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.

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

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

RECEIPTS: Income for the month of December was $49,006.93. A motion to approve the receipts, subject to audit was made by Ms Wasilewski, seconded by Mr. Smith. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of December were $112,874.54. Mr. Smith made a motion to hold in abeyance the approval of December's disbursements until the February meeting, seconded by Ms Wasilewski. Vote: unanimous yes.

FIRE DEPT REPORT: 13 Calls for the month of December 2010 were reported: 5 motor vehicle accidents, 1 turnpike call, 2 tree/wire down, 4 structure fires, and 1 assist.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of December 2010 production was 8921M Wh, site availability was 92%.

ZONING OFFICER'S REPORT: Mr. Alber reported that for the month of December there were 6 contractor's licenses, 5 building/driveway permits, 1 zoning permit and 1 occupancy permit issued for a total of $1275.00. BIU fees collected for the month were $188.00

ACT 537 REPORT: We are currently in process of re-bidding the flow metering project. A potential change was brought to us by the Plains Twp engineers. They were not willing to commit to only one flow metering study, hence the need to seek bids that include additional studies.

ROAD MASTER REPORT: Mr. Zingaretti presented a new format for the Road Master report. The new format will include information about all the expenses associated with the roads and streets department. For December total expenses were $89,698.16. December's budget was $16,290.00. Mr. Zingaretti explained that the over-budget amount was due to the Capital Outlay amount of $72,455.90 which was not originally budgeted for this month.

OPEN RECORDS REPORT: No requests made during December.

PLANNING BOARD RECOMMENDATIONS: None.

ORDINANCES AND RESOLUTIONS:

Resolution 1-2011: A resolution establishing the Bear Creek Township Fee Schedule for 2011. A motion was made by Ms Wasilewski to approve, seconded by Mr. Masi. Vote: unanimous yes.

Ms Wasilewski questioned the conditional use permit fees. Mr. Zingaretti stated that these fees would be reviewed and would be revised at a later meeting if necessary.

Resolution 2-2011: A resolution establishing the Bear Creek Township Uniform Construction Code Fee Schedule for 2011. A motion was made by Ms Wasilewski to approve, seconded by Mr. Masi. Vote: Mr. Smith: no, Mr. Masi: yes, Ms Wasilewski: yes, and Mr. Zingaretti: yes.

Mr. Smith questioned the per fixture fee amounts. Discussion followed.

Resolution 3-2011: A resolution authorizing the advertisement for a Certified Public Accountant to prepare the 2010 audit. A motion to approve was made by Ms Wasilewski, seconded by Mr. Smith. Vote: unanimous yes.

Resolution 4-2011: A resolution extending the contract with Building Inspection Underwriters to December 31, 2011 as third party administrator of the Uniform Construction Code. A motion to approve was made by Ms Wasilewski, seconded by Mr. Masi. Vote: unanimous yes.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini matters: Concinis want this matter re-listed for a hearing against Bear Creek for an injunction which they filed 2 years ago. The injunction is irreparable harm. Aqua counsel has offered less than minimal amount of money. Course of action on part of the Township will be discussed at an executive session.

Abbott matter: Nothing new to report.

Aqua PA: Attorney Vinsko and Mr. Zingaretti met with our insurance counsel. Discovery portion is complete.

Aqua/Pioneer: Mr. Smith had concerns about the road repairs where Pioneer was working for the water project through Aqua. Attorney Vinsko stated that Aqua would be put on notice.

Crossin Insurance Matter: No response has been received from the Crossin Agency and the Board will have to decide what further action should be taken.

Development Agreement/Charter School Matter: Judge Van Jura has ruled in our favor. All of their preliminary objections were dismissed. The Harris family has vowed an appeal.

OLD BUSINESS: No status changes.

CORRESPONDENCE/NEW BUSINESS:

Gaming Grant: Application has been submitted. We applied jointly with Bear Creek Village for a new quick response fire vehicle. The request made was for just under $200,000.

Christmas Tree Recycling: Mr. Zingaretti announced that our recycling center will again accept live Christmas trees during the month of January.

Email Alert System: Residents can sign up on the website homepage to receive emails about township news.

Charter School Request: The charter school has requested an intergovernmental cooperation agreement with the Township to purchase road salt. It will be a one year agreement and can be renewed yearly. Either party can terminate agreement and the charges will include both time and materials.

Resolution 5-2011: A resolution authorizing the Township to enter into an intergovernmental cooperation agreement with the Bear Creek Township Charter School for the purchase and use of road salt. A motion to approve was made by Ms Wasilewski, seconded by Mr. Masi. Vote: Mr. Smith: abstain, Mr. Masi: yes, Ms Wasilewski: yes, and Mr. Zingaretti: yes.

PUBLIC COMMENT:

Matthew Hrabousky: Mr. Hrabousky of Hill Crest Road asked Mr. Alber why he has been singled out concerning unregistered vehicles on his property. Mr. Alber responded that he was not singled out and proceeded to list the areas of the township were residents received notices for the same type of violations.

A motion was made by Ms Wasilewski to adjourn the meeting, seconded by Mr. Masi. 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 and Mr. Masi were absent. Ms Wasilewski, Mrs. Koval and Mr. Zingaretti were present.

MINUTES: Minutes from the January 3, 2011 reorganization and regular meeting were reviewed. A motion was made by Ms Wasilewski to approve the minutes of the Reorganization and the regular meeting, seconded by Mr. Zingaretti. Mrs. Koval abstained from both votes.

The treasurer's report for January 2011 was read by Mr. Zingaretti.

DISBURSEMENTS: Expenses for the month of December 2010 had been tabled at the January meeting. A motion to approve the expenses totaling $109,139.52, subject to audit was made by Ms Wasilewski, seconded by Mrs. Koval. Vote: unanimous yes.

RECEIPTS: Income for the month of January 2011 was $55750.05. A 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 January 2011 were $24603.40. A motion was made by Ms Wasilewski to approve the disbursements, subject to audit, seconded by Mrs. Koval. Vote: unanimous yes.

FIRE DEPT REPORT: 18 Calls for the month of January 2011 were reported: 8 motor vehicle accidents, 2 activated alarms, 2 vehicle fires, 3 brush fires, 1 tree/wire down, and 2 structure fires.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of January 2011 production was 5402M Wh, site availability was 97%. Mr. Zingaretti also announced that we have a new contact at the windfarm.

ZONING OFFICER'S REPORT: Mr. Alber reported that for the month of January there were 3 contractor's licenses, 1 building permit, 1 Planning Board Subdivision request and 3 occupancy permits issued for a total of $835.00. Mr. Alber also investigated 4 complaints. There were no BIU fees collected for the month.

ROAD MASTER REPORT: Mr. Zingaretti presented the financial portion of the Roadmaster's report. Actual expenses for the month of January were $15285.00. Amount included repairs for a vehicle. Mrs. Koval reported that much of time the crew worked was spent on the roads plowing and cindering. The road crew also spent a lot of time doing shop work, maintenance on vehicles and recycling. It was also reported that the gate at Trailwood Park was damaged.

It was also noted that numerous emails were received from residents of White Haven Pocono thanking the road crew for keeping their roads in such good condition during the recent snow storms.

Mark Petlock asked about the ordinance prohibiting people from parking their vehicles on roadways in the Township and noted that there is always a vehicle parked on Fairway Drive during the winter. He stated that this resident has a driveway but parks on the road. He also stated that it makes it difficult for the road crew to plow and is not fair to the other residents of the township. Mr. Alber said he would look into the matter.

OPEN RECORDS REPORT: No requests made during January.

PLANNING BOARD RECOMMENDATIONS: No recommendations. The Planning Board will now meet at 6:30 PM.

ORDINANCES AND RESOLUTIONS:

Resolution 6-2011: A resolution awarding the contract for Flow Metering as requested under RFP dated January 4, 2011 as part of the Township's Act 537 Plan.

The Board discussed and reviewed the 4 bids that were received. They decided that the best option should they need more than one study done would be to go Reilly Associates. Ms Wasilewski questioned where it was in writing that more than one study needed to be performed. Mr. Zingaretti stated it was not in writing but Plains Twp would decide if a second study would be needed after the first one was done

A motion was made by Mr. Zingaretti to accept the bid from Reilly Associates, seconded by Mrs. Koval. Vote: unanimous yes.

RECYCLING: The Board sought proposals from three companies for receptacles and removal of recycling collected. Two companies responded.

Resolution 7-2011: A resolution accepting the proposal from Municipal Recovery for waste disposal and recycling services.

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

Resolution 8-2011: A resolution approving the Fee Schedule for the Bear Creek Community Charter School's purchase and use of the salt and anti-skid under the terms of the intergovernmental cooperation agreement.

SALT	$27.85 per load
ANTI-SKID	$17.60 per load
MIX	$22.75 per load

A motion was made by Ms Wasilewski to approve the fee schedule, seconded by Mrs. Koval. Vote: unanimous yes.

Resolution 9-2011: A resolution approving the purchase of a Cannon iR2525 Copy/Fax/Scanner and accepting the proposal from Golden Business Machines for this purchase.

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

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini matters: Letter sent to Board on answer of new matter that was submitted by Attorney Murphy in response to Aqua's pleadings from 2 ½ years ago. No other movement.

Abbott matter: Nothing new to report.

Aqua PA: Submitted discovery.

Crossin Insurance Matter: No response has been received from the Crossin Agency and Attorney Vinsko and Ms Wasilewski will follow up on matter.

Development Agreement/Charter School Matter: On appeal and we have been notified that the appeal had been improperly filed. It has been sent back for a correction. If not corrected within a certain amount of time, the appeal will fail.

Contractor's Licensing: issue is being addressed and more information will be available to the Board soon.

OLD BUSINESS:

Amusement tax: Mr. Zingaretti reported on the issue that arose concerning the car show/reunion at the old drag lodge. The admission fee charged to enter the show would qualify under the amusement tax and 10% of this tax would be collected by our tax collector. Since the Board advised the organizers of this show that they did not need any permits, we will not be seeking reimbursement for the prior events. We will draft a letter on behalf of the Board indicating our findings and let them know they should include this tax expense in their planning for their next event.

Ms Wasilewski asked Attorney Vinsko about going back and collecting amusement tax from the golf course and how any agreements would change if the property were sold. Attorney Vinsko said he would look into the matter.

Sewage Complaint Rebilling: Ms Wasilewski stated that she believes that expenses incurred for sewage complaint investigation can be submitted for reimbursement on an end of year form under Act 537. She will follow up.

Summer Help: Ms Wasilewski said she will look into programs and funding available for summer help and will report back to the Board.

CPA Audit: No response from advertisement seeking proposals for the yearly audit. Bonita and Rainey has done audit in the past and agreed to do it again this year at a cost not to exceed $1700.00.

Resolution 10- 2011: A resolution appointing Bonita and Rainey as the accountants to conduct the 2010 audit at a cost not to exceed $1700.00.

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

CORRESPONDENCE/NEW BUSINESS:

Lions Club Letter: A letter was received indicating that the relationship between the Lions Club and the Ambulance has been terminated. The Ambulance is now an independent entity.

Ms Wasilewski asked who would retain the existing equipment and funds. Mr. Zingaretti said this was not mentioned in the letter but assumes the new ambulance company will retain these things.

Mark Petlock asked if there had to be an approval from the Board of Supervisors to accept this new ambulance company. Mr. Zingaretti said no because at this point it is still the same ambulance company just without the Lions Club backing.

Mark Petlock asked if it is worth the liability risk to even have an ambulance company since Plains Twp is always responding in our township. Mrs. Koval responded that it's a state requirement because Plains Twp is an ALS unit they have to accompany the BLS unit. Mr. Petlock asked if we should look into hiring a company so we could get out of the liability risk. Mr. Zingaretti stated that he doesn't know what the financial implications are when we have a volunteer ambulance group that does it. The Board's role is to simply to appoint the primary responder.

