SUPERVISORS SEMI-MONTHLY MEETING DECEMBER 17TH, 2001

Ed Benkoski, Chairman, called the meeting to order at 6:00 P.M. All supervisors were in attendance.

The Secretary's Minutes were approved as presented on a motion by Ed Benkoski, seconded by Tyrone Gayeski. Motion carried.

Resolution 1-2002 – Fees Schedule of last year be maintained. Motion by Tyrone Gayeski was seconded by Art Clymo. Motion carried.

Resolution 2-2002 – Maintain 5 Mills as our tax base. Motion by Ed Benkoski was seconded by Tyrone Gayeski. Motion carried.

Ed Benkoski read the Budget figures for 2002 – General Funds listing income as $442,160.00 and expenditures of $437,830.00. Tyrone Gayeski made a motion to accept the budget for 2002 as read. Ed Benkoski seconded the motion. There was a question concerning the legality of adoption of the budget at this meeting. Mr. Benkoski explained the proposed budget was read at the last two meetings and we would move on it at this meeting. Ed Benkoski and Tyrone Gayeski voted yes. Art Clymo voted no. Motion carried.

Mike Gober presented the supervisors with a statement he said he send to the Time Leader. The statements listed meeting times of various communities plus a listing of the Proposed Budget as was advertised in the Citizens' Voice.

Bonnie Wasilewski was questioning if Community Counceling for re-zoning. Joe Andrews stated they applied for a permit to make repairs at the home in question. He stated Nello Augustine picked up an application to go before the Zoning Hearing Board. Bonnie stated that if they are going for an application for being re-zoned, they do not go before the Zoning Hearing Board – they are supposed to be going before the Planning Board. There was very much discussion concerning the property at the corner of Balsam Road and Route 115. If they do move into the property, we will have to go to court.

Tyrone Gayeski mentioned about the Public Hearing concerning Mental Health Issues in which Senator Harold F. Mowery, Jr. is Chairman. He listed a phone number (717) 784-8524 and suggested everyone, either for or against should ask for copies of the transcript.

Carl Kresge stated he received a call from Nello Augustine concerning a Water Pump at the Reiser house. He stated he also a call from Nello to fix a water problem at a home in Chase which he described as a group home and he stated the gentleman that was there was very controllable (this home is run by Step-by-Step). It said it appears whether we want a group home here or not, we're going to get it. He also is questioning how they knew about the house to begin with. Carl also said Nello told him this would go to court and they have neighbors who will testify that they are not bad neighbors.

Mary Konnicki stated she had spoken to Jim Davis who said he would be willing to meet with the neighbors. He did state he did not purchase the house.

Ed Benkoski asked the residents if they wanted to meet with Jim Davis and Nello Augustine. They stated that is exactly what they wanted to do but up to this point, Jim Davis and Nello Augustine refused to meet at a Supervisors Meeting. Ed stated he would contact both people tomorrow and try to set up a meeting in order to satisfy the residents. (The meeting was held on December 27th, 2001.

The Township Supervisors congratulated Sara Suchoski for making the All American Division III Soccer Team representing the University of Scranton. She resides on the Laurel Run Road. They also stated that the Soccer Boys U-14 Team won the Luzerne County Tournament.

607459

Respectfully submitted,

Helen L. Novak

Helen L. Novak,
Secretary

2001

TREASURER'S REPORT

General Funds – Checking/Savings

Balance Brought Forward		$ 3,303.73
Jan. Receipts	$ 29,201.41	
_____ Adjustments	$ _____	
_____ Disbursements	$ 25,196.55	
Balance - General Funds		$ 7,308.59

Liquid Fuels – Checking/Savings

Balance Brought Forward		$ 84,794.01
_____ Receipts	$ 440.66	
_____ Disbursements	$ _____	
Balance – Liquid Fuels		$ 85,234.63

Capital Reserve – Checking/Savings

Balance Brought Forward		$ 424,200.40
~~2324~~ Receipts	$ 2,324.43	
_____ Disbursements	$ _____	
Balance – Capital Reserve		$ 426,524.83

TOTAL ALL FUNDS: $ 519,068.05

2001

TREASURER'S REPORT

General Funds – Checking/Savings

Balance Brought Forward		$ 7,308.59
Jan. Feb. Receipts	$ 29,392.50	
_____ Adjustments	$ _____	
_____ Disbursements	$ 28,470.71	
Balance - General Funds		$ 8,230.38

Liquid Fuels – Checking/Savings

Balance Brought Forward		$ 85,234.63
_____ Receipts	$ 383.99	
_____ Disbursements	$ _____	
Balance – Liquid Fuels		$ 85,618.62

Capital Reserve – Checking/Savings

Balance Brought Forward		$ 426,524.83
_____ Receipts	$ 1723.39	
_____ Disbursements	$ _____	
Balance – Capital Reserve		$ 428,248.22

TOTAL ALL FUNDS: $ 522,097.22

2001

TREASURER'S REPORT

General Funds – Checking/Savings

Balance Brought Forward		$ 8230.38
Mar. Receipts	$ 16,997.07	
_____ Adjustments	$ _____	
_____ Disbursements	$ 25,810.43	
Balance - General Funds		$ -582.98

Liquid Fuels – Checking/Savings

Balance Brought Forward		$ 85,618.62
_____ Receipts	$ 382.12	
_____ Disbursements	$ _____	
Balance – Liquid Fuels		$ 86,000.74

Capital Reserve – Checking/Savings

Balance Brought Forward		$ 428,248.22
_____ Receipts	$ 1711.04	
_____ Disbursements	$ _____	
Balance – Capital Reserve		$ 429,959.26

TOTAL ALL FUNDS: $ 515,377.02

2001

TREASURER'S REPORT

General Funds – Checking/Savings

Balance Brought Forward		$ -582.98
April Receipts	$ 133,102.65	
_____ Adjustments	$ _____	
_____ Disbursements	$ 143,137.59	
Balance - General Funds		$ -10,617.92

Liquid Fuels – Checking/Savings

Balance Brought Forward		$ 86,000.74
_____ Receipts	$ 46,603.16 (502.86)	
_____ Disbursements	$ _____	
Balance – Liquid Fuels		$ 133,106.76

Capital Reserve – Checking/Savings

Balance Brought Forward		$ 429,959.26
_____ Receipts	$ 1593.43	
_____ Disbursements	$ _____	
Balance – Capital Reserve		$ 431,552.69

TOTAL ALL FUNDS: $ 554,041.53

2001

TREASURER'S REPORT

General Funds – Checking/Savings

Balance Brought Forward		$ -10,617.92
May Receipts	$ 81,018.75	
_____ Adjustments	$ _____	
_____ Disbursements	$ 28,144.92	
Balance - General Funds		$ 42,255.91

Liquid Fuels – Checking/Savings

Balance Brought Forward		$ 133,106.76
_____ Receipts	$ 470.58	
_____ Disbursements	$ _____	
Balance – Liquid Fuels		$ 133,577.34

Capital Reserve – Checking/Savings

Balance Brought Forward		$ 431,552.60
_____ Receipts	$ 1547.29	
_____ Disbursements	$ _____	
Balance – Capital Reserve		$ 433,099.98

TOTAL ALL FUNDS: $ 608,933.23

2001

TREASURER'S REPORT

General Funds – Checking/Savings

Balance Brought Forward		$ 11,114.59
July Receipts	$ 18,386.76	
_____ Adjustments	$ _____	
_____ Disbursements	$ 22,495.84	
Balance - General Funds		$ 7005.51

Liquid Fuels – Checking/Savings

Balance Brought Forward		$ 134,004.56
_____ Receipts	$ 406.23	
_____ Disbursements	$ _____	
Balance – Liquid Fuels		$ 134,410.79

Capital Reserve – Checking/Savings

Balance Brought Forward		$ 434,475.29
_____ Receipts	$ 1522.63	
_____ Disbursements	$ _____	
Balance – Capital Reserve		$ 435,997.92

TOTAL ALL FUNDS: $ 577,414.12

2001

TREASURER'S REPORT

General Funds – Checking/Savings

Balance Brought Forward		$ 23,496.76
Sept. Receipts	$ 113,567.93	
_____ Adjustments	$ -20.-	
_____ Disbursements	$ 17,662.25	
Balance - General Funds		$ 119,382.44

Liquid Fuels – Checking/Savings

Balance Brought Forward		$ 122,797.64
_____ Receipts	$ 321.37	
_____ Disbursements	$	
Balance – Liquid Fuels		$ 123,119.01

Capital Reserve – Checking/Savings

Balance Brought Forward		$ 437,478.10
_____ Receipts	$ 1206.33	
_____ Disbursements	$	
Balance – Capital Reserve		$ 438,684.43

TOTAL ALL FUNDS: $ 681,185.88

2001

TREASURER'S REPORT

General Funds – Checking/Savings

Balance Brought Forward		$ 119,382.44
Oct. Receipts	$ 36,878.60	
Adjustments	$ - 15.-	
Disbursements	$ 35,134.36 ~~41,902.90~~	
Balance - General Funds		$ 121,111.68

Liquid Fuels – Checking/Savings

Balance Brought Forward		$ 133,119.01
Receipts	$ 248.97	
Disbursements	$ 17,755.33	
Balance – Liquid Fuels		$ 105,612.65

Capital Reserve – Checking/Savings

Balance Brought Forward		$ 438,684.43
Receipts	$ 1081.07	
Disbursements	$	
Balance – Capital Reserve		$ 439,765.50

TOTAL ALL FUNDS: $ 666,489.83

2001

TREASURER'S REPORT

General Funds – Checking/Savings

Balance Brought Forward		$ 12,111.68
Nov. Receipts	$ 26,365.23	
_____ Adjustments	$ _____	
_____ Disbursements	$ 30,797.21	
Balance - General Funds		$ 116,679.70

Liquid Fuels – Checking/Savings

Balance Brought Forward		$ 105,612.65
_____ Receipts	$ 157.76	
_____ Disbursements	$ 40,956.96	
Balance – Liquid Fuels		$ 64,813.45

Capital Reserve – Checking/Savings

Balance Brought Forward		$ 439,765.50
_____ Receipts	$ 860.88	
_____ Disbursements	$ _____	
Balance – Capital Reserve		$ 440,626.36

TOTAL ALL FUNDS: $ 622,119.51

2001

TREASURER'S REPORT

General Funds – Checking/Savings

Balance Brought Forward		$ 116,679.70
Dec. Receipts	$ 49,543.57	
_____ Adjustments	$ + 25.60	
_____ Disbursements	$ 28,812.12	
Balance - General Funds		$ 137,436.75

Liquid Fuels – Checking/Savings

Balance Brought Forward		$ 64,813.45
_____ Receipts	$ 100.93	
_____ Disbursements	$ 364.56	
Balance – Liquid Fuels		$ 64,549.82

Capital Reserve – Checking/Savings

Balance Brought Forward		$ 440,626.36
_____ Receipts	$ 697.30	
_____ Disbursements	$	
Balance – Capital Reserve		$ 441,323.66

TOTAL ALL FUNDS: $ 643,310.23

SUPERVISORS MEETING DECEMBER 3RD, 2001

The meeting was called to order by Chairman Ed Benkoski at 6:00 P.M. Art Clymo and Tyrone Gayeski were also in attendance.

The Secretary's Minutes were approved as presented on a motion by Tyrone Gayeski, seconded by Ed Benkoski. Art Clymo opposed the approval.

Disbursements of $30,797.21 for the month of November were approved on a motion by Tyrone Gayeski, seconded by Art Clymo. Motion carried.

Receipts of $26,118.42 for the month of November were approved on a motion by Tyrone Gayeski, subject to Audit. Motion was seconded by Art Clymo. Motion carried.

Code Enforcement Report included 8 Contractor Licenses, 7 Building Permits and 2 Zoning Books.

Solicitor's Report included the Agreement the township received for the Cable TV company at White Haven Poconos. He stated there were some provision not acceptable and also requested the secretary provide him with the percentage fee Service Electric pays to the township. He will advise the Board of his findings when he complies all the information. This has to be something that has to be talked about such as the "all inclusive agreement" in Bear Creek Township.

Attorney Limongelli stated Attorney Terrana advised him the home on the corner of Balsam Road and Route 115 has been purchased. No one has moved in at this point. He stated we cannot prevent anyone from purchasing property. However, he stated he checked with the Recorder of Deeds this afternoon and he was advised that nothing has been recorded. Betty Hanks, Township Resident and employee at the Recorder of Deeds Office in Luzerne County stated she had checked the records prior to leaving for the day and nothing concerning that property had been recorded at that point. It is only hearsay that it had been purchased. There was much conversation concerning this property. If the group home moves in there without applying for a Zoning Hearing we can ask for an immediate injunction against them. If the immediate injunction is denied then we will have to wait for a court hearing for an injunction. They will be in violation of our Zoning if they move in. Jim Davis, Luzerne/Wyoming County Mental Health stated previously they did not need a Hearing. However, until some action is taken by Community Counseling Service and/or Luzerne/Wyoming County Mental Health there is nothing Bear Creek Township can do. Attorney Limongelli will put a call in for Attorney Terrana to see if there was any further correspondence or phone calls from Community Counseling.

Ed Benkoski asked for the group to name a spokesperson for the group of residents interested in this project. They agreed to talk about this after the meeting. The Township Residents are concerned about who is going to move in. There are many rumors circulating as to the people who will be occupying this home. Joann English stated there is a mentally handicapped young man living on Pine Road who was born there and he certainly doesn't

hurt anyone. Also there is a mentally handicapped woman living on Maple Road and she is not a challenge to anyone. Bonnie Wasilewski stated the people who would be moving in there would be people who had a nervous breakdown. She stated Nello Augustine told her that to her. Attorney Buffalino's letter stated people with mental disabilities would be occupying the home.

Pete Konicki stated the residents are frustrated since no one is sure who is moving in. He also feels in essence they can move in and break the law and at that point it would be up to us to do something. We cannot do anything to do until they act. Mary Konicki stated her attorney spoke to Attorney Buffalino and he didn't know if the property had been purchased and he stated he had a big burden on his shoulders on how to advise his clients. If someone moved in and was in violation of the Zoning they would be fined $300.00/day for breaking the law, if found guilty of violating the ordinance.

