

KIDDER TOWNSHIP BOARD OF SUPERVISORS
MONTHLY MEETING MINUTES
Thursday, May 19, 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, May 19, 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

Don Michel, a resident of Golden Oaks, said that he addressed Mr. Finnerty last month concerning the condition of the swales in their development. He was told that someone would be addressing the issues but so far nothing has been done. He would like something to be done now not ten years from now.

Emergency Services Person of the Year – Awards Presentation

Chairman Polansky said that he appreciates the opportunity today on behalf of the Board and the entire Township community to thank and honor the fire fighters, fire police and the EMT's and although not part of the awards ceremony he would like to thank our excellent police force as well for providing outstanding emergency services for all of us. Chairman Polansky explained that each of the three fire companies and the rescue squad nominated a member of their organization and the Person of the Year would be selected by a committee. **Gene Getz**, of the Albrightsville Volunteer Fire Company, who has been an active member for 32 years and has held most positions including Fire Chief.

Kerri Lanum, of the Kidder Township Volunteer Fire Company, was recognized as an outstanding fire fighter who never backs down from a challenge.

Joseph Lennon, of the Lake Harmony Volunteer Fire Company, who has been an active member for 29 years, volunteering at the age of 16. It was also noted that Joe was honored as a lifetime member in 2008. **Terry Smith**, of the Lake Harmony Rescue Squad, who has been a certified EMT for just under 20 years and is also a trained EMS and CPR instructor along with being a volunteer fire fighter. The 4th Annual Kidder Township Emergency Services Award was presented to **Terry Smith** of the Lake Harmony Rescue Squad. Chairman Polansky thanked Terry for his outstanding dedication to the Township.

Frank Way, President of the Lake Harmony Watershed Preservation Group, noted that there could be a looming large problem ahead of us in the Lake Harmony area. He said that the Canadian geese population is starting to increase in the area. Last year there was one couple who had five young ones. Instinctively a couple mates for life and returns to the same place every year to mate. In five years there can be fifty geese. The problem is with the fecal matter that the Canadian geese produce is so much that it can kill a lake. He said that we need to be proactive if we are going to save our lake. He has spoken with the State Wildlife Agency and the Animal Damage Control Agency and they told him that before anything can be done the Township has to do an ordinance for a "no feed of water fowl" before they could do anything to control the birds. He said that we need to move forward before the population gets too large because they are only allowed to

remove 10 percent lethally when the ordinance is in place. First people have to be informed that they are not allowed to feed the birds. Chairman Polansky said that a Public Hearing should be scheduled to see what the community, as a whole, has to say about this issue. He asked Mr. Finnerty to schedule the hearing.

John Toft, a resident of Golden Oaks Village (GOV), noted that on tonight's agenda Golden Oaks has requested a reduction in their bond. He suggested that the Supervisors not lower the bond. The original amount of the bond was \$1.1 million and the amount to which you lower it should not be less than \$110,000 or 10 percent. He believes the Municipal code specifies that. The surety company undertook to contract the completion of the infrastructure of Phase 1, Stage 1 themselves rather than having the Township do the work. In spite of that, to his knowledge they have still to complete swale maintenance and clean debris. They have not addressed the depth of the swales where the swales are over the water lines, and Aqua PA has said that the bottoms of the swales are too deep and some water lines are in danger of freezing. He said this was not the case before the surety company had the work done. There is ponding of water in several places in the community. Hanover Engineering, in agreement with the Surety, says that this is an on-going maintenance problem thus putting the financial burden on the property owners. He questioned whose side Hanover Engineering was on. Also, Hanover has said that he ponding was caused by improper snow removal even though the ponding occurs when there is rain and no snow. Also, the surety company has not addressed the drainage problem with the north swale. They did do some work but not all of it. He believes that the property owners of GOV have a right to expect that the current construction should not just correct GOV Inc.'s failure to do the work right, but that the current construction should bring the project up to the original specifications. He again asked the Supervisors not to lower the bond. He feels the letter of credit for the clubhouse infrastructure should be extended because the work will not be completed by May 31st. He said that there has been no reaction to their inspection of the clubhouse and questioned if Mr. Dobosh has looked over their inspector's findings. The property owners will not accept the clubhouse from GOV Inc. until everything is resolved to their satisfaction. He also said that to complicate matter the property of GOV Inc. is being sold at a sheriff's sale on June 10th. He said that time is of the essence. They need to move quickly and he would appreciate it if the Supervisors would not lower the bond.

