Typed: April 25th, 2014

The regular monthly meeting of the Board of Supervisors of Cass Township was held Thursday, April 24th, 2014 at 6:30 PM at the Township Municipal Building, Duncott, PA.

Present at the meeting were the following: Mike Sorokach, Bernadette Nahas, Susan Scribbick, M/M Frank Angelo, Joe Geles, Joyce Cutler, Mike Ceganick, Brian Mull, Judy Mull, James Thomas, Sharon Wentz, Robert Wentz, John Olenick, Chris Ternowchek, John Pritz, Jane Sunday, Bradley Sunday, Ann Marie Studlack, Andrew Studlack Jr., Lynn Schies, Lori McCarthy, Theresa Walsh, Darla Troutman, Madeleine Dinich, Daniel Sborz, Elvin Brennan Jr., Mike Scribbick, Lita Scribbick, Jake Smulley, and Joseph Smulley. There is one illegible name/signature on the sign-in sheet.

Chairman John M. Walaitis called the meeting to order.

All recited the Pledge of Allegiance to the Flag.


Evelyn J. Bergan – Administrative Assistant -- present.

Cass Township Police Department – Chief Rick Clink – present.

John states that the March 2014 meeting minutes are at your seats. Please review them and inform the Board by the end of this meeting if you feel there are changes necessary. James has one correction to note. John states that the correction will be made to the original document. John asked for a motion to accept the minutes with the exception of the correction. James made the motion. Mike seconds. Motion passed. All answered aye in favor.

Audience Discussion: Please raise your hand; state your name & address for the record.

Theresa Walsh, Forestville – Asked when the sink hole at the Forestville Playground will be fixed, and when will the playground be re-opened. James states it was fixed today and doesn’t believe it’s locked this evening. Theresa states that the playground improvements were the best thing the Township has done – there are lots of kids there all the time and they love it, but she suggests the need for additional trash cans. James states he requested Benesch donate one, but has heard nothing. James is in agreement that more trash receptacles are needed.

Robert Wentz, Low Road – Asked if purchasing the Lazarchick property is necessary, and if the property was appraised and researched. Mike responds that the property was appraised and researched – the water lines were located last week. James Wentz asks what the appraisal amount was and states that he never saw the appraisal. Mike states that the appraisal has been in the office.
for over two months. Robert states that he is not happy that the Township would purchase that property since there are problems that exist such as old retaining walls, etc. - stating that it’s not a good investment, and in addition, it’ll cost a fortune to fix the problems and install a driveway.

Theresa Walsh, Forestville - States that she would like to be clear that she is all for a new Township building and police department; however, she is sentimental about building on the historical (Condors) field and feels that the entrance/exit is unsafe; people are hitting the stone wall like it’s their job; and it will cost a lot of money to purchase property to create a long driveway and then have it installed. James Wentz states he would like to reconfigure the field or move it.

John Walaitis asks the audience members for suggestions on places better suited to build the building. Mike Ceganick states Highridge. Joe Smulley said tie it into the School District.

Ed Brennan addresses Theresa and states that he has researched the property and the Township owns the area (between the fence and the road) that she is referring to regarding a driveway – so that wouldn’t need to be purchased. Mike Kulpavcavage explains the lay-out and possibility of selling (2) lots towards the back of the property that are owned by the Township to generate funds for the project.

Joe Smulley, Forestville - asked if tractor trailers will be able to get an occupancy permit from the State for salt deliveries, etc. – asking if they are sure tractor trailers will be able to get onto the property. Solicitor Brennan states that we won’t need an occupancy permit because the entrance would be off the State roadway onto the existing roadway (Hilltop Terrace Road). Joe asks if an accident occurs because of the entrance, is the Board sure the Township won’t get sued. He said he’d like to see a tractor trailer get in there.

Theresa Walsh states she feels it’s a good location to build, as long as the area that was the Condor’s field can be saved.