607459

The Proposed Budget for 2002 was read by Ed Benkoski listing total proposed income as $442,160.00 and proposed expenditures of $437,830.00.

Respectfully submitted,

Helen L. Novak

Helen L. Novak,
Secretary

P.S. After the meeting was over, the residents had agreed that Mary Konicki and Bonnie Wasilewski would be the spokespeople for their concerns.

SUPERVISORS SEMI-MONTHLY MEETING NOVEMBER 19TH, 2001

The meeting was called to order at 6:00 P.M. by Chairman Ed Benkoski. Tyrone Gayeski and Arthur Clymo were in attendance.

The Secretary's Minutes were approved as presented with the words "approximately 50 residents were in attendance" to replace the words "several people". Motion by Tyrone Gayeski was seconded by Art Clymo. Motion Carried.

Ed Benkoski stated we had 4 bidders for the Neighborhood Facilities Building. Ryan Construction was awarded the contract with a low bid of $91,877.00. Other bidders were Neal-Lynn Construction ($102,425.00), L.R. Costanzo, Inc. ($186,593.00) and Smith & Smith General Contractors ($174,900.00).

The Chairman presented a review of the year 2001 explaining what had been completed during the year. We purchased a $90,000.00 Backhoe less the trade-in under state contract for a total of $45,000.00 which was paid for. We completed 4 paving projects (Pike Road, Golf Road, Fire Hall, and Fairway Drive. The cost of these 4 projects was approximately $51,000.00 which is paid for. We purchased a new trailer for the lawn mowers, a new John Deere 4500 series Lawn Mower (6,000.00), obtained a $41,000.00 fee per year from Global Wind Harvest plus we obtained a $68.000 fee for a permit for the service road for the Wind Park. We earned an additional $10,000.00 in revenue for reinvesting in Capital Reserve. We finalized the Sprint Tower and are receiving $9,600.00 a year for that. We have obtained a $70,000.00 Community Grant for the year 2002. The Zoning Office averaged between $8,000.00 to $10,000.00 a year prior to Mr. Andrews becoming the Zoning Officer – now we have it up to $35,000.00 to $40,000.00 per year. We moved the Secretary's Office into this building and with the new extension being added on this front portion will become the new office and Mr. Andrews will also be brought up here. In 2002 we are looking to resurface the lower end of Old East End Boulevard and we are looking at the possibility of purchasing a new truck for the Road Department. We have accomplished this, have paid for everything and have not touched our Capital Reserve. As of today it stands at $437,132.00 and on Liquid Fuels we have $65,000.00.

Art Clymo stated our Road Crew also replaced pipes that were underneath driveways that were collapsed and that was paid for too.

Ed Benkoski gave a quick review of our 2002 Budget listing approximately $442,160.00 income and $437,830.00 expenditures. It was also explained that we would be picking up some extra Liquid Fuel Funds because of Laurelbrook Estates – the base coat has been put in place. The final paving will be in the Spring 2002.

Chris Roberts informed the Board the new tractor lights are smashed and also on the trailer.

Ed Benkoski asked for anything under old business or new business from the floor.

He explained he knew there was interest in what is happening to the house on the corner of Balsam Road and Route 115 stating that we did not have any answers because nobody contacted the Board of Supervisors and nobody contacted Mr. Andrews. Nobody applied for an Occupancy Permit. We do not have an answer.

Mr. D'Amato asked if we sent a copy of the questions as presented to the Board at the last meeting by Bonnie Wasilewski to Attorney Buffalino. We have not because they have not applied for anything. He also suggested that the citizens should write to their congressmen, senators or anyone else they could think of.

607459

Tyrone Gayeski stated he felt the Board cannot do anything at this time. We have to sit an wait for it to unfold. Ed Benkoski explained our Zoning Solicitor informed the Board that we cannot make any kind of statement concerning this because we could be nailed for discrimination and that we should sit back and wait until we find out what they are going to do.

Carl Kresge stated there is an Occupancy Permit on that house right now. Ed Benkoski stated the permit is for a residence not for a business. Our Zoning stipulates 3 bedroom not the number of people living in the house. Ed stated he met with Frank Egenski and Frank stated he would check into the 3 Bedroom stipulation rather than the number of people in each residence. Carl stated my concern with Frank Egenski is, he does his job as a sewage enforcement officer but I have found him at times to not be in that mode. Personally I have tested one and he couldn't find any septic there. You folks have known about this because I put it in the form of a letter a year and a half ago. Now the thing of it is if we are going to have that kind of a septic enforcement officer over there at this property when it's running down the ditch going down along 115 and nobody is talking about it – that is my concern.

Bonnie: Being they are being funded for that property they do not have to go to the bank there would not have necessary papers filled out like you would for a regular home. What about insurance coverage if they do not have an occupancy permit.

Tyrone Gayeski stated we have to go within the framework of the law. He cited the property near Mr. Gober's residence which did not fall into the provisions of the state law and the people had to leave because they did not have a septic system.

Chris Keats stated once a home is occupied a new owner would not need an Occupancy Permit. If a family of 8 moved into his home it would not matter. He stated he heard it was going to be a half-way house and several other uses were rumored.

We can't get to the bottom of this because we do not know what they are going to do and until that point there is nothing we can do.

In our Zoning Ordinance we have defined "family" and Attorney Terrana is looking into this as compared to Tunkhannock and Nanticoke.

Tyrone Gayeski suggested we attach a copy of the letter from Bonnie Wasilewski to our minutes in the event there is a court case this letter may be useful.

Next Meeting December 3rd, 2001 – Monday.

Mike Gober asked if there was a meeting before the Zoning Board on the 29th for Community Counseling Service. The Board informed the audience again that Community Counceling has not approached the board for any reason. The Zoning Hearing is scheduled for the 27th and will address the proposed Wind Park (Energy Unlimited.

Respectfully submitted,

Helen L. Novak

Helen, L. Novak,
Secretary

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SUPERVISORS MEETING November 5th, 2001

Secretary's Minutes approved on a motion by Tyrone Gayeski, seconded by Edward Benkoski.

Disbursements $35,134.36 motion by Ty Gayeski, seconded by Art Clymo.

Receipts $36,560.02 motion by Ty Gayeski subject to Audit, seconded by Art Clymo.

Code Enforcement report listing:

607459

Solicitor's Report: Several matters – recent bidding on the municipal building he suggested to bidding be re-advertised since there was a discrepancy between the ad and the bid documents.

Regarding the visit with Mr. Andrews of the Gagliardi property and having difficulty getting on the property. He suggested we proceed with filing an action with the magistrate's office just as we had with other matters.

Letter was received from Atty. Buffalino regarding the Group Home. A copy of the letter was also received by Atty. Terrana.

Our next meeting will be 11/19/01 at 6:00 and at this time the meeting was opened pertaining to the home in question.

Art Clymo asked to speak on the Neighborhood Facilities Building stating the low bidder did not have a bid bond, the one that did have a bid bond was high. He stated he was not in favor of the building at this time.

Attorney Terrana asked to provide an overview of his research since that may provide answers to questions the audience may have. He stated he was in attendance solely as the Zoning Solicitor to the township. He was not here to offer advice to the Board. He stated there are two issues that are prevalent. The first issue relates to the acquisition of the property which Community Counceling has from my discussion with their solicitor, they have entered into an agreement of sale. I have not seen an agreement of sale and cannot comment as it relates the execution other than just receiving a stated from their solicitor. It was stated in the letter they expect to entertain a settlement necessary to acquire this property by the end of this month. Once any individual in the township plans to acquire real estate a Certificate of Occupancy must be issued. It is the Zoning Officer's role to issued such a certificate of occupancy in order to determine if one's intended use of this particular property meets the requirements of the township zoning ordinance. The Zoning Ordinance itself is explicit as it relates to the roles and the duties of the Zoning Officer. The Zoning Section that relates to the specific duties provides that the Zoning Officer duty is to issue zoning permits and certificates of occupancy only for construction and uses which are in accordance with the regulations of this chapter and subsequent admendments or through board or court approval.. And when it relays or

resorts to the board the court itself is acknowledging our zoning board. And obviously court approval is some type of outside external court body and it can direct the zoning officer to act or not act. As it relates to this particular matter the zoning ordinance itself does not provide a definition of a group home nor does it provide a section of a zoning district which a group home would have permitted use to be found therein. There is a Nursing Home but the cases that I have found distinguishes a nursing home from a group home. One cannot make a leap and say they want to enact a group home and try to interpret that that would make it a nursing home. Then again as it relates to the duty of the zoning officer, the zoning officer's role is just to look at the zoning ordinance to determine if the construction or the use is provided for in the zoning ordinance. If it is provided for, he is afforded the ability and the authority to issue a zoning permit or a certificate of occupancy. If that is not provided for the only alternate for the zoning officer is to deny the request of the application. To my knowledge at the moment I do not think any such application has been formally filed with the zoning officer other than the zoning officer having communication with executive director of the Community Counceling. Mr. Andrews's job is to specifically look at the ordinance and in order to interpret the ordinance he has to determine with the respective purchasers the intended use of that property. Basic facts that I know, our zoning ordinance in an R-1 district does not permit a group home. The statements in the letter which was received is trying to interpret the fact that our zoning ordinance provides for a family to live in an R-1 zone and he tried to provide us with case law as to how the interpretation of a family has broadened in a sense from blood or interrelated people living together into providing that a collage of individuals who are not blood related who can reside or exist as a family in one particular dwelling. But the problem with that is that our zoning ordinance specifically defines a family member or a family to be blood or interrelated individuals living in one household. Mr. Buffalino provided me with case law in which he attempted to use cases from other townships but the problem with that is those townships had defined a family as being something other than blood related or interrelated. So he tried to use instances or ordinances that had a different definitions of a family than our township ordinance defines a family. The problem procedurally that the zoning officer has and secondly that the zoning board has is that the zoning officer and the zoning board are only capable of interpreting our ordinance. The zoning board does not have the ability to make this their own law – the zoning officer does not have the ability to make his own law. We are only held as a challenge of interpreting the law in which the supervisors have adopted. There are mechanisms for implementing or changing the ordinance. There is a procedure in which any person who gets a rejection or denial from the zoning officer is entitled to a hearing in front of the zoning board. The zoning board's job at that time is the view the facts and relate those facts to the zoning ordinance and upon the finality of hearing all the facts. Any disgruntled party that feel the zoning decision was not in his or her favor has the right to appeal that decision to the court of common pleas with Luzerne County. And then there are appeals that can be taken thereafter depending on what the county court finds. Plainly thou, the problem in which is applied to Community Counceling is 1) it's intended use is not provided for in an R-1 zone in which this property is situated. Since that is the case, the zoning officer does not have the ability to provide a certificate of occupancy. The recourse of the perspective purchaser is to file an appeal with the Zoning Board at such time a zoning hearing will be

held and depending on the outcome of the zoning hearing either take an appeal up to the county court or not. 2) Seek an amendment change and seek the supervisors change the ordinance to properly define what a family is or provide for an R-1 zone or any zone have a group home included as a permitted use or use by special exception. There are proper procedures found in our ordinance that provides for how the zoning ordinance itself an cab be amended. And if those channels are followed and those processes are followed the supervisors move in that direction the zoning ordinance can be changed in order to provide for changing zoning district. But plainly and in summary the zoning ordinance in itself today does not allow a certificate to be issued. It does not give the zoning officer carte blanche discretion to change the zoning ordinance necessary to provide for a certificate of occupancy. Then as such (just as an opinion, not as council to the supervisors there are specific channels and specific procedures that need to be followed other than approaching the board and asking the Board of Supervisors to allow this mandate without proper either court interaction or amendment.

607459

Attorney Terrana alluded to a letter he received tonight concerning the home in questions along with several questions residents had concerning this possible purchasing of the home.

Since there has not been a formal application filed with the zoning officer, the Board of Supervisors would not be in a position to take any action at this time.

There were several people in attendance and a lengthy question and answer period followed. At this time nothing has been filed by Community Counseling with the Township so, at this time there is no action the Township can take.

Respectfully submitted,

Helen L. Novak

Helen L. Novak,
Secretary.

SUPERVISORS SEMI-MONTHLY MEETING OCTOBER 15TH, 2001

The meeting was called to order at 6:00 P.M. by Chairman Ed Benkoski. Ty Gayeski and Arthur Clymo were also in attendance.

The Secretary's Minutes were approved as presented on a motion by Tyrone Gayeski, seconded Arthur Clymo. Motion carried.

Ed Benkoski stated the proposed Neighborhood Facilities Building would be going out for re-bid. Information would probably be available on Thursday or Friday after which an Invitation to Bid Ad would be placed in the local newspapers. The same procedure would be followed as in the previous Invitation to Bid.

607459

Nello Augustine, Community Counseling Services: The reason for coming to this meeting was because of their interest in a home for sale in Bear Creek Township. The particular home in question is located on the corner of Balsam Road and Route 115. Their interest in it is because it is handicapped accessible. (An Addendum is attached).

Ed Benkoski stated he was aware of the house they were talking about and suggested that since this would fall under the Zoning, they should schedule a meeting with Joe Andrews, Code Enforcement Officer, and review it with him and he would lead them in the direction in which they should be going.

Michael Gober questioned if Mr. Mahalka obtained a septic permit for his property. The questions he had concerning this property were regarding rules within the Mountain Lake Organization and not that of the townships.

Chris Roberts questioned the heating system in the new building.

Ruth Koval questioned Laurelbrook paving. Ed Benkoski stated the BCBC is down and we are taking it over. In the Spring of 2002 the final paving will be done at which time our 1 year warranty takes effect.

Having no further business the meeting was adjourned at 6:15 P.M.

Respectfully submitted,

Helen L. Novak

Helen L. Novak,
Secretary

ADDENDUM
OCTOBER 15th, 2001

The following represents quotes concerning the home for sale at the corner of Balsam Road and Route 115.

