

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

MINUTES: Minutes from the May 3, 2010 regular meeting were reviewed and a motion was made by Ms Wasilewski to accept, seconded by Mrs. Koval. Vote: unanimous yes. Mr. Zingaretti asked that the Insurance quote from Brown & Brown be included with the May 2010 minutes.

MINUTES: Minutes from the May 20, 2010 work session were reviewed and a motion was made by Mrs. Koval to accept, seconded by Ms Wasilewski. Vote: Ms Wasilewski, yes; Mrs. Koval, yes; Mr. Zingaretti, abstained.

The treasurer's report for May 2010 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of May was \$114,374.90. Motion to approve the receipts, subject to audit was made by Ms Wasilewski, seconded by Mrs. Koval. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of May were \$35,205.03. Motion to approve, subject to audit was made by Mrs. Koval, seconded by Ms Wasilewski. Vote: unanimous yes.

Ms. Wasilewski questioned the electric bill for the park. She stated that it is already over budget for the year. Mr. Zingaretti felt that it may just be a classification issue and we will take a look at it and adjust it as needed.

FIRE DEPT REPORT: 9 Calls for the month of May 2010 were reported: 4 motor vehicle accidents, 2 activated alarms, 1 brush fire, 1 wire down and 1 assist.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of May 2010 production was 4734M Wh, site availability was 88%.

Ms Wasilewski asked what the outcome was from the inspection at the wind farm regarding the turbine replacement work. Mr. Zingaretti responded that the question was whether or not we should be getting a permit fee when new blades are put up or when a new generation unit is put in. BIU went with the understanding that they are exempt from local permits. Mrs. Koval stated that they are only exempt if they are a utility, if they are not the actual utility they need to obtain the required permits. Attorney Vinsko confirmed that the Babcock and Brown, the owner of the wind farm is not a utility and should be paying the required fees for permits. He also stated that a notice from BIU has to be sent to Babcock and Brown and copied to Todd who is the local rep for the wind farm informing them that local fees are due and also look into if a fine will be attached for failure to have proper permits and inspections.

ZONING OFFICER'S REPORT: For the month of May there were 4 contractor's licenses, 3 building permits and 4 occupancy permits for a total of \$790.00.

ROAD MASTER REPORT: Mrs. Koval reported that the road crew took care of the weekly recycling, maintained the pavilion and rec fields, did shop work, worked on vehicles, picked up the new mowers, installed new signs, patched pot holes, received the voting machines, cleared ditches, cut grass and made a new gate for the mower trailer.

OPEN RECORDS REPORT: The secretary reported that there were no new or outstanding requests.

PLANNING BOARD RECOMMENDATIONS: None.

ORDINANCES AND RESOLUTIONS:

Electricity Choice-Put on hold until next meeting

Resolution 18-2010-is a resolution authorizing Pennoni & Associates to commence work on the zoning map changes for Bear Creek Township for a cost not to exceed \$2000.00 . A motion to approve was made by Ms Wasilewski, seconded by Mrs. Koval. Vote: unanimous yes.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini litigation- He has met with Attorney Dougherty for the insurance company. Updates will be discussed at an executive session.

Aqua PA- A lawsuit was received about 10 days ago against the Board of Supervisors and the late Mr. Andrews. The initial suit filed was a mandamus action asking the court to force us to give them a permit and have them pay only \$1000.00. With the new lawsuit they are saying the township ordinance and fees are excessive.

Development Agreement- A hearing has been set for June 18, 2010 at 1:00 PM before Judge VanJura. Request for admissions answers have been circulated and they will be submitted tomorrow.

Multiscape- Pavilion issues will be discussed at an executive session.

Lions Club Storage Shed- Attorney Vinsko went over the agreement that would be between the Lions Club and the township concerning the storage shed the Lions Club will have erected on township property. Discussion followed.

Resolution 19, 2010- is a resolution authorizing execution of lease for storage facility with the Bear Creek Buck Township Lions Club. A motion to approve was made

by Mrs. Koval, seconded by Mr. Zingaretti. Vote: Ms Wasilewski, no; Mrs. Koval, yes; Mr. Zingaretti, yes.

OLD BUSINESS:

Zoning Officer Vacancy - The township has received between 8 and 10 resumes for the position. Interviews will be scheduled.

