

CUMMINGS TOWNSHIP MEETING
APRIL 12, 2022

The Cummings Township Board of Supervisors held their monthly meeting on April 12, 2022, at 2:00 pm at the Cummings Township Municipal building, with Walter Braddock and Richard Bierly present and Michael Yohe attending via videoconference.

Also in attendance: Paul Sattazahn, Joseph Mussington, Jr., Don Peters, Eric Lundy, Bill Koppenheffer, Donna Bierly, Karen Purvis, Bub Rainey, Les Ritter, Roadmaster Craig Bierly, Jeff Markley, Sergeant Michael Crawford of the Tiadaghton Valley Regional Police Department and Marc Drier, Esquire

Pledge of Allegiance

2022 Parking Lot Paving Bid Opening

HRI, INC.	\$ 23,299.00
GLENN O. HAWBAKER, INC.	\$ 28,390.00
CHARLES CONSTRUCTION	\$ 22,040.00

Supervisor Bierly made a motion to accept the low bid from Charles Construction in the amount of \$22,040.00; seconded by Supervisor Braddock, MCU.

Public Participation:

Resident Don Peters suggested that the Board of Supervisors consider an ordinance to keep the mountain tops “light free” and to limit the height of communication towers within the Township.

Chairman Yohe said he discussed limiting the height of towers and discussed regulating windmills and solar farms with Township Solicitor Marc Drier in order to protect the natural beauty of the area.

Solicitor Drier said he spoke with Pennsylvania State Association of Township Supervisors (PSATS) Solicitor Scott Coburn about limiting the height of communication towers. There are federal laws that do not allow states or municipalities to limit the height of communication towers. However, appellate courts have supported municipalities and local zoning still has a control in terms of aesthetics and location. PA Act 50 has some restrictions on smaller range towers, however the Federal Communications Act provides that a municipality cannot prohibit or attempt to prohibit telecommunication towers.

He said there are no federal laws for solar or wind energy and the Township has more control as to the location and the Township would be able to regulate it as a use.

Solicitor Drier also suggested the Board may want to have the Planning Commission look into ordinances regulating short-term rentals.

Chairman Yohe agreed stating it is another example as to why ordinances need to be “forward looking” in anticipation of these types of issues.

Mr. Peters also requested that the Board of Supervisors consider turning off the LED lights on the township's garage. A discussion about the possibility of installing motion sensors and Supervisor Braddock agreed to follow up with Charlie Mower to get a price on motion sensors for the garage lights.

Tom Mussington asked the Supervisors about all the old television cables hanging down throughout the township stating they are a safety concern.

Chairman Yohe explained that the owners of the original television cables are long gone. It is his opinion that property owners with cables hanging down on their property would have the right to cut them down. He stated that, at this point in time, the township does not have a solution to this problem.

A discussion was held regarding who would be responsible for the old television cables and obtaining contact information for those companies. Solicitor Drier suggested that the Township's franchise agreement with Comcast include a provision that includes the cleanup of the old cables whenever it is time to renew the agreement.

Paul Sattiazahn asked the Supervisors about the progress of the Grand Campground.

Chairman Yohe explained that the plans for the campground are moving forward and currently the Supervisors are in the process of getting a site visit scheduled. He said the plans not only involve Subdivision and Land Development but also include zoning issues. He said that DEP is involved with the wells and sanitation and due to the proximity of the campground to Clinton County, not only is Lycoming County Planning involved in reviewing the plans, Clinton County Planning is also involved in the process.

According to Chairman Yohe everything for the campground seems to be in order and it looks like the zoning application should be approved. As for the Subdivision and Land Development Plan, the water and sanitation issues are addressed in the plans that were submitted by the engineering firm. It is expected that the plans will come before the Township for approval within the next month or so.

Supervisor Braddock suggested that Township Engineer Dennis Norman be included in the site visit. It was agreed by the Supervisors that the Engineering firm who prepared the plans for the campground, the Developer, all three Supervisors and the Township Engineer would be included in the site visit with Lycoming and Clinton County Planning and DEP officials.

Jason McConnell asked about the progress on the DCNR restroom at the playground. Roadmaster Craig Bierly said it would be installed this summer.

Mr. McConnell also requested the ditch behind the township building running to Little Pine be cleaned out. Supervisor Bierly indicated approval is required from DCNR to clean out the ditch.

Mr. McConnell also asked the Township's position on the use of ATV's on township roads.

A discussion was held with no one in attendance being in favor of ATV's being permitted to use township roads. Solicitor Drier recommended the Board look at the ordinance adopted by Armstrong Township regulating ATV's.

Recreation Committee Report:

Recreation Committee Member Donna Bierly reported that the area below the zipline was re-mulched and the new playground equipment was order and the pavilion is being rented on a regular basis.

Approval of Meeting Minutes:

Chairman Yohe asked for questions or comments on the minutes from the March 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:

Chairman Yohe said Zoning Officer Roger Hoy sent in his monthly report and there were four Zoning permits issued during the month of March.

Chairman Yohe said he is currently working with Roger Hoy and Solicitor Drier in response to a complaint received from a resident. As a result of the complaint two violations were found on Second Street relating to use of RV's out of season; unlicensed motor vehicles and unsightly conditions.

Zoning Liaison Jeff Markley reported that he received three RV permits and will be replenishing the supply of permit applications at the Post Office, McConnell's Store and the Township Building.

TVRPD Police Report

Sergeant Michael Crawford presented the March Police Report as follows:

Incidents

1. 03/02/2022 – 22-0468 – Assist Public, Little Pine Creek Rd
2. 03/26/2022 – 22-0672 – Assist other agency, North Rt 44 Highway
3. 03/31/2022 – 22-0712 – Assist other agency, RT 287 Highway

Citations - None

Sgt. Crawford reported TVRPD Officers handed out fishing rods to children on the first day of Trout Season and will be handing out more at the Sawdust Festival scheduled later this month at the Waterville Fire Hall.

