

Special Supervisor Meeting

A special meeting of the Bear Creek Township Board of Supervisors was called to order August 18, 2006 at 4:30pm regarding pending legal issues with a motion by Ms. Wasilewski and second by Mrs. Koval. Mr. Slusser was not in attendance.

Agenda Items:

- To appeal an order dated August 11, 2006 by Judge Conahan regarding Energy Unlimited and Pennsylvania Wind Power Inc. appellants vs Board of Supervisors of Bear Creek Township appellee No 5880 of 2006.

A motion was made by Ms. Wasilewski and second by Mrs. Koval to appeal to the Commonwealth Court.

Ms. Wasilewski yes, Mrs. Koval yes, Mr. Slusser absent.

- Formal motion to appeal to the Commonwealth Court the local courts decision of June 19, 2006 by Judge Toole regarding Benkoski vs the Township of Bear Creek No 5532 of 2006 to appeal to the Commonwealth court.

A motion was by Ms. Wasilewski and second by Mrs. Koval to appeal to the Commonwealth Court.

Ms. Wasilewski yes, Mrs. Koval yes, Mr. Slusser absent.

Public comments:

- Mr. Ted Carl spoke on the cost of the appeal and duration.
- Willard Kresge asked if this was the desire of the residents of Bear Creek Township.
- Rose Andrews asked what would happen if we did not appeal the decision of the court.

Attorney William Vinsko's remarks to the public:

The filing fee itself would be \$100 while the attorney fee is based on a standard hourly rate of \$90. To prepare for the appeal, is the Notice of Appeal, filing for request of Transcript to be transcribed, and request the Court Order in this order. Then we file a brief in Commonwealth court and an argument schedule. There would be one argument and then the decision. The duration of the effort could take up to six months depending on the court scheduling. An expedited decision would have to show good cause for a decision. Any action involving a Governmental Entity or orchestrated body has to be appealed to the Commonwealth court. Anything governmental goes to the Commonwealth Court and anything non governmental goes to the Superior court.

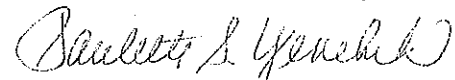
Chairperson Wasilewski remarked that the Board of Supervisors was acting in the best interest of the residents of Bear Creek Township and would proceed with the appeal to the Commonwealth Court. This appeal is based on whether or not the board acted correctly in making their decision. Attorney Vinsko informed the public that yes the board has the right to make that decision.

Attorney Vinsko remarked that we are filing the Appeal on the Judge's decision and if we do not file the Appeal, Energy Unlimited would have approval for the first 25 windmills under the plan of 2005.

Chairperson Wasilewski stated a motion was passed in July 2006 to hire a professional to assist when needed to aid the Board of Supervisors and their legal staff. The previous Board of Supervisors has hired additional expert legal help to assist them in the past. Attorney Donald Karpowich has 10 years experience in the area of Zoning and Environmental Law and would be an asset to the township and to Attorney Vinsko by being available to assist the Township during the next course of action.

A motion to adjourn the meeting at 4:55pm was made by Ms. Wasilewski and second by Mrs. Koval.

Respectfully submitted by



Paulette S. Yenchik

Secretary of the Board of Supervisors