

As advertised in the Journal Herald newspaper, the Packer Township Supervisors held their regular monthly meeting on Tuesday, December 6, 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. Jeff Hinkle-We're all here for the situation we're dealing with, with my brother on the back of the property. I have pictures. I have stuff if you guys want to see it. You may know what's going on. Basically what he did was he closed a swale in on a road that Daryl and Linda [Binder] own. Forty foot road by 300' roughly and added about 150-200' of pipe to an 18" pipe. Ran it up in the yard, created a swale up there and then brought in hundreds of truck loads and leveled this yard and brought the bank down 15' onto Daryl and Linda's property. Now all that water from 150-200' away is getting piped down to my property. And because the swale is not there, the water is now running down through the yard, into my field, which is making my field useless to even use because it's saturated all the time. We wrote a letter to you guys months ago, the Township. Barry Isett's office is involved and issued them a summons. I just want to let you guys know that I really want to get this dealt with and not let it just keep lingering like it's been lingering. They were supposed to do a stop-work order and they did but never enforced it. And he's still continuing work on this project. Bob S.-Just looking real quick at some of the things on Barry Isett's report, they are pursuing it and I know the last I talked to Mr. Stalega they were taking him to the magistrate. When I have a zoning issue as a zoning officer, it is a lengthy process. The magistrate's going to file against him and bring him before Mr. Homanko to explain the how and why, why he wasn't complying. It is in Mr. Homanko's hands. Once he rules, we will move onto the next step. Jeff Hinkle-I do want you to know what Mr. Storm said to me which I thought was quite ignorant of him. He told me if he never hears the Hinkle name again, he'll be very happy. And that he did not want to deal with this because he doesn't have the time to deal with this. Surprise maybe, I don't know. He also told me that this is a civil matter and I said no it's not. It's very simple to me, if he would have come for permits, he would have had to put a plan together and submitted it to get the permits. You guys would have reviewed it and said you can't do what you're trying to do here; we can't give you the permits. So to me it doesn't make it a civil matter if he would just do his job is what I asked him to do. Bob-We have scheduled a meeting with Mr. Storm on another issue in the township. We will be discussing that with him. The Township Zoning says that they have to comply with the rules and regulations of the Conservation District and DEP so that is where it is. Mr. Hinkle-Is DEP involved? Should they be involved? How do we get them involved? Bob S. provided the number to call 570-826-2511 for the DEP office in Wilkes-Barre to provide a formal complaint with them. Tell them that your conversations with the Conservation District are not getting any results and you want to get the matter resolved. Atty. Yurchak added to mention the fact that he is altering waterways. He is not allowed to do that without a permit from the State. Mr. Hinkle-When he first started doing it he flooded Daryl's road.

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

**Ordinances and Resolutions** –DCED County Demolition Fund Reporting Act 152-2016 Bob S. discussed the correspondence from Nesquehoning Borough and made a phone call to the Recorder of Deeds office to find out what this will generate. They are talking anywhere from 2000-4000 deed transfers a year. Legislature has enabled the County Commissioners to attach \$15 per transaction but the girl in the office said the Commissioners aren't going to do that so it really is not going to generate enough money to do anything and how would they distribute it? But I still think it needs further discussion and I know Senator Argall wanted to meet with us. I think that is one of the things that we need to put on our list. We've got to start somewhere. Bob S. asked the other Supervisors if they want to meet with Nesquehoning Borough and other municipalities to entertain a meeting with the Commissioners. Susie and Terry agreed. AN ORDINANCE TO PROVIDE FOR THE RECOVERY OF EMERGENCY COSTS AND SERVICES AND KNOWN AS "REIMBURSEMENT FOR EMERGENCY COSTS AND SERVICES" ORDINANCE is being reviewed.

