Typed: April 25th, 2016

The regular monthly meeting of the Board of Supervisors of Cass Township was held on Thursday, March 31st, 2016 at the Township’s Municipal Building, Duncott, PA.

Present at the meeting: Craig Schies, Dee Kulpcavage, R.J. Wentz, Sharon Wentz, Chris Ternowchek, Marybeth (Doyle) Matz, Nancy Walaitis, John Walaitis, Richard Mengle, Nate Florick, John Pritz, Ann Marie Studlack, Tina Skibiels, Steve Skibiels, James Kost, Denise Brennan, Lauren Roehl, Gary Purcell, Mary Lou Bergan, John M. Borzok, Bob Ryan, John Lenick, Diane Lenick, Karen Smulley, and Lynn Schies. There is (1) illegible name on the sign-in sheet.

Chairman James Wentz called the meeting to order.

All recited the Pledge of Allegiance to the Flag.

Roll Call of Officers:

Donald G. Karpowich, Solicitor – present.

Evelyn J. Bergan, Secretary / Manager – present.

Richard C. Clink, Chief CTPD – present.

Lynn Schies, Treasurer – present.

James states that the minutes from the February 25th, 2016 Board of Supervisor’s Meeting have been placed at each seat. James makes a motion to dispense the reading of the minutes and to accept as printed if there are no corrections or omissions. Elvin seconds; motion passed.

Roll Call: Unanimous Favorable Vote.

James calls for discussion from the audience on the agenda items. Please raise your hand, state your name, and address for the record.

Lauren Roehl, 15 Willow Lane – States that she assumes that phase one of the playground project was to just let go of the grant and not pursue the project. James states that is not correct and adds that the Board changed administrators, as did the Supervisors, and this Board is still working with the engineers, but they are pursuing the grant money. He goes on to explain that there is a (3) year timeframe on the grant so the Board will be proceeding with it. Lauren asks if there is an update on what Phase (1) will be. James responds not at this time.
John Pritz, 239 High Road – Asked why the Municipal Authority is necessary and if they can do anything that the Board can’t do. The Solicitor replies no – there was a conversation about it last month and he believes the consensus is that the purpose for which it was formed isn’t a legitimate purpose under the Municipal Authorities Act and its only purpose was to sell land. The Township has the right to sell land so it doesn’t make sense to have an Authority since it’s also subject to audits and they must do their own paperwork, etc. John Pritz states that in speaking about selling the land, he understands that under the Second Class Township Code, if the any parcel of land is to be sold, it needs to be put out for bid and asks the Solicitor if that is correct. Solicitor Karpowich responds that is correct. John (Pritz) asks if that was done. The Solicitor responds no and he believes that is the reason why the Authority was formed - it was to circumvent that process and it cannot be done for that reason. John (Pritz) asks if the Authority’s actions were improper. The Solicitor responds that he won’t say that on record, but he will state that when he reviews municipal authorities and the purposes for which they were formed, a legitimate purpose is not to form an Authority to try and sell land to circumvent the bidding process. John (Pritz) asks if the Township wants to sell land right now, would the Solicitor give the okay for the Municipal Authority to sell it. The Solicitor states that he prepared deeds for properties, but then put them on hold after he did research on this Authority - he believes the Township will sell them on their own. John (Pritz) asks if the sales of properties were illegal. Solicitor Karpowich states that John already knows the answer to that question so he doesn’t need to ask.

John Walaitis, 62 Big Diamond Road – States he is on the Municipal Authority and it was set up to sell the properties to the adjacent land owners so there wasn’t a bidding war going on. John Pritz asks if he can address John Walaitis’ comment and states that if the adjacent property owners wanted to buy those properties, they could have bought it as a group and divided it among themselves. Solicitor Karpowich states that would have been a better idea than the way it’s being done now.

