

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 and all Supervisors were present. The salute to the flag followed.

MINUTES: Minutes from the September 8, 2009 meeting were reviewed and a motion was made by Mr. Masi to accept, seconded by Mr. Slusser. Vote: unanimous yes.

The treasurer's report for September 2009 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of September was \$157,094.95. Motion to approve the September receipts, subject to audit was made by Ms Wasilewski, seconded by Mr. Slusser. Vote: unanimous yes.

Mr. Zingaretti made note that a check for the Aqua road cuts permit was received under protest, we will litigate over what the correct amount is. At this time it has not been booked to income but has been set aside in a liability account and we are waiting for the CPA to get back to us concerning the proper treatment of this.

Roger Southward questioned why the money from Aqua was done under protest. He recalled being at a meeting and representatives for Aqua agreed to all fees and had no issues. Mr. Zingaretti and Attorney Vinsko responded.

DISBURSEMENTS: Expenses for the month of September were \$55,966.45. Motion to approve the disbursements was made by Mr. Masi, seconded by Mr. Slusser. Vote: unanimous yes.

FIRE DEPT REPORT: 12 Calls for the month of September 2009 were reported: 6 motor vehicle accidents, 1 vehicle fires, 3 structure fires, and 2 assists.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of September 2009 production was 4003M Wh, site availability was 97%.

ZONING OFFICER'S REPORT: Mr. Andrews' reported for the month of September that there were 15 contractor's licenses, 6 building permits, 3 occupancy/demolition permits, and 1 zoning permit for a total of \$2318.00. BIU fees collected for the month were \$1495.60.

ACT 537 REPORT: The engineer has provided cost estimates and sketches to the Board members. The Board is planning to meet with Reilly within the next two weeks to go over the figures.

Ms Wasilewski had concerns about the township being able to secure funding for the sewer project. Mr. Zingaretti stated that the township should be eligible for grants through PENNVEST and also should be able to obtain low interest loans He further stated that these funds cannot be applied for until the Act 537 plan is completed.

Joanne English of Hillcrest Rd commented that she feels that the public should know what is going on with the Act 537 Plan.

Mr. Zingaretti explained that they have received 6 alternatives from Reilly and the Board is in process of evaluating them and then will have Reilly come in and answer the Boards' questions concerning the alternatives.

Mr. Masi commented that at this point the entire project is still in the planning phase and is all on paper. There is no design and of all the alternatives that are out there, one has not yet been selected. It's all still very preliminary. No decisions have been made and the Board is just beginning to get a grasp on the information that's been presented.

Joanne English was concerned that a decision on the project would be made without input from the residents of the township. Both Mr. Zingaretti and Attorney Vinsko assured her that there would be a presentation made with Reilly present to answer question as well as a hearing with public comment before anything will be decided. Discussion followed.

ROAD MASTER REPORT: Mrs. Koval reported the road crew took care of the recycling, replaced shingles on the old pavilion, worked on the trucks, mowers and equipment. Grass was cut, rec site maintained, missing signs in twp replaced and the fence was removed for work being done on the baseball field. The plows are ready for the season and the salt and anti skid have been delivered.

Mrs. Koval also reported that she met with a rep from GEO Comm to resolve mapping problems in the township. The 911 maps have been completed and sent back. She is working on resolving problems with the paving project and will let the Board know when everything is satisfactory and the bill is to be paid. Mrs. Koval also reported on a problem concerning COM Center and PennDot and Thornhurst Road. There have been two accidents recently on Thornhurst Road and both times the emergency responders were sent to Buck River Road. PennDot was notified that there are signs that incorrectly identify Buck River Road as Thornhurst Road. One of the accidents involved serious injuries and it was over 45 minutes until emergency personnel arrived on the scene.

Roger Southward asked if the township had an estimate on what it would cost to re-sign the township. Mr. Zingaretti explained that the deadline for replacing the signs is 2012. Currently as signs need to be replaced it is being done with the new reflective ones and we are also working with a group from Laflin who is coordinating a multi municipality effort with 3M, the maker of these signs. We should be able to obtain a better price this way and they will also do some multi municipal grants.

OPEN RECORDS REPORT: Mr. Masi reported one request in the past several weeks and the information was sent out within the five day window.

