

CUMMINGS TOWNSHIP MEETING
SEPTEMBER 8, 2020

The Cummings Township Board of Supervisors held their monthly meeting on September 8, 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, Jim and Connie Mitcheltree, Donna Bierly, Robert B. Sheets, EMA Coordinator, McHenry Township Supervisors Don Price, Robert Groff and Tim Ward, Duane Levin, Diane Bodle, J. Bodle, Nate DeRemer and Tyler Bierly of the Tiadaghton Valley Regional Police Department and Denise Dieter, Esquire

Approval of Meeting Minutes:

Chairman Braddock asked for questions or comments on the minutes from the August 10, 2020 Zoning Work Session and the August 11, 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 Yohe made a motion to approve the Treasurer's Report as submitted; seconded by Supervisor Bierly, MCU.

Public Participation:

Tiadaghton Valley Regional Police Services Presentation/Proposal

Nate DeRemer and Tyler Bierly of the Tiadaghton Valley Regional Police Department gave a presentation on the proposal for TVRP to provide police services to Cummings Township on a 90 day trial basis.

Officer DeRemer explained that the approach to be taken by the police department would be reactive rather than proactive and explained that rural policing is much different than policing larger cities such as Philadelphia.

Officer DeRemer pointed out that the TVRP response time to Cummings Township would be better than that of the Pennsylvania State Police enabling the Waterville Volunteer Fire Company EMS to improve their response time to 911 calls that require assistance from police.

Officer DeRemer and Officer Bierly answered questions from residents and a discussion ensued regarding issues at the park that the officers would be able to handle on demand, and it was noted that the Township does not want any regular patrol presence and there will be no DUI, insurance or vehicle registration checkpoints; officers will be taking a reactive approach; there would be an on-demand presence; and a monthly police report would be provided to the Township Supervisors.

The question was asked if hiring the Tiadaghton Valley Regional Police Department would create an additional liability issue for the Township.

Solicitor Dieter explained that she did not believe there would be any additional liability to the Township, stating that the TVRP would be contracted services and the PA Statute states that municipalities are responsible to keep residents safe and must provide adequate fire and emergency services and her position is that it actually decreases liability because the Township is acquiring services to help keep residents safe. She also pointed out that municipalities have sovereign immunity and even though there are seven exceptions to governmental immunity, none of the exceptions relate to police services, adding that police officers are not considered employees of the Township.

Barking Dog

Residents Duane Levin and Diane Bodle of 33 and 103 Lightning Bug Lane complained about a neighbor's barking dog stating that the constant barking has been going on for years and the issue was brought to the Township Supervisors several years ago but nothing happened to change the situation. It was also noted that stray cats are a problem and the individual with the barking dog burns dog waste.

Mr. Levin said there was a State law passed two years ago requiring dog owners to provide shelter for their dogs and at that time he contacted the SPCA about the dogs continually barking and was told that since the dogs are a shepherd and a lab mix they are considered sporting and working dogs and they are exempt to the requirement that dogs were not allowed to be tied out in the winter.

A discussion was held and Solicitor Dieter explained that barking dogs does not fall under the International Property Maintenance Code and would fall under a nuisance ordinance and Officer DeRemer added that the owner could be cited for disorderly conduct.

Mr. Levin also requested that a street sign for Lightning Bug Lane be reinstalled.

Recreation Committee

Donna Bierly of the Recreation Committee reported that the park is still being used heavily and Willow World has not yet installed the diggers at the playground and Charles Construction has not paved the walkway.

Zoning Report:

Zoning Liaison Will Wolfe reported that he received a phone call from Chris Ward of Ramsey about a shed permit and he directed him to contact Vic Marquardt and a permit is in the process of being issued.

Will also received a call from an individual requesting information on septic issues for a property he was considering purchasing and he directed him to SEO Jamie Nolan.

The Zoning Liaison also reported that on Bierly Drive there is a small existing shed which has been moved to a different location on the property but in place of the small shed a larger shed or garage has been constructed which is two to three times the size of the original shed and Will notified Vic about the property via email.

Will also received a telephone call from John Peters requesting zoning information and he referred him to Victor.

Donna Bierly said that several residents mentioned they are having a hard time getting a permit and that residents used to be able to get a permit application at the Post Office.

A discussion was held and Supervisor Yohe explained that individuals can print off zoning permit applications from the Township's website but agreed to contact Vic about placing more application forms at the Post Office.