Roger Southward asked where the ambulance is getting their financial backing. Mr. Zingaretti and Mrs. Koval responded that there is a private backer and the ambulance also receives monies through fundraising and insurance. Mr. Southward asked if there were any expenses the township incurs besides the garage where they house the ambulance. Mr. Zingaretti answered that the insurance is paid by the township but is split with Bear Creek Village and Buck Twp.

5k Run/Walk: The Messiah PM church sent a letter to the Township seeking approval from the Board to hold their annual 5k Run/Walk on March 12, 2011. The letter also asks that the township notify the State Police and seek their assistance for traffic

control. A motion to approve was made by Mrs. Koval, seconded by Ms Wasilewski. Vote: unanimous yes.

Cinders for Private Roads: requests have been made by residents to take enough salt/anti-skid to do their roads so emergency vehicles could get in should a situation arises. The Board agreed that residents can take a bucket or two should they need but they can not take truck loads to do entire roads.

PUBLIC COMMENT:

Eric Rodeghiero: Had questions regarding procedure for notification of neighbors when a zoning request is made. The property in question made its zoning request 6 or more years ago so the present Board could not comment on the decisions but did explain the current procedures for such an application.

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, Mrs. Koval and Ms Wasilewski were present. Mr. Zingaretti was absent.

MINUTES: Minutes from the February 7, 2011 regular meeting were reviewed. A motion was made by Mrs. Koval to approve the minutes, seconded by Ms Wasilewski. Mr. Smith and Mr. Masi abstained..

The treasurer's report for February 2011 was read by Ms Wasilewski.

RECEIPTS: Income for the month of February 2011 was $51,178.49. A motion to approve the receipts, subject to audit was made by Mr. Smith, seconded by Mr. Masi. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of February 2011 were $30,989.77. A motion was made by Mr. Smith to approve the disbursements, subject to audit, seconded by Mr. Masi. Vote: unanimous yes.

FIRE DEPT REPORT: 9 Calls for the month of February 2011 were reported: 7 motor vehicle accidents, 1 brush fire, and 1 structure fires.

WIND FARM: Ms Wasilewski read the report for the Bald Mountain Wind Farm. For the month of February 2011 production was 7520M Wh, site availability was 94%.

ZONING OFFICER'S REPORT: Mr. Alber reported that for the month of February there were 2 contractor's licenses and 1 occupancy permits issued for a total of $300.00. Mr. Alber also investigated 4 complaints. There were no BIU fees collected for the month.

ROAD MASTER REPORT: Mrs. Koval reported that the road crew checked the roads daily, plowed and cindered, did shop work, maintained all vehicles and took care of the recycling.

OPEN RECORDS REPORT: No requests made during February.

PLANNING BOARD RECOMMENDATIONS: No recommendations. The Planning Board did not meet in February.

ORDINANCES AND RESOLUTIONS: None

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini matters: Attorney Vinsko received a letter that will be circulated to the Board. The Concini's are seeking a rehearing of the injunction.

Abbott matter: Discovery. There is nothing new to report.

Aqua PA: Answers to discovery finalized with revisions. Case is proceeding.

Crossin Insurance Matter: Attorney Vinsko spoke with Frank Crossin and he will discuss the matter with the Board in an executive session.

Development Agreement/Charter School Matter: Motion to quash appeal has been filed for approximately 2 weeks as well as our motion for striking their new preliminary objections.

OLD BUSINESS:

Culvert Project: Mrs. Koval reported that once the weather breaks she will be in touch with the engineers to put the project out for bid.

Amusement tax: Will be the Board's option as to whether or not it should be enforced.

Sewage Complaint Rebilling:

Summer Help: Currently no funding or cutbacks for county programs. We will wait and see if anything is offered.

Messiah 5k: Permits have been received and the State Police notified.

911/GeoComm Update: Mrs. Koval stated that some residents in the township may be contacted about an address change and there are a few roads that still need to be named or renamed. The county is looking for someone with the township who knows the area well to help get this work completed.

Per Capita tax bills: Mr. Smith advised the public to be careful when paying the per capita tax bill. Some residents received bills from the Don Wilkinson Agency and they are collecting for Plains Township. Make sure your bill is from Berkheimer Agency and says for Bear Creek Township.

CORRESPONDENCE/NEW BUSINESS:

A letter was received from Helene Conover about ice and snow build up near her home. The road crew has looked into the matter and will keep an eye on the situation.

A letter was received from Barry Trievel concerning Route 115 being a one lane highway and a proposed traffic light at the Charter School entrance. A copy of the letter has been sent to PA DOT.

A letter was received from the Office of Community Development concerning funding cuts to the Community Development Block Grant Program.

PUBLIC COMMENT:

Roger Southward: Mr. Southward asked the Board about a letter from PPL concerning right of ways being acquired for a power line. Ms Wasilewski responded that several members of the Board attended a meeting the previous week concerning this project. Mrs. Koval commented that the project may include a new substation that could possibly be in Stoddartsville in Buck Township. She said it seemed that PPL was leaning more towards Monroe County than Luzerne for this project but its all still in the beginning stages of planning. Ms Wasilewski said there would be a meeting open to the public held at the East Mountain Drive business center of PPL on March 16th. Mrs. Koval stated that a public meeting is also planned at the Thornhurst fire house but did not know the date or time of that meeting.

Dennis Turner: Mr. Turner asked what would happen if PPL should end up doing this project in Bear Creek Twp. Mrs. Koval responded that it would be discussed at a public meeting before anything would be done.

Roger Southward: Asked for a status update on a bill concerning consolidation of municipal and government agencies. Attorney Vinsko said that much would depend on the new census figures that are due out soon. Attorney Vinsko hopes to have more on this for the next meeting.

A motion was made by Mr. Masi to adjourn the meeting, seconded by Mrs. Koval. 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, Ms Wasilewski, Mrs. Koval and Mr. Zingaretti were present. Mr. Masi was absent.

MINUTES: Minutes from the March 7, 2011 regular meeting were reviewed. A motion was made by Ms Wasilewski to approve the minutes, seconded by Mrs. Koval. Vote: Mr. Smith, Ms Wasilewski and Mrs. Koval; yes. Mr. Zingaretti abstained..

The treasurer's report for March 2011 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of March 2011 was $59,076.84. 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 March 2011 were $42,463.78. A motion was made by Ms Wasilewski to approve the disbursements, subject to audit, seconded by Mrs. Koval. Vote: unanimous yes.

FIRE DEPT REPORT: 14 Calls for the month of March 2011 were reported: 6 motor vehicle accidents, 2 brush fire, 3 activated alarms, 2 vehicle fires and 1 structure fire.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of March 2011 production was 7422M Wh, site availability was 88%.

ZONING OFFICER'S REPORT: Mr. Zingaretti read the Zoning Officer's report for the month of March. There was 1 contractor's license, 1 demolition permit and 1 occupancy permit issued for a total of $225.00. Mr. Alber also investigated 3 complaints. There were no BIU fees collected for the month.

ACT 537 REPORT: Mr. Zingaretti reported that the Board of Supervisors met with DEP and provided them with a revised timeline. According to the revised timeline, the plan should be submitted to DEP by the end of October 2011. The flow meter study is currently underway. The study was put into service on March 24, 2011.

ROAD MASTER REPORT: Mrs. Koval reported that the road crew checked the roads daily, plowed and cindered as needed, did shop work, maintained all vehicles, took care of the recycling, prepared the mowers for use, did cold patching and ditch work.

Mr. Smith also reminded everyone that this coming Saturday is field day for Bear Creek Baseball.

Mr. Zingaretti reported on the financial side of the Road master's Report. Expenses for the month were $17,306.38. Budgeted amount for the month was $16,490.00. Overtime was only 3.5% versus the budgeted 7.4%. Expenses for March were over budget due to vehicle repairs.

OPEN RECORDS REPORT: No requests made during March.

PLANNING BOARD RECOMMENDATIONS: No recommendations. The Stchur Estate Minor Subdivision requested a time extension on their application from the Planning Board at the March meeting. An extension was granted.

ORDINANCES AND RESOLUTIONS: None

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini matters: No change.

Abbott matter: Discovery phase.

Aqua PA: Discovery phase.

Crossin Insurance Matter: The matter was discussed by the Board in an executive session.

Development Agreement/Charter School Matter: The Commonwealth Court had required a statement of issues and documentations to be provided by the Harris/Riebel family as a basis for their appeal. Attorney Vinsko will provide the Board with information on how he plans to proceed with the case.

OLD BUSINESS:

The **Culvert Repair project, Zoning Map/Request for Changes and the Flood Plain Ordinance Revisions** will be discussed at an upcoming meeting with the Township engineer..

Amusement tax: Mr. Zingaretti said he would draft a letter addressing the individual who hosted the car show two years ago and notify him that the tax collector has concluded that the entry fee for his event should have been subject to the Amusement tax

Community Development Grant Application: Nothing new to report.

2011 Gaming Grant Application: Nothing new to report.

CORRESPONDENCE/NEW BUSINESS:

Bath Salts: Mr. Zingaretti asked Attorney Vinsko if he has worked with any other municipalities who have enacted an ordinance concerning a ban on bath salts. Attorney Vinsko responded that he is currently working on one with the city of Wilkes-Barre. As a municipality, Bear Creek Twp can draft its own ordinance concerning this matter. The House recently had a unanimous resolution to ban bath salts and the Senate should be following suit. In the mean time the township could be prepared with their own resolutions until the state laws are passed.

Blighted Properties: Mr. Smith asked Attorney Vinsko if we can get some documentation concerning policies and procedures for blighted properties. Attorney Vinsko responded that he followed up on the Federal requirements if the Township is going to receive money to do it. It would require a different set of procedures. Someone must be designated economic development director. Properties must be appraised, determinations on properties must be done by an engineer and several other issues would have to be addressed. Emergency demolition would be included in these procedures. Attorney Vinsko recommended that we follow the state law in case there is money available for reimbursement to the municipality. Attorney Vinsko would like to discuss the procedures for the Code Office with the Board.

PUBLIC COMMENT: None

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, Mrs. Koval and Mr. Zingaretti were present. Pledge to the flag followed.

MINUTES: Minutes from the April 4, 2011 regular meeting were reviewed. A motion was made by Ms Wasilewski to approve the minutes, seconded by Mrs. Koval. Vote: Mr. Smith, Ms Wasilewski, Mrs. Koval and Mr. Zingaretti; yes. Mr. Masi abstained.

The treasurer's report for April 2011 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of April 2011 was $57,763.69. A motion to approve the receipts, subject to audit was made by Ms Wasilewski, seconded by Mr. Smith. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of April 2011 were $31,539.11. A motion was made by Ms Wasilewski to approve the disbursements, subject to audit, seconded by Mr. Masi. Vote: unanimous yes.

FIRE DEPT REPORT: 11 Calls for the month of April 2011 were reported: 6 motor vehicle accidents, 3 brush fire, and 2 structure fire.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of April 2011 production was 7149M Wh, site availability was 90%. He also announced that new blades had been delivered for maintenance work being done.

ZONING OFFICER'S REPORT: Mr. Alber read the Zoning Officer's report for the month of April. There was 2 contractor's licenses, 7 building permits, 1 driveway permit, 1 demolition permit, 1 hearing fee for a variance and 4 occupancy permits issued for a total of $1125.00. BIU fees collected for April were $1900.98. Mr. Alber also investigated 5 complaints.

ACT 537 REPORT: Mr. Zingaretti reported the flow meter studies have been completed and there appears to be sufficient capacity. Correspondence will be sent to PTSA by Reilly to be put on the agenda for their meeting on May 13th. The Township received correspondence from DEP and it seems that they are pleased with the progress made on the Act 537 Plan and no fines will be issued as long as we stay on course.

ROAD MASTER REPORT: Mrs. Koval reported that the road crew checked the roads daily, worked on preparing the rec fields, took care of washouts, shoulders and ditches from the rains, did shop work and maintained all vehicles, Mrs. Koval also added that she is currently working on the 911 readdressing project and will also be working on getting the bid process going for the culvert project.

