

As advertised in the Journal Herald newspaper, the Packer Township Supervisors held their regular monthly meeting on Tuesday, March 14, 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. Norman Bachart spoke regarding the garbage fee. He tried to pass the word along to a few people here to help show up and support this effort. You guys had the authority to increase this so why don't you have the authority change it? I'm upset about paying a garbage fee at that trailer by my house. There absolutely has been no garbage there forever. I'm paying a fee for years, now you double it for absolutely nothing. What do I get out of this? If you had the authority to increase it why don't you have the authority to make some changes on there and fix it so we don't have to pay on, you know, paying for nothing is ridiculous. You don't pay things for nothing. You want something in return for it and I pay the garbage fee for my house. I have garbage there. I don't like it that it doubled but if that's what it has to be it has to be but by the same token, why do I have to pay for that other place when it's just storage? There is absolutely nothing up there except storage. I will not rent it because people, I had tenants in there before and all they do is wreck it and it cost more money for you to fix what they smashed. Just let the place empty and what do you want me to do, let it rot away? I'm trying to keep it going or keep it fixed up but where does it all end. Bob S.- Your first question. Why did the garbage fee double? The garbage fee doubled because when we bid the service, which is what it came in at. Its \$200,000 a year divided by 440 billable residences that must pay their garbage. A billable residence is defined as any residence or dwelling that is capable of producing garbage. As long as the electricity is hooked up to your trailer it is a residence that is capable of producing refuse. Now, Norman I know if you were to rent that out you would call Stephanie and say I need a garbage bill. I cannot say we have to forgive Norman because he is not renting it out and the next person that comes along and asks the same thing. They don't rent it out and then they do and we don't know about it so that is why the ordinance says every residence that is capable of producing refuse will pay a garbage bill. Norman-Well it's not capable because I won't let you in there. Bob-If you pulled the meter on that house we'll...Norman-I'm not pulling the meter because I have stuff up there and I need the heat up there. Bob-Ok. So then it's a residence that's capable of producing refuse and it will be billed. Bob read from the 1993 ordinance. Dwelling-a place of residence capable of habitation on a full or part-time basis within the Township of one or more persons where refuse is capable of being generated through normal living habits. It shall include apartments or buildings devoted to multiple family occupancy with each such apartment or unit of multiple family occupancy constituting a singular dwelling hereunder. In all other respects, the provision of Ordinance No. 89-12(a) as originally adopted by the Board of Supervisors of the Township of Packer on the 4th day of December, 1989. Susie-So that is stating that if it is lived in or not lived in? Bob-Right. Norman-Well I hear other people up there, there is a garage up there with nothing, there is, nobody lives there but it's a garage and he has heat in there and he uses it and he's got to pay a garbage fee. Bob-Specifically which garage that they are living in? Norman-I don't know I just hear this...Bob-No, no, no. The place that was built as a garage and they put a sewage system in and everything, they are being billed right now. AWS Hauling. Norman-I'm saying why can't you put some restrictions on there? You drive by my house often enough. You can see if somebody is living there. All you do. Every one of you do and you know and she does to. Bob-Until you pull the meter and make it uninhabitable. Norman-Well I don't agree with it. I'll pay the damn thing but I don't agree with it. You are here to make the rules and stuff, make them to work the proper way so people don't get screwed. You're protecting the people in the valley, I hope, is what your intentions are but it's not working that way. Susie-That is why we're here.

Nicole Denicola-I spoke to all of you. You all know my story so since I have 3 minutes I'm going to try to wrap this up because you all know my story already. I know you have proof about the attorney that I had told you about. Stephanie had a file; hopefully you had seen it, letters from the attorney about the house being uninhabitable. I wasn't aware about the meter. The meter was still attached to the home but the electricity has been turned off for years but I'm not here to even argue not paying it. I'm asking all of you to just drop the fees. That is all I'm asking. I was willing in February to pay all of this. I ended up accruing my mother's, like the house, so then it all fell on me so I will pay for all of it. I just recently paid this month \$115. My problem is I don't have a current bill so when I received Mr. Yurchak's letter in the mail I just saw what the amount was. I

