The reorganization meeting of the Bear Creek Township Board of Supervisors was held at 6:00 PM January 3, 2011 at the Municipal Building located at 3333 Bear Creek Blvd. Before the meeting was called to order by Chairman Zingaretti, Joseph Masi and Jeffrey Popple were sworn in as Township Supervisors. Roll was called. Mr. Smith, Mr. Masi, Mr. Popple, Mrs. Koval and Mr. Zingaretti were present. The salute to the flag followed.

A motion was made by Mr. Smith to declare all positions vacant, seconded by Mrs. Koval. Vote: unanimous yes.

The following motions were made and seconded as follows:

Temporary Chairman: motion made by Mr. Zingaretti to appoint Mr. Masi-seconded by Mrs. Koval. Vote: unanimous yes.
Temporary Secretary: motion made by Mr. Zingaretti to appoint Paula Weihbrecht-seconded by Mr. Smith. Vote: unanimous yes.
Chairman: motion made by Mrs. Koval to appoint Mr. Zingaretti-seconded by Mr. Smith. Vote: unanimous yes.
Vice Chairperson: motion made by Mr. Zingaretti to appoint Mr. Masi -seconded by Mr. Smith. Vote: unanimous yes.
Roadmaster: motion made by Mr. Smith to appoint Mrs. Koval-seconded by Mr. Masi. Vote: unanimous yes.
Secretary/Treasurer: motion made by Mr. Zingaretti to appoint Paula Weihbrecht-seconded by Mrs. Koval. Vote: unanimous yes.
Open Records Officer: motion made by Mr. Masi to appoint Mr. Smith-seconded by Mr. Zingaretti. Vote: Mr. Smith; no, Mr. Masi, Mr. Popple, Mrs. Koval and Mr. Zingaretti; yes.
Zoning Officer: motion made by Mrs. Koval to appoint Carl Alber-seconded by Mr. Zingaretti. Vote: unanimous yes.
UCC Code Enforcement: motion made by Mrs. Koval to appoint Building Inspection Underwriters- seconded by Mr. Zingaretti. Vote: unanimous yes.
Sewage Enforcement Officer: motion made by Mrs. Koval to appoint Frank Egenski– seconded by Mr. Zingaretti. Vote: unanimous yes.
Sewage Enforcement Officer Alternate: motion made by Mr. Zingaretti to appoint Steve Egenski– seconded by Mrs. Koval. Vote: unanimous yes.
Engineer (includes Planning and Zoning): motion made by Mr. Smith to appoint Pennoni Associates – seconded by Mr. Masi. Vote: unanimous yes.
Solicitor (Board of Supervisors): motion made by Mr. Zingaretti to appoint William Vinsko-seconded by Mr. Masi. Vote: unanimous yes.
Solicitor (Planning Board): motion made by Mrs. Koval to appoint William Vinsko-seconded by Mr. Zingaretti. Vote: unanimous yes.
Solicitor-(Zoning Hearing Board): motion made by Mrs. Koval to appoint Angelo Terrana –seconded by Mr. Smith. Vote: unanimous yes.
EMA-Primary: motion made by Mr. Zingaretti to appoint Chris Keats -seconded by Mrs. Koval. Vote: unanimous yes.
EMA-Secondary: motion made by Mr. Zingaretti to appoint Ed Jasulevicz - seconded by Mr. Masi. Vote: unanimous yes.

Regular Meeting Day: motion made by Mr. Smith to retain the first Monday of each month– seconded by Mr. Masi. Vote: unanimous yes.
Regular Meeting Time: motion made by Mr. Zingaretti to retain 6:00 PM – seconded by Mr. Smith. Vote: unanimous yes.
Secretary-Planning Board: motion made by Mr. Masi to appoint Karen Kollar – seconded by Mr. Zingaretti. Vote: unanimous yes.
Secretary-Zoning Board: motion made by Mr. Zingaretti to appoint Paula Weihbrecht – seconded by Mrs. Koval. Vote: unanimous yes.
Planning Board Member: motion made by Mr. Smith to appoint Bob Becker-seconded by Mr. Zingaretti. Vote: unanimous yes.
Zoning Hearing Board Member: motion made by Mrs. Koval to appoint Jim Gorman – seconded by Mr. Zingaretti. Vote: unanimous yes.
Vacancy Board Member: motion made by Mr. Smith to appoint Gary Slusser – seconded by Mr. Zingaretti. Vote: Unanimous yes.
Convention Voting Delegate: motion made by Mr. Zingaretti to appoint Mrs. Koval-seconded by Mr. Masi. Vote: unanimous yes.
Depository General Funds: motion made by Mr. Zingaretti to retain PNC Bank – seconded by Mrs. Koval. Vote: unanimous yes.
Administrator of Pension Plan: motion made by Mr. Zingaretti to appoint the Township Secretary/Treasurer – seconded by Mrs. Koval. Vote: unanimous yes.
Signature Requirements: motion made by Mr. Smith that 2 Supervisor signatures plus the signature of the Treasurer required on all checks and necessary bank papers – seconded by Mrs. Koval. Vote: unanimous yes.
Mileage Rate: a motion was made by Mrs. Koval to pay mileage at the IRS approved rate for travel on Township business –seconded by Mr. Zingaretti. Vote: unanimous yes.
Supervisors Labor: a motion was made by Mr. Masi to appoint each supervisor to do labor as needed to the extent permitted by second class township code- seconded by Mrs. Koval. Vote: unanimous yes.

A motion to adjourn the reorganization meeting was made by Mrs. Koval, 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, 3333 Bear Creek Blvd. Chairman Zingaretti called the meeting to order. Roll was called. Mr. Smith, Mr. Masi, Mr. Popple, Mrs. Koval and Mr. Zingaretti were present. Pledge to the flag followed.

A moment of silence was observed for Mike Gober who recently passed away. Mr. Gober was involved with many boards and committees in Bear Creek Township over the years.

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

MINUTES: Minutes from the December 27, 2012 special meeting were reviewed. A motion was made by Mr. Smith to approve the minutes, seconded by Mrs. Koval. Vote: Mr. Smith; yes, Mr. Masi and Mr. Popple; abstain, Mrs. Koval and Mr. Zingaretti; yes.

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

RECEIPTS: Income for the month of December 2011 was $213,225.60. This figure includes the transfer of $150,000.00 transfer from General fund to the Capital fund. 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 December 2011 were $187,635.43. This figure also reflects the transfer of funds noted in the receipts. A motion was made by Mr. Smith to approve the disbursements, subject to audit, seconded by Mr. Masi. Vote: unanimous yes.

FIRE DEPT REPORT: 11 Calls for the month of December 2011 were reported: 6 motor vehicle accidents, 1 activated alarm, 2 structure fires and 2 assists.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of December 2011 production was 6763M Wh, site availability was 78%.

Mr. Masi suggested that we eliminate the Wind Farm report from the agenda and replace it with something more beneficial to the community like a report from the State Police documenting criminal activity in the township. Mr. Smith said he would attempt to make contact with the State Police and see if we could obtain this information.

ZONING OFFICER'S REPORT: Mr. Alber read the Zoning Officer's report for the month of December. There were 2 contractor's licenses, 4 building permits, 1 driveway permit, and 3 zoning permits for a total of $775.00. BIU fees collected for the month of December were $185.20.

ACT 537 REPORT: There is no update at this time. The Board is set to meet with Reilly in an executive session in January.

ROAD MASTER REPORT: Mrs. Koval, the Roadmaster reported that the road crew cleaned roads and ditches and did some snow plowing. The crew worked on road shoulder repairs, a driveway pipe and did shop work.

- Street Lighting-PPL has changed plans. New lines are being installed up to Stoddartsville, across Thornhurst and up to Mt. Pocono. Maps are available to view at the Municipal building. Still waiting on Thornhurst and Meadow Run lights.
- Gaming Grant- culvert project will begin in the Spring.
- Ridge Road- working on this through LTAP
- Weiss Road- The Board had been entertaining tar and chip. A gaming grant application for reconstruction of Weiss Rd has been submitted requesting just under 1 million dollars. A lengthy discussion about Weiss Rd followed.
- Gaming grant application also submitted for just over $140,000 for a plow truck.
- Sandpit Road/Pike Road- Waiting on info from engineer.
- Forest Park- Water run -off issues. Water is coming from PennDOT pipes. The matter is to be looked at further to determine if there are any easements allowing this.

Road Master's Financial Report: Total expenditures for the month of December were just over $17,000.00 in line with the budget. Overtime for the month and for the year were both well under budget.

OPEN RECORDS REPORT: There is one open record request. It should be satisfied by the end of the week.

RESOLUTIONS AND ORDINANCES:

Resolution 1-2012: A resolution establishing the Bear Creek Township fee schedule for 2012. A motion to approve was made by Mrs. Koval, seconded by Mr. Masi. Vote: unanimous yes.

Resolution 2-2012: A resolution establishing the Bear Creek Township Uniform Construction Code fee schedule for 2012. A motion to approve was made by Mrs. Koval, seconded by Mr. Masi. Vote: Mr. Smith abstained, Mr. Masi, Mr. Popple, Mrs. Koval and Mr. Zingaretti, yes.

Resolution 3-2012: A resolution authorizing the advertisement for a Certified Public Accountant to prepare the 2011 audit. A motion to approve was made by Mr. Smith, seconded by Mrs. Koval. Vote: unanimous yes.

Resolution 4-2012: A resolution extending the contract with Building Inspection Underwriters to December 31, 2012 as third party administrator of the Uniform Construction Code. A motion to approve was made by Mrs. Koval, seconded by Mr. Popple. Vote: unanimous yes.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini matters: Interragatory responses prepared. No offer on the table since we already won.

Abbott matter: Case settled with no cost to the township.

Aqua PA: Preliminary engineering review on the pave cuts has been received from Reilly. Matter will be discussed further in an executive session.

Crossin Matter: Attorney Vinsko suggested the Crossin matter be dropped. The Board will discuss further in an executive session.

Development Agreement/Charter School Matter: We had an argument before Commonwealth court on December 13th. A determination can be issued anytime between now and June. The issue will be then to see if it will be taken before the Supreme Court.

