

As advertised in the Journal Herald newspaper, the Packer Township Supervisors held their regular monthly meeting on Tuesday, December 5, 2023 at the township building. Bob Selert called the meeting to order and roll call was taken. All were present.

Vice Chairman Susie Gerhard spoke regarding the fire agreement with the Weatherly Borough. We as supervisors were elected by the residents of Packer Township to represent and make decisions for the best interest and safety of everyone in our township. The three supervisors, with a member of the fire company and three council members gathered for a meeting on August 21st in the Weatherly Borough. At that meeting we were presented with the draft contract from the Borough commencing January 2024. As established by the Borough the first three years were 2024 we would be paying \$2413.96, 2025 \$2515.35 and 2026 \$2631.05. It also contains the information from 2027 to 2033 that the Township would pay a monthly fee determined by the Cost-of-Living-Adjustment as determined by the Social Security Administration. Each year thereafter the monthly fee would be determined by applying the COLA to the prior year's monthly fee. They stated the increase in the years 2027 through 2033 will be a minimum of a 2% increase. The Supervisors were not comfortable signing on with this contract due to the uncertainty of the COLA for the next 10 years. Fire protection is of the utmost importance for our township residents but we also have to take into consideration that we have an elderly population and do not want to burden them with increasing fire tax yearly. The Supervisors reviewed this contract and countered with a 10 year contract with concrete increases for each year. With the year 2023 Packer would be contributing a total of \$41,978.04 yearly. The Borough did not entertain our proposed contract and remain committed to their contract which was proposed to our township. Packer Supervisors presented to the Borough a 3 year contract on November 30th with the exact amount that the Borough had suggested in the beginning for those first 3 years and they now rejected it. We would prefer to sign a contract for 3 years as presented by the Weatherly Borough to Packer Township and at the end of 2026, meet with the Borough again with a possibility to maybe sign on with a 10 year contract depending on the status of the economy. We as supervisors are diligently working for the best interest of all of the residents in our township so please show support of our decision.

Chairman Bob Selert added that depending on what cost-of living index you look at our first proposal that we sent back to them, which they rejected, the 1st three years were the same, year 4 we went with their 2% minimum. Years 2028 through 2033 we plugged in an increase of 4%, 4.4%, 4.6%, 4.5%, 4.7% and 4.8%. So that with the first 3 years plus the 2% for year 4 is a 43.1% increase that we proposed to them and they turned it down. That is why we went back to just offering the 3 years. Depending on which indexes you look at, some proposals out there, that they expect the economy to flatten out and get back to 2%. Taking that into consideration we offered them well over that and they rejected it. Some members of the audience here, they wanted to debate this on Facebook and we three agreed not to respond. You have to let us negotiate this, not bully us. Yes, the Weatherly Fire Company does have nice equipment. Part of the thing that we are looking at when we pay this fee to them; they are not coming to us and saying "We would like to buy this equipment. What is your opinion?" They just go do it. And we have to pay for whatever whim they deem necessary.

The meeting was opened to the floor. Frank Shor has a question on the agreement. There are 3 words in bullet number 1 that concern me. It says "respond to calls for assistance in Packer with its then available" [personnel and equipment]. So basically that means them running around in McAdoo or up the mountain and they are unable to get to Packer, it's not their issue. Can those 3 words possibly be stricken from that agreement? Because all that becomes is really is a unilateral agreement where the Township is responsible for any litigation with the "hold harmless". They use the township for possible grants because it's mostly rural. I'm curious; do we have any copies of these grants? Have any grants been approved? And if so, is there any way to get a copy of it because I'd love to see the wordage, the verbiage of what they used to say what that equipment was going to be used for in the township. And if they are using it elsewhere, that should have been in their grant application. If it says purposely for Packer Township, it shouldn't be used anywhere [else] which is a problem. As the Supervisor says, the Township has no say in anything they do. It's what they want, they get. So basically we're the tail, they're the dog and whatever they say goes. Every month, pay up, give us the envelope and

everything will be good, even though we can't provide service because we're in McAdoo. Maybe Jim Thorpe can get down here or Coaldale with a tanker. And if they can't, what do they say, no we can't? So that structure burns if it's a resident and if something bad happens, the Township is on the hook. In litigation, it all falls back to the Township. That hold harmless absolves them of any misconception of wrongdoing. They escape. See if they will remove that "if then available" in bullet #1. "The Fire Company agrees to respond to calls for assistance in Packer with its then available". So if they're not available, you're paying for something that they can't provide. I don't know if you can float that to them but I'm sure they'll tell you no. It's just, it's amazing, a 10 year contract, agreement, which is basically a unilateral agreement where the Township takes the hit for everything, God forbid. I'll leave it up to the Township to do what they want but I figure those 3 little words might benefit the Township and if they have an excuse at least it's something they will have to defend. Thank you. Supervisors thanked Mr. Shor.