don't know if now it's been deducted, can you break it down. I have no idea what's going on with the bill. Bob-So \$115 was for this quarter. January, February and March. Nicole-Which I already paid. So then when like for an itemized bill I'm asking just to, the breakdown that I know what's going on cause I don't know. When I received the letter in February I had reached out to the attorney who I hadn't spoke to in so long and I said ok what's this deal. I was told I didn't have to by her. Bob-And this is your attorney giving you bad advice. Nicole-Tell me about it. I, that is what I mean. Bob-If I were you I'd be going after the attorney. Nicole-Well, we had spoke about that and that's what I plan on doing but my problem is in the meantime, I've already paid money to the attorney sending you letters and all of this proof that that is what she had stated to me and now I have fees that I'm being punished for. I, we, I wouldn't even be here right now with you with fees it would have been paid off had I been told the right thing but as I said to all of you it wasn't like I asked a friend what do you think? I'm not there, the house is uninhabitable. I'm actually asking an attorney who is giving me this advice and I'm with you. It's bad advice. Nobody is more stressed or sick about this than me. I kid you not. The whole reason I ended up having to sell the house is because I'm caring for my mother. Money is not what it used to be. I had to get rid of it. I love it out here. I wish I was living out here. That was the plan but life happens and now the house is sold. All I'm asking is, I mean I'm here, you understand all of you, that I respect the situation. Like I said, I'm not here to argue it and I apologize to anyone in the room I just, that's all I'm asking, please. That's it. Bob-And if I remember right and unfortunately when I cleaned my hotel room out, the information that the attorney gave me it was one of those pieces of paper that I did not keep and I believe if I remember right 2012, 2013 were \$150-some and \$200-some, right. And then you paid the bill in 2014 and 2015 and then 2016 throhg 2022, the fees ended up being \$405 or \$460 a year and we have money tied up that we paid to Creditech to try to collect that. Plus we have what we paid the solicitor. If we forgive you a part of that bill, unless we come up with a formula as to what part are we doing, we have to do that for the other 12 delinquents that are also a problem. And I don't think you would be here today if you wouldn't be selling your property and this money is tied up in escrow. It would just be going on and on. Nicole-I received this letter before the house even was for sale, like going for sale I should say. Bob-When was the last letter you received from Atty. Yurchak? Nicole-In February and that's when I looked at it and like I said I hadn't spoke to my past attorney and I said listen I thought this was taken care of. I haven't received anything and now here we are. What is going on? I mean this is years already. Like I said, had I known that that is what it was, obviously I would pay it. Again, I apologize to anyone in the room but I'm just telling you, I mean, I know you have the proof that the attorney was saying, like sending you letters about it and I understand everything needs to be fair across the board. My situation is far from fair. My situation is far from normal. I wouldn't wish this on my worst enemy. Again, I can't tell you how sick I am. All I'm asking, I mean I'm not even arguing the garbage bill. I will pay it, I'm just asking for the fees because of this dirty situation. And I know it's not your problem. It's my problem. That's something I have to live with and I need to do something because it's not fair that the attorney was giving out this advice. But you have the proof that I'm not even lying to you. That is my whole point. Bob-Stephanie, when did that letter go out from when you had the minutes of the meeting where she was told that she needed to pay this. Stephanie-I don't recall. It may have been in 2018-2019. Nicole concurred that she felt it was 2019. Stephanie-Yes, she had sent a letter to the Board of Supervisors requesting to not have to pay the bill and the Board of Supervisors said it had to be paid. I made sure that that information got to you and there has been other correspondence over time. Nicole-My problem is I live in Hazleton and you can ask anyone. I even told you all of this to, the mail comes, it doesn't come, my neighbor gets mine, I get theirs. You know, but it's not an excuse. I'm just telling you what this is. That's all I'm asking. In good faith I'm asking you to work with me on this. I'm not here to argue against paying the bill. I want to pay what I owe. But I'm just asking for you to work with me on this. I'm not a beggar either and I'm literally begging. I stoop that low in front of strangers but here I am, that's all I'm asking. Bob-We'll have to discuss this with the attorney and ourselves. Nicole-I would really appreciate that if you would please. Again, my situation is far from normal. You all know that. You don't even have to agree to it here obviously but you know it's not a normal situation at all. Thank you.