Meholic Property Issue: The building itself will be the subject of a court matter on January 4th at 9:00 AM. Mr. Masi questioned if the fines for the citations on the property are accumulating or how they are being handled. Mr. Alber replied that we have a range in our ordinance of what the fines could be but it is at the discretion of the court as to what the fine will actually be. Attorney Vinsko offered that the judge is the one who will issue the fines but the Board can waive them with a subsequent action.

Speed Bump Issue: Will be discussed in executive session.

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. Attorney Vinsko will make contact.

CORRESPONDENCE/NEW BUSINESS: None

PUBLIC COMMENT: None

A motion was made by Mrs. Koval to adjourn the meeting, seconded by Mr. Popple. 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, Mr. Popple, Mrs. Koval and Mr. Zingaretti were present. Pledge to the flag followed.

Mr. Zingaretti announced that an executive session of the Board had been held at 5:00 PM today. An executive session had also been held on January 10, 2012.

MINUTES: Minutes from the January 3, 2012 reorganization and regular meetings 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 January 2012 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of December 2011 was $57,530.40. 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 December 2011 were $27,611.71. A motion was made by Mr. Smith to approve the disbursements, subject to audit, seconded by Mr. Popple. Vote: unanimous yes.

ZONING OFFICER'S REPORT: Mr. Alber read the Zoning Officer's report for the month of January. There were 5 building permits, 1 driveway permit, and 2 zoning permits for a total of $425.00. BIU fees collected for the month of January were $542.00.

FIRE DEPT REPORT: 17 Calls for the month of January 2012 were reported: 9 motor vehicle accidents, 1 activated alarm, 2 structure fires, 2 controlled burns, 1 gas leak investigation and 2 assists.

ACT 537 REPORT: Currently at a point in the process where it is incumbent upon the Board to make a decision. Comments have been solicited and the Board has worked diligently to satisfy what was a final DEP order in 2008 to install centralized collection of waste water for Trailwood, Forest Park, Llywellyn Corners, and Country Club Estates. Plans have been presented and public comment has been accepted and are here today to take action. We believe this plan satisfies the obligation set forth by DEP.

Resolution 5-2012: Whereas Bear Creek Township finds that the official Act 537 Sewage Facilities Plan described conforms to applicable zoning subdivision or other municipal ordinances planned and a comprehensive program of pollution control and water quality management. Now therefore be it resolved and it is hereby resolved that Bear Creek Township Board of Supervisors hereby adopts and submits to the Pennsylvania Department of Environmental Protection for its approval as a revision to the official plan of the municipality, the above referenced official Act 537 Sewage Facilities Plan. The municipality hereby commits to the timely implementation of the said Plan as required by law.

A motion to put forth Resolution 5-2012 as described was made by Mr. Masi, seconded by Mr. Smith. Vote: Mr. Popple, yes; Mr. Masi, no; Mr. Smith, no; Mrs. Koval, no and Mr. Zingaretti, no.

Mr. Masi commented that this decision was 4 years in the making and was a very difficult process for everyone on the Board. He stated that he believes that he and everyone on the Board worked in good faith but the bottom line is that in good conscience he could not burden the residents of the township with paying $300 a quarter for this service as well as the other costs they will incur hooking up to the system.

Mr. Smith asked that the following statement be entered into the minutes:

February 6, 2012

To my fellow Bear Creek Township residents:

I would like to take this opportunity to state my position as it relates to the Act 537 sewage Plan.

First and foremost, I believe it is Inevitable that Bear Creek Township must implement a plan that includes a centralized sewage collection and treatment system that covers the targeted study areas.

The need to do so has been a subject of debate and discussion for more than twenty five years and has ended with legal action forcing the current Board of Supervisors to take action.

Former elected officials pursued a strategy based on delay tactics, hoping the issue would simply go away; instead, the burden to take decisive action was passed to those sitting before you today.

In doing so, these former elected officials passed up numerous opportunities for low-cost or even no-cost funding.

I decisive action would have been taken years prior, the project cost would have been significantly lower, and the financial burden on today's taxpayers would be much less.

I will not ignore the legal mandate given to us by the Environmental Hearing Board. I will not ignore my responsibility as an elected official,

And I will not pass along this burden to my children and future generations, which was exactly what was done to me.

The issue I have wrestled with and I know my fellow supervisors have wrestled with, is the extreme cost to our residents once the system is in place.

I have philosophical issues with the mechanism in place for funding this project, as well as how our state and federal government can plunder tax revenue on so many other projects that are far less important than the plan that is before us tonight.

The position of state agencies that the end cost to our residents is inapplicable and doesn't factor into the decision making process is simply wrong,

I was elected to do what I feel is in the best interests of Township residents. I believe a centralized sewage treatment and collection system is in the best interest of our Township residents,

However, I do not believe the existing end user costs can be absorbed by the residents being served by the proposed system, and I believe the long-term integrity of the overall system will be compromised as a result. This is simply unacceptable.

Government exists to protect and serve its people.

Our state and federal elected officials must partner with us to find a way to lower the end user costs to our residents.

We are a small municipality in number compared to the population of many of the other municipalities in our area.

Although small in number, I believe that we collectively need to raise our voices so that state and federal officials hear our plea.

That being said, it is with mixed emotion that I vote NO to the proposed Act 537 plan that has been presented to the Board of Supervisors this evening.

Jim Smith

Mr. Popple stated that the Board can't stop what is coming. He understands that the cost is high because of where we live geographically, we're away from the sewage treatment plants and probably with the amount of rock that they will have to go through to run these lines through, it's an ugly spot to be in. Right now DEP doesn't care what the cost is. Mr. Popple feels that the Board has to find other avenues to offset the cost.

Mr. Masi said he has all the confidence in the world in the Board to figure out how to get more funding in the township for this project.

Mr. Zingaretti stated that he has done some research and has found sewage rates across the state in an attempt to evaluate how the rate for the township compares with the rest of the state. Mr. Zingaretti found 66 different municipality rates for sewage. On a monthly basis, 54 out of the 66 paid $50.00 or less for their sewage. 35 out of that group are paying $40.00 or less. The statewide average is $40.00 per month. Even with all the presumed grant money, the rate for Bear Creek Twp is coming in at $91.50 per month.

The Board is 100% committed to satisfying the DEP order but the problem is that the process is backwards. Until we send in the Plan, we cannot secure funding. If we can't secure funding we won't know if the $91.50 will be more or less. Discussion continued.

Mrs. George: Asked why we aren't doing the entire township in the sewer plan.

Mr. Masi replied that at this time the Board is addressing the DEP order which includes only certain sections of the township.

Resolution 6-2012: Having rejected submission of the Plan, the Board immediately authorizes Township officials to meet with state delegation and DEP and other agencies as necessary to review funding sources and the proposed user rates and the issues with those rates. A motion to proceed with the above planned action was made by Mr. Masi, seconded by Mrs. Koval. Vote: unanimous yes.

ROAD MASTER REPORT: Mrs. Koval, the Roadmaster reported that the road crew did shop work, are building picnic tables, did bathroom repair work at the muni and are working to try to relocate an owl who took up residence in the pavilion.

- Street Lighting-Nothing new to report
- Gaming Grant- Pennoni working on the paperwork.
- Ridge Road- LTAP study to be done in the Spring.
- Weiss Road- Pot hole repair scheduled for this week. Application for a grant for repairs for this road has been submitted.
- Forest Park- Nothing new to report
- Pike Road- Nothing new to report
- Old East End Blvd.- Nothing new to report

Road Master's Financial Report: Total expenditures for the month of January were under budget. The bulk of the expenses under budget are payroll and are due to the good weather keeping overtime down. Fuel was also under budget due to a timing issue.

OPEN RECORDS REPORT: Mr. Smith reported that there are no new or outstanding open record requests.

RESOLUTIONS AND ORDINANCES:

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini matters: responses to the discovery were submitted, waiting to have this portion addressed. This will be handled with the insurance counsel.

Abbott matter: Completed.

Aqua PA: Our insurance counsel has been advised to contact Aqua because we are still waiting on forms from them to finish the inspection on the roadways involved.

Crossin Matter: Attorney Vinsko suggested the Crossin matter be dropped, feels it would cost more to litigate than could be recovered. The matter concerned a resident who sued over public access to records. There were two lawsuits filed against the Township on this matter. While one case was covered by insurance, and the insurance company provided an attorney, the Township was unable to find documentation that Crossin had been notified of the second suit. In addition, the insurance company did not provide an attorney to represent the Township on that second suit. A motion to terminate any action against Crossin regarding this matter was made by Mr. Masi, seconded by Mr. Popple. Vote: unanimous yes.

Development Agreement/Charter School Matter: Still waiting on the Commonwealth Court decision.

Meholic Property Issue: Was submitted today. February 4th was the date that the appeals were due for any issue with the tax sale. Now the property should be addressed and hopefully it will be demolished shortly.

Speed Bump Issue: No new action.

Azalea Road DEP issue: Should have a response in writing soon from DEP concerning testing of the water downhill from where there was an oil spill.

Weiss Road: Mr. Popple had asked at a prior meeting who the original owner of Weiss Road was and Attorney Vinsko said he is still searching. The annexing procedure for Weiss road has been researched and Attorney Vinsko addressed the liability issue in regard to doing work on a road that is not in the township. He advised that the township would not be liable since the road is a Township asset and there is an agreement that the township maintain it.

OLD BUSINESS: Mr. Zingaretti reported:

Zoning Map Requests/Changes: No update.

Ordinance Codification: No update.

Flood Plain Ordinance Revisions: No update.

CORRESPONDENCE/NEW BUSINESS:

5k Run/Walk: Messiah PM Church seeks the Townships assistance in obtaining permits from PennDOT and the State Police. A motion was made by Mr. Smith to draft the necessary letters and submit them to the appropriate agencies, seconded by Mrs. Koval. Vote: unanimous yes.

Weiss Road Grant Application: Because of the amount of engineering fees, it runs up against certain limits in the grant process. Only a certain percentage of the total can be legal fees or engineering fees etc. DCED needs a commitment letter from us stating that if we are successful in receiving the Weiss Road grant, we would be paying up to about $90,000.00 towards the engineering fees. The overall project cost is almost 1 million dollars. A motion was made by Mrs. Koval to approve funding not to exceed $90,000.00 for legal and professional fees should the township be successful in obtaining monies through the grant application process, seconded by Mr. Popple. Vote: unanimous yes

2011 Amusement Tax: a letter has been sent to the owner of the drag lodge concerning amusement tax due from money collected at drag lodge events. The township is handling the matter since it was discovered that Berkheimer was never contracted to collect the Amusement tax.