John Walaitis brings a map of the location to the table and Solicitor Brennan explains how the Township acquired the property years ago. He adds that the Lazarchick property could be purchased now and decisions as what to do with it can be made at a later time. Minersville Borough did the same with the land by the Lion’s Pavillion. They acquired it and then decided what they wanted to do with it at a later date. Ed states that right now, the property where the high school stood is an eyesore that could be replaced by a nice building. Ed gives ideas of what could be done with a new building, as well as to improve the property.

Joe Smulley asks if a proposal to purchase the land was made (to Lazarchick). Mike answers yes, the Board made an offer of $27,500 – it was appraised at $35,000, but we negotiated to $27,500. Joe states so it’s just going to be pushed through with no discussion with the Community. Mike and John both state that it was discussed at the last meeting. Solicitor Brennan clarifies that the question this evening is whether to purchase the property or not. Joe states it’s just going to be pushed through. Solicitor Brennan explains the voting process to Joe, and adds that the Board could vote it through or vote it down; the decision is up to them.

John Pritz, High Road - asks why a new building is necessary, and how much will it cost...and if a building was built today, would the Board be able to pay the mortgage. John Walaitis says the Board would be able to do so if we sold this building. John Pritz asks who we will sell the building to. John Walaitis states that Child Development, Inc. will have first opportunity to purchase. Mike Kulpavcavage agrees stating that CDI will have the right to first refusal. John Pritz asks why not build another building here on this property. Solicitor Brennan states that this building is on Reading
Anthracite ground. Mike Kulpcavage questioned why would we put another building on leased
ground – it doesn’t make sense.

Robert Wentz feels that the Board should form a Committee and appoint people that know about
such issues to oversee making the decisions about the (Lazarchick) property – stating we have
people from Quandel’s, etc. that know about these issues. He states that there was a piece of
property just sold in Primrose for $16,000 that was flat and has no problems. The Board is paying
way too much money for that property. Solicitor Brennan explains, the property Robert is referring
to has contaminated soil leached over from the former Russian gas station. Robert disagrees stating
that the parcel he is referring to is not contaminated.

John Pritz then asks what is wrong with this building – when he was here, he operated with 2 desks
in the office and asked how many desks are in the office now...4. James Wentz responds that there
are still only 2 (desks), but operating in this building is not a good place to work – especially with
the road crew in the basement/shop with flammable materials, fumes, etc. – and having a police
department around kids doesn’t work either. John Pritz suggests moving the police upstairs into the
Township office. James states the police will still be near the kids – it doesn’t solve the problem.

Jim Thomas, Lilly Lane - addresses John Pritz’s comments by stating that the situation here with the
municipality and CDI is different than it was when John (Pritz) was in office. Jim adds that there are
grant opportunities to look into that may help fund the building project. John Pritz makes a
comment about grant funding. Jim states that if Cass Township doesn’t take the (grant) money,
somebody else will (referring to another municipality). Mike Kulpcavage agrees.

John Pritz asks the Board if they are aware there is a cave on the property where the field is. Stating
that there is a drainage pipe there, etc. – a lot of problems. This leads into discussion between Mike
Kulpcavage and Robert Wentz about the location of the waterlines on the property and the amount
of land that is actually left to build on. Robert Wentz states that the property is a lemon – it has lots
of issues and will cost a lot of money to improve.

Mike Ceganick, Forestville – States that he knows there are properties being sold near his garage
and that the Board sent letters out to property owners, but he didn’t receive a letter and wanted to
know why. Mike Kulpcavage explained that letters were sent to property owners in the front of the
parcels to be sold, since they will get first opportunity to purchase. If they decline, other neighbors
will be offered the chance and letters will be sent out at a later date. Mike Kulpcavage explains that
Mike Ceganick’s letter may be in the later mailings. Mike Ceganick also states that last year, he came
to a meeting and mentioned the website (minutes) being behind; Brian Canfield called him and said
he was in charge of it and would update the information as soon as possible. Mike (Ceganick) said
the website is behind again. Mike Kulpcavage explains that Brian no longer does the website
management for us; now there is another person (Mario Carronatte) hired to do that, and John
Walaitis will contact him to check on the situation. Mike (Ceganick) adds that he has a beautiful
building for sale if the Township would be interest in purchasing that for a municipal building.

