

The January 3, 2017 meeting of the Bear Creek Township Board of Supervisors was held at the Municipal Building. Chairman Zingaretti called the meeting to order. Roll was called. Mr. Smith, Mr. Masi, Mr. Popple, Mrs. Koval and Mr. Zingaretti were present. Pledge to the flag followed.

Mr. Zingaretti announced that the first portion of the meeting would be the reorganization and no public comment would be taken during that time.

The following motions were made and seconded as follows:

**All positions were declared vacant.**

**Temporary Chairman:** motion made by Mr. Smith to appoint Mr. Masi-seconded by Mr. Zingaretti. Vote: unanimous yes.

**Temporary Secretary:** motion made by Mr. Zingaretti to appoint Paula Weihbrecht-seconded by Mr. Popple. Vote: Mr. Smith voted no. Mr. Masi, Mr. Popple, Mrs. Koval and Mr. Zingaretti voted yes.

**Chairman:** motion made by Mr. Popple to appoint Mr. Zingaretti-seconded by Mr. Smith. Vote: Unanimous yes.

**Vice Chairperson:** motion was made by Mr. Popple to appoint Mr. Masi, seconded by Mr. Zingaretti. Vote: Mr. Smith voted no. Mr. Masi, Mr. Popple, Mrs. Koval and Mr. Zingaretti voted yes.

**Roadmaster:** motion was made by Mr. Popple to appoint John Krumsky- seconded by Mr. Smith. Vote: Unanimous yes.

**Secretary/Treasurer:** motion was made by Mr. Zingaretti to appoint Paula Weihbrecht-seconded by Mr. Popple. Vote: unanimous yes.

**Open Records Officer:** motion was made by Mr. Smith to appoint Mr. Popple- seconded by Mr. Masi. Vote: unanimous yes.

**Zoning/Code Reports to:** motion was made by Mr. Smith to appoint Mr. Masi-seconded by Mr. Zingaretti. Vote: unanimous yes.

**Zoning Officer:** motion was made by Mr. Popple to appoint John Watkins- seconded by Mr. Masi. Vote unanimous yes.

**UCC Code Enforcement:** motion was made by Mr. Masi to appoint Building Inspection Underwriters, seconded by Mr. Zingaretti. Vote: Mr. Smith abstained. Mr. Masi, Mr. Popple, Mrs. Koval and Mr. Zingaretti voted yes.

**Sewage Enforcement Officer/Alternate:** motion was made by Mr. Masi to appoint Frank Egenski as SEO and Steve Egenski as alternate- seconded by Mr. Smith. Vote: unanimous yes.

**Engineer (includes Planning and Zoning):** motion was made by Mr. Masi to appoint Pennoni Associates- seconded by Mr. Smith. Vote: unanimous yes.

**Solicitor (Board of Supervisors):** motion was made by Mr. Masi to appoint William Vinsko- seconded by Mr. Smith. Vote: unanimous yes.

**Solicitor (Planning Board):** motion was made by Mr. Masi to appoint William Vinsko, seconded by Mr. Smith. Vote: unanimous yes

**Solicitor-(Zoning Hearing Board):** motion was made by Mr. Masi to appoint Angelo Terrana, seconded by Mr. Smith. Vote: unanimous yes.

**EMA-Primary:** motion was made by Mr. Masi to appoint Chris Keats primary EMA-seconded by Mr. Smith. Vote: unanimous yes.

**EMA-Assistant:** motion was made by Mr. Popple to appoint Jim Smith-seconded by Mr. Masi. Mr. Smith abstained. Mr. Masi, Mr. Popple, Mrs. Koval and Mr. Zingaretti voted yes.

**Regular Meeting Day/Time:** motion was made by Mr. Popple to retain the first Monday of each month at 6:00 PM, seconded by Mr. Masi. Vote: unanimous yes.

**Secretary-Planning Board:** motion was made by Mr. Popple to appoint Karen Kollar, seconded by Mr. Masi. Vote: unanimous yes.

**Secretary-Zoning Board:** motion was made by Mr. Popple to appoint Paula Weihbrecht, seconded by Mr. Masi. Vote: unanimous yes.

**Planning Board Member:** motion was made by Mr. Popple to appoint Anthony Ciliberto, seconded by Mr. Masi. Vote: unanimous yes.

**Planning Board Member:** Vacant

**Zoning Hearing Board Member:** motion was made by Mr. Zingaretti to appoint James Gorman, seconded by Mr. Masi. Vote: unanimous yes.

**Vacancy Board Member:** motion was made by Mr. Popple to appoint Gary Slusser, seconded by Mr. Masi. Vote: unanimous yes.

