

As advertised in the Journal Herald newspaper, the Packer Township Supervisors held their regular monthly meeting on Tuesday, January 3, 2023 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. Lynn Walters asked the Supervisors to stand behind getting something done on Packer Drive that the property across from where Ronny Douglas lives, he did so much work to that property but all that water is leaking out on the road. It is horrendous. The puddle today when they came home in my lane was over half the lane but when it gets cold out that was solid ice. If somebody doesn't know that's there it's going to be devastating. Somebody is going to have a horrible accident there. Susie said she was in contact with Chris Storm and she didn't talk to PennDOT yet but they are going to meet, the 3 supervisors and those two gentlemen to see what can be done. I see that someone dug out along there but that is not going to solve the problem. Lynn added that just elongated it. Susie said it just pushed it down and it's not going anywhere. Lynn said at Eroh's, whatever they did, there are four areas, when they filled it in they didn't level it out with the road. There's a bump about this high, there are four of them where the state dug out and they never filled it in to level it. If they could come back and just level it out because it's one heck of a dip especially when the weather is bad. Bob asked if this in on the berm, the side of the road. Lynn said it is right across the whole road where they dug out. Terry asked if they put a pipe there. Lynn said they must have but they never filled it in the proper way. She said it was probably done about a year ago. Susie said when we meet with PennDOT we will take them to both locations. Lynn's husband had called PennDOT about it and nothing was getting done so thought she would ask the Supervisors. She thanks the Supervisors. Jeff Hinkle's lawyers are requesting copies of the stop work order on his brother and they said they can get it from a right-to-know. He asked if he can get it from the Supervisors directly or from Barry Isett. Bob asked if he contacted Barry Isett and Jeff did but with the holiday, he had texted, left a message but heard nothing all day today and we have a hearing a week from tomorrow. Bob asked which hearing it is. Jeff said he is trying to do a preliminary injunction to get him back on that property that I blocked him from. They are pursuing that so I am defending it but one of my reasons why I blocked it was he was hauling dirt from my property down to his property and it got back to me that the Township was coming after me because I own the property that all this dirt is being moved. So I said listen, this isn't happening and I blocked him. So that is part of my defense. But the fact that he was issued a stop work order and he was still doing stuff is what part of the defense is. So we are looking to get that. Bob said he will reach out to Chip tomorrow. The Township doesn't have a copy of it. Bob doesn't think he will have to submit a right-to-know. He will call Chip or Phillip tomorrow and took Jeff's phone number. Jeff added that he called DEP and was told it is not their jurisdiction. It sounds valid, she said unless he's in the creek doing something it doesn't fall on them. She also said if Chris Storm was at the site, which he was, and saw something that should be turned in to DEP he would have done it. She said she thinks ultimately it is going to fall back on the township and the reason she said that is and I'm not going to get this right but is there an ordinance 167 or something like that for storm water runoff? Bob responded that we don't have a storm water ordinance and if there is this ordinance that you are saying we have to follow we don't have anything in place. Jeff said that she told him she thinks you would have it in place because that would be the only way Isett's office could have issued a summons. This is what she is telling me, I am not saying it is right. In order for them to issue that they would have had to have the authority to do it. Bob said Barry Isett is issuing his stop work order based on the fact that you need a Soil Erosion & Sediment Control Plan issued by the County Conservation District so it's like a catch-22 there so if he's disturbing over 5000 feet on a parcel, that is not ag related, that is what he would need. That is the bite in our ordinance. Jeff confirmed what Isett would be going after. So you think that is in the ordinance? Bob said he knows that a disturbance over 5000 sq feet needs and Soil Erosion & Sediment Control Plan from the County Conversation District. If he doesn't have that then he needs to get and follow the specifics of the plan. Terry added that would control water running onto other people's property also. Lynn Walters said they come up with a system the way they want it be rerouted or ran. Jeff said we talked about it, if you remember part of this whole situation is he added 150-200' of pipe from that swale that got eliminated and took it all the way up in his yard and created a swale up there. Now that water is dumping onto my property through the 18" pipe as well as anything that is flowing downward. And she pretty

