

KIDDER TOWNSHIP BOARD OF SUPERVISORS
MONTHLY MEETING MINUTES
Thursday, November 19, 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, November 19, 2009 at the Kidder Township Municipal Building, Lake Harmony, PA.

ROLL CALL: Township Manager John Finnerty, Bookkeeper Lisa Klem, Supervisors Polansky, Bradley, Farnschlader, Nally and Gluck were present along with Attorney Miscavige.

AUDIENCE PARTICIPATION:

John Toft from Golden Oaks Village spoke once again concerning the Commons Building and the Phase I Stage I extensions. As he stated before, they had from April until October to complete the Commons Building, and all they did was line the parking lot and put up two handicap signs. He asked that their letter of credit not be extended because they can complete the work in a very short period of time, say two weeks. As far as Phase I Stage I, he said that they had six years to do something to the infrastructure and that they have done absolutely nothing. He asked that they not be granted an extension and realizes that the Township would have to call in their bond. He said that he understood there were certain procedures that would have to be followed and it could be a lengthy process.

Ms. Farnschlader wanted to inform everyone that the library at Penn Kidder did not reopen as promised in September. She said she was told that the adult population that wanted the library were not making use of it. She noted that the hours the library was open could have been the problem, a Tuesday and Wednesday with different hours each day, or possibly they weren't convenient days. She said they still wanted to do something for the kids but possibly not until January. Ms. Farnschlader noted that she had asked the library board for both weekend hours and summer hours but got neither. Mr. Polansky asked Jack Kalins if there was any space available at the Galleria or the Lodge for a library. Mr. Kalins suggested that the history room off the lobby at the Lodge might be a good area. It was noted that the library could be used by both residents and resort guests. He said that someone should contact Donna, the Lodge Manager.

Ms. Farnschlader also wanted to bring everyone up to date on the H1N1 virus. As of November 17th there were 79 confirmed cases in Carbon County and 153 cases in Monroe County. Statewide there were 10,002 cases. It was noted that the vaccines were offered at the Weatherly Middle School and the turn out was lower than anticipated.

APPROVAL OF MINUTES:

Regular Meeting October 15, 2009

MOTION - made by Mr. Nally, seconded by Mr. Bradley **to approve the minutes of the October 15, 2009 meeting.** Motion carried 3-0-2.

Ms. Farnschlader and Mr. Gluck abstained since they were not at that meeting.

There was an **Executive Session** held prior to this evenings meeting.

CURRENT BILLS:

MOTION – made by Mr. Nally, seconded by Mr. Bradley **to pay the current bills in the amount of \$253,703.86.** Motion carried 5-0.

SUBDIVISION AND LAND DEVELOPMENT:

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

Mr. Nally said that he agrees with Mr. Toft and that the Township should do something to force Mr. Herman to complete the project. He said to correct him if he is wrong, but that if the township makes a claim against the bond and the money that they get from the bonding company is not sufficient to complete the improvements the township is on the hook for the balance. Mr. Polansky said that they would have to go after Mr. Herman and everyone knows how well that works out. Mr. Nally suggested that the township get a second opinion, from a construction professional who works with estimates and bids, of what it is going to cost to complete the project. He noted that they have Hanover Engineering cost estimates but it would be good to have something to compare it to.

MOTION - made by Mr. Nally, seconded by Mr. Bradley **to grant the extension until December 18, 2009 on condition that Mr. Finnerty gets another opinion from a construction professional.** Motion carried 4-0-1. Mr. Gluck abstained.

B. Golden Oaks Commons Building - request for extension of Land Development Improvement Agreement until March 19, 2010

A letter was received from Hanover Engineering stating that the required improvements have been substantially completed in accordance with the Land Development Plan. Hanover noted that they could not verify that the actual species of the plant categories are consistent with the plan. If strict compliance with the Landscaping Plan is required, Hanover Engineering recommends that a Design Engineer or other qualified professional be retained by the Developer to certify the plan compliance. Mr. Polansky said that they would release all but 15% of the security required by the Land Development Improvements Agreement. This should take care of any landscaping items that have not been completed. Mr. Polansky said that at this point they would not need to extend this and verified this with Attorney Miscavige. Attorney Miscavige agreed and said that they could accept Hanover's opinion that the project had been substantially completed per the Land Development Agreement and approve the matter be transferred to the Land Development Maintenance upon receipt of items 1 and 2 of Hanover's letter. Mr. Polansky asked what action had to be taken at this point. Attorney Miscavige said a letter would be sent to the Developer notifying them of the switch to the Maintenance upon reissue of the letter of credit to the amount required per the Maintenance Agreement. The following motion was discussed and recommended.

MOTION - made by Mr. Nally, seconded by Ms. Farnschlader **to confirm the substantial completion of the improvements under the Land Development Improvement Agreement based on the certification from Hanover Engineering and switch to the Land Development Maintenance Agreement upon receipt of the security for the Land Development Maintenance Agreement.** Motion carried 4-0-1. Mr. Gluck abstained.