Nello Augustine stated the reason for coming to this meeting was because of an interest in a home for sales in Bear Creek Township. "It was especially designed for handicapped people and I work with a mental health center and Mr. Davis is with the county HMR office and Pat is with the CCS services. The home we are looking at is on the corner of Balsam Road and Route 115 and as a decision on our part was not to just come in and purchase it but to present it to you to see if we could get your approval to have this be a facility where we would locate 3 or 4 of our handicapped individuals that we work with and have it staffed by our staff. We thought it would be appropriate if we bring this to your attention".

Ed Benkoski asked if this was a PersonalCare Home. Nello Augustine stated it is not a Personal Care Home – it is a CRR (Community Resident Rehabilitation Program). There is very little distinction between that. They have one in Wilkes-Barre and one in Kingston that they just started last summer.

Ed Benkoski stated he was aware of the house they were talking about and suggested that since this would fall under Zoning, they should schedule a meeting with Joe Andrews, Code Enforcement Officer, and review it with him and he would lead them in the direction in which they should be going. Up until then there is nothing the Board of Supervisors can do. Mr. Augustine stated the other homes they have fall under an R-1 classification.

Art Clymo asked if it would be a business out of that home. Mr. Augustine stated it is a home where they provide a place for people to stay – they are a non-profit agency and it is not considered a business.

James Davis, Representative of Luzerne and Wyoming Counties. He stated there are other CCR's located around Luzerne and Wyoming Counties and they operate as a family facility. It is not a business – it is a not a for profit business. It is a non-profit organization. It would be staffed 24 hours a day. When asked he stated they are not the clients that were with Human Service Consultants. The people who would be staffed would be paid by funds from the county or state and there is no profit involved.

Ed Benkoski stated besides their meeting with Mr. Andrews he would get a ruling from our solicitor and then we would go from there. A meeting with Mr. Andrews had been set for Tuesday morning with Mr. Augustine and Mr. Davis.

SUPERVISORS MEETING OCTOBER 1ST, 2001

Edward Benkoski, Chairman called the meeting to order at 6:02 P.M. Supervisors Tyrone Gayeski and Arthur Clymo were in attendance.

The Secretary's Minutes were approved as read on a motion by Arthur Clymo, seconded by Edward Benkoski.

September Disbursements of $17,662.25 were approved on a motion by Tyrone Gayeski, seconded by Edward Benkoski. September Receipts of $113,372.03 were approved pending Audit on a motion by Tyrone Gayeski, seconded by Arthur Clymo.

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Joseph Andrews, Code Enforcement Officer, gave his report of $69,602.00 which included 10 Contractors Permits, 13 Building Permits and the sale of one Zoning Book. ($68,000.00) was a direct deposit to the checking account from Global Winds Harvest.

Attorney Limongelli reported Mr. Mamola has complied with all conditions of Judge Mundy's order, paid all fines, costs and reimbursement to the township for costs and also cleaned up his property. As for the Oko's property – Magistrate Dotzel has ruled against Mr. Oko wherein he has fined him and has given him 30 days to comply with cleaning up his property also.

The Fire Company's report was read by Mr. Benkoski – the report was for June thru September which is on file.

Reilly Associates proposal to perform a Sewage Needs Study in accordance with the Scope of Work as prepared by Reilly Associates and as accepted by the DEP. Reilly Associates will perform the work during weather and soil conditions acceptable to DEP. They will confirm with DEP prior to any field work that conditions are appropriate for the study so as to ensure that the study results will be acceptable to the Department.

Ed Benkoski read a letter from the Department of Auditor General citing a check in the amount of $12,600.83.

A letter from Energy Unlimited was read requesting either October or November as a date for their Zoning Hearing.

Ed Benkoski explained that a notice would be in the Times Leader and the Citizens' Voice requesting sealed bids of a new Neighborhood Facilities Building. The bids will be opened on October 9th, 2001 at 4:00 P.M.

Tyrone Gayeski stated he and Ed Benkoski had taken pictures of the water runoff from the Golf Course and they had given Wilkes-Barre City Council "mitagating grant application forms, however we do not know what Wilkes-Barre City is going to do.

Mr. Gober questioned the septic tank systems in the area. Ed Benkoski stated the septic tanks should be cleaned out every five (5) years. There was a discussion of enforcing the five year required cleaning of the septic systems. A possible system is to have people bring in the septic receipt when paying their taxes which would probably be the easiest way to monitor the situation. Tyrone Gayeski stated Reilly Engineers were going to check on a Lake Township court case on the cleaning of septic tanks.

Ruth Koval discussed the proposed small flow treatment facility which is being looked into at Forest Park. DEP has to give their approval before anything can be done concerning that type of system.

Having no further business, the meeting was adjourned at 6:50 P.M.

Respectfully submitted,

Helen L Novak

Helen L. Novak,
Secretary

SUPERVISORS SEMI-MONTHLY MEETING SEPTEMBER 17TH, 2001

The meeting was called to order by Chairman Ed Benkoski at 6:00 P.M. All Board Members were present.

Since this country experienced such tragedy on September 11th when terrorists hit the World Trade Center buildings, the Pentagon and an unknown target which was diverted because of the action of some of the passengers there was a moment of silence followed by the pledge to the flag and the singing of the National Anthem. Janet Warnick was the soloist.

The Secretary's Minutes were approved as presented on a motion by Tyrone Gayeski, seconded by Ed Benkoski. Motion carried.

A letter from the Game Commission was read – concerning the law enforcement range on SGL 91.

The lone bid from Slusser Bros., Hazleton. Total bid was $45,400.00 Golf Course Road T-483, Fairway Drive T-484, Pike Road T-469 and the Hose House. The bid was accepted on a motion by Art Clymo, seconded by Tyrone Gayeski subject to review by our solicitor. Motion Carried.

Next meeting is October 1st, 2001 followed by a short personnel meeting.

Having no further business the meeting was adjourned at 6:10 P.M.

Respectfully submitted,

Helen L. Novak

Helen L. Novak, Secretary

SUPERVISORS MEETING September 4th, 2001

The meeting was called to order at 6:00 P.M. by Chairman Edward Benkoski. All Board Members were in attendance.

The Secretary's Minutes were approved as presented on a motion by Arthur Clymo, Seconded by Tyrone Gayeski. Motion carried.

August Disbursements listing of $31,151.19 were questioned because of a $7,199.28 payment to John Deere Company. Mr. Clymo questioned the payment since the Township had not received the $1,000.00 from the Mountain Top Firm which represented a trade-in payment. He stated he would contact that firm requesting payment. Tyrone Gayeski's motion to accept the disbursement was seconded by Ed Benkoski. Motion Carried. August Receipts of $18,489.41 were approved on a motion by Tyrone Gayeski, pending Audit. The motion was seconded by Arthur Clymo. Motion carried.

Code Enforcement Officer reported 15 Contractor Permits and 16 Building Permits were issued plus 1 Zoning Book Sale for a total of $6,630.73.

Attorney Limongelli stated the Barry Mamola Ordinance Complaint was heard in Court and Mr. Mamola was found guilty of maintaining a nusiance on his property and fined $250.00 plus $500.00 costs. Mr. Mamola will meet with the Code Enforcement Officer to determine what has to be moved and 20 days thereafter he must move it or he will be held in Contempt of Court and there could be imprisonment if he does not move that particular property. There is a meeting scheduled for September 10th, 2001 in order to determine what items have to be moved.

Tom Hizny, President of the Black Sheep Squadron (73 Pine Street, Pittston, PA) was in attendance in order to re-affirm their desire to fly at the Pocono Drag Strip area on Meadow Run Road. They would like to continue with the improvement such as widening of the runway and roads. Widening of the runway would consist of using the materials which are on site. He was requested to get something in writing from Recreation Realty on behalf of the landowners that this is acceptable. They will need to get the approval from the Airport. As far as the parking is concerned they want to abide by whatever authority has jurisdiction over the property on what can and cannot be done.

Mr. Hizny asked if the Township found anything unacceptable to please notify them. (Phone No. 655-9460).

Larry Spaciano, 17 Howledge Road, Harvey's Lake – Small Flow Treatment Facility proposed for the Andrews property in Forest Park. Dr. Andrews contacted his company in the Fall of 2000 concerning a malfunctioning on lot septic system. Another system which was proposed to DEP was determined "at grade bed was unsuitable" therefore they are proposing a Small Flow Treatment Facility. He explained the workings of this proposal. They still need DEP's approval on this project plus they would need Bear Creek Township to enact an ordinance requiring the current or subsequent property owners maintain this system

through an outside company. That company would come in and would test it periodically depending on what the standards were from the NPDES permit (the federal permit that's required for this).
He fielded many questions from the Supervisors and Residents. The maintenance company would have to be licensed by DEP. There are many requirements that have to be met prior to this system being installed. It is felt this system would be better than a Turkey Mound.

Carl Kresge: An open discussion was held concerning Zoning.

Off-the-floor discussions included Ray Wasilewski discussing sewage problems at his mother's property and questioning what was done about his complaints of non-compliance by the Fire Company. Ed Benkoski stated he could find no evidence that the Fire Company is in violation of using the property as non-conforming.

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Mr. Perugino made statements clarifying the situation on his property. Ed Benkoski stated he would contact Colleen Stutzman in order to find out exactly what can and cannot be done on the property in question.

Don Smacher stated there was graffiti on a fence facing his property. He produced pictures of the fence in question.

Ted Polk address the Board about his property off Bald Mountain Road. This problem is a legal matter and cannot be handled by the Board.

Having no further business the meeting was adjourned.

Respectfully submitted,

Helen L. Novak

Helen L. Novak, Secretary

SUPERVISORS SEMI-MONTHLY MEETING August 20th, 2001

The August 20th meeting was called to order by Chairman Edward Benkoski at 6:00 P.M. All Board Members were present.

The Secretary's Minutes of August 6th, were approved on a motion by Tyrone Gayeski and seconded by Edward Benkoski. Motion carried.

A letter of Resignation from the Zoning Hearing Board was submitted by Larry Getz. The Supervisors regretfully accepted his resignation. Ed Benkoski stated he felt the Board should appoint a new member at this time because of the upcoming Zoning Hearing. Art Clymo felt this should be tabled at least until the next meeting to give the Board a chance to secure more applications from interested persons. Art stated we did receive an application from Jeffrey Stewart dated July 27th, 2001 – all other applications in our files are at least 2 years old and a lot of the people are no longer in the township. Art Clymo made a motion to table this appointment until the next meeting. There was no second to the motion but the Board called for a vote. Tyrone Gayeski and Ed Benkoski voted no while Arthur Clymo voted yes. Motion failed.

Tyrone Gayeski made a motion to nominate Jeffrey Stewart for the position of Zoning Hearing Board – Ed Benkoski seconded. Motion carried.

ANN AND TERRY Schatzel: The Schatzels wanted to address the Board concerning a complaint signed against them by Gerald Ragagini of 295 New Hancock Street, Wilkes-Barre. He is a summer resident at Mountain Lake.

Ann Schatzel presented vehicle registrations for the vehicles on their property. The registrations will be given to Joe Andrews. As for the sign it was placed on someone else's property by someone else. There was a mini-van parked near their property – Ann Satchel claims the vehicle is not theirs and she has no idea who the mini-van belonged to. Their road is a private road and is not taken care of by the township. Concerning the complaint of weeds being on their property, Ann presented pictures showing weeds on the property of others and not on their property. As far as she's concerned she doesn't care about weeds on other people's property or of those in the woods.

Addressing the complaint about their dogs – Ann stated they had the dogs fenced in and while the Schatzels were home the dogs stayed in the yard – when they went out the dogs dug their way out and apparently did run around. They are now handling the situation by putting the dogs in the garage when they leave their home. As for the open septic tank – there is none.

As for the open septic tank – there is none. (She presented pictures of the back yard). Ed stated he would have Joe Andrews stop by to check the property.

TONETTE Schatzel stated she erected the sign in question and it is at the end of her driveway not on the roadway. She also stated she field Harassment Charges against Gerald Ragagini.

Tyrone Gayeski suggested we contact our solicitor to take the Pocono CATV people to court for failure to provide a meaningful response to our numerous requests. According to the law they are supposed to contribute to the township and they have not contributed anything to the township since signing some 25 years ago. Unfortunately we cannot find a contract. Pocono CATV people indicated they would attend the August 6th meeting but no one showed up.

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American Asphalt requested final payment for Swanson Road. Ed stated the balance is $42,000+ but that there is pending litigation concerning Swanson Road. He also stated that we would pay $12,000.00 at this time. The remaining balance would be paid upon solicitor's advise.

Richard Satchel asked about the criteria for a Zoning Board appointment. Ed stated that other than having some understanding about Zoning requirements there were no specifications and that any new member would be given a Bear Creek Township Zoning book.

Don Smacher asked where the maintenance people for the windmills come from. Tyrone Gayeski stated the electricians would come from Global Wind Harvest for the purpose of training local people on that phase of the job. Global Wind Harvest did assure the Board they would give local companies an opportunity to bid on the various phases of the project. The township had been given a letter stating that any job opportunity arising from this project first preference would be given to a township resident. If a maintenance building is to be put up for this project, it probably would not happen for at least a year after the start of the operation.

There was a lengthy discussion concerning complaints against property owners and explanations about what is being done to get certain properties cleaned up.

Henry D'Amato had several questions concerning sewage systems proposals for the township.

The Board of Supervisors will be requesting they be placed on Wilkes-Barre City Council Meeting Agenda for their next meeting concerning the bridges on Trailwood Lake Road.

Respectfully submitted,

Helen L. Novak

Helen L. Novak, Secretary

REGULAR MEETING August 6th, 2001

The Regular Meeting was called to order at 6:00 P.M. at the Neighborhood Facilities Building by Chairman Edward Benkoski. Supervisors Tyrone Gayeski and Arthur Clymo were also in attendance along with Malcolm Limongelli, Solicitor and Helen Novak, Secretary.

The SECRETARY'S MINUTES of July 16th, 2001 were approved as presented on a motion by Edward Benkoski, seconded by Tyrone Gayeski. Motion carried.

JULY DISBURSEMENT of $22,468.89 were approved on a motion by Tyrone Gayeski, seconded by Edward Benkoski. Motion carried.

