressed the issue of bonds. He stated that they are required to follow the ordinance regarding pave cuts.

Doug Berg said that the location of the mains would be on the shoulder of the roads. All roads would be restored to PennDOT standards. Mr. Slusser stated that there are ditches, not shoulders. He questioned if they would put them on the right of way. Mr. Berg stated he was not sure. The discussion continued and residents spoke regarding the safety of the water tower and the location. Residents also questioned how many people have signed up to connect to the water service and if others would be able to connect later. Representatives for PennDOT and Aqua agreed to a 2 year warranty regarding the condition of the roads involved in this project.

Mr. Vinsko stated that PennDOT will pay for the connections now, but if residents are not signed up by time construction begins, the property owner will then be responsible to pay for the connection. Property owners will be contacted one more time with an opportunity to sign on before construction begins.

Mr. Slusser questioned what the pressure in the mains would be. Mr. Berg said on an average it would be 40 lbs. Mr. Slusser stated that 40 lbs would not be sufficient. Aqua indicated that the state only requires a minimum of 25 lbs. The discussion concerning lbs of pressure, pipe sizes and mains continued.

A motion was made by Mr. Slusser to approve the Forest Park Well, FP2 Submission as presented and recommended for approval by the Bear Creek Twp. Planning Board. This includes a 2 year warranty on all road work that may occur from FP2, seconded by Mr. Masi. Vote: Mr. Slusser: yes, Mr. Masi: yes, Ms Wasilewski: abstain, Mr. Zingaretti: yes.

A motion was made by Mr. Masi to approve the submission of the Water Tower plans which include a fire hydrant at the firehouse, road openings, a 2 year warranty on all roads involved in the project, agreement that all ordinances will be followed relative to pave cuts and repaving, and that if the light atop of the water tower should become an issue or nuisance, it can be eliminated, seconded by Mr. Zingaretti. Vote: Mr. Slusser: yes, Mr. Masi: yes, Ms Wasilewski: abstain, Mr. Zingaretti: yes.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Energy Unlimited-in final discovery phase.

Concini Lawsuit- waiting on a global resolution from their counsel.

OLD BUSINESS:

Zoning Map Changes- The township engineer is now preparing a cost estimate.

CORRESPONDENCE:

Gypsy Moth Spraying- Luzerne County will now be billing residents directly for the gypsy moth spraying service.

Stimulus Package Projects-Rep. Yudichak is coordinating for this district projects for the stimulus package.

Gaming Grant Funds- No funds were awarded to Bear Creek Township. An open records request was made to review how fund requests were processed.

PUBLIC COMMENT:

A request was made by a resident for a sign warning motorists of the approaching traffic light at the turnpike while traveling north.

Pat Moore- Questioned why we did not participate in the REACH recycling program. Mr. Zingaretti responded that it was too costly and the plan that we are using is

more cost efficient. He also stated that we may add a day to recycling once the summer help starts. Ms Moore also had questions regarding the ambulance and fire companies.

Gerald Rusinko- questioned if Jim Coombs had ever been contacted concerning the conditions of the roads in Laurel Brook. Mr. Zingaretti responded that we have no recourse because the roads were accepted as is.

Roger Southward- had concerns about the damage done to the roads in Laurel Brook by construction vehicles. Mr. Vinsko and Mr. Zingaretti responded to his concerns.

Motion was made to adjourn by Mr. Slusser, seconded by Ms Wasilewski, all were in favor.

Respectfully submitted,

Paula Weihbrecht, Secretary

A special meeting of the Bear Creek Township Board of Supervisors was held at the Municipal Building located at 3333 Bear Creek Blvd., Bear Creek Township, on Tuesday, March 17, 2009. Chairman Zingaretti called the meeting to order at 7:05 pm. Roll was called. Supervisors Masi, Koval, Wasilewski and Zingaretti were present, Mr. Slusser was absent. The salute to the flag followed.

Mr. Zingaretti addressed the audience explaining that this meeting was being held as a work session, the public is allowed to attend but public comment will not be accepted.

Al Gomelko from 5 Star Equipment spoke regarding his company's submitted proposal for a new back hoe under the state's piggyback program. Mr. Gomelko stated that they evaluated our 580 Case back hoe as a trade. He detailed the proposal and gave payment options should we decide to purchase a new machine. Supervisors asked questions regarding different options and warranties. Mr. Gomelko also stated that he could evaluate our front end loader for a trade.

Mrs. Koval stated that she also had quotes for a back hoe from Medico Industries and from Cleveland Brothers. Neither company had a representative in attendance to present their proposal.

Jeremy Nelson from Reilly Associates presented an update to the supervisors regarding the Act 537 Plan. Mr. Nelson said that Reilly Associates had received a letter from Ben Sevenski from Pasonick Engineering regarding flow metering being done in the existing Plains Twp. interceptor to verify flow and the available capacity. Mr. Nelson stated that he phoned Mr. Sevenski to question him as to who would do the study and what would the cost be. Mr. Sevenski said the flow metering would most likely be done in two separate areas of the interceptor line, Pasonick would conduct the study and its cost would be approximately \$5,000.00.

Discussion followed concerning where the connection would be made into Plains Township. Mr. Nelson stated the flow would run down Rte 115, across East Mountain Road, down Jumper Road and tie into the line where Rte 315 and Jumper Road intersect.

The Supervisors questioned why the flow meter study needs to be done, questioned if it had already been done recently with all the development in this area of Plains and if this study is required for the Act 537.

Mr. Nelson stated that DEP would require a letter from Plains Twp stating that there is sufficient capacity. Discussion continued and the Supervisors questioned if it would be Bear Creek Township or Plains Township that would be responsible to conduct the flow metering study.

Ms. Wasilewski asked if we are on the mark as far as the time line for the Act 537 Plan goes. Mr. Nelson said that one holdup currently is the lack of response regarding letters that were sent to select property owners seeking permission to do soil studies on their land. Other options were discussed including looking for other properties that may be conducive to the plans or sending out a more forceful letter requesting access.

MARCH 17, 2009

APPROVED

WORK SESSION

Mr. Nelson stated that he would respond to questions raised by Ben Sevenski concerning the flow metering and copy the supervisors.

Mr. Zingaretti asked Mr. Nelson to check the timeline on this project and see where we can shave some days off and push the plan forward.

Other Township matters discussed included the placement of a sign in Trailwood Park, recycling oil, anti-freeze and oil filters with Hazleton Oil, the summer help program, and updating the Ordinance Book.

Meeting adjourned at 9:45 PM

Respectfully submitted,

Paula Weihbrecht, Secretary

The regular meeting of the Bear Creek Township Board of Supervisors was held at the Municipal Building at 3333 Bear Creek Blvd. in Bear Creek Township, Chairman Zingaretti called the meeting to order at 7:00 PM. Roll was called; Mr. Slusser, Mrs. Koval, Ms Wasilewski and Mr. Zingaretti were present. Mr. Masi was absent. The salute to the flag followed.

MINUTES: Minutes from the March 9, 2009 meeting were reviewed and a motion was made by Ms Wasilewski to accept, seconded by Mr. Slusser. Vote: unanimous yes.

Minutes from the March 17, 2009 work session were reviewed and a motion was made by Ms Wasilewski to accept, seconded by Mrs. Koval. Vote: unanimous yes.

The treasurer's report for March 2009 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of March was \$34,486.58. Motion to approve the March receipts, subject to audit was made by Ms Wasilewski, seconded by Mr. Slusser. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of March were \$27,557.55. Motion to approve the disbursements was made by Ms Wasilewski, seconded by Mrs. Koval. Vote: unanimous yes.

FIRE DEPT REPORT: 12 Calls for the month of March 2009 were reported: 4 motor vehicle accidents, 3 brush fires, 2 structure fires and 3 search & assists.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of March 2009 net production was 7122M Wh, site availability was 97%.

ZONING OFFICER'S REPORT: Mr. Andrews report for the month of March. There were 12 contractor's licenses, 4 building permits, 5 occupancy permit, 1 subdivision fee, and 3 zoning permits for a total of \$2467.50, BUI fees collected for the month of March were \$3523.35 for a grand total of \$5990.85.

ACT 537 REPORT: Mr. Zingaretti reported that Reilly Associates will be meeting with Plains Twp Sewer Authority to evaluate the capacity on the Plains Township system, should Bear Creek Township have to inter-connect with them. They are in process of developing our cost estimates for that connection and are waiting on DEP for information to do cost estimates on two other scenarios. We are also waiting on access to some properties to do soil testing. We will be meeting with DEP to give an update on the project.

