

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, and Mr. Zingaretti were present. Mrs. Koval was absent; she was attending the PSATS conference in Hershey. Pledge to the flag followed.

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

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

RECEIPTS: Income for the month of April 2012 was \$115,202.95. A motion to approve the receipts, subject to audit was made by Mr. Popple, seconded by Mr. Masi. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of April 2012 were \$32,511.53. 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. Zingaretti read the Zoning Officer's report for the month of April. There were 7 building permits, 1 zoning hearing, 2 certificate of occupancy, 5 zoning permits and 1 contractor's license for a total of \$1495.00. There was \$1082.80 in BIU fees collected for the month.

FIRE DEPT REPORT: 9 Calls for the month of April 2012 were reported: 2 motor vehicle accidents, 1 activated alarm and 6 brush fires.

STATE POLICE REPORT: Not available.

ACT 537 REPORT: The Board recently met with DEP. They had many comments concerning the information the Board provided about the financial overview of the Act 537 Plan and what the Board saw as excessive user rates. DEP's opinion was that the numbers we used for estimated grants were unrealistically high. DEP would like the Board to look at extending the reach of the sewers to get more users on the system and lower the per user cost. The Board is skeptical about this lowering the cost. The Board will meet with them again and with Reilly to go over some specs. The Board will also meet with legislators. Discussion continued.

ROADMASTER FINANCIAL REPORT: Total expenditures for the month of April were \$600 over budget, most of which is a timing issue. The road crew payroll summary reflects overtime is under budget.

OPEN RECORDS REPORT: There was one request unable to be filled within the allotted time frame due to the tax collector being out of town. Notice for a time extension was sent and the request has since been fulfilled.

RESOLUTIONS AND ORDINANCES:**PLANNING BOARD RECCOMENDATIONS:** None**SOLICITOR'S REPORT:** Attorney Vinsko reported:

Concini matters: The Concini's were cited for not having a fence completely around their pool. They made representation to the court that they won the injunction, which they did not. Magistrate Dotzel threw the case out. Attorney Vinsko instructed Mr. Alber to re-file.

Aqua PA: Engineers report was forwarded to the insurance counsel, once they review the report it will be forwarded on to plaintiff's counsel.

Speed Bump Issue: Attorney Vinsko reviewed and gave his approval. Mr. Zingaretti noted that since the Board made a resolution to install speed bumps at the last meeting pending approval from the solicitor, the secretary was advised to notify the road crew to order and install the speed bumps and signage.

Azalea Road/DEP Issue: Attorney Vinsko will follow up with Attorney Cigan.

Pension Plan Resolution: Attorney Vinsko is currently working on this resolution and it should be ready for the next meeting.

Fire Department Resolution: Attorney Vinsko is preparing a resolution to update Resolution 14 of 2005, The Fire Protection agreement between the township and the fire department. This resolution should be ready for the next meeting.

Recycling Center Hiring: Roger Southward asked if a recent hiring at the township recycling center was appropriate. Attorney Vinsko responded that the hiring was appropriate and permitted according to the by laws of 2005. These positions are reevaluated each year.

Thornhurst Road Property: Ted Carl asked what the status was regarding the dilapidated property on Thornhurst Road. Attorney Vinsko explained that this has been in the County's hands for over 4 months. They were told this would be addressed in February, they were then told it would not be addressed until more documentation was filed. The additional documentation was filed and from there they were told it was going to the County manager. Mrs. Koval followed up and found that it never reached the County manager but went to the tax claim solicitor's office where it sat until last week. Mrs. Koval contacted the bank involved with the mortgage on this property and the bank is now contacting the County to get something done.

OLD BUSINESS: Mr. Zingaretti reported:

Energy Unlimited Lawsuit: There are two pending lawsuits from the 2006 rejection of the windfarm application. Mr. Zingaretti has been contacted by John Connelly who was representing Energy Unlimited. He wanted to discuss the potential of wind energy and green energy in the township. With outstanding lawsuits the Board was unable to meet with and discuss potential energy projects with Mr. Connelly.

Since this initial contact, the two lawsuits have been withdrawn by Energy Unlimited with prejudice. These lawsuits cannot be re-filed. Mr. Zingaretti did meet with Mr. Connelly and they are interested in pursuing some type of wind energy in the Crystal Lake area. They will most likely be approaching the Board concerning zoning and the area in general. This was just a preliminary discussion and the Board will keep the public posted.

Attorney Vinsko advised the Board that any type of submission for that area would require a zoning change which would mean doing a curative amendment or have a proposal law change. Discussion followed.

