Typed: November 21st, 2014

The regular monthly meeting of the Board of Supervisors of Cass Township was held Thursday, October 23rd, 2014 at 6:30 PM at the Township Municipal Building, Duncott, PA.

Present at the meeting were the following: Lynn Schies, Eugene Cason, Anna Marie Cason, Sharon Wentz, Joseph Smulley, John Pritz, Thomas Graydus Sr., Robert Wentz, Zack Rinker, Randall Rinker, Elvin Brennan Jr., and Jake Smulley.

Chairman John M. Walaitis called the meeting to order.

All recited the Pledge of Allegiance to the Flag.


Edward M. Brennan, Solicitor – present.

Evelyn J. Bergan, Administrative Assistant – present.

Dave Cromyak, Patrolman – Cass Township Police Department – present.

John states that the September 2014 meeting minutes have been placed at your seats. Please review them and inform the Board by the end of this meeting if you feel there are changes necessary. John asks for a motion to accept the minutes as typed. Mike makes the motion. James seconds. Motion passed. All reply aye -- in favor.

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

Eugene Cason, Forest Lane – Asked why the Township is still pursuing the additional 5% from Big Diamond. John states that the Board will not have discussion about Amusement Tax due to the fact that the Township is in litigation with Big Diamond Speedway. Solicitor Brennan responds that to clarify, the Township is not pursuing an additional 5% - the Township Ordinance has always stated 10%. He also states once again that Cass Township did not sue Big Diamond Speedway – Big Diamond Speedway sued Cass Township. The Township wants accurate admission counts and Big Diamond Speedway refuses to provide them.

Tom Graydus Sr., S Maple Ave – Questions the Board about code violations he received relating to his property – stating that he is currently being fined $5,000 – and he’s being targeted by code enforcement because his case was recently heard in District Court and the Code Officer lost. Tom states that he is only person who is receiving violations within the Township; he sees other resident’s properties have issues as well, but they aren’t getting violations. Tom adds that another reason he is being targeted is because the Township
engineer is Ed Bosack - whose parents are his neighbors. Tom states that he needs to obtain $5,000 to pay the fines by a certain deadline and he doesn't have the money. Solicitor Brennan asks him what he wants. Tom states that he wants the Board to pull the citations off. Solicitor Brennan explains that the Board cannot do that – it's the same scenario with code enforcement as it is with police, the Board cannot tell the police how to do their job or tell them who to arrest and/or fine and who not to. The case needs to be reviewed and a discussion held with the Code Enforcement Officer to discuss the history of the situation. Mike Kulpcavage asks Tom how long this has been going on. Tom states since 2005. Mike states since 2005 and fines are only being issues now; Mike adds that Tom has other legal issues with neighbors as well. Tom agrees, but states that is for other matters. Tom provides Solicitor Brennan with a (2) page document to review. Ed explains to Tom that what he provided is a partial document that has information missing and does not fully explain the situation, but he will get in contact with Code Enforcement and look into it; however, there will be no resolution at tonight's meeting. Tom demands the Board and Solicitor Brennan to tell him the exact wording of the Ordinance addressing property maintenance – stating that, the Board, as well as, Solicitor Brennan should know what the Ordinance states since they put them in place. Solicitor Brennan responds by stating that there are many Township Ordinances and we do not memorize every single one word for word. If there is an issue such as this, we need to reference the Ordinance, speak to the Code Official and possibly the Judge, to find out the history of what is, as well as, what has been going on over time. Ed states that he will investigate and report back to the Board, but in the meantime, Tom should contact the District Justice and let him know as well.

John Pritz, High Road – Asks if it comes out that the code enforcement violations against Tom Graydus are found to be false, will he get compensation from Benesch...or does the Board members think he should receive compensation – stating that he's asking because he just wants someone at the Board's table to say something to answer a question. Mike Kulpcavage replies that John is asking a question about a hypothetical situation.

Jake Smulley, Forestville – States that since the issue of Amusement Tax was brought up, he asks where his money is going; stating that he is making payments to Berkheimer – he sends a check into them with the slips they provide. Mike states the Township didn't receive payments for (2) years. Jake replies he didn't run the racetrack for those years. Mike states yes, we know the story, but it's not being paid.