John Floyd said he would like to defend Frank's question. First of all, if we come out in the township we are putting between two and three million dollars' worth of equipment on the road. We are mandated by law to keep that equipment within 20 years. So we don't have a truck that's under 20 years old right now because we keep updating it. The second part is if we get a call and we need assistance, we have no trouble asking mutual aid to come in. Which now we could put five million dollars' worth of equipment in Packer Township. So whoever is available is going to come. You're going to get a fire company. We're first due in. We also give mutual aid. Frank Shor responded that I know you are the primary. I know you give mutual aid. John continued: There's times we may need somebody else, somewhere else. Frank asked are you telling me every one of these other fire companies have a tanker truck and a pumper to deal with things out here. Is that what you are telling me? John: Well I'm not saying they all have them but there's all tankers because we call the tanker task force out, that means we get 5 tankers. Frank: What's the timeframe of them getting out here? John: Whatever it takes for them to get there. Frank: So if it's an hour and that house is already leveled, somebody is dead? John: Well it's not going to be an hour. You're talking silly there. Frank: By the time it sets up, how long is that? Fifteen minutes, half an hour, the tanker comes in, gets set up? John: First of all, we do have a tanker. Frank: I know you do. Didn't it go through a grant to get that? John: A grant? Frank: You didn't go through any kind of grant to obtain that? John: No, we paid for that out of the fire company. Frank: Ok, so everybody paid for that and you'll use the township because it is rural to apply for any other grants that will benefit the township, correct? John: I don't quite understand your question. Frank: They sign this agreement. John: Which the fire company has not seen. The fire company has not seen that agreement. Frank: Ok, the previous agreement. Did you ever apply for any grants based on Packer Township's rural area? John: When we apply for a grant, we apply for a state grant for \$15,000 every year. I submit that. I use both Weatherly Borough and Packer Township to file for that grant because it's our first due coverage area. If for any reason we would lose Packer Township we'd apply for it through Weatherly Borough. As far as the equipment we have down there, none of it has been paid for through grants. The equipment that's on it, yes, the vehicles themselves no. Frank: I've seen the truck, I've seen everything. It's nice, it's great, it's beautiful. But again, if they were out with mutual somewhere else and somebody else gets called and says hey, we can't help you out, what happens to that situation? And in this, all it says is will "hold harmless" the Borough and Citizens [Fire Company]. So if God forbid anyone wants to litigate, the Township takes the hit. And then the wording of that, it says will supply if we have, basically, personnel and equipment. So you're out somewhere else, how long does it take a stick building to go up from inception? A house? John: Well a building can go up at any time. Frank: Right, 20 minutes? So what, do you show up to put out the ashes? John: Well you have to put a lot of factors in there. You have to put in the factor of when we are called, how far along the fire is. If people call immediately... Frank: I understand that. By the time you get there, by the time you set up, by the time you figure out what you've got to do, hopefully you get your tanker truck if it's available. I understand that. John: Ok. Paul Bray: The only way you're going to improve those times is to put paid staff on and there is no way we're going to afford that. A few weeks ago there was a big fire up in the Hazleton area. Guess who handle the crash and a fire call in the city? Freeland, because the City was helping Hazle Township, so their equipment wasn't even available for their own city and they have what, 4 engines and a ladder. It happens in every town. Frank: It's a small budget with volunteers because of

insurance, because of people who don't want to join up. A lot of variables. But the problem is if you have mutual that are not signed and Packer has an agreement, I would think that Packer would take precedence over anything else. I'm just used to having if you have a fire department that's in Weatherly, covers Weatherly and the Township, whatever they have a written agreement with. The verbiage, well if we have the personnel, I can understand if personnel don't show up for whatever reason or a piece of equipment breaks down but to be somewhere else and seven trucks show up to put out a garage fire because everyone wants to run there and, you know, help out. I understand that. Just like in law enforcement, you don't leave the other guys hanging.

