

CUMMINGS TOWNSHIP MEETING  
JULY 14, 2020

The Cummings Township Board of Supervisors held their monthly meeting on July 14, 2020 at 6:00 pm at the Waterville Volunteer Fire Company building, with Walter Braddock, Richard Bierly and Michael Yohe present.

Public Attendees: Zoning Liaison Will Wolfe, Carl Frech, Damian Mariano, David Freed, Larry Shaffer, Donna Bierly, Karen Purvis, Bill Koppenheffer, Dennis Norman, PE, Denise Dieter, Esquire

**Approval of Meeting Minutes:**

Chairman Braddock asked for questions or comments on the minutes from the June 9, 2020 monthly meeting, there being none, Supervisor Yohe made a motion to approve the meeting minutes as presented; seconded by Supervisor Bierly, MCU.

**Approval of Treasurer's Report:**

Supervisor Bierly made a motion to approve the Treasurer's Report as submitted; seconded by Chairman Braddock, MCU.

**Public Participation:**

**Donna Bierly – Waterville Water Association Building Project**

Donna Bierly of the Waterville Water Association reported that the final inspection of the new building was performed by the Department of Labor & Industry with no findings.

She also reported that water usage was up during the last month.

**Karen Purvis – Recreation Committee**

Karen Purvis of the Recreation Committee made the following report:

- The "No Overnight Parking" signs are in place at both parking lots but there is still an issue with the lot behind the Waterville Tavern;
- Charles Construction has not started paving the walkway and the area around the adult equipment;
- A second portable toilet has been added to the park due to high usage;
- Numerous cars and trucks are using both parking lots for Rails/Trails parking;
- The park is being monitored once or twice on a daily basis;
- People using the park are leaving masks and wipes on the tables;
- There is still an issue with the bear getting into the garbage can;
- 4<sup>th</sup> of July fireworks were set off at the park even though the new sign is in place, pictures were taken of some the debris from the fireworks;

Supervisor Bierly questioned what could be done about the overnight parking and rail/trail parking.

Supervisor Yohe asked Solicitor Dieter to address the overnight parking and rail/trail parking issues and said he believes the Board is within its right to post parking lots and to ticket violators, adding that signs for overnight parking have already been installed.

Solicitor Dieter explained that citations could be issued as it is considered a health and safety issue which would be a summary criminal complaint filed at the District Magistrate's Office, adding that in order to file a complaint the driver information would be necessary because a citation cannot be filed based on the vehicle's license plate. She also stated that the Township Ordinance would have to be amended to include the No Rail/Trail parking restriction and penalty.

A discussion was held regarding whether additional "No Rail/Trail Parking" signs were necessary since there are already quite a few signs at the park and Resident Carl Frech suggested the Supervisors get a booklet of warnings and place them on the windshields of vehicles to see if that helps.

Supervisor Yohe made a motion to amend the ordinance to limit parking to Cummings Township Community Parking Only;

Dennis Norman pointed out that this would preclude individuals from using the Township's right of way to access to Pine Creek.

Supervisor Yohe amended his motion to amend the ordinance indicating that Rail/Trail Parking is prohibited; seconded by Supervisor Bierly, MCU.

Donna Bierly complained about several teenagers, specifically teenage boys between the ages of 14 and 16 years old, at the park being rude and using the equipment for young children stating there are signs listing the ages for usage on the equipment.

Solicitor Dieter said that the State Police should be contacted or the Township may want to contract with the Tiadaghton Valley Regional Police Department to deal with this type of issue on an "as needed" basis.

A discussion was also held about people using the basketball court to shoot off fireworks, even though there is a sign prohibiting fireworks in the park, on the 4<sup>th</sup> of July which left debris and burn marks on the court.

Solicitor Dieter explained that law enforcement would have to be called and under State Law officers would have to actually see the individuals shooting off the fireworks in order to issue a citation.

### **Zoning Report:**

Zoning Liaison Will Wolfe reported that he received one phone call requesting property zoning information and forwarded that individual to Vic Marquardt.

During his tour of the Township in July he found a motor home on Ramsey Drive and campers on 137 and 103 Lightning Bug Lane with no permits visible and provided this information to Vic Marquardt of Code Inspections.

Will also reported receiving two telephone inquiries on building/permit issues from the date of the last meeting and provided those individuals with Vic Marquardt's contact information.

### **Road Foreman's Report:**

Roadmaster Bierly reported completion of the following work:

- Placed stones in the parking lot on Church Street;
- Saar's Tree Service was hired to remove some of the large trees that fell down during a storm on Dam Run Road and employees took care of the trees that were not as dangerous to remove;
- Installed an underdrain pipe on Ramsey Drive;
- Dave Stryker, the contractor hired to oil and chip Ramsey Drive contacted him about the project stating that due to COVID-19 shutting down the stone plant, the project will not begin for another two weeks
- Mulch was placed under the swing sets at the park;
- Received two diggers from PlayWorld for the park and is in the processing of getting a cost estimate to have the diggers and signs installed;
- Installed two signs with age limits for the playground equipment.

Road Foreman Bierly also reported that employees will be cleaning head walls and ditches and make repairs to Dam Run Road where the trees came down during the recent storm.

