

KIDDER TOWNSHIP BOARD OF SUPERVISORS
MONTHLY MEETING MINUTES
Thursday, August 20, 2009

Chairman Polansky called the regularly scheduled monthly meeting of the Kidder Township Board of Supervisors to order at 7:00 P.M. on Thursday, August 20, 2009 at the Kidder Township Municipal Building, Lake Harmony, PA.

ROLL CALL: Township Manager John Finnerty, Administrative Assistant Sylvia Davis, Supervisors Polansky, Bradley, Farnschlader, Nally and Gluck were present along with Attorney Miscavige.

AUDIENCE PARTICIPATION:

Ed Eggert of Old Stage Road stated that the pot holes were getting deeper and deeper and wanted to know why they weren't being fixed especially now that the road is closed while the bridge is being repaired. Mr. Finnerty told him that the pot holes would be fixed before the road is sealed as part of the contract. Mr. Finnerty also explained that they didn't want to do the sealing while the road was closed because it would be better to have cars driving on the road to help grind in the seal coat.

Rich Smallenburg from the AVFC wanted to know what progress was being made with the 911 addressing project. He said they had a call the other day and it took five to ten minutes to locate the property with the help of the county communication center. There happened to be two houses with the same address number. Mr. Finnerty stated that he is in touch with the comm center every month to check on the status. He said that they are currently finishing the first township and that Kidder would be among the next three municipalities to be done within the County.

Ralph Lennon gave an informal update on the Route 80 emergency access road. He stated that a PennDOT foreman told him the cost of the turnaround came in some where around \$250,000.00, and that the money is not available to do the project at this time. It was discussed that they could possibly get access onto Route 80 and wait on the turnaround until the funds are available. Ralph said that last Sunday there was an accident right under the bridge and they had to go all the way down to the Lake Harmony entrance ramp to get on. At this time Charles Getz and Kanjorski are working jointly to resolve the access issue. Ralph announced that the new LHVFC ladder truck should be here by Labor Day.

APPROVAL OF MINUTES:

Regular Meeting July 16, 2009

MOTION - made by Mr. Nally, seconded by Mr. Bradley **to approve the minutes of the July 16, 2009 meeting.** Motion carried 5-0.

There was an **Executive Session** held prior to this evenings meeting.

CURRENT BILLS:

MOTION – made by Mr. Nally, seconded by Ms. Farnschlader **to pay the current bills in the amount of \$387,149.20.** Motion carried 5-0.

SUBDIVISION AND LAND DEVELOPMENT:

- A. Minuteman Towing** - release from Land Development Improvement Agreement upon receipt of security (\$27,834.67) for Land Development Maintenance Agreement

A letter was received from Hanover Engineering verifying completion of the required improvements and recommending release of the security.

MOTION - made by Ms. Farnschlader, seconded by Mr. Nally **to release the Land Development Improvement Agreement upon receipt of the maintenance bond.** Motion carried 5-0.

- B. Waterpark** - release from Land Development Improvement Agreement upon receipt of the security (\$67,520) for the Land Development Maintenance Agreement

A letter was received from Hanover Engineering verifying that all improvements were completed and recommended release of the improvements security upon receipt of the required 15% maintenance security. Mr. Kalins once again brought up the subject of why a maintenance bond is required for an owner occupied facility. Attorney Miscavige said that there is an ordinance in the MPC concerning the requirement of maintenance security but it may be possible for an owner to request a waiver from the security. Attorney Miscavige recommended that he have Attorney Sterns research the requirements of the maintenance bond and present her findings to the Planning Commission at their next meeting. In turn the PC will present their recommendation to the Supervisors'.

MOTION - made by Ms. Farnschlader, seconded by Mr. Bradley **to release \$32,480.00 from a \$100,000.00 escrow account leaving a balance of \$67,520 and to address the issue of the Maintenance Bond at the next meeting.** Motion carried 5-0.

- C. Mid Lake II** - request for extension of time until September 11, 2010

Craig Harahus from Blue Ridge stated that they were still having problems with the water system and needed more time to correct the problems.

MOTION - made by Mr. Gluck, seconded by Ms. Farnschlader **to grant an extension of time to September 11, 2010.** Motion carried 5-0.

