

**KIDDER TOWNSHIP BOARD OF SUPERVISORS**  
**MONTHLY MEETING MINUTES**  
**Thursday, July 21, 2011**

Chairman Polansky called the regularly scheduled monthly meeting of the Kidder Township Board of Supervisors to order at 7:00 P.M. on Thursday, July 21, 2011 at the Kidder Township Municipal Building, Lake Harmony, PA.

**ROLL CALL:** Township Manager John Finnerty, Assistant Secretary/Treasurer Lisa Klem, Supervisors Polansky, Farnschlader, Bradley, Gluck and Lengle were present along with Attorney Miscavige.

**AUDIENCE PARTICIPATION**

**John Toft**, a resident of Golden Oaks Village (GOV), stated once again that they do not want the Supervisors to give another extension for the Golden Oaks Clubhouse Land Development/Improvements Agreement. He said nothing has been done so he would encourage the Supervisors to call in the letter of credit so the work can be completed. He would also like the Supervisors to verify what is in the contract between Cashin, Spinelli and Hazelton Site Contractors. He feels that the amount that they have spent seems high and he would like to be sure that it is an appropriate amount. Chairman Polansky said that they would look into what has been spent on the improvements so far.

**Don Michel**, a resident of GOV, asked what will be done with the roads in the development. Mr. Finnerty said that he was working on a punch list with Hazleton Site Contractors and once everything is agreed upon they will come back and finish the roads and the clean-up.

**Marvyn Raphaelson** thanked the Smith family for the wonderful job they did on the planting island in the front of the Township Building. He believes that the Township should also send them a formal thank you. Chairman Polansky said that the Township was considering dedicating the area to the Smith family. Mr. Raphaelson also brought up the subject of the sand on the Lake Harmony Estates beach and why the Township has done nothing about it. He said the Estates had agreed to put in some type of bulkhead to prevent the sand from spreading into the lake and that this was supposed to have been completed prior to this summer. Mr. Finnerty said that he has been working with Linda Hubert and would handle the situation. Mr. Raphaelson asked what the Township could do about the commercial boat activity on Lake Harmony. Chairman Polansky said that about all the Township could do is make sure that they are being charged the proper amusement tax fees.

**Chris Murphy**, a resident of North Lake Drive, was present at the meeting tonight to ask for the township's support in eliminating a potentially dangerous situation that exists at the intersection of State Route 1003 (Lake Drive) and North Lake Drive. He feels that the stop signs that exist in both directions do not adequately control the flow of traffic and can't be seen by many drivers. He said that the sign is obscured by a very large tree at the intersection. He showed a video presentation that shows what is occurring at the intersection. He had installed a flashing red LED light on the stop sign next to Piggy's which was removed by PennDOT because it did not meet their signage standards. He said that many people thought it was a great idea, even the police and township officials. He is requesting a letter of support from the Board of Supervisors to PennDOT and our state representatives to re-install the flashing red beacon and the removal of the tree that blocks the stop sign. Mr. Finnerty said that he has been working with PennDOT concerning the stop sign. He said that PennDOT has agreed to move the stop sign to the front of the tree

and that the tree is in their right of way and will be removed. Chairman Polansky told Mr. Murphy that he doesn't disagree with him that something needs to be done at the intersection to make it safer. He believes that PennDOT will only allow a blinking light to be attached to a newly installed sign for the first thirty days. He said that the township would send a letter in support of his cause.

**Judy Pollock**, a resident of North Lake Drive and president of the Lake Harmony Association, said that she has lost count of how many times she has almost been t-boned by cars going through the stop sign. She feels a flashing light would guarantee that drivers would see the stop sign and come to a complete stop at the intersection. She also feels that a "stop sign ahead" warning should be painted on the road as an extra precaution. She said that she will send a letter to PennDOT in support of having a flashing light installed at the intersection.