ROAD MASTER REPORT: Mrs. Koval reported that the road crew checked the roads daily and plowed and removed debris when necessary. They delivered the recycling to the recycling center. All security lighting was changed at the pavilion. The water was turned on and the rec field was prepared for opening day. Equipment and vehicles were maintained. Mrs. Koval thanked the road crew. Mr. Zingaretti noted that our road crew were actually first to respond to 2 motor vehicle accidents on Rte 115.

Resolution 13-2009- A resolution to engage Pasonick Engineering to update the costs for the road paving projects and to approve the advertising for bids for road paving.

Roads involved at this time are Shades Glen, Hillcrest and Old Ford Road. A \$100,000.00 grant has been secured for the paving of Hillcrest Road.

A motion to approve Resolution 13 was made Mrs. Koval, seconded by Ms Wasilewski.
Vote: unanimous yes.

PLANNING BOARD RECOMMENDATIONS: None

SOLICITOR'S REPORT: Attorney Vinsko reported:

Energy Unlimited-Discovery motion pending due to lack of court personnel.

Concini Lawsuit- In a holding pattern because plaintiff has not supplied information that is needed by the court.

Mr. Vinsko stated that the majority of work done this past month concerned issues with the Charter School and Act 537.

OLD BUSINESS:

Zoning Map Changes- A marked up map will be sent to all who have requested a zoning change to confirm that we are identifying the correct parcel that they own. This will be sent only to those persons who did not include a marked map with their request.

CORRESPONDENCE:

A letter was received by a Coughlin H.S. student who is working on his senior project. He is requesting the use of the soccer field from July 27-31st for a soccer camp opened to children from ages 7-13 from Bear Creek and Plains soccer organizations.

PUBLIC COMMENT:

Jim Smith-from the Bear Creek Community Charter School reported that after the April 7th public lottery, the school should be at a 98% capacity. Mr. Smith reported on upcoming events at the school as well as the budget, academics, technology, capital improvements and emergency preparedness and safety.

April 6, 2009

APPROVED

Regular Meeting

Mr. Smith also reported on the Bear Creek Foundation. The foundations second annual Easter Egg Hunt was a success despite the weather. It was reported that 175 children participated. Mr. Smith also spoke about the foundations participation in the state tax credit program, the community children's library and the upcoming visit by author Lindsay Barrett George.

A motion was made by Mr. Slusser to adjourn the meeting, seconded by Ms Wasilewski.
Vote: unanimous yes.

Respectfully submitted,

Paula Weihbrecht, Secretary

May 4, 2009

~~***Draft***~~Regular Meeting

The regular meeting of the Bear Creek Township Board of Supervisors was held at the Municipal Building at 3333 Bear Creek Blvd. in Bear Creek Township, Chairman Zingaretti called the meeting to order at 7:00 PM. Roll was called; Mr. Slusser arrived late but all were present. The salute to the flag followed.

MINUTES: Minutes from the April 6, 2009 meeting were reviewed and a motion was made by Ms Wasilewski to accept, seconded by Mrs. Koval. Vote: Mr. Slusser was not yet present, Mr. Masi abstained, Ms. Wasilewski, Mrs. Koval and Mr. Zingaretti voted in favor..

The treasurer's report for April 2009 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of April was \$108,889.18. Motion to approve the April receipts, subject to audit was made by Ms Wasilewski, seconded by Mr. Masi. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of April were \$48968.25. Motion to approve the disbursements was made by Ms Wasilewski, seconded by Mr. Masi. Vote: unanimous yes.

FIRE DEPT REPORT: 24 Calls for the month of April 2009 were reported: 1 motor vehicle accident, 19 brush fires, 1 structure fire, 1 activated alarm, 1 airplane crash and 1 search & assist.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of April 2009 net production was 6347M Wh, site availability was 94%.

ZONING OFFICER'S REPORT: Mr. Andrews' report for the month of April. There were 14 contractor's licenses, 6 building permits, 1 occupancy permit, and 4 zoning permits for a total of \$2544.00, BIU fees collected for the month of April were \$2064.87 for a grand total of \$4608.87.

ACT 537 REPORT: Mr. Zingaretti reported that on April 24, 2009 soil samples were taken from properties where access was granted. Reilly will be preparing a presentation for the board on the soil studies results. A letter has been sent to DEP providing them with an update and to also request a meeting with them and to obtain information from them that our consulting firm has been waiting on.

ROAD MASTER REPORT: Mrs. Koval reported that the road crew checked the roads daily and removed debris when necessary. They replaced street and school signs. Pot holes have been repaired and streets swept. Recreation fields are maintained and planters were placed between the fields to prevent people from driving their vehicles through the play ground area. They delivered the recycling to the recycling center. Equipment and vehicles were maintained. Mrs. Koval reminded the Board that some equipment needs to be replaced, including the back hoe and the front end loader. Mrs. Koval thanked the road crew for their efforts

May 4, 2009

~~***Draft***~~Regular Meeting

OPEN RECORDS REPORT: Mr. Masi reported that we have received 3 open records request to date. Two of these requests were resolved by simply referring those persons to the Township web site where the information they were requesting was available. The third request was denied. No funds have been collected to date concerning open record requests.

PLANNING BOARD RECOMMENDATIONS: None

SOLICITOR'S REPORT: Attorney Vinsko reported:

Charter School Project-Information gathering stage.

Concini Lawsuit- Matter is still pending, nothing has been filed as of yet.

Act 40 of 2005-Ordinance has been prepared for circulation but has not yet been adopted.

BEAR CREEK CHARTER SCHOOL CONSTRUCTION PLANS: Dave Blazejewski, President of the Bear Creek Charter School was requesting the backing of the Board of Supervisors in acquiring property behind the school which is needed to move forward with the construction plans. Mr. Blazejewski assured the audience that he is not seeking any financial assistance for the school from the township. He requested a special meeting to discuss the acquisition of this land. Mr. Zingaretti explained that the plan will contemplate the township exercising eminent domain to purchase that land on behalf of the foundation. A special meeting was then scheduled for Friday, May 15th.

OLD BUSINESS:

Zoning Map Changes- Mr. Zingaretti went to Luzerne County mapping and got the parcel information that was needed to proceed. Anyone who had made a request will be contacted in the near future.

CORRESPONDENCE:

A letter was received requesting a street light at Golf Course Rd and Fairway Dr. The request fits into the ordinance and PP&L will be contacted to have this done.

911/Data Mapping- there are 9 municipalities that are not completed in 911 and rural addressing. 911 will be contacting individuals beginning June 1st. GEO COM is the subcontractor performing this work. Addresses may be changed if there are roads with similar names. Persons not complying with address changes will have their mail service terminated.

Luzerne Conservation District has sent the township notice that violations have been found in Laurel Brook with the developer. The township is copied on these notices.

May 4, 2009

~~***Draft***~~Regular Meeting

Susquehanna Service Dogs have sent a letter thanking the Board for the use of the building for their training sessions. They also thanked Mr. Berry for all his help each week.

PUBLIC COMMENT:

Joe Padavan-speaking on behalf of American Manufacturing. He asked if the township were to receive any stimulus money, that they would buy American with it whenever possible. Mr. Vinsko said this would be considered a support resolution. Mr. Slusser made a motion to support the effort, Ms Wasilewski seconded the motion and all were in favor.

A motion was made by Ms Wasilewski to adjourn the meeting, seconded by Mrs. Koval. Vote: unanimous yes.

Respectfully submitted,

Paula Weihbrecht, Secretary

June 1, 2009

~~***Draft***~~

Regular Meeting

The regular meeting of the Bear Creek Township Board of Supervisors was held at the Municipal Building at 3333 Bear Creek Blvd. in Bear Creek Township, Chairman Zingaretti called the meeting to order at 7:17 PM. Roll was called and all Supervisors were in attendance. The salute to the flag followed.

MINUTES: Minutes from the May 4, 2009 meeting were reviewed and a motion was made by Ms Wasilewski to accept, seconded by Mrs. Koval. Vote: unanimous yes.

MINUTES: Minutes from the May 15, 2009 Special Meeting were reviewed and a motion was made by Ms Wasilewski to accept, seconded by Mr. Masi. Vote: Mr. Slusser abstained, Mr. Masi, Ms Wasilewski, Mrs. Koval and Mr. Zingaretti voted in favor.