PLANNING BOARD RECOMMENDATIONS: None. Note: Since there is nothing on the agenda for October, the Planning Board has cancelled the October meeting.

SOLICITOR'S REPORT: Attorney Vinsko reported:

Concini litigation-correspondence has been sent to their counsel outlining specific issues concerning their understanding that the township is not going to be paying for anything unless there is an agreement and they are not going to dump it on the neighbors' property without approval. We have received correspondence from Aqua's insurance counsel stating that what we said is correct but also disagreeing with their damage estimates.

Mrs. Carl asked if the Concini's were going to be fined for not having a fence around their swimming pool. Attorney Vinsko responded that he has spoken with their counsel about this and the Concini's were under the incorrect assumption that the township would be paying for their fence.

Mr. Carl questioned if the Concini's still had their counsel because at the last meeting it was mentioned they wanted to deal directly with the township. Attorney Vinsko stated that the Concini's have not yet filed a withdrawal of appearance.

Aqua PA- No significant change.

Development Agreement-The declaration of taking has been filed as of October 5th. It has been circulated among the Board. The Development agreement has been signed and notices sent to all parties, response date is in November. Mr. Kobularcik who is the representative of Metropolitan Development called today and would still like to meet with the Board. Mr. Kobularcik is the equitable owner, not the titled owner so the Harris/Reibel families still must be served.

Mr. Masi felt that a meeting with Mr. Kobularcik was unnecessary and the things Mr. Kobularcik requested in his letter could not be promised.

Mr. Smith asked the Board if they would share with the residents what the five items were that Mr. Kobularcik requested to discuss with the Board.

Mr. Vinsko listed the items:

1. Access to the remaining property through the area of condemnation
2. Public sewer and the revision to the current BC Twp Act 537 plan
3. Public Water
4. The current PRD ordinance
5. Open Space and Recreation requirements of the Township

Mr. Smith also asked Attorney Vinsko if the Development Agreement approved by the township impeded the Harris family's current access to the property. Mr. Vinsko replied that it did not.

Hillcrest Road Right of Way- Attorney Vinsko stated that once Mr. & Mrs. Hrabousky are comfortable with the survey, they may landscape up to the mailbox. Mrs. Hrabousky stated that its not that they are not satisfied with their survey, but the fact that certain people keep telling them that the right of way is usable by fellow neighbors and they can't do anything about this. Mr. Zingaretti said he felt that there were two issues.

The first being whether 50 or 100 feet is appropriate. That being an issue the Board would have to take up separately. Regardless of whether anything is done with the right of way, the area that the Board has been shown that would be landscaped would mostly be within the 50 feet. If the Hrabousky's are comfortable that the deed/survey is correct and they have the appropriate line, they can landscape; it is their property. This is not the townships property, it is a right of way and if the township needs to use it, they can. Mr. Zingaretti advised that they keep in mind that the closer you landscape to the road; the more likely it would be that the landscaping could be damaged by a snow plow. The second issue seems to be an issue between neighbors.

Crossin Insurance Issue-Ms Wasilewski asked Attorney Vinsko if they he had heard anything from Crossin Insurance concerning information that was sent to them regarding a possible claim. Attorney Vinsko stated that he had sent copies of the faxes sent and will follow up on the matter.

Roger Southward- Asked if there were any other legal cases or suits pending. Attorney Vinsko responded that the only other matter out there that hasn't been discussed recently is Energy Unlimited, but that is currently at a stand still. Another resident asked what the status of the Benkoski case is and Attorney Vinsko replied that it had been resolved.

OLD BUSINESS:

Street light request- A request was made for a street light Fairway Drive and Golf Course Road. This light has been installed.

Street light request- There was also a request for a light at the cul d' sac at the end of Pike Road. The paperwork for this was been submitted to PPL on October 6.

Mr. Zingaretti also stated that nothing has been resolved yet with the light request on Thornhurst Road.

Ridge Road-issue has been tabled due to the work that is happening on this road and there was also conflict because some residents wanted it changed to one way and others opposed this idea.

PUBLIC COMMENT; None

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

Respectfully submitted,

Paula Weihbrecht, Secretary