

As advertised in the Journal Herald newspaper, the Packer Township Supervisors held their regular monthly meeting on Tuesday, April 5, 2022 at the township building. Bob Selert called the meeting to order and roll call was taken. All were present.

The meeting was opened to the floor. There were no comments.

Susie Gerhard made a motion to approve the minutes. Terry Davis seconded the motion and Bob Selert agreed. Vote 3-0.

**Ordinances and Resolutions** – Bob Selert made a motion to adopt the CARBON COUNTY 2021 HAZARD MITIGATION PLAN Municipal Adoption Resolution 2022-02. Terry Davis seconded the motion and Susie Gerhard agreed. Vote 3-0

Ordinances regarding abandon or unkempt buildings and properties were discussed. Bob Selert questioned Atty. Yurchak about whether other communities are covering the cost of demolition. Atty. Yurchak responded that most are not. Generally it depends on the basis for the building being abandoned. For example, if there is a fire, a lot of times you'll get fire escrow proceeds from the insurance company but that only covers a percentage of it. It generally doesn't cover the tear down. Otherwise some people just up and move or they die and there are no relatives living in the area. Bob Selert asked would Packer put in a statute that we are first in line for any funds dispersed from any fire. Atty. Yurchak will check and research ordinances. Bob also asked Atty. Yurchak about charges for sewage violations, it is \$575 just on correspondence and site investigations this month. We need to put something in place where we can recover these even if the people come into compliance. Atty. Yurchak will look into the ordinance. Paul Bray asked if a lien could be placed against the properties of abandoned buildings the township pays to tear down. Bob S. said then municipalities are putting liens on properties so that it can't be sold and if there are no funds available and we take it upon ourselves to take this building down and put a lien on it we are essentially becoming a realtor because we're going to own the property. Atty. Yurchak responded that a lot of the times what you're going to do is put a lien on and it's going to be for more than what the property is worth because now you're down to vacant land. For instance, I know one place, for a third of the property the contractors charged \$32,000 to take it down. Susie asked why the township is paying for that. Bob S. says for example, building A, the windows are out of it, the roof is good but it looks like hell. So first of all we're going to have to hire code enforcement to declare it's either abandoned or it needs to be fixed up and you give them so many days to fix it up. If they don't fix it up in whatever the time limit is, are we going to go in and take it down? Susie asked why we would do that. Bob S. - Suppose the property owner refuses to fix it, he's paying his taxes, it's an eyesore. Where do we draw the line? When do we stop perusing it because it's going to cost us money in the end? Atty. Yurchak-It's an eyesore, it's a nuisance, and you generally will pay to tear it down. Luzerne and Schuylkill Counties have programs to address blight. They will either borrow money or give you money to take it down. Then they can recover it when the property is sold. Whatever it is sold for they take it in expectance of whatever they give you. Carbon doesn't have that. Susie-What if we have an ordinance in place and they are violating this? Atty Yurchak-The best you can do is if you take it down you can put a lien on it or try to execute on the property or take ownership of the property. But even if you take ownership of the property you may not get all your money back. Bob S. – You see all the time that the magistrate is never able to collect the fines either. They walk away from it rather than fix it. And if it goes to the magistrate, depending on how it's set up, sometimes you get some of that back but in the cases I have been involved, I've only had one case, in Lehigh Township, where the property owner appealed it to county court and the court said no, the magistrate is right, you have to pay this fine and they came up with a settlement and Lehigh Township actually saw \$10,000 out of it. But that's only because the man had money. Paul Bray-So if you end up taking the property down and now you become the owner of the property, because they walk away from it and they say here, I don't want nothing to do with it, we turn around and sell as the township and somebody buys it and builds a house on it, gets it back on the tax rolls we have income. Atty. Yurchak-When you sell it you have to put it up for bid. You can't just list it with a realtor. You're required to bid it out because it's public moneys. Susie-So if the township would take a building down; we take ownership of

that property? Bob S. – This process could take years. In the case I was involved in out at Lehigh I was surprised, it moved through pretty quick. That happened in probably 18 months and the township had their check. Atty. Yurchak-You would think normally if the property is dilapidated, you could make the owner tear it down and pay for it. It doesn't usually happen that way. Paul suggested checking with Weatherly siting properties they took down. Atty. Yurchak-There is a lot of ways you can take it down. You can take it down on property maintenance. The property maintenance code official can just declare it to be a hazardous structure and order it to be taken down but then you have to get the contractor to take it down and then put a lien on the property. Or you can file a nuisance action. There are a lot of things you can do, it's paying for it is where the issue comes in. Bob S. – If it's going to cost us \$50,000 to tear a building down and we're going to get ten out of it in the end, that's a waste of money. Susie-Why can't you just get an ordinance in place and start slapping fines on these people? Bob S. – Unless the people have money, unless the people have other assets...Susie-I say go for it. Atty. Yurchak- I'll get some sample ordinances.

