Typed: October 12th, 2015

The regular monthly meeting of the Board of Supervisors of Cass Township was held Thursday, September 24th, 2015 at 6:30PM at the Township’s Municipal Building, Duncott, PA


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, Secretary/Manager - present.

David Cromyak, Patrolman CTPD - present.

John states that the minutes from the August 2015 Supervisors meeting have been placed at each seat. Please review them and inform the Board if there are any changes. John asks for a motion to dispense reading of the minutes and accept as typed if there are no corrections or omissions. Lynn Schies states she has a question – last month when Elvin asked Mike how much it was a year to run this building, he said $56,000. Mike states no. Lynn states that he did; she wrote it down. Mike replies no, you are mistaken, it was $52,000. John calls for a motion to accept the minutes as typed. Mike makes the motion. James seconds. Motion passed.

John calls for public comment/discussion at this time.

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

Chris Ternowchek, Flag Lane – Asked what the new hire for the road crew will start at. John states (twice) $15.50 (per hour).

Marion Twigg, Forest Lane – prepared a letter and distributed it to the Board and audience (which is on file). She then read the letter aloud which stated that she’s been having ongoing issues with trees that were destroyed on her property by the road crew on June 8th, 2015. She states there was a survey done which shows the road crew was within (4) feet within her property line. She states she received a letter from the insurance company stating that her claim was denied and the reason was because her situation does not fall into the exception of the immunity law and that the insurance representative Joshua Kline wrote into the decision that she was not to get any money at all and that this decision was made between him and Solicitor Brennan. She spoke with Solicitor Brennan and he told her that the insurance company determines the decision. Solicitor Brennan advised her to get an attorney if she wishes to go
any further to fight it in a court of law, but unfortunately, she is on a budget and is unable to afford a lawyer. However, she does believe that she falls under the exception of PA Title 42 as she states in her previous letters to the Board. As a taxpayer, she feels she is entitled to compensation for the needless loss of privacy, beauty, and windscreen that her trees provided, but most of all, she feels violated that Cass Township would create such a loss for her and not attempt to remedy it - but to go through a court of law (for her) is not an option and asks the Board to consider alternate solution. First, she would like assurance from the Board that she will not sustain any further damage to her landscape or her property in the future. She would like common courtesy to discuss any plans they may have with her first and understands the Township has the right-of-way, but it doesn’t give the Township the right to destroy any taxpayer’s property needlessly, without notice, at their will, with no good reason. She continues to read the letter and asks if she has the Township’s assurance that there will be no further damages to her property. John states there are no guarantees with snow plowing. James states that the Township does its best not to damage anyone’s property during plowing and does fix what gets damaged, and adds that it seems during the big storms things get damaged but it’s not done intentionally. Marian states the Township has been plowing that alley for (50) years and the rose bushes have been there. Chris Ternowchek states it’s only been the last few years -- that’s what happened to her with the damage to her trees — they were there a long time and there was no problem with plowing until the last (2) people that were hired — they don’t know how to drive a plow. Marian states that hopefully with (1) of them being gone, it will eliminate the problem. She states that secondly, she gave a monetary value of $3,000 to her damaged trees and would like to propose another solution because she feels if something is put into the Community, she would be just as satisfied and happy. She asks the Board to create a new fund specifically for the purpose of building a pavilion at the Forestville Playground and for them to deposit any monies that she may have received, or should have received, into it for the benefit of our residents and their children. She goes on to state that it would truly be a wonderful way for our Supervisors to use their power to improve Cass Township to show their good faith and please our voters. By turning this problem into a positive solution that we can all be satisfied with, now is your opportunity as public servants to embrace the best outcome that would be a win, win, win situation. Please take the time to consider the power of kindness on your part as everyone is hoping for a unanimous yea decision from you all to do the right thing. For in doing the right thing, you will never go wrong. She asks the Board how they like to be thought of and remembered and states it’s up to them. She thanks the Board in advance for the opportunity to speak in front of them and asks them to make a motion this evening to create the fund for a pavilion as she explained and states it would be a nice way to smooth all of this over and make the Board look good and everyone in attendance tonight happy. James asks Mike his thoughts. Mike states that there is no monetary value to the trees — it was denied. James states no, just to create the fund - maybe they could get business owners to kick in - and in talking with people in Forestville, there is a backing for the pavilion — so if there was somewhere to place the money. Mike states there is a place to donate the money — if they donate it to playground fund and the Board earmarks it for that particular reason, that’s what will be done with it. It’s not necessary to start a new fund. Marian states that she would appreciate it. Mike states he has said it before and at last month’s meeting, if anyone who wants to donate to a pavilion, they are welcome to do so.
Lynn Schies, Forestville – Asked if the final payment was made to Donohue (contractor) yet for the Line Avenue Project. John states yes, he did the pins, didn’t he. Evelyn states the final payment was not made yet. Lynn states that only (1) pin was placed and she did drop paperwork off with Dan. John states Dan said it was surveyed and the pin was put in. Lynn states (1) was placed on the other side of the creek (John’s side) but not on her side. John said Dan (Cook) said there was one on her side. James states he thought he saw a pin on Lynn’s side as well. Lynn states there isn’t. John asks Lynn to please check wherever the pins were supposed to be placed. Lynn agrees.