Roadmaster Bierly said the survey of the former Pointe House property was completed and a discussion was held regarding cleaning the Township's right of way which provides walking access to Pine Creek.

Supervisor Bierly also reported receiving a written request for a "hidden driveway" sign prior to the driveway entrance of 163 Rt. 414 Highway, Waterville, and has contacted PennDot about installation of a sign.

### **Old Business:**

Resident Carl Frech asked the Board about the possibility of having the retaining wall at the old township building power washed and re-pointed as was previously discussed during a township meeting and suggested Earl Stroble be contacted for a quote.

A discussion was held and the Board of Supervisors requested that Carl contact Earl Stroble on behalf of the Township Supervisors to see if he is interested in the job and to get a cost estimate.

Karen Purvis said she believes the roof at the old township building needs repaired stating she noticed more leaks in the ceiling at the office.

The Board discussed having a contractor provide a quote for roof repairs.

## **New Business:**

### **Zoning Issue i.e. campers**

Chairman Braddock said there is an issue with the proposed zoning ordinance with regard to the number of campers permitted per unimproved lot and no permits being required.

Supervisor Yohe said he believes the matter should be discussed during a zoning workshop rather than during the township meeting.

Chairman Braddock disagreed stating it is a public issue and he would like it to be on the record.

Resident Larry Shaffer said at the zoning workshop he attended the proposal was for two campers per lot and questioned when the language was changed to four campers.

Supervisor Yohe stated he did not know when the language was changed, adding that the purpose of the discussion is to determine how many units should be allowed per lot .

Larry Shaffer said he believes the zoning should allow one camper per lot.

Damian Mariano said he believed it should be based on the size of the lot and Donna Bierly agreed with Mr. Mariano.

Dennis Norman said the zoning meeting he attended it was discussed having two on a lot with a building and four if the lot was vacant and asked what the purpose of limiting the number of RV's per lot and noted that he does not own an RV.

Chairman Braddock said the chances are if there is one camper they will be respectful to the neighbors, if you have four campers chances are things will get out of hand and there is no law enforcement in the Township.

Dennis questioned whether it is the intent of zoning to curtail rudeness and behavior of people or to provide for public safety.

Chairman Braddock responded it is public safety adding that another issue is having campers in the floodplain and removing those campers in the event of a flood.

A discussion was held with regard to the number of campers permitted per lot under Lycoming County Zoning.

Damian Mariano stated that having more than one seasonal camper next to a residence decreases the value of the property. He personally had to address the issue with a neighboring property and he researched the campground issue and said it came down to one seasonal camper per lot and two campers becomes a campground and the zoning required 10 acres for a campground.

A discussion was held regarding Harrison Flats, a use being grandfathered in and pre-existing nonconforming uses.

Residents Damian Mariano and David Freed stating they believe the zoning ordinance should allow only one camper per lot.

Supervisor Yohe made a motion to end the discussion the zoning issue and to schedule a zoning work session to discuss the issue; seconded by Supervisor Bierly, the motion passed 2-1 with Supervisors Bierly and Yohe voting in favor of the motion and Chairman Braddock voting against the motion.

### **USDA Grant**

Secretary/Treasurer Macklem reported receiving an email from Judy Bartlett of the USDA stating the Township is eligible to receive Disaster Grant Assistance. The Township is eligible for a 55% grant up to \$50,000 to purchase a truck or other piece of equipment, adding that the Waterville Fire Company is also eligible if they want to apply for a grant to purchase a piece of equipment

According to Ms. Bartlett, McHenry Township is 75% eligible and the fact the Waterville Fire Company merged with McHenry Township's Fire Company it may be more beneficial if the Fire Company applied for USDA grant funds through McHenry Township.

A discussion was held regarding the possibility of applying for the USDA Grant.

### **Correspondence**

Notice from the Wayne Township Landfill of the Residential Tire Collection scheduled for September 11 and 12, 2020.

Letter from Yvonne Arnold requesting a "hidden driveway" sign be installed prior to the driveway entrance of her property at 163 Rt. 414 Highway, Waterville.

Notice of Intent from ALTA for consumptive use of water at COP Tr 356 Pad H located in Cummings Township.

Copy of the Completeness Notification for the FQT New Canal Crossing Application submitted on behalf of Thomas Oberhouse (Pointe House Property).

### **Invoices**

Supervisor Bierly made a motion to approve the invoices as presented; seconded by Supervisor Yohe, MCU.

### **Executive Session**

Chairman Braddock called an Executive Session at 7:40 pm to discuss a potential notice of violation to be issued on a health and safety issue.

The regular meeting was called back to order at 7:45 pm.

**Comcast Service**

Secretary/Treasurer Macklem requested approval to contact Comcast to discontinue internet service at the old township office building.

Chairman Braddock made a motion to approve the request to contact Comcast to discontinue internet service at the old township office; seconded by Supervisor Yohe, MCU.

**Adjournment**

There being no further business, Chairman Braddock made a motion to adjourn the meeting; seconded by Supervisor Yohe, MCU.

The meeting was adjourned at 7:50 pm.

Respectfully submitted,

Darlene S. Macklem  
Secretary/Treasurer