Zoning Map Requests/Changes: No update.

Ordinance Codification: No update.

Metro Commercial Real Estate: Neither Attorney Vinsko or the township have heard back from them concerning the parcel at 115 and Recreation Road.

Flood Plain Ordinance Revisions: No update.

Recycling Grant: We will not be applying for the recycling grant we spoke of last meeting but we will apply for a different one over the summer. The original grant was geared more toward mandated municipalities. We stand a better chance of receiving funds through a grant that will be offered over the next few months.

CORRESPONDENCE/NEW BUSINESS:

Health Insurance: Bids were solicited for health insurance for township employees. All bids came in higher than the current plan with Geisinger. Insurance quotes will be sought again in September.

Culvert Bids: The Township received a grant to replace the culvert on Old East End Blvd. A bid package was advertised for the project and received 5 bids. Two options were available; either horizontal elliptical reinforced pipe or a box culvert. The following bids were received:

Pikes Creek	Pipe:	\$154,704.00
	Box:	178,182.00
Penny	Pipe:	\$169,883.85
	Box:	155,444.10
T Brennan	Pipe:	-
	Box:	\$133,844.00
Stell	Pipe:	\$139,000.00
	Box:	-
Popple	Pipe:	\$79,800.00
	Box:	92,000.00
Multiscape	Pipe:	\$118,000.00
	Box:	113,000.00

The township engineer recommended the horizontal elliptical reinforced pipe and the lowest bidder was Popple Construction. A motion to award the project using the horizontal elliptical reinforced pipe to Popple Construction was made by Mr. Masi, seconded by Mr. Zingaretti. Vote: Mr. Masi, yes; Mr. Smith, abstained; Mr. Popple, abstained; and Mr. Zingaretti, yes. Motion approved.

Development Agreement Legal Fees: The Commonwealth Court decision included legal fees to be paid in resolution of the matter. The Township has received a bill from Hourigan, Kluger and Quinn detailing the legal expenses incurred by the Riebel family totaling \$70969.03. A motion was made by Mr. Masi to approve payment of these legal fees by the township, seconded by Mr. Zingaretti. Vote: Mr. Smith, abstain; Mr. Masi, yes; Mr. Popple, yes and Mr. Zingaretti, yes. Motion approved.

Mr. Smith presented the Board with a check for \$70,969.03 from the Charter School to pay for the legal fees due. The following letter was submitted with the check.



COMMUNITY CHARTER SCHOOL

www.bearcreekschool.com

April 25, 2012

Gary Zingaretti, Chairman
Bear Creek Township Board of Supervisors
3333 Bear Creek Boulevard
Bear Creek Township, PA 18702

Dear Gary,

On behalf of the Bear Creek Community Charter School's Board of Trustees, students, parents and staff, I would like to extend our gratitude to the Bear Creek Township Board of Supervisors for your commitment in helping to ensure the charter school's future within Bear Creek Township. This was evident in your willingness to partner with the School and Bear Creek Foundation to secure the land necessary for a new public school.

Thank you for your efforts, and we look forward to working together as we continue to pursue a new public school and expanded public recreational facilities.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Blazejewski", with a horizontal line extending to the right.

Dave Blazejewski
President

Enclosures

1996 Dump Truck: The Board discussed the replacement of the 1996 Dump Truck. The vehicle is in bad shape and different options for replacement and financing were discussed.

Weiss Road: The engineer has been asked to evaluate the storm water and the run off on Weiss Road. For the Road Crew to do repairs to the drainage only with no paving would be over \$20,000.00. There would be no guarantees and would tie the road crew up. Equipment would also have to be rented and flaggers hired.

Lions Club: Will Kresge thanked the Board on behalf of the Lions Club for allowing them to use the building for their breakfast and other functions.

Mark Petlock asked if the email alerts from the township be started up again. Mr. Zingaretti said he would take care of it.

Roger Southward asked if the Pocono Drag Lodge would host their event again this year. Mr. Masi responded that they had a poor showing because of the weather last year and now there is an issue with the land being Clean and Green, which would prevent them from charging an entrance fee.

Mr. Southward asked if the township would be pursuing the Amusement fees that weren't collected previously. Mr. Zingaretti said the individual running the event collected a minimal amount of money and would most likely not be hosting the event again. The Board felt it would cost the township more to pursue collection of the money than what is actually owed.

PUBLIC COMMENT:

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

Respectfully submitted,

Paula Weihbrecht, Secretary