

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

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

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

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

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

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

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

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

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

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

PLANNING BOARD RECOMMENDATIONS:

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

ORDINANCES AND RESOLUTIONS:

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

SOLICITOR'S REPORT: Attorney Vinsko reported:

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

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

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

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

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

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

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

OLD BUSINESS:

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

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

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

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

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

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

Act 537:

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

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

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

CORRESPONDENCE/NEW BUSINESS:

PUBLIC COMMENT:

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

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

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

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

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

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

Respectfully submitted,

Paula Weihbrecht, Secretary