

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