Road Foreman's Report:

Roadmaster Craig Bierly presented the following Roadmaster's report:

- Cleaned up downed trees on Dam Run Road;
- Swept township roads;
- Mulched under the zipline
- New brake control was installed on the Dodge truck and on Ford truck
- Due to medical issues, Employee John Brown, has not been able to work for the township and Hunter Bierly will be working for the township through the end of summer

Solicitor's Report:

Solicitor March Drier reported that the Public Utility Commission (PUC) has listed the 18 categories for spending Act 13 funds on its website.

He also reported that municipalities who adopt ordinances regulating guns could be held liable for damages.

Old Business:

There was no old business presented for discussion.

New Business:

Waterville Water Association – Location for New Well

Eric Lundy of Century Engineering, who was hired by DEP to provide services at no cost to the Waterville Water Association, to find a location for the secondary water well. The Waterville Water Association will be responsible for the cost of drilling the well.

Mr. Lundy explained that DEP is requiring a new well to be drilled because the current well is a good water quality source. It is a shallow cased well and is a higher risk of potential contamination. There are also capacity issues due to continued growth within the Township.

There are several issues with the proposed location for the new well site which is behind the new township building. One being the location of the diesel fuel tank which must be 300 feet away from the well or as an alternative a containment pad would have to be installed under the tank. Also, a section of pavement that is within a 100-foot radius of the proposed well site would also have to be removed.

A discussion was held regarding other locations for a secondary well site and Mr. Lundy said he will compile more information and try to come up with a solution that works for everyone.

CompuGen Proposal

Chairman Mike Yohe presented a quote from CompuGen to provide consulting services in the amount of \$1,150.00. The quote is for CompuGen to determine what is needed to help resolve several issues including online connectivity and battery issues. The issues were caused last month due to weather conditions and power outage and indicated that there are some deficiencies in the current setup at the township building. To conduct remote meetings He explained that if there is a disaster the ability to conduct remote meetings is essential from an EMS standpoint.

The Township also subscribed to StarLink and purchased necessary equipment to set the system up. It is hoped that StarLink will help resolve these issues and improve Emergency Service capabilities during a disaster. CompuGen's proposal scopes everything out as far setting up StarLink and reconfiguring the current system setup at the township building.

Chairman Yohe made a motion to accept the quote from CompuGen for consulting services in the amount of \$1,150.00; seconded by Supervisor Bierly, MCU.

General Code Codification Proposal

Chairman Yohe made a presentation explaining the Codification process which includes a detailed review by General Code of all Cummings Township's ordinances to ensure that they are up to date and in line with Pennsylvania statues and the current and future needs of the Township.

The results of the Codification process will result in an ordinance book that is available in both a hard copy and in an online version via General Code's eCode application that can be linked to our website.

General Codes is a COSTARS contractor and submitted a proposal for codification services to the Township in the amount of \$11,813.00 and is based on the analysis of information provided by Cummings Township. There will also be an annual fee of \$1,195.00 for eCode360 which includes annual maintenance and updates.

It is estimated that the codification of the ordinances will take approximately one and a half years with an anticipated completion date of November, 2023.

Chairman Yohe said he believes the residents, township staff and township solicitor will benefit from codifying the township ordinances. He said both Solicitor Denise Dieter and current Solicitor Marc Drier recommend that Cummings Township codify its ordinances.

A discussion was held and Supervisor Braddock questioned whether the township would have to commit to the \$1,194 annual fee for eCode360.

Chairman Yohe made a motion to approve the proposal from General Code to codify the township ordinances in the amount of \$11,813.00; seconded by Supervisor Bierly, MCU.

Zoning Liaison Position

Chairman Yohe explained that Zoning Liaison Todd Carmer resigned from the position earlier this year and during the transition, the Supervisors reached out to Jeff Markley about the position and hired him as the Zoning Liaison. He explained that the Zoning Liaison is the "on the ground person" who drives through the township checking to ensure that no construction is occurring without a permit; that there are no unpermitted RV's within the flood plain that put the township out of compliance with FEMA requirements. He fields issues from the public and refers any Zoning, Floodplain or IPMC violations to Roger Hoy and refers that information to Zoning Officer Roger Hoy who enforces the IPMC and Zoning Ordinance. Jeff also issues RV permits.

Chairman Yohe made a motion to approve the appointment of Jeff Markley as the Zoning Liaison; seconded by Supervisor Braddock, MCU.

Eastern States 100

Supervisor Braddock made a motion to approve the Request For Use Of Roadways submitted by the Eastern States Trail-Endurance for the annual Eastern States 100 event scheduled for August 13, 2022; seconded by Supervisor Bierly, MCU.

Correspondence

1. State of Construction Notification from LTT Trucking, LLC for SR 4001, Section 040 and Sr 4001 Soil Slide Between Waterville & Elder Lane

Executive Session

Chairman Yohe called the Executive Session to order to discuss personnel matters at 4:15 pm; the regular meeting was called back into session at 4:35 pm by Chairman Yohe.

Chairman Yohe made a motion compensation for 2022 for the Zoning Officer be set at \$25.00/hr. for issuing zoning permits, and zoning, floodplain and IPMC violations; and Zoning Officer Liaison at \$250.00 per month plus mileage and \$25 for each RV Permit he issues; seconded by Supervisor Braddock, MCU.

Invoices

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

Adjournment

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

The meeting adjourned at 4:40 pm.

Respectfully submitted,

Darlene S. Macklem
Secretary/Treasurer