

A Special meeting of the Bear Creek Township Board of Supervisors was held at the Municipal Building at 3333 Bear Creek Blvd. in Bear Creek Township, Chairman Zingaretti called the meeting to order at 7:05 PM. Roll was called; Mrs. Koval and Ms Wasilewski were absent, Mr. Masi, Mr. Slusser and Mr. Zingaretti were present. The salute to the flag followed.

Mr. Zingaretti stated that Ms Wasilewski wanted it to be read for the record that her mother is in the hospital so she is unable to be here and she requested that we extend the meeting until next week. Since we have a quorum, we are going to proceed as planned.

Mr. Zingaretti explained that the purpose of this meeting was to act on two ordinances; Ordinance 1 and 2 of 2009 and the solicitor, Mr. Vinsko would give the background on these ordinances.

Mr. Vinsko announced that the meeting, ordinances and the development agreement were advertised in the Times Leader on September 18, 2009.

Ordinance 1-2009 is an ordinance which requests the Board of Supervisors to entertain and consider entering into the development agreement with the Bear Creek Community Charter School and the Bear Creek Foundation for the development of recreational and public school facilities. Basis is set forth in the second class township code which gives the Board the authority and the right to do it. Instead of seeking basic eminent domain outright, the Board of Supervisors in conjunction with the school and foundation elected to go through a development agreement. This agreement sets forth all issues from the beginning. There is no question left to be asked by the property owners. Correspondence provided to the Supervisors includes correspondence to the Harris family, their counsel, and the counsel for Metropolitan Development; who would be the proposed purchaser, Brian Kobularcik. This ordinance will allow the Board to entertain the execution and entering into the contract known as the Development Agreement.

Ordinance 2-2009 is an ordinance dealing with the condemnation of the property on Route 115. There are 2 exhibits. The first being the actual legal description for the taking and the second exhibit is the map of the area that is being taken. These documents will be attached to the condemnation document if the ordinance should pass.

Mr. Zingaretti stated that a letter was received from Brian Kobularcik of Metropolitan Development Company which he requested be put into the minutes.



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*Vice President of Development*

September 29, 2009

Township of Bear Creek  
Board of Supervisors  
Attn: Mr. Gary Zingaretti, Chair  
3333 Bear Creek Boulevard  
Bear Creek Township, PA 18702

Re: Harris/Riebel Tract

Dear Mr. Zingaretti,

I am requesting a meeting with representatives from the Board of Supervisors in order to discuss the future development of the above referenced tract. As I have stated previously, the condemnation of the 50 acres may substantially affect our ability to develop the property. However, careful planning and evaluation at this time may prove to be very beneficial for the Township. I would like to meet and discuss the following items:

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

Also, I could find no reference or commitment to a time line / schedule for activities to occur in the Developer's Agreement proposed for approval this evening. Is it the intent of the Board to add some language to reflect under what time frame activities / bench marks will be completed?

Please advise the Board of my request at tonight's meeting, and I asked that you attached this letter to the official record of that meeting.

Sincerely,

Brian K. Kobularcik, P.E.  
Vice President of Development

Cc: William E. Vinsko, Jr., Esquire  
David L. Riebel, Esquire  
Stuart Magdole, Esquire

Mr. Zingaretti asked if the Board had any comments at this point. There were none. Mr. Zingaretti also stated that a resident had provided the Board with a list of questions, asking that they put their answers in writing and send them back. No one signed up to comment on Ordinance 1-2009.

Henry D'Amato asked how the acreage would be split between the school and the recreation area etc. Mr. Zingaretti replied that this will be done in the design process. The plan will be consistent with the concept plan, but we will also have to wait to see what the builders find concerning the geography of the land. Mr. D'Amato asked if this would consume the entire 48 acres being taken. Mr. Zingaretti said the concept plan shows nearly 100% usage, but this will all be hashed out at the planning level. Mr. D'Amato also voiced concerns regarding safety with the ingress and egress still being on Rte 115 and wondered if a traffic light was planned for there. Jim Smith responded that PennDOT surveyed the site and the entrance planned has been approved. The upper driveway will be eliminated and PennDOT may require a signal but we don't know yet.

Gerald Rusinko questioned Attorney Vinsko what the potential liability if any of Metropolitan suing the township for the condemnation process in that they may lose potential profits from developing their property. Mr. Vinsko responded the township knew this was a possibility from the beginning. He believes the liability would be attorney's fees and out of pocket costs if we were not to prevail. Metropolitan Development Group was aware of the issue before they entered into a sales agreement for the property.

Mr. Vinsko also explained that the township will pay just compensation. The Charter School and the Foundation will reimburse the township all costs.

**Ordinance 1-2009**- An ordinance entering into a development agreement with the Bear Creek Community Charter School and the Bear Creek Foundation for the development of recreational and public school facilities within the Township.

A motion was made by Mr. Slusser to approve Ordinance 1-2009, seconded by Mr. Masi. Vote: Mr. Slusser, yes; Mr. Masi, yes; and Mr. Zingaretti, yes.

**Ordinance 2-2009**- An ordinance being passed for the condemnation of real property located along state Route 115 for the public purpose of creating public recreation areas and the creation of a new public community charter school, as authorized by both the second class township code and the eminent domain law.

A motion was made by Mr. Slusser to approve Ordinance 2-2009, seconded by Mr. Masi. Vote: Mr. Slusser, yes; Mr. Masi, yes; and Mr. Zingaretti, yes.

Mr. Zingaretti thanked everyone from the school and township for their hard work and he also reminded everyone that the October Supervisors meeting has been changed to Tuesday October 13, 2009 at 7:00 PM.

Motion was made by Mr. Slusser to adjourn the meeting, seconded by Mr. Masi. All were in favor.

Respectfully submitted,

Paula Weihbrecht, Secretary