JULY RECEIPTS of $18,386.16 were approved on a motion subject to audit was made by Tyrone Gayeski, seconded by Arthur Clymo

CODE ENFORCEMENT REPORT: 16 Contractor Permits and 21 Building Permits were issued in July – net receipts of $6,263.75.

SOLICITOR'S REPORT: Spotts claim is now in the Lackawanna County Court awaiting trial date.

Barry Mamola's Case was held before the District Magistrate and was given a certain amount of time to comply. Mr. Mamola has appealed the ruling. The hearing is scheduled for Luzerne County Court House on August 23rd at 9:30 P.M.

FCC ORDINANCE:

CABLE TV: A representative of the cable company was expected at the meeting however no one showed up.

FIRE COMPANY REPORT: None received.

The Planning Board had concerns concerning the silt screening at LAURELBROOK ESTATES. Ed Benkoski, Tyrone Gayeski, and Frank Westawski, Engineer met with James Comes at Landview. Mr. Comes assures the Township prior to turning over responsibility for maintenance of all infrastructure at Laurelbrook Estates, Landview Properties will have seeded and mulched all disturbed areas and all drainage areas including ponds will be free of silt and functioning properly.

FOR THE RECORD: Arthur Clymo stated that anything signed by the Board of Supervisors and does not contain his signature he is not part of it.

HELEN CONOVER V. BEAR CREEK TOWNSHIP: Cancelled so far until further notice.

Tyrone Gayeski will draft a letter concerning rocks and erosion concerning the Conover Complant.

BELANCHIK SUBDIVISION: Planning Board approved the Subdivision pending the completion of 4 items – those being the Highway Occupancy Permit, Sweage Module – DEP Approval, Markers and 50' right of way. They produced paperwork to show their compliance with the Planning Board's conditional approval. Ed Benkoski's motion for Final Approval was seconded by Tyrone Gayeski.

Ed Benkoski and Tyrone Gayeski voted for the approval – Art Clymo abstained. Motion carried for the Final Approval.

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The following three citizens addressed the Board on their concerns:

1. CARL KRESGE: It has been about 4 months since he requested action be taken concerning the Zoning of his property. There was discussion concerning the property being marked on the map as B-2 on either end and the middle being marked B-1. There was also a discussion concerning the Zoning for Towers. He was objecting to the 1995 Zoning Map not being filed at the Court House and that many properties on the 1995 that were mishandled.

Ed stated that any new Zoning Map does not get filed with the Recorder of Deeds. What has to be filed is any new function coming in such as Laurelbrook Estates with new roads or recreation areas, etc. has to be filed.

2. CHRIS ROBERTS: Ed Benkoski stated his request to speak should be a precise thing before coming before the Board. Chris requested the policy on the Minutes should be changed slightly.

3. DON SMACHER: Asked for the name of the person in Harrisburg that Ed spoke to concerning Zoning Maps. Don stated he spoke to Don Grell in Harrisburg who stated this must be filed at the Courthouse. He felt the township should have straightened out his problem and that he shouldn't have to go to a lawyer to get his problem solved.

VIRGINIA KRESGE addressed the board concerning her daughter's property which she may want to have zone as R-1. She was advised make an application to the Zoning Hearing Board.

KAREN HRABOUSKY stated she and her husband purchased property at 2927 Hill Crest Road and it is zoned residential. She expressed an interest in purchasing a horse and wants the property rezoned to allow that. She was advised to go to the Code Enforcement Office and fill out an application to go before the Zoning Hearing Board.

MARK WENDE requested the status of the sign which the Bear Creek Lions Club wants to install at the front of the building. There is a question of advertisement concerning the sign. Art Clymo stated there was never a meeting held to discuss the sign and he wants that statement on record.

A discussion ensued concerning a sign vs. bulletin board. There was no resolution to the request for the sign at this point. There were statements of what the Lion's Club has done for the area and that we should be proud to have an announcement sign in front bearing their name.

Chris Keast stated there were erroneous statements made concerning the financial condition of the Fire Company. Discussion followed including the possibility of a paid fireperson somewhere down the line and the possibility of putting a new firehoud at the Mountain Lake area. He stated he was speaking as the EMA not as a representative of the Fire Company.

Trailwood Lake bridges were also discussed. They are in depolorable condition. WB Enterprises - Williams and Behrens. Looking for original agreement with the Golf Course concerning the roads. Ownership of roads and bridges cannot be verified at this point. There is a "mitigating grant" available to repair the bridges - this would be available to the Golf Authority.

Bob Williams who owns Lowe's is possibly the same Bob Williams that was in business with Behrens.

Next Meeting: August 20th, 2001.

Carl Kresge expressed his thoughts concerning the proposed Lion's Club sign.

Ted Polk - requesting Myers Road be declared a public road. Turnpike Commission stated Mr. Polk has the right to use that road. There is a lengthy statement made by him concerning his property. "Do you want me to loose my mind and hurt someone because I am 77 years old how much longer am I going to go?" He feels the judge should have recused himself from the case. Ed Benkoski explained there is nothing the Township can do since this is a legal matter and he has all the legal papers to file a claim.

Dave Salata: Zoning Board - procedures for requesting change in Zoning.

Fire Company Gran discussion (the one that wasn't given this year.)
Workman's Compensation

Ruth Koval concerning the Bazaar - sent letter to every person in the township - out of all the Supervisors, workers, secretaries etc, involved with the township only 2 people responded to her request for the basket donations.

Having no further business the meeting was adjourned at 8:05 P.M.

Respectfully submitted,
Helen L Novak
Helen L. Novak,
Secretary

Semi Monthly Meeting July 16th, 2001

The Semi-monthly meeting was called to order by Chairman Edward A. Benkoski at 6:05 P.M. Supervisors Tyrone G. Gayeski and Arthur Clymo, Jr. were also in attendance. Salute to the flag followed.

MINUTES: A call for the approval of the Minutes of the July 2nd, 2001 met with the object of Carl Kresge stating several items which he felt were not included in the Minutes. He was advised by Mr. Benkoski that anyone appearing officially before the Board about anything concerning the Township would be included in the Minutes, otherwise it was not necessary for be included in the minutes. He was advised to obtain and file a Speaker Request Form. Arthur Clymo, Jr.'s motion to accept the minutes of July 2nd, 2001 was seconded by Tyrone Gayeski. Motion carried.

BEAR CREEK TOWNSHIP VOLUNTEER HOSE COMPANY REPORT: The Hose Company responded to 13 calls for assistance during June, 2001. These called required 123 accumulative man hours to complete plus time putting equipment back in place for the next emergency call. We responded to 2 vehicle fires, 7 motor vehicle accidents, 1 public assist for flooding, 2 fires and 1 double drowning at Francis E. Walter Dam. Engine 2 is expected to arrive just in time to be displayed at our annual bazaar August 9th, 10th & 11th. We are requesting everyone involved in outdoor burning to use proper container and to burn wisely.

The letter from REILLY ASSOCIATES concerning the DEP Sewer Study. The Department and the Township will meet after the study is complete.

ISEMAN: Helen Conover complaint has been cancelled until further notice.

Tyrone Gayeski reminded those in attendance there is a Fire Company Meeting scheduled for July 25th for the purpose of the $200,000. Lease for the new pumper.

Henry D'Amato questioned the income from the bazaar and the $200,000 loan. Discussion followed. The Township contributes 2 Mills to the Fire Company. There was a reference to the Fire Company's Budget. Joanne English stated the Auditors have not received a budget copy.

Chris Roberts questioned the Supervisors concerning fire company's financial situation. Ed Benkoski explained the fire company is entitled to 3 mills of taxes and that if anything went wrong within the fire company, the Township would certainly have to step in.

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Don Smacher stated the Zoning Maps of 1995 were not recorded at the courthouse. Other municipalities have not filed their zoning with the Recorder of Deeds. Our zoning is valid. Every question and every problem that has been brought up is being checked into. It was also stitulated that further research would be done on it and resolved. Joanne English stated their property at one time was listed as Commercial and she is questioning why their property was changed.

Ted Polk questioned fuel taxes for township roads. He felt the township should be receiving money for King's Road and others. Mr. Benkoski stated they are private roads and the township cannot receive funds for private roads.

Having no further business the meeting adjourned at 8:00 P.M.

Respectfully submitted,

Helen L. Novak

Helen L. Novak, Secretary

SUPERVISOR'S MEETING JULY 2nd, 2001

The meeting was called to order at 6:00 P.M. by Chairman Mr. Benkoski.

Mr. Benkoski asked for a motion for the approval of the June 18th minutes – he also stated he had one change that Balsam Road be changed to Blossom Road. Mr. Gayeski noted the 5th Paragraph quoting "Mr. Gayeski stated he had spoken to Mr. Popple regarding the completion of the culvert pipe" to show the location of Fairway Drive. Mr. Gayeski made the motion to accept which these changes – Mr. Clymo Seconded. Motion Carried.

Treasurer's Report: Disbursement $87,174.76. Mr. Gayeski made a motion to accept the Disbursement report, seconed by Mr. Benkoski. Receipts: $48,653.31 – Mr. Gayeski made a motion to accept receipts subnect to Audit. Mr. Clymo seconded. Motion Carried.

Code Enforcement Officer's Report: 10 Contractor's Permits, 10 Building Permits, 3 Zoning Books, 1 Zoning Hearing and 1 Occupancy Permit for a total of $4,059.60.

Solicitor's Report: Trailwood Lake – nothing received. Mamola Property: Magistrate Dotzel has allowed 30 days to clean this property or he would have a violation for every day it is not done. Mr. Mamola stated he would clear the property. Oko Property: The Magistrate went up and physically viewed the property. Mr. Oko promised the Magistrate he would lean it up – he was alowing 20 days to clean up – if not done the matter would be taken before the Magistrate.

Mr. Benkoski stated the Supervisors are planning to move the Secretary's Office from Mrs. Wasilewski's home to the kitchen area of the township building.

Mrs. Patricia Mack presented the Board with the Planning Board's Conditional Approval – she had received the Highway Occupancy Permit and all other paper work were in order. Mr. Benkoski made a motion to give Final Approval of the Minor Subdivision on Bald Mountain Road. Mr. Gayeski seconded. Motion carried.

Mr. Benkoski read RESOLUTION No. 3-2001:

WHEREAS, it is within the power of the Township Board of Supervisors to accept a private road as a public road, providing it meets standards set forth by the Pennsylvania Department of Transportation, by Bear Creek Township Ordinance, and by the "Second Class Township Code".

WHEREAS, it is in the best interest of the residents and taxpayers of said roads,

WHEREAS, it is in the best interest of the traveling public for the Township to proved for public safet on said roads,

WHEREAS, it is in the best interest of Bear Creek Township,

THEREFORE, BE IT RESOLVED, Bear Creek Township Board of Supervisors, in consideration and full understanding of the aforesaid facts, does hereby adopt the roads known as LAURELBROOK DRIVE, SANDSPRING ROAD, TWINBROOK ROAD, WEDGEWOOD DRIVE, FERNWOOD DRIVE, SPRINGBROOK DRIVE AND HILLBROOK DRIVE, as public township roads. The duly executed forms and property maps relative to this acceptance are hereby incorporated and made part hereof.

IN WITNESS THEREOF, The Board of Supervisors of and for the Township of Bear Creek, Luzerne County, Pennsylvania, have caused this resolution to be adopted and enacted this 2nd day of July at a yearly advertised meeting of said Board of Supervisors, effective ten (10) days from signing.

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There was a short discussion concerning a letter from Devlen and Devine Insurance Company concerning the Risko Complaint. (Holly Risko vs. Bear Creek Township – St. Paul's Insurance represents Bear Creek Township.

Reference was made to Reilly Associates – Act 537 Plan Update – Sewage Facility Plan Update Study.
More information will be forthcoming.

Next meeting: July 16th, 2001 at 6:00 P.M.

Respectfully submitted,

Helen L Novak

Helen L. Novak,
Temporary Secretary

June 18, 2001 Semi Monthly Meeting

The Semi Monthly meeting of the Board of Supervisors of Bear Creek Township was held June 18, 2001 at the Bear Creek Neighborhood Facilities Building Rte 115 Bear Creek Township. Chairman Edward A Benkoski presided with Supervisors Tyrone G. Gayeski and Arthur Clymo Jr. Salute to flag followed.

MINUTES: Motion was made by Mr. Benkoski. and seconded by Mr.Gayeski to approve minutes of June 4, 2001 as presented. Vote unanimous.

Mack Subdivision....Mrs. Mack was not present to present her pending subdivision.

ROADS...Mr. Benkoski stated the township is presently working on a section of Fairway Drive in front of Doctors Andrews, from Edward Kresge's to Mark Popple property, it has been surveyed and at the present time we have to find out who is the owner of the right of way. We know Mr.Popple is the owner because he bought the right of way. We also know there is an easement in that area. We are researching this matter.

PIKE ROAD..We are also surveying the lower portion of Pike road because of the cull -de -sac because the turn around is falling apart. The maps are being researched. Mr. Gayeski stated he spoke to Mr. Popple regarding the completion of the culvert pipe. on Fairway Drive.

SPANO PROPERTY...Mr. Benkoski stated a letter was received from RK Environmental. Question regarding dirt piles from the fuel tanks recently removed. Mr. Benkoski read letter stating this is a legal matter with property owner and that Mr. Clymo questioned the contamination of the soil and threatened to stop the job. Mr. Benkoski stated he felt Mr. Clymo was right in questioning the job because he was not aware of the samples that had been taken at the time. The results did not show any contamination as per the law.

INSURANCE...Letter was received from Anthony Brojokowski Insurance and Investments stating he would like to submit a proposal for the township employee health insurance coverage.

PUBLIC IMPUT...

