

MARCH 3, 2008

MONTHLY SUPERVISOR'S MEETING

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

MINUTES: Motion was made by Ms. Wasilewski to accept the minutes of the February 11, 2008 meeting, seconded by Mrs. Koval. Vote: unanimous yes.

Treasurers Report was read by Mr. Zingaretti.

Revision was made to January receipts shown on the Statement of Cash Flow. This corrected an error which occurred in the development of the new format for the Treasurer's Report.

REVISED RECEIPTS OF JANUARY 2008: Motion to accept made by Ms. Wasilewski, seconded by Mrs. Koval. Vote: unanimous yes.

RECEIPTS: motion was made by Ms. Wasilewski to approve the February 2008 receipts, subject to audit, seconded by Mrs. Koval. Vote: unanimous yes.

DISBURSEMENTS: motion was made by Ms. Wasilewski to approve the February 2008 disbursements, seconded by Mrs. Koval. Vote: unanimous yes.

Wind Farm: Todd Soliday of the Bald Mountain Wind Farm gave a statistics report for the month February 2008. Mr. Soliday answered questions from members of the audience concerning any problems with and the maintenance of the turbines.

ZONING OFFICER'S REPORT: Mr. Andrews, Code Officer reported 3 Contractor's Licenses, 1 Building Permit, 1 Zoning book, and 1 Certificate of Occupancy for a total of \$520.00 for the month of February.

ROAD MASTER REPORT: Mrs. Koval reported that crews were out in February plowing and cindering. She reported that there was a light pole down in Laurel Brook that PP&L will repair. She also suggested that all the light poles be inspected for safety. She also commented on the work being done in Laurel Brook and the run off problem on Swanson Road. Signs were put up on Ridge Rd after the last Supervisors meeting to slow traffic down. Attorney Vinsko informed the Supervisors that the Board has the authorization to change Ridge Rd to a one-way but PennDot would need to be consulted because the traffic flows out onto Rte 115 and studies would most likely need to be done. Mr. Zingaretti stated that no changes would be made without public input.

OLD BUSINESS:

Mr. Zingaretti gave information pertaining to Property Tax Rebates, Property Tax Relief, and IRS Stimulus Payment.

March 31, 2008 had been set as the deadline for any requests for changes to the Zoning Ordinances or Zoning Maps.

Gaming Grant Update: after resubmitting our plans Bear Creek Twp. has been told that they are on the list for consideration for funding for the Culvert replacement project at Old East End Blvd.

Reminder to residents of the Fishing Derby on April 12, 2008 for children 15 and under at Trailwood pond.

Thank you to all involved in the Panattieri Family fundraiser held on March 1, 2008, it was a huge success.

Mrs. Koval reported that she has again contacted Luzerne County concerning the Gypsy Moth Spraying and was told that there may be cut backs in the areas to be sprayed. She was told that we would not know anything until Wednesday (March 5, 2008).

NEW BUSINESS:

Bear Creek Community Easter Egg Hunt is to be held on March 15, 2008 from 11-1pm. weather permitting, at the recreation park for children 11 and under.

Casino Countryside Motel: Mr. Masi had concerns about incidents that have occurred at the motel and inquired if there is any action the township can take to prevent any other incidents from occurring.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Act 537 meeting between the Board of Supervisors and DEP was cancelled by DEP and will be rescheduled for the third week of March

Energy Unlimited lawsuit: township has not yet been served. Township was only aware of pending suit from an article in the newspaper. Energy Unlimited is asking the courts to compel the planning commission to entertain the same plan that was struck down by the Commonwealth Court.

Local Ordinance for traffic violations: draft should be ready for the April Supervisors Meeting.

Swanson Road Lawsuit: suit from 2003 between Bear Creek Township and American Asphalt. Township paid approx. \$30,000 to American Asphalt, Bear Creek Township in turned filed suit against the engineer and the surveyor. We will soon be entering the discovery stage of this proceeding which means the township must consider hiring a consultant and will also incur additional legal fees. These fees would likely

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exceed the amount which could be won at trial. Mr. Masi asked if the legal and consulting fees would be recoverable if we won, and Mr. Vinsko indicated they are not. It is Attorney Vinsko's recommendation that it would be in the best interest of the township to drop this suit.

Tower Inspection: Information request to Energy Unlimited in regard to anemometer towers in Crystal Lake area. To date there has been no response. Appropriate actions will be taken. Attorney Vinsko will also evaluate the Township's rights to request inspections of all other towers in the Township, and to obtain copies of such inspections.

Laurel Brook Estates: Correspondence and phone calls to 1 800 The Land have not been returned. Attorney Vinsko will visit their office to obtain information in regards to the work that is being preformed.

Aqua Pennsylvania: has submitted a conditional use application and it was determined that they must go before the zoning hearing board. They still have not obtained their DEP permit for their initial land use application and an extension may be necessary. Attorney Vinsko also noted that many residents of the Trailwood area are engaging private counsel and ignoring the 45 day period in which to sign on for water service.

PUBLIC COMMENT:

Patricia Moore: discussed minutes of PennDot Aqua Pa meeting and concerns about plans and time frame of project. She also had concerns about the roads and if they will be damaged during the project and what can be done to make sure they will be repaired if they are damaged. Discussion followed. Patricia Moore also asked for an update on recycling in the township. Mrs. Koval said she was waiting for the rest of the information from Monroe County. Discussion followed.

Roger Southward: Asked the Board to keep the Laurel Brook new construction issue on the agenda until issues are resolved. Mr. Southward also had concerns about the traffic ordinances and also asked about franchise income in the township. Mr. Southward volunteered his service if the Township were to initiate an audit of Service Electric's franchise fee. Mr. Southward was asked about the our right to charge franchise fees for broadband, voice over internet, water utilities and electric utilities and was advised that local municipalities are not allowed to charge such fees to state regulated utilities.

Motion made by Ms. Wasilewski to adjourn meeting, seconded by Mr. Masi. All were in favor.

Respectfully submitted,

Paula Weihbrecht
Secretary