

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 at 7:10 PM. Roll was called and all Supervisors were present. The salute to the flag followed.

Mr. Zingaretti informed the audience that an executive session had been held on September 3, 2009 to discuss land acquisition and litigation matters.

MINUTES: Minutes from the August 3, 2009 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 August 2009 was read by Mr. Zingaretti.

RECEIPTS: Income for the month of August was \$68,884.88. Motion to approve the August receipts, subject to audit was made by Mr. Slusser, seconded by Mr. Masi. Vote: unanimous yes.

DISBURSEMENTS: Expenses for the month of August were \$117,913.97. Motion to approve the disbursements was made by Mrs. Koval, seconded by Ms Wasilewski. Vote: unanimous yes.

FIRE DEPT REPORT: 4 Calls for the month of August 2009 were reported: 2 motor vehicle accidents, and 2 vehicle fires. It was noted that the agenda listing of these fees was incorrect and that a revised page would be placed on our website and available at the township office.

WIND FARM: Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of August 2009 production was 3043M Wh, site availability was 945%.

ZONING OFFICER'S REPORT: Mr. Andrews' reported for the month of August that there were 7 contractor's licenses, 7 building permits, 1 occupancy permit, and 2 zoning permits for a total of \$1408.00. BIU fees collected for the month were \$7,764.88. It was noted that the agenda listing of these fees was incorrect and that a revised page would be placed on our website and available at the township office.

ACT 537 REPORT: Mr. Zingaretti reported that we did not receive a formal report from Reilly Associates, but on September 1 they distributed to the Board members updated construction and operating maintenance estimates. The Board has not sat down with Reilly to discuss this, but it ranges between 14 and 21 million. A meeting will be planned and then further discussed with the public.

ROAD MASTER REPORT: Mrs. Koval reported that the crew has been out cleaning up after storms, maintaining the rec fields, cutting grass/weeding and maintaining the roads. They also took care of the recycling, repairs were made to mowers, parking area was marked off with large rocks. Signs were replaced that were missing at the rec field, ditches were dug in Forest Park and a headwall built.

Mrs. Koval met with some residents concerning problems within the township. She also met with the township engineer to review the paving project and met with a representative from ARC who was checking the voting areas for handicap accessibility. Mrs. Koval and the secretary attended a meeting at the 911 Com Center concerning the mapping of the township. Mrs. Koval noted that any driveway over 1,000 feet or having 2 or more structures on it must be named.

OPEN RECORDS REPORT: Mr. Masi reported that there was one request and it was satisfied within 5 days.

PLANNING BOARD RECOMMENDATIONS: None

SOLICITOR'S REPORT: Attorney Vinsko reported:

Aqua PA- Counsel for Aqua Pennsylvania paid the \$70,000.00 permit fee for the roads in the township, paid under protest. Mr. Andrews has issued the permit and work should be commencing. With the litigation we will be working with Webber Gallagher. Mr. Vinsko referred Mr. Slusser to Mike Cavage from Pioneer Construction for answers to his questions regarding the road cuts.

Concini Matter- Mr. & Mrs. Concini want to resolve this matter, but not through their counsel. They approached Mr. Zingaretti with the exact situation that Mr. Vinsko presented last year to resolve the matter, which was contrary to what their counsel had said. Attorney Vinsko feels we are close to resolving the matter, it will be a global resolution for all issues and it should be taken care of soon. The issue now must be worked out between the township, its insurance company, Aqua and its insurance company, PennDot and the Concinis.

Development Agreement-The Board met on September 3rd with the charter school to review all final issues and it seems that a resolution has been reached on all outstanding matters and the agreement will be up for consideration within the next 14 days. The final draft will be ready for public inspection next Wednesday (9/16/09). The agreement will be available at the building and on the website. Because it is an ordinance, it must be available for 7 days for public inspection. A follow up meeting for public comment exclusively on the development agreement is tentatively scheduled for 7:00 PM on September 24th. This will be advertised as required.