The treasurer's report for May 2009 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of May was \$85,499.03. Motion to approve the May receipts, subject to audit was made by Ms Wasilewski, seconded by Mrs. Koval. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of May were \$34,930.30. Motion to approve the disbursements was made by Ms Wasilewski, seconded by Mrs. Koval. Vote: unanimous yes.

FIRE DEPT REPORT: 8 Calls for the month of May 2009 were reported: 5 motor vehicle accidents, 2 brush fires, and 1 vehicle fire.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of May 2009 net production was 4564M Wh, site availability was 94%.

ZONING OFFICER'S REPORT: Mr. Andrews' report for the month of May. There were 12 contractor's licenses, 7 building permits, 3 occupancy permits, 1 subdivision fee and 3 zoning permits for a total of \$2523.50,

ACT 537 REPORT: Mr. Zingaretti reported that Reilly has been provided the updated effluent reports. Waste water treatment options are being evaluated. Soil studies have all been done with the exception of one parcel. One of the larger properties did show soil conditions suitable for a community on-lot system and acceptable soils for spray irrigation. These options will be priced out as the Act 537 Plan is prepared. We are currently waiting on their soil scientists for a formal report on the studies and we have asked DEP to schedule a meeting to go over those results and also for us to give them an update as to where we are on our timeline. As of today we have not received a response from DEP in terms of scheduling that meeting.

ROAD MASTER REPORT: Mrs. Koval reported that roads and ditches were checked daily by the road crew and also on the weekend following a storm. Vehicles and equipment were maintained as well. Recyclables were taken weekly to Mascaro's and recreation fields were maintained. Two driveway pipes were installed, they set up for elections and did work in White Haven Poconos. Mrs. Koval asked to discuss the

possibility of purchasing a new heavy duty mower and also made a motion to purchase a new back hoe. Mrs. Koval had four different quotes for back hoes, all of which are Costars participating. The motion was seconded by Mr. Slusser. After a discussion among the board members, Mr. Slusser withdrew his second to the motion and Mr. Zingaretti amended the motion to postpone the review until after the paving bids were received. During this time the Board would investigate selling the back hoe and the overall impact on Township cash flow would be quantified. The amended motion was seconded by Mr. Slusser. Vote: unanimous yes.

OPEN RECORDS REPORT: Mr. Masi reported that four requests have been received this past month and all are under evaluation.

PLANNING BOARD RECOMMENDATIONS:

Haas/Block Subdivision- A representative from Borton Lawson Engineering explained that this was a basic adjustment of a lot line between two adjoining properties. A motion was made by Ms Wasilewski to approve the Haas/Block subdivision as recommended by the Planning Board, seconded by Mrs. Koval. Vote: Mr. Slusser abstained, all other members of the board voted in favor.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Bear Creek Charter School- Involved parties met and a public hearing will be held on June 11, 2009.

Concini Lawsuit- Missing information received but objections were made by other counsel as to what can be included.

Aqua PA Permit Issues: A representative of Aqua has been in contact with us and we are working to resolve the matter. They know that they cannot work on Township roads until permit is issued.

Roger Southward from Laurel Brook inquired about the status of the Local Ordinance for Traffic Violations. Atty. Vinsko responded that it appears that the State Police will follow state laws before a local ordinance. Atty. Vinsko will continue to look into options concerning this and we should resolve this matter by June 18th meeting.

OLD BUSINESS:

Recycling- Hours for the recycling center have been changed to 9:00 AM until 1:00 PM and also a reminder to residents that the recycling center will be closed on Saturday, July 4th.

CORRESPONDENCE:

PennDot- an invitation to the 12th annual Wyoming / Susquehanna County Equipment show.

Office of Community Development-a letter was received confirming the approval of the \$100,000.00 grant for the paving of Hillcrest Road.

Governors Center- information was received for training being offered concerning Act 32-Earned Income Tax Collection.

Paving Project- Confirmation was received from Pasonick Engineering that the advertising for bids for the road paving projects will be published on June 3rd and June 7th. Sealed bids will be opened on June 17th at 11:00 AM.

Mr. Masi addressed the Board and residents concerning recent crime in the Township and his concerns about making sure the public is informed of what is happening in their community. Discussion followed.

PUBLIC COMMENT:

Representatives from GeoComm- spoke to the audience about conducting a data development project in the township. GeoComm will be gathering information for 911 and for mapping purposes. The main purpose of this project is to complete the addressing for the area for 911 and complete the data development so the addresses can be plotted on a map.

Field representatives will be checking house numbers and street names throughout the township. If a house number is not displayed at roadside, they will be knocking on doors to gather the information needed. Representatives will have ID, will be driving white Chevy Equinox vehicles and will not enter your home even if invited in. If a resident is not at home, a door hangar requesting the information will be left.

After the project is completed, residents will be notified if there is to be any changes made in their address.

Roger Southward-addressed the Board with his concerns about the roads in Laurel Brook that he feels need attention and also discussed the burn ban that was in effect in May. He asked if there may be a better way to inform the public when a burn ban is in effect. Discussion followed.

A motion was made by Mr. Slusser to adjourn the meeting, seconded by Ms Wasilewski. Vote: unanimous yes.

Respectfully submitted,

Paula Weihbrecht, Secretary

The regular meeting of the Bear Creek Township Board of Supervisors was held at the Community House on Mountain Lake, Bear Creek Township, Chairman Zingaretti called the meeting to order at 7:00 PM. Roll was called and all Supervisors were in attendance. The salute to the flag followed.

MINUTES: Minutes from the June 1, 2009 meeting were reviewed and a motion was made by Ms Wasilewski to accept, seconded by Mr. Slusser. Vote: unanimous yes.

MINUTES: Minutes from the June 11, 2009 Special Meeting were reviewed and a motion was made by Ms Wasilewski to accept, seconded by Mr. Masi. Vote: unanimous yes.

MINUTES: Minutes from the June 18, 2009 Special Meeting were reviewed and a motion was made by Ms Wasilewski to accept, seconded by Mr. Masi. Vote: unanimous yes.

The treasurer's report for June 2009 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of June was \$95,561.98. Motion to approve the June receipts, subject to audit was made by Ms Wasilewski, seconded by Mr. Slusser. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of June were \$61,981.74. Motion to approve the disbursements was made by Ms Wasilewski, seconded by Mrs. Koval. Vote: unanimous yes.

FIRE DEPT REPORT: 9 Calls for the month of June 2009 were reported: 5 motor vehicle accidents, 2 structure fires and 2 Search & Assist.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of June 2009 net production was 1109M Wh, site availability was 89%.

ZONING OFFICER'S REPORT: Mr. Andrews' report for the month of June that there were 10 contractor's licenses, 6 building permits, 1 subdivision fee and 6 zoning permits for a total of \$2434.00. BIU fees collected for the month were \$4869.14.

ACT 537 REPORT: Mr. Zingaretti reported that Jeremy Nelson from Reilly Associates as well as several members of the Board met recently to update DEP on where we stood with our original timeline concerning Act 537. The amount of land accessed in doing soil samples was deemed sufficient by DEP. Reilly is approximately 3 weeks away from preparing financial alternatives that will be presented to the Board for review.

ROAD MASTER REPORT: Mrs. Koval reported that the summer help is now working with the road crew. The crew has been out cleaning up after storms, maintaining the rec fields, cutting grass/weeding and maintaining the roads. A pipe was installed on Pike Road and shop work was done. The road crew also utilized 5 inmates from the Luzerne

County Prison for 3 days. These individuals painted the back stop and fences at the little league field and also scraped and painted equipment.

OPEN RECORDS REPORT: Mr. Masi reported that one open records request was made for an occupancy permit issued to a resident in Laurel Brook. The request was made by the Times Leader and the response was made within 2 days. Currently there are no other pending requests.

PLANNING BOARD RECOMMENDATIONS:

Gustinucci Reverse Subdivision- Eugene Gustinucci explained that it was a simple reverse subdivision, he owns three lots on Blossom Drive and wants to basically remove the line between two of the properties.

Resolution 18-2009-A motion was made by Ms Wasilewski to approve the Gustinucci Reverse Subdivision as recommended by the Planning Board, seconded by Mrs. Koval. Vote: Unanimous yes.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Bear Creek Charter School- The Development Agreement is still being worked out. We will have the revised agreement sometime this week to review. A resident questioned if we have heard anything further from the developer of the Harris/Riebel property. Attorney Vinsko responded that numerous attempts have been made to contact Attorney Stuart Magdule, who represents the Harris/Riebel family. No return calls or further information has been received from them concerning their proposed development of the property.

