

KIDDER TOWNSHIP BOARD OF SUPERVISORS
MONTHLY MEETING MINUTES
Thursday, April 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, April 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 and Lengle were present. Supervisor Gluck and Attorney Miscavige were absent.

AUDIENCE PARTICIPATION

Don Michel, a resident of Golden Oaks, said he had spoken to Mr. Finnerty a couple weeks ago concerning the status of the project that was going on in the development and wanted to know the time frame for completion. He also questioned if there was enough money to complete the project. Mr. Finnerty said that he had just received the punch list of the items that needed to be completed from the engineers and needed to discuss the list with the Supervisors. Mr. Finnerty noted that the water and sewer are bonded and there is enough money to complete the project including cleaning up the debris.

Joe McAleer, President of the Lake Harmony Rescue Squad, said that he understands the Township has recently purchased bio-diesel fuel and wondered if the manager or anyone made an effort to determine if the fuel would affect any of the vehicles. Chairman Polansky said this was a topic at the Fire Commission meeting last night and told him that they were assured that the fuel would not impact any of the vehicles. He noted that Chief Lennon has contacted the suppliers of the LHVFC vehicles and was told that the fuel should not be a problem. Mr. McAleer said that the Rescue Squad would also check with their mechanics and manufacturers concerning the effects of the fuel. Mr. Finnerty said that the Township was mandated to use the bio-diesel fuel.

Ralph Lennon announced that due to the fact they are hosting the 2011 PA Firemen's Convention and Parade they will not be having the Emergency Services Banquet this year. He noted that each year at the banquet the Emergency Person of the year would be announced. This person is selected from one of the three fire companies and the rescue squad. He said the Supervisors have been kind enough allow the nomination to be announced at the next Supervisors meeting. He would encourage everyone to attend the meeting on May 19th to support the local emergency services providers.

Marvyn Raphaelson questioned what the situation was with the Lake Harmony Estates Beach. He said that last year the Estates had agreed to do something about the sand from the beach getting into the lake. He said that he spoke to Linda Hubert last week and she told him they were currently working on some stormwater issues and would be having someone come out in the next couple of weeks to look at what could be done about the sand issue. He is afraid that nothing will be done to correct the sand problem and before you know it the beach will be open for the season. Mr. Finnerty said that he remembers at the meeting last year that was held specifically concerning the sand issue, the Estates agreed to correct the problem by this spring. Mr. Finnerty said he would look into the situation. Mr. Raphaelson said he believes that at least fifty percent of the homes in the Estates are rentals and questioned if the owners had Certificates of Occupancy.

Mr. Finnerty said that the Township has been making significant progress on verifying that all rental properties have a current Certificate of Occupancy.

APPROVAL OF MINUTES:

Regular Meeting March 17, 2011

MOTION - made by Ms. Farnschlader, seconded by Mr. Bradley **to accept the minutes of the March 17, 2011 Regular Meeting and move the approval of the minutes to the next meeting.** Motion carried 4-0. It was noted that only two of the Supervisors that were at the March 17, 2011 meeting were in attendance this evening. Mr. Gluck's vote would be needed to approve the March 17, 2011 minutes.

There was an **Executive Session** held at 6:00 P.M. this evening.

There was a **Public Hearing** held at 6:30 P.M. on Ordinance No. 147 Amending Chapter 180: Zoning by Establishing Specific Standards for Oil and Gas Development Facilities.

CURRENT BILLS:

MOTION – made by Ms. Farnschlader, seconded by Mr. Bradley **to pay the current bills in the amount of \$200,838.51.** Motion carried 4-0.

SUBDIVISION AND LAND DEVELOPMENT:

1. Request for release of **\$100,000.00 Certificate of Deposit Escrow** for completion of the **Lake Harmony Firehouse.** Land Development Improvements Agreement expires 6/18/11.

It was noted that there was a letter from Hanover Engineering verifying that the required improvements have been substantially completed and recommended the release of the improvements security. Chairman Polansky said that at this time a \$15,000.00 Maintenance Bond would be required. It should be noted that Mr. Montanaro does not agree that a Maintenance Bond should be required. Chairman Polansky said that this would be discussed with Attorney Miscavige.

MOTION – made by Ms. Farnschlader, seconded by Mr. Polansky **to release the original \$100,000.00 bond, have the Fire Company promise to do landscaping and require a \$15,000.00 Maintenance Bond.**

Motion carried 4-0.

2. Release of Maintenance Agreement and Letter of Credit in the amount of \$70,638.15 for **Indus Hospitalities Inc.** Letter of Credit Expires April 30, 2011

It was noted that there was a letter in the file from Hanover Engineering listing a number of items that needed to be completed. After review it seems that some of the items were part of the Improvements Agreement that was previously released. Mr. Finnerty said that Attorney Miscavige has advised the Supervisors to release the bond and send Dr. Shah a letter stating that the fence must be installed and the sprinkler system must be brought up to code within 30 days or the Township will bring an enforcement action.

