

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

**ROLL CALL:** Township Manager John Finnerty, Administrative Assistant Sylvia Davis, Supervisors Polansky, Bradley, Nally and Gluck were present along with Attorney Miscavige. Supervisor Farnschlader was absent.

**AUDIENCE PARTICIPATION:**

**John Toft** and his wife Mary, who live in Golden Oaks Village, wanted to voice their dismay with the way things were being handled at their development. He noted that nothing had been done at the club house since April. Mr. Toft said that the developer asks for extension after extension and it has to stop. He said the club house could have easily been completed by now and that they have had plenty of time to complete the infrastructure. He asked that the supervisors not grant any more extensions for the club house and only grant a three month extension, not the six month extension that was requested by the developer for the land development improvements agreement. Mr. Polansky said that that there were two problems with calling in the bond, one the legal process of collecting the bond and the other the township would become responsible for completing the task. He noted neither would be good for the township. The supervisors' would render their decision when it comes up on the agenda later in the meeting.

**Ralph Lennon**, chief of the LHVFC, said that earlier in the week there was some confusion when they were dispatched to the Blue Ridge headquarters. They believed they meant the office complex on Moseywood but were told to go to Hummingbird Way which is the new building at Midlakes. He said he spoke to the comm. center about how serious the addressing issue is and until this is resolved someone may get seriously hurt. He said he was told by the comm. center that Kidder Township was next in line for the 911 addressing program. In another matter Mr. Lennon said that he had a call from Washington D.C. concerning the Route 80 emergency entrance road. Apparently the Federal Highway Administration has worked out a deal with PennDOT to get the project going. The work should be starting next week and should be completed by December. At this point it is not clear if it is only for the entrance road or if it includes the turnaround.

**APPROVAL OF MINUTES:**

**Regular Meeting August 20, 2009**

**MOTION** - made by Mr. Gluck, seconded by Mr. Nally **to approve the minutes of the August 20, 2009 meeting.** Motion carried 4-0.

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

**CURRENT BILLS:**

**MOTION** – made by Mr. Bradley, seconded by Mr. Gluck **to pay the current bills in the amount of \$254,791.50.** Motion carried 4-0.

Mr. Finnerty noted that this should be the last sizable payment for sludge removal at the sewer treatment plant.

**SUBDIVISION AND LAND DEVELOPMENT:**

- A. Waterpark** - request for release from Maintenance Security in the amount of \$67,520.00

Mr. Polansky noted that the Planning Commission made a recommendation at their last meeting concerning the requirement of maintenance security. A motion was made that in the event that there is (1) commercial land development (2) where the developer is the sole occupier of the development and (3) the development is the only use on the property being developed that no maintenance bond shall be required and instead the improvement agreement for the development will release and indemnify the township in the event there is an issue with the improvements. The fact that there is no maintenance security required must be listed on the recorded plans.

**MOTION** - made by Mr. Gluck, seconded by Mr. Bradley **to release \$67,520.00 and to require the preparation of a letter of indemnification from the developer accordingly.** Motion carried 4-0.

Mr. Dickinson said that he would request the letter of indemnification.

Attorney Miscavige requested that the supervisors' set in motion for the adoption of the policy recommended by the Planning Commission. All were in favor.

- B. Willowbrook Building #6** - request for release of \$20,000.00 for the installation of the dry hydrant

Mr. Dickinson noted that the dry hydrant is installed but will not be operational until the spring of 2010. Also, he said that the dry hydrant is for future use more than current needs. Chief Lennon stated that they currently have adequate water supply from the live hydrants.

**MOTION** - made by Mr. Bradley, seconded by Mr. Gluck **to approve the release of the \$20,000.00 subject to receiving a letter of indemnification that in the event there are any problems Vacations Charters would be responsible for the repairs.** Motion carried 4-0.

- C. Willowbrook Building #7** - request for an extension of Land Development Improvement Agreement

Mr. Kalins requested a two year extension for the completion of building #7. The bond expires on September 17, 2010 so the supervisors decided that it would be best to grant a one year extension.

**MOTION** - made by Mr. Nally, seconded by Mr. Gluck **to grant a one year extension to September 17, 2010.** Motion carried 4-0.

- D. Golden Oaks Phase I Stage I** - request for an extension of Land Development Improvement Agreement until March 19, 2010

It was noted that the bond for this project in the amount of \$519,131.00 will expire on November 1, 2009 and the additional letter of credit for \$45,881.20 will expire on February 10, 2010. Since the township is only covered through the October meeting the supervisors decided just to grant only a one month extension.

**MOTION** - made by Mr. Bradley, seconded by Mr. Nally **to grant an extension to October 15, 2009.** Motion carried 3-0-1. Mr. Gluck abstained.

- E. Golden Oaks Commons Building** - request for an extension of Land Development Improvement Agreement until March 19, 2010. Letter of credit expires October 15, 2009.  
It was noted once again that the letter of credit in the amount of \$288,846.61 will expire on October 15, 2009.  
**MOTION** - made by Mr. Nally, seconded by Mr. Polansky **to grant an extension to October 15, 2009.** Motion carried 3-0-1. Mr. Gluck abstained.
- F. Jack Frost Golf Course PRD Temporary Club House** - request for release from Land Development Maintenance Agreement  
A letter from Hanover Engineering noted that the improvements are in an acceptable condition except for the detention pond vegetative cover. Mr. Harahus said that the cost of fertilizer and seed to complete the project would be around \$345.00. He said Blue Ridge would be willing to put up a cash deposit of \$1,000.00 because they really don't want to go through the expense of renewing the bond which expires on September 20, 2009. Ms. Davis said that Hanover said that Blue Ridge would come in with an estimate of what the cost would be and the supervisors could accept that.  
**MOTION** - made by Mr. Polansky, seconded by Mr. Nally **to release the escrow subject to Blue Ridge putting up a cash deposit in an amount recommended by Hanover Engineering.** Motion carried 4-0.
- G. Barnes Lot Line Revision**  
This combines tax parcels 21A-21-M33HF and 21A-21-M35HF on Sunrise Lane in Holiday Pocono.  
**MOTION** - made by Mr. Gluck, seconded by Mr. Nally **to approve the Barnes lot line revision.** Motion carried 4-0.