- D. Split Rock Section H Phases I and II** - request for an extension of Land Development Improvement Agreement until August 31, 2010

Mr. Kalins said that he needs the time to complete the final road wearing surface.

MOTION - made by Mr. Gluck, seconded by Mr. Bradley **to grant an extension of time to August 31, 2010.** Motion carried 5-0.

- E. Split Rock Section J** - request for release from Land Development Maintenance Agreement and return of unused escrow funds

A letter from Hanover Engineering stated that the installation of a guide rail has adequately address the safety issue and recommended the release of the 15% Maintenance Security. Ms. Davis noted that the Maintenance Security has a balance of \$4,402.20 and there is \$5,000.00 in an escrow account. The legal and engineering fees would have to be deducted from the escrow account.

MOTION - made by Mr. Polansky, seconded by Mr. Gluck **to release the Maintenance Security and the balance of the escrow account once the fees have been deducted.** Motion carried 5-0.

F. Geiss Properties - Final Minor Subdivision Plan

Chris McDermott from Reilly Associates was present to represent the owner. He explained that the 125 acre parcel is located on Route 903 adjacent to Jonathon's Point. The parcel would be divided into two parcels along the zoning boundary that separates the R-2 and the Commercial districts. The commercial lot would be 48.127 acres and the R-2 lot would consist of 77.025 acres.

MOTION - made by Mr. Nally, seconded by Mr. Bradley **to approve the Geiss Properties Final Subdivision Plan including the 6 waivers recommended by the PC and subject to the setback change and clarification of the owner's certification as per the PC minutes of August 5, 2009.** Motion carried 5-0.

OLD BUSINESS:

A. Ordinance NO: 145 - Stormwater Management

MOTION - made by Mr. Bradley, seconded by Ms. Farnschlager **to advertise the revised Stormwater Management Ordinance.** Motion carried 5-0.

NEW BUSINESS:

A. Chief of Police Contract - expires September 1, 2009

Mr. Polansky noted that the contract was reviewed at the executive session held prior to this meeting.

MOTION - made by Mr. Bradley, seconded by Ms. Farnschlager **to approve the contract arrived at for the next two years.** Motion carried 5-0.

B. Township Manager Contract - expires September 9, 2009

This contract was also discussed at the executive session and some changes were made to it.

MOTION - made by Mr. Nally, seconded by Mr. Gluck **to approve the revised contract.** Motion carried 5-0.

C. Snow Removal Bids - approval to advertise

Mr. Finnerty stated that there are a little less than 6 miles of township owned roads that need to be maintained.

MOTION - made by Ms. Farnschlager, seconded by Mr. Gluck **move to advertise for the snow removal bids.** Motion carried 5-0.

D. Dimmick Memorial Library - request for donation

The budget allowed for a \$300.00 donation to the library. Because of the current economic environment the township is interested in curtailing spending. A discussion surrounded breaking the donation into two or three installments and or taking a look at the situation at the end of the year. It was noted that a \$300.00 donation was given to the White Haven Library at the beginning of the year. Ms. Farnschlager stated that she wished Dimmick would send out their donation requests out earlier in the year. Mr. Nally proposed a \$150.00 donation and Mr. Kalins said he would match the townships donation.

MOTION - made by Mr. Nally, seconded by Mr. Bradley **to donate \$150.00 to the library to match Mr. Kalin's \$150.00 donation.** Motion carried 5-0.

E. St Peter the Fisherman Church - request for reduction/waiver of Zoning & Building Permit fees for the new rectory

Mr. Polansky noted that in the past the township has set the precedence of waiving fees for other charitable organizations that are tax free.

MOTION - made by Mr. Bradley, seconded by Mr. Nally **to waive the zoning permit fee of \$288.00 and building permit fee of \$1,376.75 totaling \$1,664.75 for the new rectory.** Motion carried 5-0.

- F. **Resolution 2009-004** - Appointment of Delegate to Carbon County Tax Collection Committee

MOTION - made by Mr. Polansky, seconded by Mr. Gluck **to appoint Mr. Finnerty as the primary voting delegate and Ms. Farnschlader as the non voting first alternative.** Motion carried 5-0.