Tina Skibiel, Pine Knot – Addresses the Solicitor and states that at the last meeting, she asked him about the numbers that were put out relating to the Big Diamond settlement and that he said he had no idea about Mike (Kulp cavage’s) numbers…Solicitor Karpowich responds that he didn’t discuss anything regarding the litigation. Tina states that the Solicitor mentioned that he had numbers in front of him that he had received from the Supervisors and from Ed Brennan’s files, she asked about the amount of the settlement; Solicitor Karpowich told her that she could wait – even though it was public information – until it was in Court because it would then be public knowledge. Tina asks where he got the settlement numbers. Solicitor Karpowich responds that he does not recall that comment, however, he does recall that in terms of a settlement negotiation, both of the parties met in executive session and they arrived at a number that they both agreed upon so that number is clearly stated in the stipulation which he is sure Tina obtained a copy and has it in front of her. Tina replies that she did obtain a copy and that she also spoke to Judge Dolbin who was under the understanding that the entire Board of Supervisors were in agreement with that settlement. Solicitor Karpowich states that it was never
represented to the Court that all (3) Supervisors were in agreement. The stipulation was signed by the Chairman of the Board based upon the majority vote of the Board because that is all that is required. Tina replies no, it wasn’t just signed by Jamie; she has a copy of it. She goes on to state that she also has a copy of the numbers. Solicitor Karpowich states that the Board is aware of the numbers. Tina provides a copy to the Township Secretary and states that she would like the document to be recorded as part of the minutes – she adds that she has also attached the agreement and according to it, the Township is losing $103,556.00. Solicitor Karpowich states that is not a correct statement. Tina states that she also includes a copy of the assessment card for the property that some of the Board members feel the Track is located on - the fair market value of that property is not $6,490.00.

Gary Purcell, Willow Lane – Asks when the property sales behind his house & garage, as well as, the other parcels in that area are going to happen. James replies that it will need to be discussed as a Board because there are (2) sides to the story. John Walaitis states it was already approved by the Municipal Authority. Gary states it’s a done deal – Diane (Lenick) surveyed it a year ago, it was in the minutes (2) months, and he was told the amount of money it would cost. Solicitor Karpowich states that the problem is the Authority doesn’t own the land, the Township does. Gary states that he has a lease on that property until 2045 from the Township Supervisors. The Solicitor states Gary can continue to lease it, but if you want to purchase it…. Gary states if you’re going to jack up the price from $900 to $5,000 then it’s not going to happen, and goes on to say that he’s not hearing anything from anyone about it – although it was in the paper (2) months ago and now here it is and still nothing is going on - so he wants to know when the sale is going to happen. Solicitor Karpowich states that the Township is working on doing it properly and they understand that Gary is interested.

John Walaitis – Asks Solicitor Karpowich if he was paid to have the deeds taken care of. The Solicitor replies yes. John asks him to confirm that the deeds were prepared. The Solicitor replies yes. John states that the deeds were prepared so the property can be sold. Solicitor Karpowich replies no, because after preparing the deeds, the Township Supervisors instructed him to hold off on transferring the deeds to the Authority. An audience member asks why. The Solicitor replies that it relates back to the dialogue he just had with John Pritz - when looking into the purpose for which the Authority was formed, it’s not necessarily believed that the manner in which these properties are being sold is in accordance with the Municipal Authorities Act. John Walaitis asks Solicitor Karpowich is that is his opinion on it. The Solicitor replies yes it is and he is glad that Mr. Walaitis made the statement that he did because Solicitor Karpowich wasn’t sure why the Authority was formed, but John just confirmed it here today by stating that the Authority was formed for the sole purpose…John intercedes and states it wasn’t for the sole purpose. The Solicitor intercedes and states John said it was formed for the purpose of selling property without getting into bidding wars - so all John did was confirm what the Solicitor suspected and what the Supervisors had thought all along. John replies I’m happy for you. The Solicitor states that he would like John’s comments recorded verbatim for the minutes.
Steve Skibiels, Pine Knot – Addresses Solicitor Karpowich and states that he is watching all of this going on during this meeting – and just before, a woman with all the facts in her hands – facts that are recorded in the Courthouse – asked a simple question. The Solicitor and the Board Members have the papers and the facts in front of them – it’s simple math – and the Solicitor took her front point A, danced around her around back to point A again. Solicitor Karpowich tells Steve that he disagrees with his characterizations. Steve replies he doesn’t care if the Solicitor disagrees, he is just explaining his observations. Steve states that maybe these people accept it, but he doesn’t.