KRESGE...Mr. Kresge discuss the issue of past minutes regarding the amendment of the zoning ordinance. He discussed the procedure of minutes and how they should be handled. Mr. Benkoski stated the minutes of May 7, 2001 stated the zoning map amendment is written up and he could have a copy. The reason Mr. Kresge was not mentioned was because the zoning amendment was not done for him specifically. It was done for the entire plot of land on the corner of ~~Balsam~~ * road and Laurel Run. Mr. Kresge stated the minutes were changed. Mr. Clymo and Mr. Gayeski also stated the fact that the minutes did address the amendment. Mr. Gayeski read the portion of the minutes that address this issue. Mr. Benkoski stated the procedures are being followed and it will be done. * Blossom

SMATCHER...Mr. Smatcher again expressed his concerns regarding his parcel of land and was again instructed to have his attorney contact the township solicitor.

SEWAGE...Mr. Wasilewski informed the board of the situation located on Old East End Blvd adjacent to his mother's property He stated raw sewage is running onto his mother's property. He asked why it is taking so long to be resolved. Mr. Benkoski update Mr. Wasilewski regarding the situation and the steps that are being taken to resolve this matter. A discussion was held. Mr. Benkoski would contact the SEO to find out the present status.

COMPLAINTS...Mr. Wasilewski stated he filed some complaints regarding the fire department property, which he feels, are in violation of the township ordinances. He contacted the Code Enforcement Officer and the supervisors and he felt he is being ignored. It's been over two months. Mr. Benkoski stated the Fire Company did followed the setbacks required. He stated he is researching the matter to find out if the

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fire department is non-conforming. Mr. Wasilewski stated he was told they are non-conforming and now they are putting a paved driveway. Mr. Benkoski stated Mr. Keats told him they were not going to use or put the drive between the home and the building but they have. Mr. Keats updated the board regarding past issue. A discussion was held. Mr. Benkoski would research the zoning issue and get back to him.

SUPERVISORS PAY RAISES...Mrs. English asked if the board received her letter regarding this matter. Mr. Benkoski stated they did receive the letter and if she wanted to discuss this matter after the meeting they would do so. Mrs. English felt it was public information. She felt the matter was handled improperly, any decision on the subject should have been handled by the board of auditors instead a letter was sent to each auditor and replied individually. Mrs. English felt bad because one of the auditors wanted to resign due to this issue. Mr. Gayeski stated she resigned. Mrs. English wanted to know why it was handle this way. Mr. Benkoski read the letter in full text and each item was discussed. Mr. Kresge discuss this issue also and told the supervisors to get their act together because the board was out of order and could be taken to court. Mrs. Smatcher question the board's decision regarding her complaint against her neighbor Joann Colleran who is an auditor for the township. She felt Mrs. Colleran had a conflict of interest because of her position regarding the approval of the supervisor's salary increase. Mr. Gayeski and Mr. Clymo felt has nothing to do with their pay rise. Mr. Benkoski felt they should not accuse the board of something under handed. Mr. Colleran gave detail step by step action she took regarding this topic. A discussion was held. Mr. Clymo stated his records are all open and Mr. Benkoski stated all records are open to the public.

KOVAL...Mrs. Koval stated a man from Devlin and Devin a law firm from Philadelphia hire by the township is asking questions about her son. The workers told her this from the township. The supervisors stated that the insurance company representing the township hired the firm. She also asked for an update of the sign for the Lions Club. The supervisors stated nothing as of yet.

Bear Creek Township
Board of Supervisors

REGULAR MEETING June 4, 2001

The Regular meeting of the Board of Supervisors of Bear Creek Township was held June 4, 2001at the Bear Creek Neighborhood Facilities Building Rte 115 at 6 PM. Chairman Edward A Benkoski presided with Supervisors Tyrone G. Gayeski and Arthur Clymo Jr. Attorney Malcolm Limongelli was also present. Salute to flag followed.

MINUTES: Motion was made to approve minutes of May 21, 2001 by Mr. Clymo and seconded by Mr. Gayeski. Vote Unanimous.

DISBURSEMENTS...Motion was made by Mr. Benkoski to approve disbursements and seconded by Mr. Gayeski. Vote unanimous.

RECEIPTS...Motion was made by Mr. Gayeski to approve receipts subject to audit. Vote unanimous.

CODE ENFORCEMENT REPORT...Mr. Andrews reported 6 contractor permits, 14 building permits, 6 books, 1 occupancy permit for a total of $2, 953.50.

SOLICITORS REPORTS

TRAILWOOD LAKE...No response from the Governor's Action Bureau to date. Mr. Benkoski stated he did contact them and they are to return his call.
OKO, MAMOLA....June 21 a hearing date is scheduled.
MOZLOOM AND BALOTTI...It is on appeal and no date has been set.
GAGLARDI...The solicitor stated he just visited the site prior to this meeting and he felt the township must proceed with action against him. He would meet with the code enforcement officer to discuss the next steps.
SPOTTS...Attended a hearing on this matter and placed objections. The judgement was against the township. He did not feel Mr. Spotts placed a valid clam of action against the township or Mr. Westawski. He would file and appeal. Mr. Benkoski updated the people as to the complaint.
CABLE TV...He received a call and the pending meeting has been cancelled until next township meeting.

MESSAGE BOARD SIGN...Mr. Benkoski stated the township received a letter from the Lions Club regarding a sign placement. Mr. Wende presented the issue. Mr. Clymo asked questions regarding the sign and structure. Mr. Benkoski stated the township does not know how they are going to stand with the office situation at the present time or where they will position the office. Mr. Benkoski stated he has no objections to the sign. Mr. Gayeski stated he would vote against the sign at this time because of the liability act and also felt the zoning board should be brought in on this issue because it was turned down once before. A discussion was held. Mr. Wende asked if the fees could be dropped since this would be a community project. Mr. Benkoski felt he had no problem with this request.

CABLE TV... Letter received from the cable service regarding pending changes. A discussion was held.

PAYLOADER...Mr. Clymo stated the present payload is 10 years old. The board decided to look at a new one, which would cost $95,000.00. If we were to go under the state contact it would cost around $61, 176.00 less the trade which brings it out to approximately $45,000.00 on the new backhoe. A discussion was held. Comments from the public...concerns regarding bidding. Mr. Benkoski stated we did not need to bid because of the state contract and the procedure was explained. Mr. Gayeski moved to purchase the backhoe for $45,000.00, seconded by Mr. Clymo. Vote unanimous.

BASEBALL....Mr. Clymo stated last year the township purchased the poles for the batting cage. They now need top rail approximately 86 feet and diamond text for the fields. Mr. Benkoski stated the township donates $300 per year to the little league. All were in favor.

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SOCCER GOAL...Mr. Gayeski stated they requested the goals and he supported it because we have not given them money in several years. He felt we should support them as much as possible because the parents are outs there supervising them and we do budget from the recreation aspect. Mr. Benkoski stated he is not against it, he is actually in favor of it but he would like to wait another week or two because he did call the county to see if they could donate the goals, if not he would be in favor of it. Mr. Clymo felt we should table the matter. (Nets are available for free.)

INSURANCE...Mr. Gayeski stated the township needs to give the serial numbers to the new insurance company. Mr. Clymo stated they were to be dropped off at the secretary's office and the inventory was turned in. Mr. Benkoski asked the secretary to look for the inventory and asked Mr. Clymo to check with Gary tomorrow and let them know.

PUBLIC COMMENTS...

SMATCHER COMPLAINT... Mr. Smatcher asked about his problem. The solicitor stated Mr. Smatchers attorney was to contact him to discuss the matter and has not to date. A discussion was held. Mr. Smatcher was instructed to have his attorney call the township Solicitor.

KRESGE...Mr. Carl Kresge stated he did not received a letter regarding the rezoning of his property. Mr. Benkoski stated Mr. Westawaski is finalizing the amendment and the steps to be taken. A discussion was held.

KOVAL...Mrs. Koval stated she had a complaint regarding the minutes and how they were prepared. She also discussed the issue of temporary secretary and article in the paper. Benkoski stated she was temporally hire until the ads were put in the paper. We have received several resumes.

KRESGE...Mr. Carl Kresge suggested the board read the minutes, bills and etc allowed. Mr. Gayeski stated they are subject to audit. A discussion was held. Mr. Clymo stated he has been here a year and one half and did not like Mr. Kresge insinuations that he is doing something wrong in this township.

GOBER...Mr. Gober asked if the board has a temporary secretary. Mr. Benkoski stated she is only helping the board out and they will be reviewing resumes. Also the Board has a blanket bond on everyone at the present time.

WENDE...Mr. Wende again brought up the issue of the sign. A lengthy discussion was held. Mr. Benkoski stated he would go before the zoning board regarding Mr. Wende's request.

May 21, 2001 SEMI MONTHLY MEETING

The Semi monthly meeting of the Board of Supervisors of Bear Creek Township was held May 21, 2001 at the Bear Creek Neighborhood Facilities Building Rte 115. Chairman Edward A Benkoski presided with supervisors Tyrone G. Gayeski and Arthur Clymo Jr. Salute to flag followed.

MINUTES: Motion was made by Mr. Gayeski and seconded by Mr. Benkoski to approve minutes as presented. Vote unanimous

SOCCER GOALS...Letter was received from Mrs. Joann Olson requesting a donation of $1,250.00 for half the cost of the purchase of goals for the U6, U7, and U8. Mr. Benkoski stated this matter would be taken under consideration. Mr. Clymo asked if we purchased the goals in the past. Mr. Gayeski stated we did purchase them in the past. Mr. Clymo asked what is wrong with the present goals. Mr. Gayeski stated there are so many teams, they may need a replacement. They cost $2,500.00 for new ones. Mr. Clymo asked if they need new ones. Mr. Gayeski stated he did ask but he did not know. Mr. Clymo asked if the goals are put away or kept out. Mr. Benkoski felt the board needed more information regarding this request.

BURRIDGE COMPLAINT...Letter was received from our insurance company stating they did forward $1,537.15 which is not the entire amount of the claim.. Mr. Clymo stated he talked to Mrs. Burridge and that she did receive the total amount, half-coming from American asphalt. She is paid in full.

KOVAL STATEMENT...Mr. Gayeski stated the board received a letter from Mrs. Bonnie J. Wasilewski regarding the above matter. He read two paragraphs from the letter and felt this letter needed to be taken under advisement at personnel meeting before reading it out in public because this may be a legal issue and the board would need to be careful.

JUNE 4, 2001 6 PM would be the next township meeting.

COMMENTS:

MINUTES: Mr. Gober asked for a copy of the minutes of this meeting. Mr. Benkoski stated he did have a tape-recorded going and would give him a copy of the minutes. Also the meeting minutes are posted on the board.

ZONING CHANGE....Mr. Smatcher asked about the zoning issue. Mr. Benkoski stated as far as he knew Mr. Smatchers lawyer was to contact the township solicitor. The attorney was to be present tonight and could not make it. Mr. Smatcher stated his zoning was changed and he would like his changed back to what it was previous to the change. He stated no one requested the change. Mr. Benkoski stated the maps are being reviewed and some errors were made. They are working with the township engineer and reviewing the matter. Mr. Clymo stated he understands all steps were taken regarding the proper procedures such as posting and etc. The time to complain was at that time. Mr. Smatcher felt there was something wrong with the system. He stated he would do something about it. Mr. Gayeski tried to explain the steps taken and stated that perhaps the issue needs to go to the court. The judge would make the decision . Mr. Benkoski stated the whole township was rezoned. A lengthy discussion was held on the issue. Mr. Gober stated he was on the planning board and they did not review.

May 21, 2001 Semi Monthly meeting

Mr. Gayeski stated the Planning and Zoning Board both reviewed the matter. Mr. Benkoski stated the matter is being addressed.

KOVAL COMPLAINT... Mrs. Wasilewski asked if solicitor would review the letter she presented to the board. The board stated they would review it and then send it to the solicitor for legal review.

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ZONING...Mr. Knorr suggested that the board of supervisors sit down with the boards once it has been reviewed. He felt it never did get to the zoning board. Mr. Gayeski stated this was in 1990 and Mr. Knorr was not on the board at that time. The board started in 1991 worked on it 1992, 1993 until it was adopted. He stated Mrs. Weitz had a large input on this matter and gave her comments. Mr. Benkoski stated the boards would be involved in the zoning changes.

EMA...Mr. Keats stated the disaster plan was updated in 1999 because of the computer scare in 2000. He stated the updates would be submitted in July.

FIRE COMPANY....Mr. Keats stated they received two donations for the down payment on the truck. The balance of the truck is almost $200,000, which is being financed. The same thing is being done on the building. The payments will be about $2,000 per month on the new truck. Mr. Benkoski asked with the construction of the building and the new fire truck what are you looking at the debt. Mr. Keats stated about $200,000. He filed for every grant possible and gave a list of grants. Mr. Gayeski asked about the Kanjorski grant. A discussion was held on the allocation. Mr. Benkoski asked about the $2,200. Mr. Gayeski stated he brought that total up because he said Mr. Jaselievicz told him that amount.

KOVAL COMPLAINT...Mrs. Koval asked if she would be able to respond to the letter regarding the Koval complaint. Mr. Benkoski stated yes. The board would contact her.

Meeting adjourned.

BEAR CREEK TOWNSHIP
BOARD OF SUPERVISORS

May 7, 2001 Regular Meeting

The Regular Meeting of the Board of Supervisors of Bear Creek Township was held May 7, 2001 at 6 PM at the Bear Creek Neighborhood Facilities Building Rte 115. Chairman Edward A Benkoski presided with supervisors Tyrone G. Gayeski and Arthur Clymo Jr. Attorney Malcolm Limongelli was also present. Salute to flag followed.

MINUTES: Motion to approve minutes of April 16, 2001. On the motion Mr. Clymo stated in the minutes a statement was made on the contract issue saying he was unclear regarding this issue. Mr. Clymo did not feel it was nonsense or the board was unclear about anything. He would like the whole sentence removed. Mr. Gayeski moved to approve the minutes as corrected. Seconded by Mr. Clymo Vote unanimous

DISBURSEMENTS...Mr. Benkoski read total disbursements as $143,043.59. Motion made by Mr. Gayeski and seconded by Mr. Benkoski. Vote passed. Mr. Clymo stated he would abstain because he did not receive a copy of the treasurer's report.

RECEIPTS...Mr. Benkoski read receipts as $13,364.13. Mr. Gayeski made the motion seconded by Mr. Gayeski. On the vote Mr. Benkoski, yes Mr. Gayeski, yes and Mr. Clymo abstained. Vote passed.

