

KIDDER TOWNSHIP BOARD OF SUPERVISORS
MONTHLY MEETING MINUTES
Thursday, December 17, 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, December 17, 2009 at the Kidder Township Municipal Building, Lake Harmony, PA.

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

AUDIENCE PARTICIPATION:

John Toft noted that there was no representative from Golden Oaks Village at tonight's meeting. He said that they should be forced to do what they haven't done in six years. He has no sympathy for Golden Oaks Village, Inc. and is against any extensions. At this point Chairman Polansky asked if anyone else from Golden Oaks would like to comment on the situation. No other resident came forward.

Gene Getz asked Mr. Finnerty about the status of the re-addressing program.

Mr. Finnerty said that Carbon County requested a list of all new structures built within the Township since 2005. This information has been sent to them. He is now waiting to hear back from the County.

Jason Steranko, on behalf on the ambulance squad, would like to request the supervisors' to change the dispatch cards for South Kidder Township. He noted that about a year and a half ago the dispatch cards were changed from Leighton to the White Haven paramedic unit as the primary provider of Advanced Life Support (ALS). South Kidder Township includes Split Rock, Lake Harmony and the Albrightsville area. It was thought the change would be beneficial to the community, but since that time they have seen a decline in the availability of the White Haven ALS ambulance. He said they are out of service more and more, sometimes two to three days a week and it has become an issue for the Township. He said he has spoken to Leighton ALS and they are willing to come back to the Township. He said they have promised to keep an ambulance in Penn Forest until it would be the last available unit to be called out of the territory. He believes this is the best option for now. **Chairman Polansky** said that Kidder has applied for a DCED grant for funds to convert our ambulance from Basic Life Support (BLS) to ALS, but we will not know until February at the earliest if we receive the grant. **Joe McAleer**, President of the Lake Harmony Ambulance, said that this is a coverage issue. He noted that an ALS provider must operate 24/7, 365 days a year and White Haven is not doing that. Even though they are the closest provider they are not operating 24/7 and it is getting worse. He also feels the best coverage for this community at this time would be to go back to Leighton. He said they would keep working on Kidder Township becoming an ALS provider. It was noted at this time that White Haven would still be the first responder for both BLS and ALS for North Kidder, which would include both Golden Oaks and the Tannery. Mr. Polansky asked Mr. Finnerty to write a letter requesting the change and confirmed with Attorney Miscavige that a motion would be required.

MOTION - made by Mr. Nally, seconded by Mr. Bradley **to change the ALS call sequence from White Haven to Leighton.** Motion carried 4-0.

Chairman Polansky presented a plaque to commemorate the service of **Kevin Nally** who is leaving the board after serving for over 12 years. Mr. Nally served two terms and completed the vacancy of Nick Pantages. Four of those years he served as Chairman of the Board of Supervisors. The Township appreciates the service provided by Mr. Nally and looks forward to seeing Kevin at future meetings.

Chairman Polansky wanted to remind everyone that PPL's rates would be increasing in 2010. It would pay to look into other providers of electricity, such as Con Ed, Dominion or Direct Energy.

APPROVAL OF MINUTES:

Regular Meeting November 19, 2009

MOTION - made by Mr. Gluck, seconded by Mr. Nally **to approve the minutes of the November 19, 2009 meeting.** Motion carried 4-0.

There was an **Executive Session** held prior to this evening's meeting.

CURRENT BILLS:

MOTION – made by Mr. Bradley, seconded by Mr. Nally **to pay the current bills in the amount of \$178,435.03.** Motion carried 4-0.

SUBDIVISION AND LAND DEVELOPMENT:

A. Golden Oaks Phase I Stage I - Request for extension of Land Development Improvement Agreement until March 19, 2010

It was noted that the Township hired a second engineering company to give a second opinion as to what it would cost to complete the project. Their estimate came in close to Hanover Engineering but not quite as high. Mr. Nally said that it was time to stop giving any more extensions and call in the bond. He asked the residents of Golden Oaks if they were sure the Township was doing the right thing by calling in the bond. Mr. Polansky noted that it may take quite awhile to retrieve the bond money. At this point Attorney Miscavige was asked what the process would be. Attorney Miscavige said that once the Board does vote to declare the developer in breach of the Land Development Improvement Agreement we will then provide notices to the companies that have the security for the Agreement. Under the terms of the bond, the bonding company has 15 days to notify us if they are going to do the work, or not, and then an additional 30 days after that to take some additional steps. The bonding company does have the right, first of all, to go in and have the work done themselves before the Township could start the work. Basically, nothing happens until the bonding company makes the determination under the terms of the bond if they elect not to do the work and pay the money to the Township. If that is the case our Engineer will draw up specifications for the completion of the improvements. That will go out to bid and work will be completed in due course and then the improvements will be turned over to the association. Mr. Polansky asked Mr. Gebhard if he had any comment on this matter. Mr. Gebhard said he had nothing to say and said the matter was under litigation. Mr. Polansky said that if there was not enough money in the bond to finish the improvements the Township would have to pay for the project to be completed and then go after the developer for the costs, which everyone knows would be very difficult to do.