MOTION – made by Ms. Farnschlader, seconded by Mr. Lengle **to release the Maintenance Agreement and Letter of Credit in the amount of \$70,638.15 as of April 30, 2011.** Motion carried 4-0.

OLD BUSINESS:

1. **Ordinance No. 147** – Advertise for Adoption of the Ordinance Establishing Specific Standards for Oil and Gas Development Facilities
MOTION – made by Mr. Bradley, seconded by Ms. Farnschlader **to Advertise Ordinance No. 147 for Adoption.** Motion carried 4-0.
2. **Ordinance No. 149** – Adoption of Ordinance Amending Chapter 180: Zoning Code by establishing Standards for Wind Energy Facilities.
MOTION – made by Ms. Farnschlader, seconded by Mr. Bradley **to Adopt Ordinance No. 149.** Motion carried 4-0.
3. **Ordinance No. 151** – Adoption of Ordinance Amending Chapter 153: Subdivision and Land Development Code by establishing specific standards for the Land Development Operation and Decommissioning of Wind Energy Facilities.
MOTION – made by Ms. Farnschlader, seconded by Mr. Lengle **to Adopt Ordinance No. 151.** Motion carried 4-0.
4. Appointments to the **Sanitary Sewer Advisory Committee**
Vacation Charters two nominations to the Committee are Frank Litchman and Louis Delrosso.
MOTION – made by Mr. Lengle, seconded by Mr. Bradley **to Appoint Frank Litchman, Louis Delrossa, Ralph Lennon and Larry Gould to the Sanitary Sewer Advisory Committee.** Motion carried 4-0.
Chairman Polansky said that the Board is going to reserve the decision to appoint the third member. Of the two members selected by the Township one is from the Lake Harmony Association and the other is from Lake Harmony Estates. The Board would like the third nominee to be from Split Rock.

NEW BUSINESS

1. Open Bids for administration of **Uniform and Non-uniform Pension Plans**
Chairman Polansky explained that the Township currently has two separate pension funds that are managed by two separate advisors. The new Pension Recovery Act requires that the funds be managed by one actuary. Mr. Finnerty said that three bids were received. He said the bids would be opened tonight and the amount of the bids would be announced but that no decision would be made until the Solicitor and Supervisors review the contents.
2. Adopt **Resolution 2011-002** setting fees for permits and municipal services and statutory interest on delinquent accounts
Chairman Polansky said that 6% is the rate the Township will charge on all delinquent accounts and this would be added to the fee schedule.
MOTION – made by Ms. Farnschlader, seconded by Mr. Bradley **to adopt Resolution 2011-002.** Motion carried 3-0.
3. **Ordinance No. 152** – Advertise for Adoption an Ordinance authorizing The Township of Kidder to participate as a member in the existing joint board of Appeals pursuant to the UCC.
MOTION – made by Mr. Bradley, seconded by Mr. Lengle **to advertise for adoption Ordinance No. 152.** Motion carried 3-0.

REPORTS:

- A. Police Chairman** – Mr. Lengle reported that new uniforms were donated to the Police Department. He also noted that residents were concerned that the reduction in the police force would result in increased overtime pay. He was happy announce that in the first three months of this year less overtime was paid out than in the first three months of last year.
- B. Roadmaster** – Supervisor Gluck was not in attendance.
- C. Solicitor** – Attorney Miscavige was not in attendance.
- D. Manager** - Mr. Finnerty had the following to report:
 - 1. The Sewer Plant was put out for bid at the last Supervisors meeting. PA American Water Company will be touring the plant next week. He will be meeting with Aqua the next week.
 - 2. He will be sending letters out next week to all municipalities in Carbon County asking if their fire police would be permitted to help at the upcoming PA Firemen's Convention and Parade in September.
 - 3. Carbon County is doing a great job trying to get grant money to help with the conversion from wide band to narrow band.
 - 4. He still has not heard anything concerning the DCED grants from gaming money that the fire companies and rescue squad applied for.
 - 5. The EAC got their grant for the Blue Book project.
- 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** – January 13, 2011 – The minutes are in the Supervisors' file.

OTHER BUSINESS:

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

MOTION - made by Ms. Farnschlader, seconded by Mr. Lengle, **to put the reports on file.** Motion carried 4-0.

ADJOURNMENT:

MOTION - made by Mr. Lengle, seconded by Ms. Farnschlader **to adjourn the meeting at 7:42 P.M.**

John P. Finnerty, Township Secretary