

**KIDDER TOWNSHIP BOARD OF SUPERVISORS**  
**MONTHLY MEETING MINUTES**  
**Thursday, September 15, 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, September 15, 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**

**Rich Smallenburg**, of Albrightsville Fire Company, announced there will be an open house at the Fire Company Thursday Night from 5:00 PM to 10:00 PM. There will be classic cars, fire trucks, food, beverages and entertainment. Chairman Polansky said Lake Harmony Fire Company is also holding an open house starting at 7:00 PM. They are having an antique fire equipment show, food and beverages. This is in preparation for the State Fireman's Convention that will be held in Kidder Township between September 21<sup>st</sup> and 24<sup>th</sup>. Chairman Polansky congratulated the fire companies on holding the convention and wished them good luck.

**Jack Kalins**, asked the Township Manager who was doing the car count study on Mosey Wood Road. John Finnerty said he did not know. Chairman Polansky said it must be PennDOT. The Township Manager will try to find out who it is and why they are doing the car count.

**John Toft**, a resident of Golden Oaks Village (GOV), encouraged the Board of Supervisors to sign the agreements on the agenda for The Golden Oaks Commons Building and Golden Oaks Phase I Stage I. He asked that they start the work quickly before winter. He is concerned about the work being done prior to the warranty expiring in July 2012. Mr. Finnerty said he is meeting with the engineers next week. Mr. Toft said that from time to time Hazleton Site Contractors is supposed to come back and empty the drain bags. They have not done so.

**Judy Pollock**, asked about getting the word stop painted on North Lake Drive and installation of a flashing light. Mr. Finnerty said that the Township Maintenance Man has been out injured for some time. When he gets back and we stripe the township roads we will look into painting stop on North Lake Drive. Chairman Polansky said it is his understanding that the Township would not be permitted to put a flashing light on the stop sign, but he hasn't found any restriction on putting it on a separate pole. Mr. Lengle commented that the removal of the trees has helped with the view of the stop sign.

**Don Michel**, a resident of Golden Oaks Village, is concerned about the swales at Golden Oaks Village. With the cold weather coming the pipes could burst. He asked for immediate attention to this.

**Gene Getz**, Albrightsville Fire Company, said on September 27<sup>th</sup> the Auditor General is holding a Fire Relief Meeting. He will explain the formula for the amount the Municipality receives and how it is established.

**Frank Way**, President of the Lake Harmony Watershed Preservation Group, said they are looking into hosting a triathlon in Split Rock. Everything will remain in Split Rock with the exception of the bike ride. The ride will go out to State Route 940 up to State Route 115 and down State Route 903 and back on the Lake Drive. Mr. Way asked if there are any Permits they need to obtain through the Township or the State. Mr. Finnerty said he will look into it.

#### **APPROVAL OF MINUTES:**

##### **Regular Meeting August 18, 2011**

**MOTION** – made by Ms. Farnschlader, seconded by Mr. Lengle **to approve the minutes of the August 18, 2011 Regular Meeting.** Motion carried 5-0.

There was an **Executive Session** held at 6:00 P.M. concerning legal and personnel matters.

#### **CURRENT BILLS:**

**MOTION** – made by Mr. Bradley, seconded by Ms. Farnschlader **to pay the current bills in the amount of \$189,380.51.** Motion carried 5-0.

#### **SUBDIVISION/LAND DEVELOPMENT:**

**Mid Lake II** – Land Development Improvements Agreement request for extension of time until September 11, 2012. Chairman Polansky asked if we received notice from the bank on the extension of the Letter of Credit. Mr. Craig Harahus of Blue Ridge Real Estate Company handed Lisa Klem a letter from M&T Bank extending the Letter of Credit until September 11, 2012 in the amount of \$1,202,937.00.

**MOTION** – made by Ms. Farnschaler, seconded by Mr. Bradley **to extend the Land Development Improvements Agreement for Mid Lake II to September 11, 2012.** Motion carried 5-0.

**Split Rock Road Relocation** – Release of Land Development Improvements Agreement and \$150,000.00 bond expiring October 17, 2011 upon receipt of \$15,000.00 Maintenance Security. Mr. Jack Kalins of Split Rock Resorts handed a check in the amount of \$15,000.00 to Lisa Klem for the Maintenance Security.

**MOTION** – made by Mr. Bradley, seconded by Ms. Farnschlader **to Release Split Rock Road Relocation from the Land Development Improvements Agreement and \$150,000.00 bond.** Motion carried 5-0.

**Golden Oaks Commons – Agreement with Metro Bank on Letter of Credit.** Attorney Miscavige said that the Township has reached an agreement with Metro Bank on the Letter of Credit they hold on the Golden Oaks Commons Building. Metro Bank has agreed to pay the amount that has been requested by the

Township. This agreement will acknowledge that the Maintenance Agreement between Kidder Township and Golden Oaks Commons is complete.

**MOTION** – made by Ms. Farnschlader, seconded by Mr. Lengle **to approve the Agreement with Metro Bank on the Letter of Credit for Golden Oaks Commons Building.** Motion carried 4-0-1. Mr. Gluck, a resident of Golden Oaks abstained.

**Golden Oaks Phase I Stage I** – Agreement with Cashin-Spinelli.

Attorney Miscavige said we have a proposed agreement with Cashin-Spinelli for completion of the remaining items on Phase I Stage I. Cashin-Spinelli is agreeing that the remaining funds they have will be paid into an escrow fund with an escrow agent. The Township Engineer and Hazleton Site Contractors will meet and the Township Engineer will define the scope of the work remaining. The Township Engineer will oversee the work and sign off on any invoices. Once the work is signed off on then it will be sent to the escrow agent for payment.