MOTION - made by Mr. Nally, seconded by Mr. Bradley **to deny the request for an extension.** Motion carried 3-0-1. Mr. Gluck, a resident of Golden Oaks, abstained.

Mr. Polansky said that the Board would have to call in the bond. Attorney Miscavige said the next thing they would have to do is declare the developer in breach and in default of the Land Development Improvement Agreement and to adopt Resolution 2009-06.

- B. Resolution Number 2009-06** - Authorizing a draw on the security posted with respect to Golden Oaks Village, Phase I, Stage I

MOTION - made by Mr. Bradley, seconded by Mr. Nally **to declare the developer in breach and in default of the Land Development Improvement Agreement, call in the Bond and adopt Resolution Number 2009-06.**

Motion carried 3-0-1. Mr. Gluck abstained.

OLD BUSINESS:

- A. Adoption of the 2010 Budget** - advertised in The Times News, November 23, 2009

Mr. Polansky noted that taxes would not increase for 2010; however the budget will eat up almost \$400,000 of reserves that it took the Township almost 20 years to build up. If things remain the way they are in the first couple of months of the year the Township will have to take some drastic measures. To outline what they are, the staff has been told that only expenses that are absolutely necessary are to be paid. The next step would be layoffs, possibly starting with the Police Department first. That would be the only way to save any substantial amount of money. This Township depends considerably on the livelihood of the commercial enterprises. If we were to tax them higher we could possibly lose more revenues. It is fortunate at this time that we have built the surplus to help to us thru these hard times, but will it be enough? Mr. Finnerty added that it should be noted for the record that the budget is nearly \$180,000 less than last year. The budget for 2010 is \$1,983,390 and the budget last year was \$2,164,000.

MOTION - made by Mr. Gluck, seconded by Mr. Bradley **to adopt the 2010 Budget.** Motion carried 4-0.

NEW BUSINESS:

- A. Resolution Number 2009-07** - For Plan Revision for New Land Development
This Resolution deals with the Pa Sewage Facilities Act for the Lake Harmony Commons Subdivision. The subdivision is located along Route 940 and may be the future site for St. Luke's Emergency Care Facility.

MOTION - made by Mr. Nally, seconded by Mr. Bradley **to approve Resolution Number 2009-07.** Motion carried 4-0.

REPORTS:

- A. Police Chairman** - Mr. Bradley reported that the Township has selected their arbitrator, the Police Union has selected theirs and a neutral arbitrator has also been selected. Arbitration is scheduled for April.

B. Roadmaster - There was nothing to report.

C. Solicitor - There was nothing additional to report.

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

1. The two pumps in the SBR unit at the sewer plant rarely work at the same time. At the request of the sewer operator a firm from New Jersey, thru a laptop, was able to get the pumps to run simultaneously for a charge of \$100.00. This

will help with some sewer issues when we are dealing with heavy rainfalls and snow melt. This will be a big improvement.

2. The sludge hauling at the plant is working very well. He is checking into the price for the sleeving on the leaky section of Birchwood Road. This is a project that is planned for the spring.
3. A draft of the Comprehensive Plan is in. There are a limited number of copies at this time, but if anyone would like to take a look at it there will be copy available at the Township office.
4. The new truck should be here within the next week or two.
5. The Census Bureau will be conducting testing here on January 6th from 10:00 am to 1:00 pm. They are looking for census takers so if anyone is interested you will need to take the test. It is very important that we get an accurate count this time, last time there was a feeling that we were under counted. We need an accurate count because it helps us with state aid, county aid and a lot of other things.
6. The State, due to budget problems, has reduced the year end reimbursement for the on-lot sewage program from 50% to 21.25%. The sewer rates have not been increased in twenty years. The SEO has submitted a new fee schedule that takes into account the reduced reimbursement level.
7. At Route 903 and 534 we have covered all our engineering fees from a grant we received from the State. The agreement was upheld that the Township just pay operational and maintenance fees moving forward.

- E. **Police** - There was nothing to add and 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** - 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 November 11, 2009 report was in the Supervisors' file. The December 9, 2009 report was not available yet.
- L. **Fire Commission** - The October report was in the Supervisors' file.
- M. **Public Hearing** - November 19, 2009 - The report, concerning Meckes Lane, was in the Supervisors' file

OTHER BUSINESS:

1. Reports were received from the Lake Harmony Volunteer Fire Company and the Lake Harmony Rescue Squad. There were no reports received from Kidder Township Volunteer Fire Company or Albrightsville.
MOTION - made by Mr. Nally, seconded by Mr. Gluck, **to put the reports on file.** Motion carried 4-0.

ADJOURNMENT:

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