Concini Lawsuit- Waiting on counsel for the Concini's to forward documentation over to counsel for the insurance company for both Aqua and Bear Creek Township. The other matter regarding no fence around the Concini pool will also be addressed.

Local Ordinance Enforcement- State police are not amenable to using our local ordinances. There is a house bill concerning municipalities without their own police force compensating the State Police for their services. If this bill should be passed, we will have our Local Traffic Ordinance ready and may be able to make the State Police use it.

OLD BUSINESS:

Backhoe Purchase- The backhoe purchase was tabled at the June meeting. The Board reviewed 5 bids from various dealers. Discussion followed and it was decided that the Board needed more time to review the bids before making a decision.

Paving Project- Five bids were received for the paving of Hillcrest, Shades Glen and Old Ford Roads. Slusser Brothers was awarded the project with an overall lowest bid

of \$266,207.75. We have a Community Development grant of \$100,000.00 towards the project. Mrs. Koval will follow up with the township engineer to find out when the project will be scheduled to begin.

CORRESPONDENCE:

Ambulance Request- The BCT Ambulance Association has requested permission to attach a base radio antenna to the side of the building. This would be done at no cost to the township.

Resolution 19-2009-A resolution granting the Ambulance company permission to have an antenna installed on the side of the municipal building; in granting permission, the township requests to access use of the antenna should they have a need in the future and the installation of the antenna is to be inspected by BIU.. A motion was made by Ms Wasilewski, seconded by Mr. Masi. Vote: unanimous yes.

Reflective Street Signs- We received a letter from Laflin Borough inviting us to their work session being held this evening. They will have a representative from 3M Traffic Systems there to present information for a multi-municipal grant program. Since we were unable to attend, we expressed our interest and asked that the information be forwarded to us.

Weiss Road- A Dennison Township Supervisor phoned to inform us of concerns residents of White Haven Pocono have about the upkeep of Weiss Road. Weiss Road is in Dennison Township. Bear Creek Twp. and Dennison Twp. have an agreement concerning this road and Dennison gives Bear Creek the liquid fuels money for this road. It is not clear who is to maintain the paving and upkeep of the road. Mrs. Koval agreed to speak with Dennison Twp about working together to secure a grant for improvements to this road.

House Bill 1500 and House Bill 963- These are two bills currently pending in the State House of Representatives that could significantly impact the financial health of Pennsylvania's rural townships including Bear Creek Township.

House Bill 1500 would require every municipality that does not provide local police services to pay an annual per capita fee of \$52 for the first year, \$104 for the second year, and \$156 for the third and subsequent years that it relies solely on the State Police for patrol services.

House Bill 963 would limit the payments to municipalities of fines that are issued by the PA State Police. Only municipalities that provide local or regional services would receive revenue from certain vehicle offenses resulting from State Police action.

Resolution 20-2009-A motion was made by Mr. Masi objecting to House Bill 1500 and House Bill 963, seconded by Ms Wasilewski. Vote: unanimous yes.

PUBLIC COMMENT:

Roger Southward-Asked if there is an ordinance concerning garbage haulers and what time they pick up trash. Attorney Vinsko responded that the township has a noise/nuisance ordinance and that he believes that garbage haulers and other contracted service providers cannot work in the township before 7:00 AM. Mr. Zingaretti suggested that the Township send correspondence to the local trash haulers reminding them of our ordinance and ask for their cooperation.

A motion was made by Ms Wasilewski to adjourn the meeting, seconded by Mrs. Koval. Vote: unanimous yes.

Respectfully submitted,

Paula Weihbrecht, Secretary

The regular meeting of the Bear Creek Township Board of Supervisors was held at the firehouse in White Haven Pocono, Bear Creek Township. Chairman Zingaretti called the meeting to order at 7:00 PM. Roll was called; Mr. Slusser was absent. The salute to the flag followed.

MINUTES: Minutes from the July 6, 2009 meeting were reviewed and a motion was made by Ms Wasilewski to accept, seconded by Mrs. Koval. Vote: unanimous yes.

The treasurer's report for July 2009 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of July was \$37,532.34. Motion to approve the July receipts, subject to audit was made by Ms Wasilewski, seconded by Mrs. Koval. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of July were \$55,731.00. Motion to approve the disbursements was made by Ms Wasilewski, seconded by Mr. Masi. Vote: unanimous yes.

FIRE DEPT REPORT: 18 Calls for the month of July 2009 were reported: 5 motor vehicle accidents, 2 structure fires, 2 vehicle fires, 8 activated alarms and 1 Search & Assist.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of July 2009 net production was 2028M Wh, site availability was 95%.

ZONING OFFICER'S REPORT: Mr. Andrews' reported for the month of July that there were 7 contractor's licenses, 6 building permits, 2 occupancy permits, 3 zoning permits and 1 hearing fee collected for a total of \$1795.00. BIU fees collected for the month were \$2288.91.

ACT 537 REPORT: Mr. Zingaretti reported that Reilly Associates have prepared and distributed draft alternatives of five different collection treatment disposal alternatives. They are in process of finalizing cost estimates on those and when those estimates are prepared they will be reviewed again and go out for public comment as part of the process of obtaining an approved Act 537 plan.

ROAD MASTER REPORT: Mrs. Koval reported that the crew has been out cleaning up after storms, maintaining the rec fields, cutting grass/weeding and maintaining the roads. They also took care of the recycling, the floors at the pavilion were painted, the picnic tables stained and they have begun preparing the plows for winter.

OPEN RECORDS REPORT: Mr. Masi reported that there were no open records requests made in July.

PLANNING BOARD RECOMMENDATIONS:

Sebia Subdivision- Consolidation of lots in the Laurel Brook subdivision. Only .52 acres are actually in Bear Creek Twp. A motion was made by Mrs. Koval to approve the Sebia subdivision as recommended by the Planning Board, seconded by Ms Wasilewski. Vote: unanimous yes.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Benkoski Litigation- has been resolved. Time records were turned over last week and final attorney's fees will be paid.

Charter School Development Agreement- The final Development Agreement for the Charter School project has been recently circulated; the Supervisors will have an opportunity to review it in greater detail.

Blasting near WHP- The law has changed and we have obtained the new standards from the EPA, DEP and Bureau of Mine Safety. Mr. Vinsko advised the residents of WHP to contact the township office if they have concerns or an issue with blasting.

OLD BUSINESS:

Paving Project- All three roads (Hillcrest, Shades Glen and Old Ford Roads) have been paved, shoulder work still needs to be done. Slusser Brothers will be out on these roads in the next few days.

Ted Carl questioned how many miles were actually paved. Mr. Zingaretti estimated the total mileage paved to be approximately 2 miles. Mr. Carl also questioned details on the reconstruction and paving of the roads regarding binder and coats. Mr. Zingaretti reported that the agreement included base repairs, 2 inch binder and 1 inch of superpave. Discussion followed.

Karen Hrabousky questioned what would happen with the third lane on Hillcrest and if new guard rails would be installed. Mr. Zingaretti said the third lane was a shoulder / emergency pull off. Mrs. Koval said she would look into what could be done about the guard rails.

Frank Martino from WHP commented that there were a few problems with the paving of Old Ford Road but he contacted Mrs. Koval and she got the issue resolved. Mr. Martino said he was not happy with Slusser Bros. and was disappointed in their work.

Mrs. Koval said she would contact the engineer and the roads will be inspected and payment will not be made until we are satisfied with the job done.

Mrs. Koval also commented that she has spoken with John Latina in Kanjorski's Washington office about any federal funds that may be available. She was told that the only funds that may be available would be state funds because some of the state projects have come under bid. Messages were left with PennDOT to see if there is anything we can apply for.

Weiss Road- Mrs. Koval is going to contact Dennison Twp. to see if we can work together on obtaining funds to repair Weiss Road. Discussion concerning ownership and condition of the road followed.

Act 32- Ms Wasilewski reported on Act 32, which is an act amending the local earned income/net profits taxes and the manner in which they are to be collected. Each municipality has there own tax collection firm, this act would enact a single county wide collection agency. By September 15, 2009, tax collection committees must be formed and each political subdivision must have a delegate and an alternate.

Act 132-Ms Wasilewski also reported on Act 132 Home Improvement Consumer Protection Act which establishes a mandatory registration program for contractors who perform home improvements in the state. This now has contractors registering with the state instead of being licensed with municipalities. This does not affect permits for work done in the township.