Mr. Zingaretti reported on the financial side of the Road master's Report. Expenses for the month were $17,361.73. Budgeted amount for the month was $14,926.00, difference being there were three payrolls in April as opposed to the two that were budgeted.

OPEN RECORDS REPORT: No requests made during April.

PLANNING BOARD RECOMMENDATIONS: No recommendations.

ORDINANCES AND RESOLUTIONS:

Ordinance 1- 2011: An ordinance banning the sale, distribution, consumption, possession and ingestion of certain chemical combinations, including, but not limited to those being marketed or held out as bath salts.

A motion to approve Ordinance 1-2011 was made by Mr. Masi, seconded by Ms Wasilewski. Vote: unanimous yes.

The Board asked that a signed copy of the ordinance be forwarded to the State Police.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini matters: The Concini's had reported water problems on their property again. Correspondence was sent to the Concini's counsel asking that any requests for assistance should come through counsel.

Abbott matter; Discovery phase.

Aqua PA: Discovery phase.

Crossin Insurance Matter: The matter was discussed by the Board in an executive session.

Development Agreement/Charter School Matter: Currently on appeal. A motion was filed for reconsideration but they have not filed a response yet. A briefing should be scheduled in the near future.

Blighted Property: Attorney Vinsko addressed the Board concerning a recent law passed dealing with blighted properties. The Conservatorship Law will allow municipalities to have easier mechanisms to take over blighted properties utilizing a housing court. A lengthy discussion followed and it was determined that there are many issues that need to be discussed before it can be acted upon.

OLD BUSINESS:

Street Lights: Mr. Zingaretti asked Mrs. Koval for an update on the street light requests for Thornhurst Road. Mrs. Koval said nothing new to report but she will make contact again and will also handle new request for a street light on Meadow Run Road.

Culvert Repair project: Joe Mullen at Pennoni will put together the bid package for this project and will contact Mrs. Koval if they need any further information.

Amusement tax: Mr. Zingaretti drafted a letter addressing the individual who hosted the car show two years ago and notify him that the tax collector has concluded that the entry fee for his event should have been subject to the Amusement tax.

CORRESPONDENCE/NEW BUSINESS:

Street Light Request: A letter has been received from a resident asking for a street light to be installed on Meadow Run Road. The area has many curves and is dark. Mrs. Koval said she would handle the request for this light.

PSATS Convention: Ms Wasilewski reported that she and Mrs. Koval attended the recent conference held in Hershey. They attended many seminars including ones on zoning, the census, blighted properties, signage, code enforcement and handling employees.

House Bill 1228: A House bill introduced to charge municipalities for using State Police coverage. It is proposed Municipalities would be charged a flat rate of $52 per person per year for the first year. The fee would then increase to $104 and then $156, bringing the total well over $300,000.00 for a year. Residents were urged to write their representatives to oppose this bill.

PUBLIC COMMENT:

Dr. and Mrs. Columbus: Voiced concerns over motorists speeding on Ridge Road. They feel the traffic coming off Rte 115 does not reduce their speed when they enter Ridge Road. Suggestions made included rumble strips/speed bumps, making the road one way, and signage.

Discussion followed and it was decided the township engineer would be contacted as well as LTAP to see if something can be done.

A motion was made by Ms Wasilewski to adjourn the meeting, seconded by Mr. Masi. 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. Pledge to the flag followed.

MINUTES: Minutes from the May 2, 2011 regular meeting were reviewed. A motion was made by Ms Wasilewski to approve the minutes, seconded by Mr. Masi. Vote: Unanimous yes.

The treasurer's report for May 2011 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of May 2011 was $80,173.88. A 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 May 2011 were $30,073.67. A motion was made by Ms Wasilewski to approve the disbursements, subject to audit, seconded by Mr. Smith. Vote: unanimous yes.

FIRE DEPT REPORT: 16 Calls for the month of May 2011 were reported: 3 motor vehicle accidents, 6 brush fire, 2 assists, 2 vehicle fires, 1 activated alarm and 2 structure fires.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of May 2011 production was 5230M Wh, site availability was 88%.

ZONING OFFICER'S REPORT: Mr. Alber read the Zoning Officer's report for the month of May. There was 3 contractor's licenses, 16 building permits, 5 driveway permit, 1 demolition permit, and 1 zoning permit issued for a total of $1235.00. BIU fees collected for May were $2356.33. Mr. Alber also investigated 5 complaints.

Mr. Alber also asked the Board if it would be possible to change the amount of days someone would have to correct a problem after receiving an ordinance violation notice. Currently they have 5 days to comply and Mr. Alber asked if it could be changed to 7 or possibly 10 days. Attorney Vinsko responded that this would have to be done by ordinance and he will take the steps necessary to get this done should this be what the Board decides.

ACT 537 REPORT: Ms Wasilewski had attended the Plains Twp Sewer Authority meeting and she reported that Reilly Associates presented the Act 537 update and requested for capacity reservation.
Ted Carl asked if DEP is okay at this point with the Township. Mr. Zingaretti responded that as long as we stay on schedule they are okay.

ROAD MASTER REPORT: Mrs. Koval, the Roadmaster was not present to give her report. Mr. Zingaretti reported on the finances concerning the road department. Expenditures for the month were $12,971.62. Budgeted amount was $18,865.00. We were under budget because three payrolls were budgeted for May when there were only two. We are currently under budget by $4500.00 for the year. This is mainly due to overtime being less than expected and operating supplies have not yet met what was built into the budget.

OPEN RECORDS REPORT: One request received and satisfied in the month of May. Three requests have already been received in June.

PLANNING BOARD RECOMMENDATIONS: The Stchur Estate subdivision has been recommended for approval. Attorney Basil Russin, representing the Stchur estate explained that Larry Stchur owned a 120 acre parcel. 1.6 acres of this parcel are across the road from the rest. Land is divided by the road. The intentions are to divide that 1.6 acres off from the rest. It's already divided by the road and the next step involves Jeff Baran, who owns the property now. He will add the 1.6 acres to his current property which is adjacent and the remaining 120 acres will be sold.

Mr. Zingaretti commented that there had been discussion on whether 1 or 2 subdivision applications needed to be filed and that Attorney Vinsko said only 1 needed to be filed and another deed would be filed for the property across the street.

Ms Wasilewski asked why there would not be another application for the subdivision filed. Attorney Vinsko responded that by PennDOT dividing the property with a state road, it was already subdivided.

ORDINANCES AND RESOLUTIONS:

Resolution 11-2011: Is a resolution approving the Stchur Minor Subdivision. A motion to approve was made by Mr. Smith, seconded by Mr. Masi. Vote: Mr. Smith, yes; Mr. Masi, yes; Ms Wasilewski, abstain; and Mr. Zingaretti, yes.

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SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini matters: Nothing new to report.

Abbott matter: Nothing new to report.

Aqua PA: A brief executive session will be held concerning potential resolution of the case. A significant amount of discovery has been conducted on this matter and some issues concerning what Aqua and PennDOT have done need to be addressed.

Crossin Insurance Matter: Nothing new to report.

Development Agreement/Charter School Matter: The Commonwealth Court required that mediation be attended on June 16th. The Harris/Reibel families refused to take part in the mediation and therefore it has been cancelled. A copy of Judge van Jura's order was received and it has been circulated among the Board.

Airport Hazard Zoning Ordinance: The Township is required to do an airport overlay zoning ordinance. This is an amendment to the zoning code which requires a public hearing. Our Municipality is one of the routes into the WB/Scranton International Airport. An airport overlay zone will have to be added as another zone to our zoning map. This will require notification to the FAA and PennDOT Bureau of Aviation if anything with height restrictions is to be built in the Township in that flight path.

So far very few municipalities have done anything with this ordinance. Attorney Vinsko will prepare the ordinance for the Board's review.

Ted Carl asked how long until there is some resolve with the Concini matter. He has concerns about the cost the township has incurred because of this case. Mr. Smith responded that the Board is amicable to resolving the matter but for that to occur the other party and their counsel must have the same mentality. Attorney Vinsko added that it is also in the hands of the insurance companies and the Township is not spending very much money because it is the attorneys for the insurance companies involved and Concini's counsel that are communicating. Mr. Masi asked how much time Attorney Vinsko has spent on this in the past year and his response was about 1.5 hours.

Mr. Carl also questioned the lack of a fence around Concini's pool. Mr. Alber stated that there was a temporary fence erected around the pool and he would check to make sure it was still there.

Blighted Property: Attorney Vinsko addressed the Board concerning a law passed on April 29th dealing with blighted properties and updated them on the procedures necessary when dealing with these properties.

OLD BUSINESS: Mr. Zingaretti reported:

Street Lights: No update

Zoning Map Requests/Changes: A letter was received from the Township engineer for the Board's review. This letter will go out to the residents who asked for their property to be considered for change.

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Culvert Repair project: The engineer has begun the process of identifying the diameter of the pipe that needs to be increased or if the same size pipe will work. The Board is waiting on their report. The engineer feels that with the DEP permitting process we will not be breaking ground until next Spring.

Flood Plain Ordinance Revisions: Mr. Zingaretti has sent updated ordinance and proposed changes out to Attorney Vinsko and the Board members. We have recently received the Luzerne County model ordinance and the process is under way.

Ridge Road: LTAP has reviewed the road with Mrs. Koval and have made several suggestions, all of them needing a traffic study first. LTAP will assist us in getting the equipment and doing the studies needed.

CORRESPONDENCE/NEW BUSINESS:

Local Share Account Program Letter: Submission had been made seeking funding for a vehicle for the Fire Department. We received a letter stating that our request has been denied. Mr. Zingaretti will meet with the Fire Dept to discuss other funding options.

Expense Reimbursement Policy: Mr. Smith has drafted a policy for use in reimbursing expenses incurred by Supervisors and employees. Mr. Smith explained the policy which includes forms for use in requesting reimbursement. Forms should include copies of receipts and mileage calculated at the standard IRS rate. The forms should be signed by the individual seeking reimbursement and should be submitted for payment within 45 days of the expense being incurred. Expenses include mileage, training, seminars, conferences, lodging, transportation and meals. This also requires expenses to be approved at a duly authorized public meeting. Mr. Zingaretti added that there is no per diem and meals can not exceed $35.00.

Attorney Vinsko added that all expenses to be reimbursed from a prior period need to be submitted within 45 days of the resolution being passed.

Resolution 12-2011- A resolution approving the Bear Creek Township business expense reimbursement policy as drafted including the attached forms to be used by all township employees and officials. A motion to approve was made by Ms Wasilewski, seconded by Mr. Masi. Vote: unanimous yes.

PUBLIC COMMENT:

Frank Martino: Has concerns about Weiss Road. He wanted to know when the road crew would be back to work on the storm drains. Mr. Zingaretti explained that we know that there are problems concerning Weiss Road which lies in Dennison Twp. There is a contract concerning the maintenance of the road. The engineer has been out to look at the roads and what can be done. Any fixes for the road will be quite expensive. The Board is currently working on a resolution to this problem and will keep the residents informed.

Willard Kresge: Asked if the letters the Board spoke of earlier for zoning changes were going to going out to the adjacent property owners of those requesting a change as well. Mr. Zingaretti explained that a letter would only be sent if a hearing was to be held regarding any of the requests.

Matt Hrabousky: Asked that the Board take a look at the current zoning laws. He feels there are many loop holes in the laws. A lengthy discussion followed concerning fences and the aesthetics of a fence.

July and August Meetings: Mr. Zingaretti announced that the July meeting of the Board of Supervisors will be held at the Community House on Mountain Lake; the August meeting will be held at the Firehouse at White Haven Pocono.

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

Respectfully submitted,

Paula Weihbrecht, Secretary

The regular meeting of the Bear Creek Township Board of Supervisors was held at the Community House on Meadow Run/Mountain Lake. Chairman Zingaretti called the meeting to order. Roll was called. Mr. Masi, Ms Wasilewski, Mrs. Koval and Mr. Zingaretti were present. Mr. Smith was absent. Attorney Vinsko was also absent from the meeting. Pledge to the flag followed.