PUBLIC COMMENT:

Mr. Anastasios Kalomiris: Is the owner of 3 lots in Laurel Brook Estates. He has never developed them and 2 of the lots are next to Kulick's property. He would like the township to connect the pipes from the road to the drainage pool and then cover the drainage ditch between the two properties so garbage and stagnant water can't collect in it. He stated that according to his deed, this drainage area is the responsibility of the township. Discussion followed and Mrs. Koval said she would contact the engineer to take a look at the area and see if there is something the township needs to address. Attorney Vinsko will also look into the matter.

Mr. Kalomiris also brought to the attention of the Board the troubles he has had with the Kulick's burning, trespassing and littering on his property. He has had the State Police involved. The Board explained that these things are neighbor against neighbor complaints and he would have to address them on his own.

Barry Trivel: Would like to ask questions about the property the Township is considering taking through eminent domain located behind the Charter School. Mr. Trivel states that he is concerned with the process the Board has undertaken so far with the acquisition of that land. He feels everything has been done behind closed doors and feels the public has not had the opportunity to voice its opinion. Mr. Trivel said he felt like it was a done deal after only one meeting and he only know what he reads in the paper after the fact. He feels it unfortunate that the process hasn't been more open and transparent. He is opposed to governmental involvement in taking over the land for a private project. He has nothing against the Charter School but feels that the School should have attempted to purchase the property instead of going through the eminent domain process. He would also like to know if any environmental studies have been done, anyone looking at the wetlands. He also does not feel it is right that there are people sitting on the Board of Supervisors that also are involved in the Foundation at the school.

Mr. Zingaretti responded that nothing has been done behind closed doors and since the beginning it has appeared on the monthly agenda and has been discussed and updated.

Mr. Zingaretti explained the benefits of the public facility that will be the end result, which include a gymnasium, library and recreation fields. As far as a conflict in interest, this was already in process before Mr. Smith ran for the Board of Supervisors and whenever there is any action to be taken concerning the Development Agreement, Mr. Smith abstains. Mr. Zingaretti stated that in his opinion there is no conflict perceived or otherwise.

Mr. Smith stated that this is not even an issue that he can address, he will stay out of the conversation because of it being involved in litigation and it would be inappropriate to engage in a conversation on the topic. Discussion continued.

A motion was made by Mrs. Koval to adjourn the meeting, seconded by Mr. Zingaretti. 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, Mr. Popple, Mrs. Koval and Mr. Zingaretti were present. Pledge to the flag followed.

MINUTES: Minutes from the February 6, 2012 regular meetings 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 February 2012 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of February 2012 was $42,004.32. A motion to approve the receipts, subject to audit was made by Mrs. Koval, seconded by Mr. Popple. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of February 2012 were $23878.15. A motion was made by Mr. Smith to approve the disbursements, subject to audit, seconded by Mr. Masi. Vote: unanimous yes.

ZONING OFFICER'S REPORT: Mr. Alber read the Zoning Officer's report for the month of February. There were 2 building permits, 1 Contractor's license, and 1 zoning hearing fee for a total of $475.00. There were no BIU fees collected for the month.

FIRE DEPT REPORT: 14 Calls for the month of February 2012 were reported: 9 motor vehicle accidents, 2 vehicle fires, 2 structure fires, and 1 tree down.

STATE POLICE REPORT: Mr. Smith reported 17 incidents for the month of February including 3 burglary false alarms, 8 vehicle collisions, 1 criminal mischief, 1 littering, 1 suspicious person report and 3 theft related incidents.

ACT 537 REPORT: Nothing new since the last meeting where the Board voted no to the Plan because of concerns with the pricing. The Board is currently trying to set up a meeting with DEP. A meeting will be set up with some legislators after meeting with DEP.

ROAD MASTER REPORT: Mrs. Koval, the Roadmaster reported that the road crew did shop work, are building picnic tables, starting work at the Rec field, picked up cones for the 5k walk/run, working on a problem truck and are still working to try to relocate an owl who took up residence in the pavilion

Mrs. Koval said she would contact LTAP to see if the study can be set up for Ridge Road since golf season will soon begin. She also stated that DEP has not yet gotten back to us concerning the permit for the culvert project. Bid packs for this project will not be done until we hear from DEP in case changes are needed. She will continue to work with Pennoni Associates on this matter.

Road Master's Financial Report: Total expenditures for the month of February were under budget about $5000. The bulk of the expenses under budget are payroll and timing issues on repair and maintenance items.

OPEN RECORDS REPORT: Mr. Smith reported that there are no new or outstanding open record requests.

RESOLUTIONS AND ORDINANCES:

PLANNING BOARD RECCOMENDATIONS: None

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini matters: preparing interrogatories and request for production of documents so we can formally close this matter.

Aqua PA: No change.

Development Agreement/Charter School Matter: Commonwealth Court ruled against the Township in its efforts to obtain land through eminent domain. The Board must decide by the end of the 30 days from the decision if they would like to file an appeal.

A motion was made by Mr. Masi ***not*** to appeal the decision rendered by the Commonwealth Court, seconded by Mr. Popple. Vote: Mr. Smith, abstain; Mr. Masi, yes; Mr. Popple, yes; Mrs. Koval, yes and Mr. Zingaretti, yes. The following comments and discussion preceded the vote:

Mr. Barry Trievel- Mr. Trievel feels the motion is correct, the township should not be involved this matter. Mr. Trievel also commented that he feels Mr. Popple should recuse himself from the matter because of his family's involvement with the school. Mr. Popple assured Mr. Trievel that some members of his family may be involved with the school or the foundation but he is not. Attorney Vinsko stated that for this specific matter, there would be no conflict of interest for Mr. Popple because neither he nor his family would receive any direct benefits through this process.

Mr. Popple questioned Mr. Trievel as to his feelings on the property being developed by the Harris family. He responded that he wouldn't like it but there is nothing he could do about it because it is their property and they can do as they please. Mr. Trievel said he felt that stating that the land is needed by the school and Township for recreational needs such as hiking trails is not true. He also stated that someone has marked hiking trails on property that does not belong to the Charter School, it's on the Harris property.

Mr. Smith stated that this is the first time he is hearing this accusation and he will investigate before responding. He further stated that the property has been surveyed and there is property back there that belongs to the school. Discussion continued.

Mr. Masi asked if any timbering permits have been taken out for the property in question. Mr. Alber responded that there is an application in for a timbering permit but it is being held up while they try to secure a highway occupancy permit through PennDOT. The Harris family is using a logger for this proposed project.

Meholic Property Issue: Attorney Vinsko recused himself from this matter and suggested the Board seek other counsel to see the matter through. The current status on the matter is that once the property is turned over to the prospective purchaser, the court will make a decision on the fine issue which is currently pending before Judge Pierantoni who gave until April 4th with a potential extension.

Mr. Masi asked who owns the property. Attorney Vinsko responded that the deed is in the Meholic's name but because it went through the upset sales it is currently with the Luzerne County tax claim bureau.

Speed Bump Issue: No new action. Attorney Vinsko would like to discuss this in executive session so action can be taken at the April meeting.

Azalea Road DEP issue: Will be addressed with Attorney Cigan when the Board meets with DEP.

Weiss Road: Mr. Popple had asked at a prior meeting who the original owner of Weiss Road was and Attorney Vinsko said he is still searching. The annexing procedure for Weiss road has been researched and Attorney Vinsko addressed the liability issue in regard to doing work on a road that is not in the township. He advised that the township would not be liable since the road is a Township asset and there is an agreement that the township maintain it.

OLD BUSINESS: Mr. Zingaretti reported:

Zoning Map Requests/Changes: No update.

Ordinance Codification: No update.

Flood Plain Ordinance Revisions: No update.

CORRESPONDENCE/NEW BUSINESS:

Metro Commercial Real Estate: received a letter from this company inquiring about the possible purchase of 3-4 acre parcel located at the Northwest corner of Recreation Road and Route 115. This is the lot across Recreation Road from the Municipal building. Discussion followed and Mr. Alber will check GSI maps to identify the exact property and Attorney Vinsko will draft a response letter.

PUBLIC COMMENT:

Roger Southward: Mr. Southward said he was here tonight to ask for clarification on a situation that has been going on for some time now and he would like to get it resolved as soon as possible. In 2003 he purchased a building permit and in reviewing it found that the formula for calculating permits was not followed and he was overcharged 762.92. He has spoken with the township office since September 2010 and the matter was turned over to the solicitor.

Attorney Vinsko responded that one of the things that had to be done was for BIU to review the information and an analysis was done. Discussion was held with the Board.

Mr. Zingaretti explains that there were two things that BIU determined. First, the permit fee could be applied based on the value of the property because that's what the formula that's talked about with square footage was designed to get back to; its square footage times $55 to come up with the cost of the building. The calculation of the permit was done on the cost of the home and math was done correctly. We had the rep from BIU calculate your $1415.50 permit using the square footage and he came up with a figure of $1376.65, a difference of $38.85. The only square footage Mr. Southward was using to calculate the permit cost was 2373 sq. feet. When BIU calculated the permit, they included the entire square footage of the home including a bonus room, basement, garage, entry porch and screen porch, all items that are to be included in the calculation the structures square footage. The total came to 5006 square feet times $55.00 =$275,330.00 or the estimated cost of the home. Mr. Zingaretti also stated that there is also a statue of limitations issue.

Mr. Southward disagreed with the formula and how the township says the permit was calculated and threatened to find an attorney who would be willing to file a class action suit.

Attorney Vinsko asked Mr. Southward to allow him 30 days to further discuss this matter with the Board and assured him there would be an answer for him at the next meeting. Mr. Southward agreed to the 30 days but added that he felt Attorney Vinsko mislead him. Attorney Vinsko assured him that it was to his benefit to give him 30 more days, Mr. Southward agreed.

Barry Trievel: Asked if the Board has a position on the traffic light at the school. Mr. Trievel said he advises against it, that it will make that area more dangerous that before. Mr. Masi responded that the Board has never been presented a plan for that and Mr. Zingaretti added that it would be a PennDOT plan since it is a state road, not the townships'. The Board would only make recommendations, not the actual decision.