Hillcrest Road Right of Way- Mr. Vinsko had conversations with Karen Hrabousky and her surveyor Emmet Burke. The issue is the right of way for Hillcrest Road is 100 feet and they are abdicating to give some of that footage back to the residents. The requested right of way is 50 feet and is more than sufficient for the cart way. This can be considered and is legal to do. What is required is a full survey of the entire road plus a survey of the parts that the township would be vacating to the respective residents.

OLD BUSINESS:

Act 32- Consolidating the collection of local taxes at the county level, as part of that process all municipalities and school districts are required to provide a voting delegate to a tax collection committee. The township is required to appoint a primary voting delegate and a first alternate voting delegate. Delegates do not need to be elected officials.

Mr. Zingaretti called on the Board to make nominations for the primary voting delegate for Act 32 for the tax collection committee for Luzerne County.

Mr. Masi nominated Mr. Zingaretti for the primary voting delegate, Mr. Slusser seconded the nomination. Vote: all in favor.

Mrs. Koval nominated Ms Wasilewski for the first alternate voting delegate. There failed to be a second.

Mr. Masi nominated Mrs. Weihbrecht for the first alternate voting delegate, Mr. Slusser seconded the nomination. Mrs. Weihbrecht asked if she could decline, Mr. Masi explained that being the township treasurer, it would make sense for her to be a part of this committee. Vote: Mr. Slusser, yes; Mr. Masi, yes; Ms Wasilewski, abstain; Mrs. Koval, yes; Mr. Zingaretti, yes.

Resolution 27-2009- A resolution appointing the TCC Voting Delegates. Now therefore be it resolved by the Bear Creek Township Board of Supervisors that, the following individuals are appointed as TCC delegates for Bear Creek Township:

Primary voting delegate: Gary Zingaretti
First alternate voting delegate: Paula Weihbrecht

A motion to accept was made by Mr. Slusser, seconded by Mr. Masi. Vote: Mr. Slusser, yes; Mr. Masi, yes; Ms Wasilewski, abstain; Mrs. Koval, yes; Mr. Zingaretti, yes.

Paving Project – Mr. Zingaretti asked Mrs. Koval if she knew when this would be considered a completed project. She stated that there were issues on all 3 roads that were paved and she is working to get them resolved. A resident asked if there were any monies for this project kept in escrow until it was deemed complete. Mr. Zingaretti explained that this was taken into account and also stated that nothing has been paid to Slusser Bros. as of yet.

Street light request- A request was made for a street light Fairway Drive and Golf Course Road. The request was submitted to PPL over 2 months ago. An update on the request was not available.

NEW BUSINESS:

Street light request- There was also a request for a light at the cul d' sac at the end of Pike Road. School buses drop off and pick up in this area. It is dark during the winter and when sports buses are dropping off later in the evening making it a safety issue.

Natural Lands Trust:

Peter Williamson from the Natural Lands Trust, one of the largest land conservancies in the US, spoke about possibly acquiring some 1200 acres of land that lies between two parcels already belonging to the trust known as the Bear Creek Preserve. Two thirds of the Preserve runs off of White Haven Road, the other third in Buck Twp. off of Rte 115. A grant from DCNR will cover approximately half of the cost to purchase the parcel in between from Blue Ridge Realty Co. Mr. Williamson asked the township for help in applying for funds from local share gaming funds. Since Natural Lands Trust is a non-profit, they are unable to apply for the funding themselves and would like the township to apply on their behalf. Discussion followed.

PUBLIC COMMENT:

Roger Southward-Wanted to follow up and see if letters had been sent out to the local trash haulers concerning the Township's Noise Ordinance and instructing them that their services were not to be performed before 7:00 AM. Mr. Southward was given a copy of the letter sent and told to inform the township secretary if his trash hauler does not comply.

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

Mr. Zingaretti announced that there would be a special meeting for public input on the development agreement with the charter school and he also announced that the date of the October Supervisors meeting may be changed. Both meetings notices will be advertised.

Respectfully submitted,

Paula Weihbrecht, Secretary