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

Ordinances and Resolutions –Robert Selert made a motion to approve a RESOLUTION SUPPORTING ACT 152 OF 2016 Susie Gerhard seconded the motion and Terry Davis agreed. Vote 3-0

Terry asked if there was anything in the proposed noise ordinance regarding wind mills. Bob said he believes the ordinance was suggested because of the wind mills. Terry suggests tabling action on the ordinance. Bob agrees as he wants an exemption for agricultural harvesting operations. Harvesting operation, not somebody who is going to put in a feed mill; they will have to abide by the ordinance. Somebody running a combine across the field for harvesting operations, we need to exempt that. Susie Gerhard made a motion to table AN ORDINANCE OF THE TOWNSHIP OF PACKER AND PROHIBITING NOISE DISTURBANCES ABRIDGING THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF PACKER TOWNSHIP. Terry Davis seconded the motion and Bob Selert agreed.

Reports of Officials and Committees –

Barry Isett & Associates – Permit/Zoning & Code Enforcement officer- Absent. **ZONING** 2/01/2023 Performed a patrol of the Township looking for work without permits. Reposted 1458 Hudson Drive. (Posting appeared to have blown from post) Drove Railroad to gated property owned by Hazleton Electric Supply, Jim Dulcey. 2/03/2023 Created a new case for building being built on the mountain, that can be seen from Quakake Road; Created ZHB packets and forwarded to Stephanie for Board Members and Solicitor. 2/07/2023 Received an email from Brian Katcher asking to revise his zoning application. Permit is reviewed and approved as revised. Forwarded to Stephanie for the Township records. Explained permit requirements for Roof Mounted Solar and follow-up email communications with application attached; received applications and forwarded to Stephanie for confirmation of application fees. 2/08/2023 Phone call with property owner (3511 Quakake Road) regarding residential detached accessory building; follow-up email to owner with attached application; phone call with Attorney Stephen Seach regarding possible ZHB application withdrawal for 1458 Hudson Drive. Performed a site visit and confirmed that the postings were still there and that the containers have been reduced in amount. 2/09/2023 Emails concerning 1458 Hudson Dr.'s rescinding of request for ZHB and uploaded photos from site visit. 2/13/2023 Email and phone calls with Attorney Seach regarding official confirmation of ZHB application withdrawal (1458 Hudson Drive) 2/15/2023 Took down postings at 1458 Hudson Dr. updated photos 1867 Wetzel Run Drive. Attempted to access the property where Hazleton Electrical Supply allegedly built a pole building without permits. No access to the property gated and “No Trespassing” signs. 2/20/2023 Phone call and email correspondence with property owner (2936 Quakake Road) regarding residential accessory structures and zoning permit requirements. 2/22/2023 Zoning Permit application review and approval (2936 Quakake Road) **PA UCC: 286 Wallace Way – Roof Mounted Solar Panels** *2/23/2023 – Review and approval; permit issued pending receipt of permit fees. The Supervisors discuss the report. Bob asked Susie if she heard back from Philip on the Brian Katchur property. Susie talked to Chip today and she forwarded the information from Chris Storm to him. He is going out tomorrow. Bob is expecting an Erosion and Sediment Control Plan. Susie is worried about another building going on the property without the situation being corrected. Bob-We could probably make the permit conditional on a new approved conservation plan but then he would have so many years to implement it. Susie sent Chip pictures too. Terry asked if he produced anything on how he put the drainage system in. Bob and Susie said no. Terry asked if the zoning officer can access property that is posted private property. Atty. Yurchak responded that worst case scenario they may have to get an administrative warrant to go on the property. He told Chip how to do that. It’s not hard to get, it comes from Homanko’s office. Susie asked if there are no trespassing signs on a property, he has to go get an administrative warrant. Atty. Yurchak confirms. Susie will inform Terry on the response from Chip regarding Katchur. Bob-What do we need to do stormwater management wise? The Conservation District approved that right? Atty. Yurchak-I don’t know, I think so. Let Chip look at it and see what he finds.

