

**KIDDER TOWNSHIP BOARD OF SUPERVISORS**  
**MONTHLY MEETING MINUTES**  
**Thursday, June 16, 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, June 16, 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.

**AWARD PRESENTATION** – Terry Smith Emergency Services Person of the Year. Chairman Polansky noted that at last month's meeting the Supervisors had promised to present a plaque to Terry Smith, Kidder Township's Emergency Service Person of the Year, but unfortunately the plaque had not arrived. The Supervisors will present the plaque at the July meeting.

**AUDIENCE PARTICIPATION**

**Mary Conrad**, a resident of Golden Oaks Village (GOV), wanted to know the status of the Hazleton site contractor. She understood that the Township had a meeting with both the bonding company and engineer last week. Mr. Finnerty said that he had a conference call last week with the Surety, Hanover Engineering and Attorney Miscavige. He said that they had resolved a lot of issues and are getting close to getting things settled. He said he was hoping for a good rain so he could get out to the development and check on the drainage issues.

**Marvyn Raphaelson** complained about the condition of the garden in front of the township building. He said the garden is a disgrace and something should be done about it. Chairman Polansky agreed with him and said the Township would do something about the garden. Mr. Raphaelson also asked what was being done about the sand at the Lake Harmony Estates Beach. Zoning Officer Compton said that the Lake Harmony Estates Property Owners Association was sent an Enforcement Notice informing them that they could not put any sand on the beach without first obtaining the proper permits. In order for them to get a permit they would have to install some type of barrier to contain the sand.

**Ralph Lennon**, Chief of Lake Harmony Volunteer Fire Company, once again noted his disappointment with MetroCast Cable. He said that at the old fire house they had expanded cable service but at the new station they only have basic service of nine channels. He said that a few weeks ago when there was a tornado watch in effect they couldn't get the weather channel for updates. He said that MetroCast told him it would cost \$38.00 a month for the expanded cable service.

**John Toft**, a resident of (GOV), encouraged the Supervisors to deny the Golden Oaks Clubhouse extension of time on the Land Development Improvements, Maintenance Agreement until September 15, 2011. Mr. Toft said that in May he sent a letter to Mr. Finnerty and copied GOV Inc. concerning the Maintenance Agreement on the Clubhouse. Mr. Herman replied with a two sentence letter stating that they were in the process of evaluating the property and receiving bids to refresh the landscaping. He said that Mr. Herman was granted 30 days at the last meeting to do two weeks of work and nothing has been done. Mr. Toft said that he is aware of the fact Mr. Herman received a bid for the landscaping improvements but he has not responded to the contractor.

**APPROVAL OF MINUTES:**

**Regular Meeting May 19, 2011**

**MOTION** – made by Mr. Lengle, seconded by Ms. Farnschlader **to approve the minutes of the May 19, 2011 Regular Meeting.** Motion carried 5-0.

There was a **Public Hearing** held at 6:30 P.M. for the purpose of an Amendment of Chapter 180 Zoning Code of Kidder Township: Ordinance 153 Amending the Definitions of Lot Line and Side and Rear Yards.

There was an **Executive Session** held directly after the Public Hearing.

**CURRENT BILLS:**

**MOTION** – made by Mr. Bradley, seconded by Ms. Farnschlader **to pay the current bills in the amount of \$265,981.98.** Motion carried 5-0.

**SUBDIVISION AND LAND DEVELOPMENT:**

1. **Lake Harmony Commons** – Extension on Land Development Plan until December 31, 2011

Richard Henry and Sons are requesting the extension in order to allow them to finish addressing the Township Engineer's comments and to obtain some outside agency approvals. Ms. Farnschlader questioned if a six month extension was warranted. Attorney Miscavige said that since this involves an outside agency approval the extension is warranted.

**MOTION** – made by Ms. Farnschlader, seconded by Mr. Gluck **to grant the extension until December 31, 2011.** Motion carried 5-0.

2. **Mt. Laurel Timeshare** – Extension of time on Land Development Plan until June 18, 2012

A letter submitted by Jack Kalins stated that Vacation Charters, Ltd. is in the midst of financial discussions which most likely will result in the Mountain Laurel Resort and Spa being "spun off" of Vacation Charters, Ltd. He is requesting a one year extension giving them and the prospective new owner time to evaluate the 136 townhouse project.

**MOTION** – made by Ms. Farnschlader, seconded by Mr. Lengle **to grant the extension until June 18, 2012.** Motion carried 5-0.

3. **Golden Oaks Clubhouse** – Extension of time on Land Development Improvements/Maintenance Agreement until September 15, 2011

Chairman Polansky explained the (GOV) was granted a 30 day extension at last month's meeting on the Letter of Credit for the landscaping of the clubhouse. He asked the Board what they wanted to do and suggested that if nothing is done by the July 21<sup>st</sup> meeting the Board should consider calling in the Letter of Credit.

**MOTION** – made by Chairman Polansky, seconded by Mr. Bradley **to grant the extension for 30 days on condition that the Board will call the Letter of Credit at the next scheduled meeting on July 21<sup>st</sup> if Mr. Herman doesn't act on the clubhouse landscaping improvements within the 30 day extension.** Motion carried 4-0-1. Mr. Gluck a resident of GOV abstained.

**OLD BUSINESS:**

1. Award Bid for administration of **Uniform and Non-uniform Pension Plans**  
Chairman Polansky said that the Board was going to have to table this decision again this month. He explained that the Police Officers have asked for an opportunity to speak to the Board concerning this issue. The Board will give them the opportunity to have their say in this matter. He noted that two bids were received and said that there was a substantial difference in cost between the two bids.

