

Before the start of the reorganization meeting, Magisterial District Judge Michael Dotzel swore James Smith in as Supervisor. Marjorie Kresge was sworn in as tax collector and Mark Murphy as constable. JoAnn English was sworn in as newly elected township auditor on January 3rd.

The reorganization meeting of the Bear Creek Township Board of Supervisors was held at 7:00 PM January 5, 2009 at the Municipal Building located at 3333 Bear Creek Blvd., Bear Creek Township, and Chairman Zingaretti called the meeting to order. Roll was called. Mr. Smith, Mr. Masi, Ms Wasilewski, Mrs. Koval, and Mr. Zingaretti were present. The salute to the flag followed.

All positions were declared vacant. The following motions were made and seconded as follows:

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

Temporary Secretary: motion made by Mr. Masi to appoint Mr. Smith– seconded by Mr. Zingaretti. Vote: unanimous yes.

Chairman: motion made by Mr. Masi to appoint Mr. Zingaretti – seconded by Ms Wasilewski. Vote: unanimous yes.

Vice Chairperson: motion made by Mrs. Koval to appoint Ms Wasilewski – seconded by Mr. Masi. Vote: unanimous yes.

Roadmaster: motion made by Ms Wasilewski to appoint Mrs. Koval – seconded by Mr. Masi. Vote: unanimous yes.

Secretary/Treasurer: motion made by Mr. Masi to appoint Paula Weihbrecht – seconded by Mrs. Koval. Vote: unanimous yes.

Open Records Officer: motion made by Mrs. Koval to appoint Mr. Masi – seconded by Ms Wasilewski. Vote: unanimous yes.

Zoning Officer: motion made by Ms Wasilewski to appoint Joseph Andrews – seconded by Mrs. Koval. Vote: unanimous yes.

UCC Code Enforcement: motion made by Mrs. Koval to appoint Building Inspection Underwriters – seconded by Ms Wasilewski. Vote: unanimous yes.

Sewage Enforcement Officer: motion made by Ms Wasilewski to appoint Brian Egenski – seconded by Mrs. Koval. Vote: unanimous yes.

Sewage Enforcement Officer Alternate: motion made by Ms Wasilewski to appoint Steve Egenski – seconded by Mrs. Koval. Vote: unanimous yes.

Engineer (includes Planning & Zoning): motion made by Mr. Masi to appoint Pennoni Engineering – seconded by Ms Wasilewski. Vote: unanimous yes.

Solicitor-Board of Supervisors: motion made by Mrs. Koval to appoint Bill Vinsko – seconded by Ms Wasilewski. Vote: unanimous yes.

Solicitor-Planning Board: motion made by Mrs. Koval to appoint Bill Vinsko – seconded by Mr. Smith. Vote: unanimous yes.

Solicitor-Zoning Hearing Board: motion made by Mrs. Koval to appoint Angelo Terrana – seconded by Ms Wasilewski. Vote: unanimous yes.

EMA-Primary: motion made by Mrs. Koval to appoint Christopher Keats – seconded by Ms Wasilewski. Vote: unanimous yes.

EMA-Secondary: motion made by Mrs. Koval to appoint Ed Jasulevicz – seconded by Ms Wasilewski. Vote: unanimous yes.

Regular meeting day: motion to retain 1st Monday of each month made by Ms Wasilewski – seconded by Mr. Smith. Vote: unanimous yes.

Regular meeting time: motion to retain 7:00 PM made by Ms Wasilewski– seconded by Mrs. Koval. Vote: unanimous yes.

Secretary-Planning Board: Vacant.

Secretary-Zoning Hearing Board: motion made by Mr. Zingaretti to appoint Paula Weihbrecht – seconded by Mr. Masi. Vote: unanimous yes.

Planning Board Member: motion made by Mr. Smith to appoint Mark Petlock– seconded by Mr. Masi. Vote: unanimous yes.

Planning Board Member: motion made by Mr. Zingaretti to appoint Bob Becker– seconded by Mr. Masi. Vote: unanimous yes.

Zoning Hearing Board Member: motion made by Mr. Masi to appoint Mike Rebovich– seconded by Mrs. Koval. Vote: unanimous yes.

Vacancy Board Member: motion made by Ms Wasilewski to table appointment until further discussion could be had by the Board - seconded by Mrs. Koval. Vote: Mr. Smith: no, Mr. Masi: no, Ms Wasilewski: yes, Mrs. Koval: yes, Mr. Zingaretti: no.

Vacancy Board Member: motion made by Mr. Masi to appoint Gary Slusser – seconded by Mr. Smith. Vote: Mr. Smith: yes, Mr. Masi: yes, Ms Wasilewski: no, Mrs. Koval: no, and Mr. Zingaretti: yes.

*Ms Wasilewski commented that she felt the appointment of Mr. Slusser was political and that the position should have been opened to all residents of the township. The person should be a neutral person. Mr. Gober had been on the Planning Board and Vacancy

Board and she does not know why he was being replaced and feels he should have been contacted and given an opportunity to say if he still wanted the position or not.

*Mr. Zingaretti stated that these are all at will positions and in the past people on various boards had not been contacted to see if they were still interested in the positions before hand.

*Mrs. Koval also felt that Mr. Gober has been dedicated to the township and should have been given the opportunity.

Convention Voting Delegate: motion made by Mr. Zingaretti to appoint Mrs. Koval—seconded by Mr. Masi. Vote: unanimous yes.

Depository General Fund: motion made by Mrs. Koval to select PNC Bank – seconded by Mr. Zingaretti. Vote: unanimous yes.

Administrator of Pension Plan: motion made by Mrs. Koval to appoint the Township Secretary/Treasurer – seconded by Mr. Smith. Vote: unanimous yes.

The following were made under one motion by Mrs. Koval, seconded by Mr. Masi. Vote: Mr. Smith: abstain, Mr. Masi: yes, Ms Wasilewski: no, Mrs. Koval: yes, and Mr. Zingaretti: yes.

Signature Requirements: 2 Supervisor signatures plus the signature of the Treasurer required on all checks and necessary bank papers.

Mileage Rate: pay mileage at the IRS approved rate for travel on Township business.

Outstanding 2008 bills: pay any and all outstanding bills for 2009 .

Supervisors Labor: appoint each supervisor to do labor as needed to the extent permitted by second class township code.

Reorganization portion of the meeting was closed.

Respectfully submitted,

Paula Weihbrecht, Secretary

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

MINUTES: Minutes from the December 1, 2009 meeting were reviewed and a motion was made by Mrs. Koval to accept, seconded by Mr. Masi. Vote: Mr. Smith, yes; Mr. Masi, yes; Ms Wasilewski, abstain; Mrs. Koval, yes; and Mr. Zingaretti, yes.

MINUTES: Minutes from the December 21, 2009 Special meeting concerning the 2010 budget were reviewed and a motion was made by Mr. Masi to accept, seconded by Mrs. Koval. Vote: unanimous yes.

Mr. Zingaretti informed the audience that an executive session of the board had been held on December 7, 2009 to discuss matters of litigation.

The treasurer's report for December 2009 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of December was \$141,504.28. Motion to approve the December receipts, subject to audit was made by Mrs. Koval, seconded by Mr. Masi. Vote: Mr. Smith, abstain; Mr. Masi, yes; Ms Wasilewski, yes; Mrs. Koval, yes; and Mr. Zingaretti, yes.

DISBURSEMENTS: Expenses for the month of December were \$56,690.31. Motion to approve, subject to audit was made by Mr. Masi, seconded by Mrs. Koval. Vote: Mr. Smith, no; Mr. Masi, yes; Ms Wasilewski, no; Mrs. Koval, yes; and Mr. Zingaretti, yes.

*Ms Wasilewski questioned a disbursement to H.A. Berkheimer in the amount of \$22,571.75. Mr. Zingaretti explained that this was for repayment of funds the township had received in error from Berkheimer for Per Capita Distribution. The township erroneously received funds meant for Bear Creek Village, Laflin Borough, and Wilkes-Barre School District. The check to repay this has been cut but not sent pending further information we requested from Berkheimer.

*Mr. Smith had concerns about the check already being cut when detailed information concerning the issue has not yet been received from Berkheimer.

*Mr. Zingaretti explained that we are on a modified cash basis of accounting and the recording of the payment requires the actual cutting of a check if we want this to show it in 2009.

Further discussion followed.

A motion was made by Ms Wasilewski to hold the check written to Berkheimer until the detailed information is received and distributed to all members of the Board. After review of the information, it will be brought up at the next Supervisors meeting to decide how the board should proceed. Seconded by Mr. Smith. Vote: unanimous yes.

FIRE DEPT REPORT: 17 Calls for the month of December 2009 were reported: 12 motor vehicle accidents, 2 tree/wire down, 2 structure fires and 1 assist.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of December 2009 production was 8703M Wh, site availability was 97%.

ZONING OFFICER'S REPORT: Mr. Andrews' reported for the month of December that there were 19 contractor's licenses, 2 building permits, and 1 occupancy/demolition permit for a total of \$2492.00.

ROAD MASTER REPORT: Mrs. Koval reported the road crew took care of the recycling, did shop work, removed trees and branches from the roads as needed, plowed snow, and put together listing of all road signs in the township.

Roger Southward had concerns that the road crew was not plowing close enough to his mailbox.

OPEN RECORDS REPORT: Mr. Masi reported that no new open records requests were received in December.

PLANNING BOARD RECOMMENDATIONS: None.

ORDINANCES AND RESOLUTIONS:

Resolution 1-2010- A resolution establishing the Bear Creek Township fee schedule for 2010. A motion to accept was made by Ms Wasilewski, seconded by Mrs. Koval. Vote: unanimous yes.

Resolution 2-2010- A resolution establishing the Bear Creek Township Uniform Construction Code fee schedule for 2010. A motion to accept was made by Ms Wasilewski, seconded by Mrs. Koval. Vote: unanimous yes.

Resolution 3-2010- A resolution authorizing the advertisement for a Certified Public Accountant to prepare the 2009 audit. A motion to accept was made by Mr. Smith, seconded by Ms Wasilewski. Vote: unanimous yes.

Resolution 4-2010- A resolution extending the contract with Building Inspection Underwriters to December 31, 2010 as third party administrator of the Uniform Construction Code. A motion to accept was made by Ms Wasilewski, seconded by Mr. Masi. Vote: unanimous yes.

Resolution 5-2010- A resolution authorizing the Board of Supervisors to enter into an agreement with Berkheimer for the collection of the Bear Creek Township earned income tax. A motion to accept was made by Mr. Smith, seconded by Mr. Masi. Vote: unanimous yes.

Resolution 6-2010- A resolution authorizing the donation of ten thousand dollars (\$10,000) towards the Route 115 Safety Corridor Project. A motion to accept was made by Mr. Smith, seconded by Mr. Masi. Vote: unanimous yes.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini litigation- In a holding pattern for the township but not for the insurance company. The insurance companies are still battling with the Concini counsel over dollar figures. We won't be doing anything until they work out their issues.

Aqua PA- Received an amended complaint somewhere around August because we moved to strike their initial complaint. They gave us a copy of the amended complaint but never filed it. At this point we are in a holding pattern and exploring the potential to strike all of their pleadings for lack of service and lack of action on it.

Development Agreement- Received contact from Attorney Bishop. He has met with the Harris family and they have a list of questions that would like presented to the Board. They also asked that Mr. Kobularcik from Metropolitan Development be a part of the development process. After the preliminary objection stage, it will move to the compensation stage.

Crossin/Timecard matter- It has been our understanding that the Crossin Agency is supposed to be covering the amount paid out for the Benkoski time card issue.

OLD BUSINESS:

Zoning Maps-Issue has been out there for some time now. Last week we received an inquiry from a resident as to when we will get to it. Mr. Zingaretti would like the Board to consider having this be the first issue we hand off to our new engineer.