MINUTES: Minutes from the June 6, 2011 regular meeting were reviewed. A motion was made by Ms Wasilewski to approve the minutes, seconded by Mr. Masi. Vote: Mrs. Koval abstained, Ms Wasilewski, Mr. Masi and Mr. Zingaretti yes.

The treasurer's report for June 2011 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of June 2011 was $135,216.24. A 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 2011 were $40,396.66. A motion was made by Ms Wasilewski to approve the disbursements, subject to audit, seconded by Mr. Masi. Vote: unanimous yes.

FIRE DEPT REPORT: 14 Calls for the month of June 2011 were reported: 6 motor vehicle accidents, 2 brush fire, 1 assists, 2 vehicle fires, 1 traffic control and 2 structure fires.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of June 2011 production was 2943M Wh, site availability was 91%.

ZONING OFFICER'S REPORT: Mr. Alber read the Zoning Officer's report for the month of June. There were 10 building permits, 2 driveway permits, 1 certificate of occupancy, 1 zoning hearing, and 1 subdivision fee for a total of $1375.00. BIU fees collected for June were $854.00.

ACT 537 REPORT: Mr. Zingaretti reported that on April 21st we received a capacity letter from WVSA. On May 13th Reilly met with Plains Twp Sewer Authority to present the flow meter findings. On June 15th we received a letter from PTSA acknowledging that they do have sufficient capacity for us. On June 245th Reilly sent a letter requesting to be on the agenda for the Plains Twp Planning Commission. They have to give approval since there will be modifications to their plan. This meeting will be on July 7th. Once this is accepted by their Planning Commission they have 60 days to review and get back to us with comments. On June 27th Plains Twp engineer requested the same information that went to the PTSA engineer. Our quarterly report is due to DEP by July 15th.

ROAD MASTER REPORT: Mrs. Koval, the Roadmaster reported that the road crew took care of storm damage, grass cutting, weed whacking and flail work. The rec fields

were maintained. It was also reported that new tires were put on the flail, Truck 1 needs all new tires, Truck 3 needs rear tires and Truck 8 has new tires.

Mr. Southward asked if any bridges or roads in the township belong to the county. Mrs. Koval and Mr. Zingaretti responded that bridges would be either state or county and all the roads are either private, Bear Creek or PennDOT.

Road Master Financial Report: Mr. Zingaretti reported for the month of June expenditures were $11,186.97. $15,300.00 was anticipated. The difference was due to timing, when bills were budgeted versus when they occurred. Salaries are slightly under budget and as long as we have a reasonable winter, we should do okay.

OPEN RECORDS REPORT: Six requests received for the month of June, one rejected because it was too vague, four satisfied and one on a 30 day extension.

PLANNING BOARD RECOMMENDATIONS: None

ORDINANCES AND RESOLUTIONS:

SOLICITOR'S REPORT: Chairman Zingaretti reported:

Concini matters: The court has not acted upon their request for an injunction and we continue to explore settlement options.

Mr. Alber reported that the fence at the Concini property is not always up. It is a snow fence and at times the fence is down. Mr. Alber asked the Board how he should proceed. The Board directed Mr. Alber to send a letter notifying the Concini's about this matter.

Abbott matter: Nothing new to report.

Aqua PA: We are currently arranging for engineering inspections on the work that was done. We will review results when complete and evaluate what steps need to be taken.

Crossin Insurance Matter: Nothing new to report.

Development Agreement/Charter School Matter: We are waiting on the Harris/Reibel family brief to be filed in Commonwealth Court. We will respond after that is filed. We are also waiting on Commonwealth Court to see if they are going to reset a mediation date.

Permit Fee Calculations: Board will review and discuss.

OLD BUSINESS: Mr. Zingaretti reported:

Street Lights: Mrs. Koval said she will be meeting with PPL concerning other matters and will address the street light issues at that time.

Rose Andrews of Meadow Run Road wanted residents to be aware that there are persons approaching home owners in her neighborhood concerning the PPL pole project on Meadow Run Road. Mr. Alber stated that he spoke with these representatives after he received a complaint from a resident and that he has verified what they are doing and that they are working on the PPL project.

Zoning Map Requests/Changes: Mr. Zingaretti said he would be checking with Pennoni to see if the letters were sent out to the residents who had requested a zoning change.

Culvert Repair project: Nothing new to report.

Flood Plain Ordinance Revisions: Red line done, waiting on the state.

Ridge Road: Waiting of traffic studies through LTAP.

Blighted Properties: Currently in a sit and wait mode. Basically an unfunded mandate that has now been challenged in court.

Property Rental Rules: Question about zoning rules and how they would apply if someone were to rent their property out on a daily/weekly/monthly/annual basis. The solicitor's opinion was that home occupation is defined in our code 802.16. That does not apply to the situation at hand. The home in question predates our existing zoning and falls under our old zoning.

Ed Jasulevicz had concerns if there were fire safety measures for this rental and if the septic system was adequate to handle larger groups at times. Discussion followed.

CORRESPONDENCE/NEW BUSINESS:

Letter from SEO: Correspondence for the Board's review, nothing significant to report.

Letter from Dennison Twp. Supervisors: A letter was received from the Dennison Twp Board of Supervisors that was sent to the residents of White Haven Pocono stating that they (Dennison) understand the concerns about the condition of Weiss Drive and explained that they have contacted Bear Creek and discussed the road conditions and Bear Creek's responsibility for the road as outlined in the agreement between the two townships.

Mr. Zingaretti reminded those present that our August meeting will be in White Haven Pocono and have been looking at various options including tar & chip to repair the road. An estimate for this has been requested of the township engineer. A lengthy discussion followed concerning Weiss Road, the contract between the townships and possible solutions.

Resolution 13-2011- A resolution authorizing Pennoni Associates to solicit bids for a tar and chip repairs to Weiss Road. A motion to approve was made by Mr. Masi, seconded by Mrs. Koval. Vote: unanimous yes.

DEP/Azalea Road- DEP has investigated an oil spill in a ditch on Azalea Road. The township has not yet received a report regarding this matter. The secretary will contact DEP for a follow up report.

Amusement Tax- Mr. Southward asked if the township is set for the tax to be collected for the Drag Lodge reunion. Mr. Zingaretti responded that the organizers have been notified that there is a tax that will be assessed on entry fees into the reunion. Vehicle entry fees will not be taxed.

PUBLIC COMMENT:

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

Respectfully submitted,

Paula Weihbrecht, Secretary

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

Mr. Zingaretti announced that an executive session had been held earlier this evening.

MINUTES: Minutes from the July 5, 2011 regular meeting were reviewed. A motion was made by Mrs. Koval to approve the minutes, seconded by Mr. Masi. Vote: Mr. Smith abstained, Mrs. Koval, Mr. Masi and Mr. Zingaretti yes.

The treasurer's report for July 2011 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of July 2011 was $25,879.39. A motion to approve the receipts, subject to audit was made by Mr. Smith, seconded by Mrs. Koval. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of July 2011 were $48,613.87. A motion was made by Mr. Masi to approve the disbursements, subject to audit and to approve the attendance of two supervisors at the Luzerne County Township Supervisors Convention on August 11th, seconded by Mr. Smith. Vote: unanimous yes.

FIRE DEPT REPORT: 12 Calls for the month of July 2011 were reported: 7 motor vehicle accidents, 1 brush fire, 2 vehicle fires, 1 airport drill and 1 structure fire.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of July 2011 production was 2089M Wh, site availability was 97%.

ZONING OFFICER'S REPORT: Mr. Alber read the Zoning Officer's report for the month of July. There were 9 building permits, 1 driveway permit, 2 certificates of occupancy, 1 demolition permit and 1 transient business license for a total of $720.00. BIU fees collected for June were $341.60. There were 6 complaints filed during the month, two have been answered and Mr. Alber is in process of working on the rest.

ACT 537 REPORT: We have provided DEP with the quarterly update. We met with the Plains Twp Planning Board. Bear Creek Twp, Plains Twp and Luzerne County Planning Boards are all reviewing the document. Plains will have to amend their plan to incorporate our plan. Once all the recommendations are back it will come to the Board of Supervisors to determine what changes are to be made based on the recommendations.

ROAD MASTER REPORT: Mrs. Koval, the Roadmaster reported that the road crew checked roads and cleared debris from roads and ditches after storms. Some ditches were opened up throughout the township and a driveway pipe was replaced on Old East End Blvd. Shop work and vehicle maintenance was done. Work at Trailwood and the Rec field was done as well as grass cutting and flail work. The road crew also spent a day at Plymouth Twp helping out after the flooding in that area caused much damage. The Board of Supervisors already approved this action since it was an emergency and

Attorney Vinsko said he would have the resolution allowing our road crew to assist Plymouth Twp in their cleanup ready for the next meeting for signing.

Road Master Financial Report: Mr. Zingaretti reported for the month of July expenditures were $13,009.55. $13,921.00 was budgeted keeping us on target for July.

OPEN RECORDS REPORT: During the month of July one open records request was satisfied and one was asked to clarify requested information.

PLANNING BOARD RECOMMENDATIONS: None

ORDINANCES AND RESOLUTIONS: None

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini matters: A conference was held with Judge Lupas with all counsel. Counsel for the Concini's had requested an injunction. The Judge said he would take the issue under advisement. Then Attorney Vinsko will get together with the insurance counsel and decide how to finalize the case.

Mr. Alber brought to the Board's attention that the Concini's temporary fence around their pool has been down and wanted to know how he should proceed. The Board advised that no time extensions had been granted to the Concini's and Mr. Alber should follow procedure.

Abbott matter: Nothing new to report.

Aqua PA: Was addressed at the executive session.

Crossin Insurance Matter: Nothing new to report. Attorney Vinsko suggests it be taken off the agenda. He feels that the cost will exceed the ability to recover.

Development Agreement/Charter School Matter: A brief from the Harris family was received in the Commonwealth Court. Attorney Vinsko and Mr. Smith had met to discuss all the legal issues as related to the Charter School. A response will be finalized and is due August 18th. Attorney Vinsko also stated that an article concerning this matter appeared recently in the newspaper. He wanted to make sure that everyone was aware that this issue was thought through clearly and was done through a development agreement for the sole purpose to ensure complete transparency. The ruling by Judge van Jura affirmed our position.

Permit Fee Calculations: Board will review and discuss.

OLD BUSINESS: Mr. Zingaretti reported:

Street Lights: Mrs. Koval met with a PPL rep to discuss the street light requests.

Zoning Map Requests/Changes: Mr. Zingaretti said that residents involved in the zoning changes have either already received a letter concerning the matter or will be receiving a letter soon.

Culvert Repair project: Nothing new to report. DEP permits will be required for this project which will extend this project into 2012.

Flood Plain Ordinance Revisions: Nothing new to report.

Ridge Road: Waiting on traffic studies through LTAP.

Blighted Properties: Currently nothing new to report.

Weiss Road: Mr. Zingaretti gave a power point presentation giving the history of Weiss Road including the acquisition of the road and the agreement with Dennison Twp. The different methods and costs for repair to the road and drainage were discussed.

CORRESPONDENCE/NEW BUSINESS:

Letter from SEO: Correspondence was received from Steve Egenski regarding complaints received and investigated. Also include in the correspondence was a request of the Board to grant a variance to a property owner to violate the isolation distance for septic and well. Discussion followed and the Board requested a letter from the SEO stating that no other options are available to this resident before they grant the variance.

Letter from DEP: A letter was received from DEP regarding a home heating oil spill from a residential property on Azalea Road in the township. Property owner has been notified and given 30 days to hire a contractor to fix the problem and then another 14 days to notify DEP as to what steps have been taken to correct the problem.

Laurel Brook Letter: A resident sent a letter over concerns regarding the disgraceful appearance of the flower bed area and center island of Laurel Brook Estates. The resident had concerns about this area not being weeded and kept up by the township. Mr. Zingaretti stated that the township will cut grass but will not weed flower beds. Discussion followed.

2010 Audit: No findings. Audit will be available on line soon.

Request for use of Little League Field: A request was received from Sam Andrews to use the Township Little League field for his senior project. He will be running a homerun derby contest with all proceeds benefiting CEO Food bank.