Nancy Walaitis, 62 Big Diamond Road – Asked if Mike (Kulpcavage’s) proposal (for the Big Diamond Speedway settlement) was ever submitted. Nancy also asked how can the Board undo something that is done at the Courthouse (referring to Gary Purcell’s situation with purchasing a parcel of land) after it’s all been settled. Solicitor Karpowich states that nothing is recorded at the Courthouse; it’s not like there are recorded deeds on record. Nancy replies okay, good enough, and asks where Mike (Kulpcavage’s) proposal for the Racetrack. James states he doesn’t understand, Mike didn’t offer James a proposal and asks if it was for the meeting tonight. Dee Kulpcavage replies no, it wasn’t for this meeting - it was for the meeting with Big Diamond. Solicitor Karpowich explains that the Supervisors settled the case on numbers that they believed were undisputed amounts. Mike had numbers that were higher, but the Solicitor and the Board assessed the likelihood of success should the case go to trial, and the Supervisors decided to settle based on the undisputed amounts that they believe they’ll be able to recoup had it gone to trial. Nancy states that all of the money owed could’ve helped with road construction and those types of things but it’ll never be recouped - it’s a lot of money. Solicitor Karpowich asks Tina to read the Judge’s Order (from her copy) – which she did. The Solicitor states that the Judge himself stated that he believed the settlement to be fair and reasonable. Tina said that when she spoke to the Judge, he stated that it was his understanding that everyone was in agreement with the settlement. Tina states that she informed him that it was not a unanimous vote – and that Supervisor Mike Kulpcavage voted “nay” - the Judge stated that is not what he was led to believe. Tina then asks if a settlement should be just and fair for all of us taxpayers – not just for the group that one of our Supervisors works for under the table; she states that particular Supervisor should not have even voted on this issue. Elvin asks Tina if she is referring to him. Tina replies yes. Elvin states that he does not work for the Racetrack; he works for Ray’s Towing – he states and confirms several times that he does not get paid at all in any way.

Hearing no further questions or comments, James moves on to the agenda items:

Resolution # 2016-7 – PEMA DAP -2 -- James states that the Board needs to designate an Applicant Agent for the January Storm Relief – FEMA has approved the Emergency Storm Event for January 23rd & 24th, 2016 for which reimbursement was submitted in the amount of $9,147.08 – there is no guarantee that we will receive any of these funds, but regardless, our application has been submitted. James makes a motion to appoint Evelyn Bergan as the
applicant agent for Resolution # 2016-7 – PEMA DAP – 2. James makes a motion to accept the resignation. Elvin seconds. Motion passed. Roll Call: Unanimous Favorable Vote.

**Hazardous Mitigation Buy-Out** - James states that it’s moving along and the Board closed on (2) of the properties before the meeting this evening. Benesch is handling this project and they have asked to be approved to contact an asbestos testing agency and to advertise the demolition bid package for the (3) properties involved in the program. James makes the motion to approve Benesch to contact an asbestos testing agency. Elvin seconds. Motion passed. James makes a motion to authorize Benesch to prepare and advertise the demolition bid package for the (3) properties. Elvin seconds. Motion passed. Roll Call: Unanimous Favorable Vote.

**Nerdy IT Quote – File Room Camera** -- James states that recently the file room was moved from the basement to one of the classrooms; it’s necessary now to move the security camera as well. A quote was received from Nerdy IT who handles most of the security camera issues here at the property. The Board will only be approving one part of the quote for the relocation of an existing camera into the new file room, a few other camera adjustments, and they will also give instruction courses to the police department on how to use the system. The quote is in the amount of $350.00. Elvin makes the motion. James seconds. Motion passed. Roll Call: Unanimous Favorable Vote.

**Designate IT Consultant & Administrator** -- James states that there have been some issues with the computers so the Board would like to designate an IT person that the Township has had do work in the past. The Board would also like to designate him as the computer administrator so he can work on the computers on behalf of the Supervisors. James makes a motion to appoint Tom Moran as the IT Consultant & Computer Administrator. Elvin seconds. Roll Call: Unanimous Favorable Vote.

James adds that the Board will also have Tom do a quarterly back-up of the computer’s memory – this will aid the Township in recovery should there be a fire or flood – any natural disaster. These back-ups will be kept at an off-site location in our safe deposit box.