Ms Wasilewski made a motion that the Board hand the Zoning Project over for a cost quote to Pennoni Associates, seconded by Mr. Masi. Vote: unanimous yes.

CORRESPONDENCE/NEW BUSINESS:

Lions Club Request- would like to build a storage area in the breezeway between the two buildings. Would encompass one side of the breezeway, blend in with the building and would not inhibit any entrances. There would be no cost to the township.

Mrs. Koval made a motion to grant the initial inquiry and authorize the Lions Club to proceed with what it needs to prepare to make a formal submission to the Board, seconded by Mr. Masi. Vote: Mr. Smith, yes; Mr. Masi, yes; Ms Wasilewski, no; Mrs. Koval, yes and Mr. Zingaretti, yes.

*Ms Wasilewski stated that with all the conflicts going on between the Ambulance and the Lions Club, she feels the Lions Club is a private organization, it's not financed by the Township and is not part of the Township, so she votes no.

Mr. Zingaretti announced that our recycling center will be accepting Christmas trees for recycling during the month of January.

Ms Wasilewski discussed the potential loss of budgeted state monies for reimbursement of Act 537 expenses. She feels we need to respond to state legislators concerning this issue. Discussion followed.

PUBLIC COMMENT:

Mr. Michael Murphy addressed the Board concerning Act 537 and said he and his wife would like to donate land that may be of use in bringing the project to fruition.

Mr. Zingaretti thanked Mr. Murphy and told him the township would be in touch if the property should indeed be useful to the project.

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

Respectfully submitted,

Paula Weihbrecht, Secretary

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

MINUTES: Minutes from the January 4, 2010 Reorganization meeting were reviewed and a motion was made by Ms Wasilewski to accept, seconded by Mr. Masi. Vote: unanimous yes.

MINUTES: Minutes from the January 4, 2010 regular meeting were reviewed and a motion was made by Ms Wasilewski to accept, seconded by Mr. Masi. Vote: unanimous yes.

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

RECEIPTS: Income for the month of January was \$21,910.31. Motion to approve the December receipts, subject to audit was made by Mrs. Koval, seconded by Mr. Masi. Vote: Mr. Masi, yes; Ms Wasilewski, no; Mrs. Koval, yes; and Mr. Zingaretti, yes.

DISBURSEMENTS: Expenses for the month of January were \$30,934.88. Motion to approve, subject to audit was made by Mr. Masi, seconded by Mrs. Koval. Vote: Mr. Masi, yes; Ms Wasilewski, no; Mrs. Koval, yes; and Mr. Zingaretti, yes.

FIRE DEPT REPORT: 16 Calls for the month of January 2010 were reported: 13 motor vehicle accidents, 1 structure fire and 2 assists.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of January 2010 production was 7341M Wh, site availability was 94%.

ACT 537 PLAN: Reilly Associates are in the process of finalizing a plan for the Boards review which we anticipate will be delivered to the Board in the second week of February. Discussion will begin with Plains Twp Sewer Authority over reserving capacity in their sewer system should we interconnect with them. The draft plan must be submitted to the township and county planning commissions for review and comment and there will be a 30 day public comment period. There is a meeting February 12, 2010 at the Plains Twp Sewer Authority that Reilly would like the Supervisors to attend.

ZONING OFFICER'S REPORT: Mr. Andrews' reported for the month of January that there were 17 contractor's licenses, 2 building permits, and 1 occupancy/demolition permit for a total of \$2300.00.

ROAD MASTER REPORT: Mrs. Koval reported the road crew plowed and cindered as needed, took care of the recycling, did shop work, removed trees and branches from the roads as needed, put together listing of all road signs in the township and took care of water problem on Old East End Blvd.

OPEN RECORDS REPORT: Mr. Masi reported that no new open records requests were received in January.

PLANNING BOARD RECOMMENDATIONS: None.

ORDINANCES AND RESOLUTIONS:

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini litigation-Mrs. Concini contacted the township recently concerning water issues on her property. Since this matter is heating up it will be addressed at an executive session

Aqua PA- Amended complaint has yet to be filed. Matter will be discussed further at an executive session.

Development Agreement- Met with Attorney Bishop. He is waiting for his clients to confirm whether they want any discovery on the preliminary objections that were filed. Deadline was last Friday therefore the court was asked to schedule the oral argument to resolve the preliminary objections. Once that is done the property will be in the hands of the township and then the issue will be the valuation. There is also an offer on the table to purchase the property for an amount near the appraised value which they have not responded to.

OLD BUSINESS:

Mr. Zingaretti went through a list of items left open from last meeting that the Board, Secretary or Solicitor was to follow up on and what the present status of each item is at this time.

- *Website updates for newly elected officials completed by Mr. Zingaretti
- *Notice letters to individuals who were appointed or not reappointed were drafted by Mr. Zingaretti.
- *Lions Club storage notice of general terms/conditions handled by Atty. Vinsko.
- *Advertisement for CPA completed on 1/11/10 by Mrs. Weihbrecht.
- *Berkheimer Per Capita tax overpayment by Berkheimer to Bear Creek Twp. was handled by Mr. Smith and Mrs. Weihbrecht

A motion was made by Ms Wasilewski to release the funds that were due to Berkheimer from an overpayment made to Bear Creek Twp for Per Capita tax, seconded by Mrs. Koval. Vote: unanimous yes.

- *Berkheimer contract language change will remain on the list for the next meeting
- *Benkoski federal case; fee recovery handled by Atty. Vinsko
- *Benkoski county case; insurance recovery handled by Ms Wasilewski and Atty. Vinsko.

- *Zoning Map project specs and deliverables being handled by Mr. Masi.
- *Proposed Murphy land donation process letter handled by Atty. Vinsko.
- *Proposed Murphy land donation Act 537 value. No volunteer to handle but Reilly Associates believe it may have some value.
- *Resolutions 5 & 6 revisions handled by Atty. Vinsko.

CORRESPONDENCE/NEW BUSINESS:

Easter Egg Hunt:

A request was made by the Bear Creek Foundation to use the Recreation fields and the community meeting room for their Easter Egg Hunt to be held on March 27, 2010.

Bear Creek Charter School Crisis Management Facility Request:

A request was made by the Bear Creek Charter School to use the township community meeting room for a period of time as needed, to provide a communications center and a central meeting place for parents of students who have been evacuated from the school during emergency situations.

A motion was made by Ms Wasilewski to approve the execution of the Memorandum of Understanding with the Bear Creek Community Charter School for purposes of their Crisis Management Plan, seconded by Mrs. Koval. Vote: unanimous yes.

Liquid Fuels Audit:

There were no finding in the receipts/spending on our Liquid Fuels account.

Natural Lands Trust:

Mr. Zingaretti introduced Joe Vinton, manager for the Natural Lands Trust and a full time employee at the Bear Creek Preserve.

Appointments:

Ms Wasilewski made a motion to vacate the position of Primary Sewage Enforcement Officer, seconded by Mrs. Koval. Vote unanimous yes.

Ms Wasilewski made a motion to appoint Frank Egenski as Primary Sewage Enforcement Officer, seconded by Mr. Masi. Vote unanimous yes.

A motion was made Ms Wasilewski to appoint Karen Kollar as Planning Board Secretary, seconded by Mrs. Koval. Vote: unanimous yes.

PUBLIC COMMENT:

Mrs. Koval announced that the Lions Club was accepting supplies, food and donations for the SPCA and these items can be dropped of at the Township Office.

Denise Rogan- Asked Mr. Zingaretti the status of how things were progressing concerning the safety issues on Route 115. Mr. Zingaretti announced that there was a meeting scheduled for Thursday with PennDOT, the three legislators' representatives and the Pennsylvania State Police. They will present to us their short term fix, beyond what they have already done with the speed minders, signs and additional state police coverage. They also plan to present their long term solutions for improving safety on Route 115.

Mr. Zingaretti also explained that we have had since December a pending grant application for approximately \$600,000.00 to do some safety improvement projects. This project was named the Route 115 Safety Corridor.

Denise Rogan suggested that the Turnpike Commission should also be a part of this upcoming meeting since many problems are from the tractor trailers exiting the turnpike onto Route 115. She also suggested that the signage needs to be better on the turnpike and on the exit leading out to Route 115.

Denise Rogan asked if the meeting on Thursday would be open to the public. Mr. Zingaretti said he felt it was probably not open to the public but if it is, he would get the word out to everyone.

Denise Rogan also commented that she believes the speed minders are working but the weather condition signs need to be turned off or have the messages changed to reflect the current conditions.

Roger Southward-Asked for an update on the legislation that would require municipalities that don't have their own police force to pay for state police coverage. Mr. Zingaretti noted that there is several different versions of the legislation circulating. At this point there is nothing solid.

Steve Moon- Asked if the police would continue to be a stronger presence on Route 115 and wanted to know how we were going to go about lowering the speed limit. Mr. Zingaretti explained that at this point we requested a lower speed limit on an emergency basis only and that traffic studies would have to be done before it would be considered on a permanent basis.

Heather Mosley-Also expressed concern over safety on Route 115 but not only from the turnpike going down the mountain but going south bound where people use the turn only lanes to pass other vehicles.

Henry D'Amato-Had concerns about traffic coming off of the turnpike and safety concerns trying to enter and exit the plaza across from the turnpike exit.

Roger Southward-Had safety concerns for the people trying to enter and exit Laurel Brook Estates. He felt with there being no turn lane at the entrance of Laurel Brook people were in danger from the traffic approaching from behind.

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

Respectfully submitted,

Paula Weihbrecht, Secretary

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MINUTES: Minutes from the February 1, 2010 regular meeting were reviewed and a motion was made by Ms Wasilewski to accept, seconded by Mrs. Koval. Vote: unanimous yes.

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

RECEIPTS: Income for the month of February was \$81,164.50. Motion to approve the February receipts, subject to audit was made by Mr. Smith, seconded by Ms Wasilewski. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of February were \$20,317.95. Motion to approve, subject to audit was made by Ms Wasilewski, seconded by Mr. Masi. Vote: unanimous yes.

FIRE DEPT REPORT: 7 Calls for the month of February 2010 were reported: 5 motor vehicle accidents, 1 structure fire and 1 assist.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of February 2010 production was 6486M Wh, site availability was 99%.

ACT 537 PLAN: Reilly Associates has been corresponding with Plains Township about connecting into their system to get to Wyoming Valley Sanitary. Reilly will be presenting the Board with a plan for review within the next week.

ZONING OFFICER'S REPORT: Mr. Andrews' reported for the month of February that there were 5 contractor's licenses, 3 zoning books, 1 zoning permit and 3 occupancy permits for a total of \$1015.00. BIU fees collected for February 2010: \$2,125.80.

ROAD MASTER REPORT: Mrs. Koval reported the road crew plowed and cindered as needed, took care of the recycling, and did shop work. Mrs. Koval reported that there were some problems with 2 of the township vehicles and those repairs would be made as necessary.

OPEN RECORDS REPORT: Mr. Masi reported that no new open records requests were received in February.

PLANNING BOARD RECOMMENDATIONS: None.

ORDINANCES AND RESOLUTIONS:

Ordinance 1-2010:An ordinance of the Board of Supervisors of the Township of Bear Creek authorizing the placement of no parking signs in front of the Bear Creek Community Charter School. A motion to approve the ordinance was made by Ms Wasilewski, seconded by Mrs. Koval. Vote: unanimous yes.

Resolution 11-2010: A resolution appointing Bonita and Rainey as accountant to conduct the 2009 audit. Amount paid to Bonita and Rainey for 2009 audit shall not exceed \$1700.00. A motion to approve the resolution was made by Ms Wasilewski, seconded by Mr. Smith. Vote: unanimous yes.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini litigation- Waiting for insurance companies to work out their issues.

Aqua PA- Motion prepared, will be filed

Development Agreement- Appeared before Judge Gartley who recused herself due to a relationship she has with a family involved with the charter school. Hearing will be rescheduled.

