

CUMMINGS TOWNSHIP MEETING
AUGUST 10, 2021

The Cummings Township Board of Supervisors held their monthly meeting on August 10, 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, Mary Jo and Dan Nestlerode, Dwayne Carr, Amanda and Kyle Kubovesak, Chief Nate DeRemer of the Tiadaghton Valley Regional Police Department, Dennis Norman, P.E. and Denise Dieter, Esquire

Pledge of Allegiance

Public Participation:

Burning Ordinance

Chairman Yohe said he located the burning ordinance adopted in 2006 and provided copies to both Solicitor Dieter and Chief DeRemer stating that he believes it is enforceable but the ordinance could be improved upon and he plans on discussing the ordinance at the next Planning Commission meeting.

Chief DeRemer said typically with ordinance violations Officers try to educate individuals first and, if necessary, would issue a warning. If there is a second complaint, the TVRPD would issue a "hang tag" which does not go before the Magistrate at that point but there would be a fine and after that, if the problem persists, according to the ordinance it would then go before the District Magistrate and the individual could be fined up to \$1,000.

Solicitor Dieter agreed that the burning ordinance was enforceable and that improvements could be made to the ordinance noting that the ordinance addresses the issue of burning animal feces.

Chief DeRemer explained that the police department should be contacted when the incident is occurring and suggested that the ordinance be placed out on the township's website to make residents aware of the burning regulations.

Dan Nestlerode

Resident Dan Nestlerode reported a tree limb hanging over the utility wires by McConnell's Store.

Recreation Committee

Karen Purvis

Karen Purvis of the Recreation Committee reported that Donna Bierly put the second coat of stain on the seats at the park. She also reported that during the COG Meeting Tom Casilio of DCNR said the restroom facility at the Township Park will probably not be installed until 2023.

Karen also said the Recreation Committee would like to purchase another grill for the Park

and replace the material under the swings.

Chairman Yohe requested that the Recreation Committee provide cost information to the Supervisors in order for the Board to be include the expense in the 2022 Budget.

Karen also noted that the Spencer Graybill bench at the Park is in bad shape and that the seat needs replaced.

It was the consensus of the Board that the Township would repair the bench.

Karen also said that the Township planted trees bordering the Bernhardt's property and the Park and there was a gap and Mr. Bernhardt planted a small tree to fill in that gap and the tree is on the right of way.

Chairman Yohe said he believes the Waterville Water Association would be within their rights to request that Mr. Bernhardt remove the tree.

Donna Bierly

Recreation Committee Member Donna Bierly said the Committee is looking for more volunteers to help with the Park.

Approval of Meeting Minutes:

Chairman Yohe asked for questions or comments on the minutes from the July 13, 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 new while touring the Township this month and has not received any complaints.

TVRPD Police Report

Chief Nate DeRemer Tiadaghton Valley Regional Police Department presented the following Police Report for the month of July:

1. 07/01/2021 – Identity Theft, Little Pine Creek Road
2. 07/02/2021 - Tree/Wires Down, North Route 44 Hwy
3. 07/04/2021 - Pole/Wires Down, North Route 44 Hwy
4. 07/04/2021 - Ambulance Assist, Miller Lane
5. 07/07/2021 - Tree Down, North Route 44 Hwy
6. 07/07/2021 - Trespassing, North Route 44 Hwy
7. 07/09/2021 - Disabled Motorist, North Route 44 Hwy
8. 07/14/2021 - Property Damage, Swiss Chalet Lane

- 9. 07/15/2021 - MVA, Little Pine Creek Road
- 10. 07/17/2021 - Disturbance, Miller Lane
- 11. 07/18/2021 - Ambulance Assist, Route 414 Hwy
- 12. 07/19/2021 - Disabled Vehicle, North Route 44 Hwy
- 13. 07/21/2021 - Welfare check, Little Pine Creek Road
- 14. 07/30/2021 - Ambulance Assist, Koch's Lane
- 15. 07/31/2021 - Possible Drunk Driver, Parker Road

Citations/Arrests

None

Chief DeRemer also reported the death of K-9 Zoli due to lymphoma. The Department reached out to Shallow Creek Kennels and they will be replacing the dog at little to no cost. Josh Klinger, Zoli's handler, is at the kennel now becoming acclimated to Noah, a German Shepherd-Malinois mix, and believes Noah may be better at sniffing out drugs but not as good at tracking.

