Typed: June 24th, 2016

The regular monthly meeting of the Board of Supervisors of Cass Township was held on Thursday, May 26th, 2016 at the Township’s Municipal Building, Duncott, PA.

Present at the meeting were: Lynn Schies, Joseph Smulley, Bob Ryan, Mike Sorokach, Richard Twigg, Marian Twigg, John Pritz, John Brdaric of Brdaric Excavating, Ann Marie Studlack, Chris Ternowchek, Tom Graydus, Ron Bowers, Sharon Wentz, Robert Wentz, Mary Lou Bergan, James Kost, Daniel Cook, Karen Smulley, Robert Knoeppel, Nicholas Villarreal, and John Olenick.

Chairman James A. 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 M. Schies, Treasurer – present.

James states that the minutes from the April 28th, 2016 Board of Supervisor’s Meeting have been placed at each seat and 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.

Tom Graydus addresses the Board and tells them they are doing a great job. Marian Twigg states that she seconds that. James expresses his thanks to both and moves on to the agenda items.

**FEMA Demolition Project Bids** – James introduces Dan Cook from Alfred Benesch Engineering Company. Dan states there was a total of (10) bids received; there were (2) bids that came in at $29,700 from Affordable Construction & Demolition and Brdaric Excavating - both bidders are in attendance this evening. Solicitor Karpowich addresses both contractors and states that he believes the Supervisors will most likely find that both are qualified for the job; he explains that one of the options to determine who would win the bid would be to flip a coin and whoever calls it correctly wins the bid. Dan Cook asks that it be recorded that both contractors accept / approve this method. Solicitor Karpowich asks if both contractors are okay with it –
both reply yes. Each contractor calls their side of the coin. James asks Chief Clink to flip the coin and it comes up ‘tails’ which indicates that Affordable Construction & Demolition, LLC wins the bid. Solicitor Karpowich states that historically, if a person runs for office and gets the same amount of votes, the decision is handled the same way. He also explains that there are requirements necessary and if Affordable Construction & Demolition, LLC does not meet those requirements, the bid would then fall to Brdaric Excavating. Dan Cook reads the list of bidders/bids. Solicitor Karpowich instructs the Board to make a motion to award the bid based on the coin toss. Elvin makes the motion to award Affordable Construction & Demolition, LLC with a bid amount of $29,700. James seconds. Motion passed. Roll Call: Unanimous favorable vote.

**Supervisor Vacancy Appointment** - James explains that last month there was a resignation and this month the Board needs to appoint someone to fill the vacancy. He states that there were (3) letters of interest submitted to the Board members. They had a discussion in executive session prior to the meeting this evening. He calls for nominations for the Supervisor position. Elvin nominates Lynn Schies. James makes a motion to appoint Lynn Schies as Supervisor/Treasurer. Elvin seconds. Motion passed. Roll Call: Unanimous favorable vote. James then goes on to state that the Board will need the (elected) Auditors to meet to re-distribute Lynn’s stipend since she will now hold both the Supervisor/Treasurer title.

**Summer Seasonal Hire** – James explains that Greg Haney has worked for the Township during the summer for the past several years; he graduated college and now has a full-time job, but would still like to work for the Township during the summer. James states that given his experience, he would like to bring him back this year at a rate of $13.00 per hour; no benefits. Elvin makes the motion. James seconds. Motion passed. Roll Call: Unanimous favorable vote.

**2015 Audit Advertisement** – James states that the audit is still not complete, but we have received word that it should be complete by mid-June. In an effort to speed things up, he would like to make a motion to advertise the audit summary as soon as it’s received in the office – hopefully it will be advertised in the paper prior to the next meeting. James makes a motion to advertise the 2015 audit summary on its completion. Elvin seconds. Motion passed. Roll Call: Unanimous favorable vote.

**Cherry Valley Waterline DCED Extension Request** – James states that the Township is having trouble obtaining the easements on the properties so it’s necessary to file a (3) year extension for the grant. James makes a motion to apply for a (3) Year Project Activity Completion Extension for Contract C000055946. Elvin seconds. Motion passed. Roll Call: Unanimous favorable vote.

**Treasurer’s Report** - Lynn reads the report. 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. Reports are kept on file in the Township Office for review upon request.
Planning Commission – James states there were no submissions for this month, therefore, there was no meeting. There is one submission for next month so there will be a meeting next month.

Police Department – Chief Clink reads the report for May 2016. Elvin makes a motion to approve the report as read. James 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 reads the report. James makes a motion to accept the report as read. Elvin seconds. Motion passed. Roll Call: Unanimous favorable vote. Reports are kept on file in the Township Office for review upon request.

Correspondence:

Clover Fire Company Poker Run - James explains that a letter was received by Clover Fire Company requesting use of some roads for their fundraiser taking place on June 3rd, 2016. He explains that the Board members had some questions so they forwarded the letter to Chief Clink and he will research and get back to the BOS regarding their questions.