OLD BUSINESS:

Route 115 Safety Corridor- In process of going through information to answer questions received from DCED on grant application.

The Board of Supervisors attended a meeting with PennDOT, PA State Police and local legislators. PennDOT gave short and long term recommendations including reducing speed limit to 45 mph and enhancing signage along Rte 115. Over the summer some engineering field work to evaluate sight lines will also be done.

Stake holders meeting will be held tomorrow with the same group plus others groups representing the petitioners and the Turnpike to find ways to get the message out to those who are not familiar with the highway.

Mr. Smith felt that it would be best if PennDOT extended their sign and road enhancements studies to include Rte 115 up to Laurel Brook or Meadow Run Road. He felt that this should also be a part of the Safety Corridor. Mrs. Koval said that she had expressed this same concern at a previous meeting. A letter will be sent to PennDOT expressing these concerns.

PRIOR MEETING FOLLOW UP:

Lions Club Storage- Waiting on Willard Kresge who is currently out of town.

Berkheimer contract language-Mr. Smith will review and address at next work session.

Benkoski Federal/County cases-Atty. Vinsko stated that they will not be able to recover their attorney's fees and it is our obligation to pay the deductible unless Mr. Crossin wants to reimburse us for something. We will not be able to get the attorneys fee portion back because the actual deductible went straight to attorneys fees. The federal order says they are able to recover their costs, not their attorney's fees.

Ms Wasilewski stated that she spoke with Mr. Crossin and he told her that the \$2500.00 is an automatic deductible on both cases and that we could receive reimbursement for the balance for the attorneys fees for case 1 (county case). Case 2, (federal case) Mr. Crossin stated he was waiting for a copy of the court decision and perhaps the insurance company can go forward and ask for the deductible on that case.

Mr. Vinsko said that the court would have to be petitioned to get fees added into bill of costs. Atty Vinsko will draft a letter requesting that Mr. Crossin seeks insurance companies intervention in getting the deductible reimbursed. Discussion followed.

Zoning map project: Mr. Masi stated that the zoning requests pertinent to this project have been forwarded to Pennoni Associates.

CORRESPONDENCE/NEW BUSINESS:**PUBLIC COMMENT:**

Tom McGowan- Had concerns about Lions Club blocking side entrance with proposed storage shelter and also concerns about propane tanks being stored in the shelter. The Board stated that they will make sure that these issues will not become a problem.

Mr. Rusinko- asked if Plains Twp had been contacted about receiving some police coverage from them. Mr. Zingaretti stated that the solicitors for both townships would handle at this point. Atty Vinsko has already been in contact with them.

Heather Mosley- thanked the Board for realizing that there are also safety issues from the turnpike and south. Suggested that the lines for the turning lane should be repainted because they are so faded that people may not realize it's a turn only lane.

She also had question regarding the Aqua PA water hook up. Wanted to know about opting out and if they were obligated since the previous owner committed to being hooked up. The Board did was not able to answer her question and directed her to call Aqua directly with her questions.

Mrs. Mosley also had questions and concerns about the sewer hook up and where the sewer lines would actually run. Mr. Zingaretti explained that there were some rough designs done with mapping software, Reilly has drawn lines depicting where they believe the sewers will run over the affected areas of the township. Mr. Zingaretti said that the Board has not seen the designs yet, but will let everyone know once they have.

Mrs. Mosley questioned what funding would be available to residents for the sewer hook up. Mr. Zingaretti said that there will be funding available to residents based on an income threshold. He also that after the last meeting it was discovered that the census does not track income, so we would not be able to use the census blocks in determining median income. It was suggested that surveys be done in the area to determine the median income. We will check with PennVest to see if surveys will be acceptable. Discussion followed.

The Board discussed holding a monthly work session of the Board of Supervisors. It was decided that these meetings would be held on the third Tuesday of each month at 6 PM. A motion to approve was made by Mr. Smith, seconded by Ms Wasilewski. Vote: unanimous yes.

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

Respectfully submitted,

Paula Weihbrecht, Secretary

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WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of February 2010 production was 6486M Wh, site availability was 99%.

ACT 537 PLAN: Reilly Associates has been corresponding with Plains Township about connecting into their system to get to Wyoming Valley Sanitary. Reilly will be presenting the Board with a plan for review within the next week.

ZONING OFFICER'S REPORT: Mr. Andrews' reported for the month of February that there were 5 contractor's licenses, 3 zoning books, 1 zoning permit and 3 occupancy permits for a total of \$1015.00. BIU fees collected for February 2010: \$2,125.80.

ROAD MASTER REPORT: Mrs. Koval reported the road crew plowed and cindered as needed, took care of the recycling, and did shop work. Mrs. Koval reported that there were some problems with 2 of the township vehicles and those repairs would be made as necessary.

OPEN RECORDS REPORT: Mr. Masi reported that no new open records requests were received in February.

PLANNING BOARD RECOMMENDATIONS: None.

ORDINANCES AND RESOLUTIONS:

Ordinance 1-2010:An ordinance of the Board of Supervisors of the Township of Bear Creek authorizing the placement of no parking signs in front of the Bear Creek Community Charter School. A motion to approve the ordinance was made by Ms Wasilewski, seconded by Mrs. Koval. Vote: unanimous yes.

Resolution 11-2010: A resolution appointing Bonita and Rainey as accountant to conduct the 2009 audit. Amount paid to Bonita and Rainey for 2009 audit shall not exceed \$1700.00. A motion to approve the resolution was made by Ms Wasilewski, seconded by Mr. Smith. Vote: unanimous yes.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini litigation- Waiting for insurance companies to work out their issues.

Aqua PA- Motion prepared, will be filed

Development Agreement- Appeared before Judge Gartley who recused herself due to a relationship she has with a family involved with the charter school. Hearing will be rescheduled.

OLD BUSINESS:

Route 115 Safety Corridor- In process of going through information to answer questions received from DCED on grant application.

The Board of Supervisors attended a meeting with PennDOT, PA State Police and local legislators. PennDOT gave short and long term recommendations including reducing speed limit to 45 mph and enhancing signage along Rte 115. Over the summer some engineering field work to evaluate sight lines will also be done.

Stake holders meeting will be held tomorrow with the same group plus others groups representing the petitioners and the Turnpike to find ways to get the message out to those who are not familiar with the highway.

Mr. Smith felt that it would be best if PennDOT extended their sign and road enhancements studies to include Rte 115 up to Laurel Brook or Meadow Run Road. He felt that this should also be a part of the Safety Corridor. Mrs. Koval said that she had expressed this same concern at a previous meeting. A letter will be sent to PennDOT expressing these concerns.

PRIOR MEETING FOLLOW UP:

Lions Club Storage- Waiting on Willard Kresge who is currently out of town.

Berkheimer contract language-Mr. Smith will review and address at next work session.

Benkoski Federal/County cases-Atty. Vinsko stated that they will not be able to recover their attorney's fees and it is our obligation to pay the deductible unless Mr. Crossin wants to reimburse us for something. We will not be able to get the attorneys fee portion back because the actual deductible went straight to attorneys fees. The federal order says they are able to recover their costs, not their attorney's fees.

Ms Wasilewski stated that she spoke with Mr. Crossin and he told her that the \$2500.00 is an automatic deductible on both cases and that we could receive reimbursement for the balance for the attorneys fees for case 1 (county case). Case 2, (federal case) Mr. Crossin stated he was waiting for a copy of the court decision and perhaps the insurance company can go forward and ask for the deductible on that case.

Mr. Vinsko said that the court would have to be petitioned to get fees added into bill of costs. Atty Vinsko will draft a letter requesting that Mr. Crossin seeks insurance companies intervention in getting the deductible reimbursed. Discussion followed.

Zoning map project: Mr. Masi stated that the zoning requests pertinent to this project have been forwarded to Pennoni Associates.

CORRESPONDENCE/NEW BUSINESS:**PUBLIC COMMENT:**

Tom McGowan- Had concerns about Lions Club blocking side entrance with proposed storage shelter and also concerns about propane tanks being stored in the shelter. The Board stated that they will make sure that these issues will not become a problem.

Mr. Rusinko- asked if Plains Twp had been contacted about receiving some police coverage from them. Mr. Zingaretti stated that the solicitors for both townships would handle at this point. Atty Vinsko has already been in contact with them.

Heather Mosley- thanked the Board for realizing that there are also safety issues from the turnpike and south. Suggested that the lines for the turning lane should be repainted because they are so faded that people may not realize it's a turn only lane.

She also had question regarding the Aqua PA water hook up. Wanted to know about opting out and if they were obligated since the previous owner committed to being hooked up. The Board did was not able to answer her question and directed her to call Aqua directly with her questions.

Mrs. Mosley also had questions and concerns about the sewer hook up and where the sewer lines would actually run. Mr. Zingaretti explained that there were some rough designs done with mapping software, Reilly has drawn lines depicting where they believe the sewers will run over the affected areas of the township. Mr. Zingaretti said that the Board has not seen the designs yet, but will let everyone know once they have.

Mrs. Mosley questioned what funding would be available to residents for the sewer hook up. Mr. Zingaretti said that there will be funding available to residents based on an income threshold. He also that after the last meeting it was discovered that the census does not track income, so we would not be able to use the census blocks in determining median income. It was suggested that surveys be done in the area to determine the median income. We will check with PennVest to see if surveys will be acceptable. Discussion followed.

The Board discussed holding a monthly work session of the Board of Supervisors. It was decided that these meetings would be held on the third Tuesday of each month at 6 PM. A motion to approve was made by Mr. Smith, seconded by Ms Wasilewski. Vote: unanimous yes.

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

Respectfully submitted,

Paula Weihbrecht, Secretary

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

A moment of silence was held in honor of the Township Zoning Officer, Joe Andrews, who passed away on March 24th. The salute to the flag followed.

MINUTES: Minutes from the March 1, 2010 regular meeting were reviewed and a motion was made by Ms Wasilewski to accept, seconded by Mr. Masi. Vote: unanimous yes.

MINUTES: Minutes from the February 16, 2010 work session were reviewed and a motion was made by Ms Wasilewski to accept, seconded by Mr. Masi. Vote: unanimous yes.

MINUTES: Minutes from the March 16, 2010 work session were reviewed and a motion was made by Mr. Smith to accept, seconded by Ms Wasilewski. Vote: unanimous yes.

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

RECEIPTS: Income for the month of March was \$170,423.89. Motion to approve the receipts, subject to audit was made by Mr. Smith, seconded by Ms Wasilewski. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of March were \$42,419.06. Motion to approve, subject to audit was made by Ms Wasilewski, seconded by Mr. Smith. Vote: unanimous yes.

FIRE DEPT REPORT: 9 Calls for the month of March 2010 were reported: 3 motor vehicle accidents, 2 structure fires, 1 vehicle fire, 1 brush fire, 1 tree/wire down and 1 road closing.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of March 2010 production was 7402M Wh, site availability was 94%.

ACT 537 PLAN: No change. Board is currently reviewing copy of the plan given to them from Reilly Associates.

ZONING OFFICER'S REPORT: For the month of March there were 4 contractor's licenses, 4 building permits, 1 hearing fee and 2 occupancy permits for a total of \$1170.00.

ROAD MASTER REPORT: The report was not presented since Mrs. Koval was absent.

OPEN RECORDS REPORT: Mr. Masi reported that there were two requests within the past month. Both requests were handled within the 5 day window. One still remains open pending additional information requested.

PLANNING BOARD RECOMMENDATIONS: None.

ORDINANCES AND RESOLUTIONS:

Electricity Choice- Put on hold until next meeting since only one quote was able to be obtained.

Grass Cutter Quotes- Put on hold until 2 additional quotes on the Toro mower are received.

Resolution 13-2010- Whereas the Pennsylvania Department of Transportation and Bear Creek Township have agreed to use the dotGrants on-line reporting system to file the required Liquid Fuels forms annually; including but not limited to the MS-965, MS 329 and MS-999 forms.