Mr. Popple asked how we send a letter to PennDOT to address the issue of returning 115 Southbound back to two lanes. Attorney Vinsko will draft a letter and copy Mike Carroll on the matter.

Joseph Baloga: Wanted to discuss the PPL line that is proposed to come through the area, specifically Bald Mountain Road. He and his neighbors have not been notified of this. Borton Lawson told him they should have been notified. He has found survey markers on his property which did not correspond with the plans that were shown at the public meetings. The survey is 300 feet from where it was supposed to be. The people in this area don't want this running through their property. It will invite more traffic through the area and they are also concerned about the liability. He has come to the Board tonight to appeal to them to watch out for him and his neighbors. Discussion continued. Mr. Alber added that he has been told by Borton Lawson that the project has been put on hold.

Ruth Koval: Passed around pictures of the property next to her son's home. Mrs. Koval said she is not speaking as a supervisor, but speaking up for her son. The Meholic property is a dilapidated property and she wants everyone to see what it looks like because it has been like this for a long time. She said that no one would want to live next to this and she has been trying to do something about it for many years. The property went up for upset sale a few years back and is scheduled for judicial sale in August. She wanted everyone to see it because it has been discussed many times at monthly meetings.

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

MINUTES: Minutes from the March 5, 2012 regular meeting was reviewed. A motion was made by Mr. Masi to approve the minutes, seconded by Mr. Popple. Vote: Unanimous yes.

The treasurer's report for March 2012 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of March 2012 was $62,403.77. A motion to approve the receipts, subject to audit was made by Mr. Popple, seconded by Mrs. Koval. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of March 2012 were $26,637.52. A motion was made by Mr. Masi to approve the disbursements, subject to audit, seconded by Mr. Popple. Vote: unanimous yes.

ZONING OFFICER'S REPORT: Mr. Alber read the Zoning Officer's report for the month of March. There were 9 building permits, 1 zoning hearing, 2 certificates of demolition, 4 certificate of occupancy, 1 sale of a comprehensive plan book and 2 zoning permits for a total of $1135.00. There was $4310.80 in BIU fees collected for the month.

FIRE DEPT REPORT: 13 Calls for the month of March 2012 were reported: 8 motor vehicle accidents, 2 vehicle fires, 1 brush fire, 1 structure fire, and 1 tree down.

STATE POLICE REPORT: Not available

ACT 537 REPORT: The Board recently voted not to send plan for DEP review. The Board was not able to schedule a meeting with DEP in March. A letter was received from DEP on March 15, 2012 asking the Board how they plan on getting back on track with the Act 537 Plan. The Board responded with a letter and is currently waiting for a response.

ROAD MASTER REPORT: Mrs. Koval, the Roadmaster reported that the road crew checked the roads, cleared debris after storms and winds. Street signs were replaced, they did shop work, and set up for the 5k walk/run, worked on the problem truck, did work at the rec fields and Trailwood, repaired the dugout and set up the bleachers.

Mrs. Koval contacted LTAP to set up the study for Ridge Road and met with Joe Mullen from Pennoni at Laurel Brook.

Gaming Grant: Mr. Zingaretti stated that we have filed paperwork to extend the grant for one year to be able to get the work done in a manner that satisfies the obligations to the state. The permit through DEP is expected to be received shortly and the package is ready to go out for bid and will be advertised most likely this week.

Road Master's Financial Report: Total expenditures for the month of March were under budget, most of which is a timing issue. The road crew payroll summary reflects overtime under budget due to the good weather.

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

RESOLUTIONS AND ORDINANCES: None

PLANNING BOARD RECCOMENDATIONS: None

SOLICITOR'S REPORT: Attorney Brian Vinsko reported:

Concini matters: Additional documentation is being prepared for the discovery phase of litigation in order for it to be formally closed.

Aqua PA: Correct information has been received which will allow the core samples to be evaluated by Reilly Associates.

Development Agreement/Charter School Matter: Based on a resolution not to appeal the Commonwealth decision, we are awaiting an outline of the costs from Hourigan, Kluger and Quinn.

Speed Bump Issue: No change

OLD BUSINESS: Mr. Zingaretti reported:

Zoning Map Requests/Changes: No update.

Ordinance Codification: No update.

Metro Commercial Real Estate: Attorney Vinsko was to draft response letter concerning their interest in purchasing Township property

Southward Permit Issue: Mr. Zingaretti explained to Mr. Southward that the Board reviewed the documentation provided by BIU. The Board found their calculations to accurately reflect the zoning ordinances in place at the time. According to the calculations there was an overpayment of $38.85 and the Board has a check for Mr. Southward ready in that amount.

Mr. Southward told the Board they could keep the check for the time being.

Flood Plain Ordinance Revisions: No update.

CORRESPONDENCE/NEW BUSINESS:

Natural Lands Trust: A letter was received from the Natural lands trust asking the Board of Supervisors for a letter of support for a grant they are pursuing to acquire 900 acres of land in Bear Creek Township on Bald Mountain near the wind mills.

It was discussed that this land is currently on the tax rolls and the revenue to the township would be lost. Discussion followed.

Mr. Zingaretti asked for a motion to supply a letter of support. It failed for a lack of motion.

Bear Creek-Buck Twp Ambulance: The ambulance company has copied the Board on a letter they sent to PennDOT requesting an emitter for the light at Meadow Run Road and Bear Creek Blvd.

Geisinger Letter: A letter was received from Geisinger, who is our health care provider, offering to allow us to renew for next year at only a 12.8% increase over the current rate. We do not have to make a decision until 60 days before our renewal date, which is in January. Discussion followed and the secretary was directed to seek quotes for health care insurance to see if our current coverage is in line with other plans.

New Employee: A new employee was hired for the recycling center. Katrina Kaeser was hired to work part time, approximately four hours a week at minimum wage. Mr. Southward asked if the position was advertised. Mr. Zingaretti said it was not. A motion was made by Mr. Masi to approve the hiring, seconded by Mrs. Koval. Vote: unanimous yes.

Recycling Grant: Mr. Zingaretti referred to the secretary who explained that the grant is handled through DEP and since the township is not mandated to recycle we would only be eligible for funding to use towards bins that residents could use to transport their recycling in to the center. The secretary and Mrs. Koval will attend a meeting outlining the details of the grant.

PUBLIC COMMENT:

Michael Senape: Mr. Senape is a representative for Bear Buck Baseball discussed seeking permission from the Board for the installation of a new batting cage at the rec field. He also wanted to speak about fixing or replacing the dugouts and if the Township had any plans on assisting with this project. It was also announced that opening day of baseball would be on April 28th.

Mr. Masi asked if there would be a cost to the township on the planned batting cage. Mr. Senape responded no. Mr. Masi discussed the location of the batting cage and explained that the new one could not be put where the old one was because it was situated in a spot that prevented it from being used during games.

A motion was made by Mrs. Koval to allow Bear Buck Baseball to build a new batting cage at the location identified by Supervisor Masi, seconded by Mr. Popple. Vote: unanimous yes.

Mr. Southward asked what would happen to the old batting cage. Mr. Senape responded that no demolition is necessary. It consisted mostly of net and poles and has already been dismantled.

Mr. Masi addressed the dugout issue. He stated that the road crew does general maintenance on the dugouts and it would not be a problem for them to paint them. Mr. Senape said that any plans for replacing the dugouts are premature and would keep the Board updated on any plans for the rec area. Baseball would get the quotes for the work and pass them along to the Board.

Mr. Senape told the Board about altering the fence line at the field to keep parents and anyone not authorized out of the dugouts and off the field. He also said they would like to change the locks on the access gates on the field line. The Board did not have a problem with Baseball changing the locks as long as they provided keys for the road crew. Finally it was asked if the township would place recycling containers at the fields. Mr. Zingaretti directed the secretary to see if these could be obtained.

Lori Chase: Asked the Board what the decision was on the speed bump issue. A petition was submitted by the residents of that area. The Board voiced their support but said they were waiting on finding the out the legalities from Attorney Vinsko.

A motion was made by Mr. Masi to proceed forward with the purchase and installation of temporary speed bumps and signage subject to approval from the Township solicitor seconded by Mr. Popple. Vote: unanimous yes.

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

Respectfully submitted,

Paula Weihbrecht, Secretary

2:34 PM
06/01/12
Accrual Basis

Bear Creek Township
Monthly Deposit Report
As of May 31, 2012

	Date	Memo	Split	Amount
100.01 · General Fund Checking/Savings				
	05/01/2012	Interest	341.00 · Interest Income	19.05
	05/02/2012	Deposit	342.10 · Towers	968.00
	05/08/2012	Deposit	310.21 · Earned Income Tax	8,045.37
	05/08/2012	Deposit	310.01 · Per Capita Tax	16.00
	05/08/2012	Deposit	310.21 · Earned Income Tax	11,567.52
	05/18/2012	Deposit	404.31 · Legal Fees	70,969.03
	05/18/2012	Deposit	301.10 · Real Estate Taxes - Current	26,344.76
	05/18/2012	Deposit	A	1,495.00
	05/18/2012	Deposit	B	2,722.59
	05/22/2012	Deposit	342.10 · Towers	410.57
Total 100.01 · General Fund Checking/Savings				122,557.89
100.02 · Capital Reserve Fund				
	05/01/2012	Interest	341.00 · Interest Income	16.06
Total 100.02 · Capital Reserve Fund				16.06
100.03 · Liquid Fuel Fund				
	05/01/2012	Interest	341.00 · Interest Income	4.36
Total 100.03 · Liquid Fuel Fund				4.36
100.04 · UCC Account				
	05/18/2012	Deposit	-SPLIT-	1,082.80
Total 100.04 · UCC Account				1,082.80
100.05 · Inkind				
	05/01/2012	Interest	341.00 · Interest Income	1.31
Total 100.05 · Inkind				1.31
100.06 · Windfund				
	05/01/2012	Interest	341.00 · Interest Income	12.55
Total 100.06 · Windfund				12.55
TOTAL				**123,674.97**

A	
Building Permits	$325.00
Contractor's License	$125.00
Zoning Hearing	$300.00
Certificate of Occupancy	$100.00
Zoning Permit	$300.00
Subdivision Fee	$345.00
Total	$1,495.00

B	
Real Estate Transfer Tax	$1,282.82
Violation of Ordinances	$80.70
Tower income-Nextel	$575.00
LST	$757.57
MCT	$26.50
Total	$2,722.59

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

Mr. Zingaretti informed those in attendance that an executive session of the Board was held on May 17, 2012 to discuss various issues concerning land and litigation.