Bill Brior – Sewage Enforcement Officer – Absent. No report. Terry asked if we heard back from Bill Brior on a sewage complaint made to DEP regarding sewage leaking into a pond in the area of Oak Hill Road. There is no update.

Old Business – On the Board of Assessment Appeals Hazleton City Authority’s tax exempt status Bob spoke to a school board member on Saturday. He said they did nothing with the letter. He told the member he would like a response. The member will tell the board that at the next meeting. Mr. VonFrisch is the only one on board with it. Bob thinks Atty. Slusser got to the rest of them and they are the ones who will benefit the most. We said we were going to meet with Mr. Argall and we need to develop a list of things to discuss and they need to change that legislation. Part of that legislation says citizens of the Commonwealth, it doesn’t include us. That being said, I’ve been appointed to PSATS Townships Under 2000 Population Committee to serve for 3 years. I will be attending those meetings at the convention. I will definitely bring this up.

Stephanie has a meeting with Monks Security Systems scheduled and she will contact other companies for quotes.

New Business –Bob said at the last meeting we should explore raising the millage to cover the \$200,000 a year garbage contract. Stephanie ran the numbers and it would be 7 mils. Bob did calculations on a couple properties and the break-even point is about \$67,000 of assessed property. That would cover the \$460 garbage fee charged now. If your assessment is higher you would pay more. Some people’s would go down and some would go up. He gave some examples of what the fee would be on various properties including one vacant property that would pay \$119. Some would double or even pay 5 to 6 times more than the current fee. Taxing the properties as they are assessed is not an equitable or fair way to do this. Bob asked Stephanie how often we put out the newsletter. It goes out quarterly. Bob then asked Atty. Yurchak if we can put the names of delinquent accounts in the quarterly newsletter, stating what they owe and to contact the Solicitor to make arrangements. Atty. Yurchak confirms this is asking them to pay and Bob says yes, in every quarterly newsletter. Atty. Yurchak said yes, go ahead. Bob said I know Gary had a list of seven the last meeting. Is there more than seven? Stephanie responded that there will be more. There are 10 people right now that don’t pay. There are several paying monthly. They are making efforts. Bob responded that he has no problem with those who are making an effort to pay. It’s the ones who are the same every time and owing \$2400-\$2800 or more. John Floyd asked doesn’t that go out with the garbage bills. If they are not opening their garbage bills they aren’t going to see the letter. Terry asked if there is any legal recourse the Township can take. Instead of putting a lien on the property which some of them don’t care. Atty. Yurchak said that is the legal way you go after them. You can sell the property but you have to make sure you are not like 50th in line. Bob said when people go to the magistrate for payment on something that is not this, they go after their TVs, their cars, what is that option or isn’t it an option. Atty. Yurchak said it is an option. The real estate is a different story because you have to post more money up front. We could go that option if you want. Susie-I say do it. Terry-I do too. It’s not fair. All agree it’s not fair and Bob added that most of them drive nice cars. Atty. Yurchak said and we can do it a different way too. When we file the suits we can ask Joe to post it in the newspaper that all these suits were filed for non-payment. Nicole Denicola-Am I allowed to talk? Bob-Go ahead. Nicole-I want to make a suggestion just because I know I look like a deadbeat to this room which I said I’m not. But, I don’t know what everyone’s story is but, like mine, when you explained to me that this is the rule and that’s just it well the rule is the rule. Maybe they are not under the impression. I’m not coming up with excuses for anyone, I’m just saying maybe that’s the situation. You know me, mine was different I was ill-advised but maybe if you explained to them listen I know that if it is vacant you, if it is a situation like mine where they don’t live here anymore. Maybe explain to them you know this is the fine print, this has been here since, I’m sorry, what did you say, the 80’s I think. 1989. And then they know and that they have to pay. And then they will be understanding, assuming, you know. I was once you know what the truth is, you know. Otherwise people are just under the assumption they are not making garbage, I don’t know. Susie responded that most of these people are, if not all of them are living here and put garbage out every week. Bob told Nicole you are not on this list of liens that were filed in January. Nicole-I didn’t know. I just thought if so if they are in the position maybe but otherwise, I don’t know, I don’t have an excuse for anybody. Your bill is your bill so. Bob-There is one on here that is in foreclosure because both of the people have died. Other than that somebody is living in every one of these houses here. And this is only 8 and you say there is some more. Terry questioned how many years do these delinquent accounts go back and Stephanie responded that some of them have had liens placed prior to the most recent liens placed in January. Atty. Yurchak added