A motion to approve was made by Ms Wasilewski, seconded by Mr. Smith. Vote: unanimous yes.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini litigation- On hold for executive session.

Aqua PA- On hold for executive session.

Development Agreement- Waiting on a judicial assignment. Once assigned, a hearing will be immediately scheduled on the preliminary objections.

Lions Club Storage Shed- Attorney Vinsko has spoken with Will Kresge regarding the matter and they are proceeding with their plans

Berkheimer Contract Language- After reviewing the contract it is apparent that it is heavily in favor of Berkheimer. Attorney Vinsko is currently rewriting portions of the contract and it will be available by end of week for review.

OLD BUSINESS:

Street Light Request- There is nothing new to report. This will be kept on the agenda until resolved.

Route 115 Safety Corridor/Grant Application- Mr. Zingaretti informed the audience that he has been advised that the grant award announcements will not be made now until June.

PRIOR MEETING FOLLOW UP:

Benkoski County case/Insurance Recovery-Atty. Vinsko stated that a letter has been drafted and sent to Crossin Insurance asking for an expected reimbursement date. On the federal case, Attorney Vinsko felt that we would not be able to recoup the deductible.

Zoning map project: Mr. Masi stated that there is nothing new to report at this time.

Hillcrest Road Right of Way- Mrs. Koval working on this with Pennoni.

2010 Paving Project- Mrs. Koval working on this with Pennoni.

CORRESPONDENCE/NEW BUSINESS:

Lions Club Pig Roast- The Lions Club requested use of the pavilion for their annual pig roast. The club was interested in August 29th or September 12th. The board had no problem with either dated and the Lions Club chose August 29th.

Work Session Schedule-tentatively planned for April 20, 2010.

Mr. Masi recognized the road crew for a good job on installing a double door on the candy stand. The job was done well, quickly and with little or no cost to the township.

Trailwood damage- Mr. Masi reported that there was some minor damage done by ATV's on the fields at Trailwood over the weekend.

Aqua Water Hookup- Mr. Zingaretti directed Attorney Vinsko to contact Ros McMullen, PennDOT or their counsel to find out if new buyers are bound by a prior owners decision and get a list of those residents that have signed up for the hook up.

PUBLIC COMMENT:

A resident asked who would be taking the Zoning /Code position. Mr. Zingaretti said it would be discussed at an executive session, In the mean time, residents could take their issues to the Secretary and she would pass them along to the Board and to Richard Kresge from the Planning Board as necessary.

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

Respectfully submitted,

Paula Weihbrecht, Secretary

A work session of the Bear Creek Township Board of Supervisors was held at the Municipal Building at 3333 Bear Creek Blvd. Chairman Zingaretti called the meeting to order. Roll was called. Mr. Smith and Mr. Masi were absent. Ms Wasilewski, Mrs. Koval and Mr. Zingaretti were present. Members of the Planning Board in attendance were Mr. Becker and Mr. Petlock. The salute to the flag followed.

Mr. Zingaretti relayed that the primary purpose of the work session is for the Planning Board and Board of Supervisors to have an opportunity to review the Act 537 draft plan with our engineer so changes can be implemented before the plan goes out for public comment.

A presentation was made by Mr. Durkin from Reilly Associates. The study areas and what properties actually make up each area and the plan alternatives were reviewed. Estimated cost for each alternative was discussed.

Follow up items agreed to by those present included:

- * Reilly – re-run model excluding Pittston Boulevard on the basis that this road is not part of Llewellyn Corners.
- * Reilly – re-run model with connection fee payable by the residents to the township set at zero.
- * Attorney Vinsko – Research 2nd Class Township Code for mandatory connection rules (150 feet rule). Also determine whether there is any case law on this issue.
- * Supervisor Wasilewski – Contact Catherine Rapose who was at PSATS convention regarding potential survey of residents in the centralized collection area.

Board members present also discussed the time table, implementation of the plan and funding for implementation of the plan.

Respectfully submitted,

Paula Weihbrecht, Secretary

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

MINUTES: Minutes from the April 5, 2010 regular meeting were reviewed and a motion was made by Ms Wasilewski to accept, seconded by Mr. Smith. Vote: Mr. Smith, Mr. Masi, Ms Wasilewski and Mr. Zingaretti yes. Mrs. Koval abstained.

MINUTES: Minutes from the April 22, 2010 work session were reviewed and a motion was made by Ms Wasilewski to accept, seconded by Mrs. Koval. Vote: Mr. Smith and Mr. Masi abstained. Ms Wasilewski, Mrs. Koval and Mr. Zingaretti, yes.

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

RECEIPTS: Income for the month of April was \$36,659.44. Motion to approve the receipts, subject to audit was made by Mrs. Koval, seconded by Ms Wasilewski. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of April were \$36,000.72. Motion to approve, subject to audit was made by Ms Wasilewski, seconded by Mr. Smith. Vote: unanimous yes.

FIRE DEPT REPORT: 14 Calls for the month of April 2010 were reported: 3 motor vehicle accidents, 1 structure fire, 7 brush fire, 1 tree/wire down and 2 search and assists.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of April 2010 production was 5461M Wh, site availability was 94%.

ACT 537 PLAN: Was focus of the April 22, 2010 work session. Reilly and Associates have been asked to rerun their numbers with some changes, and Attorney Vinsko will do some more research on the mandated connection. Ms Wasilewski will also arrange for Catherine Repose to make a presentation concerning the Act 537 and obtaining funding and also help us do an income survey in the area.

ZONING OFFICER'S REPORT: For the month of April there were 2 contractor's licenses, 2 building permits and 1 Subdivision fee for a total of \$590.00.

ROAD MASTER REPORT: Mrs. Koval reported that the road crew patched roads, did ditch work, took care of the recycling, truck maintenance, worked on the rec fields, stocked, cleaned and opened pavilion for the season, moved winter road materials and received delivery of diamond tex for the baseball fields.

OPEN RECORDS REPORT: Mr. Masi reported that there were no outstanding requests.

PLANNING BOARD RECOMMENDATIONS: None.

ORDINANCES AND RESOLUTIONS:

Electricity Choice-Put on hold until next meeting

Resolution 14-2010-is a resolution authorizing the purchase of 2 Toro 74903 commercial mowers at a cost of \$7134.26 each from Valley Power Equipment. A motion to approve was made by Mrs.Koval, seconded by Mr. Smith. Vote: unanimous yes.

Ted Carl questioned if the township charges groups to use our recreation fields since we spend money on maintaining them. Mr. Zingaretti responded that the groups that use the fields are Bear Creek and Buck Township teams and we don't charge them. He further stated that there are teams like travel soccer teams that use various fields for practicing and pay for their use, but none are using our fields. If a request for steady use of our fields would be made we would look into charging for its use.

Resolution 15-2010-is a resolution adopting the Luzerne County Hazard Mitigation Plan for Bear Creek Township. A motion was made by Ms Wasilewski, seconded by Mrs. Koval. Vote: unanimous yes.

Resolution 16-2010- is a resolution authorizing the proper Township officials to enter into an agreement with Brown & Brown to carry the insurance. A motion was made by Mr. Smith, seconded by Mrs. Koval. Vote: unanimous yes.

Discussion followed and the secretary will look into rate changes with higher deductibles and obtaining a list of other municipalities that also use the underwriter named in the proposal made by Brown & Brown.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini litigation- Has had some significant developments. There may be potential resolution with no involvement with the township.

Aqua PA- On hold for executive session.

Development Agreement- May 24, 2010 has been scheduled as date for the argument for the preliminary objections on the Development Agreement for the Charter School.

Pavilion-Notice has been left with counsel for Multiscape that the township feels it owes nothing to them for the pavilion. We have not heard back since.

OLD BUSINESS:

Street Light Request-Pike Road street light has been installed. Thornhurst Road request has not yet been addressed by PPI.

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

PRIOR MEETING FOLLOW UP:

Lions Club Storage Shed- Will Kresge presented the plans for the storage shed in the breezeway between the office building and meeting room. Attorney Vinsko said he would prepare the lease agreement between the township and the Lions Club.

Resolution 17-2010- is a resolution accepting the proposal as submitted. Motion to accept was made by Mrs. Koval, seconded by Mr. Masi. Vote: Mr. Smith, Mr. Masi, Mrs. Koval and Mr. Zingaretti, yes; Ms Wasilewski, no.

Mr. Kresge asked who would get the permit since it is township property. Mr. Zingaretti advised that the Lions Club should seek out the permit since it is a matter that would be handled by BIU.

Berkheimer Contract Language- Ms Wasilewski said she spoke with John Berkheimer and they will give us whatever we ask for including a listing of people included. She advised Attorney Vinsko to contact John Berkheimer directly regarding the contract. As for the way the billing is handled, Ms Wasilewski felt that it would show a better picture if we were billed monthly showing a gross amount and what we owe and them paying them from there. Mr. Zingaretti felt as long as they give us an accurate report, it will save us in the long run to keep it the way it is.

Zoning Map and Hillcrest Right of Way-The township engineer will give us updates on both of these projects at our next work session.

2010 Paving Project- Mrs. Koval spoke with Mr. Mullen from Pennoni Associates and he will have an estimate of effort with the next week.

Newsletter- Mr. Zingaretti reminded the Board that we need to get the information together that we want to include in our newsletter. Ms Wasilewski suggested we include information concerning Act 537 for the residents in the affected areas.

Zoning Officer Position- the board discussed putting a job description together and advertising for the open position.

CORRESPONDENCE/NEW BUSINESS:**PUBLIC COMMENT:**

Rose Andrews- Thanked those who volunteer for the ambulance and fire departments and suggested that the money that had been donated in the memory of her husband, Joe Andrews, be used to purchase a piece of equipment that might be used in saving a life.

Tom Mosley- asked why we would drop some areas from the Act 537 Plan and not others. Mr. Zingaretti explained that they are trying to find out the cost difference if the plan was kept to the original court order.

Mr. Mosley also asked what would happen to the property the township is in process of obtaining on behalf of the Charter School should the school close sometime in the future. Mr. Zingaretti answered that the township would have the right of first refusal to buy it at fair market value.

Heather Mosley- asked for an update on the progress of the water hook up in the township. Attorney Vinsko suggested that Ros McMullen from Aqua be contacted to find out a time table.

Ms Wasilewski asked how Aqua could take water from Forest Park where there is high fecal count and then pump it into everyone's home. Mr. Masi replied that it had to do with the depth of the wells.

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

Respectfully submitted,

Paula Weihbrecht, Secretary

A work session of the Bear Creek Township Board of Supervisors was held at the Municipal Building at 3333 Bear Creek Blvd. Vice Chairperson Wasilewski called the meeting to order. Roll was called. Mr. Smith, Mr. Masi, Mrs. Koval and Ms Wasilewski were present. Mr. Zingaretti was absent. The salute to the flag followed.

Ms Wasilewski relayed that the main purpose of this evenings meeting was to meet with Catherine Repose from RCAP Solutions, a company that works with community boards and state and local officials to help find solutions to address wastewater issues.

Ms Repose made a presentation to the Board outlining the differences in funding options, mainly between Rural Development Grants and Pennvest funding.

Rural Development provides funding based on median household income. The term is generally 40 years with a target user rate of \$70 per month. They do have a graduation policy. Rural Development is very hands on and is helpful in preparing for environmental review.

Rural Development has 3 tiers:

- 1) Poverty Rate-median household income is under \$33,832. Interest rate that goes along with this level is 2.5% for 40 years, can receive a grant for up to 75%.
- 2) Intermediate Rate-median household income is \$33,832-\$42,291. Interest rate is 3.75%, loan at 40 years.
- 3) Market Rate-median household income is \$42,291 and above. Interest rate at 4.25%, loan at 40 years

Pennvest provides funding based on median household income based on information from the most current census but with an inflation factor. Term of loan is generally 20 years with an approximate user fee of \$90 per month. There is no graduation policy. DEP does technical and environmental review.