John Olenick, Amanda Lane – John addresses the Board stating that Blue Lane is a big pothole and he
doesn’t understand how those residents who live there don’t complain about it. Regardless, he is
here to discuss Amanda Lane because it is not recognized as a Township Road, but he has a copy of
meeting minutes from 1995 where the Board members at the time, took action to name and adopt it
as a Township Road. Jim Thomas adds that this is an ongoing issue and the problem is that Amanda
Lane was never recorded in the Courthouse as a Township Road. Solicitor Brennan explains that it
appears that Board accepted the Deed of Dedication, but the Solicitor (in 1995) did not record the
deed. Solicitor Brennan will research further in order to find what’s needed to complete the legal
recording of the deed. John Olenick states that all he really wants is the Township to plow and maintain Amanda Lane.

John Pritz states that he wants the purchasing of the Lazarchick property to be tabled and adds that we should be spending money on tar and chipping High Road before there is no more High Road.

Lori McCarthy, Forestville - states that a few years ago, there were plans to resurface Woodside Road; she wants to know the status of that project – and is it ever going to be done. Jim Thomas states the Board looked into the cost of resurfacing Woodside Road, as well as, Schaeffer Hill Road. The cost for Woodside was somewhere around $450,000-$500,000. John Walaitis adds that it’s still on the list. Lori adds that we are looking to spend money on other things, and we really need to take care of the roads.

Bernadette Nahas – addresses the Board on behalf of the Scribbick family in regards to an abandoned State road located along Valley Road -- the access road to their (2) homes. She states that there are people living along that road and all they want is it to be plowed and maintained. Solicitor Brennan said he researched the road and it was simply abandoned by the State – it was not turned over to the Township; therefore, the Township has no obligation to maintain it. James Wentz states that we did plow it this year. Lita acknowledges that it was plowed (with a light pass through), but adds that now Spring is here, the pot holes need to be filled with stone. Mike Scribbick states that ever since the State abandoned the road 50 years ago, the Township has always maintained the road. Solicitor Brennan states that may or may not be true, but the Township had no obligation to do so.

Gary Socko, Forestville – Inquired about the sale of the parcels of land in Forestville – asking when will the Board be ready to move on the sale. John Walaitis states that Bob Lehr is working on surveys so we are waiting on his response.

Robert Wentz states that he agrees with John Pritz – he wants the land purchase to be tabled as well.

Jim Thomas addresses John Walaitis and states that discussions of buying the (Lazarchick) property and building a new municipal building at that location has been discussed by Board members for many years – even back to when John Pritz was in office. Don’t let a few people airing their opinion hold you back from moving forward with this opportunity – there are another 1800 residents that have opinions as well, but aren’t here tonight to voice them.

Sharon Wentz, Low Road - asks about the KRE Security contract stating that last year the Township paid them $9,000 – she asked what was paid to them the year before. Mike responds $7,000. Sharon asks if we are locked into the contract. Mike and Solicitor Brennan both respond by stating the contract with KRE Security for monitoring the admission counts at Big Diamond Speedway will be in place until the issue is resolved. Sharon asked when that will be. John Walaitis said the Board doesn’t know, but two of the individuals are here this evening (referring to Joe and Jake Smulley), let’s ask them. John looked to both Joe and Jake for a response. Jake asked what would be the deal. Solicitor Brennan responded that since Jake is asking questions at a public meeting, he will answer the question and doesn’t have a problem speaking about this issue, but he doesn’t want to hear anything from their attorney about it later. Solicitor Brennan states that he would like to first clarify that Big Diamond Speedway brought this lawsuit to the Township; the Township did not bring the lawsuit to them. Ed added that they actually filed (2) lawsuits – stating that Judge Dolbin just recently threw out the defamation lawsuit that Big Diamond filed against former and present Board members. Ed explains that taxpayer funds were spent on legal fees for that lawsuit as well. He explains that when Board members or a Municipality gets sued by anyone, they have to legally defend themselves – the Board just can’t say we don’t want to be sued and it goes away. They have
to respond to the lawsuit. Solicitor Brennan states that even if Big Diamond wins the agreement of only paying the 5% tax, there is still the argument of whether admissions into the pits will be included in the counts, but that is an issue that will be decided in court by a Judge. Solicitor Brennan states that Township wants a fair admission count – Big Diamond won’t give it. They have paid nothing in Amusement Tax in 2013. Instead of negotiating with the Board, they filed another lawsuit. Ed states that he believes the Township will win and recoup the money that’s owed.