MINUTES: Minutes from the May 7, 2012 regular meeting were reviewed. A motion was made by Mr. Popple to approve the minutes, seconded by Mr. Masi. Vote: Mr. Smith, Mr. Masi, Mr. Popple and Mr. Zingaretti, yes. Mrs. Koval abstained.

The treasurer's report for May 2012 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of May 2012 was $123,674.97. 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 May 2012 were $108,976.66. A motion was made by Mrs. Koval to approve the disbursements, subject to audit, seconded by Mr. Popple. Vote: unanimous yes.

ZONING OFFICER'S REPORT: Mr. Alber reported for the month of May: 5 building permits, 1 zoning hearing, 1 certificate of occupancy, and 1 subdivision application for a total of $775.00. $50.00 in BIU fees were collected for the month.

FIRE DEPT REPORT: 4 Calls for the month of May 2012 all being motor vehicle accidents.

STATE POLICE REPORT: Mr. Smith presented the PA State Police Incident report for the months of April and May 2012. The majority of incidents investigated was motor vehicle accidents, criminal mischief and activated alarms.

ACT 537 REPORT: DEP has received a draft copy of our plan provided by our engineers. We have not voted to move that forward. We are in process of scheduling meetings with the Commonwealth's financing agency Pennvest and also with our legislators which will be after the financial meeting. Attorney Vinsko added that a letter has been sent to Plains Twp. Sewer Authority requesting verification of their fees.

ROADMASTER REPORT: Mrs. Koval reported the road crew swept roads, ran the flail, cut grass, did shop work, maintained vehicles, installed dog stations at the rec field, purchased speed bumps and signs. Mrs. Koval reported that we had a crew of inmates that came and worked at the rec field during May.

ROADMASTER FINANCIAL REPORT: Total expenditures for the month of May $11609.00, most of which is a timing issue. The road crew payroll summary reflects overtime is under budget.

OPEN RECORDS REPORT: There was one request made for information from our tax collector. Request was fulfilled within the allotted time frame.

RESOLUTIONS AND ORDINANCES:

Resolution 15-2012: A resolution amending Resolution 14-2005 which established the 2006 Fire Protection agreement. A motion to approve Resolution 15 was made by Mr. Popple, seconded by Mr. Smith. Vote: unanimous yes.

PLANNING BOARD RECCOMENDATIONS:

Amico-Pisanchyn- A subdividing of a parcel on Bald Mountain Road. One parcel is being converted into three separate lots, two of which will have homes and one will be primarily used for hunting.

A motion to approve the Amico-Pisanchy subdivision was made by Mr. Smith, seconded by Mrs. Koval. Vote: unanimous yes.

Pocono Trust- A subdividing of a single parcel on Route 115 above Forest Park into two lots, one being about 215 acres and the other just under 97 acres. A conditional approval was given by the Planning Board and Attorney Vinsko has assured the Board that these conditions have been met.

A motion to approve the Pocono Trust subdivision was made by Mr. Masi, seconded by Mr. Popple. Vote: Mr. Smith abstained, Mr. Masi, Mr. Popple, Mrs. Koval and Mr. Zingaretti yes. Motion carried.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini matters: A trial will be scheduled for sometime this summer.

Aqua PA: No update.

Azalea Road/DEP Issue: Attorney Vinsko will follow up with Attorney Cigan. No update at this time.

OLD BUSINESS: Mr. Zingaretti reported:

Zoning Map Requests/Changes: No update.

Flood Plain Ordinance Revisions: PSATS sent us new ordinance language for that which we will be circulating and posting for inspection once we have it cleaned up.

Ordinance Codification: No update.

Metro Commercial Real Estate: No update. Neither Attorney Vinsko nor the township has heard back from them concerning the parcel at 115 and Recreation Road.

Ridge Road: A traffic study was held on Ridge Road and it was determined that approximately 800 cars use the road daily and on an average the speed is 28 mph. A summary of the data will be prepared for the next meeting.

Street Light Request: PPL and Verizon are currently working on Meadow Run Road and Thornhurst Road. They will not address the street light requests at this time.

Culvert Repair: We have received the permit from DEP so the work can begin on the culvert project located at Old East End Blvd off of Rte 115.

CORRESPONDENCE/NEW BUSINESS:

Free and Clear Tax Sale: Northeast Revenue Service for Luzerne County is trying to sell properties that were not sold at the upset sale or have been on a repository list for some time. In Luzerne County there are properties that still have taxes, mortgages and liens on them, and Northeast Revenue has sought court approval to release all liens and taxes etc. subject to approval by the township. This would allow these properties to be purchased and hopefully get put back on the tax rolls.

A motion was made by Mr. Masi to approve forgiveness of taxes due on the sixteen properties that were identified by Northeast Revenue for the free and clear sale, seconded by Mr. Smith. Vote: Mr. Smith, Mr. Masi, Mr. Popple and Mr. Zingaretti, yes; Mrs. Koval abstained. Motion carried.

Private Sale Issue: Attorney Vinsko explained anytime after the upset sale an individual may put in a private bid on a property that was not sold at the upset sale, either prior to or after the judicial sale. The law says that once the private bid is accepted, the tax claim bureau will send letters to the county council, the municipality and the school district telling them that they have 45 days to approve or disapprove the sale for this price. It is advertised twice in the local newspapers and the Luzerne County legal register. Any interested parties who want to bid on it may do so but they have to file an objection and tell why they want to do it and why the bid price offered is insufficient.

We have received two such requests. One is the property on Thornhurst Road; this is the one that David and Ruth Koval are attempting to purchase. It is a dilapidated property next to their son's home. The Tax Claim Bureau has accepted the bid and it is now here for the Board's consideration. The second property is located on Blossom Road. Discussion continued.

A motion was made by Mr. Masi to approve of the requests from Northeast Revenue Service on both properties listed in the private sale issue, seconded by Mr. Popple. Vote: Mr. Smith, Mr. Masi, Mr. Popple and Mr. Zingaretti, yes; Mrs. Koval abstained. Motion carried.

PUBLIC COMMENT:

Marge Sharples: A resident of White Haven Poconos spoke about the condition of Weiss Road. She would like to know what the Board intends to do about the road.

Mr. Zingaretti responded that the first attempt was to get a gaming grant to totally reconstruct the roadway. The estimate from the engineer came in at over $900,000.00. We applied and did not receive any grant money. Ms Sharples asked why we did not receive any of this grant money and Mr. Zingaretti responded that the state did not deem it worthy of the grant process. These decisions are done in Harrisburg, not here. The Board had budgeted $50,000.00 specifically for Weiss Road to do base repair and tar and chipping.

An executive session was held with two Supervisors from Dennison Twp and discussed the process we would have to undertake to change the boundaries to put Weiss Road in Bear Creek Twp. The process outlined at the last meeting was before we put tar and chip or pavement on that roadway, we need to replace the pipes and fix the ditches. We asked our engineer to put together a package of 4 different bids, one being replacement of the pipe, two being required base repairs, third one was tar and chip the road and the fourth was to pave the road. This way we would know the price of all. The engineering work alone is $58,000.00. The Board plans on moving forward with acquisition of the land and may know more about funding opportunities by the August meeting scheduled to be held in White Haven Pocono. A lengthy discussion followed.

A motion was made by Mr. Masi to authorize Attorney Vinsko to file the paperwork to request a change in the municipal boundaries between Dennison and Bear Creek Twp. to annex Weiss Road seconded by Mr. Popple. Vote: unanimous yes.

Will Kresge: Thanked the Board for allowing the Lions Club to use the Municipal Building parking lot for their flea market and reminded residents that the American Red Cross will be holding a blood drive on Saturday at the muni building from 9:00-3:00.

Mr. Smith thanked the Board for allowing the use of the Rec field for the safety fair and thanked the Boy Scouts, the Fire Department and all involved.

A motion was made by Mr. Zingaretti to adjourn the meeting. All were in favor.

Respectfully submitted,

Paula Weihbrecht, Secretary

The regular meeting of the Bear Creek Township Board of Supervisors was held at the Community House on Mountain Lake. Chairman Zingaretti called the meeting to order. Roll was called. Mrs. Koval, Mr. Masi, Mr. Popple and Mr. Zingaretti were present. Mr. Smith and Attorney William Vinsko were absent. Attorney Brian Vinsko attended. Pledge to the flag followed.

MINUTES: Minutes from the June 4, 2012 regular meeting were reviewed. A motion was made by Mrs. Koval to approve the minutes, seconded by Mr. Masi. Vote: Unanimous yes.

The treasurer's report for June 2012 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of June 2012 was $65,858.40. 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 2012 were $35,636.34. A motion was made by Mrs. Koval to approve the disbursements, subject to audit, seconded by Mr. Popple. Vote: unanimous yes.

ZONING OFFICER'S REPORT: Zoning Officer, Carl Alber was not present. Mr. Zingaretti reported for the month of June: 2 building permits, 1 certificate of occupancy, 1 zoning permit and 5 driveway permits for a total of $475.00. $1839.50 in BIU fees were collected for the month.

FIRE DEPT REPORT: Fire Chief Krumsky reported 14 Calls for the month of June 2012; 8 motor vehicle accidents, 1 structure fire, 3 quad accidents, 1 haz mat call and 1 transformer fire. Chief Krumsky reminded everyone that the Fire Dept. annual picnic and horseshoe tourney would be held on Saturday, July 21st on the grounds of the fire department.

STATE POLICE REPORT: Not available.

ACT 537 REPORT: A meeting has been scheduled for July 11th with PennVest to discuss funding options for the Plan.

ROADMASTER REPORT: Mrs. Koval reported the road crew did shop and vehicle work, maintained the rec fields, cut grass and shoulders, repaired damaged doors at the pavilion, installed speed bumps and signs on Golf Course Road, and no golfing signs in Trailwood Park. Pot holes were patched, shoulders work and the flail was run in WHP. Mrs. Koval also reported that the drainage work on Weiss Road would most likely be put out for bid. She also reiterated the need for a new plow truck and offered specs for a new truck as well as pictures of the old truck for the Board to review.