PUBLIC COMMENT:

Matt Hrabousky-Questioned why there is a 100 foot right of way on Hillcrest Road. Mr. Zingaretti responded that the 100 foot right came over when the road was taken over from PennDOT. Attorney Vinsko said that the township has the option to change the right of way should they choose. A lengthy discussion followed and Mr. Zingaretti summarized by stating the two main issues to be looked into would be the 100 foot right of way versus a 50 foot right of way and also how close to the roadway can the Hrabouskys landscape. Attorney Vinsko and the Board will look into the matter further.

Rose Andrews-Had numerous and lengthy questions for the Board regarding specifics of how a charter school operates, how much the new school building will cost, what part does the Bear Creek Foundation have with the school and who makes up the board for the school and the foundation. Mrs. Andrews was advised that the Secretary would provide her with the answers to her questions during regular business hours. Mrs. Andrews also asked the Board if a copy of the Development Agreement with the school would be available for the public to review. Mr. Zingaretti said that once the details are worked out, a copy would be available on the website and at the township building before the agreement is finalized.

Joe Weir- Had a complaint about a dog barking all day long. He inquired as to what can be done about this. Mr. Weir was advised that this is an issue under our nuisance ordinance and he could call or stop in to see our Zoning Officer to register a complaint.

Robert Fraley-Has been working with Joe Andrews to get a blighted property taken care of in WHP. They have not had success in getting in touch with the property owner and he wants to know what else can be done. Mr. Fraley also questioned the number of people that are allowed to occupy a single family dwelling and if there are any ordinances that would limit the amount. Attorney Vinsko replied that there was no such ordinance in Bear Creek Township.

Robert & Sheryl Concini-had questions regarding the suit they are a part of involving the township. Attorney Vinsko advised that the matter is basically in the hands of the insurance companies and hopefully will be resolved soon.

Old Business-continued

Backhoe purchase-Numerous attempts were made to contact Mr. Slusser via phone for his independent study report on the backhoe purchase. He was not reached. Mr. Zingaretti asked Mrs. Koval if Mr. Slusser had made a recommendation. She said that Mr. Slusser recommended the Caterpillar backhoe.

A motion was made by Mrs. Koval to un-table the backhoe discussion and also recommend that the Caterpillar backhoe be purchased, seconded by Ms. Wasilewski.

A lengthy discussion followed. Several members of the audience asked if the purchase was necessary, if the old machine could be repaired and why some proposals for a new backhoe were rejected. Mr. Masi asked Mrs. Koval if the Caterpillar was the recommendation of the Roadmaster and Road Crew lead, and she replied yes. Mr. Zingaretti asked if this meant that the township would not be purchasing a new dump truck next year and Mrs. Koval said that she understood that it would not be feasible and that is why the road crew has been working hard to get the current truck up to par.

The motion was passed unanimously.

A motion was made by Ms Wasilewski to adjourn the meeting, seconded by Mrs. Koval. Vote: unanimous yes.

Respectfully submitted,

Paula Weihbrecht, Secretary

The regular meeting of the Bear Creek Township Board of Supervisors was held at the Municipal Building at 3333 Bear Creek Blvd. Chairman Zingaretti called the meeting to order at 7:10 PM. Roll was called and all Supervisors were present. The salute to the flag followed.

Mr. Zingaretti informed the audience that an executive session had been held on September 3, 2009 to discuss land acquisition and litigation matters.

MINUTES: Minutes from the August 3, 2009 meeting were reviewed and a motion was made by Ms Wasilewski to accept, seconded by Mrs. Koval. Vote: unanimous yes.

The treasurer's report for August 2009 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of August was \$68,884.88. Motion to approve the August receipts, subject to audit was made by Mr. Slusser, seconded by Mr. Masi. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of August were \$117,913.97. Motion to approve the disbursements was made by Mrs. Koval, seconded by Ms Wasilewski. Vote: unanimous yes.

FIRE DEPT REPORT: 4 Calls for the month of August 2009 were reported: 2 motor vehicle accidents, and 2 vehicle fires. It was noted that the agenda listing of these fees was incorrect and that a revised page would be placed on our website and available at the township office.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of August 2009 production was 3043M Wh, site availability was 945%.

ZONING OFFICER'S REPORT: Mr. Andrews' reported for the month of August that there were 7 contractor's licenses, 7 building permits, 1 occupancy permit, and 2 zoning permits for a total of \$1408.00. BIU fees collected for the month were \$7,764.88. It was noted that the agenda listing of these fees was incorrect and that a revised page would be placed on our website and available at the township office.

ACT 537 REPORT: Mr. Zingaretti reported that we did not receive a formal report from Reilly Associates, but on September 1 they distributed to the Board members updated construction and operating maintenance estimates. The Board has not sat down with Reilly to discuss this, but it ranges between 14 and 21 million. A meeting will be planned and then further discussed with the public.

ROAD MASTER REPORT: Mrs. Koval reported that the crew has been out cleaning up after storms, maintaining the rec fields, cutting grass/weeding and maintaining the roads. They also took care of the recycling, repairs were made to mowers, parking area was marked off with large rocks. Signs were replaced that were missing at the rec field, ditches were dug in Forest Park and a headwall built.

Mrs. Koval met with some residents concerning problems within the township. She also met with the township engineer to review the paving project and met with a representative from ARC who was checking the voting areas for handicap accessibility. Mrs. Koval and the secretary attended a meeting at the 911 Com Center concerning the mapping of the township. Mrs. Koval noted that any driveway over 1,000 feet or having 2 or more structures on it must be named.

OPEN RECORDS REPORT: Mr. Masi reported that there was one request and it was satisfied within 5 days.

PLANNING BOARD RECOMMENDATIONS: None

SOLICITOR'S REPORT: Attorney Vinsko reported:

Aqua PA- Counsel for Aqua Pennsylvania paid the \$70,000.00 permit fee for the roads in the township, paid under protest. Mr. Andrews has issued the permit and work should be commencing. With the litigation we will be working with Webber Gallagher. Mr. Vinsko referred Mr. Slusser to Mike Cavage from Pioneer Construction for answers to his questions regarding the road cuts.

Concini Matter- Mr. & Mrs. Concini want to resolve this matter, but not through their counsel. They approached Mr. Zingaretti with the exact situation that Mr. Vinsko presented last year to resolve the matter, which was contrary to what their counsel had said. Attorney Vinsko feels we are close to resolving the matter, it will be a global resolution for all issues and it should be taken care of soon. The issue now must be worked out between the township, its insurance company, Aqua and its insurance company, PennDot and the Concinis.

Development Agreement-The Board met on September 3rd with the charter school to review all final issues and it seems that a resolution has been reached on all outstanding matters and the agreement will be up for consideration within the next 14 days. The final draft will be ready for public inspection next Wednesday (9/16/09). The agreement will be available at the building and on the website. Because it is an ordinance, it must be available for 7 days for public inspection. A follow up meeting for public comment exclusively on the development agreement is tentatively scheduled for 7:00 PM on September 24th. This will be advertised as required.

Hillcrest Road Right of Way- Mr. Vinsko had conversations with Karen Hrabousky and her surveyor Emmet Burke. The issue is the right of way for Hillcrest Road is 100 feet and they are abdicating to give some of that footage back to the residents. The requested right of way is 50 feet and is more than sufficient for the cart way. This can be considered and is legal to do. What is required is a full survey of the entire road plus a survey of the parts that the township would be vacating to the respective residents.

OLD BUSINESS:

Act 32- Consolidating the collection of local taxes at the county level, as part of that process all municipalities and school districts are required to provide a voting delegate to a tax collection committee. The township is required to appoint a primary voting delegate and a first alternate voting delegate. Delegates do not need to be elected officials.

Mr. Zingaretti called on the Board to make nominations for the primary voting delegate for Act 32 for the tax collection committee for Luzerne County.

Mr. Masi nominated Mr. Zingaretti for the primary voting delegate, Mr. Slusser seconded the nomination. Vote: all in favor.

Mrs. Koval nominated Ms Wasilewski for the first alternate voting delegate. There failed to be a second.

Mr. Masi nominated Mrs. Weihbrecht for the first alternate voting delegate, Mr. Slusser seconded the nomination. Mrs. Weihbrecht asked if she could decline, Mr. Masi explained that being the township treasurer, it would make sense for her to be a part of this committee. Vote: Mr. Slusser, yes; Mr. Masi, yes; Ms Wasilewski, abstain; Mrs. Koval, yes; Mr. Zingaretti, yes.

