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CUMMINGS TOWNSHIP MEETING
SEPTEMBER 13, 2022

The Cummings Township Board of Supervisors held their monthly meeting on September 13, 2022, at 6:00 pm at the Cummings Township Municipal building, with Michael Yohe, Walter Braddock and Richard Bierly present

Also in attendance: Sgt. Michael Crawford of TVRPD, Donna Bierly, Joseph T. Mussington, Jr., Karen Purvis, Paul Sattazahn, Zoning Liaison Jeff Markley, Carl Frech, Mary Jo Nestlerode, and Bub Rainey

Pledge of Allegiance

Lord's Prayer

Public Participation:

Karen Purvis of the Waterville Water Association reported that the WWA is no longer under a mandatory water restriction but is now under a voluntary water restriction. She said it is up to the State to remove the WWA from the voluntary water restriction status.

Donna Bierly reported that on the request of the Waterville Water Association's Certified Operator, she posted notices around the community with suggestions on how to conserve water.

Recreation Committee Report:

Donna Bierly reported that the park is being used heavily and those using it have been respectful in keeping it clean.

She also reported that Willow World came to the park but did not have the correct supplies and could not take care of the items listed in the inspection report done earlier this year. It is anticipated that they will return in two weeks to complete the repairs to the playground equipment.

Approval of Meeting Minutes:

Chairman Yohe asked for questions or comments on the minutes from the August 9, 2022, 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.

Secretary/Treasurer Darlene Macklem reported that she transferred \$370,498.49 from the Township's PLGIT Act 13 Class account, which was earning 1.25% interest, into a PLGIT Term account with a 3.78% interest for a 270-day term.

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Secretary/Treasurer Macklem also suggested that the Board consider placing additional Act 13 funds into a Certificate of Deposit at First National Bank which is also offering higher interest rates.

It was the consensus of the Board to move forward with investing funds into a Certificate of Deposit with First National Bank.

Zoning Liaison Report:

Zoning Liaison Jeff Markley did not have anything new to report.

Chairman Yohe provided the following report received from Zoning Officer Roger Hoy:

1. Zoning Permit issued for a car port.
2. Ongoing violations (2) under the IPMC – one violation is satisfied; the second violation is still in the process of being resolved.
3. Notice of Violation was issued to the Haneyville Campground

TVRPD Police Report:

Sgt. Michael Crawford of the Tiadaghton Valley Regional Police Department provided the following report for August.

Incidents

1. 08/06/22 – 22-1820 – North 44 Highway, MVA
2. 08/06/22 – 22-1823 – Ramsey Drive, Assist other
3. 08/06/22 – 22-1824 – North 44 Highway, Ambulance assist
4. 08/07/22 – 22-1834 – North 44 Highway, 911 Hang up
5. 08/09/22 – 22-1852 – North 44 Highway, All other
6. 08/11/22 – 22-1868 – Hillside Drive, Ambulance assist
7. 08/14/22 – 22-1889 – Huntley Road, MVA
8. 08/23/22 – 22-1998 – Bierly Drive, Ambulance assist
9. 08/24/22 – 22-2004 – North 44 Highway, Abandoned vehicle
10. 08/26/22 – 22-2020 – North 44 Highway, MVA
11. 08/26/22 – 22-2021 – North 44 Highway, Suspicious circumstance
12. 08/29/22 – 22-2054 – Little Pine Creek Road, MVA

Citations/Arrests

None

Waterville Fire Company

Chairman Yohe gave a summary of the Waterville Fire Department's report for the month of August. The report included 12 incidents for the month in Cummings, Piatt and McHenry Townships, one of which was a structure fire.

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Roadmaster's Report:

2022 Kubota Skid Steer

Chairman Yohe made a motion to add consideration of purchasing a 2022 Kubota skid steer and using the 2013 grader as a trade in for the purchase to the meeting agenda; seconded Supervisor Bierly, MCU.

Supervisor Bierly presented a quote for a 2022 Kubota S Series Skid Steer with rubber track through the CoStars Contract. The original price is \$74,897; less the State discount of \$16,477.34; plus \$2,200.00 for an extended warranty; and \$831.25 for freight and \$250.00 for PDI. A trade in allowance of \$48,000 for the Weiler 65ET Grader would decrease the final cost to purchase the skid steer to \$13,700.91.

A discussion was held regarding purchasing the skid steer and it was noted that there are many uses for a skid steer, and it would be more versatile than the 2013 grader.

Supervisor Bierly made a motion to purchase a 2022 Kubota Skid Steer and to trade in the 2013 Grader with the final cost for the skid steer being \$13,700.91; seconded by Supervisor Braddock, MCU.

Utility Trailer

Chairman Yohe made a motion to add consideration of purchasing a 6'8" x 12' utility trailer to the meeting agenda; seconded by Supervisor Bierly, MCU.

Supervisor Braddock explained that the utility trailer would be used to move equipment and provided a quote from Terry L Miller Trailers. The aluminum 6'8" x 12' trailer with Bi-fold rear gate, heavy duty tube side upgrade with a cost of \$4,488.00 plus applicable fees.

Supervisor Bierly made a motion to approve purchasing the utility trailer at the price quoted; seconded by Supervisor Yohe, MCU.