Mrs. Koval said she has received sample letters for the county readdressing that is happening in some areas of the township. She explained that if your road has the same

name as a road in the W-B 18702 area, its name will be changed and you will receive one of these letters.

Mr. Masi asked Mrs. Koval how much time the road crew spent in WHP in June and if anything was scheduled for WHP in July. She said the road crew spent approximately 5 days during June working in WHP and regular maintenance work would be scheduled for July. Mr. Zingaretti added that approximately $2000.00 in payroll and $800.00 in materials was spent in WHP during June.

Mrs. Columbus from Ridge Road asked why they can't get speed bumps on her road. She stated she has been complaining about the traffic and speeding on Ridge Road for some time now and wants to know what will be done. Mrs. Koval responded that a traffic study was done on Ridge Road and it showed there was a great deal of traffic but the average speed was 28 mph. Mr. Zingaretti explained that speed bumps can only be used to stop traffic, not slow it down. The design of the road was discussed as well as the possible use of signage. The Board agreed to investigate the matter further.

ROADMASTER FINANCIAL REPORT: Total expenditures for the month of June were $17,286.66. Expenses are in line with the budget for the month as well as the year.

OPEN RECORDS REPORT: There was one request made for information during the month of June. The information has been gathered and we are now waiting for payment for the copying fees before the information will be released.

RESOLUTIONS AND ORDINANCES:

Pension Plan Ordinance will be held over to next meeting.

PLANNING BOARD RECCOMENDATIONS: None

SOLICITOR'S REPORT: Attorney Brian Vinsko reported:

Concini matters: No update.

Aqua PA: No update.

Azalea Road/DEP Issue: No update.

OLD BUSINESS:

Zoning Map Requests/Changes: No update.

Flood Plain Ordinance Revisions: In process.

Ordinance Codification: Information nearly complete. Info should be sent of the General Code within a week or two.

Metro Commercial Real Estate: No update.

Ridge Road: See Road Master's report.

Street Light Request: No update.

Culvert Repair: Project should be underway soon.

CORRESPONDENCE/NEW BUSINESS:

Mr. Zingaretti announced that there will be two free electronic recycling collections, one in Butler Township on August 4th and one in Hanover Township on August 11th. Flyers with the details were available.

PUBLIC COMMENT: None

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

Respectfully submitted,

Paula Weihbrecht, Secretary

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

MINUTES: Minutes from the July 2, 2012 regular meeting were reviewed. A motion was made by Mr. Popple to approve the minutes, seconded by Mrs. Koval. Vote: Mr. Smith; abstained, Mr. Masi, Mr. Popple, Mrs. Koval and Mr. Zingaretti, yes.

The treasurer's report for July 2012 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of July 2012 was $46,151.90. A motion to approve the receipts, subject to audit was made by Mrs. Koval, seconded by Mr. Smith. Vote: Unanimous yes.

DISBURSEMENTS: Expenses for the month of July 2012 were $51,521.92. A motion was made by Mr. Popple to approve the disbursements, subject to audit, seconded by Mr. Smith. Vote: unanimous yes.

ZONING OFFICER'S REPORT: Zoning Officer, Carl Alber reported for the month of July: 2 building permits, 1 certificate of occupancy, 1 zoning permit and 5 driveway permits for a total of $475.00. $1839.50 in BIU fees were collected for the month.

FIRE DEPT REPORT: Mr. Zingaretti read the report for the month of July 2012; 6 motor vehicle accidents, 1 vehicle fire, 3 brush fires, 3 structure fires and 1 assist.

STATE POLICE REPORT: Mr. Smith reported 8 collisions, 4 burglary (false alarm), 1 criminal mischief, 4 911 hang-ups, 1 theft, 3 disturbances, 1 assault/harassment, 1 traffic violation, 1 simple assault, 1 criminal warrant and 1 aggravated assault for the month of July.

ACT 537 REPORT: Members of the board and Attorney Vinsko met with PennVest at Senator Yudichaks' office on July 11th. It was again reiterated at this meeting that a $500 hookup fee was unrealistically low and should be closer to $5000. The Board will research current rates of other municipalities and work through the numbers. From there the Board will meet again with our legislative delegates and say this is what we can move forward with. Projected cost for no grants and a $5000 hookup fee would be $108 per month. This does not include the cost of running the pipes from the home to the street. Discussion followed.

ROADMASTER REPORT: Mrs. Koval reported the road crew did shop and vehicle work, maintained the rec fields, cut grass and shoulders, checked roads, ditches and pipes, repaired downspouts and rain pipes on muni building and firehouse and fixed the gates at the rec fields.

ROADMASTER FINANCIAL REPORT: Expenses for the month of July were on target with the budget.

OPEN RECORDS REPORT: There were three requests made during the month and all were responded to within the allocated time frame.

RESOLUTIONS AND ORDINANCES:

Pension Plan Ordinance will be held over to next meeting.

Combined RFP for heating oil: Mr. Smith is putting together a package requesting bids for fuel. He is requesting quarterly bids for a joint bid including the school, the foundation and the township

Resolution 18-2012: Authorizes the Board to proceed with quarterly bidding process for the purchase of heating oil for the municipality jointly with the Bear Creek School and Foundation.

A motion to approve this resolution was made by Mrs. Koval, seconded by Mr. Popple. Vote: Mr. Smith abstained. Mr. Masi, Mr. Popple, Mrs. Koval and Mr. Zingaretti voted yes.

PLANNING BOARD RECCOMENDATIONS: None

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini matters: Waiting on hearing date.

Aqua PA: No update.

Azalea Road/DEP Issue: No update.

Maholic property: Attorney Vinsko said the private sale was approved. Mrs. Koval said they have not received a deed yet and the paperwork is supposedly still on the county managers' desk. She also said the property is listed as going up for judicial sale next week. Attorney Vinsko said it was advertised in the legal journal and no one has objected so Mrs. Koval should be receiving a deed.

OLD BUSINESS:

Zoning Map Requests/Changes: No update.

Flood Plain Ordinance Revisions: New flood plain maps for the township and correspondence from FEMA have been recently received. There is very little in the way

of changes in the maps and we are working with the state now to change our existing ordinance to mirror the new FEMA rules.

Ordinance Codification: Information complete and sent off to General Code.

Metro Commercial Real Estate: No update.

Ridge Road: No update.

Street Light Request: No update.

Culvert Repair: Waiting on delivery of pipe.

Weiss Road: The draft for annexation of Weiss Road has been finalized and will be filed by weeks end in Luzerne County. Once it is filed a hearing date will be set on the petition and it will be advertised. Anyone who wants to object can do so at the hearing, showing good cause why it should not be annexed.

Mr. Popple asked if the sign in the center of the road becomes township property and if so we should turn the sign over to the Association at White Haven Pocono.

Attorney Vinsko feels this annexation should be done by October, end of year at the latest. Discussion continued.

Mr. Zingaretti explained that a request was going to be made to reallocate $193,500.00 of the grant money that was received for the culvert project. If this money is reallocated we would use $80,000.00 towards a plow truck and $113,500.00 toward the Weiss Road project. If we get this allocation there will be fixes to the roadway this year, not necessarily everything we want to do, but some of the work.

Bids for the drainage work were solicited. The project was bid under two different scenarios. One, each bidder pays their standard rates to their employees and if we use township funds we can pay them that rate. The other is prevailing wages, where if we are using state money for the project we will have to pay prevailing wages. If we had the $113,500.00 (reallocated from the grant) we would have to pay prevailing wages. The bids came in as follows:

Bidder	Standard wage bid	Prevailing wage bid
Popple Construction	$ 108,000.00	$ 118,351.00
Kobalt Construction	125,000.00	145,000.00
Rutledge Construction	71,200.00	89,450.00
Bear Creek Nursery	67,706.00	75,986.00
Pickarski Construction	96,707.00	116,646.15

There is also a timing issue. We couldn't start until we are approved for reallocation of the grant funds and it would not be considered until a mid-September meeting.

We allocated $50,000 in the budget this year for Weiss Road repairs. We would need to spend an additional $17,600 if we go with Bear Creek Nursery who is the lowest bidder and the recommendation of our engineer. This additional money would come from Capital Reserve funds.

Resolution 19-2012: A motion was made by Mr. Masi to accept the bid of $67,706.00 from Bear Creek Nursery for the Weiss Road drainage project, seconded by Mr. Smith. Vote: unanimous yes.

Mr. Smith reminded that we may not get the grant money reallocated from the state, so this work that is to be done may be the only work done for the next year or two.

CORRESPONDENCE/NEW BUSINESS:

Mr. Zingaretti announced that there will be a free electronic recycling collection in Hanover Township on August 11th. Flyers with the details were available.

EIT Collector: Don Wilkinson (Centax) was named the county collector for earned income tax last year. The project consisted of 12 counties, 2 of which have already gone back to Berkheimer, 1 that is satisfied with Centax and the rest have filed a breach of contract against Wilkinson (Centax). A meeting for the Luzerne County Tax Collection Committee will be held next week to see if Centax will be retained or if another agency will be named.

PUBLIC COMMENT:

Janet Maulich: Thanked the Board for their hard work in getting something done with Weiss Road.

Patti Murray: Has concerns about the quarry and the blasting. Attorney Vinsko responded that it is governed by the state through the Bureau of Mining.

Ted Carl: Asked the Board to commit to thinking about hiring a part time engineer who would report directly to the Board, someone that could look in on jobs as they are underway in the township. Mr. Masi suggested maybe more of a township manager, but the bylaws of the township would have to be looked at before anything like that could be considered.

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

Respectfully submitted,

Paula Weihbrecht, Secretary

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

MINUTES: Minutes from the August 6, 2012 regular meeting were reviewed. A motion was made by Mr. Popple to approve the minutes, seconded by Mrs. Koval. Vote: Unanimous yes.

The treasurer's report for August 2012 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of August 2012 was $82,008.72. A motion to approve the receipts, subject to audit was made by Mrs. Koval, seconded by Mr. Popple. Vote: Unanimous yes.