Requirement differences between Pennvest and Rural Development:

Rural Development

- Requires tap fee (\$1000-\$2000)
- Initial application
- Apply anytime
- May apply before design plan

- Requires bond council
- Can finance land acquisition

Pennvest

- no tap fee
- online application
- can apply at certain times only
- do not apply until design and permits are in hand
- no bond council required
- cannot finance land acquisition

Income Surveys: will help to find out eligibility for grant monies. Income surveys may potentially lower user rates and shows evidence of responsibility on the part of the municipal officials.

Approximate cost of survey would be \$15,000.

Other Business:

Zoning Map Change Requests- Mr. Masi explained to Brian Swanson from Pennoni Associates that the ultimate goal would be to update our zoning map so that it is current and accurate and also to address the requests from residents and determine the validity of the requests and make recommendations.

Mr. Swanson estimated the cost of this project to be \$2,000 to redo the zoning maps and create the individual maps to evaluate parcels in question.

Hillcrest Road Issue-cost and process to vacate right of way was discussed and Mr. Swanson said Pennoni will submit an estimate for total cost of project.

Road Paving- Mrs. Koval said she is waiting on the specs from Pennoni so the paving project for White Haven Pocono can be put out for bid.

The Board also discussed proposals for the culvert project, basketball court repaving and equipment building proposal. Mrs. Koval also noted that the maps from GEO COMM will be sent back after updates and corrections are finished.

The Board also discussed activity at the wind farm and if permits are required for what is being done. It was decided that a representative from BIU should pay a visit to the wind farm just to see what type of activity is going on.

Board adjourned.

Respectfully submitted,

Paula Weihbrecht, Secretary

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

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

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

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

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

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

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

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

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

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

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

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

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

PLANNING BOARD RECOMMENDATIONS: None.

ORDINANCES AND RESOLUTIONS:

Electricity Choice-Put on hold until next meeting

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

SOLICITOR'S REPORT: Attorney Vinsko reported:

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

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

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

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

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

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

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

OLD BUSINESS:

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

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

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

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

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

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

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

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

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

CORRESPONDENCE/NEW BUSINESS:

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

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

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

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

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

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

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

PUBLIC COMMENT:

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

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

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

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

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

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

Respectfully submitted,

Paula Weihbrecht, Secretary

The regular meeting of the Bear Creek Township Board of Supervisors was held at the Community house on Mountain Lake. Chairman Zingaretti called the meeting to order. Roll was called. Mr. Smith, Mr. Masi, Ms Wasilewski, Mrs. Koval and Mr. Zingaretti were present. The salute to the flag followed.

MINUTES: Minutes from the June 7, 2010 regular meeting were reviewed and a motion was made by Ms Wasilewski to accept, seconded by Mrs. Koval. Vote: Mr. Smith and Mr. Masi abstained, Ms. Wasilewski, Mrs. Koval and Mr. Zingaretti voted yes.

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

RECEIPTS: Income for the month of June was \$47,065.48. Motion to approve the receipts, subject to audit was made by Mrs. Koval, seconded by Mr. Masi. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of June were \$49,340.19. Motion to approve, subject to audit was made by Mr. Masi, seconded by Mrs. Koval. Vote: Mr. Smith, no; Mr. Masi, yes; Ms Wasilewski, yes; Mrs. Koval, yes and Mr. Zingaretti, yes.

Ms Wasilewski questioned as to why Attorney Vinsko is billing the township separately for work done for the Act 537 Plan. Mr. Zingaretti replied that this was done to keep our expenses separate for reimbursement under Act 537. Attorney Vinsko explained that all prior bills from 2007 and forward have been re-categorized for reimbursement purposes. Ms Wasilewski asked that Attorney Vinsko include bills back to 2004 from when he became the township solicitor to the present.

Mr. Wende asked Mr. Smith why he voted no on the disbursements. Mr. Smith replied that he has a concern that there is not enough source documentation associated with certain expenditures and plans on drafting and proposing a policy which will be presented to the Supervisors at the next meeting.

FIRE DEPT REPORT: 7 Calls for the month of June 2010 were reported: 3 motor vehicle accidents, 1 vehicle fire, 1 structure fire, 1 pipeline gas vent and 1 assist.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of June 2010 production was 4105M Wh, site availability was 86%.

ZONING OFFICER'S REPORT: For the month of June there were 3 contractor's licenses, 3 building permits, 1 subdivision fee, 1 sale of zoning book, 1 zoning permit and 1 occupancy permits for a total of \$955.00. BIU collected fees of \$3315.94.

ROAD MASTER REPORT: Mrs. Koval reported that the road crew took care of the weekly recycling, maintained the pavilion and rec fields, did shop work, worked on vehicles, patched pot holes, cleared ditches, cut grass ran the flail and sweeper and made repairs on the older mowers and vehicle and machinery repairs were also made.

OPEN RECORDS REPORT: Mr. Masi reported that there were no new or outstanding requests.

ACT 537 REPORT: No formal report received from Reilly but the plan is about ready to be submitted to our Planning Board and Luzerne County Planning which is the next step before it goes public. The engineer has been doing some recalculating to match things back to the original plan.

Mr. Smith asked about 2 issues holding the process up. The first was defining what Llewellyn Corners is and Reilly is close to resolving that. Mr. Zingaretti replied that he believes that it is resolved based on source documentation from a prior version of the plan.

The second issue Mr. Smith referenced was previously raised by Ms Wasilewski concerning the possibility of assessing vacant properties a sewer fee. Mr. Smith had asked Attorney Vinsko previously to look into this. Attorney Vinsko responded that there is currently no other municipality that assesses a fee for vacant land. He has been in contact with WWSA and said that there is nothing prohibiting the assessment of fees in the second-class township code. Research that WWSA did led them to believe it would not hold up in court so they do not assess where water is actually shut off.

Mr. Smith questioned whether the Board needed to determine if they are going to assess vacant land owners a fee prior to submitting the Act 537 Plan for comment from the Planning Board and the public. Attorney Vinsko said he would defer this question to Reilly. Ms Wasilewski stated that she felt everyone in the affected area benefits from it and needs to pay something towards the cost of that expense on the people who are burdened by it.

Discussion followed. Mr. Zingaretti asked Mr. Smith to follow up with Reilly concerning these issues.

PLANNING BOARD RECOMMENDATIONS:

Resolution 22-2010- A resolution approving the Klosowski subdivision at 159 Lake Aleeda Blvd. The Planning Board has signed off on the changes as drafted. A motion to approve was made by Ms Wasilewski, seconded by Mrs. Koval. Vote: unanimous yes.

ORDINANCES AND RESOLUTIONS:

Resolution 20-2010- is a resolution rescinding Resolution 16 of 2007 which prevented political use of the Township Municipal building. A motion was made by Mr. Masi, seconded by Mr. Smith. Vote: Mr. Smith, yes; Mr. Masi, yes; Ms Wasilewski, no; Mrs. Koval, no; and Mr. Zingaretti, yes.

Mr. Zingaretti gave a history on the 2007 resolution explaining that it eliminated any political events or fundraisers from township facilities. Mr. Zingaretti felt we were missing out on an opportunity for income for the township.

Mr. Smith asked why this resolution was originally drafted. Bonnie said she recalled that because of receiving federal funding, Luzerne County Community Development said that political events were not allowed. Mr. Zingaretti said he believed that this was not the case.

Mr. Smith asked Attorney Vinsko what he recalled concerning this issue. He responded that the Board did not want to use the main building for political purpose, there would not be enough money generated and they wanted to keep a neutral approach.

Mr. Smith asked if it were legal to restrict. Mr. Vinsko said that it was. Ms Wasilewski said that there were stipulations in the agreement with Luzerne County Community Development. It stated that they were not allowed to use the building for political purposes within the first five years of it being constructed.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Stella Abbott Matter- A meeting on discovery responses will be held on Monday, July 12th with Attorney Doherty.

Concini litigation- Correspondence has been sent to counsel for the Concini's and also to Attorney Dougherty and to Attorney Polichak from Aqua. Information received from Attorney Murphy and discussed at an executive session was inaccurate. Response has not been received from any of the parties concerning this issue. The matter of the Concini's pool not being fenced in has also been addressed in the recent correspondence and as soon as a new Zoning Officer is appointed action can be taken concerning the pool/fence. Attorney Vinsko agreed to put a memo together for the new Zoning Officer to have on hand when he speaks to the Concini's.

Aqua PA- A meeting was held with counsel for the insurance company that is handling this matter. A decision was reached on how to address the matter. Aqua PA filed a mandamus action against the township and Mr. Andrews last August. They are refusing to withdraw that because they are concerned that we will be successful in having this instant action dismissed. A response has been crafted a response that will be circulated once finished by the insurance counsel.

Development Agreement-Since the last meeting, the Judge has allowed limited discovery of the Twp Supervisors or the Charter School or whoever they would like. The opposing counsel has sought a request from the court, despite letters and phone calls have not attempted to schedule any depositions nor have they served any additional discovery. Attorney Vinsko said he is sending weekly correspondence so the court can see that we are doing everything we can to proceed.

Multiscape- Attorney Vinsko spoke with Attorney Ferentino concerning the amount that the Township was willing to pay to resolve the matter with Multiscape. Attorney Ferentino offered \$6000.00 that it would be settle in full and no party would have any issue going forward.

A lengthy discussion followed concerning the many problems that existed with the pavilion. The Supervisors discussed the poor workmanship of the pavilion and also if the final punch list outlined in a letter to Multiscape was ever signed off on.

Resolution 23-2003- A resolution approving the payment of \$6000.00 to Multiscape, Inc. in full satisfaction of outstanding Pavilion debt. A motion to approve was made by Mr. Masi, seconded by Mr. Smith. Vote: Mr. Masi, yes; Mr. Smith, yes; Ms Wasilewski, no; Mrs. Koval, no and Mr. Zingaretti, yes.

Resolution 21, 2010- is a resolution selecting Slusser Brothers for the Bear Creek Township paving project which includes the following roads: Azalea Trail, Oak Lane, Tanager Terrace, Birch Lane, Promonitory Drive and Beech Drive, all within White Haven Poconos. It is further resolved that the Board is hereby authorized to expend an additional Seventy Two Thousand Five Hundred Nine Dollars from the general fund to pay for the remainder of the paving project, which has a total cost of an amount not to exceed Three Hundred Twelve Thousand Five Hundred Nine Dollars.. A motion to approve was made by Mrs. Koval, seconded by Ms Wasilewski. Vote: Unanimous yes.

A brief discussion followed among the Board.

Mr. Southward asked why we selected Slusser Brothers when it seemed like we had so many problems with them in the past. Mrs. Koval responded that there were only minor issues with a previous paving project and Slusser Brothers rectified all issues.

OLD BUSINESS:

Zoning Officer Vacancy- The interviews have been scheduled with the Board. Ms Wasilewski asked if the job description had been agreed upon. Mr. Smith answered that it had not been agree upon but felt interviews could be held and the job description settled upon afterward

Street Light Request- PPL said that cannot put the street light on Thornhurst Road where it was requested. Mrs. Koval said she will follow up to find a new location.

Flood Plain Ordinance- Mr. Zingaretti said he would take the task on of updating and incorporating the suggested changes to the township flood plain ordinance.

Route 115 Safety Corridor/Grant Application- Mr. Zingaretti said the deadline for approval was June. Now it is supposed to be decided upon on July 7, 2010. Mr.

Smith also brought up that the criteria have changed. Mr. Zingaretti said that originally every submission needed to be tied to how it impacted gaming. Now its concerns health and safety, public benefit, public need etc.

Crossin Issue- Attorney Vinsko stated he sent a letter out to Crossin Agency on May 4, 2010. The money should have been to the township by March. Attorney Vinsko suggested that another letter be sent out giving Crossin Agency 30 days to submit payment.