Resolution 27-2009- A resolution appointing the TCC Voting Delegates. Now therefore be it resolved by the Bear Creek Township Board of Supervisors that, the following individuals are appointed as TCC delegates for Bear Creek Township:

Primary voting delegate: Gary Zingaretti
First alternate voting delegate: Paula Weihbrecht

A motion to accept was made by Mr. Slusser, seconded by Mr. Masi. Vote: Mr. Slusser, yes; Mr. Masi, yes; Ms Wasilewski, abstain; Mrs. Koval, yes; Mr. Zingaretti, yes.

Paving Project – Mr. Zingaretti asked Mrs. Koval if she knew when this would be considered a completed project. She stated that there were issues on all 3 roads that were paved and she is working to get them resolved. A resident asked if there were any monies for this project kept in escrow until it was deemed complete. Mr. Zingaretti explained that this was taken into account and also stated that nothing has been paid to Slusser Bros. as of yet.

Street light request- A request was made for a street light Fairway Drive and Golf Course Road. The request was submitted to PPL over 2 months ago. An update on the request was not available.

NEW BUSINESS:

Street light request- There was also a request for a light at the cul d' sac at the end of Pike Road. School buses drop off and pick up in this area. It is dark during the winter and when sports buses are dropping off later in the evening making it a safety issue.

Natural Lands Trust:

Peter Williamson from the Natural Lands Trust, one of the largest land conservancies in the US, spoke about possibly acquiring some 1200 acres of land that lies between two parcels already belonging to the trust known as the Bear Creek Preserve. Two thirds of the Preserve runs off of White Haven Road, the other third in Buck Twp. off of Rte 115. A grant from DCNR will cover approximately half of the cost to purchase the parcel in between from Blue Ridge Realty Co. Mr. Williamson asked the township for help in applying for funds from local share gaming funds. Since Natural Lands Trust is a non-profit, they are unable to apply for the funding themselves and would like the township to apply on their behalf. Discussion followed.

PUBLIC COMMENT:

Roger Southward-Wanted to follow up and see if letters had been sent out to the local trash haulers concerning the Township's Noise Ordinance and instructing them that their services were not to be performed before 7:00 AM. Mr. Southward was given a copy of the letter sent and told to inform the township secretary if his trash hauler does not comply.

A motion was made by Mr. Slusser to adjourn the meeting, seconded by Mrs. Koval.
Vote: unanimous yes.

Mr. Zingaretti announced that there would be a special meeting for public input on the development agreement with the charter school and he also announced that the date of the October Supervisors meeting may be changed. Both meetings notices will be advertised.

Respectfully submitted,

Paula Weihbrecht, Secretary

The regular meeting of the Bear Creek Township Board of Supervisors was held at the Municipal Building at 3333 Bear Creek Blvd. Chairman Zingaretti called the meeting to order. Roll was called and all Supervisors were present. The salute to the flag followed.

MINUTES: Minutes from the September 8, 2009 meeting were reviewed and a motion was made by Mr. Masi to accept, seconded by Mr. Slusser. Vote: unanimous yes.

The treasurer's report for September 2009 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of September was \$157,094.95. Motion to approve the September receipts, subject to audit was made by Ms Wasilewski, seconded by Mr. Slusser. Vote: unanimous yes.

Mr. Zingaretti made note that a check for the Aqua road cuts permit was received under protest, we will litigate over what the correct amount is. At this time it has not been booked to income but has been set aside in a liability account and we are waiting for the CPA to get back to us concerning the proper treatment of this.

Roger Southward questioned why the money from Aqua was done under protest. He recalled being at a meeting and representatives for Aqua agreed to all fees and had no issues. Mr. Zingaretti and Attorney Vinsko responded.

DISBURSEMENTS: Expenses for the month of September were \$55,966.45. Motion to approve the disbursements was made by Mr. Masi, seconded by Mr. Slusser. Vote: unanimous yes.

FIRE DEPT REPORT: 12 Calls for the month of September 2009 were reported: 6 motor vehicle accidents, 1 vehicle fires, 3 structure fires, and 2 assists.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of September 2009 production was 4003M Wh, site availability was 97%.

ZONING OFFICER'S REPORT: Mr. Andrews' reported for the month of September that there were 15 contractor's licenses, 6 building permits, 3 occupancy/demolition permits, and 1 zoning permit for a total of \$2318.00. BIU fees collected for the month were \$1495.60.

ACT 537 REPORT: The engineer has provided cost estimates and sketches to the Board members. The Board is planning to meet with Reilly within the next two weeks to go over the figures.

Ms Wasilewski had concerns about the township being able to secure funding for the sewer project. Mr. Zingaretti stated that the township should be eligible for grants through PENNVEST and also should be able to obtain low interest loans He further stated that these funds cannot be applied for until the Act 537 plan is completed.

Joanne English of Hillcrest Rd commented that she feels that the public should know what is going on with the Act 537 Plan.

Mr. Zingaretti explained that they have received 6 alternatives from Reilly and the Board is in process of evaluating them and then will have Reilly come in and answer the Boards' questions concerning the alternatives.

Mr. Masi commented that at this point the entire project is still in the planning phase and is all on paper. There is no design and of all the alternatives that are out there, one has not yet been selected. It's all still very preliminary. No decisions have been made and the Board is just beginning to get a grasp on the information that's been presented.

Joanne English was concerned that a decision on the project would be made without input from the residents of the township. Both Mr. Zingaretti and Attorney Vinsko assured her that there would be a presentation made with Reilly present to answer question as well as a hearing with public comment before anything will be decided. Discussion followed.

ROAD MASTER REPORT: Mrs. Koval reported the road crew took care of the recycling, replaced shingles on the old pavilion, worked on the trucks, mowers and equipment. Grass was cut, rec site maintained, missing signs in twp replaced and the fence was removed for work being done on the baseball field. The plows are ready for the season and the salt and anti skid have been delivered.

Mrs. Koval also reported that she met with a rep from GEO Comm to resolve mapping problems in the township. The 911 maps have been completed and sent back. She is working on resolving problems with the paving project and will let the Board know when everything is satisfactory and the bill is to be paid. Mrs. Koval also reported on a problem concerning COM Center and PennDot and Thornhurst Road. There have been two accidents recently on Thornhurst Road and both times the emergency responders were sent to Buck River Road. PennDot was notified that there are signs that incorrectly identify Buck River Road as Thornhurst Road. One of the accidents involved serious injuries and it was over 45 minutes until emergency personnel arrived on the scene.

Roger Southward asked if the township had an estimate on what it would cost to re-sign the township. Mr. Zingaretti explained that the deadline for replacing the signs is 2012. Currently as signs need to be replaced it is being done with the new reflective ones and we are also working with a group from Laflin who is coordinating a multi municipality effort with 3M, the maker of these signs. We should be able to obtain a better price this way and they will also do some multi municipal grants.

OPEN RECORDS REPORT: Mr. Masi reported one request in the past several weeks and the information was sent out within the five day window.

PLANNING BOARD RECOMMENDATIONS: None. Note: Since there is nothing on the agenda for October, the Planning Board has cancelled the October meeting.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini litigation-correspondence has been sent to their counsel outlining specific issues concerning their understanding that the township is not going to be paying for anything unless there is an agreement and they are not going to dump it on the neighbors' property without approval. We have received correspondence from Aqua's insurance counsel stating that what we said is correct but also disagreeing with their damage estimates.

Mrs. Carl asked if the Concini's were going to be fined for not having a fence around their swimming pool. Attorney Vinsko responded that he has spoken with their counsel about this and the Concini's were under the incorrect assumption that the township would be paying for their fence.

Mr. Carl questioned if the Concini's still had their counsel because at the last meeting it was mentioned they wanted to deal directly with the township. Attorney Vinsko stated that the Concini's have not yet filed a withdrawal of appearance.

Aqua PA- No significant change.

Development Agreement-The declaration of taking has been filed as of October 5th. It has been circulated among the Board. The Development agreement has been signed and notices sent to all parties, response date is in November. Mr. Kobularcik who is the representative of Metropolitan Development called today and would still like to meet with the Board. Mr. Kobularcik is the equitable owner, not the titled owner so the Harris/Reibel families still must be served.

Mr. Masi felt that a meeting with Mr. Kobularcik was unnecessary and the things Mr. Kobularcik requested in his letter could not be promised.

Mr. Smith asked the Board if they would share with the residents what the five items were that Mr. Kobularcik requested to discuss with the Board.