**OLD BUSINESS:**

- A. Ordinance NO: 145 - Stormwater Management**  
**MOTION** - made by Mr. Bradley, seconded by Mr. Gluck **to adopt Ordinance NO: 145 - Stormwater Management.** Motion carried 4-0.
- B. Award Snow Removal Bid**  
The township received three bids. Wernet Excavating who had the previous contract submitted the lowest bid.  
**MOTION** - made by Mr. Bradley, seconded by Mr. Nally **to award the three year contract to Wernet Excavating.** Motion carried 4-0.
- C. Adopt Resolution No: 2009-005 - revenue sharing**  
**MOTION** - made by Mr. Nally, seconded by Mr. Gluck **to adopt Resolution No: 2009-005 supporting the local federal fiscal assistance.** Motion carried 4-0.

**NEW BUSINESS:**

- A. Appoint Lisa Klem as Assistant Secretary and Assistant Treasurer effective September 10, 2009**  
**MOTION** - made by Mr. Nally, seconded by Mr. Bradley **to appoint Lisa Klem as Assistant Secretary and Assistant Treasurer effective September 10, 2009.** Motion carried 4-0.

- B. Aqua Resources, Inc.** - request for a 4% increase for plant operation effective December 2009  
Mr. Polansky said that they would not be voting on this matter tonight and have asked the manager to negotiate the terms with Aqua Resources. Mr. Nally questioned the terms of the letter from Aqua stating that if they had not heard from the township by August 31<sup>st</sup> that the rate would automatically increase. Mr. Finnerty said that he had notified Aqua that it would not be on the agenda until tonight.
- C. Schedule Budget Workshop**  
Mr. Polansky said that they have been closely monitoring the budget this year and noted that the township was \$120,000.00 behind at the end of August compared to last year. A budget workshop for 2010 will be scheduled for Tuesday October 6, 2009 at 6:30 p.m. The workshop will be advertised.
- D. Police Pension Fund - 2010 Minimum Municipal Obligation (MMO)**  
**Non Uniform Pension Fund - 2010 Minimum Municipal Obligation (MMO)**  
The township must evaluate the MMO every year. Funds of \$88,996.00 are required for the police and \$54,669 for the non uniform pension funds. A contribution is anticipated from the state towards the police fund.  
**MOTION** - made by Mr. Nally, seconded by Mr. Bradley **to approve the MMO's and place the amount in the budget for next year.** Motion carried 4-0.
- F. Resolution 2009-006 - Record Retention Schedule**  
This will be tabled until it is discussed further.
- G. Supervisor's Payroll** - Mr. Polansky stated that four supervisors' have agreed to continue not taking a salary for the rest of the year, while Ms. Farnschlader has decided otherwise.

#### **REPORTS:**

- A. Police Chairman** - Mr. Bradley gave an update on the contract negotiations and that they are in the process of going into arbitration. They would like to use Attorney Hludzik that they have used in the past.  
**MOTION** - made by Mr. Bradley, seconded by Mr. Nally **to use Attorney Hludzik at a rate as specified.** Motion carried 4-0.
- B. Roadmaster** - There was nothing new to report.
- C. Solicitor** - There was nothing new to report.
- D. Manager** - Mr. Finnerty had the following to report:
1. He has received two quotes on the price to replace the half ton pickup truck that was demolished in an accident back in July. An insurance check for \$16,000.00 has been received by the township. Kovatch came in with a quote of \$47,537.41 with payment schedule of \$17,337.61 yearly beginning next August. Penski GMC quoted a price of \$49,335.00 with higher yearly payments.  
Mr. Finnerty recommends Kovatch and noted the dealership is local and that we have purchased police cars from them in the past.  
**MOTION** - made by Mr. Nally, seconded by Mr. Bradley **to purchase the new truck from Kovatch for \$47,537.41.** Motion carried 4-0.
  2. DEP inspected the sewer plant and it went very well.

3. He noted that a way to speed up the readdressing program is to start to do a house numbering ordinance. If we can get this approved, we can save sixty to ninety days.
4. The township is going to approach the Weatherly Area School District about the KOZ zone for the light industrial district that is located just off Route 940 adjacent to Route 80.

- E. Police** - 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** - There was no meeting held in July.
- 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.  
Mr. Polansky noted that in their minutes the EAC said that they would seek grants. Mr. Polansky wanted to remind the EAC that they need the supervisor's approval before they submit any grant applications.

**OTHER BUSINESS:**

1. Reports were received from the Lake Harmony Volunteer Fire Company, Kidder Township Volunteer Fire Company and the Lake Harmony Rescue Squad.  
**MOTION** - made by Mr. Nally, seconded by Mr. Bradley, **to put the reports on file.** Motion carried 4-0.
2. **Mr. Montanaro**, a member of the Kidder Township Planning Commission, requested clarification of two items in the Subdivision and Land Development ordinances. The first has to do with the definition of dedication as it deals with financial security for maintenance of improvements and the other as to whether the costs of the improvements bid shall be submitted by a contractor or it has to be submitted by the township engineer. Attorney Miscavige said he would look into these items.

**ADJOURNMENT:**

**MOTION** - made by Mr. Gluck, seconded by Mr. Bradley, **to adjourn the meeting at 7:59 P.M.**

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John P. Finnerty, Township Secretary