Marvyn Raphaelson once again questioned what the Township was doing about the sand at the Lake Harmony Estates beach. He said that at the meetings that was held last fall the Estates agreed to correct the situation by the spring but nothing has been done. Attorney Miscavige said that an enforcement letter would be sent to the Lake Harmony Estate Property Owner Association.

Pete Ginopolas, past President of the Lake Harmony Association, said that they have adopted State Route 1003 from Route 903 to the toll gate at Split Rock to do road clean-up work. They have been doing the clean ups three times a year for the past fifteen years. In preparation for the 2011 Firemen's State Convention they have scheduled a major limb, branch chipping project on Saturday, June 4th at 9:00 a.m. He said that four companies have donated chippers for that day. Many volunteers are needed for this project. They will be meeting at the Lake Harmony Fire Company and lunch would be served afterwards. Chairman Polansky hoped that people would help with the road clean-up.

APPROVAL OF MINUTES:

Regular Meeting March 17, 2011

MOTION - made by Mr. Lengle, seconded by Mr. Gluck **to approve the minutes of the March 17, 2011 Regular Meeting.** Motion carried 3-0-2. Mr. Bradley and Ms. Farnschlader were not in attendance at the March Supervisors meeting so they abstained from the vote.

Regular Meeting April 21, 2011

MOTION – made by Mr. Lengle, seconded by Mr. Bradley **to approve the minutes of the April 21, 2011 Regular Meeting.** Motion carried 4-0-1. Mr. Gluck was not present at the April meeting and abstained from the vote. There was an **Executive Session** held at 6:00 P.M. this evening.

CURRENT BILLS:

MOTION – made by Ms. Farnschlader, seconded by Mr. Lengle **to pay the current bills in the amount of \$212,570.46.** Motion carried 5-0.

SUBDIVISION AND LAND DEVELOPMENT:

1. Golden Oaks Village – reduction in bond from **\$250,000.00 to \$50,000.00**

It was noted that a letter was received from Hanover Engineering recommending that the bond be reduced from \$250,000.00 to \$50,000.00. Ms. Farnschlader asked for advice from counsel before making a decision on reducing the bond. Attorney Miscavige said that under the Planning code they have been given directions from the Engineer who has done the inspections and has recommended the reduction in the bond and unless there is a reason that they disagree with the engineer's decision they are bound by the recommendation.

MOTION – made by Ms. Farnschlader, seconded by Mr. Polansky **to reduce the bond from \$250,000.00 to \$50,000.00 on advice of counsel.**

Motion carried 4-0-1. Mr. Gluck a resident of Golden Oaks abstained.

2. Split Rock Country Club – Section H – Phase 3A- final approval of a 5 lot subdivision.

Chairman Polansky noted that the Planning Commission recommended approval of the subdivision at their meeting on April 3, 2011 subject to the bonding.

MOTION – made by Mr. Gluck, seconded by Mr. Lengle **to approve the Split Rock Country Club – Section H – Phase 3A 5 lot subdivision.**

Motion carried 5-0.

OLD BUSINESS:

1. Ordinance No. 147 - Adoption of Ordinance Establishing Specific Standards for Oil and Gas Development Facilities. **Advertised Times News – May 2nd and 10th.**

Chairman Polansky stated that the ordinance had been advertised and that a Public Hearing had been held.