A motion was made by Mr. Smith to grant permission to Sam Andrews to use the field, seconded by Mrs. Koval. Vote: unanimous yes.

PUBLIC COMMENT:

Lori Cienciva- Lives on Sand Pit Road and says the road needs many repairs. They have been told the road is a private road. They don't know who owns it and are looking for some help with this road. Attorney Vinsko suggested that they go to the Luzerne County mapping office in the courthouse to see if they can find out who owns it. Ms Cienciva said that they have gone to the courthouse in the past and have been told it's a right of way. Discussion followed. Mrs. Koval said on her next trip to the courthouse she will see what she can find out. Mr. Zingaretti said that according to Township ordinance we cannot take over a road unless it meets PennDOT spec and then its an option of the township to take it over, not a requirement. Mr. Zingaretti felt their best option was to find out for certain who owns the road first before anything can be done.

Paul Castiglione- had concerns about tar & chip being considered for Weiss Road and the longevity of this type of repair. Discussion followed

Bill Hartwiggen- of Bear Creek Blvd wants to know what is being done about abandoned properties in the township. There is a property next to his that is owned by Bank of America. The property has not been cleaned up since last year. Mr. Hartwiggen also cited other properties in the township that are overgrown or unkempt. He would also like the township to contact PennDOT about the overgrown grass and parked vehicles on the side of the roads. Mr. Alber stated that he is aware of the majority of these issues and is already working on them. As far as PennDOT, they will be contacted about his concerns.

A motion was made by Mrs. Koval to adjourn the meeting, seconded by Mr. Smith. 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, 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. Pledge to the flag followed.

A moment of silence was held in remembrance of the victims of 9/11.

Mr. Zingaretti announced that an executive session had been held on August 22 for various litigation issues.

MINUTES: Minutes from the August 1, 2011 regular meeting were reviewed. A motion was made by Mrs. Koval to approve the minutes, seconded by Mr. Masi. Vote: Mr. Smith, Mrs. Koval, Mr. Masi and Mr. Zingaretti yes. Ms Wasilewski abstained.

The treasurer's report for August 2011 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of August 2011 was $71,387.14. A motion to approve the receipts, subject to audit was made by Ms Wasilewski, seconded by Mr. Smith. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of August 2011 were $28,273.85. A motion was made by Ms Wasilewski to approve the disbursements, subject to audit, seconded by Mr. Masi. Vote: unanimous yes.

FIRE DEPT REPORT: 15 Calls for the month of August 2011 were reported: 7 motor vehicle accidents, 1 brush fire, 1 vehicle fire, 2 activated alarms, 1 tree/wire down, 1 structure fire and 2 assists.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of August 2011 production was 3492M Wh, site availability was 88%.

ZONING OFFICER'S REPORT: Mr. Alber read the Zoning Officer's report for the month of August. There were 7 building permits, 3 driveway permits, 2 certificates of occupancy, 1 demolition permit and 1 zoning hearing fee for a total of $880.00. BIU fees collected for August were $326.00. There were 7 complaints filed during the month.

ACT 537 REPORT: The plan has been submitted for review to Bear Creek Twp Planning, Luzerne County Planning and Plains Twp Planning. Plains Twp will have to amend their plan to accommodate us. The 60 day comment period ended. Limited comments were received from our planning board and nothing has been received from Plains or Luzerne County. DEP has approved the draft public notice. There will be a 30 day comment period once that is made available to the public. The Board decided to present the plan at the October meeting and the 30 day clock will begin and comment will be taken at the November meeting or a special meeting will be held. We will have Reilly identify parcels included in the plan so a mailing can be done to inform the property owners involved.

ROAD MASTER REPORT: Mrs. Koval, the Roadmaster reported that the road crew checked roads, cut and maintained grass at rec area and roads, cleaned debris and ditches after Irene. The crew began preparing the winter equipment and keeps the recycling area maintained.

Mrs. Koval has been in contact with Plains and West Pittston, offering help and equipment after the flooding. She was also in contact with EMA and the Red Cross throughout the disaster.

Street Lights: Mrs. Koval met with a PPL rep to discuss the street light requests. She plans on meeting with them again concerning the requests and also the power outages in sections of the township.

Culvert Repair project: The engineer is in process of obtaining the permits. Mrs. Koval reported that the culvert has flooded with the last two storms. She and the road crew are keeping an eye on the culvert and will close the road if they believe it is causing a dangerous situation. Mr. Smith suggested that we be proactive and close the road before it becomes dangerous. Mr. Zingaretti reminded everyone that the project to replace the culvert will not happen until Spring at the earliest so we need to be proactive. Mrs. Koval assured them that they would close the road well before it became dangerous to anyone.

Ridge Road: Waiting on traffic studies through LTAP.

Weiss Road: Will be put out for re-bid to tar and chip. No bids were received the first time out for bid.

Sandpit Road: Mrs. Koval went the mapping department at the courthouse to find ownership of Sandpit Road. It will most likely require a title search.

Road Master Financial Report: Mr. Zingaretti reported for the month of August expenditures were $13,410.53. $15,326.00 was budgeted for the month. We were $2000 under budget. There was no overtime in August payroll.

OPEN RECORDS REPORT: There are no new or outstanding requests.

PLANNING BOARD RECOMMENDATIONS:

Solt Subdivision: approved by BCT Planning. Subdivision consists of 100+ acres divided into parcel one where Mr. Solt's home is and parcel two which consists of 123 acres left as conservation. A motion was made by Ms Wasilewski to approve the Solt subdivision as presented, seconded by Mrs. Koval. Vote: unanimous yes.

ORDINANCES AND RESOLUTIONS:

RESOLUTION xx-2011: A resolution authorizing our road crew to assist neighboring communities with clean up or any assistance as authorized by the Board of Supervisors during and after a disaster. A motion to approve was made by Mrs. Koval, seconded by Ms Wasilewski. Vote: unanimous yes.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini matters: Counsel for Concini's has asked Judge Lupas for a report as to where things are. The Concini's came to the municipal building seeking help with matters that are in litigation and were told to contact their counsel for assistance.

Abbott matter: Nothing new to report.

Aqua PA: A mediation will be held to help resolve matter.

Crossin Insurance Matter: Nothing new to report. Attorney Vinsko suggests it be taken off the agenda. He feels that the cost will exceed the ability to recover.

Development Agreement/Charter School Matter: All of our briefs have been submitted and the reply brief period has expired. We have not received the reply brief from the Harris family. Waiting on oral argument date.

OLD BUSINESS: Mr. Zingaretti reported:

Zoning Map Requests/Changes: Mr. Zingaretti stated that those that had made requests for zoning changes should have received a letter by this time and should have submitted their application. Hearings will be scheduled in the near future.

Flood Plain Ordinance Revisions: Still in states' hands. Nothing new to report

CORRESPONDENCE/NEW BUSINESS:

Letter from SEO: Correspondence was received from Steve Egenski regarding a complaint received concerning a property on Pittston Blvd. Fecal matter was discovered in the area. Dye testing was done and no system malfunctions were observed. An abandoned cistern on the property will be back filled to see if it helps resolve the issue.

WHP Owners Association: A letter was received from the Association thanking the Board for addressing their concerns over Weiss Road.

Used Tire Recycling: Luzerne County is again offering tire recycling to residents of the county. Mr. Zingaretti will put the information up on the web site for those interested.

Azaela Road Complaint: An update was received from DEP stating that the matter is now in the hands of the property owner.

Mark Petlock wanted to know if the water would be tested for contamination in that area. Discussion followed.

Mr. Zingaretti directed Attorney Vinsko to draft a letter to DEP about the water contamination concerns.

Updated Code: The Township Code has not been updated in many years. $5000 has been budgeted to do the update. Pricing for the update and an annual maintenance fee will be requested. Mr. Smith inquired about liability on the part of General Code.

Mr. Smith made a motion to approve the continued use of General Code to update our code at a cost not to exceed $5000.00 for this year and to include future maintenance, seconded by Ms Wasilewski. Vote: unanimous yes.

PUBLIC COMMENT:

Kathleen Yendrick: of 445 Crescent Road explained that there is a drainage issue with the development on the other side of 115. She believes that water is coming from this development, running under 115 and into the Forest Park Development where she resides. She explained that residents in Forest Park have been dealing with this for quite some time on their own and have had basement flooding.

Mr. Zingaretti responded that the Township engineer has been there. There is a PennDOT culvert on 115 on the same side as Forest Park which goes into a pipe. The engineer has a call into PennDOT to see if there is an easement or right of way they have to bring the water down through.

Rich Schweit: of Forest Park also believes water is coming from development on other side of 115, comes under 115 and into their development. Mr. Schweit believes that much of the water problem comes from water lines near them and numerous phone calls to Aqua PA get no results. Ms Yendrick says she believe much of the problem lies with the PennDOT pipe diverting water in their direction.

A lengthy discussion followed concerning the Forest Park water issue. Mr. Smith felt that PennDOT should be put on notice. Mr. Zingaretti assured the residents that the Board will send the engineer back up and once they determine ownership will be in touch to discuss what course of action can be taken.

Ms. Yendrick and Mr. Schweit also had concerns about a property with a lean to on it in the back area of Forest Park. They feel it is a danger to the children in the area.

Mr. Zingaretti said this is owned by the Forest Park Association. Ms Yendrick said that she understood that the property would revert back to the original owner since the Association is now defunct. Discussion followed concerning options available to resolve this issue.

Betty Kentusky: from Forest Park asked if her neighborhood is included in plans for sewers and when would this be happening. Mr. Zingaretti explained that Forest Park is included and that the Board will be presenting the Act 537 to the public at its October meeting. He also went over the basic time line for the plan.

Robert Romanoski: wants to discuss water problems on Old East End Blvd. His property and other properties there have problems with mosquitoes, water, ice, etc. because of these issues.

Mr. Zingaretti commented that there have been numerous visits to his property by the SEO and others from the township. The source of the water needs to be found to resolve the problem. It does not appear to be a sewage or township issue. The Board will have the township engineer evaluate the ditches in and around Old East End Blvd and make any recommendations that he thinks might help move the water off the sides of the road.

Willard Kresge: of Golf Course Road read a petition that is being circulated to propose the installation of speed bumps at Golf Course Road and Fairway Drive. Discussion followed concerning the advantages, disadvantages and legalities involved in installing speed bumps on township roads. Attorney Vinsko will research and report back.

A motion was made by Mrs. Koval to adjourn the meeting, seconded by Mr. Smith. 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, 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. Pledge to the flag followed.

Before the regular monthly meeting of the Board was held, Mr. Zingaretti presented the Act 537 to the public. Residents were advised that the plan will remain available at the township office, on the website, and electronically on CDs. The CDs were available to the public at the October 3rd meeting and by request from the township.

Following the presentation the board accepted questions from the public. Please note, this is not to be considered a transcript, but rather a summary of questions and answers provided to the public.

Betty Gatusky?- What are the steps that will happen after tonight?

Gary Zingaretti-All we do is submit the plan to DEP, if they have changes, we would implement those changes and after it was satisfactory to DEP and gets approved its out of our hands. Once we approve it after the November public comment and make any changes that are necessary from the public input we give to DEP that starts their process.

Betty Gatusky?- When will the plan be prepared?

Gary Zingaretti - The plan itself is already drawn up.

Henry D'Amato- Will we be receiving assistance from Mohegan Sun?

Gary Zingaretti -That is all part of the grant process and will be one of the first places we go for funding.

Stephanie Cibello- Was reading something that under DEP rules if an area has a lot of sediment and rock that before sewers could be put through they would have to blast through that rock, and sewers would not be required. Is that true?

Gary Zingaretti -I don't know what is specifically in the DEP rules as far as that goes. We are under a court order to put this system in.

Dave Fox- I live on Old East End Blvd and there are a lot of fresh water springs there, what is the plan if through this construction people lose their water. Some of the people use that water for their households. That water also feeds into the creek that goes down into the city's supply.

