

CUMMINGS TOWNSHIP MEETING
JULY 13, 2021

The Cummings Township Board of Supervisors held their monthly meeting on July 13, 2021 at 6:00 pm at the Cummings Township Municipal Building, with Michael Yohe, Walter Braddock and Richard Bierly present.

Public Attendees: Zoning Liaison Todd Carmer, Carl Frech, Karen Purvis, Jim and Connie Mitcheltree, Donna Bierly, Damian Mariano, Ray Smith, Wayd Wolgemuth, Dwayne Carr, Officer Michael Crawford of the Tiadaghton Valley Regional Police Department, Dennis Norman, P.E. and Denise Dieter, Esquire

Pledge of Allegiance

Public Participation:

Donna Bierly

Donna Bierly reported that the bells were delivered and set up at the township building and the bench from Nittany Woodcrafts has been picked up and placed at the building. She also noted that Ben Gamble is researching information on the cemetery behind the church and the history of Cummings Township, adding that the Committee is still in the process of obtaining memorabilia and photos for the museum.

Recreation Committee

Karen Purvis of the Recreation Committee reported that the new volleyball net and soccer net at the park were cut by vandals. Karen said that Donna Bierly checks on the park twice a day and checks the garbage daily and Donna pressure washed and stained the tables at the park and is an asset to the Committee.

A discussion was held about the possibility of getting a video camera or trail camera for the park.

Approval of Meeting Minutes:

Chairman Yohe asked for questions or comments on the minutes from the June 8, 2021 monthly meeting, there being none, Supervisor Braddock 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 Supervisor Braddock, MCU.

Zoning Liaison Report:

Zoning Liaison Todd Carmer stated he did not notice anything while touring the Township this month and said he has been in contact with Vic Marquardt of Code Inspections about the property on Lightning Bug Lane and said he did witness the individual working on cleaning up the property.

He is also following up on the RV permit for the camper on Second Street and he said the corner of First and Second Street was mowed.

TVRPD Police Report

Officer Michael Crawford of the Tiadaghton Valley Regional Police Department presented the following Police Report for the month of June:

1. 6/12/2021 – Road and Driving, North Route 44 Hwy
2. 6/13/2021 - DUI, North Route 44 Hwy
3. 6/13/2021 - Vehicle Accident, North Route 44 Hwy
4. 6/13/2021 - Ambulance Assist, North Route 44 Hwy
5. 6/14/2021 - Golf Cart Accident, Elder Lane
6. 6/16/2021 - House Fire, Spruce Road
7. 6/16/2021 - Assist the Public, North Route 44 Hwy
8. 6/18/2021 - 911 Hang Up – Little Pine Creek Road
9. 6/19/2021 - Burglary, Ramsey Drive
10. 6/21/2021 - Traffic Control, Little Pine Creek Road
11. 6/24/2021 - Ambulance Assist, North Route 44 Hwy
12. 6/25/2021 - Theft, North Route 44 Hwy

Citations/Arrests

DUI – 2
Careless Driving – 1
Burglary – 1
Criminal Trespass – 1
Theft – 1
Receiving Stolen Property – 1
Persons not to Possess Firearms - 1

Road Foreman's Report:

Roadmaster Bierly made the following report:

- The concrete pads for the diesel fuel tank and propane tank have been completed and the diesel fuel tank was installed and filled with diesel fuel
- Purchased four loads of road salt from Porter Township
- Hauled anti-skid from the old township building and placed it in the bin
- Removed debris and opened up township roads after recent storms
- Cut and removed tree limbs near Second Street

Roadmaster Bierly thanked Recreation Committee Member Donna Bierly for pressure washing and staining the tables and seats at the park.

Old Business:

SPCA Real Estate

Chairman Yohe said the Supervisors have been working with residents of the Tiadaghton Timbers Subdivision in an effort to have them agree to waive the covenants and

restrictions for the lot being purchased from the SPCA and then be swapped for the DCNR property near the fire hall which is currently leased by the Township.

He said the issue now is that there is speculation that the State is under pressure to open all snowmobile trails to ATV traffic which he believes is a false rumor. A joint informational meeting is going to be held with residents of Tiadaghton Timbers at the Black Forest Building with DCNR, Realtor Lisa Linn, the Supervisors and Solicitor Dieter.

Chairman Yohe suggested the Board approve a 90 or 180 day extension and to pay a \$500 - \$1,000 for the extension, adding if the deal falls through those funds would be considered a donation to the Clinton County SPCA.

Chairman Yohe then made a motion to approve a 90 or 180 day extension and to pay an additional \$500 for a 90 day extension or \$1,000 for a 180 day extension; seconded by Supervisor Bierly, MCU.

New Business:

Central Structures Pay Application #5

Supervisor Bierly made a motion to approve Central Structures Pay Application #5 in the amount of \$56,002.25 per the recommendation of Bassett Engineering; seconded by Supervisor Braddock; MCU.

Central Structures Change Order

Chairman Yohe made a motion to approve Central Structures Change Order requesting a time extension due to difficulty obtaining overhead garage door materials; seconded by Supervisor Bierly, MCU.

