

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

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

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

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

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

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

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

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

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

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

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

PLANNING BOARD RECOMMENDATIONS: None.

ORDINANCES AND RESOLUTIONS:

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

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

SOLICITOR'S REPORT: Attorney Vinsko reported:

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

Aqua PA- Motion prepared, will be filed

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

OLD BUSINESS:

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

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

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

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

PRIOR MEETING FOLLOW UP:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

Paula Weihbrecht, Secretary