REPORTS:

- A. **Police Chairman** - Mr. Bradley noted that they were working on the police contract.
- B. **Roadmaster** - Mr. Gluck gave an update on the easy pass lane at the Pocono Interchange. Currently the easy pass lanes are on the far right side of the toll plaza. This makes it very difficult trying to cross four lanes of traffic to make a left onto Route 940. He said that he wrote to the Turnpike Commission and they said that they would look into it so he decided to stop at the toll plaza and speak to a supervisor. The supervisor said if it was up to him he would say no because it would be a safety hazard for the toll takers having to cross an easy pass lane to get to their booths. He noted that Mr. Lennon gave an update on the Route 80 emergency access road.
- C. **Solicitor** - There was nothing new to report.
- D. **Manager** - Mr. Finnerty had the following to report:
1. In early September the bond for Sylvia Davis, the assistant secretary treasurer, will be expiring. At the September meeting Lisa Klem will be appointed as the new assistant secretary treasurer for Kidder Township.
 2. In September there will be a joint ambulance meeting between Lehighton, White Haven and the Lake Harmony Rescue Squad. This is to go over procedures prior to the busy ski season.
 3. Congressman Kanjorski asked for our support for the **Revenue Sharing Resolution**. This is similar to the one they had in the early 80's. This would provide funding for expenses related to public safety, such as for road maintenance, police and fire protection. He noted that PSAT's position is to approve the resolution. Ms. Farnschlader said it seems like a win, win situation.
- MOTION** - made by Ms. Farnschlader, seconded by Mr. Nally **to move to adopt Resolution 2009-005.** Motion carried 5-0.
4. He will be sending the state of Pennsylvania a hold harmless letter to indemnify them when South Lake Drive will have to be closed for the Fireman's parade scheduled in 2011.
 5. He announced that the propane price for the new contract with Montour has been approved. This is offered to the full time emergency personnel. Mr. Nally asked Mr. Finnerty to check and make sure that if the price goes down they would honor the lower price.
 6. Our township is exempt from a house bill for state police coverage. This is because of our population and what we spend on our own police coverage. He

noted that half the municipalities are affected by this and we may be presented with a resolution next month.

7. Also, in September we will be discussing a 1% county wide sales tax. It would be divided ½ to the school district, ¼ to both the county and township. This would help create a property tax reduction.

- E. **Police** - The report was in the Supervisors' file.
- F. **Planning Commission** - The report was in the Supervisors' file.
- G. **Zoning Officer** - The report was in the Supervisors' file.
- H. **Zoning Hearing Board** - There was no meeting held in July.
- I. **Sewage Enforcement Officer** - The report was in the Supervisors' file.
- J. **Code Enforcement Officer** - The report was in the Supervisors' file.
- K. **Environmental Advisory Council** - The report was not available
- L. **Fire Commission** - The report was in the Supervisors' file.

OTHER BUSINESS:

1. Reports were received from the Lake Harmony Volunteer Fire Company, Kidder Township Volunteer Fire Company, Lake Harmony Rescue Squad and the Albrightsville Volunteer Fire Company.

MOTION - made by Mr. Nally, seconded by Ms. Farnschlader, **to put the reports on file.** Motion carried 5-0.

For the record Chairman Polansky stated that he has once again asked the Kidder Township Volunteer Fire Company for audited financial info.

2. Ms. Farnschlader announced that the Dimmick Library Penn Kidder branch will reopen on Tuesday September 8th. The hours will be Tuesday and Wednesday from 3:30 to 6:30 pm. They are looking for volunteers. Anyone interested will have to be cleared by the FBI because of working in a school environment.
3. Fire Chief Lennon announced that they have changed the date of the EMS banquet to accommodate more people. The banquet will be held Friday May 7, 2010.
4. Mr. Nally inquired if there were any dates scheduled for the 2010 budget workshops. He feels it would be good to start early this year in case the news is not good.

ADJOURNMENT:

MOTION - made by Ms. Farnschlader, seconded by Mr. Bradley, **to adjourn the meeting at 7:55 P.M.**

John P. Finnerty, Township Secretary