that one of the bills goes back to 2006. I'm willing to file the suit. That is not a problem. Bob-I want to be able to go to the magistrate and go after their cars. Atty. Yurchak-We can just tell Joe that that is included in the paper. Bob-I'm not worried about putting it in the paper. I want to get the money. Atty. Yurchak-The constable will do levies. Terry-We've got roads to fix. That is money we can spend on road. Bob-We've taken these people's bills out of the general fund. Stephanie responded that it was paid for out of the garbage fund. Bob said the new fee was based on 440 billables. He asked what the right number is. Stephanie-Right now there are 448. It went up because addresses for trailers were found. Bob-So we will be slightly ahead until we hit the 20% mark? Stephanie-If everybody paid, 100%, yes we would be a little bit ahead. Bob-We had a clause in there that it wouldn't be adjusted until we hit 5%. So 5% of 440. We would need 23 over the 440 before we would have an adjustment in the payment. Bob-What do we have to do to move forward on this? Atty. Yurchak-I can start the complaints and you can review them before we file them. Bob-Let's get a list next month of all these people, some of these people are double liened. Stephanie will provide the list. Bob-FYI, this is an article from March 8th. Garbage fees for the Hazleton City Authority customers went from \$17/month to \$35.50. It doubled. It gave a breakdown of \$27.50 to the hauler, \$6.25 for administrative costs and \$1.75 for laborers to clean garbage from sidewalks. They bid it out twice to get the cost down and it doubled. Our second lowest bid would have been more than double the lowest bid. John Floyd said that price almost equals ours. Bob said it is Tamaqua Transfer. The reason their numbers are a little bit lower is because in Hazleton they have more customers but less miles to cover and that is all factored in when they do their bids. Donny Yanac added that he thinks Hazle Township went to \$95/quarter.

Bob asked if the other supervisors saw the notice about the annual elected official's seminar in Jim Thorpe on Monday, April 3rd at 6:30. He cannot make it. Paul Bray is probably attending as the EMA but this is an invite for the elected officials not so much for the coordinator.

Bob discussed the resolution that Jim Thorpe passed regarding land application of sewage sludge. I'm not 100%, until there is a university study, a land grant study that says there are forever chemicals or there are not, I don't believe anything I read on the internet, in the newspaper or anything. Bob reads the resolution-Whereas any sewage sludge, human excrement is currently being marketed as fertilizer for landscaping and agriculture and the sludge is produced at ANY Wastewater Treatment Plant and distributed in the County. The resolution states the sludge has been shown to contain Salmonella, E. Coli, enteric worms, Covid, Monkey Pox, heavy metals, pharmaceuticals, cancer-causing forever chemicals and other contaminants which are not eliminated by treatment applied to the Class B sludge which is what is generally applied. At the bottom, they are not opposing the application in Jim Thorpe Borough. NOW, THEREFORE, BE IT RESOLVED, that the Borough of Jim Thorpe calls upon our State Representatives to revise the laws concerning land applications of sewage sludge to impose stronger regulations upon its manufacture and use of this pollutant within our jurisdictions. The way that is written, I can support that as long as our state legislature approves it but until then and you know well that we lost a lawsuit here because of the ACRE law. Right now there is nobody using it. It's controversial. Terry-A few years back it was stopped in our township right across from my house and the stench would burn your eyes. Bob-And then Mr. Hinkle picks up the phone and calls the Attorney General and says the township is trying to impose laws that are stronger than the State. So the State Attorney General goes to court and says Packer Township, you have to revise your zoning ordinance to allow this. Make it not stronger than state legislations. The Township lost even though we fought it. The only reason Clyde stopped using it is because he couldn't get it. So do we want to adopt this resolution? The way it's written I can support this because they are asking the state legislature to amend the rules governing it. What this resolution is doing is it is asking the representatives to modify the existing laws and to strengthen them that they have to say it came from a sewage treatment plant. If you could get the sewage sludge out of the prison where I worked, the only thing that you might have in there is pharmaceuticals because I know what need to be done as a sewage treatment plant operator to make this stuff safe. When the stuff comes out of Philadelphia, Baltimore and the western part of Pittsburgh, you don't know what's going into that system. If you know how to treat it and you know what is in there they can make it safe. What this is saying here is they're asking our legislators to change the state laws. When they change the state laws then we can tighten up behind them. Atty. Yurchak-He's right. Basically right now the state law permits the use of sewer sludge and what this resolution is intended for is just to tell the