CODE ENFORCEMENT...Mr. Andrews stated the following: 8 contractor permits, 8 building permits for a total of $4,128.15

SOLICITORS REPORT:

TRAILWOOD LAKE...No response from the Governors Action Committee.
OKO/MAMOLLA...Certified letters have been sent to the individuals giving them 20 days to respond. Mr. Mamolla has signed for the receipt. Mr. Oko has not, so he was sent regular mail. A complaint will be filed at that point and if in violation they will pay the fine everyday after sentence. They will then be issued a warrant for arrest.
MOZLOOM/BALOTTI...On appeal at the court of common please.
GAGLARDI...An appointment is to be made at this time
CABLE TV...Received a letter from the representative to discuss this issue.

ZONING MAP AMENDMENT...Attorney Limongelli has thoroughly researched this matter with Mr. Phil Robins of the Governors Center and he has outlined the procedure to follow. Attorney Limongelli has prepared for the board tonight a resolution to amend the zoning map to correct any deficiency and asked one of the board members to read the resolution. This is the first step. It must then go to township engineer, the Planning Commission for approval, advertise it and vote on the enactment of the amendment. Mr. Gayeski read resolution. Motion was made by Mr. Gayeski, seconded by Mr. Benkoski. On the vote Mr.Gayeski yes, Mr. Clymo, no and Mr. Benkoski yes. Vote passed.

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PENDING ISSUES....Mr.Benkoski stated the following :

AMERICAN ASPHALT.... Continuance with magistrate court with the designer of the road Spott and the township engineer Mr. Westawski.
KOVAL COMPLAINT...Still pending
MUTUAL AID... Must be worked out with Mr. Keats.
RTE 115...Accident with Penn Dot and David Maniticka two years ago.
TOWER...The dispute with PP&L and SBA regarding an easement, which was proven wrong that PP&L did not have an easement.
MACK SUBDIVISION...Mr.Benkoski stated that Mrs. Mack did not show to discuss this pending matter.
SUMMER HELP...Mr. Benkoski stated the township is accepting applications for summer help.
BURRIDGE COMPLAINT...Mr. Benkoski stated this matter has been resolved. Mrs. Burridge stated she did not receive payment. The solicitor would research this matter.

TOWNSHIP INSURANCE...Mr. Benkoski stated the township received bids on insurance from Lupas and Crossin Insurance's who at one time were township carriers years ago. Crossin came in with the best price of $10,791,00 instead of $20,000.00 that we would have had to pay to St Paul and this also includes an increase of our equipment and liability increased for a few extra hundred dollars. Lupas was approximately $15,000.00. Mr. Benkoski moved to accept bid from Crossin Insurance over St Paul, which was approximately $20,000.00. Mr. Gayeski stated savings of $10,000 over St Paul. Mr. Clymo moved to accept bid from Crossin Insurance. Seconded by Mr. Gayeski. Mr. Gayeski, yes, Mr. Benkoski yes and Mr. Clymo yes. Vote unanimous.

BEAR BUCK AMBULANCE...Letter was received from the ambulance organization informing the township of what protocol will be followed regarding when their unit is unavailable for calls.

TOWNSHIP MEETING.... May 21, 2001 at 6 PM.

GLOBAL WINDS...Mr. Stuckman gave and update, appropriate bonding, install a unite for the fire department so they can watch for fires and they would take care of the concerns regarding the residents and their wells. Mr. Benkoski stated these were conditions set on the company regarding the wells, video poles for view of future fires and appropriate bonding with the private property owners. Easement from the landowners in harvest winds names and the game commission certified has and licenses to go through their lands. Mr. Gayeski made a motion to accept final approval on the Wind Park providing all the amendments were completed. When license received the township will get a copy. Motion was seconded by Mr. Clymo. On the vote Mr. Clymo yes, Mr. Benkoski yes, and Mr. Gayeski yes. Maps were signed.
Mr. Benkoski stated a resident was concerned and the area would be monitor by the township engineer without notification. Gayeski explained

COLLERAN COMPLAINT...Mr. Smatcher discussed the issue of this complaint against Collerans. A discussion was held regarding this matter, which at this time is a legal issue. Mr. Kresge outlined areas of complaint in the township and his concerns. Mr. Benkoski discuss the issue and informed Mr. Kresge the Board is trying to correct situations, there are steps to take and it takes time to resolve the issues. Mr. Gayeski stated that Attorney Hoegen drafted a resolution to remedy Mr. Kresges complaint in 1998 as directed. The Board did not carry it out because of the laws and the township was handcuff at times and could not move forward.

Mr. Smatcher was instructed to give information to the Code Enforcement Officer regarding his most recent complaints and file the necessary papers. Mr. Smatcher asked for a ramp to get into the Code Enforcement's office. Mr. Benkoski asked the roadmaster to have a ramp installed by the road crew.

PLANNING BOARD...A motion was made by Mr. Benkoski and seconded by Mr. Gayeski to appoint Michael Parri to the vacancy on the Planning Board. Vote Mr. Benkoski yes, Mr. Gayeski yes and Mr. Clymo yes. Vote unanimous.

WIND PARK...Mr. Benkoski stated the contracts a for land lease and the wind park have been reviewed by the Board and the solicitor. Corrections were made as agreed. Motion was made by Mr. Benkoski and seconded by Mr. Gayeski to accept land lease and Wind Park plus increases to be added. Mr. Gayeski also added that all the requirements of the county are to be carried out. Mr. Clymo verified all supervisors had the same agreements and leases. On the Vote....Mr. Benkoski yes, Mr Gayeski yes, and Mr. Clymo yes. Vote unanimous.

RUMORS....
Mr. Gayeski stated he would like to clear a few rumors going around the township. Fairway Drive...He stated the township did not spend $92,000.00. Landview has passed all soils test.

Mrs. Koval asked Mr. Gayeski to clarify the statement regarding a new building. Mr. Gayeski stated the township would be researching grants for additions to the building. This would address the meeting hall section. Mr. Gayeski stated over 700 community's work from their home offices. Perhaps in the future the township will put an office in the building. Mrs. Koval stated the township secretary's office is not accessible to the handicapped. She felt we pay rent of $50.00 per month to the township secretary for office space and she has no hours. She also stated that she could never reach the township secretary. Mr. Gayeski stated he felt the township records are in a secure place and did not feel $50.00 was much to pay for security.

SIGN...Mrs. Koval also asked to be updated on the sign requested by Mr. Wende. Mr. Gayeski updated her.

TOWNSHIP SECRETARY...Mr. Benkoski stated the township secretary is on workman's compensation. Mrs. Koval asked if the job would be advertised. Mr. Benkoski stated the supervisors are waiting until Friday to hear from her doctor. We have instructed her not to do nothing. If she does come back, we may have hired a part time person to help her.

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GRANTS...Mrs. Koval stated there are grants that have come through for EMA, the Fire Company; and ambulance. She has brought this up to Chris a few times and all they would say is the paper work was sent to the township and they in turn would have turned it over to Haas. We could have gotten so much free stuff and money. She brought up not to long ago about another grant. The papers in turn were never handed over. She knows for a fact that when Eric was working for the township his salary could have been paid by the state. She called Bonnie and gave her all the information OBR and she was told I don't do forms and we don't participate. Why, you could have had a township worker almost free of charge or free of charge if the township would have done this. She is told we don't participate in these programs and she doesn't understand why. Mr. Gayeski stated we participate in the county programs where we don't have to hire a professional individual to apply for the grants. We get approximately$100,000 every three years based on the income of the people living in our town. We have been able to do this with the roads, $80,000 for a grant for this building, used $100,000 to get purchase land. Mrs. Koval asked why do we participate in some and not all. Mr. Gayeski explained the issue with the Fire and Ema grants. He felt the papers are not being sent to the township because they did not want people to apply. He explained the grants were for new equipment or a new fire building. They applied for the equipment. A discussion was held and Mrs. Koval again asked why she is told we don't participate. Mr. Clymo stated he brought papers back from the convention for the fire department and gave them to Mr. Keats. Mr. Gayeski stated the fire department got a $2,200 grant for equipment. The supervisors had a meeting with Tigue and representatives from the Fire and EMA as invited by Mr. Keats. Mrs. Koval stated a lot of stuff is available and she was told directly we don't participate. When she brought it up she gave all the information to Bonnie that time and she said you don't even have to pay his salary, might only have to pay a small amount. Mr. Gayeski stated he never heard this before until just now. Mr. Benkoski stated he would find out. She stated it would have saved you and you would have had another township employee. But it didn't work out.

AMERICAN ASPHALT.....A Representative from American asphalt question payment. Mr. Benkoski updated him and what was sent out and the present status. $12,000 would be taken care of shortly. On the balance the solicitor explained the pending legal issue. It will be before the magistrate on the pending balance.
Meeting adjourned.

BEAR CREEK TOWNSHIP

APRIL 16, 2001 SEMI MONTHLY MEETING

The semi monthly meeting of the Board of Supervisors of Bear Creek Township was held April 16, 2001at 6PM at the Bear Creek Township Neighborhood Facilities Building Rte 115. Chairman Edward A Benkoski presided with Supervisors Tyrone G. Gayeski and Arthur Clymo Jr. Attorney Malcolm Limongelli was also present. Salute to flag followed.

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MINUTES: Motion to approve the minutes of April 2, 2001 was made by Mr. Benkoski and seconded by Mr. Gayeski subject to correction on the 2000 audit. Vote unanimous

FIELDS...Letter received from Joann Olson to use soccer fields from August 1,2001 to November 1, 2001 for intermual soccer. Approved by board.

CLEAN UP OF PROPERTY...Mr. Matt Hrabousky asked about clean up of his newly acquired property and if there were a permit needed. Mr. Benkoski stated he did not need a permit. Also he said there were some drums and one had oil in it. Mr. Benkoski asked Mr. Keats to visit site and instruct landowner where to dispense of it. Mr. Hrabousky also asked about burning out doors because of the amount of discarded wood and papers. He was told he could burn but must stay by fire until done.

WIND PARK...Mr. Stuckman representative of the park was present and discussion was held. He would expound future on pending issues at the planing board meeting that was to follow. The audience was invited to attend.

Mr. Clymo stated he wanted to have the same contract to review and sign at the time of acceptance of the Wind Park as the other two supervisors. What he meant was unclear or he thought we were to have other of which was nonsense. All supervisors would review the same information with no alterations made to individual contracts.

LUZERNE COUNTY PLANNING COMMISSION...Mr. Benkoski read letter received from county planning and engineering departments on the comments for the wind park.

EQUIPMENT...Motion was made to purchase new lawn tractor to replace the broken one. A 445 John Deere is to be purchased on a state contract from Mountain Top Lawn and Tractors dealer at a price of $7,100.00 less trade in value. Motion was made by Mr. Benoski and seconded by Mr. Gayeski. Vote unanimous.

COMPLAINT...Mr. Clymo received a complaint from Mrs . Terry Kulakoski stating a trailer pulled into the drag lodge with items on it and she was concerned about dumping. Mr. Clymo stated he investigated the complaint and found the vehicle stuck in the mud. He spoke to Mr. Periguno owner of the property who stated he was cleaning up the property. Mr. Clymo did check on the property the next day and all was clean up.

Meeting adjourned at 7:05 PM.

Bonnie J. Wasilewski, secretary
Bear Creek Township

April 2, 2001 Regular Meeting

The Regular Meeting of the Board of Supervisors of Bear Creek Township was held April 2, 2001 at 6 PM at the Bear Creek Neighborhood Facilities Building Rte 115. Chairman Edward A Benkoski presided with Supervisors Tyrone G. Gayeski and Arthur Clymo Jr. Attorney Malcolm Limongelli was also present. Salute to flag followed.

MINUTES: Motion was made by Mr. Clymo and seconded by Mr. Gayeski to approve minutes of March 7, 2001 as presented. Vote unanimous.
RECEIPTS...Motion was made by Mr. Gayeski and secondedMr. Clymo to approve receipts subject to audit. Vote unanimous.
DISBURSEMENTS....Motion was made by Mr. Gayeski and seconded by Mr. Benkoski to approve disbursements as presented. Vote unanimous.

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CODE ENFORCEMENT....Mr. Andrews, Code Enforcement Officer reported the following for the month of March, 2001. Eight contractor permits, four building permits, one zoning book, one zoning hearing and one occupancy permit for a total of $2,990.00.

SOLICITORS REPORT:

TRAILWOOD LAKE... awaits a reply from the governors action committee, nothing to date.

OKO/MONOLA COMPLAINT.... papers to proceed have been prepared. He has talked to the code enforcement officer regarding the cost for court action and they wanted to get some feed back from the supervisors as to weather we should go back to the magistrate to resolve the matter in order to save money on court action. Although the cost are being requested we may not receive reimbursement and it may be costly to go to court.

MOZLOOM AND BILLOTTI.... Papers have been filed for court action.

GAGLARDI....The Code enforcement officer and the solicitor will visit the site to determine the violations when the weather gets warmer.

CABLE TV... A new person is in charge and the solicitor has requested a meeting with him to discuss the township view in regards to the pending new paper work.

PENN DOT ALLOCATION...Mr. Benkoski read letter from Penn Dot informing us that we will receive $46,603.16, which will be electronically transferred to our account April 1, 2001.

2000 AUDIT....Motion was made by Mr. Gayeski and seconded by Mr. Gayeski to approve audit as presented. Vote unanimous.

TOWNSHIP INSURANCE...Mr. Benkoski stated we will review proposals from various insurance companies for township insurance relating to errors and ommission, liability, vehicles and property. Mr. Benkoski stated the insurance has been increase approximately $10,000.00 so we have solicited for proposals to review and consider. Proposals have been received from HOBAN INSURANCE, LUPAS INSURANCE AND CROSSIN INSURANCE. Mr. Benkoski stated the quote from Crossin insurance came back that we could still maintain the same level of insurance at a less amount. If it meets all our present policy demands it will not cost us a penny more.

