

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 September 7, 2010 regular meeting were reviewed and a motion was made by Ms Wasilewski to accept, seconded by Mrs. Koval. Vote: Unanimous yes.

**MINUTES**: Minutes from the September 21, 2010 work session were reviewed and a motion was made by Ms Wasilewski to accept, seconded by Mr. Smith. Vote: Unanimous yes.

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

**RECEIPTS**: Income for the month of September was \$77,211.94. 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 September were \$97,264.44. Motion to approve, subject to audit was made by Mrs. Koval, seconded by Mr. Masi. Vote: unanimous yes.

**FIRE DEPT REPORT**: 14 Calls for the month of September 2010 were reported: 8 motor vehicle accidents, 1 vehicle fire, 3 brush fires, 1 tree/wire down and 1 search and assist.

**WIND FARM**: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of September 2010 production was 5423M Wh, site availability was 90%.

**ZONING OFFICER'S REPORT**: For the month of September there were 3 contractor's licenses, 13 building/driveway permits, 1 Zoning permit and 1 Occupancy permit reported for a total of \$1235.00.

**ACT 537 REPORT**: The plan is still at Luzerne County Planning and still at Bear Creek Twp Planning. Bear Creek Twp. Planning has a special meeting scheduled for October 12<sup>th</sup> to go over the plan and Reilly will have someone present to answer any questions they may have. Also, Plains Twp is requiring a flow meter study to determine if there is enough capacity to handle the flow from Bear Creek Twp. Reilly has obtained three quotes for the study to be done. Quotes were as follows: Mr. Rehab \$5750.00, Quad 3 \$4500.00 and WMalden \$4500.00.

A motion was made by Ms Wasilewski to approve Quad 3 to perform the flow meter study, seconded by Mr. Masi. Vote: unanimous yes.

**ROAD MASTER REPORT:** Mrs. Koval reported that the road crew took care of the recycling, clean and re-stock rec area, repaired damage to pavilion. Roads and ditches were kept open and grass and weeds cut. Missing and damaged signs were replaced, roads were swept. The antiskid material for the winter was delivered and some of it was already mixed. Mowers were stored for the winter and lights were installed at the building as well as *park at your own risk* signs.

**OPEN RECORDS REPORT:** Mr. Masi reported that there were two requests made within the past month. One was satisfied and we are working on the second.

**PLANNING BOARD RECOMMENDATIONS:** None.

**ORDINANCES AND RESOLUTIONS:**

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

**Abbott and Aqua matters:** Nothing new at this time to report.

**Concini and Crossin matters:** Will be discussed at an executive session.

**Development Agreement/Charter School Matter:** A two day trial was held on September 27<sup>th</sup> and 28<sup>th</sup>. Findings of fact and conclusions of law are due by October 12<sup>th</sup>. The Board has been kept up to date on the matter and a court ruling is not far off.

**OLD BUSINESS:**

**Concini Appeal-** The Concini's of 4100 Bear Creek Blvd. were present to appeal a violation notice they received by the zoning officer concerning lack of proper fencing surrounding their in-ground swimming pool. The Concini's contend that they cannot erect a fence around the pool because of constant flooding in their yard. The Concini's are currently involved in litigation with the township because of the flooding issues. After lengthy discussion Mr. Alber agreed that even a plastic snow fence would be acceptable as long as an attempt is made to secure the area.

A motion was made by Mr. Smith to affirm the decision of the zoning officer to cite the Concini's for lack of proper fencing but to withhold all fines at this time. The motion was seconded by Mrs. Koval. Vote: unanimous yes.

**Flood Plain Ordinance-** Still waiting for review by the state.

**Route 115 Safety Corridor and Grant Application-** The Township will receive \$275,461.00 from the local share/gaming grant money. The project approved was the culvert repair at Old East End Blvd adjacent to Route 115. Project will most likely be done in 2011.

**Street lighting-** Nothing new to report.

**Zoning Maps**- Preliminary maps reviewed by Mr. Alber for accuracy. Pennoni will then start to evaluate zoning requests that were received for changes.

**Amusement Tax**- Issue has been sent to Berkheimer to investigate.

**Community Development Grant**- a Luzerne County grant available every three years through HUD, maximum of \$100,000.00. This grant can only be used in low income areas. The township has submitted an application for this grant to address blighted properties. Mr. Alber is currently evaluating several blighted properties at this time.

**2011 Gaming Grant Applications**-Applications for gaming grants for 2011 can be submitted between October 1, 2010 and December 31, 2010. There is now a fee of \$100.00 per application.

**House Bill 2431**-No update at this time. Bill has not yet gotten out of committee.

### **CORRESPONDENCE/NEW BUSINESS:**

#### **PUBLIC COMMENT:**

**Jason Krumsky**- Mr. Krumsky questioned the Board as to how they were notified on the gaming grant submission that was approved. Mr. Zingaretti responded that it was a phone call from DCED looking for additional information. Mr. Krumsky asked how the public knows that the Board did not choose the culvert project, what proof did the Board have that DCED chose the project.

Attorney Vinsko responded that the regulations state that we have no input, it is solely the decision of DCED.

Mr. Krumsky then asked if there is proof, is there a letter stating that it was in fact the culvert project that was chosen and the Board didn't decide to use this opportunity to take the culvert project off the Township budget.

Mr. Zingaretti responded that he would review emails he has between himself and Kelly Ann from DCED stating what was awarded. He also stated that as of yet we haven't received an awards letter for the grant.

**Mark Petlock**-Asked what would happen if all the grant money was not used on the project. Mr. Zingaretti replied that it would be most likely be returned to the state.

Mr. Petlock also asked if it were possible to somehow get info out to the residents of the Township, especially lately with all the burglaries going on in the area.

Mr. Zingaretti said that he has established an email account that will allow people to sign up for different notifications that can be sent out through an email.

**Heather Mosley**-Still concerned about one lane and illegal passing on Route 115. She also felt that there has been little state police presence lately.

Mr. Masi asked if it were possible to get reports from the State Police concerning activity in the Township. The secretary was asked to contact the State Police to see if this is possible.

**Bob Turinski**- Thanked the Board for allowing the residents of Trailwood to have their millings placed in the parking lot of Trailwood Park until they were able to move them to another area in Trailwood.

**Betty Kentusky**-New to Forest Park and had questions about septic problems in that area. Mr. Zingaretti gave her a brief explanation of the Act 537 project.

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

Respectfully submitted,

Paula Weihbrecht, Secretary