Frank Angelo, Jonestown – Asked if there is anything the Township can do about the water problems in the location of West Elk Lane.

Darla Troutman, W. Elk Lane – Had complaints about water run-off onto her property.

Madeleine Dinich, W. Elk Lane – Had complaints about water run-off near her property. She states that the Township should get the engineers involved to find a solution to the water problems and adds that the drainage basins aren’t getting cleaned properly. John Walaitis addressed Mrs. Dinich and stated that he had the engineers at her property and they offered options, but her husband wouldn’t allow anything to be done because he didn’t want the water going onto their vacant lot. Madeleine states that Andy wouldn’t allow it because they may want to build something on that property someday and it would get flooded. John states that Andy prevented the Township from helping with the problem. He adds that water flows downhill, if water gets diverted away from one resident’s property, it will be on someone else’s.

Mike Ceganick, Forestville – States that we are all talking about the ball field being a landmark – Big Diamond Speedway is the Township’s biggest landmark. He asked why the Township has to be so greedy and go for the 10% (amusement tax) – why can’t the Township just accept the 5%. Mike Kulpcavage addresses Mike Ceganick and states he apparently has not been listening to a word that was said tonight. Solicitor Brennan again explains the lawsuit stating that Big Diamond Speedway is not paying the 5% or 10%, they are paying nothing – zero. The Ordinance has always stated 10%; Big Diamond states they had an agreement with a prior Board to pay 5% - that may or may not be so- but the fact is they are paying nothing. Solicitor Brennan asks how can paying nothing be justified.

Gary Socko, Forestville – States that while we are talking about the Amusement Tax, he wants to know if Reading Anthracite pays the tax for all the permits they issue for the ATV’s, etc. to have access to their property. Solicitor Brennan states they do not, but that is a good point, and they should be paying it.

John Pritz, High Road – States that when was in office there was (5) years spent picking up dirty diapers along Forest Lane from the patrons of Big Diamond Speedway. He then asked what is the budget for this year. Mike responds the 2014 budget $701,880. John makes comment that when he was in office, the budget was only $400,000 – he makes further comments about finances.

John Walaitis closes the audience discussion for this evening and moves onto the items on the agenda:

**Lazarchick Property Purchase:** After a lengthy discussion from the Board and the Audience, John asks for a motion to purchase the Lazarchick property for $27,500 as discussed. Mike made the motion. John seconds. Roll Call of Officers: James A. Wentz – Nay; C. Michael Kulpcavage – Aye; John M. Walaitis – Aye. Motion passed.
Authorization of Signatures for Loan Financing: John states the Board would like to take formal action to authorize Mike Kulpcavage and Evelyn Bergan to sign all the necessary documents at The First National Bank of Minersville in order to move forward with the loan process. Mike makes the motion. Mike seconds. Motion passed.

Resolution # 2014-07 – Approve Loan at FNB for Land Purchase: Mike explains that the Board will be financing the loan amount of $22,500 from FNB with an interest rate of 4% on a 5-year term. The Board will place a $5,000 down payment on the purchase price of the land. Mike makes the motion. John seconds. Roll call of Officers: James A. Wentz – Nay; C. Michael Kulpcavage – Aye; John M. Walaitis – Aye. Motion passed.

Cherry Valley Waterline – Accept Engineer’s Proposal: John states that since the last meeting, the Board, along with grant consultant, Karen Parish, had scheduled meetings with (3) engineering firms to review each proposal for this project. The (3) firms were: ARRO with a bid of $45,764; Benesch with a bid of $41,100; and Larson with a bid of $53,350. John asked for a motion to accept the Benesch proposal. Mike made the motion. John seconds. Roll call of Officers: James A. Wentz – states he will abstain from this vote because he is friends with one of the engineers at Benesch, and he doesn’t feel that it is right for him to vote to give them work. James Thomas addresses James Wentz and questions him - so you’re not going to vote for them. James Wentz goes on to explain the project and state the reasons why he will abstain. James Thomas comments that James Wentz’s action is a cop-out and comments that we (referring to the past & present Board members) are all friends with them. James Wentz states this is not a time for public comment. James Thomas responds we all know what it is.