**MOTION** – made by Ms. Farnschlader, seconded by Mr. Polansky **to Sign the Agreement with Cashin-Spinelli.** Motion carried 4-0-1. Mr. Gluck, a resident of Golden Oaks abstained.

#### **OLD BUSINESS:**

**Adopt Ordinance No. 153** – amending Chapter 180 Zoning Definition of Lot Line and Side and Rear Yards and amending Chapter 153 Subdivision and Land Development definitions of Lot, Frontage. Attorney Miscavige said that the amendment has been recommended by the Kidder Township and Carbon County Planning Commissions.

**MOTION** – made by Mr. Bradley, seconded by Ms. Farnschlader **to Adopt Ordinance 153 amending Chapter 180 Zoning Definition of Lot Line and Side and Rear Yards and amending Chapter 153 Subdivision and Land Development definitions of Lot, Frontage.** Motion carried 5-0.

**Wastewater Treatment Plant** – award bid for sale of the Wastewater Treatment Plant. Attorney Miscavige said the bids came in on Monday and were opened on Tuesday and are currently being reviewed for content and compliance to the bid specifications.

**MOTION** – made by Ms. Farnschlader, seconded by Mr. Lengle **to table Awarding the Bid for the sale of the Wastewater Treatment Plant until the next meeting to allow the Solicitor more time to review the bids.** Motion carried 5-0.

Mr. Kalins asked why the Sewer Advisory Committee has not been involved in the sale of the plant. Chairman Polansky responded that the decision to sell or not sell the treatment plant is with the Board of Supervisors.

#### **NEW BUSINESS:**

**PA Turnpike Pocono Interchange Milepost A-94,59** – request for an exemption from the Stormwater Ordinance Chapter 148, Section 148-41A(1).

Chairman Polansky said the planning commission and the township engineer approved the exemption.

**MOTION** – made by Mr. Polansky, seconded by Mr. Bradley **to approve the exemption for The PA Turnpike Pocono Interchange Milepost A-94,59 from The Stormwater Ordinance Chapter 148, Section 148-41A(1).** Motion carried 5-0.

**Non-Uniform Pension Fund 2012 Minimum Municipal Obligation (MMO).**

Chairman Polansky announced that the amount for the Non-Uniform Pension Plan Township Contribution for 2012 will be \$54,107.00.

**MOTION** – made by Mr. Polansky, seconded by Mr. Bradley that the MMO be included in the 2012 Budget.

**REPORTS:**

**A. Police Chairman** – Mr. Lengle said that Chief Matthew Kuzma has recommended the Board appoint Officer Neil Yurchak to Criminal Investigator with a corresponding rank of Corporal.

**MOTION** – made by Mr. Lengle, seconded by Ms. Farnschlader to appoint **Neil Yurchak to Criminal Investigator and Corporal effective Monday, September 19, 2011.** Motion carried 5-0.

**B. Roadmaster** – There was nothing additional to add.

**C. Solicitor** – Attorney Miscavige said as of 2012 the County will have a County wide tax collection of Earned Income Taxes. The County has asked the Township to adopt and amend the Township's Earned Income Tax Ordinance to acknowledge the county wide collection.

**MOTION** – made by Ms. Farnschlader, seconded by Mr. Gluck to **advertise the amendment to the Earned Income Tax Ordinance.** Motion carried 5-0.

The Operator at the Wastewater Treatment Plant received notice of violation from the Department of Environmental Protection (DEP). The Manager went to DEP in Wilkes-Barre to discuss the alleged violations. DEP has submitted a settlement and consent agreement to resolve the issues and the Township will pay a \$5,000.00 fine.

**MOTION** – made by Ms. Farnschlader, seconded by Mr. Bradley to **approve the proposed consent agreement as issued by DEP and pay the fine.** Motion carried 5-0.

Attorney Miscavige said DEP is asking for a resolution authorizing the Chairman and the Secretary to execute the agreement.

**MOTION** – made by Mr. Farnschlader, seconded by Mr. Gluck to **allow Chairman Larry Polansky and Manger John Finnerty to execute the agreement.** Motion carried 5-0.

**D. Manager** – Mr. Finnerty said he will have a pencil budget for 2012 prepared for the Supervisors next week. The first budget meeting will be scheduled for

October 13, 2011 at 7:00 PM. Chairman Polansky announced that the meeting is open to the Public.

Mr. Finnerty said we received a letter of interest for the Planning Commission Board.

Mr. Finnerty said he will be sending out letters to property owners concerning dangerous trees that need to be taken down.

Lehighon Borough is having an electronic recycling day on September 27, 2011.

Mr. Finnerty said he will be at the Township building on Sunday if anyone would like to bring electronics they want to recycle and he would take them to Lehighon on the 27<sup>th</sup>.

- 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.

We received reports from all three fire companies. We do not have a report from the rescue squad.

Chairman Polansky thanked Mr. Kalins for displaying the flags for the convention on Mosey Wood Road.

**ADJOURNMENT:**

**MOTION** - made by Mr. Lengle, seconded by Mr. Bradley **to place all reports on file.**  
Motion carried 5-0.

Chairman Polansky said The Penn Kidder Chamber of Commerce is going to fund and maintain flags on Lake Drive.

**The Meeting was adjourned at 7:34 P.M.**

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John P. Finnerty, Township Secretary