**MOTION** – made by Mr. Lengle, seconded by Mr. Bradley **to table the decision until next month.** Motion carried 5-0.

2. Advertise **Ordinance No. 153** – Amending Chapter 180 Zoning Definitions of Lot Line and Side and Rear Yards.

Chairman Polansky noted that there was a Public Hearing held at 6:30 P.M. on Ordinance No. 153. Mr. Montanaro, a member of the Planning Commission noted that there is a discrepancy in the definition of front yard when it comes to lake front properties. Zoning has the front yard facing the street, while the Subdivision and Land Development definition has the front of the yard facing the lake. It was decided to table this matter until the Planning Commission could clarify which definition is correct.

**MOTION** – made by Ms. Farnschlader, seconded by Mr. Bradley **to table advertising the Ordinance until it could be further reviewed by the Planning Commission.** Motion carried 5-0.

3. Award bid for sale of the **Wastewater Treatment Plant (WWTP)**

Chairman Polansky said that two bids were received for the purchase of the WWTP. He also explained that neither of the bids meet the specifications of the bid package. Attorney Miscavige recommended that the Board reject both of the bids.

**MOTION** – made by Ms. Farnschlader, seconded by Mr. Lengle **to reject both bids received for the purchase of the WWTP.** Motion carried 5-0.

Chairman Polansky wanted to put on record that the Township still wants to sell the WWTP and they want to sell it in a fashion that the Township recovers all the dollars that were invested in the plant over the years. He said that over eleven million was invested in the plant. He also said that if the plant were to sell at a profit that money doesn't belong to the Township but to the customers on the central sewer system.

**NEW BUSINESS**

1. Enforcement of **Kidder Township Code Chapter 137** – requiring property owners who rent to obtain Inspection and Certificate of Occupancy.

Chairman Polansky stated that a lot of Township residents have been pushing the Township to get homeowners who rent their properties to obtain the proper Certificate of Occupancy (CO) inspections. He said the Township intends to significantly enforce the requirement to have homeowners who rent their properties get a CO. He said that the new employee, Chrissy Lindsay, has been working very diligently at identifying properties that are rentals and do not have a CO. Letters are being sent to all the owners along with a CO application. The Township is going to begin a citation process against the homeowners who are ignoring the requirement to get the proper inspection. It

will cost the Township \$98.00 for the citation to the district court. The fine will be \$600.00 a day up to a maximum of \$12,000.00. At this point **Hal Sprecher**, a homeowner in Pocono Mountain Lakes, said that he has been renting his property to a full time renter that has been there for many years. He feels that there should be a difference in the requirements for the people who rent their properties full time compared to those who rent on a short term basis. He said that he believes there is an appellate court decision that says before you can file against anyone you must first get a warrant to enter the property. He also believes that the Uniform Building Code doesn't allow the Township to do what we are doing. He said it was inconvenient for him to get a CO for his rental because the tenant has a dog and would have to take a day off work for the property to be inspected. Chairman Polansky said that the Township would work with him in scheduling the inspection and told him if he was correct about the warrant, then it would cost about \$125.00 to get a warrant and it would be at the property owner's expense. Attorney Miscavige said that a motion was not required in order to enforce Chapter 137.

2. **Albrightsville Volunteer Fire Company** – Request for Relief of Permit Fees  
The AVFC would like to replace their old advertising sign with a new sign.  
**MOTION** – made by Mr. Lengle, seconded by Mr. Bradley **to waive the permit fees for the new sign as long as the sign conforms to the current regulations.** Motion carried 5-0.

#### **REPORTS:**

- A. **Police Chairman** – There was nothing additional to add.
- B. **Roadmaster** – There was nothing additional to add.
- C. **Solicitor** – There was nothing additional to add.
- D. **Manager** - Mr. Finnerty had the following to report:
  1. The first meeting of the newly formed Sewer Committee was held on Tuesday, June 14<sup>th</sup>. It was decided that they would meet on a monthly basis to start with and later on a quarterly basis. The meetings will be held the second Tuesday of the month at 7:00 P.M. at the Township building. The meetings will be open to the public. Ms. Farnschlader said that the Committee will elect the officers with the exception of the Chairman. The Chairman will have to be selected by the Supervisors. Chairman Polansky asked that the Sewer Committee recommend a Chairman for the Supervisors to select.
  2. There will be a tour of the WWTP on Thursday, July 14<sup>th</sup> at 7:00 P.M.
  3. The Township will be working on Henning Road down near the new bridge and on Old Stage near the Geiser property to correct some water runoff issues.
- E. **Police** - The report was in the Supervisors' file.
- F. **Planning Commission** – There was no meeting in June.
- 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.

**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.  
**MOTION** - made by Ms. Farnschlader, seconded by Mr. Lengle, **to put the reports on file.** Motion carried 5-0.
2. **Lake Harmony Watershed Preservation group 2011 Golf Outing** – July 10<sup>th</sup> 2011 Request for sponsorship  
**MOTION** – made by Mr. Bradley, seconded by Ms. Farnschlader **to sponsor a hole at the Golf Tournament for \$50.00.** Motion carried 5-0.

**ADJOURNMENT:**

**MOTION** - made by Mr. Bradley, seconded by Ms. Farnschlader **to adjourn the meeting at 7:40 P.M.**

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John P. Finnerty, Township Secretary