John Pritz, High Road – He states he sees the building is up for sale and asks if the Board is going about it according to the Second Class Township Code. Solicitor Brennan responds there is no agreement of sale – they just listed it with a realtor to see if there’s any interest – there is no offer, no acceptance – it’s just a listing agreement with the realtor. John states that according to the Township Code, any real property in the Township with a value over $1,500 must be put out for bid. Solicitor Brennan states the Board is looking to see if there will be any bidders – the realtor didn’t appraise yet. Mike states if it’s up for sale and you get (2) offers, that’s basically a bid. Solicitor Brennan states if there’s more than (1) person interested, we will have a bidding procedure within the Code, but in order to solicit, you can do a solicitation in the newspaper or you can give it to a realtor and see if they can find anyone who is interested – it’s not costing the Township anything to list it. John states the Board can’t sell it unless it’s put out for bid. Solicitor Brennan states he knows, all we are doing is seeing if there are any bidders out there and if (2) or (3) people would be interested, we would explain the bidding process just like we do for other items – submit a bid and state so much down, etc. John also states that there’s a parcel in the Blue Lane – Willow Lane area that is being sold in which he states should have been put up for bid. Solicitor Brennan disagrees. John Pritz disagrees and asks if he is familiar with the Code – and if he and the Board members have a copy of it. Solicitor Brennan states that the Authority can do what they did; he is familiar with the Code and reads it; and he’s not going to argue over it.

Gerry Sternick Sr., Lilly Lane – Had complaints about four-wheelers and dirt-bikes and states he’s not going to put up with it. He states he reported it to the police. Officer Cromyak asks if it was the same kids from the same house. Gerry states the dirt is bad as well and there should be signs installed stating no four-wheelers and dirt-bikes; something needs to be done. Mike Sorokach adds that people are driving them on the Township roads as well – giving an example that occurred on Owl Road recently and states that he believes the problem exists because of no police presence – the kids don’t see police presence. John asks what time of day does it usually happen. Mike Sorokach states after school and on weekends – he adds that by Gerry’s house, it’s really dusty and it sounds like an off-road racetrack where the silt dams are. John asks Officer Cromyak to speak with the Chief and have enforcement for these issues. Officer Cromyak agrees and states there will be no further warnings – the police were trying to be fair but the kids are now going to be cited, but in the same respect, he personally will not chase down a kid and cause him to wreck and/or hurt himself over this either, but if they stop, they will get cited under the Township ordinance. Gerry asks for signs. Officer Cromyak states that will not stop them.
Joe Smulley, Forest Lane – Asked what percentage are we going to pay the realtor if someone bids on the building. Mike states 6 percent. Joe asks who signed it (the agreement with the realtor). Mike states several of us signed it.