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

**Barry Isett & Associates – Permit/Zoning & Code Enforcement officer-** Absent. **ZONING 10/05/2022** Updated photos 1867 Wetzel Run Drive and 374 Packer Drive. Phone call correspondence with Chris Storm. **10/10/2022** Phone call with Jeffrey Hinkle concerning work being done over the weekend at 374 Packer Drive. Rick Hinkle moved dirt from his property and used on 374 Packer Drive. He called PSP and was told that it is a civil matter. **10/10/2022** Second phone call with Jeffrey Hinkle concerning building a 13' x 24' threesided building for an outdoor furnace. **10/10/2022** Received email from Atty. Search concerning Meadows Containers Zoning Application. **10/11/2022** Emailed Jeffrey Hinkle a Zoning and UCC applications to clarify the “outdoor furnace building” use. **10/18/2022** Received numerous phone calls from Paul Shultz concerning a trailer on Railroad Dr. with no heat. **10/19/2022** Researched the Zoning Ordinance and spoke with Phil Prout. Determined that it is not addressed under the local Ordinances; however, we could address it under the PA UCC. After speaking to the Solicitor, we concluded that addressing this under the PA UCC would result in the condemnation of the structure and the future need for permits and inspections. I called the complainant and spoke to Alexis Merenda (co-occupant). While explaining this determination to her, I found out that they have an eviction hearing scheduled for the following week. She also stated that Jim Dulcey has blocked one of the entrances to Railroad Drive. I did a site visit and confirmed that the entrance was blocked by dirt piles. Two residents did question about fire apparatus entering through the entrance around the tree. I noted that the blocked entrance does not show up on my GPS as a road. Photos were forwarded to Roadmaster. **10/20/2022** Site visit to 374 Packer Drive and took photos of the additional dirt that was brought in; went to Magistrate Hurmanko’s office and was sworn in. **10/21/2022** Complaint received about 174 Dulcey Road. Called complainant and left a message. Started a new case in system. **10/24/2022** Continued review of the zoning application for Meadow’s Container. **10/26/2022** Phone calls with Chris Storm and Bob Selert, Performed a site visit 1867 Wetzel Run Road, 374 Packer Drive, and 174 Dulcey Road. While driving by 1867 Wetzel Run Road, a lady was yelling from the subject property. If a zoning permit application is not received within 7 days, citation(s) will be issued. **11/04/2022** Site Visit 1867 Wetzel Run Drive. No Change. Called and spoke to Bob Yurchak. Wrote citation. **11/07/2022** Phone call with Jeff Hinkle concerning 374 Packer Drive. **11/08/2022** Phone call regarding 174 Dulcey Road. Phone call with Bob Yurchak concerning 374 Packer Drive and 1867 Wetzel Run Drive and various citation procedures. Email correspondence with Stephen Hinkle concerning 2006 Quakake Road. **11/09/2022** Reviewed citations with Solicitor. Site visits: 1867 Wetzel Run Drive and 374 Packer Drive. Delivered citations to the Magistrate. Email correspondence regarding 1458 Hudson Drive; will review on 11/11/2022. **11/15/2022** Phone call with Bob Selert concerning having Solicitor review citations before filing. Stopped by the Solicitor’s office to discuss. Performed site visit to 1867 Wetzel Run Drive to see if property has been cleaned up. No change observed. **11/16/2022** Spoke to Phil Prout about getting a hard copy of the Ordinances for the Magistrate. Received an email from Stephanie stating that she will prepare hardcopies for the Magistrate. **11/18/2022** After a conversation with Atty Yurchak yesterday. Phone call with DJ Hurmanko's office to see if I could amend the filed citations to include restitution. Cannot add to the existing citations but will add going forward. Updated them on Stephanie is working on getting them a hardcopy of the Ordinances. **11/23/2022** Delivered hardcopies of Ordinances to the Magistrate’s Office. **PA UCC: 577 Packer Drive - Single-Family Dwelling \*11/22/2022 – Underground Service Trench Inspection – PASS**  
Stephanie will request a credit for an address outside of the Township which appeared on the Barry Isett invoice.

**Bill Brior – Sewage Enforcement Officer – Absent. None.**

**Old Business –** Susie Gerhard made a motion to approve the 2023 budget. Terry Davis seconded the motion and Bob Selert agreed. Vote 3-0

Bob Selert made a motion to approve the use of Municipay to accept credit card payments for the garbage fund. Susie Gerhard seconded the motion and Terry Davis agreed. Vote 3-0

Susie Gerhard made a motion to approve the change order and Terry Davis seconded the motion. Bob Selert agreed. Vote 3-0 A discussion concerning what would happen if the price of oil came down. It was agreed that it probably wouldn't be worth redoing the contract for.

Bob S. – We will see how all the repairs go with the trucks. There is money budgeted for a new truck if we decide to move forward with it.

Bob S. – The school board members are a bit reluctant to be signatories even though we asked for no money regarding the appeal to the Board of Assessments for Hazleton City Authority. Bob S. asked Atty. Yurchak what needs to be done to assure them that we aren't going to go back and say we need money for litigation. He asked Atty. Yurchak to write a letter stating that before their next workshop. Atty. Yurchak said he will draft a letter and send it for approval. Atty. Yurchak said that Barry Isett will start adding the charges for complaints investigated to the citations.

**New Business** – Susie made a motion to approve the Suravicz Minor Subdivison and Terry Davis seconded the motion. Bob Selert agreed. Vote 3-0

Bob Selert made a motion to advertise the proposed 2023 meeting schedule and Susie Gerhard seconded the motion. Terry Davis agreed. Vote 3-0

A letter from Gerry Grega regarding property markers that had been moved during the pipe project on Wetzel Run Drive was reviewed. Carbon Engineering will be sending a letter to Franzosa Trucking. Bob S. said Franzosa is trying to get in touch with Mr. Grega. A letter from Tetra Tech was received and it was determined that no action was necessary at this time. Bob S. said we will get a letter back from DEP with a comment period but to send a letter as a reminder that before construction commences we want the roads that they are going to be moving heavy trucks bonded. A letter was received from Brior Environmental thanking the Supervisors for the opportunity to serve the Township and he would appreciate the consideration of re-appointment in 2023. Updated rates were included.

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

Terry Davis adds that it has been recommended that the Township adopts a noise ordinance even though we have a good wind mill ordinance. Atty. Yurchak will provide a draft ordinance. Bob S. asked Atty. Yurchak about warehousing and if the ordinance can be challenged because something larger is not addressed. Atty. Yurchak responded that all we have to do is provide someplace in the township for it. We don't have to provide it in every district. If we don't provide someplace for it we are effectively excluding it. I think at this point we should be ok. Bob S. asked that the word be passed on with the garbage contract, if a bulk item for pick up cannot be handled by one person it should be broken down as much as it can be so that they can get it in the truck. The number for County Waste/GFL is 1-800-832-1332. Choose 1 for PA. then 1 for Mt. Top, then 3 for Residential Services. This will be included in the newsletter. Bob S. added that anything like remodeling, fill the trash can as much as you can that the truck can pick up; put your bags on the ground that week. Do that the following week. Paul Bray said the company delivered extra cans that we have them on hand if needed. Bob Selert made a motion to adjourn the meeting and Terry Davis seconded the motion. Susie Gerhard agreed Vote 3-0

The meeting was adjourned at 6:23 p.m. A total of 9 residents attended the meeting.

Respectfully submitted

Stephanie Stolpe

Packer Township Secretary/Treasurer