

Typed: March 30th, 2021

The regular monthly meeting of the Board of Supervisors of Cass Township was held on Wednesday, February 24th, 2021 at 6:30pm at the Township's Municipal Building, Duncott, PA.

Present at the meeting were: Joe & Joyce Cutler, Chris Ternowchek, Mike Sorokach, Mike Kulpcavage, Keith McCarthy, John Olenick, Ann Marie Studlack, Antoinette Purcell, Gretchen Sterns, Jason Kelso, and Joel Schmoyer.

Brenda Helt calls the meeting to order.

All recited the Pledge of Allegiance to the Flag.

Roll Call of Officers:

Brenda M. Helt – present.

David W. Califf - present.

Elvin E. Brennan Jr. - present.

Other attendance/attendees:

Evelyn J. Bergan, Secretary – present.

Donald G. Karpowich, Solicitor – present.

Gerard E. Daley, Chief - CTPD – present.

Chairperson Helt states that the minutes from the January 2021 meeting have been placed at each seat. She calls for a motion to dispense the reading of the minutes if there are no corrections or omissions. Califf makes the motion. Brennan seconds. Motion passed. Roll Call: Unanimous Favorable Vote.

PUBLIC HEARING – Helt opens the hearing and explains that the purpose is to vacate a Township Road known as Courtney's Road. The Solicitor explains that the Ordinance has been advertised in general circulation and was on display for inspection as required by the Second Class Township Code; and the people on Courtney's Road have been notified. He explains that this was done as per a Petition received by Reading Anthracite Company. He asks if the representatives present for RAC have any questions regarding the Ordinance. Hearing none, he asks if there are any public comments regarding the Ordinance. Hearing none, the Solicitor asks for a motion to close the record. Brennan makes the motion. Helt seconds. Motion passed. Roll Call: Unanimous Favorable Vote.

The Solicitor then asks for a motion to adopt the Ordinance as presented. Helt makes the motion. Califf seconds. Motion passed. Roll Call: Unanimous Favorable Vote.

PUBLIC HEARING – The Solicitor states this hearing is relating to floodplain regulations for FEMA and PEMA; he asks for public comments regarding the floodplain regulations. Hearing none, he asks for a motion to close the record. Brennan makes the motion. Helt seconds. Motion passed. Roll Call: Unanimous Favorable Vote.

The Solicitor asks for a motion to approve the Ordinance as proposed. Califf makes the motion. Helt seconds. Motion passed. Roll Call: Unanimous Favorable Vote. The Solicitor states that now anyone living in the floodplain will be able to continue their flood insurance. Joyce Cutler asks if that is all the Ordinance is about. The Solicitor explains that the regulations relate to new construction, not to anything existing. Joe Cutler asks Elvin if dirt work can be done near Oak Lane. The Solicitor and Elvin both reply that the property he is referring to belongs to Reading Anthracite Company.

Helt opens the meeting for public comment. Please state your name and address for the record.

John Olenick, Primrose – provided the Board members with copies of minutes from a meeting in 1995 where the BOS at the time named Amanda Lane as Township road – and states that some years the road is plowed and some years it's not. The Solicitor states that in order to take over a road, it requires a deed of dedication; a survey; a legal description; and a deed document in reportable form. He adds that the 1995 minutes state that Attorney Fiorillo was going to complete the paperwork – but in order to do that paperwork, participation by the property owner is necessary - because he doubts the Supervisors in 1995 or 2021 would provide a legal description, etc. John states that the Township has lost out in liquid fuels funds for 26 years because the Township excepted the road in 1995. The Solicitor states that it has not been accepted; the Board members at that time stated that they were willing to accept it - but a road is not accepted until it is formally dedicated – so a deed of dedication needs to be prepared and presented to the Supervisors – and the Supervisors have to adopt a resolution; the property owner has to sign the deed; and the deed and resolution have to be recorded in the County at the Recorder of Deeds Office. He goes on to explain to John that even if the municipality told you this evening to prepare all the paperwork and they will accept the road – and you get it all done and present it them next month – and they say they changed their mind – they are allowed to do that (by law). Also, if the subdivision plan that was submitted to the Township says specifically on it that the road is going to be a Township road, right up until the time that they vote to accept it for dedication, they have the right to change their mind. A promise cannot bind a municipality to accept a road until the deed is accepted by a formal resolution – and both the deed and the resolution are recorded. Until that happens, the municipality is free to change their mind. The Board of Supervisors can go back on subdivision plans, minutes, etc. – right up until the time they vote, it doesn't mean anything until a deed and resolution is recorded. If the municipality was plowing that road, shame on them because they should not have been – because it's no different then plowing someone's driveway. Supervisor Helt asks John Olenick if it's Township property or his property. He

replies that it's Township property that runs through his property. John states that after the meeting in 1995, nothing was ever said to him that he needed to provide anything to Township; he states that a lot of people use the road and he would like to see it maintained for them. Supervisor Brennan states that he is aware that John's son and Zuratt are going to build houses back there – and his concern is that they will get tired of driving on a dirt road and come to the Township and ask for it to be paved. This discussion continued on – discussing the condition of the road relating to plowing – there are large rocks in the road, etc. John then states that the official Township signs for Amanda and Blue Lane have disappeared. Attorney Karpowich states that the Board has to decide what they would like to do and make a motion - and then John would have to provide the information needed – which would be a survey and a legal description. John states that all of that may have already been done; he would have to speak with Diane Lenick. Chairperson Helt states that she would like to discuss this in an executive session. She asks Mr. Olenick if there is a lot of maintenance that needs to be done on Amanda Lane. John responds that there are some rocks that need to be taken out and he can do that himself. Helt instructs John to get drawings or any other information that Diane Lenick may have relating to this issue and then they can all schedule to meet to discuss this further.