Gary Zingaretti -Will answer in Nov.

Lindsey Johanson- The $500 estimated one time cost- what does that cover?

Gary Zingaretti - It is essentially a fee that gets you nothing other than connecting to the system. Depending upon how we finance this, some agencies actually require a non-recurring charge, a one-time fee to connect. Other agencies do not. We as the Board have discussed –we got $500 in there- I think we would love for that to be at zero if we can, and that all becomes a part of financing that happens as part of the grant process.

Lindsey Johanson- So that doesn't include hookup from our actual houses to the street?

Gary Zingaretti - No. Hookup from the house to the street is the homeowner's responsibility.

Lindsey- What are the estimates for that? A ball park range? I need to start saving now.

Gary Zingaretti -It varies based on your location, how far you need to go. The other thing that I'll point out that was not included is if your home is more than 150 feet from the sewer system, you do not have to connect. A main or a lateral.

Lindsey- The home or the hook up to the actual house?

Gary Zingaretti - The house. I think what they use is the closest point of the home to the system itself. That's designed so that if somebody lives a mile off the road they don't have to incur the expense of that distance.

Jim Smith-however if their property is a mile off a main or a lateral but their home has been designated as a system that is malfunctioning, even though they don't have to connect they still have to provide a remediation plan for their failing system.

Gary Zingaretti – Correct. If you have a failing system, it still needs to be corrected. A lot of folks will be able to connect to the sewers to eliminate that problem.

Unidentified Speaker-Is there going to be any assistance that you are going to set up?

Gary Zingaretti - That is part of the process. We were told early on that there is income based funding available for the connection cost, for the construction from your house to the main, but it will be based on income.

Ted Yagiello- Who determines that your system is failing?

Jim Smith- The original study area. These maps have colored dots on them that have a key at the bottom indicating the system status. Even though your property is more than x number of feet away from the main or lateral, because you have been identified as a failing system you have to remediate that. That doesn't mean you have to connect, that means you need to work with the SEO to remediate the problem.

Stephanie Cibello- I live on a private road off of a main road. Are they expecting to go up the private roads or just the main roads and we're going to be from the 150 feet from the main road and not up a private road?

Gary Zingaretti - What's the private road?

Stephanie- Esther Road off of Pike.

Ruth Koval- That's the last road going up the cul d'sac.

Gary Zingaretti - That will be a November question.

Stephanie Yabanski- We have a property with a right of way on land that isn't ours. How are we going to go that from our property through land that we don't own.

Jim Smith- Your property is most likely more than 150 feet from a main or a lateral?

Stephanie- I'm thinking it is.

Gary Zingaretti - Bill, do you have an answer for that?

Bill Vinsko- Not yet because one of the issues for the centralized local collection system that became an issue is eminent domain. If we had a cluster of homes, it would be incumbent upon the township to take somebody's home out of that cluster. What we tried to do with this system is avoid eminent domain and having people take the issues. There may be some issues and we've talked about it with Reilly where we're going to have specific cases like where you have a shared driveway like that we don't want to create boundary disputes. Those types of issues will be on a specific case by case basis working not only with the municipality but also Reilly Associates. We will meet with you individually to go over that if that becomes an issue.

Cathy Yendrick- The estimated fee, $500 and then the $91, will there be an additional charge from the WVSA?

Gary Zingaretti - No, $91 includes WVSA and Plains Twp.

Terri Casey- Do we have permission from Wyoming Valley?

Gary Zingaretti - Yes. We have a letter from Wyoming Valley indicating that they have the existing capacity to take on our sewers, not only the capacity to treat our wastewater, but also in terms of the capacity in the pipes to get it down to WVSA.

Unidentified Speaker- Is there going to be a charge for frontage?

Gary Zingaretti - No.

Unidentified Speaker - Will there be a larger venue for the November meeting?

Gary Zingaretti -Yes, we're going to talk to Mr. Smith about the capacity of the old St. Christopher's church.

Bob Mosley- How long is the time limit on the $91? Will it go up? How long?

Gary Zingaretti - A couple of things. 1. Actually the $91 is an estimate, the $91 will change once the system is constructed because it may be if there is a 20% contingency construction cost built in there, if we don't eat all that up may be lower. Secondly, the rate is based on affordability. That affordability measure is not something etched in stone but the numbers that we have been told over the last couple of years is 2-3% of median household income is what could go toward water and waste water, that's actually how they come back to the $91. I mentioned the 6.1 million in grants that were included in that. The process is kind of backwards. They determine how much the system costs then they determine what the affordable rate is and then they give you a grant for the difference.

Unknown speaker - So in other words they are not going to go by the number of bathrooms you have?

Gary Zingaretti - No. A home is a home for assessment. It doesn't matter how many bathrooms. Commercial properties might be different but we're talking primarily residential properties here.

Mike Murphy- Is the median income, the calculated figure, based on only the people who are connecting to the sewers or is it based on the entire Bear Creek Twp?

Gary Zingaretti - This is a 2 part answer. 1. Right now it is based on the entire Bear Creek Twp. 2. In 2010 we had an individual come from a company to talk to us about dong income surveys. We can do an income survey of the area where the sewers are going in and if we can get a high enough percentage of returns on those surveys, DEP might let us use those results.

Jim Smith- You're assuming the survey will cut back the median household income overall for the township.

Gary Zingaretti - That's the assumption. The risk is if even if we think there's a 5% chance that won't happen, once we open that door we can't close it. If for some unforeseen reason it comes in higher than the median household income, we will have to use that. Don't forget that median is not the same as average. Average takes the dollar amounts and says that there are 3 people and 1 person makes 2 million and the others make 10 thousand, its 1/3 of $2,020,000. The median in that example would be 10 thousand. The median is simply the middle number. If there are 3 numbers, the second one is the median. Don't automatically presume the median would be lower than what was shown. You may just have a limited number of homes that are driving the average up but not the median.

Jane Benish- There may be a limited number of contactors who are able to hook us up to the system. Is there a deadlines for homeowners to actually connect to the system once it is built?

Gary Zingaretti - Answer for November meeting.

Henry D'Amato- How about people that already have turkey mounds?

Gary Zingaretti - It affects them just the same way it would anyone who doesn't have a system that works. Unfortunately that is an argument that was argued and lost prior to the 2006 DEP order. It's unfortunately saying "my system works" is not an argument that will get us out of this with DEP.

Jerry Giza- In the calculation, what was the median income used to arrive at the $91?

Gary Zingaretti - First it was the 2000 census and then they grew that by percentages to reflect where we were at the time it was put together. Bonnie said $58,000 for the median household. You have multiple workers in the household so you take that into consideration.

Mike Andes- There are 5 proposals. Who is really going to determine what proposal you are going to go for. Is that determined by the public or is a supervisor going to decide that based on your studies. No one said anything about this is the way we are going to go. 7 million dollars is a lot.

Gary Zingaretti - The lowest one on there is the one that we already decided to present to DEP.

Jim Smith- Can DEP choose an alternative other than the one we are recommending?

Gary Zingaretti - I imagine they probably could.

Bill Vinsko- They definitely can.

Jim Smith- So that's a big unknown.

Gary Zingaretti - I don't know why they would but they can.

Phil Secunda- If someone connects and pays the original $500, and someone buys the property and reconnects, is there another fee?

Gary Zingaretti - No. Once the system is connected, there wouldn't be an additional fee. Ultimately if the house went vacant and would have to be reconnected there would still be the physical connection there. We'll confirm in November but my suspicion is there wouldn't be an additional fee for that.

Bonnie Wasilewski- Gary, the median household income for 2009 is $56,250. The family income is $66,250.

Gary Zingaretti - Ok. They were using median household income. $56,000 is what the median household income is in Bear Creek Township.

Mike Emerick- Two questions: 1. $91, what part of that is going to pay toward the bond issue. I'm sure going to pull a bond somehow and how much of that is going to go towards that and how long will it take for that to be paid and 2. Will the cost of the monthly fee go down after it is paid?

Gary Zingaretti - The payback under the $91 plan is 30 years.

Mark Petlock- $410 a year is the fee to the authority, the other $700 or $800 is the bond end and that's on the low end of the grant.

Gary Zingaretti - What page are you on. Mike, we'll get you that answer. In here I've seen that amount.

Mike Emerick- Are the township supervisors going to implement and operate this sewer system or are you going to have a sewer authority that oversees it?

Gary Zingaretti - That has not been decided yet. At this point because we are in the planning stages, we really can't hand it off to a sewer authority yet. We're the ones who are obligated to present a plan, after the plan were to be approved, we would then evaluate if we would want to continue to maintain control over the build until that is completed. That is part of the downside of developing an authority to early is that the taxpayers in general are guaranteeing the debt. If the Board of Supervisors has given up the ability to control the project, at least through construction phase, it could have unintended consequences. The short answer is it's not going to go to an authority soon, but it certainly can at a later date.

Mark Petlock- Appendix L, Part 6. The debt repayment for the first funding with getting the loans. Debt repayment part is $651 a year for a user and the fees to the sanitary authority is $410 for a total of $1061 based on 480 EDUs.

Gary Zingaretti - So figure about $50 a month of your payment would go to pay for the system, the rest would go to operate the system.

Tom Mosley- Currently I believe you need 2 acres to build, when the sewers go in, does that go down to a quarter acre or does that go down to a half acre?

Gary Zingaretti - It doesn't have to. At this point most of the areas where the sewers are going in couldn't squeeze another house in if they wanted to. Some obviously can, some with a little more real estate. Those are two separate ordinances. Although in theory, in their creation were linked, they are separate ordinances now. It's the will of the people if they have quarter acre lots and lots of them, that's something they would bring to the board to get that changed. We're guided by the comprehensive plan. The last comprehensive plan we did was about keeping space and not doing the kind of development that you described.

Helene Marion- At the November meeting will you be able to tell by address if you will be affected by this? We're 3/4's of a mile back off 115.

Gary Zingaretti - What road are you?

Helene Marion- Pike Road. I don't know if they would bring the system back for 8 or 10 homes.

Gary Zingaretti - Pike Road was in the original study so it is in the study area. So yes, you would be included. If you didn't get a letter or you got a letter that was addressed to somebody that owned the house previously, come see me to update the list after we're done here. The only information we have is an old tax roll.

Lyndsey Jamison- How much will taxes be going up because of the sewers.

Gary Zingaretti - Zero. DEP has been very clear about the project. The project itself is funded through grants and those who use the system.

Stephanie Cibello- What happens to the existing tanks. Will they have to be pumped out one last time, are they tainted, do you have to have them ripped out?

Bill Vinsko- There is going to be an ordinance passed as part of this for those who still have on lot through out the municipality. Then we'll be enforcing an ordinance now that exists, but because of the Act 537 plan it hasn't been enforced. All of that portion will be taken care of through on lot management ordinance. We will be working with Reilly to make determinations.

Jim Smith- What do I do with my old system?

Bill Vinsko- That's part of it, part of the ordinance is going to be if you do not have a system any longer that you would be using you have to put it into a state that would be environmentally feasible.

Gary Zingaretti - It's going to be physically disconnected. You won't have the ability to still use it. There are issues about how that comes about. You really have no incentive to continue to use it because the fee that you will pay, the $91, isn't volume sensitive. So if you divert all your sewage into an old system its not going to save you a penny, but you're going to have to pump it out in a couple of years.

Matt Hrabousky- This plans includes the water?

Gary Zingaretti - No. Waste water only.

Matt Hrabousky- How does that work? If I'm going to hook up my house and flush my toilet…how does that work?

Gary Zingaretti - It uses the existing water be it a well or if you are on the water system. Your water will remain untouched.

Matt Hrabousky- What if you live in a hole? Will there be a pump to pick it up?

Gary Zingaretti - There will be grinder pumps. They are included in the plan for those with that type of elevation.

Jerry Giza- What happens if you don't submit the plan?

Gary Zingaretti - 1. Every one of us up here becomes subject to civil penalties as does the township, and 2. DEP will come in and build the system, at their cost and you don't know if they would build the $14 million system or the $22 million system.