**Employee Health Insurance Plan** -- James states that the employee health plan is due for renewal at this time and our broker has given the Board a few options. It has been decided by the Supervisors that Capital Blue Cross PPO 500.00 / PDRX Plan would be the plan chosen for our employees for this year. James makes a motion to enroll (3) full-time employees in that plan. Elvin seconds. Motion passed. Roll Call: Unanimous Favorable Vote.

**Treasurer's Report** – Lynn reads the report. Reports are kept on file in the Township Office for review upon request. James makes a motion to accept the Treasurer’s Report as read and to pay all outstanding bills as can be paid at this time. Elvin seconds. Motion passed. Roll Call: Unanimous Favorable Vote.
Planning Commission – James states there was no March meeting.

Municipal Authority – James states there was no March meeting.

Police Report – Chief Rick Clink read the March 2016 report. James makes a motion to accept the report as read. Elvin seconds. Motion passed. Roll Call: Unanimous Favorable Vote. Police reports are on file in the Station for review upon request.

Road Foreman’s Report – Elvin read the report. Reports are on file for review upon request. James made a motion to accept the report as read. Elvin seconds. Motion passed. Roll Call: Unanimous Favorable Vote.

Correspondence –

Young Guns Softball Team Field Request – James states that a letter was received from Shawn Haas of the Young Guns Softball Team with a request for their team to use the softball field at Condors Complex due to the fact that the Big Hill is not requesting use of the field since they will be using another field. James makes a motion to approve the use of the field pending their (Young Guns Softball Team) assistance with the maintenance of the field, as well as, insurance requirements. Elvin seconds. Motion passed. Roll Call: Unanimous Favorable Vote.

Memo 2016 MMO Payment – James tables this item until next month because Mike (Kulpcavage) has information on this issue.

Old/New Business:

Birch Lane Conservatorship – Solicitor Karpowich states that there was a court hearing and an order was issued that allowed the Township to convey those properties to the Purcell brothers (Keith and Scott) – the Board closed on those properties tonight before the meeting – the Township was reimbursed a total of $3,000.

FEMA Buy-Outs – Solicitor Karpowich states that the Board also closed on 1314 Valley Road and 42 Oak Lane today before the meeting tonight as well. The last property that needs to be closed is 65 Oak Lane which is scheduled for 04/21/2016 – the Township was ready to close at this time, but the seller was not. The Solicitor goes on to discuss that the demolitions should be done by June since it will be the deadline for the grant.

Big Diamond Speedway Stipulation – Solicitor Karpowich states that in regards to the stipulation as ordered by Judge Dolbin - he sent the mortgage note for the first lien on the property to the Roehrig’s counsel.
Employee Probation Period – James states that the 6 month probation period for new hire Bob Helt is now over – he gets a $.50 raise in his hourly rate and he will assume the role as lead man for the road crew.

Summer Help & Part-time Road Crew – James states that the Board would like to put the word out that they are looking to hire for both of these positions. If anyone is interested, please stop at the Township Office and fill out an application.

Sale of Police Impala – James states that the Board would like to sell the vehicle. This vehicle was put out for bid at an earlier time, but the buyer never paid and/or came to pick it up; there was also a second in-house offer, but that didn’t follow through. The value of this item is under $1,000 so it can be sold outright. If anyone is interested, the Board will except offers until the next meeting date. At that time, it will be sold to the highest bidder. If it’s not sold, the Board will most likely dispose of it. James makes a motion to sell the Impala as discussed. Elvin seconds. Motion passed. Roll Call: Unanimous Favorable Vote.

Mary Beth Matz, Shady Lane – States that she was looking over February’s expense report and doesn’t see any of the Solicitor or Engineer’s fees listed on the report. James states that the engineer’s invoice was submitted to the Township late so payments won’t show until next month. Mary Beth asks about the Solicitor’s fees for January and February. Lynn Schies states they will show on the March reports. Mary Beth asks if those fees will appear every month on the reports. James replies yes, absolutely.

James makes the motion to adjourn. Elvin seconds. Motion passed; meeting adjourned.

Time meeting adjourned: 6:58pm

ATTEST: James A. Wentz, Chairman
Time of adjournment: 6:58pm

ATTEST: Elvin E. Brennan Jr., Vice-Chairman
Time of adjournment: 6:58pm

The next monthly meeting of the Cass Township Board of Supervisors will be held on Thursday, April 28th, 2016 at 6:30pm at the Cass Township Municipal Building, Duncott, PA.