MOTION – made by Ms. Farnschlader, seconded by Mr. Bradley **to Adopt Ordinance No. 147.** Motion carried 5-0.

2. **Ordinance No. 152** – Adoption of Ordinance authorizing The Township of Kidder to participate as a member in the existing joint Board of Appeals pursuant to the Universal Construction Code. **Advertised Times News – May 2nd and 10th.**

Chairman Polansky stated that the ordinance had been advertised and Attorney Miscavige stated that a Public Hearing for this ordinance was not required.

MOTION – made by Mr. Lengle, seconded by Ms. Farnschlader to **Adopt Ordinance No. 152.** Motion carried 5-0.

3. Appointment to the **Sanitary Sewer Advisory Committee.**

At the last Supervisors meeting four members were appointed to the Sanitary Sewer Committee. The Board needed to appoint another member which they wanted from the Split Rock community.

MOTION – made by Mr. Bradley, seconded by Ms. Farnschlader to appoint Donald Moyer to the Sanitary Sewer Advisory Committee.

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

Chairman Polansky said that the Board was not prepared to make this decision tonight and needed another month in order to make the decision.

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

NEW BUSINESS

1. **Set Public Hearing for Ordinance No. 153** – Amending Chapter 180 Zoning Definitions of Lot Line and Side and Rear Yards

MOTION – made by Ms. Farnschlader, seconded by Mr. Lengle to **advertise and schedule a Public Hearing on June 16th at 6:30 p.m. for Ordinance No. 153.** Motion carried 5-0.

2. **Adopt Resolution 2011-003** – emergency operations plan.

Chairman Polansky noted that more work needed to be done on the emergency operations plan.

MOTION – made by Ms. Farnschlader, seconded by Mr. Bradley to **Table Resolution 2011-003.** Motion carried 5-0.

3. Motion to allow **Packer Township** to become part to the Joint Board of Appeals.

MOTION – made by Mr. Lengle, seconded by Ms. Farnschlader to **allow Packer Township to join the Joint Board of Appeals.** 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 said that since the Board has approved the Ordinance to join the Joint Board of Appeals a motion is needed to ratify the operating agreement.

MOTION – made by Mr. Gluck, seconded by Mr. Bradley to **ratify the Operating Agreement with the Joint Board of Appeals.** Motion carried 5-0.

Attorney Miscavige stated that the Township is currently holding a letter of credit for maintenance on the clubhouse at Golden Oaks that covers the landscaping which expires at the end of May. John Herman has submitted a letter requesting a three month extension. The Board would need to make a decision concerning the requested extension.

MOTION – made by Ms. Farnschlader, seconded by Mr. Bradley **to grant a one month extension on the Golden Oak Letter of Credit for the landscaping of the clubhouse.** Motion carried 4-0-1. Mr. Gluck abstained.

- D. Manager** - Mr. Finnerty had the following to report:
1. He has sent a letter out to all local municipalities asking if their fire police would volunteer to help at the upcoming 2011 Firemen's Convention.
 2. The staff has been working very hard gathering all the information that had been requested concerning the sale of the Waste Water Treatment Plant.
 3. There will be a Comprehensive Plan meeting on Wednesday, May 25th at 1:00 p.m.
 4. He will be meeting with a representative from Kutztown University regarding how the Township feels about unfunded mandates from Harrisburg.
 5. The insurance renewal policy for this year is \$5,000.00 less than last year.
- 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.

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 5-0.
2. **Lake Harmony Volunteer Fire Company Golf Tournament**
June 20, 2011- request for sponsorship
MOTION – made by Mr. Bradley, seconded by Mr. Gluck **to sponsor a hole at the Golf Tournament for \$50.00.** Motion carried 5-0.
3. **Special Olympics Carbon County**
September 4, 2011 – request for donation Horse Show
MOTION – made by Mr. Gluck, seconded by **to take a full page ad for \$50.00.** Motion carried 5-0.

ADJOURNMENT:

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

John P. Finnerty, Township Secretary