Memo / 2016 MMO Payment / Police Pension – James asks Solicitor Karpowich to present this item. The Solicitor explains that the municipality is required by law to annually contribute to the pension fund – this contribution is called the Minimum Municipal Obligation (MMO). He states that there are payments that were not made in prior years (2009 & 2011) and have appeared in every audit since then. Prior to Supervisor Kulpevage resigning, he and the former Solicitor issued their written opinions stating that the MMO’s should now be paid. There was an opportunity for the Township to object to that/those payments, but in order to do that, there had to be an objection filed in a certain amount of time and that was not done. Solicitor Karpowich states that there are now (2) issues - the first being the question of why the municipality didn’t pay it sooner – which he states he cannot answer because he was not here. And the second is that he does not know who calculates the MMO - but to determine if it was a calculation error, he has instructed the Supervisors that they should contact the administrator of the plan and meet with them to determine if it was a calculation error and/or to find out what the problem was so it doesn’t happen again. If it is determined to be someone else’s fault, then maybe someone else has to pay for the mistake. It is his recommendation to the Supervisors that due to the audit findings, the MMO’s should be paid and this situation should also be investigated. James asks the Solicitor if a motion should be made to pay the 2016 MMO ($4,455). The Solicitor responds that the 2016 MMO should be paid, as well as, the prior years. Elvin makes the motion to pay the 2016 MMO and the prior years as they were explained by the Solicitor. James seconds. Motion passed. Roll Call: Unanimous favorable vote.
Old / New Business:

Cherry Valley Waterline – Solicitor Karpowich states that he would like to comment on the CV waterline project DCED extension – this project has been on the table for awhile now – it isn’t something new, however, the Township needs an extension and the reason why the extension is needed is because nobody even asked the people who would be effected by this waterline installation about easements until he came on board as Solicitor this year so he sent out the notices. Some residents signed them and returned them and others didn’t. For the ones that did not return them, a taking action must be filed against them so the Township needed the extension to get that done. Solicitor Karpowich states that he has only been here a short time and for some reason, the residents weren’t asked about the easements prior to him doing so. Tom Graydus asks if that would have been the responsibility of the prior Solicitor. Solicitor Karpowich states that he doesn’t know if the Supervisors delegated that to him or not, but he does know that in terms of Jack Rich’s property (Reading Anthracite) that taking action was filed on New Year’s Eve and their response to the Township was, why didn’t you ask us – so now there’s hard feelings and he’s trying to negotiate that – there’s a lot going on, but these are some of the reasons why the Township needed to file the extension.

Amend the Property Maintenance Code - Solicitor Karpowich explains that Code Enforcement has unsuccessfully filed citations with the Magistrate based on the Property Maintenance Code as it is written – they tried to file summary citations and had to subsequently withdraw them because of the Property Maintenance Code that the Township adopted currently states that the violation needs to be a civil infraction or an unclassified misdemeanor. He states that he is unaware of any municipality that files criminal complaints against people for code violations or property maintenance issues. He goes onto to explain that he spoke with the Supervisors and asked that they allow him to advertise for adoption an amendment to the Ordinance (at the next meeting) that would make a violation of the property maintenance code either a summary offense or a civil infraction in a civil enforcement proceeding. He goes on to further explain and give examples of how violations and penalties should be handled and states that it is his recommendation that the Board give their approval to advertise the amended Ordinance for adoption at the next BOS meeting. James makes a motion to authorize the Solicitor to advertise the amendment to the Property Maintenance Code. Elvin seconds. Motion passed. Roll Call: Unanimous favorable vote.

No Parking Ordinance – Solicitor Karpowich states that he was asked by the Supervisors to draft a No Parking Ordinance. It would prohibit parking on both sides of North Fifth Street (Cass Township Section) and both sides of Field Road; it will requiring posting in order for it to be enforced. If for some reason, there was no posting, there must be notice given to the person whose vehicle is illegally parked and they must be given an opportunity to correct the violation before a ticket is issued. Penalty is a $25.00 fine. The CTPD would enforce the Ordinance with the ability to issue a ticket placed on the windshield. If the ticket was not paid, then a traffic citation would be filed at the Magistrate’s Office. The Solicitor goes on to explain how the
Ordinance would address emergencies and emergency vehicles, as well as, local deliveries. Chief Clink adds that there are exemptions in the Vehicle Code, Chapter 67, that covers that, but regardless, there is nothing on the Cass section where anything would be loaded or unloaded. Elvin makes a motion to authorize the Solicitor to draft and advertise a No Parking Ordinance to be considered at the next BOS meeting as discussed. James seconds. Motion passed. Roll Call: Unanimous favorable vote.

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

Time meeting adjourned: 6:55pm

ATTEST: James A. Wentz, Chairman
Time of adjournment: 6:55pm

ATTEST: Elvin E. Brennan, Vice-Chairman
Time of adjournment: 6:55pm

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