much said if it's not in your wording then it would be a civil matter. So I am trying to find out wording. Bob said I know per se we have no stand-alone storm water ordinance. Atty. ~~Selert~~ Yurchak said he would look again. He knows the 5000 sq foot is in there. Jeff asked for clarification on the 5000 sq feet. Bob responded that, without having the ordinance in front of him to read verbatim, anything that is not agricultural, it says you have to have a Soil Erosion & Sediment Control Plan approved by the County Conservation District. They would come out and ask what is being done and this is how you have to address that, there's a certain way of doing things. Jeff asked if that is in the township ordinance. Bob said the way to do a job is up to the conservation district to say this is the plan, according to elevation and everything like that, and where is the water coming from onto his property, where's it coming from, where's it going to go when it comes off of his property. That's in the County Conservation District's manual somewhere. What it exactly says, I don't know. Jeff asked if Bob disagrees with the DEP girl about what she told me and Bob said yes. Jeff asked if he can pursue that and how would he pursue it. When he told her what Chris Storm said he felt like she got on his bandwagon. I sort of want to wait and see what happens with Isett's office but I also want to be proactive with it and I was hoping you had that wording. Bob said in this month's report there is nothing said. Jeff asked if he can make a motion that we get a storm water ordinance. Bob said it is not that easy, when you get into storm water management (inaudible). Your suggestions have weight but your motions have no weight. Jeff asked what Bob would recommend he do at this point, go back to DEP? Terry said he would ask to talk to that person's supervisor. Bob suggested calling Heffley's office and tell him you're not getting any response from DEP. Jeff asked why he thinks it goes on DEP. Bob responded because when the conservation district has an issue that is who they fall back on. They have more bite, the conservation district has no bite. They have rules and regulations that they implement but as far as, I don't think the county conservation district can take anybody to the magistrate for not performing their due-diligence. Jeff-Hypothetically, that pipe, 150-200' of pipe, at the end of that hole, I filled that with concrete. What's going to happen to me? Bob said that would be a civil matter. Jeff said if I did that it would wipe out Daryl's building that is why I won't do that but I'm just asking, if somebody does something this extreme how do you get away from it other than a civil matter? I will try DEP one more time and Heffley's office. Tony Caso with the water run off onto the highway, did you see out there by Masyado's, he tore all those trees out of the field above his house. Today and last week when we had that heavy rain and everything froze the water was flowing out onto the highway and it never did that before until they pulled all those trees out and changed the contour of the ground. Now all the water that is running out of those fields, down the edge of the road, in front of Masyados', and it's stopping down by his driveway, it's coming out on the road. The kids fly around that curve, somebody's going to get killed there if they hit an ice patch. He suggested they take PennDOT there to see that because something is going to happen there. I'm sure you've seen it. It wasn't like that before until they took all the trees out of there. Bob said with respect to all this water on the road, that was not a record storm but for December and the ground being froze, and that's a big thing, the ground being froze, the water was going to run off. Tony said today the water ran down there, it was like a muddy river. It ran right down the front of his house and that is where it stopped, goes into the field and out on the road again. You know people come flying around that curve at night; somebody is going to hit that ice and end up in his house or the next house down, through the field. About a quarter of the way out on the road was frozen, so get PennDOT to check that out over there. Take them out there and see what you can do or what they can do either that or they are going to have to get that field, the grade, to keep the water off there. There was a brief discussion as to whose field it was.

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

Ordinances and Resolutions –Brief discussion regarding AN ORDINANCE OF THE TOWNSHIP OF PACKER AND PROHIBITING NOISE DISTURBANCES ABRIDGING THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF PACKER TOWNSHIP. Bob asked if a decibel limit was set in it. Terry questioned if the supervisors would have Barry Isett going out at 10 pm. with a meter. Bob said no, he knows how to do it. Bob asked if the dB levels were included in the draft and Atty. Yurchak confirmed they were. Bob asked about agricultural activities and Atty. Yurchak responded that this is a draft. Bob said to all

look at it again. Bob Selert made a motion to advertise for adoption at the February meeting AN ORDINANCE OF THE TOWNSHIP OF PACKER, CARBON COUNTY, PENNSYLVANIA, PROVIDING FOR SERVICE COST RECOVERY. Susie Gerhard seconded the motion and Terry Davis agreed. Vote 3-0