Karen Smulley, Forest Lane – States she has a question for the police department – why did it take me a little over (4) months to find out I had a neighbor complain about our landscaping in front of our house. She states the incident report is dated May 3rd and she only received it hand-delivered (2) weeks ago. Cromyak states that he delivered it but didn’t know what it was about – it was in an envelope and asks Karen what Officer handled it. Solicitor Brennan responds Chief Clink. She then asks if this will be a State thing or a Cass Township thing – because the road is State. James states that is the issue; the problem was brought to him first and he felt it was a State road. Karen states that she agrees and doesn’t think the Township should be brought into this at all. James states that it went past him, it was passed onto a police officer; the police officer consulted Attorney Brennan and the Board and that’s what led to that – it’s not my decision, it was determined that it was on a State road and follows the State code. Karen asks who is going to pay for the engineering. James states he doesn’t know, it’s out of his control. Evelyn states that if it’s PennDOT, they have their own engineering department. Solicitor Brennan states that Chief Clink asked about an obscure section of the vehicle code that when anyone has an obstruction that could cause an accident on a highway – even though it’s a State roadway, the Township police can still enforce the vehicle code on State roads. The question is whether or not Karen’s landscape is on a State right-of-way; if it is, it might be a State problem, but if it’s on your own real estate and it could cause an accident, then the local police would have to enforce it. Solicitor Brennan states that he provided Chief Clink with a detailed memo explaining that he would have to put you on notice based on his investigation and he believes that in addition to the Chief’s investigation, the Chief would like the Township engineers to look to see if there is any issue with sight distances.

John Pritz, High Road – States that he feels the issues within the Township are not necessarily with the kids on the four-wheelers, but maybe the bigger issue is speeding on the roadways by driver’s of vehicles and thinks that needs to be addressed. He states some speed signs should be placed as well. Officer Cromyak states that is an issue that has been discussed by him and other officers, as well as, issues of marking appropriate areas to sit and run speed on High Road.

Chris Ternowchek – Comments about the paving of Schaeffer’s Hill Road and states they did a really nice job. John thanks Chris and states he agrees.

Chairman Walaitis closes the audience discussion.


Trick-or-Trick Night – John states that Trick-or-Treat Night in the Township will be on October 29th, 2015 – 6pm to 8pm – the rain date will be October 31st, 2015 – 6pm to 8pm. John calls for a motion to set the date/time. James makes the motion. Mike seconds. Motion passed. Roll Call of Officers: Unanimous Vote.
**Purchase Swenson Gas Powered Spreader** — John asks for a motion to purchase the spreader in the amount of $4,983.00. Mike makes the motion. James seconds. Motion passed. Roll Call of Officers: Unanimous Vote.

**Vehicle Sales** — John states that the Board would like to sell the 2001 Impala to Rick Clink for the amount of $850.00 to take place in November. Solicitor Brennan states that if the vehicle is worth a $1,000 or more, it needs to be sold by bid. A discussion between the Board and Solicitor Brennan ensues regarding the fact that the Impala was placed on Municibid and a bid was placed on it, but the individual never came to pick it up so now, the vehicle is out for private sale. John asks for a motion to sell the 2001 Impala. Mike made the motion. John seconds. Motion passed. John states that the Board would like to take action to place the 2008 police vehicle (Explorer) up for bid/sale — he notes that if another municipality would be interested in the purchase, there would be no advertisement for bids. Solicitor Brennan explains that the bidding and advertising requirements for this part of the Township Code do not apply if it’s a municipal corporation, commonwealth, school district, county, volunteer fire company — there’s a lot of exceptions so if the Board thinks there’s another municipality that would be interested in purchasing it, the Board could ask them to make an offer — the Board does not have to bid. If you don’t get any offers, then because the sale would be over $1,000, the Board will need to follow procedure with advertising not less than 10 days before the date set for the opening of the bids. John asks for a motion to sell the 2008 Explorer. Mike makes the motion. John seconds. Motion passed. Roll Call of Officers: Mike Kulpcavage – aye. John Walaitis – aye. James Wentz – nay – he thinks it should be put out for bids — what’s fair is fair. He states that even if it’s on Municibid, another municipality can buy it — he sees it all the time. Mike states that we had an entire month to put the Explorer on Municibid, but it was never done. A discussion ensues between the Solicitor and the Board members. James states he would like to place it on Municibid — an online nationwide auction which is free to the municipality to sell items and the buyer pays 8% — other municipalities can bid on it as well. Mike states if it’s put on Municibid, the Board would need to advertise it now — if a municipality buys it, we do not have to advertise. James asks if the motion is to sell it to a municipality. Mike replies yes, if a municipality wants it, if not, we will put it on Municibid and advertise.