Joe Smulley, Forestville – Questions the Board about railroad sills being burned at the new building site and asks if a violation was issued by DEP. Mike Kulpcavage states that Joe knows DEP contacted the Township about it because Joe was the person who called them to report it. Mike states that he spoke to the DEP official and it was resolved. Joe questions again if the Township received a violation and hands Solicitor Brennan a document. Ed states that page # 2 is missing from the document (DEP Investigation Report), but what looks like happened is DEP received a complaint; they then completed a field order to
investigate the complaint. Joe asks Ed to clarify that, regardless of the fact that no citation was issued, the paper he provided states the Township was in violation. Ed states yes, it states that there was a violation, which the Township addressed, and there was no citation was issued.

Joe Smulley, Forestville – Refers back to comments he made last month regarding equipment that is owned by Al Roman that was donated for use by the Township. Joe comments about the same equipment being used at 62 Big Diamond Road, and asks if there’s a conflict since the equipment is in federal bankruptcy. He provides Solicitor Brennan with copies from a website in which he states shows Roman’s equipment is listed. John Walsaitis responds that Joe used the same equipment at the Little Diamond Racetrack. Joe asks again if there’s a problem with using the equipment. Before responding, Solicitor Brennan comments that when comments are made about him speaking at the meetings, let it be known, it’s because he is usually the one being questioned, but to answer the question, Roman gave permission to the Township to use it. In addition, Roman’s company is in federal bankruptcy; however, unless a judge told Roman not to use the equipment, there shouldn’t be a conflict. Joe asks Ed to clarify that even though the equipment is listed on a bankruptcy website, it is Ed’s opinion that there is no conflict with using it. Ed states that he doesn’t believe the documents Joe provided are from the authentic bankruptcy website and asked he Joe where he obtained them from. Joe said he wasn’t sure, his daughter helped research them. Regardless, Ed states it is his opinion that if the equipment is not collateral for any court liens, there should be no issues with using the equipment unless there’s something else we aren’t aware of -- for example, if a bankruptcy Judge said it needed to be turned it, or something of that nature.

Zack Rinker, Valley Road – Refers to the Hazardous Mitigation Buy-out Program being offered by the State. He states that he applied to be included in the program; however, he had complaints about the Township-paid appraisal completed by Joe Post. Zack states that he doesn’t agree with the number – it’s too low. He said Post’s appraisal was $38,000 and a previous appraisal done a few years ago, done by Judy Barket, came in around $67,000. He also states that that he was told that Joe Post is not a certified appraiser. Evelyn states that we received an email from Bill Creason of PEMA which had a certificate attached proving that Joe is certified. Zack said he’s a certified broker not an appraiser. Evelyn replied that the certificate that Mr. Creason provided stated that Joe is a certified appraiser. Zack comments that the Township must be getting kick-backs from Post because he’s a friend of John Walsaitis. Solicitor Brennan states that an appraisal is an educated guess and he has the right to disagree; Ed asks Zack why he can’t get his own appraisal. Zack says he can, but he would have to pay for a second appraisal and he feels the Township should pay for another. Mike Kulpcavage said the Township already paid $1,200 to have the first appraisals completed; we will not pay for any more. Solicitor Brennan stated that if an appraisal was done a few years ago, he should just ask Judy Barket for a report of that appraisal – and since it was already paid for, cost for a copy should be minimal. The State
can compare the two and if they don’t line up, they will make the decision. Ed suggests calling PEMA to speak with them about the appeals process. Zack states that he was told that he has to go through the Township and can’t speak to anyone at PEMA. Evelyn states that it is Zack’s right to call PEMA and that the Township received correspondence from Bill Creason at PEMA stating that Zack had already called his office and he informed Zack on his right to appeal and instructed him on how to go about the process – which was, obtain a second appraisal, submit it to the Township, and the Township will forward to PEMA. Zack was asked to stop by the Township office the next day to obtain a copy of the certificate proving Joe Post is a certified appraiser recognized by the State, as well as, the contact phone numbers for PEMA / Bill Creason. Zack agreed.

Eugene Cason, Forest Lane - Asked the Board why the garage isn’t attached to the new building and why the roof lines aren’t just straight instead of fancy – stating it’ll drive up the price, as well as, more maintenance. Mike replies that the roof line matches the design of the building. Eugene states the Board should just build a box.

John Pritz, High Road – Made comments about the audit summaries he obtained through a Right-to-Know request – pointing out end-of-year deficiencies. Mike Kulpavage responds by stating that is caused by projects funded by grants such as Line Avenue and Woodside – in those cases, the Municipality must pay the money out before it can be submitted for reimbursement from State and Federal Agencies. John (Pritz) argues that there is something wrong with the audit. Mike responds there is nothing wrong with the audit, just John's interpretation of it.