DISBURSEMENTS: Expenses for the month of August 2012 were $24,315.92. A motion was made by Mr. Smith to approve the disbursements, subject to audit, seconded by Mr. Masi. Vote: unanimous yes.

ZONING OFFICER'S REPORT: Zoning Officer, Carl Alber reported for the month of August: 4 building permits, 3 certificate of occupancy, 5 zoning permits and 2 driveway permits for a total of $905.00. $1250.40 in BIU fees were collected for the month.

FIRE DEPT REPORT: Mr. Zingaretti read the report for the month of August 2012; 4 motor vehicle accidents, 2 activated alarms, 2 tree/wire down, 1 structure fire, 2 assists, 1 controlled burn and 1 gas leak investigation.

STATE POLICE REPORT: Mr. Smith reported 7 collisions, 8 burglary (false alarm), 2 criminal mischief, 1 suspicious person, 3 disturbances, 1 theft, 1 traffic violation, 2 littering1 criminal warrant, 2 motorist assist, 1 receiving stolen property, 1 DUI, 1 sex offense, 1 agency assist and 1 recovered vehicle for the month of August.

ACT 537 REPORT: No update.

ROADMASTER REPORT: Mrs. Koval reported the road crew did shop and vehicle work, maintained the rec fields, cut grass and shoulders, checked roads, ditches and removed and replaced pipes. Head wall built and shoulders redone on Maples and some signs replaced within the township. School lights on and salt ordered for the winter. Currently there are no updates on the Weiss Rd and Old East End Culvert projects. New truck issue still not resolved.

Mr. Masi suggested contracting out snow removal for White Haven Pocono for this winter season. Mrs. Koval said we can call around and get pricing to do this but it will be necessary to have them guarantee certain response times to plow because of the school buses.

Mr. Zingaretti updated the Board and the public regarding the reallocation of funds that were left over from the culvert project. He reported that the grant monies received for the culvert project were considered infrastructure money and the purchase of a truck would not be considered infrastructure. If these funds were reallocated it would be most likely for Weiss Road.

Discussion followed on different ways the Township could resolve its plowing problems in White Haven Poconos.

Resolution 23-2012: A motion to solicit bids for plowing in White Haven Poconos Development was made by Mr. Smith, seconded by Mr. Masi. Vote: Unanimous yes.

ROADMASTER FINANCIAL REPORT: Expenses for the month of August were on target with the budget.

RECYCLING REPORT: Recycling will be reported on quarterly. The current report covered the first and second quarter of 2012. The first quarter showed a loss of $71. 22 and the second quarter a profit of $98.41.

OPEN RECORDS REPORT: All requests made during the month were responded to within the allocated time frame.

RESOLUTIONS AND ORDINANCES:

Resolution 22-2012: A motion to accept a resolution adopting the Defined Benefit Plan, was made by Mr. Smith, seconded by Mr. Masi. Vote: Unanimous yes.

Resolution 21-2012: A resolution awarding the fuel oil bids in a joint venture with the Bear Creek Community Charter School to Button Oil of Mountaintop with the lowest bid of $3.449 per gallon for the period of September to December 31, 2012. A motion was made by Mr. Popple, seconded by Mr. Masi. Vote: Mr. Smith abstained, Mr. Masi, Mr. Popple, Mrs. Koval and Mr. Zingaretti, yes.

PLANNING BOARD RECCOMENDATIONS: None

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini matters: Waiting for confirmation if this will be pursued further.

Aqua PA: No update.

Azalea Road/DEP Issue: No update.

Weiss Road Acquisition: Waiting on hearing date.

OLD BUSINESS:

Zoning Map Requests/Changes: No update.

Flood Plain Ordinance Revisions: We will have a link put up on the website to the FEMA FIRM maps where users can plug in an address and view if they are situated in a flood plain. We must update and adopt the ordinance by November 2, 2012.

Ordinance Codification:
Resolution 24-2012: A motion to approve a resolution adopting the proposal submitted by General Code for the codification project at a cost not to exceed $8691.00 plus an annual maintenance fee of $1195.00 was made by Mr. Smith, seconded by Mr. Popple. Vote: Unanimous yes.

CORRESPONDENCE/NEW BUSINESS:

Telephone Service Provider: Bids were solicited from three companies to provide telephone service to the municipal building and township garage. Frontier did not bid, Verizon was $122.00 per month plus toll calls and Service Electric came in at approximately $100.00 per month. The current provider was around $185.00 per month. We have scheduled to switch over to Service Electric by mid-month.

Act 32 Update: On August 22nd the LCTCC replaced Centax with Berkheimer for the collection of Earned Income tax.

PUBLIC COMMENT:

Will Kresge: Asked if additional speed bumps were planned for Golf Course Road because people are driving around the existing ones. It was decided that one of the speed bumps would be pulled up and placed side by side with the other one.

Jerry Rusinko: Asked if preventative maintenance on the roads in Laurel Brook could be done until it's time for them to be paved. He said there are many cracks that need to be addressed so the roads don't get worse. He also brought to the Boards attention that the ditches in the development have not been cleaned in years. Mrs. Koval said she would check the area and speak with the road crew to see what could be done.

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

Respectfully submitted,

Paula Weihbrecht, Secretary

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

MINUTES: Minutes from the September 10, 2012 regular meeting were reviewed. A motion was made by Mr. Popple to approve the minutes, seconded by Mr. Masi. Vote: Unanimous yes.

The treasurer's report for September 2012 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of September 2012 was $79,613.75. 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 September 2012 were $98,398.76. A motion was made by Mr. Popple to approve the disbursements, subject to audit, seconded by Mr. Masi. Vote: unanimous yes.

ZONING OFFICER'S REPORT: Zoning Officer, Carl Alber reported for the month of September: 3 building permits, 1 certificate of occupancy, 1 zoning permit, 2 driveway permits, 1 certificate of demolition and 1 application for subdivision for a total of $640.00. $2409.70 in BIU fees were collected for the month.

FIRE DEPT REPORT: Mr. Zingaretti read the report for the month of September 2012; 3 motor vehicle accidents, 1 turnpike call, 1 activated alarms, 1 vehicle fire, 2 tree/wire down, 3 structure fire, and 1 quad accident.

STATE POLICE REPORT: Not available.

ACT 537 REPORT: No update.

ROADMASTER REPORT: Mrs. Koval reported the road crew did ditch work, took care of recycling, did shop work, the salt and anti-skid is in. Culvert project complete with exception of mailboxes being put back. Weiss Road is coming along.

ROADMASTER FINANCIAL REPORT: Expenses for the month of September were on target with the budget. No overtime.

RECYCLING REPORT: Recycling will be reported on quarterly.

OPEN RECORDS REPORT: 2 requests received during the month.

RESOLUTIONS AND ORDINANCES:

Ordinance 1-2012: An ordinance amending and replacing Article 12 Flood Plain Management in compliance with FEMA regulations. A motion was made by Mr. Smith to approve the ordinance, seconded by Mr. Popple. Vote: unanimous yes.

PLANNING BOARD RECCOMENDATIONS:

Resolution 25-2012: Rogan Subdivision combining two adjacent parcels on Ash Lane in White Haven Pocono. A motion to approve the subdivision was made by Mr. Smith, seconded by Mrs. Koval. Vote: unanimous yes.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini matters: No update.

Aqua PA: No update.

Azalea Road/DEP Issue: No update.

Weiss Road Acquisition: Targeted date is October 26th at 1:00 PM at the courthouse, judicial assignment to be determined. The ordered will be served and objectors can come. If there are no objectors it will be approved. It will then be advertised that it was done and then it will be closed. Attorney Vinsko is researching if a formal deed is necessary.

OLD BUSINESS:

Zoning Map Requests/Changes: No update.

CORRESPONDENCE/NEW BUSINESS:

Resolution 26-2012: A motion to approve the hiring of Haley McElnea for the recycling center was made by Mr. Popple, seconded by Mrs. Koval. Vote: unanimous yes.

PUBLIC COMMENT:

Jerry Rusinko: Asked Mrs. Koval about the ditch work that was being done in Laurel Brook, he had some concerns about what was done. Mrs. Koval assured him the work was not yet complete.

Mrs. Koval announced that absentee ballots were available at the township office. Last day to apply is October 30th, and the last day to receive the absentee ballot is November 2nd.

Mrs. Koval also announced that the letters have been sent out to those affected by the 911 address changes being made.

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

Respectfully submitted,

Paula Weihbrecht, Secretary

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

MINUTES: Minutes from the October 1, 2012 regular meeting were reviewed. A motion was made by Mr. Smith to approve the minutes, seconded by Mrs. Koval. Vote: Unanimous yes.

The treasurer's report for October 2012 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of October 2012 was $40,701.53. A motion to approve the receipts, subject to audit was made by Mr. Popple, seconded by Mrs. Koval. Vote: Unanimous yes.

DISBURSEMENTS: Expenses for the month of October 2012 were $91,297.15. A motion was made by Mr. Popple to approve the disbursements, subject to audit, seconded by Mr. Smith. Vote: unanimous yes.

ZONING OFFICER'S REPORT: Mr. Zingaretti read the zoning officer's report submitted by Mr. Alber: 2 building permits, 1 certificate of occupancy, 2 zoning permits, and 3 certificates of demolition for a total of $800.00. $1201.06 in BIU fees were collected for the month.

FIRE DEPT REPORT: Mr. Zingaretti read the report for the month of October 2012; 10 motor vehicle accidents, 1 brush fire, 1 assist, 2 gas leak investigations, 5 tree/wire down, and 7 structure fires.

STATE POLICE REPORT: Mr. Smith presented the report. Year to date there has been a total of 138 calls. The majority being motor vehicle accidents and burglary/false alarm calls.

ACT 537 REPORT: No update.

RECYCLING REPORT: In the third quarter we took in over 10,000 pounds of materials. Expenses versus income we had a loss of $98.77.

ROADMASTER REPORT: Mrs. Koval reported the road crew did ditch work, took care of recycling, did shop work, cut the fields and put the leaf box on the truck and got the leaf vacuum ready, checked pipe and drainage on all roads, prepared for the storm and cleaned up after the storm.

Mrs. Koval also reminded the Board that they still needed to discuss the cul-de-sac issues in Laurel Brook.