**FEMA/PEMA Hazardous Mitigation Program** — John states that FEMA/PEMA is going through with the buy-out program relating to certain homes on Oak Lane and Valley Road — the program will run into next June/July. John makes a motion to have James Wentz take over the program. John makes the motion. James seconds. Motion passed. Roll Call of Officers: Unanimous Vote.

**Planning Commission:** John states there was (1) submission.

**Treasurer’s Report:** Mike reads the August 2015 report. John Walaitis makes motion to accept report as read. James seconds. Roll call of Officers: Unanimous vote.

Formal action to accept treasurer’s report and pay all outstanding bills as can be paid at this time. Reports are on file for review. John makes motion. James seconds. Roll call of Officers: Unanimous vote.
Municipal Authority report: John states there was no meeting; the next property disposition will be scheduled for the Willow Lane/Blue Lane area.


Correspondence:

Schuylkill County Recycling/Fall Clean-up – John states the event is being held this week in Minersville Borough (September 21st – 28th / 8am-12pm).


Old / New Business:

Cherry Valley Waterline – Solicitor Brennan states he again sent the proposed easement to Reading Anthracite thinking they would give to us without any hassle, however, he has not heard back from them. Ed asks the Board to take action to authorize the eminent domain proceeding and he will move forward with it. He adds that at one time, they gave us an easement for Mackeysburg (waterline) but we are not hearing back from them for this. John makes the motion to proceed with the eminent domain process for Cherry Valley Waterline. Mike seconds. Roll Call of Officers: Unanimous vote.

Right to Know Request – Solicitor Brennan states that an email was received from a lawyer in Michigan asking that the Township prepare a list of checks that were issued but remain not cashed, not canceled, and he wants the name of the payee, the amount, contact information for the payee, and the date of the check. Ed explains that every municipality has gotten the email and Ed believes this a company that will get the information and then try to contact the payee and inform them they have money to claim and for a fee, they can get them the money. He usually instructs people to contact the Treasury Office yourself and it won’t cost anything. Ed asks permission to prepare a response that states the Township is not required to prepare a report and if they want to review this information, we will suggest that they come in to review the records. It’s not fair to ask each municipality to prepare reports so companies such as these can solicit fees from people; and adds there is no need for a motion.

Tax Assessment Appeal Hearing – Solicitor Brennan states that tomorrow there is a tax assessment appeal hearing for the property the Township obtained next to the ball field. Evelyn will be in attendance as well to state that the parcel is part of the Cass Complex and its being used for public purposes. The County requires we go through the appeals process, otherwise, they will issue a tax bill for the parcel.

Forest Lane / Karen & Steve Smulley – Solicitor Brennan states that the Chief of Police contacted him in regards to the issue on Forest Lane and he gave his advice which, under the vehicle code, is simply putting them on notice based on his investigation – he’s also asking if the Township engineer would look and give his opinion on if there is a sight issue. To this point, it
has not been surveyed and we don't know where bushes are located - we have learned from the Twigg incident the same (trees) may be located on the Township right-of-way and some aren't. It is a State road and the Township is clearly not going to take the bushes out – the Township is, however, entitled to investigate and that's all that is being done. That was the Chief's approach and Solicitor Brennan believes he was being very diplomatic about it. It's one of those issues that hopefully can be worked out among neighbors. The Solicitor's opinion is to let the engineer take a look at it as well – not survey it – just check on sight issues.

With no further business at hand, John calls for motion to adjourn. Mike seconds. Motion passed. Roll Call of Officers: Unanimous Vote.

Time meeting adjourned: 7:12pm.

ATTEST: John M. Walaitis, Chairman
Time of adjournment: 7:12pm

ATTEST: Michael C Kulpavage, Vice-Chairman
Time of adjournment: 7:12pm

The next monthly Cass Township Supervisors meeting will be held Thursday, October 22nd, 2015 at 6:30 pm at the Cass Township Municipal Building, Duncott.