Lynn Schies, Forestville – States that she understands there are (5) phases to the construction of the new building and asks what phase we are in now. Mike responds the first phase. Lynn asks if there are plans she can see. Mike states yes, they were displayed at last month’s meeting and they are still on display in the Municipal Office.

Joe Smulley, Forestville – Asked if the Board has discussed the offer made by Big Diamond Speedway. Solicitor Brennan comments that he is being asked to speak again. Ed replies that we are attempting to make arrangements to schedule a hearing, but Big Diamond Speedway’s attorney, Paul Ober, is not available until after November.

Chairman Walaitis closes audience discussion.

**Floodplain Ordinance** – The revised Floodplain Ordinance was explained during last month’s meeting; it has since been advertised as required. John asks for a motion to adopt Floodplain Ordinance # 389. Mike makes the motion. James seconds. Motion passed. All reply “aye” – in favor.
Amanda Lane Subdivision -- John asks for a motion to transfer the properties from the Township to the Municipal Authority for sale. Mike makes the motion. James seconds. Motion passed. All reply “aye” - in favor.

Hazardous Mitigation Program – John makes a motion authoring the Board to sign any/all necessary documents relating to this program and submit them to PEMA/FEMA. Mike seconds. Motion passed. All reply “aye”—in favor.

Woodside Drainage Project – John asks for a motion to pay Dallago Backhoe Service final payment in the amount of $2,000. James makes the motion. Mike seconds. Motion passed.

USDA Grant Application for Funding – The Board would like to apply for grant funds through the USDA for the new municipal complex. John asks for a motion to complete the application and have Mike Kulpcavage and Evelyn Bergan sign any/all documents relating to the grant process. Mike makes the motion. Hearing nothing, John seconds. Motion passed. All reply “aye” - in favor.

LST Reserve Fund – John states that the LST collections can be used for police and roads. At this time, the Board would like to transfer $100,000 of LST funds into the New Building Fund in which $75,000 will be used to construct the new Police Station and $25,000 will be used toward constructing the Road Department building. John makes the motion. Mike seconds. Motion passed. Mike replies “aye” - in favor. John replies “aye” - favor. James replies “nay” - not in favor.

Trick Or Treat Night – John states Trick-or-Treat Night will be observed Thursday, October 30th from 6pm to 8pm.

Planning Commission – There were no submissions for October; therefore, there was no meeting. John states that there are submissions for November. The meeting will be held on November 13th at 6:30pm.

Treasurer’s Report: Mike read the Treasurer’s report. John makes the motion to accept the report as read. James seconds. All in favor; motion passed. Any resident wishing to review the reports may do so during normal business hours as they are on file in the Municipal Office. John makes a motion to pay all outstanding bills as can be paid at this time. James seconds. Motion passed. All reply “aye” - in favor; motion passed.

Municipal Authority Report: The Authority held their October meeting and addressed the following items:

- Amanda Lane Subdivision – Properties can be sold to the adjacent property owners after the BOS turn the aforesaid properties over to the Municipal Authority following the BOS meeting on October 23rd, 2014. The adjacent property owners can schedule closings with Attorney Edward M. Brennan's Office.
• Next properties to be sold to neighbors are located at the Blue Lane and Willow Road area; surveying of properties will be done as soon as possible.
• Residents purchasing said properties are responsible for transfer taxes and recording of the deed in the County Courthouse.

**Police Department Report:** Patrolman Dave Cromyak reads the report. John asks for a motion to accept the report as read. James makes the motion. Mike seconds. All in favor; motion passed. Report is on file in the Police Department for review.

**Correspondence:** John states that any mining/blasting issues can be reported to DEP / Bureau of Mines at 570-621-3118. Also, the Schuylkill County Hazardous Household Waste Event takes place at the Schuylkill Mall on 11/15/2014 from 8:00am – 2:00pm.

**Road Foreman’s Report:** James read his report. John makes the motion to accept the RF’s report as read. Mike seconds. All in favor; motion passed.

**Old/New Business:**

**Brick Donation Drive for New Township Building & Condors Complex:** John states that we will hold a brick donation drive for the new building. Any and all donations will be accepted. This will project will move forward in the New Year.

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

Time meeting adjourned: 7:24 PM.

ATTEST: James A. Wentz, Vice-Chairman
Time of Adjournment: 7:24 PM

ATTEST: James A. Wentz, Assistant Secretary
Time of Adjournment: 7:24 PM

The next monthly **Supervisor’s Meeting** of the Township of Cass will be held on **Tuesday, November 25th, 2014 at 6:30 PM** at the Cass Township Municipal Building.