### **Reports of Officials and Committees –**

Barry Isett & Associates – Permit/Zoning & Code Enforcement officer- Absent. 3/1/2022 Introductory Meeting – John DeCusatis, Kathryn Forry, Phillip Prout, and Chip Stalega met with Township Supervisors to discuss any ongoing issues and to introduce Chip, who will be taking over the zoning responsibilities. 3/15/2022 Site Visit – 5565 Quakake Road – took updated photos. Notice of Violation (NOV) composed and posted on March 15, 2022, regarding septic and zoning approval prior to the accessory structure being constructed and connected to septic. NOV signed for by owner on March 19, 2022. Correspondence – Composed emails and spoke with Robert Forgate from Brior Environmental concerning the septic at 1129 Wetzel Run Drive and 5565 Quakake Road. Complaint Closeout – Oak Hill/Stoney Hill Properties – Determined to be unfounded. This complaint is officially closed. Correspondence – Followed-up with Ms. Molnar, 1772 Hudson Drive (Parcel ID: 112-45-A36) regarding inquiry to remove the existing mobile home and replace with a new dwelling structure. 3/23/2022 Site Visit – Three complaints that were received from Suzie Gearhart. 1458 Hudson Drive (Meadows Landscaping) – Did not witness any violations. There is possibly of one unregistered car on the right side of the property, but the ordinance allows two unregistered vehicles. Site Visit – 566 Brenkman Drive – There appear to be limbs that are in the process of being cleaned up. It also appears that they are operating a tree trimming business, and they have vehicles on the right side of the dwelling; it is unknown if the cars are registered or not. Courtesy letter to be sent about vehicles and possible business. Site Visit – 1867 Wetzel Run Drive – Spoke to homeowner who moved into the property in December and has been unsuccessful in getting a trash hauler contracted. There are numerous bags of trash and rubbish on the property and mattresses on the porch and deck areas. He also has numerous unregistered vehicles on the property. Advised homeowner of the ordinance allowing two unregistered vehicles. Advised the homeowner to contact Packer Township to get a trash hauler. Letter regarding trash and vehicles to be sent. 3/24/2022 Correspondence – Spoke to Stephanie Stolpe concerning 1867 Wetzel Run Drive. Stephanie contacted County Waste, and they are going to expedite supplying cans for their refuse. Correspondence – Spoke to Terry Davis concerning a Zoning permit for a horse barn that will be less than 1,000 square feet. This would only require a zoning permit. 3/25/2022 Correspondence – Composed letters for 566 Brenkman Drive and 1867 Wetzel Run Drive. 3/30/2022 Issued Zoning Permit – 5058 Quakake Road Horse barn. Terry asked about the property on Wetzel with all the cars. If he doesn't do anything with them, what happens. Bob S. – I haven't looked at the unregistered vehicle ordinance and I spoke with Chip yesterday, I said move forward with they are operating a junkyard which is not a permitted use. My personal opinion is that has more bite than the 2 unregistered vehicles. It meets the definition of a junkyard as far as I'm concerned. He said that he was supposed to correspond with them yesterday and that process could take a while. He gives them a NOV, he has 30 days to respond to the NOV by either applying for a variance to operate a junkyard or he can start cleaning it up. If he goes for a variance, once you apply for a variance you have 30 days to set up a meeting here in Packer. If the zoning hearing board hears it, they have 45 days to render a decision. Whatever their decision says hopefully the zoning hearing board is not going to allow a junkyard in an environmentally sensitive area. It's not a permitted use in A-1 so hopefully they are going to tell them he has to clean it up. Once there written decision comes out that man has 30 days to clean it up or appeal it to county court. Of course once you

get to county court you're looking at their schedule not our schedule. But hopefully he cleans it up. Paul-He has an LLC he said. He's from East Stroudsburg and New York. Bob S. – His LLC means nothing. Paul-I took garbage cans over there and I was there for an hour and a half. He has 5 cars across the street that aren't registered, a motorcycle in the driveway, he has 3 antique cars that are runnable plus 2 vehicle he drives so he has 11 vehicles on that property. Bob S. –If they are not inspected and licensed...Paul-If it's an antique plate it doesn't have to be inspected. Antique plates are forever, no inspection needed. Bob S. –What's his LLC, what's his business? Paul-He works on cars, buys them, fixes them up and resells them. Bob S.- If they were to allow him to operate an automotive repair business in an R-1, I guarantee you this board will appeal our zoning hearing board's decision. Susie-Yes, that doesn't make any difference. Bob S. – It is A-1 not R-1. Susie- The site visit at 1458 was supposed to be 1416. Stephanie will let Chip know. Bob S. – 1416 Hudson Drive is talking about taking the building down and putting a bigger one up. Hopefully he goes for an expansion of business before the zoning hearing board. Terry confirms that this is in reference to the landscaping business.

