

The regular meeting of the Bear Creek Township Board of Supervisors was held at the Municipal Building. 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 July 20, 2010 Work Session were reviewed and a motion was made by Mr. Smith to accept, seconded by Mr. Masi. Vote: Mr. Smith, yes; Mr. Masi, yes; Ms. Wasilewski, abstained; Mrs. Koval, yes; and Mr. Zingaretti, yes.

**MINUTES:** Minutes from the August 2, 2010 regular meeting were reviewed and a motion was made by Ms Wasilewski to accept, seconded by Mr. Masi. Vote: Unanimous yes.

**MINUTES:** Minutes from the August 17, 2010 Work Session were reviewed and a motion was made by Mrs. Koval to accept, seconded by Mr. Smith. Vote: Mr. Smith, yes; Mr. Masi, abstained; Ms Wasilewski, yes; Mrs. Koval, yes; and Mr. Zingaretti, yes.

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

**RECEIPTS:** Income for the month of August was \$59,723.53. Motion to approve the receipts, subject to audit was made by Mrs. Koval, seconded by Mr. Masi. Vote: unanimous yes.

**DISBURSEMENTS:** Expenses for the month of August were \$34,738.56. Motion to approve, subject to audit was made by Ms Wasilewski, seconded by Mr. Masi. Vote: Unanimous yes.

**FIRE DEPT REPORT:** 19 Calls for the month of August 2010 were reported: 1 motor vehicle accidents, 2 activated alarms, 2 vehicle fires, 5 brush fires, 1 tree/wire down, 2 structure fires, 4 assists, 1 fire investigation and 1 water rescue.

**WIND FARM:** Mr. Zingaretti read the report for the Bald Mountain Wind Farm. For the month of August 2010 production was 3823M Wh, site availability was 87%.

**ZONING OFFICER'S REPORT:** For the month of August there were 5 contractor's licenses, 3 building permits, 3 zoning permits, 2 hearings and 1 occupancy permit for a total of \$1640.00. BIU total for August was \$3838.00.

**ACT 537 REPORT:** The Act 537 Sewage Study has been provided to Luzerne County Planning and a copy for Bear Creek Township Planning as well. It is anticipated at this point that the plan would be made public by November.

**ROAD MASTER REPORT:** Mrs. Koval reported that the road crew took care of the rec fields, weeds along side of roads, grass cutting, tree cutting, vehicle maintenance, and bathroom repairs. The salt was delivered and stored in the pole barn, streets were swept and lights at the muni building were repaired.

**OPEN REPORT:** Mr. Masi reported that there were two open records requests made during the month of August. Both requests were satisfied within 5 days of receipt.

**ORDINANCES AND RESOLUTIONS:**

**SOLICITOR'S REPORT:** Attorney Vinsko reported:

**Stella Abbott Matter-**ongoing discovery being handled by Attorney Doherty through the insurance company. Matter is currently pending. Attorney Doherty is trying to have the township removed as part of the case.

**Concini litigation-**Matter will be discussed at an executive session. The pool matter will be handled by Mr. Alber.

**Aqua PA-** Approved the answer of new matter and it has been filed and they have received all documentation requested.

**Development Agreement-** A hearing will be held on September 28<sup>th</sup> at 10:00 AM. Discussion concerning this matter will be held at an executive session.

**Crossin Insurance Recovery-** Mr. Crossin confirmed that the township will be receiving a check for approximately \$3000.00 within the next 7 days. Delay was caused because adjuster handling the case had retired.

**Windfarm Permit Issue-**, This matter will be tabled until clarification can be made regarding requirements for permits for work and maintenance at the wind farm.

**Mountain Lake Issue-** An inquiry was made regarding property being rented out for short term periods (daily/weekly/monthly), recommendations will be made to the Board and then the Association at Mountain Lake will be contacted.

**OLD BUSINESS:**

**Act 32-** State change which took away the power of having individual third party tax collectors. Bear Creek Twp has used Berkheimer in the past. As of 2012 everyone will be using Wilkinson (Centax). Wilkinson will withhold 1.49% as there fee, Berkheimer withheld 2%. This will be an approximate savings to the township of \$1500.00 per year.

**Pension Fund** – An article appeared in the Times Leader about various municipalities being in different stages of distress with their pension plans. The township received correspondence concerning this matter. The township is funded at 89% of its pension obligation; if we were at 90% we wouldn't have been on the list.

**Street Light Request-** Mrs. Koval emailed PPL with the correct pole numbers and proposed poles that are marked to be put up, neither issue has been answered.

**Flood Plain Ordinance**- The matter is still in the hands of the State Association. All municipalities have to modify their flood plain ordinance language. We have been provided with a template used to modify ours. Once this is done it will go out for the normal processes of ordinance updating.

