

*Typed: August 29<sup>th</sup>, 2022*

*The regular monthly meeting of the Board of Supervisors of Cass Township was held on Wednesday, July 27<sup>th</sup>, 2022 at 7:30pm at the Township's Municipal Building, Duncott, PA.*

*Present at the meeting were: John Kellman Jr., Rick Pielacha, Frank Angelo, Michael Machita, Donna Rae Purcell, Ed Drasdis, Dave Schultz Jr., Brian Mull, Judy Mull, Antoinette Purcell, Andy Studlack, Ann Marie Studlack, Mike Ondisco, Kelsie Fiscus, and David Flynn.*

*Brenda Helt calls the meeting to order.*

*All recited the Pledge of the Allegiance to the Flag.*

*Roll Call of Officers:*

*Michael Sorokach III – present.*

*Brenda M. Helt – present.*

*Elvin E. Brennan Jr. – present.*

*Other attendance/attendees:*

*Mark Semanchik, Solicitor – present.*

*Evelyn J. Bergan, Secretary – present.*

*Gerard E. Daley, Chief – CTPD – present.*

*Chairperson Helt states that the minutes from the June 2022 BOS meeting have been placed at each seat. She calls for a motion to accept the minutes if there are no corrections or omissions. Brennan makes the motion. Sorokach seconds. Motion passed. Roll Call: Unanimous Favorable Vote.*

*Helt opens the meeting for public comment.*

*David Flynn, 230 High Road – Had several complaints relating to no longer being able to access the back of his property because Mike Panak (Tulip Lane) has placed thick topsoil and hydroseeded a dirt alley that Dave believes has always been a fire lane. He states that he hired contractors to do work on the rear of his property, but they will not take their equipment through the dirt alley because it is mush. The Solicitor explains that Tulip Lane is clearly a Township road and that means it is under public responsibility, but the remainder of it, from what he can see from several maps (Township, County, Tax Claim, etc.) shows a private alley – so whether it's a private or it's a public alley, the property owners have a right to access their properties by using that lane – but it may not be the responsibility of the Township to protect the right of those property owners. Brian Mull states that there was a fire lane sign*

*marking the dirt alley for many years, but it was removed during the water line project and was not replaced. Dave Flynn agrees. The Solicitor states the he does not see anything that would prevent any of the property owners on both sides of what has been designated as Tulip Lane from accessing the rear of their properties – it may not be part of the Township’s road system, but clearly the property owner’s deeds refer to that as a private lane or a private alley - and as a reference to a travel way - the property owners have a right to expect that they will always to have rear access to their properties via that lane/alley. The Solicitor states that this is not a Township issue. The liquid fuels maps of this Township show only a small section of Tulip Lane as a public right-of-way and the rest of it is a lane that accesses the rear of the properties that are owned by Schultz, Flynn, etc. This discussion continued.*

*Rick Pielacha, 350 Forest Lane – Asks for the status of the Yurkonis property on Tunnel Road. The Solicitor explains that we have been through the court proceeding and will be moving forward with the process to place it up for sale. Rick then asks for a status update on Comcast. The Solicitor explains that Comcast is trying to put together a project for Cass and Reilly Townships to obtain the necessary funding from the State. We just had a phone conference with them earlier this week – they are looking at a build out date of a year to (18) months when they are in the position to access that funding. Chairperson Helt states that Comcast representatives will be in attendance at our meeting next month to provide an update. Rick also had complaints of high grass/weeds on a lot near his residence that he believes belongs to a coal company. Helt states that she will report it to code enforcement.*

*Brian Mull, 11 Mountain Road – Asks if the Township has a quality-of-life ordinance that relates to properties that aren’t being maintained, the Township can cut the grass/weeds and/or hire someone to do it and then bill the property owner. Helt explains that we utilize code enforcement for those issues. Brian states he is aware, but there has to be a process that is quicker. He feels that summer help can cut those properties. Elvin states that the road department has so much going on that they cannot even get to all the roads; he currently has them on a rotation schedule – so many hours doing blacktop, so many hours cutting trees, so many hours cutting grass, etc. Helt states that the problem with that is the Township would need to place a lien on the property. This discussion continued.*

*Barbara Barone, Valley Road – Asks for a status update on her complaint re: 616 Valley Road. Helt states that she called Barbara with an update. Barbara states that she and Brenda discussed putting a lien on the property. Helt states that she didn’t say that; she said the next step would be the magistrate. Barbara states that during their conversation she suggested a lien because if a lien was placed on the owner, it would prohibit them from ever signing up for another tax sale. Helt states that she is not going to argue, but code enforcement is in the process of taking care of it. The Solicitor explains the legal process followed by code enforcement – and states that citations were filed as per ARRO’s monthly report. The discussion continued.*

*John Kellman, Fire Marshal and EMC - Asks if the alley adjacent to Tulip Lane can be made a fire lane by ordinance. The Solicitor states that he will look into it. He again explains that based on most of the deeds that he has reviewed, the property owners have a private right of access that is different from a public right of access or a fire lane – so for the Township to take private rights and make them public rights, it is not something that you draw up on paper and say we are going to do this. He states that he promised the Board that he would look at it and he will, but it doesn't happen just because it is brought up during a meeting and the Township signs a piece of paper. All of those property owners may not want the Township to convert private rights to public rights; it's not something that can be done on a whim.*