Reports of Officials and Committees –

Barry Isett & Associates – Permit/Zoning & Code Enforcement officer- Absent. **ZONING** 12/02/2022 Printed out documents in anticipation of going to court for 1867 Wetzell Run Dr. and 374 Packer Drive. Zoning denial letter mailed to property owner and agent. (1458 Hudson Drive) 12/03/2022 Wrote citation for 2006 Quakake Road. 12/05/2022 Added restitution to citation and sent an email for his approval. Atty. Yurchak approved the citation and noted that if defendant complies with the citation, that I should still require restitution of \$255. Phone call with Jeff Hinkle informing me that he was planning to attend December 6th Supervisor's meeting to voice his opinion on the ongoing issue at his brother's property at 374 Packer Dr. He told me that he was aware that I have cited them for not getting a Zoning permit and submitting an E&S plan. 12/06/2022 Received an email from Steven Hinkle concerning 2006 Quakake Rd. Sent email back requesting that he complete a Zoning application to the best of his ability. 12/07/2022 Dropped off SEO paperwork at Township building. Patrolled Township site visit at past cited properties and look for Construction activities without permits. 12/19/2022 Received an application for a Zoning Hearing Board for 1458 Hudson Dr. Uploaded documentation and emails to Stephanie and Phillip Prout. Phone call concerning 110 Sand Spring Rd. 12/20/2022 Created new case for 110 Sand Spring Road for upcoming zoning permit application for Demolition permit and new house construction. Informed the property owner to contact Brior Environmental to see if the existing septic is up to code and capacity limits based on number of bedrooms being proposed. 12/28/2022 End of year visit to cited properties. Phone call with Stephanie concerning upcoming Zoning Hearing Board meeting. 12/29/2022 Composed end of month report. Follow up email sent to 2006 Quakake Rd. concerning the change of use and sent an email to Atty. Seach concerning the required application fees for scheduling a Zoning Hearing Board meeting for 1458 Hudson Drive. **PA UCC: 577 Packer Drive - Single-Family Dwelling** *12/06/2022 – Electrical Service Inspection – PASS; cut-in approval sent to PP&L.

Bill Brior – Sewage Enforcement Officer – Absent. None.

Old Business – Bob discussed the email from Nesquehoning proposing a meeting with the Commissioners about the DCED County Demolition Fund Reporting Act 152-2016. One of the Supervisors will attend. Barry Isett's report addressed restitution of fees. The supervisors will see how that goes. Bob asked Atty. Yurchak if he had sent a letter to the school board. Atty. Yurchak had sent Bob a letter the previous day for the appeal. Paul Bray said the Hazleton Water Authority still has not fixed the parking lot from when they replaced the pipes. It is agreed that they should complete the work. Stephanie will send a letter to inform them that this repair must be completed.

New Business – Terry Davis made a motion to appoint Bob Selert as delegate to the Carbon County Tax Collection Committee. Susie Gerhard seconded the motion and Bob Selert agreed. Vote 3-0

Terry Davis made a motion to certify Bob Selert and Stephanie Stolpe to attend PSATS Annual Conference. Susie Gerhard seconded the motion and Bob Selert agreed. Vote 3-0

Susie Gerhard made a motion to designate Bob Selert as voting delegate at the PSATS Annual Conference. Terry Davis seconded the motion and Bob Selert agreed. Vote 3-0

Discussion on replacing the security system took place. The old system is 10 years old, cost \$1500 to install and \$300/yr for monitoring. Control Security will not service the system if the township transfers monitoring which is done from New York. Secure Technologies from Lehighton quoted a new system at \$1534 and could be monitored by Carbon County for \$75. Paul Bray says this may be going up. Peter with Secure Technologies recommended a new system. He may be able to service the old system but would have to familiarize himself

with it. Bob Selert made a motion to purchase a new system. Susie confirmed the cost of the new system is \$1500 and Bob added that had the county been monitoring it for the past 10 years we would have saved \$2250. Terry Davis made a motion to purchase the new system. Bob Selert seconded the motion and Susie Gerhard agreed. Vote 3-0

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

Bob Selert made a motion to sign and approve the checks drafted. Susie Gerhard seconded the motion and 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 6:36 p.m. A total of 6 residents attended the meeting.

Respectfully submitted

Stephanie Stolpe

Packer Township Secretary/Treasurer