Forestville Playground Lighting Project – Approval of Payment #1: John states that the Board received request for payment from JB Electric Company in the amount of $17,936.00 – the Township will retain $944.00 until the final inspection has been made. John asks for a motion to approve the payment as discussed. James makes the motion. Mike seconds. Motion passed. All answered aye in favor.

Patton & Letkich Annual Audit: John states that the annual audit of financial records (for 2013) has been completed, as well as, the annual audit report required by DCED. John states that we once again have NO FINDINGS. John states that the audit report is on file in the Township Office for review by any resident who wishes to do so. John asked for a motion to advertise the audit summary in the newspaper. Mike makes the motion. James seconds. Motion passed. All answered aye in favor.

Planning Commission – John states there are no submissions; therefore, no May meeting.

Municipal Authority Report – John states Bob Lehr will be surveying and subdividing the (6) parcels from parcel # 05-16-0100 which is located off of Forest Lane. John states that the parcels will be appraised and the homeowners closest to the parcels will get first chance to purchase.

Treasurer’s Report – Mike read the Treasurer’s Report. Mike asked for a motion to approve the report as read and to pay all outstanding bills. John made the motion. James seconds. Motion passed. All answered aye in favor. *Reports are on file in the Municipal Office for review.

Correspondence –

Letters for Request for Use of the Condor’s Baseball Field – John states that the Board received a request from Scott Brennan on behalf of the Big Hill Softball Team, as well as, a request from Leo Securda on behalf of the Minersville Fire and Rescue Softball Team – both teams are requesting to use the field for this year’s season. John states that the Board is agreeable to accept both requests – each team’s insurance information will be forwarded to the Township Office. John makes a motion to accept both requests. James seconds. Motion passed. All answered aye in favor.

Letter from Mike Sorokach regarding CTPD – John states the Board received a letter from resident Mike Sorokach acknowledging a job well done by our police department. Mike states that a tractor trailer did considerable damage to a light pole at an intersection in Minersville, but it did not stop and continued to travel on Front Street and out of Minersville onto Valley Road. Mike called 911 and followed the truck – he stayed on the line with the Communications Center informing them of his location along the way as he followed the truck. It turns out that Cass Township Police were informed and were waiting in the Pine Knot area and stopped the truck as it came through right before it turned onto Gordon Mountain Road. Mike just wanted to acknowledge this act stating that if the police had not stopped the truck, the driver would have just kept going and got away with doing the damage to the light pole. John thanks Mike for the letter, as well as, our police department for a doing a great job during this incident.

Road Foreman’s Report – James reads his report and states that, in addition, the road crew will be surveying and doing inventory of all the Township’s street signs – as the Township must meet State guidelines of retro-reflectivity by the deadline of June 14th, 2014. John makes the motion to accept the report as read. Mike seconds. Motion passed. All answered aye in favor.

*Reports are on file in the Municipal Office for review.

OLD / NEW Business –

Code Enforcement/Engineer’s Report:

Merchant Property, Oak Lane – John asks Joyce for an update on this property. Joyce states that the house is down and is currently a pile of rubble, but it’s a mess.

After no further business at hand, John asks for a motion to adjourn. Mike makes the motion. James seconds. Motion passed; meeting adjourned. All answered aye in favor.

Time Meeting Adjourned: 7:46 PM.

ATTEST: James A. Wentz, Vice-Chairman
Time of Adjournment: 7:46 PM

ATTEST: James A. Wentz, Assistant Secretary
Time of Adjournment: 7:46 PM

The next monthly Supervisor’s Meeting of the Township of Cass will be held on Thursday, May 29th, 2014 @ 6:30 PM at the Cass Township Municipal Building.