

The regular meeting of the Bear Creek Township Board of Supervisors was held at the Municipal Building at 3333 Bear Creek Blvd. in Bear Creek Township, Chairman Zingaretti called the meeting to order at 7:00 pm. Roll was called. Supervisors Masi, Koval, Wasilewski and Zingaretti were in attendance. Supervisor Slusser was absent. The salute to the flag followed.

MINUTES: Motion was made by Ms Wasilewski to accept the minutes of the November 10, 2008 meeting, seconded by Mrs. Koval, all were in favor.

Treasurers Report for the month of November was read by Mr. Zingaretti.

RECEIPTS: Motion was made by Ms Wasilewski to approve the November 2008 receipts, subject to audit, seconded by Mr. Masi. Vote: unanimous yes.

DISBURSEMENTS: Deferred disbursements from October 2008 were reviewed and a motion was made by Ms Wasilewski to approve, seconded by Mrs. Koval. Vote: unanimous yes. A motion was made by Ms Wasilewski to approve the November 2008 disbursements, seconded by Mr. Masi. Vote: unanimous yes.

FIRE DEPARTMENT REPORT: 9 Calls for the month of November were reported, 5 motor vehicle accidents, 1 structure fire, 2 tree/wire down and 1 public assist.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. He reported for the month of November 2008 that net production was 4,444; site availability was not yet available.

ACT 537 REPORT: Mr. Zingaretti read a report from Reilly Associates updating the progress of the Act 537 plan for Bear Creek Township. A technical review meeting was held at DEP's office on November 3, 2008. The approach tasks were discussed with the department and there were no major revisions. DEP will provide a written response. Development of GIS base mapping of the borough was also completed.

ZONING OFFICER'S REPORT: Mr. Andrews, Code Officer reported 9 contractor's licenses, 3 building permits, 1 zoning permit, 1 zoning hearing and 1 certificate of occupancy for a total of \$1997.00 for the month of November.

ROAD MASTER REPORT: Mrs. Koval reported that the road crew has been removing fallen branches and debris from road ways. They have also been out plowing and salting the roads as needed. A pipe was installed and part of Pike Road was repaired and repaved. Pavilion was winterized and Christmas lights were hung. Shop work and vehicle maintenance was done. The crew also set up for recycling and took the commingled to the recycler. Light timers were reset with the time change and a structure behind Trailwood was dismantled and disposed of. Mrs. Koval also reminded residents that if they have a problem concerning roads that they should call her, the township garage or the municipal building to report their concern. Mrs. Koval thanked the crew for a job well done.

RESOLUTION 34-2008-A resolution extending the time for a decision for Aqua Pennsylvania on all pending plans submitted. Request is made for an extension to March 10, 2009. Motion to accept was made by Mr. Masi, seconded by Mr. Zingaretti. Vote: unanimous yes.

RESOLUTION 35-2008-A resolution approving the Anderson reverse subdivision plans. Motion to accept was made by Mrs. Koval, seconded by Ms Wasilewski. Vote: unanimous yes.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Energy Unlimited- We are in the final stages of discovery portion of the litigation. This stage should be wrapping up by end of year.

Concini Lawsuit-very close to a potential resolution on matter.

Cell Tower Inspections/Local Traffic Ordinance – Will be addressed early next year. We will also be updating the open records policy.

OLD BUSINESS:

Recycling Project- Every Saturday from 9-3 we accept recycling at the pole barn. There have been many requests for us to accept magazines and junk mail. We will look into it for in the new year. To date we have recycled over 2000 lbs in the last 3 weeks.

Traffic Light- the traffic light at 115 and the turnpike is now in operation.

Zoning Map Changes – will be picked up again at the start of 2009.

CORRESPONDENCE: None

NEW BUSINESS: None

A presentation was made at this time by Mr. Zingaretti answering questions that have been raised since the budget was presented at the November meeting.

PUBLIC COMMENT:

Willard Kresge-questioned the increase with the new millage, stating that it would be an overall increase of 320% citing a jump of over a \$100,000 of tax in one year. Mr. Kresge commended the Board for keeping expenses for 2008 far below what was forecasted, but

questioned what was forecast for 2009. Mr. Zingaretti explained that expenses were kept down for 2008 due to the fact that there were no Capital Improvements. Mr. Kresge continued to question the forecasted expenses. Mr. Zingaretti explained that the Board is putting together a five year plan and all township roads will be evaluated. Mr. Kresge questioned monies being spent on the township road crew and suggested that this expense could be contracted out. Discussion followed.

Ed Schoener-representative of Energy Unlimited spoke regarding what monies could be paid to the township if their projected was allowed to proceed. Mr. Schoener expressed his opinion that the Township and Energy Unlimited were not far apart and could work together to resolve the matter. Attorney Vinsko responded to Mr. Schoener reminding him that the matter is currently in litigation and also addressing some inaccuracies in Mr. Schoener's presentation: 1) The Board that voted to deny the plans were not voting against the wind park. The applications were deemed illegal because of the way they were presented and the information was incomplete. 2) Energy Unlimited, after May 1, 2005 was told to resubmit their plan prior to the enactment of the zoning ordinance in July, they chose not to. They chose to litigate. Attorney Vinsko further stated that if this had been addressed appropriately by Energy Unlimited to begin with, things may have turned out differently than it has.

Mark Petlock- Suggested that the township should sit down with Energy Unlimited and work this out. He also asked that of the 2300 taxable properties in the township, how many are land and how many are households. Mr. Petlock also suggested that the Board look into a health care plan with Blue Care Direct with Blue Cross for better rates for a township employee health plan. Mr. Zingaretti stated that a meeting has already been set for 12/2/08 to review alternative health plans.

Frank Tavaris-questioned the Board as to what shape the roads in White Haven Pocono were in when they took them over. He also questioned the expense for recycling and the recreation fields and suggested we charge the users of the recycling center and the recreation area a direct fee.

Gerald Rusinko-Felt that if the taxes were to be reinstated, we should be looking at 7 mils and not 12 to make up for the short fall because the township has plenty of money on hand. Mr. Zingaretti reminded Mr. Rusinko that at \$500,000 in February 2008 the Board was challenged by a resident that the township was only one catastrophe away from insolvency. In February \$500,000 was not enough money and now its so much money we should not do anything. Mr. Rusinko asked if outside groups use our rec field and if they are we should collect a fee from them. The Board assured him that the only time an outside team uses the rec fields is when they are playing one of our teams. Mr. Rusinko also questioned using all the properties in the township to figure the estimated tax instead of using just the residences.

Tom Posluszny-questioned if there were any roads taken over recently. Mrs. Koval responded that the last roads taken over by the township were the Laurelbrook roads in 2004. Stated that he gets nothing for his taxes because he does not live on a township road. He would like the township to take over his road (Roddy Road).

Public Comment Closed

Motion to adopt the 2009 Budget as presented made by Ms Wasilewski, seconded by Mr. Masi. Vote: unanimous yes.

Meeting adjourned.

Respectfully submitted,

Paula Weihbrecht, Secretary