**Route 115 Safety Corridor/Grant Application**- The announcement of grant awards is scheduled for September 15, 2010.

**Zoning Map**- We have received the first draft of the zoning map from Pennoni and now it must be reviewed for accuracy before the project can move forward.

### **CORRESPONDENCE/NEW BUSINESS:**

**House Bill 2431**- is a bill currently in the House of Representatives. The State Association is encouraging all municipalities to file opposing this bill. This bill establishes the county as the basic unit of local government. County would have jurisdiction over most aspects of the municipality.

**Senate bill 1357**-Is a bill which allows the state to force mergers and consolidations of municipalities.

The resolution that the township has been asked to review would be to oppose house bill 2431 and Senate bill 1357 which forces consolidation but we would not oppose voluntary mergers or consolidations of local governments.

**Resolution 27, 2010**- Is a resolution in opposition to forced local government mergers and consolidations. Mr. Smith made a motion to approve, seconded by Ms Wasilewski. After lengthy discussion Mr. Smith rescinded his motion and the matter was tabled until the next meeting.

**Community Development Grants**- The Township may be eligible again in 2011 for this grant. Mr. Zingaretti will review the application and see that the paperwork gets done.

**County Mapping**- Mrs. Koval commented that the County would like to hold off on the Township street maps until after reviewing the changes made with GEO Comm, 911 and the post office.

### **PUBLIC COMMENT:**

**Elizabeth Williams**-Asked the Board who authorized the placement of rocks all around Trailwood Park. She expressed her concerns that someone will get hurt with these rocks surrounding the area and also expressed her disappointment in a gate being put up at the parking area.

**Fred Williams**- Questioned the Board about a light at the entrance to Trailwood Lake. He wanted to know why the Township would pay for a light on a private road. Mr. Zingaretti asked if this was the light at the corner of Trailwood Road and Laurel Run Road and Mr. Williams responded that it was. Mr. Zingaretti explained that by Township ordinance, we must provide a light there for safety. Mr. Williams also asked about the lights at the Trailwood Parking area and who is responsible to open and close the gate at the park. Mr. Masi explained that the lights and gate were installed to deter people from parking in Trailwood Park at night. He explained that there have been multiple complaints about suspicious activity in this area and these measures were taken for safety reasons. Discussion continued

**Mark Petlock**-Said that he has seen vehicles and quads in the park when they don't belong and feels that no one needs to be in the park after dark. He agrees that what was done at the park needed to be done.

**Roger Southward**-Asked what permits were needed by the organizers of the Pocono Drag Lodge reunion and asked how much money the township made on the event through permits and the amusement tax. Mr. Zingaretti responded that no permits were required. As for the amusement tax, Mr. Zingaretti said he would have to look into this since we were unaware that an entrance fee would be charged.

Mr. Southward went on to question how taxes (per capita, earned income, mercantile etc.) were collected and by whom. Mr. Zingaretti explained that Berkheimer collects these taxes for the township. Mr. Southward asked why he has not been charged the per capita tax since he moved into the township. The secretary said she would look into the matter and get updated lists from Berkheimer.

Mr. Southward also questioned why the septic code stating you must have your septic tank pumped every five years is not enforced. Mr. Southward said that if an ordinance is not going to be enforced, we should remove it from the books.

**Barb Letinski Strait**-Expressed her concerns about a sexual predator living at 1511 Meadow Run Road. She explained that she wants people to be aware that he is there and wanted to express her disappointment in the fact that he is allowed to live there when there are many children in the neighborhood. Mr. Alber explained that according to the law the offender must register with Megan's Law, which he did. Mr. Alber stated that he contacted the State Police and basically there is nothing to prevent him from living there. Ms Strait asked about an ordinance to prevent this from happening again and Attorney Vinsko explained that you cannot create a "no sex offenders" ordinance. You can prevent them from living in certain areas such as near a school or playground but you can not prevent them living anywhere in a particular community.

Public Comment Closed.

**Fire Department Issue**- Mr. Zingaretti reminded everyone that at the last meeting, members of the White Haven Fire Dept were present and raised issues about Bear Creek Fire not responding to several calls. Jason Krumsky from Bear Creek Fire confirmed that

there were some issues regarding dispatching of calls to White Haven Poconos. He stated that since then they had the dispatch protocol corrected and now Bear Creek Fire will be called first for all calls in the White Haven Poconos area with the exception of structure fires. Mr. Smith asked Mr. Krumsky if he had spoken with the fire chief from White Haven to discuss the concerns that had been raised at the August meeting. Mr. Krumsky acknowledged that he did have a discussion with the White Haven fire chief concerning this matter. He further stated that the department has a 97% response rate which he feels is good for a completely volunteer organization.

A motion to adjourn was made by Ms Wasilewski, seconded by Mrs. Koval. All were in favor.

Respectfully submitted,

Paula Weihbrecht, Secretary