Bill Brior – Sewage Enforcement Officer – Absent. One each new permit application received, test probe, site evaluation and 2 malfunction inspections. Bob S. discusses 5565 Quakake Road regarding them putting up a mini home and hooking it into the sewage that was existing. Terry-The people who did this don't own the property. Stephanie – Brior Environmental sent correspondence that said the owner is coming on April 9<sup>th</sup> to take care of the septic and if it can't be done he is going to condemn it. Bob S. - Other items on the report were an application received from Swinesburg and maintaining Act 149 files.

**Old Business** – Bob checks the Federal Surplus site weekly for a good used truck. He hasn't seen anything that has caught his eye that we would want. The Township is still looking at contacting members of the school board about joining us in the appeal of the assessment of the Hazleton City Authority ground.

**New Business** – An invitation from the Weatherly Borough to participate in the 2022 recycling events at the cost of \$330. Paul Bray said he went to two events and they didn't take his stuff and he is asking how many residents of Packer Township are allowed to go. Do we have a slot? If we are allowed 15 people than they should say 15 slots for Packer Township residents and if they're not going to do that... Bob S. – Do we want to make that contingent upon payment? Is it a 45 foot tractor trailer? Paul-It is at least 45 foot but they only fill it half way because of the weight. They have pallets that they stack everything up about half way. If it's in a box they saran wrap or if there is nothing they saran wrap it to hold everything together. Stephanie will find out why people were being refused. Bob Selert made a motion to table the decision to participate. Susie Gerhard seconded the motion and Terry Davis agreed. Vote 3-0

Bob S.- A motion to authorize the advertisement of the garbage contract. It is well ahead of the expiration of the contract. How do you feel about asking them for a one year extension at a 5% increase? Same contract, 5% increase without putting it out for bid or do we want to advertise for a new contract? We are going to be looking at 25%. Susie asked Atty. Yurchak for his recommendation. He doesn't know if there is any movement by the other communities to do it in mass. I know that COG was talking about it at one point but I don't think it's gotten any traction. I don't see any problem with a 1 year extension if you want to do that. Bob S. asked Atty. Yurchak to draft a letter to them. If they refuse then it can be advertised. Bob Selert made a motion to authorize Atty. Yurchak to contact County Waste with our participation to a one year extension with the same language with a 5% increase. Susie Gerhard seconded the motion and Terry Davis agreed. Vote 3-0

Paul Bray asked if it would be worth checking with Weatherly to see if we can put a bid out together. A bigger area to collect garbage would be less money. We're saving money by going on with the electronics thing, we're doing the fire department and we're doing the 2% loan if somebody wants to remodel their house we do that through the borough. Bob S. asked when their contract expires and Paul didn't know. Weatherly got rid of County Waste. Bob S. said he sees Tamaqua Transfer going and they have no issue. He asked Atty. Yurchak for his opinion and Atty. Yurchak responded that he would

just like to see it picked up. Terry asked if we had any issues with County Waste prior to Covid. He thinks that is when it all started that they couldn't get drivers and got new drivers. Susie said she has never had a problem with them.

Bob Selert made a motion to enter the PLGIT PARTICIPANT AGREEMENT ELECTRONIC DEPOSIT CAPTURE PROGRAM and Susie Gerhard seconded the motion. Terry Davis agreed. Vote 3-0

Bob Selert made a motion to purchase a scanner recommended by PLGIT to electronically deposit the garbage payments at a cost not to exceed \$600. Susie Gerhard seconded the motion and Terry Davis agreed. Vote 3-0

Bob Selert made a motion to authorize advertisement for road project bids. The specs were just received and the Supervisors described the work being proposed for bids. The supervisors will review the specs and a motion was made by Bob S. to authorize advertisement pending acceptable review. Atty. Yurchak said the supervisors can review it and authorize the advertisement and ratified it at the next meeting. In response to Susie questioning a motion to table this Atty. Yurchak responded that it is not being advertised, it is just being reviewed.

Correspondence-A letter from DEP regarding the Silverbrook Bank operation informing that they had applied to review their surface mining permit. The liquid fuels payment was received in the amount of \$47,271.

Bob Selert made a motion to accept the Treasurer's report and Susie Gerhard seconded the motion. Terry Davis agreed. Vote 3-0

Bob Selert made a motion to sign and approve the checks drafted and Susie Gerhard seconded the motion. Terry Davis agreed. Vote 3-0

Bob Selert made a motion to adjourn the meeting and Susie Gerhard seconded the motion. Terry Davis agreed. Vote 3-0

The meeting was adjourned at 6:31 p.m. A total of 4 residents attended the meeting.

Respectfully submitted  
Stephanie Stolpe  
Packer Township Secretary/Treasurer