**John Gnall**, president of Lake Harmony Estates Homeowners Association, wanted the township to know that the Estates have spent a considerable amount of money this year on stormwater management in the area of their beach. He asked for some guidance from the Board on what type of wall would be needed at the beach to prevent the sand from spreading into the lake. He said that the Estates are willing to work with the township to correct the problem. Chairman Polansky recommended that he speak with Bob Dobosh.

#### **APPROVAL OF MINUTES:**

##### **Regular Meeting June 16, 2011**

**MOTION** – made by Ms. Farnschlader, seconded by Mr. Bradley **to approve the minutes of the June 16, 2011 Regular Meeting.** Motion carried 5-0.

##### **Public Hearing June 16, 2011**

**MOTION** – made by Mr. Bradley, seconded by Ms. Farnschlader **to approve the minutes of the June 16, 2011 Public Hearing.** Motion carried 5-0.

There was an **Executive Session** held at 6:00 P.M. concerning legal and personal matters.

#### **CURRENT BILLS:**

**MOTION** – made by Mr. Lengle, seconded by Ms. Farnschlader **to pay the current bills in the amount of \$219,783.36.** Motion carried 5-0.

#### **SUBDIVISION AND LAND DEVELOPMENT:**

1. **Golden Oaks Clubhouse** – Extension of time on Land Development Improvements/Maintenance Agreement until September 15, 2011  
Chairman Polansky noted that at last month's meeting the Board agreed to give the developer thirty days to do something and within the thirty days it has been all talk and no action. He said that the alternatives were to give an extension or to call in the letter of credit and then the township would have to take care of getting a contractor to complete the project. He asked the Board what they wanted to do.

**MOTION** – made by Mr. Lengle, seconded by Mr. Bradley **to call in the Letter of Credit.** Motion carried 4-0-1. Mr. Gluck a resident of Golden Oaks abstained.

Chairman Polansky said that bid specifications would have to be put together. It was discussed that the work that needs to be completed should be under \$10,000.00 and Attorney Miscavige confirmed that the bid specifications would not have to be advertised.

2. **Big Boulder Ski Area** – Subdivision Plan Lots 20-21-A1 and 20-21-A2  
Craig Harahus, Land Manager, of Blue Ridge Real Estate Company, explained that both ski areas are being subdivided from the parent tract of land so that the ski areas can be conveyed to Peak Resorts. Peak has been leasing both ski areas for the past six years and would like to start investing money in the ski areas and build equity in the properties. He said that Peak currently owns nine other ski areas. He noted that all items on Hanover Engineering letter were addressed prior to the Kidder Township Planning Commission (KTPC) meeting held on July 6<sup>th</sup>. It was noted that approval of the subdivisions were recommended by both the KTPC and the Carbon County Planning Commission (CCPC).

**MOTION** – made by Ms. Farnschlager, seconded by Mr. Bradley **to approve the Big Boulder Ski Area Subdivision.** Motion carried 5-0.

3. **Jack Frost Ski Area** – Subdivision Plan Lots 44-20-A1 and 45-20-A12  
As with the Big Boulder Ski Area Subdivision the KTPC and the CCPC recommended approval of the Jack Frost Ski Area Subdivision.

**MOTION** – made by Mr. Lengle, seconded by Mr. Gluck **to approve the Jack Frost Ski Area Subdivision.** Motion carried 5-0.

**Ralph Lennon**, Chief of the Lake Harmony Volunteer Fire Company, asked Mr. Harahus what the effect the sale of the ski area would have on the proposed helicopter landing zone at the Big Boulder. Mr. Harahus said that the landing zone was not part of the conveyance but would still be able to be used. He said that the area still needs to be graded and seeded and that an agreement needs to be signed for insurance purposes.

#### **OLD BUSINESS:**

1. **Award Bid for administration of Uniform and Non-uniform Pension Plans**

Chairman Polansky said that two bids were received. A bid was received from Trollinger, who has been the police pension consultant for years and a bid was received from Pennsylvania State Association of Township Supervisors (PSATS). The bid from PSATS came in \$10,000.00 to \$12,000.00 less for administration than the bid from Trollinger. The police were given the option of increasing their contribution to their pension plan from 5 percent to 8 percent in order to keep Trollinger as their pension plan administrator. The police did not take that option.