Supervisor Bierly presented the following Roadmaster's report:

- Replaced inlet box and pipes on West Drive;
- Removed trees and cleaned ditches on Dam Run Road;
- PennDOT assisted with the purchase of two high flow grates for Rte. 44 which have been installed

Chairman Yohe asked if PennDOT notified the township that the work on Little Pine Road was finished.

A discussion was held about Little Pine Road, and it was noted that the two collapses have been repaired but the project may not be finished.

Solicitor's Report:

Solicitor Drier reported that he is continuing to assist the Zoning Officer on the two outstanding violation notices.

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The Deed of Dedication for West Drive has been recorded and the Township has taken over ownership of the road.

Solicitor Drier asked if the Board of Supervisors would like him to attend the upcoming Zoning Variance Hearing on behalf of the Board of Supervisors and Chairman Yohe requested that he attend the hearing scheduled for September 29, 2022, at 6:00 pm to represent the Board of Supervisors.

Solicitor Drier is working on several possible zoning item changes and additions with the Planning Commission and Supervisors.

Old Business:

No old business was presented for discussion.

New Business:

West Drive Paving Project

Roadmaster Bierly reported that the bids for the West Side Drive Paving Project were opened at 2:00 pm today. The bids received are as follows:

HRI, Inc.	\$106,010.00
Glenn O. Hawbaker, Inc.	\$108,770.00

Supervisor Bierly made a motion to accept the low bid of \$106,010.00 from HRI, Inc.; second by Supervisor Braddock, MCU.

Resolution 09.13.2022.01 – ATV's and Golf Carts

Chairman Yohe presented a resolution to allow ATV's and golf carts on Ramsey Drive and West Drive and said the actual resolution will be tabled, however, the Board would like to have a discussion on the possible usage of ATV's and golf carts on those two township roads.

Chairman Yohe provided background on the resolution allow ATV's and golf carts on Ramsey Drive and West Drive. He stated that it has been a long-standing practice of residents driving ATV's and golf carts on Ramsey Drive. However, there was a recent incident with DCNR issuing a warning to a resident in Ramsey who rode an ATV to the mailboxes at the end of Ramsey Drive.

He said with the Township's recent acquisition of West Drive, in speaking with Ray Smith who lives along West Drive, he mentioned DCNR incident involving riding an ATV on Ramsey Drive and explained the Board was going to discuss adopting a resolution to address the issue. He asked Mr. Smith if he thought it would be appropriate to add West Drive to the resolution and Mr. Smith indicated that the residents would probably be in favor of including West Drive in the discussion.

Solicitor Drier explained there is a Pennsylvania Statute that states that golf carts are not to be driven on any highway and noted that a highway is any public road. It is also his

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understanding that ATVs are not allowed on public roads unless by ordinance the township allows the usage.

He believes the township can decide on limited places for ATV's and golf carts and can make an enforcement exception to the usual rule providing it is consistent with the health and safety of others. Solicitor Drier prepared a resolution referencing both West Drive and Ramsey Drive allowing the use of ATV's and golf carts on those two roads only so long as the driver is at least 16 years of age, or between 12 and 16 years of age under the direct supervision of an adult, and so long as the golf cart or ATV is driven safely and within the speed limit.

Chairman Yohe added that public safety was part of the criteria looked at when considering a resolution. He then opened the discussion to residents in attendance.

Donna Bierly, Tom Mussington, and Jason McConnell spoke against the proposal to allow the usage of ATV's and golf cars on West Drive and Ramsey Drive.

Resident Carl Frech, and member of the Central Mountain ATV Association, explained that ATV's have changed over the years and have become more expensive and, for the most part, are used responsibly. He said if the resolution is approved for these areas in Waterville, the Central Mountain ATV Association would make a presentation and would pay for the signs that indicate ATVs are permitted on these roads.

Mary Jo Nestlerode said she thought the resolution would need to be very clear and specify that only homeowners are permitted to use these roads.

Further discussion ensued and Chairman Yohe said it was a good discussion to have and noted it is the Board's job to work with the community to figure out who we are and what we want the community to be going forward.

It was the consensus of the Board to continue with an open dialogue on the subject and table the resolution.

Route 44 Safety Issue

Carl Frech expressed concern about a tree being "hung up" on a wire cable along Route 44 North which could potentially injure or kill a motorist if it breaks loose from the wire cable.

A discussion was held, and it was suggested that the Solicitor send a letter to the owner of the cable making them aware of the safety concerns.

Administrative Clarification – Roadmaster Position

Chairman Yohe explained that due to Supervisor/Roadmaster Rick Bierly's health issues earlier this year, Craig Bierly was appointed Interim Roadmaster. There have been several discussions over the past few months about the Roadmaster position and whether Supervisor Bierly would continue in the position of Roadmaster or if Craig Bierly would assume the position.

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Supervisor Bierly would like to stay on road crew with Craig Bierly assuming the role of Roadmaster. Supervisor Bierly will assist with projects by ordering materials, etc., and will be the liaison for the Roadmaster.

Craig Bierly will be paid the hourly rate approved for the Roadmaster and Supervisor Bierly will be paid at the laborer hourly rate.

Correspondence

None.

Invoices

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

Adjournment

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

The meeting adjourned at 7:20 pm.

Respectfully submitted,

Darlene S. Macklem
Secretary/Treasurer