TOWNSHIP MEETING .....April 16, 2001

BURRIDGE COMPLAINT...Mr. Benkoski asked Mr. Clymo for an update. Mr. Clymo stated he felt we should push this on forward for Mrs Burridge. Seems to be moving slow. On Friday he talk to our present carrier Hoban insurance. The three companies involved are Penn National, St Paul and Mrs. Burridge insurance company . Mrs. Burridges insurance company stated they would not pay for her damages because it is not covered in her present policy. Our carrier asked that Mr. Clymo forward all correspondence Mr. Clymo has received for review and consideration. Mr. Clymo did speak with Mrs. Bray from Penn National (American Asphalt's carrier). She indicated she would not talk to him because Mrs. Burridge has the information. The study completed for American Asphalt felt they are not responsible and they denied her claim. Mr. Benkoski asked for the engineer report, which she brought to the meeting for the supervisors. He stated the township is an additional insured on Americans policy. A discussion was held. The papers will be forward. Mr. Benkoski asked the solicitor what could we do to bring this matter to a resolution. The solicitor would review the entire matter and report to the supervisors. Mr. Kresge a resident and contractor stated the contractor should have made an investigation prior to construction of the Swanson Road project.

PERSONNEL MEETINGS...Mrs. Koval stated a few meetings ago she asked about the personnel meeting. She stated she was told they are work sessions. Mr. Benkoski stated they are personnel meetings. She stated personnel meetings as the state law defines are dealing with employees. Some of the things the township residents don't know what is being voted on until after the fact in the township meetings. Mr. Benkoski stated no action is taken at the township personnel meetings, only discussion is held and public announcement are made during public meetings when the supervisors vote. She felt personnel meetings are about employees. A work session is open to the public. She asked what type of meeting was held last Thursday. Mr. Benkoski stated the supervisors were reviewing the township zoning maps with an engineer to find out what direction needed to be taken to correct the maps. All hand maps done by Mr. Speicher were review. No decisions were made and the solicitor has been involved and is reviewing the procedures. She asked how would you know if a mistake were made. Mr. Benkoski told her to go to the code enforcement's officer office to review the present maps.

TOWNSHIP OFFICE....Mrs. Koval stated at the last meeting an announcement was made if the residents wanted to review the windmill contact to contact the township secretary. Is there any posted hours for the township office so anyone can go to the township office other than calling and making an appointment. Mr. Benkoski stated there are no posted hours for the township office. She asked where is the township office. Mr. Benkoski stated in the secretary's basement. Mrs. Koval stated then it is not handicapped accessible. Mr. Benkoski stated if there were any request by the township residents the secretary would bring the records to the public and meet with them at the facilities building. She asked why we don't have hours. Mr. Benkoski stated this is all under review. Mr. Roberts stated the maps at the courthouse don't match the current maps, they have 1993. Mr. Benkoski stated he questioned that also and 1993 was the review of the present maps, but they were adopted in 1995. He also stated Luzerne county does have a register with the posted hours.

CELL TOWER...Mr. Gary Mandulick asked when is the cell tower going to be constructed. Mr. Benkoski stated the tower would not be constructed as planned at the Swanson Road location.

ZONING MAPS...Mr. Gober asked why a public meeting was not held on the zoning maps. Mr. Benkoski stated a meeting would be held to make a decision on what steps the supervisors plan to take to resolve the map issue. A discussion was held.

Meeting adjourned at 6:30 PM

BONNIE J WASILEWSKI, SECRETARY
BEAR CREEK TOWNSHIP

March 7, 2001 REGULAR MEETING

The regular meeting of the Board of Supervisors of Bear Creek Township was held March 7, 2001 at 6 PM at the Bear Creek Neighborhood Facilities Building Rte 115 . The meeting was rescheduled due to a snowstorm. Chairman Edward A Benkoski presided with Supervisors Tyrone G. Gayeski and Arthur Clymo Jr. Attorney Malcolm Limongelli was also present . Salute to flag followed.

Minutes: Motion was made by Mr. Gayeski and seconded by Mr. Clymo to approve minutes of February 19, 2001 as submitted. Vote unanimous

Disbursements...Motion was made by Mr. Gayeski and seconded by Mr. Benkoski to approve disbursements as presented. Vote unanimous

Receipts...Motion was made by Mr. Gayeski and seconded by Mr. Clymo to approve receipts subject to the audit.

SOLICITORS REPORT

OKO/MOMOLA COMPLAINTS....The papers have been signed by the Code Enforcement officer and will be filed on Monday to process legal action on the pending complaints.
GAGLIARDI COMPLAINT...Mr. Gagliardi is presently out of town, the code enforcement will proceed with the next step to rectify this complaint.
CABLE TV.....No response to date.

ORDINANCE 1-2001 MILL CREEK WATERSHED...Motion was made by Mr. Gayeski and seconded by Mr. Benkoski to adopt ordinance 1-2001 MILL CREEK WATERSHED as required by DEP. Vote unanimous.

MEETING....Next township meeting is March 19, 2001

PUBLIC COMMENTS....

REGINA COIN...Ms. Coin expressed her concerns regarding the pending installation of windmills. The Board updated her as to the information at hand. The company will go before the Planning Board at their next meeting . No action is being taken by the Board of Supervisors to date.

RESIGNATION...Mr. Benkoski stated he forwarded a letter to the Planning Board and the Board of Supervisors resigning his position from the Planning Board. The Supervisors Board did not receive the letter to date. Mr. Benkoski felt that he should resign from the Planning Board because he felt that no one person should be sitting on more than one board at a time. All applications on hand will be reviewed for consideration.

SWANSON ROAD/BURRIDGE COMPLAINT...Mrs. Burridge asked the board who is going to pay the contractor for the work being done on her residence. The damage came from the contractor doing the work on Swanson Road. A discussion was held. Mr. Benkoski stated he would have the secretary contact our insurance company to see what steps could be taken to rectify this matter

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RESIDENCY...Mr. Clymo stated he is running for supervisors this next election. He wanted to put to rest the rumors that are presently going around the township. He stated his residence is 1105 Meadow Run Road. He does own another property in White Haven. He does live in this township and has all his life. He stated he is trying very hard as supervisors to help the people of the township.

CELLULAR TOWERS...Mr. Frank Libertoski Pittson Blvd stated he is concerned that the towers are going on Mr. Benkoski's property. Mr. Benkoski stated he did not know where the rumors are coming from and no one knows where the towers are going at this point. He stated that an experimental tower is on the property to take the velocity of the wind. He stated the government makes the rules and regulations regarding towers. At the present time the township is reviewing a proposed ordinance to control certain aspect of the installation of towers. Mr. Gayeski stated 2 years ago this matter of ordinance to control towers was brought up. He got the information from the conference in Washington. At that time the it would have cost $1,500 which the people felt was too much. A discussion was held regarding the location of the towers and how they send signals.

Discussion was held regarding the health issues on cell towers. Mr. Benkoski stated he would provide residents with information regarding the safety of the towers. Comments were received from Mr. Perigrum, Mr. Giza, Mr. Lewis and Mr. Roberts on the towers. It was explained in detail at certain points how the signals are sent. Mrs. Williams stated she did not want the towers in the area where she lives, Pittston Blvd and she is very concerned regarding the health issue.

WINDMILLS...Mr. Clymo stated he received several phone calls regarding this topic and felt that we should put this matter on the referendum. He contacted Kevin Gorden and he felt it could not go on the referendum and he should contact the solicitor for more information.

Mr. Kenkoski was concerned about the roadway and the crane being used to install the windmills.

Mr. Libertoski felt Mr. Benkoski has a conflict of interest on the cell towers. Mr. Benkoski stated if it is a conflict of interest he will abstain. Mr. Gayeski stated being a supervisor does not mean he gives up his rights as a resident of this township.

Mr. Clymo felt the township should adopt an ordinance to control the cell towers. Mr. Benkoski stated he is presently working on the ordinance with the solicitor. Mr. Gayeski stated we are doing this for the betterment of the township.

Mr. Benkoski informed the public of the increase in insurance both health and property. The increase was $7,000 on health and $10,000 on property. Dep required the township to update our 537 sewage plan which is approximately $22,000.00. This is an increase of $35,000.00 that the township was not aware of during the development of the 2001 budget. Mr. Gayeski stated over $3,000 of overtime for January and February. The roads must be clean for the school buses.

Mr. Kenzakoski stated we are trying to build in the township and we can't ,but they can install towers. Mr. Benkoski stated everyone would get a permit if they followed the regulations. Mr. Clymo stated we could not stop the people with the cell towers from coming into the township.

Mr. Gayeski informed the public of the expenses regarding the operation of the road department. Mr. Clymo stated we have three men who are out 5 o'clock in the morning until 10 at night. He stated they work very hard for the township. They take care of the roads and buses. Mr. Lewis also stated the great job they do. Mr. Gayeski also stated the increase in pays regarding the road department.

BONNIE J WASILEWSKI, SECRETARY
BEAR CREEK TOWNSHIP

FEBRUARY 19, 2001 SEMI MONTHLY

The Semi Monthly meeting of the Board of Supervisors of Bear Creek Township was held February 19, 2001 at 6 PM at the Neighborhood Facilities Building Rte 115 . Chairman Edward A Benkoski presided with Supervisors Tyrone G. Gayeski and Arthur Clymo Jr. Attorney Malcolm Limongelli was also present. Salute to flag followed.

MINUTES: Motion was made by Mr. Clymo and seconded by Mr. Gayeski to approve minutes of February 5, 2001. Vote unanimous.

SOLICTOR REPORT

OKO AND MAMOLA ....Filed the necessary documents to proceed to court, no progress was made despite the steps taken by the Code Enforcement Officer. The Code Enforcement Officer would sign the necessary paper as required by procedure. A discussion was held on these pending matters.

CABLE TV...This matter was researched and we have no records indicating they have paid any commission as POCONO CABLE TV and we are awaiting a response to date from the administrative sector.

TRAILWOOD LAKE...We are awaiting response from the Governors Action Bureau Leisa Baker.

REZONING...Mr. Benkoski stated the township supervisors had discussed this matter with the township engineer Mr. Frank Westawaski. The entire township-zoning map has been reviewed and alternatives are being reviewed. He explained the alternatives. The supervisors would meet again with Mr. Westawski in the future after his review and the necessary steps would be taken to correct the maps. Mr. Gayeski explained the different zoning and changes .

BLACK SHEEP QUADROM ...a representative from the organization explained their function.. Mr. Clymo asked if a fee would be charged. No fee. Sound restriction would be followed; it would be on an invite only. Members pay dues. Mr. Clymo asked if trees would have to be cut . They stated only small brush and etc. Mr. Clymo was concerned about safety and hunting. No concerns for hunter only for the participants in the organization if the activity were operating during the hunting season. They fly only in view. They don't fly over people homes and etc. Certificate of insurance would be given to the township. Mr. Benkoski asked that the township be listed as a secondary on the policy. They stated this could be done. Mr. Roberts informed the township that he is in charge of the property and would have people arrested if that step needed to be taken. Mr. Andrews asked how many planes would be flying at one time and why they are moving from their present location. Approximately 4 planes at one time and they moved due to different views from the present landowner. Mr. Knorr asked about the amount of fuel. About an ounce.

VOLUNTEER HOSE COMPANY REPORT...Responded to 16 emergency calls during January. Four structure fires, one vehicle fire, eight motor vehicle accidents, one medical assist and two miscellaneous call. Mr. Jasulevicz has been elected as fire chief for 2001. Mr. Frank Litchman and Bill Sennett are assistant chiefs.

WINDMILL...a representative from Nordex was present to explain what steps would be taken to install the windmills. Boring would be necessary to check the soils and etc. in the area. If necessary professional blaster would be hired. Residents expressed their concerns regarding blasting and how it would effect their present water supply. (Mr. Ciliberto, Mrs. Gooday, Mr. Baloga and Mr. Kenzakoski. A lengthy discussion was held.) Mr. Clymo asked how they would travel through the game lands and what if the state did not allow them to proceed. They would go underground and if a problem came up they would try other alternatives. He also asked about the changes to the original plans. Mr. Stuckman stated minor changes

were made as instructed by the Planning Board. Mr. Kenzakoski asked about the roadway. Mr. Kresge asked about soil erosion studies, FAA studies and approvals and other necessary permits. Insurance issue regarding liability should damage occur to the wells and etc were discussed. Mr. Benkoski informed the public that web site were available for the public to view and asked questions.

Mr. Stuckman representing the company again gave a history from day one to the present time, how they decided to procure the land and develop the project in Bear Creek Township. Mr. Benkoski stated the township has tried to keep the public informed with newspaper articles and public input.

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Mr. Kenzakoski and Mrs. Gooday felt they did not want the project. Mrs. Koval expressed her concern about the height of the tower and if a light would be installed on the tower. Mr. Gayeski stated the emergency services could use the Trailwood field if necessary for rescues by helicopters.

Financial benefits to the township would be $3,000 per structure per year on township property and $2,500 for all additional structures, which would be approximately $41,000 per year. Other areas of the township are also being considered.

Mr. Clymo felt if we are going to put the structures in our back yards then we should get the money from them. Mr. Benkoski stated the structures would be located in C-1 and A-1 and they would be presented before the planning board tonight. Mr. Welgos asked if they would restore the area. Yes the land would be restored .

Next township meeting March 5, 2001

BONNIE J WASILEWSKI, SECRETARY
BEAR CREEK TOWNSHIP

February 5, 2001 Regular Meeting

The Regular meeting of the Board of Supervisors of Bear Creek Township was held February 5, 2001 at the Bear Creek Neighborhood Facilities Building Rte 115 . Chairman Edward A Benkoski presided with supervisors Tyrone G. Gayeski and Arthur Clymo Jr. Attorney Limongelli was not present due to the weather conditions.

Minutes: Motion was made by Mr. Clymo and seconded by Mr. Gayeski to approve minutes of January 15, 2001 as presented. Vote unanimous.

DISBURSMENTS...Motion was made by Mr. Gayeski and seconded by Mr. Benkoski to approve disbursements as presented. Vote unanimous.

RECEIPTS...Motion was made by Mr. Gayeski and seconded by Mr. Clymo to approve receipts subject to audit. Vote unanimous.