- C. Lake Harmony Commons** - request extension for final plan Submission until May 31, 2010
A letter was received from HRG asking for the extension in order to allow them to finish addressing the Township Engineer's comments and to obtain some outside agency approvals.
MOTION - made by Mr. Gluck, seconded by Mr. Bradley **to grant an extension until May 31, 2010.** Motion carried 5-0.
- D. William G. & Catherine E. Drayton** - lot line revision
This combines tax parcels 45-20-A3.03 and 45-20-A4.02B which are located on a private road off Route 940.
MOTION - made by Mr. Nally, seconded by Mr. Gluck **to approve the Drayton Lot Line Revision.** Motion carried 5-0.

OLD BUSINESS:

- A. Adoption of Ordinance Number 146** - Vacating a Portion of Meckes Lane
Mr. Polansky noted that this is a dead end road with one home located at the very end of it, owned by a part time resident. He said it was far beyond the Townships ability to continue maintaining this section of road. It was noted that the ordinance was properly advertised and a public hearing was held prior to this meeting.
MOTION - made by Mr. Nally, seconded by Mr. Bradley **to approve Ordinance Number 146 vacating a portion of Meckes Lane.** Motion carried 5-0.

NEW BUSINESS:

- A. Request for \$5,000.00 Donation for pagers** - Albrightsville Volunteer Fire Company
The AVFC sent a letter to the Supervisors' and the Emergency Services Board requesting \$5,000.00 from the capital equipment fund to purchase pagers for the new applicants. Mr. Polansky stated that this fund is for the purchase of heavy equipment, which pagers would not be considered. Mr. Nally said that he did not want to set precedence, but he wanted to commend the AVFC for being able to get new volunteers.
MOTION - made by Mr. Nally, seconded by Mr. Gluck **to allow AVFC to purchase three new pagers and present the bill to the Township.**
Motion failed 2-3. The motion failed with the following three supervisors' opposing the purchase, Mr. Polansky, Ms. Farnschlader and Mr. Bradley.
- B. Advertisement of the Preliminary 2010 Budget**
There were two budget workshops held. Mr. Polansky announced that there are no proposed increases in the budget. The budget will be available at the township building if anyone is interested in reviewing it.
MOTION - made by Mr. Nally, seconded by Ms. Farnschlader **to advertise the 2010 Budget.** Motion carried 5-0.

REPORTS:

- A. Police Chairman** - Mr. Kalins questioned where they were with the police contract. There is currently one more meeting and then it will probably go to arbitration.
- B. Roadmaster** - There was nothing to report.
- C. Solicitor** - There was nothing else to report.
- D. Manager** - Mr. Finnerty had the following to report:
1. There was an energy meeting held at the township building on Tuesday, November 17th at 1:00pm. Rich Kennedy set up the meeting in conjunction with the Carbon County Chamber and Lehigh Valley Chamber of Commerce. Constellation Newenergy, who is endorsed by both Chambers, explained their electricity purchasing program.
 2. The snow removal contract was approved at last months meeting. There was no increase in cost and it will remain the same over the next three years.
 3. He and Pete Lambert went to Kovatch to see the new truck. It still needs to be customized and should be here in December.
 4. The new police car was damaged last night while answering a call.
 5. He and Ms. Farnschlader attended the first county wide tax collection committee meeting on October 27th at the Carbon County Courthouse. They needed to elect a chairman and appoint committees. He was appointed to the by laws committee.
 6. The final budget meeting was held on December 12th.
 7. A public hearing was held tonight at 6:00pm concerning vacating a portion of Meckes Lane. It was attended by the property owner who will be affected. It is a ten foot wide road with very poor drainage.
 8. The pension manager provided the numbers that were needed late this afternoon. One more meeting will be held with the police prior to going to arbitration.
 9. The election was held on November 4th. He would like to congratulate Larry Polansky on his retention, and Bob Lenge to his appointment as a Supervisor. He would also like to recognize Kevin Nally for his many years of service.
- E. Police** - The report was in the Supervisors' file.
Chief Protasiewicz announced that over the Thanksgiving holiday there would be a click it or ticket campaign within the Township.
Mr. Kalins asked the Chief if he was aware of the fact that the Pocono Regional Police were pulling over motorists for speeding along Route 940 in Kidder Township. The Chief told Mr. Kalins that if an offense occurs across the line in Monroe County the police have a right to come into Kidder Township in order to give a citation.
- F. Planning Commission** - The report was in the Supervisors' file.
- G. Zoning Officer** - The report was in the Supervisors' file.
- H. Zoning Hearing Board** - There was no meeting.
- 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 report was in the Supervisors' file.
- L. Fire Commission** - The minutes were not available.

OTHER BUSINESS:

1. Reports were received from the Lake Harmony Volunteer Fire Company, Kidder Township Volunteer Fire Company and the Albrightsville Volunteer Fire Company. There were two monthly reports from the Lake Harmony Rescue Squad.

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

2. Mr. Polansky said that the Supervisors' received a letter from Ralph Lennon, Chairman of the Kidder Township Emergency Services Board, thanking them for their efforts in making the Route 80 emergency access road become a reality.
3. **Chairman Polansky** thanked Sylvia Davis, who is retiring at the end of the year, for her 17 years of outstanding service to the Township.

ADJOURNMENT:

MOTION - made by Mr. Nally, seconded by Mr. Bradley, **to adjourn the meeting at 7:45 P.M.**

John P. Finnerty, Township Secretary