**Convention Voting Delegate:** motion was made by Mr. Popple to appoint Mrs. Koval, seconded by Mr. Masi. Vote: unanimous yes.

**Depository General Fund:** motion was made by Mr. Popple to retain FNCB, seconded by Mr. Masi. Vote: unanimous yes.

**Administrator of Pension Plan:** motion was made by Mr. Popple to appoint the Secretary/Treasurer, seconded by Mr. Masi. Vote: unanimous yes.

**Required Signatures:** motion was made by Mr. Popple to require 2 Supervisors signatures for all checks written, seconded by Mr. Masi. Vote: unanimous yes.

**IRS Rate:** motion was made by Mr. Smith to pay mileage at the IRS approved rate for township travel, seconded by Mr. Popple. Vote: unanimous yes.

**Supervisor Labor:** motion was made by Mr. Popple to appoint each supervisor to do labor as needed to the extent not prohibited by second class township code, seconded by Mr. Masi. Vote: unanimous yes.

**Resolution 1-2017:** A resolution establishing the Bear Creek Township fee schedule for 2017. A motion to approve was made by Mr. Popple, seconded by Mr. Masi. Vote: unanimous yes.

**Resolution 2-2017:** A resolution establishing the Bear Creek Township Uniform Construction Code Fee Schedule for 2017. A motion to approve was made by Mr. Popple, seconded by Mr. Smith. Vote: unanimous yes.

**Resolution 3-2017:** A resolution setting the Township *Per Capita* Tax rate at \$0.00. A motion to approve was made by Mr. Smith, seconded by Mr. Popple. Vote: unanimous yes.

**Resolution 4-2017:** A resolution extending the contract with Building Inspection Underwriters to December 31, 2017 as third party administrator of the Uniform Construction Code. A motion to approve was made by Mr. Popple, seconded by Mr.

Masi. Vote: Mr. Smith abstained. Mr. Masi, Mr. Popple, Mrs. Koval and Mr. Zingaretti voted yes.

**Resolution 5-2017:** A resolution establishing a millage rate for Bear Creek Township for 2017. A motion was made by Mr. Popple to retain the millage rate at .4412 and further that the Bear Creek Volunteer Hose Company shall be awarded ¼ mil (.1103) for 2017, seconded by Mr. Masi. Vote: unanimous yes.

**Resolution 6-2017:** A resolution establishing the Bear Creek Township Homestead Exemption at a value of \$20,000 property reduction. A motion to approve was made by Mr. Popple, seconded by Mr. Smith. Vote: unanimous yes.

**Resolution 7-2017:** A resolution reappointing Bear Creek Volunteer Hose Co. as primary fire and rescue unit in Bear Creek Township. A motion to approve was made by Mr. Smith, seconded by Mr. Popple. Vote: unanimous yes.

**Resolution 8-2017:** Ambulance Service- A resolution continuing the current arrangements with the primary BLS responder being Plains Twp, which does not include the WHP development. White Haven Ambulance is the primary BLS for the WHP development. Plains Twp Ambulance will remain the primary ALS responder for the entire Bear Creek Township. A motion to approve was made by Mr. Popple, seconded by Mr. Masi. Vote: Unanimous yes.

### **Regular Meeting:**

**MINUTES:** Minutes from the December 7, 2016 meeting were reviewed. A motion was made by Mr. Popple to approve the minutes, seconded by Mr. Smith. Vote: Unanimous yes.

Mr. Zingaretti read the Treasurer's Report for December 2016.

**RECEIPTS:** Deposits for the month of December 2016 were \$63,362.86. A motion to approve the receipts, subject to audit was made Mr. Popple, seconded by Mr. Masi. Vote: unanimous yes.

**DISBURSEMENTS:** Expenses for the month of December 2016 were \$40,619.90. A motion was made by Mr. Smith to approve the disbursements, subject to audit, seconded by Mr. Popple. Vote: Unanimous yes.

**ZONING OFFICER'S REPORT:** Mr. Watkins reported for the month of December: 1 Building Permit, 1 Certificate of Occupancy for a total of \$90. Fees collected under UCC were \$255.21.

**FIRE DEPT REPORT:** There were 12 calls for the month of December 2016, with a total of 122 calls for the year.

**STATE POLICE REPORT:** Report not available.

**ACT 537 REPORT:** No update.

**ROAD DEPARTMENT:** Mr. Smith reported that Pennoni is in process of completing the road evaluation. The multimodal transportation grant for \$425,000.00 that we applied for the Old East End and Pittston Blvd reconstruction project that was previously denied has now been partially approved in the amount of \$100,000.00. Mr. Smith asked that in addition to resurfacing the road, he would like to insure that the drainage is also evaluated along these roadways. Two vacancies on our Road Crew have been filled with the hiring of Robert Kachinko and Robert Suchocki.

