

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. Smith, Mr. Masi, Ms Wasilewski, Mrs. Koval and Mr. Zingaretti were present. The salute to the flag followed.

MINUTES: Minutes from the December 1, 2009 meeting were reviewed and a motion was made by Mrs. Koval to accept, seconded by Mr. Masi. Vote: Mr. Smith, yes; Mr. Masi, yes; Ms Wasilewski, abstain; Mrs. Koval, yes; and Mr. Zingaretti, yes.

MINUTES: Minutes from the December 21, 2009 Special meeting concerning the 2010 budget were reviewed and a motion was made by Mr. Masi to accept, seconded by Mrs. Koval. Vote: unanimous yes.

Mr. Zingaretti informed the audience that an executive session of the board had been held on December 7, 2009 to discuss matters of litigation.

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

RECEIPTS: Income for the month of December was \$141,504.28. Motion to approve the December receipts, subject to audit was made by Mrs. Koval, seconded by Mr. Masi. Vote: Mr. Smith, abstain; Mr. Masi, yes; Ms Wasilewski, yes; Mrs. Koval, yes; and Mr. Zingaretti, yes.

DISBURSEMENTS: Expenses for the month of December were \$56,690.31. Motion to approve, subject to audit was made by Mr. Masi, seconded by Mrs. Koval. Vote: Mr. Smith, no; Mr. Masi, yes; Ms Wasilewski, no; Mrs. Koval, yes; and Mr. Zingaretti, yes.

*Ms Wasilewski questioned a disbursement to H.A. Berkheimer in the amount of \$22,571.75. Mr. Zingaretti explained that this was for repayment of funds the township had received in error from Berkheimer for Per Capita Distribution. The township erroneously received funds meant for Bear Creek Village, Laflin Borough, and Wilkes-Barre School District. The check to repay this has been cut but not sent pending further information we requested from Berkheimer.

*Mr. Smith had concerns about the check already being cut when detailed information concerning the issue has not yet been received from Berkheimer.

*Mr. Zingaretti explained that we are on a modified cash basis of accounting and the recording of the payment requires the actual cutting of a check if we want this to show it in 2009.

Further discussion followed.

A motion was made by Ms Wasilewski to hold the check written to Berkheimer until the detailed information is received and distributed to all members of the Board. After review of the information, it will be brought up at the next Supervisors meeting to decide how the board should proceed. Seconded by Mr. Smith. Vote: unanimous yes.

FIRE DEPT REPORT: 17 Calls for the month of December 2009 were reported: 12 motor vehicle accidents, 2 tree/wire down, 2 structure fires and 1 assist.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of December 2009 production was 8703M Wh, site availability was 97%.

ZONING OFFICER'S REPORT: Mr. Andrews' reported for the month of December that there were 19 contractor's licenses, 2 building permits, and 1 occupancy/demolition permit for a total of \$2492.00.

ROAD MASTER REPORT: Mrs. Koval reported the road crew took care of the recycling, did shop work, removed trees and branches from the roads as needed, plowed snow, and put together listing of all road signs in the township.

Roger Southward had concerns that the road crew was not plowing close enough to his mailbox.

OPEN RECORDS REPORT: Mr. Masi reported that no new open records requests were received in December.

PLANNING BOARD RECOMMENDATIONS: None.

ORDINANCES AND RESOLUTIONS:

Resolution 1-2010- A resolution establishing the Bear Creek Township fee schedule for 2010. A motion to accept was made by Ms Wasilewski, seconded by Mrs. Koval. Vote: unanimous yes.

Resolution 2-2010- A resolution establishing the Bear Creek Township Uniform Construction Code fee schedule for 2010. A motion to accept was made by Ms Wasilewski, seconded by Mrs. Koval. Vote: unanimous yes.

Resolution 3-2010- A resolution authorizing the advertisement for a Certified Public Accountant to prepare the 2009 audit. A motion to accept was made by Mr. Smith, seconded by Ms Wasilewski. Vote: unanimous yes.

Resolution 4-2010- A resolution extending the contract with Building Inspection Underwriters to December 31, 2010 as third party administrator of the Uniform Construction Code. A motion to accept was made by Ms Wasilewski, seconded by Mr. Masi. Vote: unanimous yes.

Resolution 5-2010- A resolution authorizing the Board of Supervisors to enter into an agreement with Berkheimer for the collection of the Bear Creek Township earned income tax. A motion to accept was made by Mr. Smith, seconded by Mr. Masi. Vote: unanimous yes.

Resolution 6-2010- A resolution authorizing the donation of ten thousand dollars (\$10,000) towards the Route 115 Safety Corridor Project. A motion to accept was made by Mr. Smith, seconded by Mr. Masi. Vote: unanimous yes.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini litigation- In a holding pattern for the township but not for the insurance company. The insurance companies are still battling with the Concini counsel over dollar figures. We won't be doing anything until they work out their issues.

Aqua PA- Received an amended complaint somewhere around August because we moved to strike their initial complaint. They gave us a copy of the amended complaint but never filed it. At this point we are in a holding pattern and exploring the potential to strike all of their pleadings for lack of service and lack of action on it.

Development Agreement- Received contact from Attorney Bishop. He has met with the Harris family and they have a list of questions that would like presented to the Board. They also asked that Mr. Kobularcik from Metropolitan Development be a part of the development process. After the preliminary objection stage, it will move to the compensation stage.

Crossin/Timecard matter- It has been our understanding that the Crossin Agency is supposed to be covering the amount paid out for the Benkoski time card issue.

OLD BUSINESS:

Zoning Maps-Issue has been out there for some time now. Last week we received an inquiry from a resident as to when we will get to it. Mr. Zingaretti would like the Board to consider having this be the first issue we hand off to our new engineer.

Ms Wasilewski made a motion that the Board hand the Zoning Project over for a cost quote to Pennoni Associates, seconded by Mr. Masi. Vote: unanimous yes.

CORRESPONDENCE/NEW BUSINESS:

Lions Club Request- would like to build a storage area in the breezeway between the two buildings. Would encompass one side of the breezeway, blend in with the building and would not inhibit any entrances. There would be no cost to the township.

Mrs. Koval made a motion to grant the initial inquiry and authorize the Lions Club to proceed with what it needs to prepare to make a formal submission to the Board, seconded by Mr. Masi. Vote: Mr. Smith, yes; Mr. Masi, yes; Ms Wasilewski, no; Mrs. Koval, yes and Mr. Zingaretti, yes.

*Ms Wasilewski stated that with all the conflicts going on between the Ambulance and the Lions Club, she feels the Lions Club is a private organization, it's not financed by the Township and is not part of the Township, so she votes no.

Mr. Zingaretti announced that our recycling center will be accepting Christmas trees for recycling during the month of January.

Ms Wasilewski discussed the potential loss of budgeted state monies for reimbursement of Act 537 expenses. She feels we need to respond to state legislators concerning this issue. Discussion followed.

PUBLIC COMMENT:

Mr. Michael Murphy addressed the Board concerning Act 537 and said he and his wife would like to donate land that may be of use in bringing the project to fruition.

Mr. Zingaretti thanked Mr. Murphy and told him the township would be in touch if the property should indeed be useful to the project.

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

Respectfully submitted,

Paula Weihbrecht, Secretary