Chris Ternowchek, Flag Lane – Asks where the police and road department vehicles are taken for repair. Helt states that the Township supports all the local garages – Mark Hammer, Dave Hammer, Trail Towing, Gary's in Forestville, and Wentz. Chris states that she is just wondering because she usually only sees Trail and Gary's on the reports.

Joyce Cutler, Oak Lane – Asked for an update on the cable. Helt responds that she gave an update at the last meeting but Joyce wasn't here. The company representative she spoke to said they were doing field and financial work, as well as, speaking with surrounding municipalities; they should have information for the Township at the end of the 1st quarter. Joyce states that JB Cable raised the rates again, but they aren't fixing anything – and they don't return any calls – something has got to be done. Helt states that she told the company representative that services must be provided to the entire Township – not just certain areas. The representative said it was looking very good.

Keith McCarthy, Primrose Bible Church – states that the Township had a hearing in December – the property that the church is on has been transferred – the house is on another property and when it was surveyed, it was found that the road that runs beside the house belongs to that property. He states that the Township placed concrete blocks there to block the entrance to the road; he wants to know what the Township wants to do with the blocks now and states that they can be left there or removed if the Township is concerned that they are a liability. The Solicitor states that it was discussed privately – the Board members thought the road belonged to Schuylkill County – the blocks were donated to the Township by Quandel Concrete – so the Board feels that Keith should speak with Quandel and ask what they would want (monetarily) for the block if Keith would like them to remain where they are; he would

then provide a bill of sale to the Township – and also have his attorney write a release and an acknowledgement stating that we don't maintain them. Keith asks if the other option is to remove them. The Board members reply – yes, they will be removed so we are not liable. The Solicitor adds that the Township does not want to have created a dangerous condition if someone were to get hurt. It was decided that if a bill of sale, a release, and an acknowledgement is not received, the Township will remove the blocks.

Michael Sorokach, Owl Road – Asks Road Master Brennan when the new truck is arriving. Elvin responds it's not – they couldn't get us the '21 so they are trying to get us in on a '22 but they didn't provide us with a price quote - so we are going to end up getting our deposit back. Mike states that the Ford dump truck has a light out on the plow – and the green GMC sounds like the power steering is howling or whining like the fluid is low. Supervisor Califf states that it has made that sound since the day it was delivered; it was returned to the dealer and the Township was told that everything was fine with it.

Chris Ternowchek, Flag Lane - Asks Elvin if (during the next snow storm) the Township could plow Flag Lane open a bit wider because the garbage truck cannot get through.

Hearing nothing further, Helt closes the public discussion and moves on to the agenda items.

Resolution – Revised Fee Schedule: Helt states that this resolution was tabled last month because the 10% fee was not included. She makes a motion to accept the fee schedule. Brennan seconds. Motion passed. Roll call: Unanimous Favorable Vote.

Treasurer's Reports: Helt states that the public summary and the list of transactions for the month of January 2021 have been placed at each seat; she calls for a motion to accept the reports as printed and to pay all outstanding bills that can be paid at this time. Brennan makes the motion. Califf seconds. Motion passed. Roll Call: Unanimous Favorable Vote.

Planning Commission / Engineer's Report – Helt states that the PC held their meeting and approved a submission for lot annexation for Reading Anthracite Company and Schuylkill Contracting Company. Helt calls for a motion to approve the lot annexation. Califf makes the motion. Helt seconds. Motion passed. Roll Call: Unanimous Favorable Vote.

Police Report: Chief Gerard Daley states he has provided the Board members a copy of the report; he adds that it's extremely thin this month and states that he believes it's due to the weather – not much went on during the month. Helt calls for a motion to accept the report. Brennan makes the motion. Califf seconds. Motion passed. Roll Call: Unanimous Favorable Vote. Reports are on file in the Police Department for review upon request.

Road Foreman's Report: Helt states that the report is placed at each seat and calls for a motion to accept it as printed. Califf makes the motion. Brennan seconds. Motion passed.
Roll Call: Unanimous Favorable Vote.

Correspondence – The Solicitor states that we were appointed conservator and we have a hearing coming up to provide our plan for the Yurkonis property.

Old / New Business: Nothing.

Helt states that at the bottom of the agenda – the next meeting will take place on March 31st, 2021 – not 2020.

Motion to Adjourn: With no further business, Chairperson 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: 7:25 pm

ATTEST: Elvin E. Brennan Jr., Vice-Chairperson
TIME MEETING ENDED: 7:25 pm