Hillcrest Road Right of Way- The estimate has not been received from Pennoni.

Windfarm permits-Mr. Zingaretti asked if a member of the Board would take on this issue. The Board discussed how the permit process should be handled. It was decided that Attorney Vinsko would contact Todd at the windfarm and set up a meeting with them, BIU and any interested Board members.

Mr. Masi asked if future reports from the Windfarm would include more pertinent information including blade changes and repairs that are being made.

CORRESPONDENCE/NEW BUSINESS:

PUBLIC COMMENT:

Mark Wende- asked if there were any township laws concerning a business in a residential area. Mike Rebovich clarified by asking what does the township zoning laws say about a home being rented out as a vacation home.

Attorney Vinsko said that the laws surrounding this issue are vague and he would research the matter. He explained that certain types of businesses are allowed in a residential area such as a no impact home business. Attorney Vinsko said it sounded like a special exception would be needed for the type of business they were discussing but he would need to look into it further.

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

Respectfully submitted,

Paula Weihbrecht, Secretary

A work session of the Bear Creek Township Board of Supervisors was held at the Municipal Building at 3333 Bear Creek Blvd. Chairman Zingaretti called the meeting to order. Roll was called. Mr. Smith, Mr. Masi, Ms Wasilewski, Mrs. Koval and Mr. Zingaretti were present. The salute to the flag followed.

Hrabousky Right of Way Issue: A letter was drafted by Mr. Zingaretti and presented to the Board for their input. The letter contained an approximate cost for the reduction of the Township's right of way on Hillcrest Road. The letter further stated that this is a project that the Township would not pursue and if the residents of Hillcrest Road wish to fund the project as a group, the Township would not be opposed to it.

Cataliotti Cable Service Issue: A letter was drafted to Mr. Tony Cataliotti who had asked the Township to mandate Service Electric to provide service to his home. After reviewing the agreement between the Township and Service Electric, it was determined that Mr. Cataliotti does not meet the criteria under the agreement for service to be provided. Information for Verizon was included in the letter to be sent out.

Reilly Associates/Act 537: The Board discussed information received from Reilly outlining cost savings by eliminating the sewers on Pittston Blvd beyond 1500 feet from Swanson Road. EDU rates were lower only by a small amount and in some instances not at all, depending on the financing option.

The Board also discussed whether all properties in affected areas should pay towards the system not only the ones actually connecting to it. It was discussed if a token fee should be charged to those not connecting immediately or if a larger connection fee should be charged later when they do connect. The Board will make their decision on this matter at the August 2nd meeting. Discussion continued.

Zoning Map Issue: Joe Mullen from Pennoni said they will be starting the work on the zoning map using the county tax map as a base and creating a mosaic. He also said they will be gathering the necessary information for each of the zoning requests and will proceed from there.

Legal Report:

Concini Issue: Proceeding with enforcement of ordinances concerning fencing around swimming pool.

Aqua Suit: filed answer and new matter and waiting on a copy of it.

Stella Abbott Matter: Mrs. Koval received answers to Interrogatories.

Charter School Matter: Depositions will possibly be scheduled for sometime next week.

Gate at Trailwood: Mrs. Koval said the Road Crew does not have time to install a gate at Trailwood Park. She would like to contract the job out.

Windfarm: The Board discussed the matter of permits for all work being done at the windfarm. A meeting was set up for Monday at 10:00 AM with representatives from the windfarm, BIU and the Supervisors. Discussion continued.

Request for use of Recreation Fields: The Board received information from a group proposing an Oktoberfest and seeking to use the township Rec fields. The Board felt that it would be too much of a liability to the township and they would like to have better ordinances in place before allowing use of township property for a multiple day, large scale event.

Office hours: Ms Wasilewski questioned what the hours were for the township building. Mr. Zingaretti noted that they are the same, 8:00-1:30. Summer hire Joan Belcher has covered the office phones from 8:00 until the secretary arrives. Ms Wasilewski and Mr. Smith said that they were unaware of this change. Mr. Zingaretti indicated they he had approved this change since it offered expanded office hours to the public since the secretary was now working beyond 1:30.

Board adjourned.

Respectfully submitted,

Paula Weihbrecht, Secretary

The regular meeting of the Bear Creek Township Board of Supervisors was held at the firehouse in White Haven Poconos. Chairman Zingaretti called the meeting to order. Roll was called. Mr. Smith, Mr. Masi, Ms Wasilewski, Mrs. Koval and Mr. Zingaretti were present. The salute to the flag followed.

MINUTES: Minutes from the July 6, 2010 regular meeting were reviewed and a motion was made by Mr. Smith to accept, seconded by Ms Wasilewski. Vote: Unanimous yes.

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

RECEIPTS: Income for the month of July was \$30,893.25. Motion to approve the receipts, subject to audit was made by Ms Wasilewski, seconded by Mr. Masi. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of July were \$65,203.52. Motion to approve, subject to audit was made by Mr. Smith, seconded by Mr. Masi. Vote: Unanimous yes.

FIRE DEPT REPORT: 13 Calls for the month of July 2010 were reported: 5 motor vehicle accidents, 4 activated alarms, 1 brush fire, 1 structure fire, and 2 assist.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of July 2010 production was 3112M Wh, site availability was 85%.

ZONING OFFICER'S REPORT: For the month of July there were 5 contractor's licenses, 8 building permits, 1 sale of zoning book, and 1 occupancy permit for a total of \$1305.00.

ROAD MASTER REPORT: Mrs. Koval reported that the road crew took care of the weekly recycling, maintained the pavilion and rec fields, did shop work, worked on vehicles, patched pot holes, cleared ditches, cut grass and ran the flail. The floors were painted in the pavilion and Mrs. Koval and 2 members of the road crew attended an equipment show at Lazy Brook. Mrs. Koval has also checked daily the progress of the paving project in White Haven Pocono.

OPEN RECORDS REPORT: Mr. Masi reported that there were no new or outstanding requests.

PLANNING BOARD RECOMMENDATIONS:

Resolution 24-2010- A resolution approving the Carey minor reverse subdivision as recommended by the Planning Board. Property is located at 208-209 Azalea Trail, White Haven Poconos, Bear Creek Township. A motion to approve was made by Ms Wasilewski, seconded by Mrs. Koval. Vote: unanimous yes.

ORDINANCES AND RESOLUTIONS:

Zoning Officer Appointment: A motion was made by Mr. Smith and seconded by Mr. Masi to officially appoint Carl Alber as the Township Zoning/Code Enforcement Officer. Vote: Unanimous yes.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Stella Abbott Matter-in discovery phase; we have provided the discovery responses through our insurance company and are waiting to proceed.

Concini litigation- Correspondence has been received from their counsel concerning the fence issue. This is being handled as a separate matter and Attorney Vinsko will be addressing this with Mr. Alber.

Aqua PA- discussion was held with the insurance company concerning this matter; motions will be filed within the next few weeks.

Development Agreement- depositions will be tomorrow with regard to acquisition of property for the charter school and recreation fields. Hearing will be at the end of September.

Crossin Insurance Recovery-letters were sent in May and July to Crossin Agency seeking recovery of Benkoski matter funds. The Township has not received a response as of yet from Crossin Agency. This matter will be discussed at an executive session to see how the Board would like to proceed.

Ms Wasilewski asked Attorney Vinsko if we should have gone directly to the insurance company and not the agent. Attorney Vinsko replied that in this matter no because the insurance agency is the broker between the insurance company and the township and he (Crossin) was the one who made the representation that he would provide it to us, whether that be through the insurance agency or his own brokerage.

Windfarm Permit Issue-Attorney Vinsko said he had discussed this matter with Mr. Alber and the Board is aware of the current situation regarding whether permits are permissible for repair and/or replacement of items at the windfarm. More work will have to be done to confirm what BIU has given us regarding this matter. .

OLD BUSINESS:

Street Light Request-Mrs. Koval checked on the area where poles were being moved. She was concerned with the areas where PPL planned to install the poles and said she would contact PPL to discuss this further.

Flood Plain Ordinance- Mr. Zingaretti said we are required by the county to update our flood plain ordinance. We have been provided with suggested changes and Mr. Zingaretti has incorporated this information and has sent copies to board members and then it will be sent to the county for their review. Once approved by the county, normal procedures will be followed to adopt as our Flood Plain Ordinance.

Route 115 Safety Corridor/Grant Application-Grants had been applied for at the end of 2009. Grant awards should be made in September. Total grants applied for was approximately \$580,000.00.

Hillcrest Road Right of Way- A letter was sent to the resident who requested the vacation of the township right of way on Hillcrest Road. The estimate for the project was between \$28,000.00 and \$40,000.00. The Board felt this was a project that the township could not undertake.

Gate at Trailwood-discussion was held concerning the proposed gate at Trailwood Park. Complaints have been received about activities occurring after dark in the parking lot and park at Trailwood. Security cameras for this area have been considered.

Resolution 26, 2010- is a resolution authorizing the installation of a gate at Trailwood Park. Motion to approve was made by Mr. Masi, seconded by Mr. Smith. Vote: unanimous yes.

Act 537:

A resolution proposed that would require all non-exempt properties to be required to pay sewer fees as part of the Township Act 537 Plan. A motion was made by Ms Wasilewski, seconded by Mr. Smith. Vote: Mr. Smith, no; Mr. Masi, no; Ms Wasilewski, yes; Mrs. Koval, no; and Mr. Zingaretti, no. The resolution failed to pass.

Discussion was held concerning the timeline for the Act 537 Plan. Mr. Zingaretti explained that it must first, upon completion from the engineer go to the County and Township planning commissions and then after reviewed by these two groups can it then be released to the public

Resolution ??, 2010- is a resolution to submit the Act 537 draft plan to the Bear Creek Township Planning Commission and the Luzerne County Planning Commission immediately upon completion by engineer Reilly Associates. Motion to accept was made by Mr. Smith, seconded by Mr. Masi. Vote: Mr. Smith, yes; Mr. Masi, yes; Ms Wasilewski, no; Mrs. Koval, yes; and Mr. Zingaretti, yes.

CORRESPONDENCE/NEW BUSINESS:

PUBLIC COMMENT:

Margaret Sharples-Asked the Board who she could speak to concerning garbage being burned. Attorney Vinsko referred her to the Zoning Officer.

Mike Dotter-introduced himself as the fire chief of White Haven Fire Co. He wanted to inform the Board of a situation regarding fire protection for the White Haven Pocono area. There has been confusion regarding the coverage of the White Haven Pocono area and whose primary coverage area it is, Bear Creek Twp or White Haven. The Board said they would look into the matter and be in touch with Chief Krumsky and the fire department to discuss the matter.

Ed Jasulevicz- asked what the status was on Dr. Wende's question from a prior meeting about an ordinance prohibiting short term rental properties in the township. Attorney Vinsko responded that research has been done but an ordinance not yet prepared but there has been movement regarding this matter.

Roger Southward-asked about an article that appeared in the paper concerning the non uniform pension plan and Bear Creek Twp plan being listed in the article as distressed. The Board said they would look into the matter.

Tom Mosley-Asked when and where the depositions for Charter School/Development Agreement would be. Attorney Vinsko responded they would be held at the office of Hourigan Kluger and Quinn tomorrow at 9:00 AM.

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

Respectfully submitted,

Paula Weihbrecht, Secretary

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

MINUTES: Minutes from the July 20, 2010 Work Session were reviewed and a motion was made by Mr. Smith to accept, seconded by Mr. Masi. Vote: Mr. Smith, yes; Mr. Masi, yes; Ms. Wasilewski, abstained; Mrs. Koval, yes; and Mr. Zingaretti, yes.

MINUTES: Minutes from the August 2, 2010 regular meeting were reviewed and a motion was made by Ms Wasilewski to accept, seconded by Mr. Masi. Vote: Unanimous yes.