legislature that you are in support of them reviewing it and changing state law to make it something that the local municipalities can address. Susie asked if it could go the other way. Atty. Yurchak-Depending on what the legislators do. I mean I can't speak for what they'll do. This is just a resolution. Terry-I wouldn't trust them as far as I can throw them but. Atty. Yurchak-I mean you're not outlawing the use of sewage sludge by passing this resolution. You're just asking the legislator to review the law. Susie-I don't have a problem doing that I guess. Terry-As long as they're looking at it and not passing something saying they can use it. Susie-Right. Terry-That should be up to us, our township to say that you can use it. Atty. Yurchak-Beaver Meadows just passed it the other day. Same resolution. COG passed it out. Terry-They don't have farmland. Bob-No. Going to Capriotti's, look to the left. I don't know for a fact, but they probably use something in there to get the grass growing in the mountain of clay and that is right next to it. I don't know how far that reclamation goes back. It might go into Beaver Meadows. So can you draw this up for us for the next meeting? Atty. Yurchak-Sure.

Bob Selert made a motion for Valerie Kane, Tax Collector, to use the EIN to open new accounts with Mauch Chunk Trust. Susie Gerhard seconded the motion and Terry Davis agreed. Vote 3-0

Terry asked about the park fund. It looks like we have quite a bit of money in the park fund. Bob asked about a bill for the park and Susie said there is one in question right now so Steph is holding on it. Terry-Can we legally buy a weedwacker just for the park out of the park fund and possibly a mower. Why should we be beating our mowers up that we use to mow here to mow the park. Susie-As long as it's use for the park only. Terry-We can label them. Bob-Give instructions that it is to be used at the park and not here. Terry-John, you do a lot of the mowing up there, right? John-We have to take the mower up there so we will take the one you tell us. We usually take two because if you don't one person up there, you are talking like 8 hours to get it all cleaned up, weedwacked and everything else. Usually when Paul and I go up there he does a lot of weedwacking and I do most of the mowing and then he picks up after he gets done with the weedwacking. We are up there a good 4 hours. And we usually go every two weeks. We are going to have more now that the park is all cleaned out if we are going to be over there cutting too. That is going to add some time. Bob-It is going to get weedy if they don't plant grass there. Susie-We have to talk to him to get the rest of the stuff out of there and then leveled off and we are going to call somebody for a bid for the seeding. That's got to be done ASAP, as soon as the weather breaks. Bob-What about that pile of trees that is up there? Susie-He has got to get rid of it. Bob-If we know someone who wants to go cut it up can they go cut it up? Susie-As long as it's not a safety issue on the township property. Bob-You're familiar with that fund. What are we allowed to do there? Is it equipment? Susie-They give that money each year for the upkeep of it and to improve it. Terry-Upkeep is cutting the grass and weedwacking. Susie-Yes. Bob to Terry-Alright, do you want to get prices? Look and see what we have as far as size and see what Joe (JC Small Engines) has. I'd just assume get it from Joe as long as it's under the bid limit. Susie-Let me know before anything is done, ok.

Bob-We have an application here from Mr. Howey of Roundhead Road for a part-time, any time plowing position available. This was submitted to Stephanie by Paul in case an extra plow driver was needed. Previous employer will be called regarding plowing experience.

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 5:50 p.m. A total of 5 residents and one past property owner attended the meeting.

Respectfully submitted
Stephanie Stolpe
Packer Township Secretary/Treasurer