Mr. Vinsko listed the items:

1. Access to the remaining property through the area of condemnation
2. Public sewer and the revision to the current BC Twp Act 537 plan
3. Public Water
4. The current PRD ordinance
5. Open Space and Recreation requirements of the Township

Mr. Smith also asked Attorney Vinsko if the Development Agreement approved by the township impeded the Harris family's current access to the property. Mr. Vinsko replied that it did not.

Hillcrest Road Right of Way- Attorney Vinsko stated that once Mr. & Mrs. Hrabousky are comfortable with the survey, they may landscape up to the mailbox. Mrs. Hrabousky stated that its not that they are not satisfied with their survey, but the fact that certain people keep telling them that the right of way is usable by fellow neighbors and they can't do anything about this. Mr. Zingaretti said he felt that there were two issues.

The first being whether 50 or 100 feet is appropriate. That being an issue the Board would have to take up separately. Regardless of whether anything is done with the right of way, the area that the Board has been shown that would be landscaped would mostly be within the 50 feet. If the Hrabousky's are comfortable that the deed/survey is correct and they have the appropriate line, they can landscape; it is their property. This is not the townships property, it is a right of way and if the township needs to use it, they can. Mr. Zingaretti advised that they keep in mind that the closer you landscape to the road; the more likely it would be that the landscaping could be damaged by a snow plow. The second issue seems to be an issue between neighbors.

Crossin Insurance Issue-Ms Wasilewski asked Attorney Vinsko if they he had heard anything from Crossin Insurance concerning information that was sent to them regarding a possible claim. Attorney Vinsko stated that he had sent copies of the faxes sent and will follow up on the matter.

Roger Southward- Asked if there were any other legal cases or suits pending. Attorney Vinsko responded that the only other matter out there that hasn't been discussed recently is Energy Unlimited, but that is currently at a stand still. Another resident asked what the status of the Benkoski case is and Attorney Vinsko replied that it had been resolved.

OLD BUSINESS:

Street light request- A request was made for a street light Fairway Drive and Golf Course Road. This light has been installed.

Street light request- There was also a request for a light at the cul d' sac at the end of Pike Road. The paperwork for this was been submitted to PPL on October 6.

Mr. Zingaretti also stated that nothing has been resolved yet with the light request on Thornhurst Road.

Ridge Road-issue has been tabled due to the work that is happening on this road and there was also conflict because some residents wanted it changed to one way and others opposed this idea.

PUBLIC COMMENT; None

A motion was made by Mr. Slusser to adjourn the meeting, seconded by Mr. Masi. Vote: unanimous yes.

Respectfully submitted,

Paula Weihbrecht, Secretary

The regular meeting of the Bear Creek Township Board of Supervisors was held at the Municipal Building at 3333 Bear Creek Blvd. Chairman Zingaretti called the meeting to order. Roll was called. Mr. Masi, Ms Wasilewski and Mr. Zingaretti were present. Mr. Slusser was absent. Mrs. Koval arrived late. The salute to the flag followed.

Mr. Zingaretti announced that the December 7, 2009 Supervisors meeting has been moved to Tuesday, December 1, 2009 at 7:00 PM. The proposed 2010 Budget will be presented at this meeting. He also announced that a meeting will be held on December 21, 2009 to take public comment on the budget. Meeting dates will be advertised as required by law.

Joe Durkin and Jeremy Nelson, representatives from Reilly Engineering were present. Reilly Engineering is the firm working on our Act 537 Plan which is a waste water collection plan as mandated by DEP. Reilly has some preliminary information and is here to give an overview as to where we are in the process.

Jeremy Nelson spoke on behalf of Reilly Associates. He stated that he planned on giving an update of what is happening now and also discussing preliminary cost for the Act 537 Plan. He explained that PA DEP has ordered Bear Creek Township to provide an Act 537 Sewage Facilities Plan that provides Central Sewage Collection, Treatment and Disposal for Study Areas 1 and 2.

Study area 1 consists of the Llewellyn Corners, SR 115, and the Pittston Blvd. area.

Study are 2 consists of Trailwood, Forest Park, Country Club Estates and SR 115.

PA DEP regulations require that the Act 537 Plan evaluate all technically feasible alternatives for Sewage Treatment and Disposal, including land application alternatives. The most cost effective, technically feasible alternative should be selected. The cost effectiveness analysis evaluates both the initial capital projects costs and the annual operation and maintenance costs for each alternatives and determines a Total Present Worth Cost for each alternative

Of the 5 alternatives evaluated, Alternative 1, connection to WYSA via Plains Township, is the lowest cost alternative. Refer to informational package presented by Reilly for Alternative costs and descriptions.

Questions from Public:

Jim Smith: What is the exact number of households which will be included in the plan?

Jeremy Nelson: Estimates were based on general numbers, the exact number will be provided in the final Act 537 plan.

Jim Smith: Will there be a sewer authority formed?

Bill Vinsko: For now the Board has decided not to form a sewer authority. It may be considered in the future, however, the Board wants to continue to manage through design and construction.

Jim Smith: Are nutrient credits part of the cost estimates for the alternatives?

Jeremy Nelson: Yes.

Ted Carl: Is land available for the options which will require open space?

Jeremy Nelson: Not determined yet.

Ted Carl: Are alternatives being prepared with future growth in mind?

Jeremy Nelson: Yes. System design will be able to handle day to day flow and margin to accommodate a certain amount of growth.

Roger Southward: Is the Charter School part of the plan?

Jeremy Nelson: The Charter School flow was part of the calculations for flow.

Mark Petlock: Will new hookups after the construction be responsible to bear the costs that the original customer would?

Jeremy Nelson: Those types of charges are typically determined by the sewer authority or the controlling entity of that time.

Joanne English: Newspaper articles suggest that there are no grants for sewers.

Gary Zingaretti: Heard at recent meetings at Musto's office that there are grants available. However, amount of grants and loans is usually set by a formula based on affordability.

Bob Turinski: Did the estimated cost take in account the rock cuts that would need to be made?

Jeremy Nelson: Yes.

Tom Posluszny: For the options which discharge into the seven tubs are; are there special provisions?

Jeremy: The seven tubs is not special in itself. The discharge will need to meet the standards set to discharge into the watershed area that the tubs drain into.

Mark Petlock: Has the final cost to the home owners been determined?

Gary Zingaretti: Not as of yet. It will be a result of the amount of the loans and grants which will offset the cost of design and construction.

Bob Turinski: Will a private contractor be required to make the connection from the home to the sewer?

Jeremy Nelson: Final connections are typically the responsibility of the homeowner.

Joanne English: Is Hillcrest Road included?

Jeremy Nelson: Yes. From a construction and permit standpoint, using Hillcrest Road versus Route 115 will be easier.

Roger Southward: Are the commercial properties (mini mart, PennDot and gas stations) included in the plan?

Jeremy Nelson: Yes.

Speaker not identified: Will Plains Township charge us a pass through fee?

Jeremy Nelson: Yes.

Bonnie Wasilewski: What is the maximum distance between the home and sewer line that will require hookup?

Jeremy Nelson: 150 feet.

F. Liem Comment: Her residence at Penn Lake did not see the monetary benefits of having more users added to the system.

John Fazzi Sr. Comment: Does not believe sewers are needed in the township; requests that the supervisors fight the movement to install sewers. Sewers will be a financial burden that many residents will not be able to afford.

Jim Smith: When will the Act 537 be completed?

Jeremy Nelson: 4-6 months, by the time all approvals have been obtained.

Discussion continued.

Mr. Zingaretti then thanked Mr. Nelson and the regular portion of the monthly supervisors meeting began.

MINUTES: Minutes from the October 13, 2009 meeting were reviewed and a motion was made by Ms Wasilewski to accept, seconded by Mrs. Koval. Vote: unanimous yes.

The treasurer's report for October 2009 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of October was \$32121.86. Motion to approve the October receipts, subject to audit was put on hold until the December meeting.

DISBURSEMENTS: Expenses for the month of October were \$50540.84. Motion to approve the disbursements was put on hold until the December meeting.

FIRE DEPT REPORT: 9 Calls for the month of October 2009 were reported: 3 motor vehicle accidents, 1 tree/wire down, 2 activated alarms, and 3 assists.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of October 2009 production was 5641M Wh, site availability was 95%.

ZONING OFFICER'S REPORT: Mr. Andrews' reported for the month of October that there were 14 contractor's licenses, 12 building permits, 3 occupancy/demolition permits, 1 zoning permit and 4 hearing/other fees for a total of \$2858.00. BIU fees collected for the month were \$108.00.