MINUTES: Minutes from the August 17, 2010 Work Session were reviewed and a motion was made by Mrs. Koval to accept, seconded by Mr. Smith. Vote: Mr. Smith, yes; Mr. Masi, abstained; Ms Wasilewski, yes; Mrs. Koval, yes; and Mr. Zingaretti, yes.

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

RECEIPTS: Income for the month of August was \$59,723.53. Motion to approve the receipts, subject to audit was made by Mrs. Koval, seconded by Mr. Masi. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of August were \$34,738.56. Motion to approve, subject to audit was made by Ms Wasilewski, seconded by Mr. Masi. Vote: Unanimous yes.

FIRE DEPT REPORT: 19 Calls for the month of August 2010 were reported: 1 motor vehicle accidents, 2 activated alarms, 2 vehicle fires, 5 brush fires, 1 tree/wire down, 2 structure fires, 4 assists, 1 fire investigation and 1 water rescue.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of August 2010 production was 3823M Wh, site availability was 87%.

ZONING OFFICER'S REPORT: For the month of August there were 5 contractor's licenses, 3 building permits, 3 zoning permits, 2 hearings and 1 occupancy permit for a total of \$1640.00. BIU total for August was \$3838.00.

ACT 537 REPORT: The Act 537 Sewage Study has been provided to Luzerne County Planning and a copy for Bear Creek Township Planning as well. It is anticipated at this point that the plan would be made public by November.

ROAD MASTER REPORT: Mrs. Koval reported that the road crew took care of the rec fields, weeds along side of roads, grass cutting, tree cutting, vehicle maintenance, and bathroom repairs. The salt was delivered and stored in the pole barn, streets were swept and lights at the muni building were repaired.

OPEN REPORT: Mr. Masi reported that there were two open records requests made during the month of August. Both requests were satisfied within 5 days of receipt.

ORDINANCES AND RESOLUTIONS:

SOLICITOR'S REPORT: Attorney Vinsko reported:

Stella Abbott Matter-ongoing discovery being handled by Attorney Doherty through the insurance company. Matter is currently pending. Attorney Doherty is trying to have the township removed as part of the case.

Concini litigation-Matter will be discussed at an executive session. The pool matter will be handled by Mr. Alber.

Aqua PA- Approved the answer of new matter and it has been filed and they have received all documentation requested.

Development Agreement- A hearing will be held on September 28th at 10:00 AM. Discussion concerning this matter will be held at an executive session.

Crossin Insurance Recovery- Mr. Crossin confirmed that the township will be receiving a check for approximately \$3000.00 within the next 7 days. Delay was caused because adjuster handling the case had retired.

Windfarm Permit Issue-, This matter will be tabled until clarification can be made regarding requirements for permits for work and maintenance at the wind farm.

Mountain Lake Issue- An inquiry was made regarding property being rented out for short term periods (daily/weekly/monthly), recommendations will be made to the Board and then the Association at Mountain Lake will be contacted.

OLD BUSINESS:

Act 32- State change which took away the power of having individual third party tax collectors. Bear Creek Twp has used Berkheimer in the past. As of 2012 everyone will be using Wilkinson (Centax). Wilkinson will withhold 1.49% as there fee, Berkheimer withheld 2%. This will be an approximate savings to the township of \$1500.00 per year.

Pension Fund – An article appeared in the Times Leader about various municipalities being in different stages of distress with their pension plans. The township received correspondence concerning this matter. The township is funded at 89% of its pension obligation; if we were at 90% we wouldn't have been on the list.

Street Light Request- Mrs. Koval emailed PPL with the correct pole numbers and proposed poles that are marked to be put up, neither issue has been answered.

Flood Plain Ordinance- The matter is still in the hands of the State Association. All municipalities have to modify their flood plain ordinance language. We have been provided with a template used to modify ours. Once this is done it will go out for the normal processes of ordinance updating.

Route 115 Safety Corridor/Grant Application- The announcement of grant awards is scheduled for September 15, 2010.

Zoning Map- We have received the first draft of the zoning map from Pennoni and now it must be reviewed for accuracy before the project can move forward.

CORRESPONDENCE/NEW BUSINESS:

House Bill 2431- is a bill currently in the House of Representatives. The State Association is encouraging all municipalities to file opposing this bill. This bill establishes the county as the basic unit of local government. County would have jurisdiction over most aspects of the municipality.

Senate bill 1357-Is a bill which allows the state to force mergers and consolidations of municipalities.

The resolution that the township has been asked to review would be to oppose house bill 2431 and Senate bill 1357 which forces consolidation but we would not oppose voluntary mergers or consolidations of local governments.

Resolution 27, 2010- Is a resolution in opposition to forced local government mergers and consolidations. Mr. Smith made a motion to approve, seconded by Ms Wasilewski. After lengthy discussion Mr. Smith rescinded his motion and the matter was tabled until the next meeting.

Community Development Grants- The Township may be eligible again in 2011 for this grant. Mr. Zingaretti will review the application and see that the paperwork gets done.

County Mapping- Mrs. Koval commented that the County would like to hold off on the Township street maps until after reviewing the changes made with GEO Comm, 911 and the post office.

PUBLIC COMMENT:

Elizabeth Williams-Asked the Board who authorized the placement of rocks all around Trailwood Park. She expressed her concerns that someone will get hurt with these rocks surrounding the area and also expressed her disappointment in a gate being put up at the parking area.

Fred Williams- Questioned the Board about a light at the entrance to Trailwood Lake. He wanted to know why the Township would pay for a light on a private road. Mr. Zingaretti asked if this was the light at the corner of Trailwood Road and Laurel Run Road and Mr. Williams responded that it was. Mr. Zingaretti explained that by Township ordinance, we must provide a light there for safety. Mr. Williams also asked about the lights at the Trailwood Parking area and who is responsible to open and close the gate at the park. Mr. Masi explained that the lights and gate were installed to deter people from parking in Trailwood Park at night. He explained that there have been multiple complaints about suspicious activity in this area and these measures were taken for safety reasons. Discussion continued

Mark Petlock-Said that he has seen vehicles and quads in the park when they don't belong and feels that no one needs to be in the park after dark. He agrees that what was done at the park needed to be done.

Roger Southward-Asked what permits were needed by the organizers of the Pocono Drag Lodge reunion and asked how much money the township made on the event through permits and the amusement tax. Mr. Zingaretti responded that no permits were required. As for the amusement tax, Mr. Zingaretti said he would have to look into this since we were unaware that an entrance fee would be charged.

Mr. Southward went on to question how taxes (per capita, earned income, mercantile etc.) were collected and by whom. Mr. Zingaretti explained that Berkheimer collects these taxes for the township. Mr. Southward asked why he has not been charged the per capita tax since he moved into the township. The secretary said she would look into the matter and get updated lists from Berkheimer.

Mr. Southward also questioned why the septic code stating you must have your septic tank pumped every five years is not enforced. Mr. Southward said that if an ordinance is not going to be enforced, we should remove it from the books.

Barb Letinski Strait-Expressed her concerns about a sexual predator living at 1511 Meadow Run Road. She explained that she wants people to be aware that he is there and wanted to express her disappointment in the fact that he is allowed to live there when there are many children in the neighborhood. Mr. Alber explained that according to the law the offender must register with Megan's Law, which he did. Mr. Alber stated that he contacted the State Police and basically there is nothing to prevent him from living there. Ms Strait asked about an ordinance to prevent this from happening again and Attorney Vinsko explained that you cannot create a "no sex offenders" ordinance. You can prevent them from living in certain areas such as near a school or playground but you can not prevent them living anywhere in a particular community.

Public Comment Closed.

Fire Department Issue- Mr. Zingaretti reminded everyone that at the last meeting, members of the White Haven Fire Dept were present and raised issues about Bear Creek Fire not responding to several calls. Jason Krumsky from Bear Creek Fire confirmed that

there were some issues regarding dispatching of calls to White Haven Poconos. He stated that since then they had the dispatch protocol corrected and now Bear Creek Fire will be called first for all calls in the White Haven Poconos area with the exception of structure fires. Mr. Smith asked Mr. Krumsky if he had spoken with the fire chief from White Haven to discuss the concerns that had been raised at the August meeting. Mr. Krumsky acknowledged that he did have a discussion with the White Haven fire chief concerning this matter. He further stated that the department has a 97% response rate which he feels is good for a completely volunteer organization.

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

Respectfully submitted,

Paula Weihbrecht, Secretary

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

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

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

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

RECEIPTS: Income for the month of September was \$77,211.94. Motion to approve the receipts, subject to audit was made by, Ms Wasilewski seconded by Mrs. Koval. Vote: unanimous yes.

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

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

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

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

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

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

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

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

PLANNING BOARD RECOMMENDATIONS: None.

ORDINANCES AND RESOLUTIONS:

SOLICITOR'S REPORT: Attorney Vinsko reported:

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

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

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

OLD BUSINESS:

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

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

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

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

Street lighting- Nothing new to report.

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

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

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

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

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

CORRESPONDENCE/NEW BUSINESS:

PUBLIC COMMENT:

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

Paula Weihbrecht, Secretary

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

MINUTES: Minutes from the October 4, 2010 regular meeting were reviewed and a motion was made by Mr. Smith to accept, seconded by Mr. Masi. Vote: Unanimous yes.

The treasurer's report for October 2010 was read by Ms Wasilewski.

RECEIPTS: Income for the month of October was \$59,723.53. Motion to approve the receipts, subject to audit was made by, Mrs. Koval seconded by Mr. Masi. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of October were \$34,738.56. Motion to approve, subject to audit was made by Mrs. Koval, seconded by Mr. Smith. Vote: unanimous yes.

FIRE DEPT REPORT: 17 Calls for the month of October 2010 were reported: 5 motor vehicle accidents, 1 turnpike call, 1 vehicle fire, 2 activated alarms, 1 brush fire, 1 tree/wire down, 2 pipeline calls, 1 road closing and 3 flooded area calls.

WIND FARM: Ms Wasilewski read the report for the Bald Mountain Wind Farm. For the month of October 2010 production was 6480M Wh, site availability was 87%.

ZONING OFFICER'S REPORT: Mr. Alber reported for the month of October there were 2 contractor's licenses, 6 building/driveway permits, and 1 occupancy permit for a total of \$610.00. BIU fees collected for the month were \$2127.60.

ACT 537 REPORT: No update.

ROAD MASTER REPORT: Mrs. Koval reported that the road crew worked on Weiss Road with the bobcat that was rented. Roads and ditches checked and kept open. The rec fields and pavilion were maintained. Road shoulders were graded. Recycling and shop work were done. Work was done on the pole barn roof. A leaf box is being built. Voting machines were accepted and voting sites readied for the election. New "Welcome to Bear Creek Twp" signs have been erected throughout the township.

OPEN RECORDS REPORT: Mr. Masi reported that there were three requests made within the past month. 30 day extensions had been requested and all requests were referred to Mr. Alber who should be able to respond within the next week.

PLANNING BOARD RECOMMENDATIONS: None.

ORDINANCES AND RESOLUTIONS: None

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini and Abbott matters: Nothing new to report.

Aqua PA: Answer of new matter has been submitted to the insurance carriers counsel.

Crossin Insurance Matter: Requires an executive session with the Board.

Development Agreement/Charter School Matter: Findings of fact and conclusions of law has been submitted as directed by the judge. A brief submitted by their counsel changed the complexity of their argument which is not permitted under the law. Trial transcripts should be released tomorrow and Attorney Vinsko said he would be filing a motion to strike their entire brief. The judge's opinion and order will be issued within the next 30 days.

OLD BUSINESS:

Flood Plain Ordinance- No update.

Street lighting- Nothing new to report.

Zoning Maps- No update.

Amusement Tax- No update.

Blighted Property Law/Conservatorship Law: Attorney Vinsko reported that he and Mr. Alber are working together to incorporate a blighted property law into our ordinances. Attorney Vinsko also explained with the Conservatorship Law if there is a blighted property in the township, with court intervention, we will be able to take over the property and be the trustee. A lien would be put on the property and if it is sold by the owner, the township would be able to recoup its expenses.