Mark Petlock- At this point we are saying $91 and that's with all grants possible. This could cost us a hell of a lot more. This could be double that $91.

Gary Zingaretti - which is why we need to get the plan approved so we can get the grants and if we do an income survey, we need the residents to complete the survey. I know when we do income surveys the first reaction will be to say I'm not telling them how much money I make. You could choose not to do it and we will be stuck with the guidelines that come out of the census.

Bob Mosley- The $18 million, does that include repair of all the roads? In Plains Twp and Harvey's Lake the roads were a disaster when they did it.

Gary Zingaretti - Any of the costs associated with the pave cuts on PennDOT roads have been included in the plan.

Bob Mosley- With escalated prices?

Gary Zingaretti - These are August 2010 numbers. Any cuts through the township roads will be repaved. The township, about three years ago, developed a capital spending plan for our road repaving because we know where the prices of oil have gone in the last few years and how expensive roads are to pave. We specifically took all of the roads that are going to be in either of the study areas and took the repaving that to a 5-8 yr or 8-10yr window which should line us up with when they are done cutting the roads. We have already developed a plan to repave our roads in their entirety and after all this is done, the one unfortunate thing we were told early on is that all this grant money that is available for sewage plans, you cannot use to repave roads. We will look for grants before we spend our own money.

Heather Mosley- What happens if we do the income survey and the median income is higher?

Gary Zingaretti - If it's higher, we're stuck with it. They would give us slightly less in grant money and the rate would go up. The other thing we are looking to get the

information on is the 2010 census dated. The latest information we had was 2000 data grown by a certain percentage each year.

Jim Smith- One of the things we need to be concerned about is with the Pennvest financing is that even if we reduce the cost of building this by a dollar, that doesn't mean our rates go down by a dollar. It's not a dollar for dollar savings if we find other money, it's only a percent of that dollar that we save because Pennvest pulls back the money in proportionate shares to what they're putting into the project.

Lindsey Jamison- Was Laurel Brook estates a valid community back in 2000 with the census?

Gary Zingaretti - Yes. Laurel Brook Estates was in place in 2000. It probably did not have as many residents as it has right now. It would be included in the median household income. If we do an income survey it will not be included in this specific survey.

Lindsey Jamison- Will you need to do the income survey if you have the 2010 numbers or will you do that automatically?

Gary Zingaretti - We'll evaluate that. There is a cost associated with doing the income survey. It's about $10,000 to do the survey. If we think the results are going to bring a significant savings, I think it is money well spent. We'll see what the census data looks like and go from there.

Mike Smu- How many different agencies do you apply to for construction costs?

Gary Zingaretti - There are multiple at the state and federal level, there are also private donations available. I don't have the list with me.

Mike- I'm sure you have investigated it. That $6 million amount comes from some where, so how many government agencies were you able to extract that $6 million from?

Gary Zingaretti - The $6 million is actually a straight forward from PennVest which is the Commonwealth's financing authority. The $6 million is based on getting back to a certain affordability number. They use the median household income, the expectation there with a $6 million grant and a 30 year pay back you can get to a number that they deem to be affordable. If they force us to build a system that nobody can pay for, in a matter of 2 years they're going to own a system. It's in their best interest to make sure that the rates are affordable so they ultimately get paid back their loan.

Mike- Ok. So that $6 million that you've only addressed from PennVest, so in other words you're telling me one.

Gary Zingaretti - I'm telling you one for now and there is a reason for that. If we ran this project and got $6 million from PennVest and at the same time got $2 million from Mohegan Sun, what would happen before that plan could be approved, PennVest's $6 million grant would most likely drop to 4. They simply take what you are getting from

other sources and subtract that from what they give to you. The best case scenario is we get the $6 million from PennVest, construct the system and then obtain grants afterwards. Alternative funding is available, rural utility service (RUS), they are however one of the agencies that mandates a connection fee. One of the first push backs we got in the our internal engineering review of the plan was the upfront fee to connect was about five times lower than what other municipalities have done.

John Rashefski?- You have a plan in here for vacant properties, are you talking about properties plain or with houses.

Gary Zingaretti - Picture you have a house and a vacant lot next to it which is a separate tax parcel. There was initially consideration given as to if that parcel should pay in, and that was rejected. A vacant parcel will not be assessed.

Stephanie Cibello- Are we going to have to buy insurance for the lines that connect. I believe that Wilkes-Barre has to. Are we going to have to insure the lines out to the street and they would have to dig up the street in case anything breaks. Will this be another cost to the homeowners?

Gary Zingaretti - What typically happens with utilities, and this is essentially the township creating a utility, there will be a point on the line where the township's responsibility ends and the homeowners responsibility begins. If you think of the lateral that will be going down the street, that obviously will be our responsibility. If something breaks, then we have to fix it. If it's the connection to your home that breaks, it's the property owner's responsibility.
The problem with what happened in Wilkes-Barre was that they were getting dispatched to problems not knowing where the problem was, whether it was on city side or on the resident's side. That's what kind of led to buying insurance on those lines.

Jim Smith- That's not a requirement.

Gary Zingaretti - It is not a requirement.

Bill Vinsko- What happens is Drain Tech or somebody will come out and make the determination as to where the problem is.

Stephanie Cibello- So we would have that option to purchase the insurance.

Gary Zingaretti - That insurance is through a private carrier. It is not something we would offer or have included in the plan, but it is something that is available for purchase.

Bob Frankelli- In some municipalities, homeowners are responsible for repairs right up to the sewer main, in other municipalities they are responsible to their property line. Any determination yet as to which way you're going to go?

Gary Zingaretti - I don't know if we have the addressed specifically in the plan yet.

Bob Frankelli- A person has a problem with a sewer line once it's installed and they got to go out into the street and cut the roads, is the homeowner responsible to get a permit, cut the pave, and restore it. With the requirements of PennDOT anymore you're talking 5 or 6 thousand dollars just to repair a sewer, just for the pave. So where does the responsibility end? Property line or main?

Gary Zingaretti - Suspicion is it is property line but will have a definite for November.

Jeff Popple- How much has the township spent on engineering fees just to get us to where we are now.

Gary Zingaretti - The contract with Reilly to complete the project from the time we reinitiated it in 2008, was a fixed fee of $36,272.00. From the time Reilly was engaged, which was 2002, They have been paid, excluding the most recent contract, a total of $64,564.00.
There were 3 or 4 other plans and each one gets more expensive, and every year that goes by the system gets more expensive.

Mike Malone- Reilly now, cause you also have your plan and you have to pay somebody to design the system. What is Reilly doing?

Gary Zingaretti - Reilly does the plan…the paperwork plan. Then it goes out for bid for design. We will not be spending taxpayer dollars to do that because the design work, as long as you start building the system within 5 years of the completed design, you can roll it into your construction costs. So that would roll into the 14 million. That will be a separate process, just because Reilly did this does not guarantee that they will get the design work.

Jim Smith- Are there any opportunities to get reimbursement for any of the $32,000?

Gary Zingaretti - Yes, but not until we get an approved plan. Actually we will submit for this, the Reilly reimbursement, we will attempt to submit for the entire amount. It will be close to $100,000.00 by the time you consider what was spent in the early 2000's on the basis that their existing plan is simply building upon what was done in the past. We get a percentage. If the plan is approved we could be reimbursed 50%? of the total cost to design the plan. Even if with the $36,000 once we're approved we can get in line for that reimbursement which is about $18,000. If we can convince DEP and the state agencies that it is all one long project that cost us $100,000 over 10 years, we would be attempting to about $50,000 back.

Matt Hrabousky- Who came up with the figure of 150 feet?

Gary Zingaretti - State law.

After a short break the Board returned for the regular business portion of the monthly meeting.

Mr. Zingaretti announced that an executive session had been held on August 29 with counsel for Aqua PA litigation.

MINUTES: Minutes from the September 12, 2011 regular meeting were reviewed. A motion was made by Mrs. Koval to approve the minutes, seconded by Mr. Smith. Vote: Unanimous yes.

The treasurer's report for September 2011 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of September 2011 was $82,684.24. 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 September 2011 were $120,850.64. A motion was made by Mr. Smith to approve the disbursements, subject to audit, seconded by Mr. Masi. Vote: unanimous yes.

FIRE DEPT REPORT: 14 Calls for the month of September 2011 were reported: 7 motor vehicle accidents, 1 tree/wire down, 3 structure fires and 3 assists.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of September 2011 production was 3459M Wh, site availability was 79%.

ZONING OFFICER'S REPORT: Mr. Alber read the Zoning Officer's report for the month of September. There were 13 building permits and 4 driveway permits for a total of $640.00. BIU fees collected for September were $468.00.

ACT 537 REPORT:

ROAD MASTER REPORT: Mrs. Koval, the Roadmaster reported that the road crew checked roads, cleared debris and washouts from the storm. Rec area and Trailwood Park were maintained. Salt and antiskid was delivered. Roads were swept. Signs reinstalled. Grass cut and shoulders and culverts maintained. Mrs. Koval contacted PennDOT concerning work that needs to be done in the township on state roads.

Street Lights: Mrs. Koval met with a PPL rep to discuss the street light requests. She plans on meeting with them again concerning the requests and also the power outages in sections of the township.

Culvert Repair project: The engineer is in process of obtaining the permits. Mrs. Koval reported that the culvert has flooded with the last two storms. She and the road crew are keeping an eye on the culvert and will close the road if they believe it is causing a dangerous situation. Mr. Smith suggested that we be proactive and close the road before it becomes dangerous. Mr. Zingaretti reminded everyone that the project to replace the culvert will not happen until Spring at the earliest so we need to be proactive. Mrs. Koval assured them that they would close the road well before it became dangerous to anyone.

Ridge Road: Waiting on LTAP.

Weiss Road: Re-solicited for bids, they are due on the 12th.

Sandpit Road: The engineer to review Sand Pit, Forest Park and East End Blvd.

Road Master Financial Report: Mr. Zingaretti reported for the month of September expenditures were $46,146.00. $335,000.00 was budgeted for the month. We were $8000 under budget after taking out monies that were included for the culvert project which will not be happening this year.

OPEN RECORDS REPORT: There are no new or outstanding requests.

PLANNING BOARD RECOMMENDATIONS:

ORDINANCES AND RESOLUTIONS:

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini matters: Meeting on Thursday with Judge Lupas at 10:00AM.

Abbott matter: Nothing new to report.

Aqua PA: Met with Attorney Geroulo to go over how we will proceed.

Crossin Insurance Matter: Nothing new to report.

Development Agreement/Charter School Matter: Waiting on an argument date.

Mr. Masi asked Attorney Vinsko if he found out if speed bumps are legal. Attorney Vinsko advised that they are legal if they are done in the right way. Mr. Smith asked if we should adopt some guidelines. Attorney Vinsko said that this would be done by ordinance. Joe Mullen from Pennoni Associates will be contacted for his recommendations and Attorney Vinsko will draft the ordinance. Mrs. Koval added that LTAP should be contacted to see if they could help us out with a traffic study.

OLD BUSINESS: Mr. Zingaretti reported:

Zoning Map Requests/Changes: Time frame and process needs to be mapped out before sending off to the Zoning Hearing Board for review.

Flood Plain Ordinance Revisions: Still in states' hands. Nothing new to report

Azacla Road/DEP Complaint: Attorney Vinsko to draft a letter to DEP about the water contamination concerns and see about having the water testing in the area.

Ordinance Codification: In process of gathering info that needs to be sent to General Code.

CORRESPONDENCE/NEW BUSINESS:

PUBLIC COMMENT:

Mark Petlock: Asked if the Board went over the Planning Boards' recommendations for policies and procedures to be followed by the township office. Mr. Zingaretti responded that the Board does not have to vote on the matter. If the procedure seems to be acceptable to the Planning Board, it would be something we could implement. No ordinances are being changed; it's just a paperwork flow.

Bob Mosley: Asked how accurate the dots are on the Act 537 study map. Mr. Zingaretti responded that he does not know how accurate it is, it was done in 2002. He also stated that it doesn't matter anymore where the dots are now, based on the number of suspected malfunctioning systems is what gave DEP the authority to issue the order.