ROADMASTER FINANCIAL REPORT: Expenses were up for the month about $42,000, $67,707 being spent on Weiss Rd and under about $24,000 on operating supplies which was a timing issue. Overtime still remains under budget.

OPEN RECORDS REPORT: 3 requests were received during the month. Two were fulfilled; the third one is still pending.

RESOLUTIONS AND ORDINANCES:

Resolution 28-2012: A Resolution approving the purchase and construction of a galvanized steel structure to protect Township equipment and vehicles. Cost of structure with roll-up garage door not to exceed $6,395.00. A motion was made by Mrs. Koval to approve the purchase, seconded by Mr. Popple. Vote: unanimous yes.

Resolution 29-2012: A Resolution approving the purchase of a new truck. Cost of the vehicle (2013 Freightliner 108SD) with approved additions (Bradco) not to exceed $141,141.00. A motion to approve this purchase was made by Mr. Smith, seconded by Mr. Popple. Vote: unanimous yes.

PLANNING BOARD RECCOMENDATIONS: None

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini matters: No update.

Aqua PA: No update.

Azalea Road/DEP Issue: No update.

Weiss Road Acquisition: Attorney Vinsko said that he had earlier circulated among the Board the petition that was filed at the courthouse for the Weiss Road annexation. Second class township code states that the court must appoint three citizens to inspect the road and issue their recommendations. If there are objection, a hearing would be held. The area being annexed would include the legal description of the road plus any amount to make it 25 feet on each side from the center of the road so there is enough room for the right of ways. From there a new deed would be issued and filed with the Prothonotary's office. Attorney Vinsko feels this should be resolved by year end.

Outside Woodburner Issue: Attorney Vinsko said he had a conversation with Attorney Fendler and discussed this issue and would discuss with the Board in executive session.

OLD BUSINESS:

Zoning Map Requests/Changes: No update.

CORRESPONDENCE/NEW BUSINESS:

Mr. Zingaretti announced that the Zoning Officer, Carl Alber has submitted his resignation effective December 31, 2012. Mr. Masi stated that 2 applications were received for the position. Mr. Masi has already had a phone interview with one of the applicants and plans on setting up a formal interview with the applicant in the near future.

Presentation of the Proposed 2013 Budget: Mr. Zingaretti presented the proposed budget to the public.

Overview:

For calendar year 2013, Bear Creek Township ("Bear Creek" or "the Township") is projecting revenues of $ 691,331 and expenses of $ 518,132. The current projection of cash on hand for year end 2012 is $740,419; year-end 2013 is expected to be $913,617. Bear Creek Township's budget reflects ***no increase in taxes*** for 2013.

In addition, the long term road prioritization first established during the 2010 budget cycle is included. Key assumptions included in the budget are:

- Cost of living pay rate increase of 2.0% to all non-supervisor employees hired before 1/1/2012.
- Recycling employees continue to be compensated at minimum wage.
- Overtime percentage for road crew is 6.6%.

A complete version of the budget can be viewed online or at the township office.

PUBLIC COMMENT:

Pat Moore: Thanked the Board and the Fire Department for their assistance recently with downed power lines near her home.

Gerald Rusinko: Asked Mrs. Koval if she still intended to have the road crew do some tarring in Laurel Brook. Mrs. Koval stated that it will be done but there is a problem with the tar buggy. Mr. Popple suggested we get a bid on someone coming in to do the work. Mr. Zingaretti agreed and asked Mr. Popple to pursue the quotes.

Charles Liem: Asked Attorney Vinsko if there was a copy of the letter from his attorney regarding the outdoor wood burner issue. Attorney Vinsko stated that he has been in contact with their attorney. Mr. Zingaretti stopped the conversation and stated that since the township may be a party to potential litigation regarding this matter he felt it best that it not be a topic of public comment.

Ted Carl: Thanked the Board for the use of the facility for the Lions Club Breakfast.

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

Respectfully submitted,

Paula Weihbrecht, Secretary

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

MINUTES: Minutes from the November 5, 2012 regular meeting were reviewed. A motion was made by Mr. Popple to approve the minutes, seconded by Mrs. Koval. Vote: Unanimous yes.

The treasurer's report for November 2012 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of November 2012 was $43,943.86. A motion to approve the receipts, subject to audit was made by Mr. Masi, seconded by Mrs. Koval. Vote: Unanimous yes.

DISBURSEMENTS: Expenses for the month of November 2012 were $27,138.88. A motion was made by Mr. Masi to approve the disbursements, subject to audit, seconded by Mr. Popple. Vote: unanimous yes.

ZONING OFFICER'S REPORT:
Mr. Alber, Zoning Officer reported 3 building permits for the month of November for a total of $135.00. No BIU fees were collected for the month.

FIRE DEPT REPORT: Mr. Zingaretti read the report for the month of November 2012; 8 motor vehicle accidents, 1 activated alarm, 3 assist & searches and 1 industrial accident.

STATE POLICE REPORT: Not available.

ACT 537 REPORT: No update. Our plan has not been submitted to DEP because of the end user costs and the backward nature of the process in securing grants.

ROADMASTER REPORT: Mrs. Koval reported the road crew maintained the rec area, takes care of trash and recycling. They did shop and vehicle work, plowed, winterized the pavilion and WHP firehouse, replaced street and road signs and prepared the pad for the carport to be delivered. Mrs. Koval reminded the Board that they still needed to discuss the cu-de- sac issue in Laurel Brook.

Attorney Vinsko asked the Board how billing would be handled for plowing these cul-de-sacs in the Village portion of Laurel Brook. The Board felt it would be by event (snow storm) but would discuss further.

ROADMASTER FINANCIAL REPORT:

OPEN RECORDS REPORT: None

RESOLUTIONS AND ORDINANCES: None

PLANNING BOARD RECCOMENDATIONS: None

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini matters: No update.

Aqua PA: No update.

Weiss Road Acquisition: Attorney Vinsko reported that we are waiting on the judge to appoint the 3 person panel who will make the recommendations to the overseeing judge regarding the annexation of Weiss Road. A hearing date will be set and at that time anyone opposing the annexation can come forward. The court issued a rule to show cause for December 13th at 9:00 AM at the courthouse for ourselves and Dennison Twp. Attorney Vinsko was told they want the two townships before the court before they appoint the panel. We should have a determination by January.

OLD BUSINESS:

Gaming Grant Funds: We did hear that the Commonwealth Financing Agency has not taken up our request to reallocate funds at their last meeting. They were giving out Monroe County gaming grants at that meeting. We have be told that our request will be on the agenda for the April meeting when they will address Luzerne County local share for this year.

Budget Meeting: We will take questions this evening regarding the budget that was presented at our last meeting. A advertising date was missed so there will be a meeting on December 17th at 6:00 PM to formally adopt the budget.

Laurel Brook Tarring: Mr. Popple said this would most likely not be done until the Spring. Mr. Zingaretti announced that Pennoni Associates is preparing the 2012 grant application for local share funding. We have requested that they draw up an application for the repaving of Laurel Brook.

Zoning Map Requests/Changes: No update.

CORRESPONDENCE/NEW BUSINESS:

SBA Letter: SBA manages the cell towers that the township owns. The letter is looking to do an amendment to the original agreement to extend it to multiple years and giving them a right of first refusal should there be an offer from another party. Attorney Vinsko will review the offer.

Energy Generation: The Township used a bidding process to find the lowest rate for electricity. Direct Energy came in as the lowest bidder. A motion was made by Mr. Popple to approve the use of Direct Energy for a 24 month period at 7.64 per kwh, seconded by Mr. Masi. Vote: unanimous yes.

PUBLIC COMMENT:

Ted Carl: Congratulated the Board for a good year and all their efforts on behalf of the taxpayers.

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

Respectfully submitted,

Paula Weihbrecht, Secretary

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

Budget:

Mr. Zingaretti announced the first order of business would be the approval of the 2013 budget. The budget that was presented on November 5th included revenues of $691,330.00 and expenses of $518,132.00 for a net of $173,198.00. Public comment was taken that evening and additionally at the December 3rd public meeting. Public comment will also be received this evening.

A change in the budget has been presented to the Board for consideration. The Secretary/Treasurer will convert to full time employment and the Zoning Officer salary is different as well as a mistake in the original budget spreadsheet was found. In all the changes are approximately $7700.00 in additional expenses. The 2nd class code says the only time the budget needs to be re-advertised due to a change is when there is an increase of 10% or more in the aggregate or more than 25% in any major category. These changes do not fit those criteria.

Gaming Grants:

The following resolutions were proposed for submission with the grant applications for gaming grant funds requested.

Resolution 31-2012: Is a resolution authorizing the submission of a grant request for the reconstruction and repaving of Weiss Road in Bear Creek Township at a total cost of $188,600.00. A motion to approve the resolution was made by Mr. Masi, seconded by Mr. Popple. Vote: Unanimous yes.

Resolution 32-2012: Is a resolution authorizing the submission of a grant request for the reconstruction and repaving of all roads in Laurel Brook development in Bear Creek Township at a total cost of $520,000.00. A motion to approve the resolution was made by Mr. Masi, seconded by Mr. Popple. Vote: Unanimous yes.

Service Electric Cable TV Franchise Agreement: Attorney Vinsko said this must be done via ordinance. SECTV will pay the township 5% and provide free cable and internet for the muni building and the township garage. The agreement will be considered at the January 7th meeting.

Luzerne Foundation Grant: Mr. Smith informed the Board that we were successful in receiving a grant for $141,140.74 from the Luzerne Foundation for the total cost of the new truck and plow.

Intergovernmental Agreement: The Board discussed the pending agreement between Bear Creek Township and Bear Creek Village Borough. The agreement would provide snow plow services for a section of road and the cul-de-sac in a portion of Laurel Brook situated in the Borough. Attorney Vinsko will review and make revisions as advised by the Board. The agreement will be discussed and brought up for approval at the January meeting.

Zoning Officer Hiring: Mr. Zingaretti has prepared an offer letter to send to the prospective hire. The appointment will be made at the reorganization meeting.

Mr. Zingaretti announced that immediately following this meeting, an executive session will be held.

A motion was made by Mr. Masi to adjourn the meeting, seconded by Mr. Smith. All were in favor.

Respectfully submitted,

Paula Weihbrecht, Secretary