House Bill 2431- Bill is dead, never got out of committee.

EVAC Stickers: Mrs. Koval announced that EVAC stickers will be available at the township office. These stickers are to be placed on windows of homes where persons with physical limitations reside. The sticker will alert EMS responders that a person may require assistance to evacuate during an emergency.

CORRESPONDENCE/NEW BUSINESS:

PUBLIC COMMENT:

Mike Gatcha: had concerns about several issues. First he commented that Route 115 with only one lane up and one lane down is causing bottle neck traffic and he worries about what will happen in winter weather.

Next he asked if township ordinance supersedes the home owners association at Mountain Lake. Attorney Vinsko responded that the more restrictive one governs.

Mr. Gatcha also expressed concern over the Marcellus Shale drilling that has been going on in other areas. Attorney Vinsko said that it is not an immediate concern and at this time would be a little premature to act on it yet but that the township will keep an eye on the situation. Mrs. Koval commented that mapping for the Marcellus shale indicates that the closest it comes to our township is in Plains.

Lastly Mr. Gatcha stated that cars are speeding on Thornhurst Road and asked if better lighting can be installed since there are many people walking in this area.

Frank Martino: Thanked Mrs. Koval and the road crew for a job well done at Weiss Road in White Haven Poconos.

Ms Wasilewski reminded everyone that the next meeting would be on Tuesday, November 16th at 6:00 PM to present the proposed 2011 operating budget.

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

Respectfully submitted,

Paula Weihbrecht, Secretary

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

Act 537 Update: Joe Durkin from Reilly Associates presented an update to the Board of Supervisors. The Board was given a copy of the comments submitted by the Township Planning Board after their review of the plan as well comments from the Township Engineer. Copies of these comments and the responses made by Reilly Associates are included with the minutes.

A discussion was held concerning the flow meter study. Since Plains Township will not commit to only a single study, the Board may have to re-bid the project to include several studies in various locations. The Board is waiting on additional information before making its decision on whether or not to re-bid the project.

Proposed 2011 Operating Budget: The proposed operating budget for 2011 was presented to the public. The proposed budget reflects no increase in taxes, a 2% pay raise for all non-supervisor employees, elimination of the summer work program, no major equipment purchases and no anticipated road paving projects. A narrative and the detailed budget are attached to the minutes. This same document was made available for public inspection through the township website today and copies will be at the township building immediately after the meeting.

A motion to approve the budget to go out for public inspection was made by Mr. Smith and seconded by Mrs. Koval. Vote: unanimous yes.

Correspondence:

Mr. Masi received a letter from Peter Austin at the Charter School asking the Board to consider an inter-agency partnership between the Township and the school for the purchase of road salt and anti-skid material. Preliminarily, the solicitor indicated that the township may not resell materials purchased with Liquid Fuels funding. Mr. Austin also mentioned he would like to discuss partnering with the Township for supplemental snow removal services. A brief discussion followed and the Board felt that further information would be needed before any agreements could be considered. Attorney Vinsko would advise.

Public Comment:

Mark Petlock- Asked if Pioneer Construction was finished working on Ridge Road. He stated that the road is bumpy and the patch work is terrible. Mrs. Koval said she was told by someone from Pioneer that it would be taken care of. She said she would follow up and make sure the problems are corrected.

A motion was made to adjourn. All were in favor.

Respectfully submitted,

Paula Weihbrecht, Secretary

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

MINUTES: Minutes from the November 1, 2010 regular meeting were reviewed and a motion was made by Ms Wasilewski to accept, seconded by Mrs. Koval. Vote: Unanimous yes.

MINUTES: Minutes from the November 16, 2010 meeting were reviewed and a motion was made by Mrs. Koval to accept, seconded by Mr. Smith. Mr. Zingaretti asked that the Vote: Mr. Smith, Mr. Masi, Ms Wasilewski and Mrs. Koval, yes. Mr. Zingaretti abstained.

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

RECEIPTS: Income for the month of November was \$45,523.05. A transfer of \$72,509.00 was made from Capital Reserve to the General Account to cover a portion of the WHP paving expense. A motion to approve the receipts, subject to audit was made by Ms Wasilewski, seconded by Mrs. Koval. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of November were \$301,266.49. Motion to approve, subject to audit was made by Mr. Smith, seconded by Mr. Masi. Vote: unanimous yes.

FIRE DEPT REPORT: 12 Calls for the month of November 2010 were reported: 5 motor vehicle accidents, 2 vehicle fires, 1 activated alarm, 2 brush fires, 1 fuel spill and 1 traffic call control.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of November 2010 production was 7441M Wh, site availability was 72%.

ZONING OFFICER'S REPORT: Mr. Alber reported that for the month of November there were 3 contractor's licenses, 6 building/driveway permits, and 1 occupancy permit issued for a total of \$975.00. BIU fees collected for the month were \$444.60.

ACT 537 REPORT: We received and reviewed the comments from the Township Planning Board on Act 537. The county provided no comment to the plan. There were changes implemented from the recommendations of our planning board.

There are two issues that need to be worked through before the plan can be advertised. The first is the flow metering issue. The second issue is Plains Twp should do a resolution to amend their Act 537 plan to include the pass through for Bear Creek Twp.

A motion was made by Ms Wasilewski to rescind resolution 28-2010 (selection of flow metering firm for Act 537). The motion was seconded by Mr. Smith. Vote: unanimous yes.

Mr. Zingaretti said he would contact the firm initially awarded the bid. Then bids for multiple flow metering studies can be solicited. It was decided that 3 studies should be included in the new bids.

ROAD MASTER REPORT: Mrs. Koval reported that the road crew took care of the recycling, worked on vehicles, did shop work, readied the rec area and buildings for winter and cleaned up on Old East End Blvd after the culvert flooded. Leaves were removed from ditches, cold patch work done on Weiss Rd at WHP and missing or damaged signs were replaced. Mrs. Koval thanked the crew for their efforts.

Mr. Smith asked about runoff at the intersection of 115 and Swanson Road. Mrs. Koval said she will notify PennDOT about this issue.

Mark Petlock asked what Aqua and Pioneer are going to do about the roads that they left a mess. Mrs. Koval said she had been in contact with Pioneer and they said they were done working there for the winter and would not be back until warmer weather. Mrs. Koval said she would keep on them until the roads are fixed to our satisfaction. Attorney Vinsko said he would review the bond and get together with Mr. Alber and they will check the roads and put Pioneer on notice.

Roger Southward asked about a small section of a street in Laurel Brook being paved and if the township needs to inspect it. Mrs. Koval said she and Mr. Alber will look into the matter. Discussion followed concerning inspection and dedication of the road.

OPEN RECORDS REPORT: No requests made during November.

PLANNING BOARD RECOMMENDATIONS: None.

ORDINANCES AND RESOLUTIONS:

RESOLUTION 29-2010: a Resolution approving the change order for the paving in White Haven Pocono at a cost not to exceed \$39,205.00. A motion to approve was made by Mrs. Koval, seconded by Mr. Masi. Vote: unanimous yes.

Mr. Zingaretti explained that a portion of one street was missed in the initial bids for paving in WHP. The paving of this section of road will complete the paving project in WHP.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini matters: Fence issued has been addressed.

Abbott matter: Nothing new to report.

Aqua PA: There will be a meeting on Friday with Jamie Labukas to go over discovery issues. It will be a very general meeting and Attorney Vinsko invited the Board to attend. The answer and new matter has been filed. Discovery will be providing our copies and afterwards we will provide our demands for discovery.

Crossin Insurance Matter: Requires an executive session with the Board. Ms Wasilewski asked if any letters have been sent to Mr. Crossin concerning this matter. Attorney Vinsko said that 3 letters have been sent along with numerous phone calls. No response has been received.

Development Agreement/Charter School Matter: Judge Van Jura has set an argument for this Wednesday at 3:30 on Attorney Vinsko's motion to strike their final brief and any supplemental memorandums.

OLD BUSINESS:

Flood Plain Ordinance- Timeline received.

Street lighting- Waiting on a response from Duane Sadvary at PPL concerning lights on Thornhurst Road.

Zoning Maps- No update.

Culvert Project Grant: Paperwork to be filed concerning prevailing wage.

Amusement Tax- No update.

Community Development Grant Application- Application has been filed seeking funds for blighted properties. Application will be supplemented with a list of "candidate" properties. Mr. Alber will generate the list of blighted properties in the township.

Sewage Complaint Re-billing-The Board is examining the process to re-bill monies spent to investigate sewage complaints that have been made. Ms Wasilewski has been in touch with Steve Egenski SEO and he will let the Board know what the code states regarding this matter. Many of the complaints are neighbor against neighbor and are not always valid. The Board would like to be able to bill the person making the complaint if it is frivolous. Otherwise, if the complaint is valid, the party that has the complaint filed against them would pay the fees. Mr. Zingaretti stated that at this point the Board is only gathering facts and it will all depend on what the state law allows us to do and are our ordinances in place to follow the procedure. Further discussion followed.

Elimination of Summer Help Program-In the budget process this year it was decided to eliminate the summer help saving the township \$7000.00 to \$9000.00. Ms Wasilewski reported that she spoke to various agencies concerning funding for summer help. It will be kept on the agenda until the various agencies release the new programs for next year.

Local Share Account- Applications must be in by December 31st. We will submit an application for funding for a new fire truck.

Feasibility Study- It was decided by the Board that funding for a feasibility study for a regional police force would not be sought this year.

Reflective sign update- Ms Wasilewski explained that the federal government may change the requirements of replacing street/traffic signs. Currently it is being required that all municipalities replace any signs that do not meet the new size and reflective standards by 2012. Ms Wasilewski stated that the requirement changes may occur because there are many signs across the country being replaced that do not need to be replaced. Mr. Zingaretti stated that it is currently in the budget to replace any sign that falls under the guide lines.

CORRESPONDENCE/NEW BUSINESS:

2011 Budget Overview-The budget was presented at a meeting on November 16th and was available to the public at the municipal building and on the website. The budget includes the following:

- No tax increase for 2011
- Income for 2011 is budgeted at \$973,013.00, of which over \$275,000.00 of that is the grant for the culvert repair
- Expenses at \$847,848.00 of which \$280,000.00 is for the culvert repair
- The net is a net positive for approximately \$125,000.00
- No road paving projects for 2011 scheduled
- No major equipment purchased planned for 2011
- Millage will remain at .4412 (44 cents for every \$1000 of assessed property value)
- Summer help program eliminated

A motion to approve the 2011 proposed budget as originally presented November 16, 2010 was made by Mr. Smith, seconded by Mrs. Koval. Vote: unanimous yes.

PUBLIC COMMENT:

Mike Gatcha: asked what he could do because he is paying a good deal of money for his property taxes. Mr. Zingaretti said unfortunately this would be a county issue and he would need to file an appeal to his assessment if he feels it is not accurate.

Mark Petlock: questioned the longevity of the 1996 truck the township owns. He suggested that the Board look into replacing this vehicle while there are good deals being offered by manufacturers.

Ed Jasulevicz: asked Attorney Vinsko if there has been any resolve to the home based business issue that was brought up concerning a property on Meadow Run Lake. Attorney Vinsko said that according to our zoning ordinance the property owners would need approval but is not sure if it would be enforceable because at times the property is also rented on a monthly basis.

Mr. Zingaretti suggested Attorney Vinsko put together a letter outlining what state laws are and what township ordinances allow. Then once we know these answers we can act accordingly.

Mr. Jasulevicz asked if the Board would consider some type of ordinance so we don't end up with vacation homes scattered across the township. Mr. Alber suggested that we look into a renter's ordinance which would require a property owner to have an inspection done of the property every time it is rented. Mr. Zingaretti suggested we wait until we have all the information on state and local laws and then a decision could be made.

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

Respectfully submitted,

Paula Weihbrecht, Secretary