COVID-19 American Rescue Plan Act (ARPA) Allocation

Chairman Yohe explained that the Township has received one-half of the allocation, \$13,502.33 from the American Rescue Plan Act and based on federal and state guidelines the Supervisors will be working on how to put the money to work within the community and determine valid uses for the money and suggested the possibility of having a public forum regarding use of the funds.

Secretary/Treasurer Macklem reported that she contacted Cory Johnson, CPA of Zelenkofske Axelrod, LLC who is partnering with PSATS to assist municipalities with interpreting federal and state guidelines; training on how to determine allowable expenses; and guidance on filing compliance reports.

Zelenkofske Axelrod's fee is based on time and on the amount of ARPA funds received by a municipality and since their firm will be representing the two other municipalities where Secretary Macklem is employed as the Secretary/Treasurer; they will waive their fee to assist Cummings Township.

Currently the guidelines state the funds may be used to reimburse the township for any decreases in funding such as liquid fuels. Funds may be used on technology and may also for storm water projects; and to reimburse non-profits and fire companies for loss of revenue as long as they are a 501 (c)(3).

West Drive

Chairman Yohe said he believes the Supervisors are at the point where they understand what is necessary for the Township to take possession of West Drive in order for the Township to begin maintaining the road.

Solicitor Dieter explained that originally one property owner did not agree but after several meetings we were able to come to an understanding and the owner is now agreeable to the proposal.

The conditions the property owner would like to be included in the Deed to the Township are as follows:

1. No parking signs along the road to avoid the public from trespassing on private property to get to Pine Creek. PennDot was contacted for regulations for proper placement of the signs and noted that a traffic study must be conducted.
2. A "Stop" sign at the intersection of Rte. 44 and West Drive
3. A "No Creek Access" sign at the intersection of Rte. 44 and West Drive, however, DCNR will not allow the sign to be placed there because they cannot restrict creek access on that particular lot, adding that the sign can be placed just beyond the DCNR property within the right-of-way.
4. Inclusion of a restrictive covenant that no pipeline is permitted in front of properties on the non-creek side (left) side of West Drive.
5. No thru traffic to Little Pine Bottom

Solicitor Dieter explained that If the Board of Supervisors does not agree to the proposed conditions requested by the property owner the property could be taken by condemnation.

Secretary Macklem questioned whether West Drive will become a public road owned by the township and if the Board plans to have the road mapped out and surveyed, a Deed of Dedication prepared and then adopt an ordinance accepting the road, adding that this is the process that must be followed before any public money can be used on the road. She stated that she wanted the Board to be aware of the process before the township takes over maintenance of the road.

Resident Carl Frech questioned whether there would be a cul-de-sac at the end of West Drive.

Chairman Yohe said that before making an investment in having the survey prepared, the Board must decide whether it will agree to the conditions proposed by the property owner, stating that ultimately if the township takes ownership of the road it must meet PennDot requirements, which would include either a cul-de-sac or making it a "through road", in order to get liquid fuels. It is the Board's understanding that the Kreiders have agreed to provide land for the cul-de-sac on their property.

Chairman Yohe requested Solicitor Dieter to go over the proposed conditions again.

Solicitor Dieter again listed the conditions as follow:

1. A sign placed on West Drive indicating there is no public creek access
2. Road will not extend beyond Kreider Parcels 172 & 194

3. There will be "No Parking" signs placed along West Drive in distances and locations that are statutory
4. Each deed will reflect conditions
5. No pipe lines of any sort for any utilities outside of the cart way on the left side of West Drive

Chairman Yohe made a motion to move forward with the process of taking ownership of West Drive; seconded by Supervisor Braddock, MCU.

A discussion was held regarding obtaining legal descriptions for the surveyor and the lay-out of the cul-de-sac and it was the consensus of the Board that Dennis Norman begin survey work on West Drive.

Dwayne Carr - Burning Ordinance

Resident Dwayne Carr complained about individuals burning dog waste and questioned whether the Township has a burning ordinance and pointed out that he previously discussed this problem with the Board of Supervisors during a township meeting.

Mr. Carr also complained of the neighbors dogs barking continuously.

A discussion was held and it was noted that Mr. Carr should contact the TVRPD about the barking dogs and Chairman Yohe agreed to research the township ordinances to locate the burning ordinance.

Mr. Carr also noted that the Lightning Bug Lane sign he requested to be re-installed by the Township is still not in place.

A discussion was held and it was noted that the one property owner did not want the sign placed in his yard and it was the consensus of the Board that the Lightning Bug Lane street sign be installed within the Township's right-of-way.

Correspondence

1. Notice of Intent for Consumptive Use from PGE for COP Tract 729 Pad B
2. Notice of Intent for Consumptive Use from PGE for COP Tract 729 Pad H
3. 2020 Annual Drinking Water Report for the Waterville Water Association from DEP
4. Notice of the 2021 Residential Household Hazardous Waste Collection Event at the Wayne Township Landfill scheduled for August 20th and 21st

Invoices

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

Adjournment

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

The meeting was adjourned at 7:30 pm.

Respectfully submitted,

Darlene S. Macklem
Secretary/Treasurer