**ROAD DEPARTMENT FINANCES:** Significantly underspent for the year but if you take into account the \$400,000.00 for the DPW building which was deferred until next year, with that we are about 10% under budget for the year. This is due to less actual overtime than had been budgeted and also not having a full crew for the latter part of the year.

**OPEN RECORDS REPORT:** No requests.

**RECYCLING REPORT:** Not available.

**PLANNING BOARD RECOMMENDATIONS:** None

**RESOLUTIONS AND ORDINANCES:**

**Resolution 9-2017:** A motion was made by Mr. Popple to hire Robert Kachinko for the road crew at a rate of \$17 per hour, seconded by Mr. Smith. Vote: Unanimous yes.

**Resolution 10-2017:** A motion was made by Mr. Popple to hire Robert Suchocki for the road crew at a rate of \$13 per hour, seconded by Mrs. Koval. Vote: Unanimous yes.

**Resolution 11-2017:** A motion was made by Mr. Popple to appoint John Krumsky as the foreman of the road crew at a rate of \$20.00 per hour, seconded by Mr. Smith. Vote:

**Resolution 12-2017:** A motion was made by Mr. Popple to revise the pay rate for the township secretary/treasurer to \$19.00 per hour seconded by Mr. Masi. Vote: Unanimous yes.

**SOLICITOR'S REPORT:** Attorney Brian Vinsko reported:

**Aqua PA:** No update.

**Weiss Road Acquisition:** No update.

**Intergovernmental Agreement:** No update.

**OLD BUSINESS:**

**WHP Tree Trimming:**

**Zoning Map Requests/Changes:**

**New DPW Building:**

**CORRESPONDENCE/NEW BUSINESS:**

**PUBLIC COMMENT:**

**Robert Kelly:** From Energy Unlimited regarding the Crystal Lake wind park. Mr. Kelly is now responsible for this wind park. He is evaluating the project with the help of A & E Engineering to see what benefits there are to the township which seem to be \$75,000-\$100,000 per year and also to see what the permits and other costs would be to continue the project forward. He stated he has been in contact with DEP and DCNR. He wants to make sure the zoning ordinance is approved under the original plan they put forward and the original process they went through.

Mr. Zingaretti: Issue of the zoning under the old ordinance is a non-issue. We have a new ordinance. The old application was rejected. Mr. Zingaretti stated that he doesn't believe that the assertion that they can put it back under the old ordinances is legally accurate. If your plan is still viable under the new regs, so be it. If not the options would be to go in front of the zoning board for a variance or we could revise all of our zoning ordinances.

Mr. Kelly stated he doesn't want to go through a process that will ruffle a lot of feathers. He said as he understood it as it having been approved under the old ordinance it would be a carry forward. Discussion followed and it was decided that a conversation should happen between attorneys before anything could move forward.

**Paul Groncki:** Mr. Groncki said he is still waiting for a decision regarding the dock issue with a neighboring property. He said he was promised an answer in December but got no answer. He said it is a simple set back and the township needs to enforce it.

Mr. Zingaretti stated that it is a dock in question and a dock is not in our ordinances. He believes our attorney had addressed this in his September memo regarding the matter. Mr. Zingaretti asked for a motion from the Board to provide the variance. No motion was made. Mr. Zingaretti then asked for a motion to approve a resolution confirming our solicitor's opinion is in fact that of Bear Creek Twp and authorizing Mr. Groncki to take whatever action he feels appropriate. A motion was made by Mr. Popple, seconded by Mr. Masi. Vote: Unanimous yes.

**Willard Kresge:** Mr. Kresge gave an update on the monument project he has been working on. He stated he is not happy with the aluminum tablet for the monument and feels granite would be the best for this project. He got a price, including shipping, for the granite and it was \$1000 less than the aluminum.

A motion was made by Mr. Popple to approve an amount not to exceed \$7500.00 for the monument project, seconded by Mrs. Koval. Vote: Unanimous yes.

**Mr. Smith** announced that a crime watch committee is forming in the Forest Park development and they will be meeting the first week of February at the Charter School. Anyone interested can call Mr. Smith for more information.

Mr. Smith also announced that a Spaghetti dinner fundraiser for Ed Jasulevicz will be held at the Charter School on Sunday, February 19<sup>th</sup>.

**Mrs. Koval** mentioned that she has received complaints regarding the drag lodge property. The office has received complaints as well and Mr. Watkins is aware of the matter.

A motion to adjourn was made by Mrs. Koval, seconded by Mr. Popple. Vote: unanimous yes.

Respectfully submitted,

Paula Weihbrecht, Secretary