Road Foreman's Report:

Roadmaster Bierly made the following report:

- Cleaned ditches from Route 44 to the Cemetery on Dam Run Road and placed grass seed and straw in that area
- Cut and removed tree limbs from trees at the Park
- Purchased a Trac Vac machine to clean leaves from ditches along township roads
- Attended COG meeting
- PGE is closing down well pads along Ramsey Road and seeding the pad sites
- EQT has taken over ALTA
- Scheduled work includes installing the street sign at Lightning Bug Lane and placing topsoil and seeding an area of the Mitcheltree yard damaged by township snow plow

Old Business:

West Drive

Karen Purvis asked about West Drive and was told the Supervisors will be holding an Executive Session to discuss West Drive and will provide an update to residents during the September meeting.

New Business:

Central Structures Change Order

Supervisor Braddock 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.

FM-10906 DCNR License for rail/trail right of way

Chairman Yohe explained that the Township replaced a walking bridge leading to the DCNR Rail/Trail and Tom Casilio of DCNR brought it to the Supervisors attention that the Township is required to get a license from DCNR for the right of way to build the bridge. Chairman Yohe applied for the license last month and was approved and now needs a motion to sign the FM-10906 DCNR License paperwork. Supervisor Bierly made a motion to approve signing the FM-10906 License paperwork; seconded by Supervisor Braddock, MCU.

COVID-19 American Rescue Plan Act (ARP) Allocation

Chairman Yohe explained that the Township has received one-half of the allocation, \$13,502.33 from the American Rescue Plan Act and Secretary/Treasurer Macklem contacted Zelenkofske Axelrod, LLC who is partnering with PSATS to assist the Township with interpreting federal and state guidelines and since their firm will be representing the two other municipalities where Secretary Macklem is also the Secretary/Treasurer; they will waive their fee to assist Cummings Township.

Supervisor Braddock made a motion to enter into a contract with Zelenkofske Axelrod, LLC to provide services related to the ARP allocation; seconded by Supervisor Bierly, MCU.

Trac Vacuum

Chairman Yohe stated that as reported by Roadmaster Bierly the Township would like to purchase a Trac Vacuum to keep the swales and ditches open on Dam Run Road and to help prevent erosion and help with drainage along the road.

Chairman Yohe made a motion to approve the purchase of a Trac Vacuum; seconded by Supervisor Braddock, MCU.

Jim Mitcheltree questioned the cost for the Trac Vacuum and it was noted that the cost was \$4,150.00.

Carl Frech reported that there is a tree in the ditch beside the cemetery that needs to be removed and it was the consensus of the Board that the Township would take care of removing the tree.

SPCA Real Estate

The Supervisors again discussed the purchase of property from the SPCA as 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.

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 is scheduled for August 18, 2021 at 6:30 pm at the Black Forest Fire Company.

It was noted that if the transaction for the SPCA property does not go through the Township will continue to lease the DCNR property near the fire hall.

Correspondence

None.

Invoices

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

Executive Session

An Executive Session was called at 6:50 pm to discuss West Drive and potential real estate purchase or eminent domain and it was announced that the Board of Supervisors would not be going back to regular session at the end of the Executive Session.

Adjournment

Supervisor Braddock made a motion to adjourn the meeting; seconded by Supervisor Bierly, MCU.

The meeting was adjourned at 7:50 pm.

Respectfully submitted,

Darlene S. Macklem
Secretary/Treasurer