Mr. Mosley also questioned if both his properties, one marked as a potential failure further than 150 feet and one within the 150 and not failing, would have to tie into the system. Attorney Vinsko responded that the front property would have to hook up and the one further than 150 feet if they could show DEP it is not failing they could be excluded.

Roger Southward: asked about properties along the corridor area and if they would be included in the plan even though they are not in the study areas. Mr. Smith answered that if they are within 150 feet of a main or a lateral, they would be included. Mr. Zingaretti responded that they are included in the plan as cost to build to and rates recovered.

Questions were raised if commercial properties would have to connect to the system. Ms Wasilewski stated that she read any commercial property with a system already working and not an on lot system, does not need to connect. Mr. Smith said it was made clear by DEP that if the school put in their own system and sewers came down the highway, they would be forced to abandon their system. Discussion followed.

Matt Hrabousky: Asked if there would be anyone to give estimates as to the cost to connect. Mr. Zingaretti said it would be done independently.

Mark Popple: Asked if there would be grinders in Forest Park and who would pay for them. Mr. Zingaretti responded that it is included in the $91.50. He said he would also have more info at November meeting.

Mrs. Wasilewski asked if the water runoff that caused damage to a resident's property on Old East End Blvd would make the property owner eligible for FEMA. Mr. Zingaretti said he provided them permit issues they need to get from DEP to backfill his yard. If there is any money available he would not know. Attorney Vinsko said it would need to have been declared a federal disaster to receive FEMA.

Jeff Popple: Asked if DEP could mandate the Village to do a 537 plan. Mr. Zingaretti replied that they could.

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, 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. Pledge to the flag followed.

MINUTES: Minutes from the October 3, 2011 regular meeting were reviewed. A motion was made by Ms Wasilewski to approve the minutes, seconded by Mrs. Koval. Vote: unanimous yes.

The treasurer's report for October 2011 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of October 2011 was $48833.48. 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 October 2011 were $24337.44. A motion was made by Ms Wasilewski to approve the disbursements, subject to audit, seconded by Mr. Masi. Vote: unanimous yes.

FIRE DEPT REPORT: 14 Calls for the month of October 2011 were reported: 6 motor vehicle accidents, 2 activated alarms, 1 structure fire, 2 fire investigations and 3 assists.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of October 2011 production was 5085M Wh, site availability was 80%.

ZONING OFFICER'S REPORT: Mr. Alber read the Zoning Officer's report for the month of October. There were 13 building permits, 2 driveway permits, 4 certificates of occupancy, 1 demolition permit and 1 contractor's license for a total of $1181.00. There were no BIU fees collected for the month of October. There was 1 complaint filed during the month.

ACT 537 REPORT:

ROAD MASTER REPORT: Mrs. Koval, the Roadmaster reported that the road crew has winterized the pavilion, did shop work, plowed snow, did a driveway pipe replacement, cold patched roads and purchased spreader for the pickup truck.

Mrs. Koval reported that she attended the PPL meeting concerning new lines in and around the township and she has maps showing where the new lines are planned.

Mrs. Koval also reported that she has been in touch with Joe Mullen from Pennoni concerning water issues on various roads in the township. Mr. Zingaretti added that Pennoni is also working on the grant applications for Weiss Road and a new dump truck through Luzerne County local share account.

Road Master Financial Report: Mr. Zingaretti reported for the month of October expenditures were $11,570.87. $18,171.00 was budgeted for the month.

OPEN RECORDS REPORT: There are no outstanding requests. One request was answered in the month of October.

PLANNING BOARD RECOMMENDATIONS:

ORDINANCES AND RESOLUTIONS:

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini matters: The Township has won the preliminary injunction and the judge ruled that the Concini's have been unable to show that it is likely to succeed in this case, they dismissed their injunction and right now the township is not obligated to pay anything or do anything at all. The next step is whether or not there will be a full trial. Since this order came out we have withdrawn any offer to settle the case in terms of any financial payment.

Abbott matter: Nothing new to report.

Aqua PA: We are waiting on a response from Tom Geroulo, the insurance counsel who was reaching out to their legal counsel concerning calls that were received from Aqua personnel in an attempt to try and settle the case.

Development Agreement/Charter School Matter: Argument will be before Commonwealth Court on December 13th and hopefully will have a response shortly thereafter.

Mcholic Property: A property on Thornhurst Road, is dilapidated and due to be sold through a private sale. Will be demolished within 75 days and litigation surrounding that will be withdrawn at that time.

Attorney Vinsko asked that an executive session be held before the end of the year if possible. Pending issues will be discussed.

OLD BUSINESS: Mr. Zingaretti reported:

Zoning Map Requests/Changes: Hearings need to be scheduled and most likely will not happen until 2012.

Ordinance Codification: Information is being gathered at this time.

Flood Plain Ordinance Revisions: Still in states' hands. Nothing new to report

Azaela Road /DEP Issue: Attorney Vinsko sent a letter to DEP concerning water testing after the home fuel spill.

CORRESPONDENCE/NEW BUSINESS: None

PUBLIC COMMENT:

Matt Hrabousky: Had questions concerning zoning permits issued to his neighbor. He asked if someone joined two houses on one lot, would they have to go before the Planning Board. He said it appears that the cross walk that joins the two is over the septic tank. Attorney Vinsko state that BIU would have to issue the permits for additions etc. Discussion followed. The Board advised the secretary to see if any permits were issued through BIU.

Mr. Southward: Asked if any monies had been received from the Amusement tax. Mr. Zingaretti responded that after Berkheimer advised us that they would be able to collect that money for us came back and told us our contract does not include collection of the Amusement tax. The township will be looking to collect it on their own.

A motion was made by Mrs. Koval to adjourn the meeting, seconded by Mr. Smith. 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, 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. Mr. Smith was absent. Pledge to the flag followed.

PLANNING BOARD RECOMMENDATIONS: Bob Lance presented the Paskill/Basler Trust Subdivision to the Board. He explained that Joseph Paskill owns 2 lots in Sunrise Estates subdivision which is part of White Haven Poconos in Bear Creek Twp. The Bear Creek Twp portion of this subdivision is the combining of these two lots to form one lot which will be 17.4 acres. On the Penn Lake side he is subdividing all 18 acres from lands of the Basler Trust. The two parcels will remain individual parcels, a separate parcel in Penn Lake and a single parcel in Bear Creek Twp.

Mr. Zingaretti asked if there are structures on the Bear Creek parcel. Mr. Lance replied that there are and they are shown on the plans.

A motion to approve the Paskill/Basler Trust Subdivision was made by Mr. Masi, seconded by Mrs. Koval. Vote: Mr. Masi, Mrs. Koval and Mr. Zingaretti, yes; Mrs. Wasilewski, abstained.

MINUTES: Minutes from the November 14, 2011 regular meeting were reviewed. A motion was made by Ms Wasilewski to approve the revised minutes as noted below, seconded by Mrs. Koval. Mr. Zingaretti asked that the portion of these minutes titled Act 537 which had no comment following be revised to say that Act 537 was addressed at the November 7, 2011 meeting. Vote: unanimous yes.

The treasurer's report for November 2011 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of November 2011 was $36,041.96. 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 2011 were $22,539.76. A motion was made by Ms Wasilewski to approve the disbursements, subject to audit, seconded by Mr. Masi. Vote: unanimous yes.

FIRE DEPT REPORT: 4 Calls for the month of November 2011 were reported: 4 motor vehicle accidents.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of November 2011 production was 6623M Wh, site availability was 82%.

ZONING OFFICER'S REPORT: Mr. Alber read the Zoning Officer's report for the month of November. There were 5 building permits, 2 certificates of occupancy, 1 subdivision application for a total of $580.00. BIU fees collected for the month of November were $206.00.

ACT 537 REPORT: Public input meeting was held. The Board and Reilly now need to go through all the comments and address those in writing in the plan. This has not yet occurred.

ROAD MASTER REPORT: Mrs. Koval, the Roadmaster reported that the road crew cleaned roads and ditches and also worked on the leaves. The crew is also out checking road pipes to make sure everything is flowing. Cleanup was done after the election. Trucks were maintained and taken for inspections. Work done at rec fields and buildings winterized. Shop work done and spreader installed on pickup truck.

Mrs. Koval also reported that a letter was received from LTAP. They would like to do a study on Ridge Road but will probably wait until the Spring. Mrs. Koval said that she and Joe Mullen from Pennoni have been to Sandpit Rd, Old East End Blvd, the culvert and ditches in that area, Pike Rd, White Haven Poconos and Shades Glen to check on various problems.

OPEN RECORDS REPORT: There were two open record requests for the month. One has been satisfied and the second we have requested a 30 day extension to reply.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini matters: Discovery requests were received by Attorney Vinsko.

Abbott matter: Nothing new to report.

Aqua PA: Engineering report has been received.

Crossin Matter and Speed Bump Issue: Both will be discussed at an executive session before years end.

Development Agreement/Charter School Matter: Argument will be before Commonwealth Court on December 13th and hopefully will have a response shortly thereafter. Mr. Zingaretti asked if the case is found in our favor, could there be a state supreme court challenge. Attorney Vinsko responded that there could be but it is not an automatic right of appeal. They have 30 days after the decision to request that appeal.

OLD BUSINESS: Mr. Zingaretti reported:

Zoning Map Requests/Changes: Hearings will not happen until 2012.

Ordinance Codification: Information is being gathered at this time.

Flood Plain Ordinance Revisions: Still in states' hands. Nothing new to report

Azaela Road /DEP Issue: Attorney Vinsko sent a letter to DEP concerning water testing after the home fuel spill. A response has still not been received.

CORRESPONDENCE/NEW BUSINESS: None

2012 Budget Presentation: The proposed operating budget for 2012 was presented to the public. The proposed budget reflects no increase in taxes, a 2% pay raise for all non-supervisor employees hired before January 1, 2011. A narrative and a detailed budget summary are attached to the minutes. This same document was made available for public inspection today. Copies of the proposed budget are available at the municipal building immediately following this meeting and during normal business hours.

A budget surplus was projected last year and based on the current cash flow there will be a budget surplus this year. All that funding is still sitting in the general fund. Ms. Wasilewski made a motion to move $150,000.00 from the general fund to the Capital Reserve fund, seconded by Mrs. Koval. Vote: unanimous yes.

Ms. Wasilewski asked what the current balance on the Capital Account was. Mr. Zingaretti replied that as of October the balance was $87,945.00. Mrs. Wasilewski also asked about the monies from Bear Creek Village borough. Mr. Zingaretti said that the increase is just a timing issue. She also inquired about the amount budgeted for building permits. Mr. Zingaretti replied that part of this budgeted is UCC so it is an in and an out and the same goes for the sewage permits with Egenski. Ms Wasilewski also asked about the increase in fire company monies. Mr. Zingaretti replied that this is a pass through from the Fire relief Association.

A motion was made by Ms Wasilewski to approve to make available for inspection by the public the 2012 proposed Budget for Bear Creek Township, seconded by Mrs. Koval. Vote; unanimous yes.

PUBLIC COMMENT:

Roger Southward- Asked if we paid the state for the state police service. Mr. Zingaretti replied no, there has been legislation circulating to charge for these services but it has never been passed.

Matt Hrabousky- Asked where everything stood regarding his request concerning building permits issued to his neighbor. Mr. Alber confirmed that he has found no permits logged as far back as 2004. Mr. Alber said the only thing found was a letter dated August 2008 from Joe Andrews stating there were no zoning issues regarding the structures on the property. Mr. Alber said he would have the UCC representative from BIU investigate.

Ted Carl- Asked about the Meholic property and if there has been any update. Attorney Vinsko responded that this property will be discussed in an executive session. He also stated that the litigation concerning this property has been held in abeyance because the

owners do not have the money to knock it down nor do they want to knock it down. There is a pending tax sale on it and will be knocked down once this goes through.

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

Respectfully submitted,

Paula Weihbrecht, Secretary