New insurance - it was suggested that the township look into the cost difference if it were to carry a higher deductible, the difference was approximately \$110. The deductible will not be changed. A list was also submitted to the Board from Brown & Brown Insurance listing all the local municipalities using EMCASCO as their insurance carriers.

Street Light Request-Messages have been left with PPL again requesting a street light on Thornhurst Road.

Route 115 Safety Corridor/Grant Application- Mr. Zingaretti said that it is still expected that the award announcement will be made in June.

Crossin Issue - the township still has not received the check from Crossin Insurance. Attorney Vinsko has sent a letter and will follow up.

Hillcrest Road Right of Way- The Board is currently waiting on a quote from Pennoni Associates as to what it will cost to vacate our 50 foot right of way down to a 25 foot right of way.

2010 Paving Project-Pennoni is currently working on the specs for the roads in White Haven Pocono that are included in this years paving project.

Newsletter- The Board is in process of getting all submissions together.

Act 537-At a work session held in April the board had requested changes from our engineer to evaluate some of the areas not originally included in the court ordered sewer area. The engineer reworked the numbers to exclude these areas and this information will be included in what is presented to the public for their review and comment.

CORRESPONDENCE/NEW BUSINESS:

Flood Plain Ordinance Review- We received from Luzerne County a request for flood plain ordinance review. This is being done by the Department of Community and Economic Development in association with the State Association of Township Supervisors under Act 166 to unify the language relative to flood plain ordinances. The

township does have a flood plain ordinance in place included in our SALDO. We have been provided with 7 or 8 pages of suggested changes to our ordinance. We will need to update our ordinance with these changes in mind and get it back to them for review and then go through the normal ordinance process. Mr. Zingaretti has volunteered to merge the two documents.

Parking complaint at rec field- A letter was received from a township resident asking again if anything more could be done about the parking problems and safety concerns at the rec field. Ms Wasilewski asked if Mr. Masi had sent out a letter to all the coaches from baseball and soccer concerning the parking area. Mr. Zingaretti said he thought it had been done but would find out for sure. Mrs. Koval suggested that we allow only handicapped parking at the upper lot of the rec field.

Luzerne County Storm water management- Mr. Zingaretti asked if anyone from the Board was available to attend a meeting concerning storm water management or if we should see if someone from Pennoni's office would be attending.

Stimulus Money- during the month of May we received a letter about stimulus money available for vehicles including snow plows and dump trucks. Rural Utility Service was contacted by Mr. Zingaretti and we found out that Bear Creek Twp was above the threshold for the grant and would not be eligible for any money.

Reversal of Resolution 16-2007- Mr. Zingaretti called for a resolution reversing Resolution 16-2007 which denies access to the municipal building for political events. He feels that revenues are being lost by not have this facility available for candidates to rent. Mrs. Koval asked if this could be tabled until the next meeting so the Board could have time to review the issue.

PPL rate changes- Ms Wasilewski informed the public of an article that appeared in the newspaper concerning PPL rate hikes. She said that if anyone were interested that there would be a meeting open to the public at the Holiday Inn on June 14, 2010 at 2:00 PM.

PUBLIC COMMENT:

Willard Kresge- asked the Board about PennDOT's decision to make Route 115 one lane both north and southbound in the township. Mr. Zingaretti explained that the Board has no input prior to the announcement by PennDOT and suggests that anyone dissatisfied with their decision should write letters to PennDOT.

Several members of the Board attended the meeting in Dunmore with PennDOT when the announcement was made concerning the change. Ms Wasilewski voiced her concerns after PennDOT announced their plan stating that the proposed change will cause more problems, especially with the winter weather.

Numerous residents voiced their disagreement with PennDOTs decision. Henry D'Amato also spoke of the concerns Ms Wasilewski raised regarding the exit ramp off of the turnpike to go south. He said he is in agreement that something needs to be done to get the traffic coming off the turnpike to stop before it merges with traffic on Route 115. There have been many near accidents with drivers not yielding to the oncoming traffic after exiting the turnpike. Discussion followed.

A meeting presenting the Act 537 Plan will be held on Thursday June 24th at 6:00 PM.

Next regular meeting of the Board of Supervisors will be on Tuesday, July 6th at 7:00 PM at the Meadow Run/Mountain Lake Community House.

A motion to adjourn was made by Ms Wasilewski, seconded by Mrs. Koval. All were in favor.

Respectfully submitted,

Paula Weihbrecht, Secretary