*Ed Drasdis, Maple Avenue – states that he drives through the Township and sees a lot of broken-down homes, properties not being taken care of – it's actually a shame. He states that he built his home (8) years ago – and if he were to fast forward to now, he would have never built his home in Cass Township. He states that we need more code enforcement – because this used to be a beautiful Township – we need to return it to the way it was because if this continues the way it is, it's not looking good for us – and it's a real shame. Evelyn states that she believes it's because if a resident has a complaint they need to complete, sign, and submit a complaint form – years ago, code enforcement issues were reported by a phone call to the office; she believes the form deters a lot of people from reporting.*

*Brian Mull, Mountain Road – asks for a status update on his complaint re: 8 Mountain Road. Evelyn provides the update as per the report.*

*Frank Zukas, SEDCO – provides a lengthy update on projects located in the Highridge Business Park. Maps and additional information relating to these projects are available in the Township office for anyone who would like to review it.*

*Mary Beth Haney, E. Elk Lane – asks for a status update on her noise complaint regarding one of her neighbor's owning a rooster. Chief Daley states that an email was sent to the Code Enforcement Officer but we haven't heard anything. He will contact her tomorrow. Evelyn reads the update from ARRO's report.*

*Donna Purcell, Willow Lane – asks for an update on the property sales adjacent to the properties on Willow Lane. The Solicitor states that it is on his list and he is working on it. Helt states that the Board is moving forward with the plans to give the homeowner's first right to purchase – and Donna's side is okay, but the other side is a concern because the Township does not want to sell property that does not give people access to a structure they built – so there has to be an agreement in place giving them right-of-way to their garage, etc.*

*Hearing no further comments, Helt closes the public discussion and moves on to the agenda items.*

*Tulip Lane – Helt states that this issue will not be addressed because it was discussed throughout the entire public discussion.*

*Treasurer's Reports – There is a public summary and a list of transactions for the month of June 2022 at each seat. Brennan makes a motion to accept both reports – and to pay all outstanding bills that can be paid at this time. Sorokach seconds. Motion passed. Roll Call: Unanimous Favorable Vote.*

*Planning Commission/Engineer's Report – Helt states that the ARRO report is available to anyone wishing to review it.*

*Kauffman-Kulpcavage Lot Annexation – PC held their meeting on July 14<sup>th</sup>, 2022 to review this plan; they approved the plan. The Board of Supervisors and Solicitor have also reviewed the plan and have agreed to conditionally approve it pending receipt of Schuylkill County's review. Helt calls for a motion to accept ARRO's report. Sorokach makes the motion. Helt seconds. Motion passed. Roll Call: Unanimous Favorable Vote.*

*Police Report – Chief Daley read the police report. Helt makes a motion to accept the report as read. Brennan seconds. Motion passed. Roll Call: Unanimous Favorable Vote.*

*Road Foreman's Report - Helt states that there is a copy of the report at each seat. She calls for a motion to accept the report as printed. Brennan makes the motion. Helt seconds. Motion passed. Roll Call: Unanimous Favorable Vote.*

*Correspondence:*

*Vacancies – PC member and Appeals Board member – Mike Machita provided a letter of interest to fill both vacancies. Brennan makes the motion to appoint Mike to both positions. Helt seconds. Motion passed. Roll Call: Unanimous Favorable Vote.*

*Old/New Business:*

*Agreement – Thomaston Road - The Solicitor states that the Township had entered into an agreement with Reading Anthracite Company pertaining to Thomaston Road on August 5<sup>th</sup> of 2021 for the term of (1) year. He recommends that the Board take serious consideration on whether or not to extend the Agreement, however, due to the complaints and current condition of the road, his recommendation would be not to renew this agreement. Helt makes the motion not to renew the agreement with RAC. Sorokach seconds. Motion passed. Roll Call: Unanimous Favorable Vote.*

*Attorney Semanchik asks the Board to authorize him to notify the other party that the Agreement will not be extended and they need to provide all of the videos and all of the other information that was done prior to the beginning of their use of the road so that they can restore the road to it's prior condition. Helt makes a motion. Sorokach seconds. Motion passed. Roll Call: Unanimous Favorable Vote.*

*UCC Ordinance – The Solicitor states that this Ordinance was adopted back in April of 2004; it was submitted to the Department of Labor & Industry. Apparently, the document that was submitted was the original ordinance because we don't have the original document. He recommends that the Township re-adopt the Ordinance. Brennan makes the motion. Helt seconds. Roll Call: Unanimous Favorable Vote.*

*Executive Session – Helt states that an executive session was held prior to this evening's meeting.*

*Motion to Adjourn: With no further business, Helt makes a motion to adjourn. Brennan seconds. Motion passed. Roll Call: Unanimous Favorable Vote.*

*Meeting Adjourned.*

*ATTEST: Brenda M. Helt, Chairperson*

*TIME MEETING ENDED: 8:41pm.*

*ATTEST: Elvin E. Brennan Jr., Vice-Chairperson*

*TIME MEETING ENDED: 8:41pm.*