

The regular meeting of the Bear Creek Township Board of Supervisors was held at the Municipal Building, 3333 Bear Creek Blvd. Chairman Zingaretti called the meeting to order. Roll was called. Mr. Smith was absent. Mr. Masi, Mr. Popple, Mrs. Koval and Mr. Zingaretti were present. Pledge to the flag followed.

MINUTES: Minutes from the January 7, 2013 Reorganization Meeting were reviewed. A motion was made by Mr. Masi to approve the minutes, seconded by Mr. Popple. Vote: Unanimous yes.

MINUTES: Minutes from the January 7, 2013 Regular Meeting were reviewed. A motion was made by Mr. Masi to approve the minutes, seconded by Mr. Popple. Vote: Unanimous yes.

The treasurer's report for January 2013 was read by Mr. Zingaretti. Income for the month was \$65,500.00, approximately \$8000.00 more than anticipated, mainly due to the Earned Income Tax coming in higher than expected. Expenses for the month were about \$7000.00 under budget due to legal and engineering bills not being received yet.

RECEIPTS: Income for the month of January 2013 was \$65,503.75. A motion to approve the receipts, subject to audit was made by Mr. Popple, seconded by Mr. Masi. Vote: Unanimous yes.

DISBURSEMENTS: Expenses for the month of January 2013 were \$29,732.36. A motion was made by Mr. Popple to approve the disbursements, subject to audit, seconded by Mr. Masi. Vote: unanimous yes.

ZONING OFFICER'S REPORT:

Zoning and Code Enforcement Officer Fred Pape read the January 2013 zoning report, which included 1 contractor's license, 2 building permits and 1 certificate of occupancy for a total of \$270.00. There were no BIU fees collected for January.

FIRE DEPT REPORT: Mr. Zingaretti read the report for the month of January 2012; 9 motor vehicle accidents, 1 tree/wire down, 2 assist & searches, 1 fire investigation, and 1 water rescue for a total of 14 calls.

STATE POLICE REPORT: 2012 final report received showing 213 calls for the year. January 2013 report listed 16 calls for the month.

ACT 537 REPORT: No update.

RECYCLING REPORT: Recycling income for the year was \$4,285.00; expenses were \$4,955.00 making the net cost for the year just under \$700.00. Last year 55,000 lbs. of newspapers were recycled.

ROAD FINANCIAL REPORT: Mr. Zingaretti reported total expenditures for the month of January were \$15,130.00; budget was \$15,100.00. There was less payroll than expected but higher on fuel and heating oil.

There were three separate storms in January, plowing multiple days; generally the crew was out by 5:00 AM. When not plowing the crew was doing routine maintenance, started building picnic tables and repaired the water heater at the garage. There was one road complaint that came through the township office and it turned out to be a private road so there was no issue.

Laurel Brook Tarring: Project set for the Spring.

2010 Gaming Grant: Mr. Zingaretti received an email stating that we may pay the invoice for the work done on the culvert project. We will withhold 10% until the paving issue is addressed.

OPEN RECORDS REPORT: None

RESOLUTIONS AND ORDINANCES:

Franchise Agreement: Still waiting on a change in the language of the agreement before Resolution will be voted on.

BC Village Plowing Agreement: There are issues still pending concerning the dedication of the roads and if Bear Creek Village has approved the agreement. Once these issues are resolved the Board will move forward with this agreement.

PLANNING BOARD RECCOMENDATIONS: None

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini matters: Legal counsel for Concini's have withdrawn from the case citing no basis to proceed. Mr. Masi asked what happens when they come to us with problems after this is closed. Attorney Vinsko stated that we will be talking to insurance counsel on how to formally close the case so this cannot happen again. It has been determined that the problems that they are experiencing are not the result of actions by Bear Creek Township.

Aqua PA: Attorney Vinsko has been in touch with Tom Geroulo, the insurance litigation counsel. The issues were the interrogatories and there was a motion for summary

judgment filed by Aqua. There will be an executive session in the next few weeks to decide how to proceed.

Weiss Road Acquisition: The Board of View will inspect the road and set a date for the hearing.

Liem Litigation: We have received the Answer to New Matter and Attorney Vinsko has approved it with Attorney Murphy.

SBA Proposal: Attorney Vinsko will work with Mr. Zingaretti on this matter.

OLD BUSINESS:

Zoning Map Requests/Changes: No update.

Banking Issue: We have received information from Franklin Security Bank to see what options are available concerning the Township funds. We will gather more info from other institutions before making a decision.

CORRESPONDENCE/NEW BUSINESS:

PSATS Convention request: Mr. Zingaretti asked for a motion to approve the request to have Mrs. Koval attend the annual Convention. A motion was made by Mr. Popple, seconded by Mr. Masi. Vote: Unanimous yes.

PUBLIC COMMENT:

Mr. Rusinko: asked about the details of the SBA proposal and the Liem litigation issue. Mr. Zingaretti explained SBA manages two of the township's cell towers. They get carriers to attach and pay us a monthly fee. They send letters regularly offering a lump sum payment in lieu of the monthly payments. Most offers have been too low to consider. Mr. Zingaretti said if we were a cash strapped township, these offers may look attractive.

Attorney Vinsko explained that the Liem matter has to do with the outdoor wood burner issue. It went to the commonwealth court. The issue was not whether he could have it but if he could burn in the summer since the Zoning Ordinance put a time frame on it. The commonwealth court upheld the decision saying he could have it and could burn all summer because he was grandfathered since he had it before the ordinance.

The resident is still burning and the Liems say his burning is affecting them. In December the Liems filed a lawsuit against the neighbor burning and the township. The nature of the litigation is when the initial wood burning stove was placed, the township zoning officer received an application and permit request for a shed, allegedly. A wood burning stove goes in. No one appeals it or challenges it but in December they said we have to

revoke that permit. We don't believe we need to revoke it. This will probably end up a neighbor against neighbor issue and we will stay out of it.

A motion was made by Mr. Popple to adjourn the meeting, seconded by Mr. Masi. All were in favor.

Respectfully submitted,

Paula Weihbrecht, Secretary