ROAD MASTER REPORT: Mrs. Koval reported the road crew took care of the recycling, winterized the pavilion, antiskid was delivered and put away, grass was cut and shop work done. Trees and branches were removed from the roads as needed, plows were tested and readied, and the mowers put away. Signs were replaced, ditches cleaned and muni building lights and exit signs replaced and repaired.

Mrs. Koval is still working to find a resolution to the problems with Weiss Road at White Haven Pocono. She also said that no payment has been made to Slusser Brothers for the paving project and won't be made until the remaining issues from the punch list are resolved.

Roger Southward questioned the recent increase in taxes and asked if that money was to be used to pave roads. Mr. Zingaretti responded that a portion of the tax money was for this purpose. He further explained that we are in the process of the 2010 budget development. Between now and December 1st the roads will be prioritized and the 2010 budget will include any capital projects that will be done next year.

Mr. Southward asked if there would be public input allowed. Mr. Zingaretti explained that the budget would be available for public inspection and would take public input.

Mr. Southward also voiced his concerns about the roads in Laurel Brook needing repair.

Jim Smith informed the Board that he believes it has been about 10 years since East End Blvd has been paved. Ed Jasulevicz commented that he believes that the roads in Laurel Brook are much wider than the average road in the township. He believes that if repaving is done in Laurel Brook, the roads should be redone to a manageable size.

Discussion continued.

OPEN RECORDS REPORT: Mr. Masi reported one request was received and a time extension was requested so necessary information could be gathered.

PLANNING BOARD RECOMMENDATIONS: None.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini litigation- Insurance company has requested documentation concerning damages. These have not yet been provided.

Aqua PA-Is in discovery stage; complaint has been answered.

Development Agreement-Harris family has retained counsel. 30 day extension to respond has been requested. The Harris family has backed out of the sales agreement. Counsel for the Harris' have asked that this be resolved outside of litigation.

Crossin Insurance Issue-Information for Benkoski matter will be submitted by Crossin to the insurance company. Frank Crossin did not indicate if he did or did not receive the fax back in 2006 but he is working on the matter.

OLD BUSINESS:

Multiscape Issue- Must be addressed by end of next month. The township will have to either sign off on this or take action to enforce what was started.

NEW BUSINESS:

Gaming Grants- December 31st is the deadline for submitting for these grants. DCED helped with the framework in choosing projects to submit.

PUBLIC COMMENT:

Bob Turinski- Lives across the street from Trailwood Park and wants to know if the Board can do anything about the noise, trespassing and general problems that have been occurring there in the evenings. Mr. Masi suggested a gate at the entrance. The Board will discuss.

A motion was made by Mrs. Koval to adjourn the meeting, seconded by Ms Wasilewski.
Vote: unanimous yes.

Respectfully submitted,

Paula Weihbrecht, Secretary

The regular meeting of the Bear Creek Township Board of Supervisors was held at the Municipal Building at 3333 Bear Creek Blvd. Chairman Zingaretti called the meeting to order. Roll was called. Mr. Slusser, Mr. Masi, Mrs. Koval and Mr. Zingaretti were present. Ms Wasilewski was absent. The salute to the flag followed.

MINUTES: Minutes from the November 9, 2009 meeting were reviewed and a motion was made by Mrs. Koval to accept, seconded by Mr. Masi. Vote: unanimous yes.

MINUTES: Minutes from the September 29, 2009 Special meeting were reviewed and a motion was made by Mr. Slusser to accept, seconded by Mr. Masi. Vote: unanimous yes.

The treasurer's report for November 2009 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of November was \$88,235.43. Motion to approve the November receipts, subject to audit was made by Mr. Slusser, seconded by Mrs. Koval. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of November were \$291,324.10. Motion to approve was made by Mr. Masi, seconded by Mrs. Koval. Vote: unanimous yes.

Mr. Zingaretti reminded everyone that the Receipts and Disbursements were on hold from the previous meeting because the Monthly Check Report was missing from the meeting handouts. The receipts and disbursements for October were then presented.

RECEIPTS: Income for the month of October was \$32,121.86. Motion to approve the October receipts, subject to audit was made by Mr. Slusser, seconded by Mr. Masi. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of October were \$50,540.84. Motion to approve the disbursements was made by Mr. Slusser, seconded by Mrs. Koval. Vote: unanimous yes.

FIRE DEPT REPORT: 12 Calls for the month of November 2009 were reported: 5 motor vehicle accidents, 1 tree/wire down, 2 activated alarms, 3 vehicle fires and 1 assist.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of November 2009 production was 5323M Wh, site availability was 93%.

ZONING OFFICER'S REPORT: Mr. Andrews' reported for the month of November that there were 3 contractor's licenses, 3 building permits, 2 occupancy/demolition permits, and 2 zoning permits for a total of \$1,020.00. BIU fees collected for the month were \$2,823.62.

ROAD MASTER REPORT: Mrs. Koval reported the road crew took care of the recycling, set up for election day, winterized the pavilion and firehouse at White Haven Pocono, removed picnic tables from Trailwood, shop work done, trees and branches were

removed from the roads as needed, work was done on ditches and culverts, downed stop signs were fixed and the Christmas lights hung on the Municipal Building.

Mrs. Koval also reported on GEO COMM seeking more help in addressing some properties and she is continuing to work with Slusser Brothers in getting the paving project completed.

OPEN RECORDS REPORT: Mr. Masi reported that the request from last month is still open. All requested records are ready but the party requesting the information has not yet paid the fee for processing and copying the documents. Once the fee is received, the information will be released.

PLANNING BOARD RECOMMENDATIONS: None.

Mr. Zingaretti announced that the Board has received the resignations of Joe Yenchik, chairman of the Planning Board and Denise Clark, secretary of the Planning Board. Mr. Zingaretti also stated that another Planning Board member had resigned earlier in the year and that all three positions would need to be filled. Mrs. Koval and Rose Andrews both expressed what a loss this is for the township.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini litigation- There has been an exchange of correspondence with the insurance company. Insurance counsel is trying to negotiate with Concini's counsel. The township portion is currently in a holding pattern.

Aqua PA- No change. They have not refilled their complaint as of yet.

Development Agreement-Harris family has retained Hourigan, Kluger and Quinn, specifically Attorney Bishop, as counsel. Attorneys Vinsko and Van Loon have met with Attorney Bishop and have his preliminary objections. Responses are due on December 6th. Attorney Vinsko has been in touch with Rosenn, Jenkins and Greenwald to work on a collaborative response. An extension may be sought because of additional information that is needed. Attorney Bishop has sought a second meeting looking to resolve the matter ahead of time. After the preliminary objections are ruled upon, there will be a hearing on the actual case.

OLD BUSINESS:

Multiscape Issue- Discussion was held among the Board members and Attorney Vinsko who advised them of the different options available to resolving this issue. Multiscape is seeking final payment of \$11,500.00 for construction of the pavilion. The Board believes that all the work may finally be completed but wants to know if Multiscape is in violation of the contract since the project was to be completed by the end of 2005. Mr. Zingaretti suggested an executive session be scheduled so this can be discussed further. Attorney Vinsko suggested this matter be discussed with counsel for Multiscape.

Act 537- Mr. Zingaretti again reviewed the options that were presented by Reilly Associates at the November 9th meeting.

Roger Southward questioned if it were a law that a residence that is further than 150 feet from the sewers do not have to hook up to the system. Mr. Zingaretti said that this is stated in second class township code.

ORDINANCES AND RESOLUTIONS:

Resolution 23-2009-A resolution authorizing Reilly associates to proceed with investigating and preparing Option 1 for the Act 537 Plan.

A brief discussion followed.

A motion to approve Resolution 23-2009 was made by Mr. Slusser, seconded by Mr. Masi. Vote: unanimous yes.

2010 Budget Presentation

Mr. Zingaretti read the proposed budget for 2010. (A narrative will be attached to the minutes) Mr. Zingaretti informed the audience that a public meeting will be held on December 21, 2009 at 7:00 PM to receive public comment and vote on the proposed budget.

Mr. Zingaretti also reminded everyone that the first meeting of the year will be held on Monday, January 4, 2010 at 7:00 PM.

PUBLIC COMMENT; None

A motion was made by Mr. Slusser to adjourn the meeting, seconded by Mrs. Koval. Vote: unanimous yes.

Respectfully submitted,

Paula Weihbrecht, Secretary