Road Foreman's Report:

Roadmaster Bierly reported completing placing #3 and #4 stone in the ditches along Dam Run Road and listed the following items to be completed:

- Clean up debris along Sawmill Drive;
- Replaced six inch pipe with 12" pipe on Second Street and seeded the area;
- Hauled #3 and #4 stones from Dam Run Road to the new Township building for new parking lot;
- Repaired two small areas on Dam Run Road that washed out

Old Business:

There was no old business presented for discussion.

New Business:

Resolution 09-08-2020 – Wagner Millwork Road Use Agreement

Supervisor Yohe made a motion to adopt Resolution 09-08-2020 authorizing the execution of the Road Use Agreement between Cummings Township and Wagner Millwork for Dam Run Road; seconded by Chairman Braddock, MCU.

Resolution 09-08-2020-1 – Pine Creek Lumber Company Road Use Agreement

Supervisor Yohe made a motion to adopt Resolution 09-08-2020-1 authorizing the execution of the Road Use Agreement between Cummings Township and Pine Creek Lumber for Dam Run Road; seconded by Chairman Braddock, MCU.

Tiadaghton Valley Regional Police Contract

Supervisor Yohe provided a handout to residents with information on the TVRP Police Services Proposal and gave a brief outline of the proposal to residents in attendance, as follows:

- The proposed contract with TVRP to provide limited police services to Cummings Township is for a 90 day trial period beginning October 1, 2020 and ending December 31, 2020
- TVRP would replace the PA State Police (PSP) as our police services provider and 911 call responder during this period
- If the trial period results are good based on monthly review then the Township would sign a one year contract with TVRP for 2021

Current Services from PSP

Pros:

- Response from the PA State Police including response to 911 calls
- Limited presence in Cummings Township
- No **current** cost for PSP although there continues to be legislative discussion of an extra PSP service surcharge to areas without a dedicated police department) current proposal would escalate over a three year period starting at \$51 per resident per year twp. 320 residents at a cost of \$16,000 +/- in the first year and over the three year escalates over three years would cost approximately \$96,000 with the Township getting the same services as we currently receive; TVRP contract would get better quality police service and the three year cost for coverage would be approximately \$60,000

Cons:

- WVFC EMS must delay their onsite response to certain 911 calls until PSP arrives (response delays put lives at risk)
- The Township has no control over PSP schedule and no ability to influence how they respond and enforce the laws and ordinances
- No reporting to the Township of PSP activity to enable the Board to monitor it and give input

TVRP Contract:

- TVRP will provide limited as requested patrol, handle emergency calls, court time and special services as needed
- Patrol will be limited as requested by the Township
- Emergency calls relates to response to 911 calls
- Monthly report of TVRP will be submitted to the Township Supervisors
- The Township Supervisors will notify the TVRP as to any ordinances that they would like enforced in the Township
- Focus is on deterrence and not on writing tickets
- The monthly fixed rate contract for services is \$2,083.33
- Cummings Township will receive all the fine money generated by the TVRP which is additional evidence that the TVRP has no financial incentive to be in the Township frequently and/or write tickets
- Seven of the 11 TVRP officers are Jersey Shore High School graduates
- If things do not work out satisfactorily over the 90 day trial period with TVRP the Township can terminate our contract
- The Township Supervisors expect to receive a better and more timely type of police support from TVRP than it receives from PSP

Supervisor Yohe made a motion to enter into a 90 day contract for police services with the Tiadaghton Valley Regional Police Department; seconded by Supervisor Bierly, MCU.

Sikora Brothers Final Payment – Waterville Water Association Project

Chairman Braddock made a motion to approve the final payment to Sikora Brothers for the Waterville Water Association Building Project in the amount of \$20,890.00; seconded by Supervisor Bierly, MCU.

Adoption of new Cummings Township Zoning Ordinance

Chairman Braddock made a motion to approve the Solicitor to advertise the new Cummings Township Zoning Ordinance for further review and adoption; seconded by Supervisor Bierly, MCU.

Maturing Certificate of Deposit with First National Bank

Supervisor Bierly made a motion to renew the Act 13 Certificate of Deposit maturing on September 30, 2020 with First National Bank; seconded by Chairman Braddock, MCU.

Correspondence

Letter from PennDOT addressing the Township's concerns regarding the conditions at several locations along S.R. 44 and S.R. 4001 in Watson and Cummings Township.

Invoices

Supervisor Yohe made a motion to approve the invoices as presented; seconded by Chairman Braddock, 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 7:26 pm.

Respectfully submitted,

Darlene S. Macklem
Secretary/Treasurer