

CUMMINGS TOWNSHIP MEETING
MARCH 28, 2023

The Cummings Township Board of Supervisors held their monthly meeting on February 14, 2023, 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: Donna Bierly, Adam Welteroth, Les Ritter, Paul Sattazahn, Police Officer Tyler Bierly, and Marc Drier, Esquire

Pledge of Allegiance

Lord's Prayer

Public Participation

Adam Welteroth

Adam Welteroth introduced himself during the meeting as a candidate for Lycoming County Commissioner.

Donna Bierly – Museum Committee

Donna Bierly announced that the Museum Committee will be meeting next month and are still looking for members.

Recreation Committee Report

Donna Bierly of the Recreation Committee noted that the Committee is trying to reach George Ely for information about pickleball courts for the park.

She also reported that a lot of trees have come down and Supervisor Bierly cut up and removed a tree that fell down at the park.

Approval of Meeting Minutes

Chairman Yohe asked for questions or comments on the minutes from the February 14, 2023 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 Report

Chairman Yohe indicated that Zoning Officer Roger Hoy reported no permits were issued during January.

As for the three ongoing International Maintenance Code Violations for DiMassimo, Sweigart & Ferrara. Both DiMassimo and Sweigart are scheduled for a hearing before the District Magistrate on February 23, 2023.

Lycoming Regional Police Report

Police Officer Tyler Bierly presented the following report for the month of January:

Incidents

1. 01/01/23 – 23-0009 – Route 414 Highway, Fire Co. Assist – wires down
2. 01/03/23 – 23-0039 – Ramsey Drive, Verbal Domestic
3. 01/05/23 – 23-0067 – Little Pine Creek Road, Ambulance Assist
4. 01/07/23 – 23-0103 – Ramsey Drive, Verbal Domestic
5. 01/20/23 – 23-0288 – Lower Pine Bottom Road, 911 Call
6. 01/23/23 – 23-0348 – North Rt. 44 Highway, Road & Driving

Citations/Arrests

1. Citation issued for Road & Driving incident.

Waterville Fire Company Report

Les Ritter of the Waterville Fire Company presented an overview of the incidents for the month of January 2023. There were five (6) incidents, four in Cummings Township, one in McHenry Township and one in Brown Township.

Les Ritter announced that the Waterville Fire Company has scheduled its Fisherman's Breakfast for April 1st and the Sawdust Festival will be held on April 29th and 30th.

Road Foreman's Report:

Roadmaster Craig Bierly was not present for the meeting.

Solicitor's Report:

Ordinance 02-14-2023 – Vacating a portion of West Drive

Solicitor Drier presented Ordinance No. 02-14-2023 to vacate a portion of West Drive at the end of the right of way at the Kreider property allowing the Township to put in a cul-de-sac at the end of West Drive.

Cul-De-Sac Easement Agreement – Robert & Karen Kreider

Solicitor Drier presented the Cul-De-Sac Easement Agreement between Cummings Township and Robert and Karen Kreider granting a permanent and exclusive right of way over, on and under the area shown as the "New Right of Way" being about 80 feet by 100 feet, for the purpose of the Township creating and maintaining a cul-de-sac at the terminus of the 50-ft. wide road which from the site of the cul-de-sac southward to State Route 44 is now a public township road known as West Drive. In return the Township will relinquish and convey to the Kreider's the portion of West Drive shown as "Abandoned Right of Way" on the drawing attached to the agreement.

Chairman Yohe noted that after the cul-de-sac is completed, the township will be eligible to receive liquid fuels funds to help with the maintenance costs of West Drive.

Supervisor Braddock made a motion to adopt Ordinance 02-14-2023 to vacate a portion of West Drive and approve the Cul-De-Sac Easement Agreement between Cummings Township and the Kreiders; seconded by Supervisor Bierly, MCU.

DiMassimo and Sweigart IMPC Violation

Solicitor Drier provided additional information on two of the IMPC violation proceedings, stating that DiMassimo pled guilty and a separate date for penalty is set for February 23, 2023. Zoning Officer Roger Hoy indicated that the property had been cleaned up.

Solicitor Drier also reported that the Sweigart hearing was continued to February 23rd.

Solicitor Drier is continuing to work on the Spruce Road right of way documents and on a Memorandum of Understanding between the Waterville Fire Company and the Township that would have protocols in place as an agreement to define services that would help delineate activities of fire company members for worker's compensation purposes.

Chairman Yohe stated that the Supervisors have a responsibility to provide for public safety and do so by providing police and fire services to residents. He said he believes it would be helpful for both the Township and the Fire Company to define what the considerations are for both entities. The Township has mandatory and discretionary considerations noting that worker's comp is discretionary as well as any other insurance the Township may pay for them as well as discretionary donations.

Chairman Yohe indicated that the Supervisors are not seeking to control or manage the Fire Company but want to create a view for understanding what considerations are and what expectations are. Furthermore, since the Township shares the fire company's support and benefit from it mutually with McHenry Township, it would help serve as a template that McHenry Township could reference and hopefully enter into a similar agreement with the Fire Company.

Unfortunately, a lot of the things that have happened over the past couple of years between the Fire Company and McHenry Township Officials have negatively affected the relationship between the Fire Company and McHenry Township. He said he believes most of those issues are related to mis-expectations and miscommunications and a Memorandum of Understanding would be a good way to address those issues going forward.

Chairman Yohe asked for any questions on the Solicitor's report and Resident Donna Bierly said there is a shed that is falling apart on the DiMassimo property that needs to be addressed. She said one side of the shed is falling towards First Street creating a safety issue.

Chairman Yohe said he will make Zoning Officer Roger Hoy aware of the issue prior to the scheduled hearing on February 23, 2023.

Old Business:

There was no old business presented for discussion.

New Business:

Jersey Shore Recreation Board, Inc. – Donation Request

Secretary Macklem explained the Jersey Shore Recreation Board sponsors the Summer Recreation Program for school aged children and last year they had 94 children registered for the program and one child identified Cummings Township as their home address. The program offers summer activities and field trips and meals are provided to children attending the summer program.

Supervisor Bierly made a motion to donate \$1,000.00 to the Jersey Shore Recreation Board, Inc., seconded by Chairman Yohe, MCU.

Correspondence

- (1) Beran Environmental Services – Notice of Intent for EQT ARO LLC Permit application to construct three earthen infiltration berms to control stormwater from the existing site at COP Tract 728 Tank Farm off Bull Run Road
- (2) Notice from Range Resources of Well Drilling Operation – Laurel Hill 5H-8H, 26H
- (3) Thank you letters from the Jersey Shore Public Library and Lycoming County SPCA
- (4) Dirt and Gravel Road Program Application for 2023/2024 Project Funding

Supervisor Bierly noted that his Dirt & Gravel Road Program certification expires at the end of 2023 and Chairman Yohe suggested that both Supervisor Bierly and Roadmaster Craig Bierly attend training to get certified for the Dirt & Gravel Road Program.

Chairman Yohe also asked Supervisor Bierly to work with the Roadmaster to determine whether the Township should apply for Dirt & Gravel funding for a road projects this year.

Resident Paul Sattizahn thanked the Supervisors for paying for residents' ambulance service.

Donna Bierly reported that the Waterville Water Association is still looking for a location for a second well. A brief discussion on the location was held and it was the consensus of those in attendance that the best location would be next to the old well.

Invoices

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

Adjournment

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

The meeting was adjourned at 2:45 pm.

Respectfully submitted,

Darlene S. Macklem
Secretary/Treasurer