CODE ENFORCEMENT.... The following was reported for the month of January , 17 contractor permits, 1 building permit, 1zoning book, 1 certificate of occupancy and 1 zoning map for a total of $2,380.00.

NO SOLICITORS REPORT

RUN/WALK RACE.... Letter was received from Reverend Thomas regarding permission to temporarily close Pittston Blvd for the annual 5K Run Walk Race. The township secretary would contact the necessary Penn Dot and State Police offices for additional permission and assistance. Motion was made by Mr. Gayeski and seconded by Mr. Benkoski.

LUZERNE CTY TRANSPORTATION PROJECT...Memo was received from the county requesting input on transportation projects the township would like to place on the county project.

Mr. Benkoski informed the public that the intersection between Meadow Run Road and Rte 115 is being consider for reconstruction . He felt a public hearing by Penn Dot would be held prior to any action taken.

MUTUAL AID...Mr. Keats stated the township has verbal mutual aid agreements with other municipalities A discussion was held regarding the mutual aids and workers compensation issue. This matter Mr. Gayeski stated was researched several years ago. The township secretary would research the matter further and contact the necessary state departments to update our files. The township at this time signed the contact for 2001 between the Fire Company and the municipality for fire protection.

EMA RADIOS...Mr. Gayeski moved to approve request of Mr. Christopher Keats EMA director Bear Creek Township for surplus radios in the amount of $2,800.00. This would consist of 10 radios and 2 mobile receivers. . Mr. Benkoski stated since they would be the township property he would like a list with serial numbers and who would be receiving them and give any extra radios to the township secretary for storage. Seconded by Mr. Clymo. Vote unanimous.

February 5, 2001 REGULAR MEETING

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REZONING...Mr.Carl Kresge discussed the issue of the incorrect zoning of his property in 1995. Mr. Benkoski stated the township is presently working on this issue with the township engineer .

Mr. Ciliberto also expressed his concerns regarding the zoning of his property. A discussion was held regarding this issue.

WINDMILLS....Mr. Joseph Baloga expressed his concerns regarding the possible blasting to install the windmills. A discussion was held regarding access to the land being considered for this project. Mr. Gayeski gave an update on a discussion held with Game Commission personnel, Eco groups and etc. Mr. Clymo stated he has question on the station that would be placed on the land.

BONNIE J WASILEWSKI, SECRETARY
BEAR CREEK TOWNSHIP

January 15, 2001 Semi Monthly Meeting

The semi monthly meeting of the Board of Supervisors of Bear Creek Township was held January 15, 2001. Chairman Edward A Benkoski presided with Supervisors Tyrone G. Gayeski and Arthur Clymo Jr. Attorney Malcolm Limongelli was also present. Salute to flag followed.

MINUTES....Motion was made by Mr. Gayeski and seconded by Mr. Benkoski to approve minutes of January 2, 2001 as presented. Vote unanimous.

ROADMASTER...Mr. Gayeski moved to reinstate Mr. Edward Benkoski as an additional roadmaster for Bear Creek Township. Motion seconded by Mr. Benkoski. Vote Mr. Benkoski yes, Mr. Clymo no, and Mr. Gayeski yes. Motion passed. Mr. Clymo objected to the motion only for the reason he has been roadmaster for the township one-year and a few months. He stated he has been appointed roadmaster and Mr. Gayeski has been appointed alternate roadmaster and anyone who attended the last meeting would remember Mr. Benkoski obstained because he felt that Mr. Clymo did a good job as roadmaster. He felt it does not serve any purpose to put Mr Benkoski in as an alternate when we already have one. Mr. Gayeski explained we have several legal cases in process and several about to be in process. It has to do with roads and the personnel who work on roads. Mr. Gayeski felt all three would be needed to help with the siege from our legal system. Mr. Gayeski stated he and Mr. Benkoski represented the township on a legal case on an act of nature and we won that case. At the present time it is on appeal. The second and third roadmaster is now authorized by PSATS. To many time the roadmaster was not here and they would not do the job as per instructed. This would alleviate the problem. If the roadmaster is not available they should carry out the jobs as instructed. Mr. Clymo stated he has been informed tonight that applications are being accepted for roadwork in the garage. Mr. Clymo stated he is the roadmaster and he does not know anything about the applications. Mr. Gayeski stated this was done last year before Mr. Clymo became roadmaster. Mr. Clymo stated he should be aware of any applications on file, he is the roadmaster. Mr. Benkoski felt the issue should be discussed at personnel meeting.

WATER TESTING...Mr. Clymo stated he has documents for Mrs. Joann English, which she requested at the last meeting on the water testing of Old, East End Blvd.

WINDMILLS... Mr. Benkoski stated representatives from Global Winds Harvest Inc. are present tonight to discuss the windmills. Mr. Benkoski stated prior to Global Winds contacting the township they were instrumental in putting wind velocity meters up on the Laurel Run Mountain for 12 to 14 months to gather wind data and the velocity of the wind which really had to be calculated at a class four which represents a 14 to 16 mile an hour winds. Mr. Benkoski stated that no one sitting on this board or anywhere in Bear Creek Township can dictate where the windmills can go. Only the people who are looking at this project can direct where they will go after all the studies are complete. Prior to coming in the company contacted the code enforcement officer for permits to install experimental towers. MR. Stuckmann asked if he could put experimental tower on his property. There is no monetary value to it. It is only they're to check the wind. In fact township employee was used to help with the project and was paid by the company on his own time. Mr. Clymo asked Mr. Benkoski to clarify who's property the tower is located. Mr. Benkoski stated on his sons' property. His son did not receive any monetary value. Also a tower was installed in Bald Mountain. Mr. Clymo asked the developer where the towers were to go. Mr. Clymo stated only one township meeting was held prior to this meeting and once he stopped to say hello. Bald Mountain and Wyoming Mountain the developer explained. Mr. Clymo asked how come it ended up on Mr. Benkoskis sons' property. He explained because the property was located in the Wyoming Mountain range. Meadow Run and Mountain Lake area are also being considered for testing. Mr. Clymo again asked if the property owners involved would receive any money for the testing towers. Mr. Stuckmann stated no one is being paid for the testing towers.

Mr. Clymo asked how the people of the township would benefit from the towers? Mr. Benkoski stated the township is to received $35,000.00 per year from the fund and the 2 windmills located on township property would give us another $6,000.00 per year for a total of $41,000.00 per year which would double

our present tax base. Mr. Benkoski stated he went around the township and surveyed the residents of Bald Mountain Road and only one person had objections. Mr. Clymo stated he had been contacted by residents who were concern about the project and not in favor of it. A discussion was held.

Global Winds presented slides with narration by Mr. John Fedorko, Nordex. He gave a history of the windmills, where they are located, how they operate, what they are made of and how they would effect the environment

Comments from the floor.

1. Will the power be sold to PP&L and how would the residents benefit?
2. How will the noise effect the residents and environment?
3. How would it effect the zoning?
4. Safety

Response

1. The power would be sold to the local Energy Company and the township would receive the monies as stated earlier. $35,000.00 plus $6,000 lease agreement for the two towers located on township property.
2. The towers would be located approximately one mile from the homes and they sound coming from the windmills would sound like the breeze blowing at 14 /16 mph.
3. No zoning change would be needed.
4. The towers are poles and can not be accessed by anyone climbing them.

A lengthy discussion was held.

MOTION....Motion was made by Mr. Gayeski and seconded by Mr. Benkoski to proceed with the wind park project on the condition the owners appear before the planning board with site plans and we will review it with the solicitor. On the vote. Mr. Benkoski yes, Mr. Clymo no, and Mr. Gayeski yes. Motion passed. The attorney would review the plans before the planning board. Mr. Clymo asked for a show of hands against the project and for the project. Most were in favor.

BONNIE J WASILEWSKI, SECRETARY
BEAR CREEK TOWNSHIP

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January 2, 2001 REORGANIZATION MEETING

The Reorganization meeting of the Board of Supervisors of Bear Creek Township was held January 2, 2001 at 6 PM Bear Creek Neighborhood Facilities Building Rte 115. Chairman Edward A Benkoski presided with Supervisors Tyrone G. Gayeski and Arthur Clymo Jr. Salute to Flag followed. Attorney Malcolm Limongelli was also present.

Mr. Benkoski appointed Mr. Gayeski as temporary chairman and Mr. Clymo as temporary secretary. Motion as follows:

CHAIRMAN...Mr. Clymo moved to appoint Mr. Benkoski as Chairman seconded by Mr. Gayeski vote unanimous.
VICE CHAIRMAN..Mr. Benkoski moved to appoint Mr. Gayeski as vice chairman, seconded by Mr. Clymo. Vote unanimous.
SECRETARY TREASURER...Mr. Gayeski moved to appoint Bonnie J Wasilewski as Secretary Treasurer seconded by Mr. Benkoski. Vote unanimous.
SOLICITOR...Mr. Clymo moved to appoint Mr.Malcolm Limongelli as solicitor for Bear Creek Township seconded by Mr. Gayeski, vote unanimous.
CODE ENFORCEMENT...Mr. Benkoski moved to appoint Mr. Andrews as Code Enforcement Officer seconded by Mr. Gayeski. Vote unanimous
SOLICITOR PLANNING BOARD...Mr. Gayeski moved to appoint Mr. Malcolm Limongelli as solicitor for the Planning Board seconded by Mr. Clymo. Vote unanimous.
SEWAGE ENFORCEMENT OFFICER...Mr. Clymo moved to appoint Mr. Frank Egenski as SEO, Brian Egenski and Robert Johnson as alternates seconded by Mr. Benkoski. Vote unanimous
SOLICITOR ZONING HEARING BOARD.. Mr. Benkoski moved to appoint Mr. Angelo Terrana as solicitor for the Zoning Hearing Board, seconded by Mr. Gayeski. Vote unanimous.
PNC BANK AS DEPOSITIORY...Mr. Gayeski moved to appoint PNC Bank as depository for Bear Creek Township seconded by Mr. Benkoski. Vote unanimous.
ROADMASTER..Mr. Gayeski moved to appoint Mr. Arthur Clymo, Edward Benkoski and Tyrone Gayeski as roadmaster, seconded by Mr. Clymo. Mr. Benkoski stated he abstained from being roadmaster because he felt Mr. Clymo did a good job during the year and with an alternate Mr. Gayeski he felt that was plenty . Vote unanimous.
REGULAR MEETING...Mr. Benkoski moved to have the regular meeting on the first Monday of each month at 6 PM seconded by Mr. Gayeski. Vote unanimous
SEMI MONTHLY ...Mr. Gayeski moved to hold the Semi monthly meeting on the third Monday at 6PM seconded by Mr. Benkoski . Vote unanimous.
SIGN CHECKS...Mr. Clymo moved to have all supervisors sign check and necessary paper, seconded by Mr Gayeski. Vote unanimous.
VOTING DELEGATE...Mr. Clymo moved to have Mr. Gayeski as voting delegate at the state convention in Harrisburg, seconded by Mr. Benkoski. Vote unanimous
SECRETARY PLANNING AND ZONING BOARD...Mr. Benkoski moved to appoint Mrs. Helen Novak as secretary of the Planning and Zoning Boards, seconded by Mr. Gayeski. Vote unanimous
ZONING BOARD APPOINTMENT...MR. Clymo moved to appoint Mr. David Salada to the zoning hearing board, seconded by Mr. Gayeski . vote unanimous
PLANNING BOARD APPOINTMENT...Mr. Benkoski moved to appoint Mr. Joseph Yenchak to the Planning Board seconded by Mr. Gayeski vote unanimous.
VACANCY BOARD...Mr. Gayeski moved to appoint Mr. Orbin to the Vacancy Board, seconded by Mr. Clymo . vote unanimous
MILEAGE...Mr. Benkoski moved to pay mileage rate as per the state for township business, seconded by Mr. Gayeski vote unanimous

MINUTES...Motion was made by Mr. Clymo and seconded by Mr. Gayeski to approve minutes of the December 4, 2000 . vote unanimous.

CODE ENFORCEMENT.... Contractor permits 3, building permits 2, zoning books, 1 and certificate of occupancies 1 for a total of $746.50.

SOLICITOR REPORT...Attorney Limongelli reported the following

TRAILWOOD LAKE...Todate we have received no response. Mr. Benkoski stated he contacted the regional off of the governor and forwarded copies of all correspondence through a friend and no promises were made but they knew of some avenues and he asked if maybe through them we could get a meeting with the mayor.
OKO...set for court action
MOSLOOM/BIOLITTI....Both were found guilty at this point we are waiting for appeal to go through.
PCS AGREEMENT....a discussion was held regarding the status of this issue. Mr. Clymo stated the files need to be updated regarding the contact person.

RESOLUTION 2-2001...Motion was made by Mr. Benkoski and seconded by Mr. Gayeski to approved resolution 2/2001 authorizing and empowering executing the documents for the leasing of the land to Sprint Spectrum L.P. for the property located at the Bear Creek Blvd. Vote unanimous

RESOLUTION 1-2001...Motion was made by Mr. Benkoski and seconded by Mr. Gayeski to approve resolution 1-2001 fee schedule for Bear Creek Township.

LANDVIEW...Attorney Limongelli updated the supervisors on the pending deed issue of donation of the property to Bear Creek Township. Todate we are waiting for a response for Rich James attorney for Landview estates.

Mr. Clymo asked the board to give him some time to try to set up a meeting with the mayor regarding Trailwood Lake. They all agreed. Mr. Benkoski stated anything is worth a try.

PUBLIC COMMENT....

Mrs. Joann English asked if township received the reports from the testing of her water from her property located on Old East End Blvd by Santey property. Mr. Benkoski thought he already gave them to her. Mrs. English stated that Gary Williams took the Sample out of the house and they were taken down the same time the spring was tested. Mr. Benkoski stated he did not know that Gary Williams took any samples from the home. He knew DEP took samples. She stated she did get the results from DEP. A discussion was held. The matter would be researched. A discussion was held.

EMA...Mr. Keats asked the status of his request for radios. The supervisors stated they would discuss this matter further.

Bonnie J. Wasilewski, secretary
Bear Creek Townshipo

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