

CUMMINGS TOWNSHIP MEETING
OCTOBER 12, 2021

The Cummings Township Board of Supervisors held their monthly meeting on October 12, 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, Donna Bierly, Joseph T. Mussington, Robert B. Sheets, Vic Marquardt, Officer Tyler Bierly of the Tiadaghton Valley Regional Police Department, Dennis Norman, P.E. and Dance Drier, Esquire and Denise Dieter, Esquire

Pledge of Allegiance

Public Participation:

Donna Bierly pointed out that the Township's information sheet at the Post Office needs updated to remove Will Wolfe and add Todd Carmer as the Zoning Liaison.

Recreation Committee

Donna Bierly reported that due to his employer's regulations (DCNR) Ben Gamble is not permitted to serve as a member of the Recreation Committee any longer and his wife, Lily Langlois, is now serving on the Committee.

Donna reported that Ben Gamble, in his capacity as a DCNR employee, assisted with the removal of knotweed, an invasive plant, at the new water facility.

Donna Bierly said that during the September meeting the comment was made by Chairman Yohe that the Recreation Committee was over budget and stated that she believes the overage was caused by the paving that was done at the park that did not occur in the same year that it was budgeted for.

Also, she said it was the Supervisor's decisions that caused the budget overage such as approving construction of the bike ramp off of the DCNR trail and planting trees between the park and the Bernhardt property. She said that no new equipment was installed at the park and only maintenance items were completed this year.

In planning for the upcoming year, the Committee would like to replace nets on the basketball/volleyball/soccer fields due to damage caused by vandals; reseal and repaint the lines on the basketball court and possibly paint additional lines for pickle ball and purchase a pickle ball net. The dead hickory nut trees need to be removed for safety reasons, the table and benches will need to be re-stained and the pavilion will need power washed. The maintenance contract with Willow World should be renewed; flashing should be installed on the pavilion and two kiosks; rental of two portable toilets; potholes in the lower parking lot need repaired and the hole near the Church Street parking lot needs filled in. The charcoal burner should be replaced; lawn mowing and weed eating at the park; new mulch for the zip line area; gas for blowers to clean the park; and ink cartridges for notices at the park; and the pads under the swings will need replaced at an estimated cost of \$29,000.

Donna also suggested raising the pavilion rental fee from \$35 to \$40 in 2022.

Chairman Yohe Mike clarified that the figure in the line item for Park & Recreation in the budget is based on information provided to the Supervisors and it was not a reflection on the Recreation Committee, adding that there were unplanned variances that had an affect on the budget.

Donna also reported the Apple Butter Festival held in October was a great success.

Approval of Meeting Minutes:

Chairman Yohe asked for questions or comments on the minutes from the September 14 , 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 had nothing new to report.

TVRPD Police Report

Police Officer Tyler Bierly of the Tiadaghton Valley Regional Police Department presented the following Police Report for the month of September:

Incidents:

09/05/21 – 21-2187 – Ambulance assist, Happy Acres Resort
09/11/21 – 21-2243 – Assist Public, Little Pine Creek Road
09/12/21 – 21-2251 – Suspicious Vehicle, North Rt 44 Hwy
09/22/21 – 21-2353 – Theft over 200 All Other, Third Street
09/23/21 – 21-2370 – Assist other agency, Little Pine Creek Road
09/26/21 – 21-2390 – Burglary, Happy Acres Resort

Citations/Arrests None

Road Foreman's Report:

Roadmaster Bierly made the following report:

- Placed stone provided by DCNR on the new bike path
- Made repairs at the intersection of Route 44 and Dam Run Road caused by recent storms using #2, 3 & 4 DSA stone

Dennis Norman, P.E. reported that DEP issued an emergency permit for repairs to Dam Run Road to replace a culvert pipe and he would like to discuss the project with the Supervisors during the Executive Session.

Old Business:

None

New Business:

Ordinance to repeal Ordinance 1976-2 regulating the use of firearms

Solicitor Dieter explained that she prepared an ordinance to repeal a 1976 ordinance which she believes impeded on the rights of residents to bear arms, and is in conflict with State laws and the Second Amendment and requested the Board's approval to advertise the ordinance for adoption at the November meeting.

Supervisor Braddock made a motion approving advertising the ordinance for consideration at the November meeting; seconded by Supervisor Bierly, MCU.

West Drive

Solicitor Dieter explained that during Dennis Norman's research of West Drive, he found two Deeds of Dedication, one from 1968 and one from 1970 where the West's dedicated the road to the Township for public use in the West Development. However, Cummings Township never took over ownership of the road and the Township needs to document that on the record. Solicitor Dieter said she prepared a Document of Public Rejection of the Deed of Dedication and after it is approved, it would be filed in the Register & Recorder and Prothonotary's Office in Lycoming County.

Chairman Yohe explained that once there is a West Drive Association created, the Association would then turn the road over to the Township and explained that the Township does not want to own the creek assess area in the West Development.

Supervisor Bierly made a motion to approve the Document of Public Rejection of the Deed of Dedication; seconded by Supervisor Braddock, MCU.

Solicitor Dieter

Solicitor Dieter reported that the Resolutions for Ramsey Drive and a portion of Elizabeth Drive have been taken to the courthouse to be recorded.

Solicitor Dieter introduced Attorney Dance Drier, a member of the Drier Law Firm, to the Board of Supervisors.

The AT&T Conditional Use Hearing scheduled for October 21, 2021 has been advertised and the Court Reporter has been hired to attend the hearing.

Cemeteries

Chairman Yohe explained that the Board has been researching the ownership of the local cemeteries and it appears as though the Township owns the Church Cemetery and there was a discussion as to the parking lot and the 60 foot right of way which will be discussed during the Executive Session.

Approve hiring Craig Bierly

Supervisor Braddock made a motion to approve hiring Craig Bierly as a Laborer/Equipment Operator; seconded by Chairman Yohe, the motion was approved with Supervisors Braddock and Yohe voting in favor of the motion and Supervisor Bierly abstaining.

Correspondence

- (1) Letter from Gannett Fleming regarding the Bridge Replacement Project on S.R. 0287
- (2) Letter from Jack and Mary Jane Wissing
- (3) Notice of Intent for Consumptive Use at COP Tract 356 Pad J in Cummings Township from Pennsylvania General Energy Company, LLC

Invoices

Chairman Yohe 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 potential litigation per a request for a Variance for an RV Permit to allow the RV located in the Floodplain to stay in place all year 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 Bierly made a motion to adjourn the meeting; seconded by Supervisor Braddock, MCU.

The meeting was adjourned at 6:55 pm.

Reconvene Regular Meeting

Residents were asked to return to the meeting and the regular meeting was reconvened at 7:00 pm.

Amend Meeting Agenda

Chairman Yohe made a motion to amend the meeting agenda to add emergency approval of quote for a new heating system for the garage; seconded by Supervisor Bierly, MCU.

Emergency Approval for Garage Heating System

Chairman Yohe said the Board looked at two options for heat in the garage and the first proposal for a heating system was too complex and expensive and the Board requested PBCI – Allen Mechanical & Electrical to provide a second option and quote for heating which would include the installation of two propane fired heaters in the ceiling of the garage.

Chairman Yohe made a motion, stating that due to the need to have heat in the garage this winter, the installation of a heating system is considered an emergency due to supply chain and scheduling issues, to accept the quote from PBCI – Allen Mechanical & Electrical for a heating system at a cost of \$10,895.00 which includes labor; seconded by Supervisor Bierly, MCU.

The meeting was again adjourned at 7:05 pm.

Respectfully submitted,

Darlene S. Macklem
Secretary/Treasurer