**MOTION** – made by Chairman Polansky, seconded by Mr. Bradley **to award the Administration of the Pension fund to PSATS.** Motion carried 5-0.

## NEW BUSINESS

**1. Advertise Bid Specifications for the Sale of the Wastewater Treatment Plant**

Chairman Polansky noted that this has been advertised once before but that the two bids that were received did not meet the specifications. He noted modifications have been made to the specifications.

**MOTION** – made by Ms. Farnschlader, seconded by Mr. Lengle to **Advertise the Bid Specifications for the Sale of the Wastewater Treatment Plant.** Motion carried 5-0.

**2. Carbon County Association of Township Officers (CCATO) – ad in program for Annual Convention**

Chairman Polansky said that the Township received a letter asking that the Township place an ad in the CCATO program and that they attend the annual convention.

**MOTION** – made by Ms. Farnschlader, seconded by Mr. Lengle to **place a full page ad for \$45.00 in the Carbon County Association of Township Officers Program.** Motion carried 5-0.

**3. Blue Ridge Cable – approve settlement agreement**

Chairman Polansky said that a law suit filed by Delaware Township against Blue Ridge Cable resulted in a settlement agreement whereas the cable company has to pay back money to townships around the state.

**MOTION** – made by Ms. Farnschlader, seconded by Mr. Bradley to **sign the settlement agreement accepting the money to be paid to Kidder Township.** Motion carried 5-0.

## REPORTS:

**A. Police Chairman** – There was nothing additional to add.

**B. Roadmaster** – There was nothing additional to add.

**C. Solicitor** – Attorney Miscavige requested that a motion be made to approve and advertise the adoption of the proposed amendment to the zoning ordinance discussed at last month's meeting and referred back to the Planning Commission together with the slight change of the definition of lot frontage in SALDO.

**MOTION** – made by Mr. Polansky, seconded by Mr. Lengle to **advertise and adopt Ordinance No. 153 a proposed amendment to the Zoning Ordinance amending the definition of Lot Line and Side and Rear Yards and the change to the definition to the Lot, Frontage in SALDO.** Motion carried 5-0.

**D. Manager** - Mr. Finnerty had the following to report:

**1.** PSATS is concerned about unfunded mandates and has appointed certain college professors to conduct surveys of several townships around the state in order to get their opinion about unfunded mandates. He was interviewed by a professor from Kutztown University.

**2.** The number of Certificate of Occupancy applications of rental units has almost doubled from last year.

**3.** Terry Smith, who is the recipient of the Kidder Township Emergency Services Person of the Year, always works on Thursday nights and is not able to attend a meeting to receive his award. Other arrangements will be made so he can receive his plaque.

- E. Police** - The report was in the Supervisors' file.
- F. Planning Commission** – The minutes are in the Supervisors' file.
- G. Zoning Officer** – The report was in the Supervisors' file.
- H. Zoning Hearing Board** – The report was in the Supervisors' file.
- 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 minutes are in the Supervisors' file.
- L. Fire Commission** – The minutes from the April 20<sup>th</sup> are in the Supervisors' file.

**OTHER BUSINESS:**

1. Reports were received from the Lake Harmony Volunteer Fire Company, Albrightsville Volunteer Fire Company and Kidder Township Volunteer Fire Company. Again there was no report from the Lake Harmony Rescue Squad. Mr. Finnerty was asked to contact the Rescue Squad to find out why they have not been submitting reports.

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

2. **Comprehensive Plan** – Chairman Polansky said that he believes a final document has been compiled and will need to be circulated to adjacent municipalities for their review. The final plan should be on the agenda in the next couple months for final approval.
3. **Lou Montanaro** said that the LHVFC has done landscaping at the new fire house. He wanted to thank everyone who helped.

**ADJOURNMENT:**

**MOTION** - made by Mr. Bradley, seconded by Ms. Farnschlader **to adjourn the meeting at 7:48 P.M.**

---

John P. Finnerty, Township Secretary