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

Ordinances and Resolutions –None

Reports of Officials and Committees –

Barry Isett & Associates – Permit/Zoning & Code Enforcement Officer- Absent. ZONING: November 6, 2023: Zoning application received and forwarded for internal creation/review (2261 Grist Mill). November 7, 2023: Issued a zoning permit for a grain bin at 2261 Grist Mill Road. Zoning phone calls and emails. November 13, 2023: Receipt and initial review of application submitted for automobile repair garage at 1458 Hudson Drive. November 16, 2023: Reviewed the Zoning application for 1458 Hudson Drive and began preparing denial letter. Reviewed my pictures of 2006 Quakake Road with Phil Prout and decided to request a tour of the property and structure. November 17, 2023: Sent an email to Stephen Hinkle and his attorney, requesting a tour of 2006 Quakake Road to ascertain whether the property is being used as an agricultural building or a commercial building. Continued review and an assembly of the denial letter for 1458 Hudson Drive; Phone conversation with Donna Gentile regarding zoning and building permit application process/procedures for submittal. Discussed setback requirements and application for dimensional variance. November 27, 2023: Review of denial letter (1458 Hudson Drive). November 28, 2023: Reviewed the zoning permit application for a new single-family dwelling at 469 Quakake Road. Currently, does not meet the setback requirements for the A-1 District. The denial letter will be forthcoming. November 29, 2023: Phone call regarding two parcels at 305 & 337 Packer Drive for future use as dwelling above 3-car garage. Follow up email sent to Township requesting permit history; final zoning denial letter completed and ready for dissemination to applicant. Upcoming Court Hearings: *No court hearings are scheduled currently. PA UCC: November 27, 2023: Received application for new single-family dwelling at 469 Quakake Road. Bob Selert made a motion to enter the report into the minutes. Susie Gerhard seconded the motion and Terry Davis agreed. Vote 3-0

Bill Brior – Sewage Enforcement Officer – Absent. No report.

Old Business – Bob asked Atty. Yurchak where we are with being able to move forward with the Appeal to the tax exempt status of Hazleton City Authority. Atty. Yurchak saw in the newspaper that Weatherly School District approved it by a 6-1 vote. I haven't heard anything officially. Bob asked Atty. Yurchak to write a letter and ask them for something signed to that effect.

Regarding the status of authorization to use the adjacent property for the temporary bridge on Ochre Mill Road, Bob talked to the engineer today. He said with the issues involving the trees and not being able to take them all down by request of the land owner, we are probably going to look at, when we go to bid this, that the culvert, which is an aluminum box culvert which has to be assembled and will probably be assemble in JC's lot. The engineer is confident that he can write the bid that the contractor has to excavate the old pipe and have the new pipe installed in 8 hours and backfill that if emergency vehicles need to get over, they can. During those 8 hours we are going to ask the residents if you are that worried about a fire, shut the electricity off to your house. I don't know what else to do because the engineer is telling us it's going to be another \$25,000 to \$35,000 to put a temporary bridge in. Terry confirmed this is a temporary road and guesses it would probably

cost more. Diane Maday asks if he is saying that they are not going to cut our trees down then? Bob responded that we will see what the engineer says. He has been out sick. In the beginning when we talked about this, we were talking about less than 24 hours that the road would be closed as long as we had it ready with either a contractor or Township crews assembling it. It's going to take a couple days to put together because it comes in a lot of pieces. Once it is assembled two excavators can carry it over and we are looking at less than an 8 hour turn-around. That is the way we are focused on right now. Diane: Alright, that is great with us.

On the fire protection agreement Bob states we will probably meet with them one more time. One of the things there, they have given us their proposal. This is supposed to be negotiations. There is no negotiating. It's what they want and that's it. That is where we are at. Paul Bray asked is there just one thing that they are stuck on. Bob: Two things. They are stuck on the cost of living increase and the 10 year agreement. We agreed to the first 3 years of their proposal. It is a gamble for us and them. Susie: More for us than them. Bob: If we look at the cost-of-living, depending on which index you look at, it might benefit us. What we have given the Borough gives us hard numbers to work with moving forward. And the same thing for them, they know what they are going to get for ten years. There seems to be no negotiating at all, this is what we want, that's it. Paul: So if the cost-of-living that they want to do, goes up .5% that is what the contract would increase? And if they agreed on, if you said 3% but if it only went up .5% we still have to pay the 3% because you are locked in to that 3%? Susie: Right. Bob: We actually told them look, it's either the cost-of-living, we said the one time there, it's got to be the cost-of-living not a minimum of 2% because that is what they wanted. I said no, it's got to be the cost-of-living and not a minimum. Susie: But you are asking if they would sign on with our contract that we have the concrete numbers and the cost-of-living is lower, we still pay what we are paying. Paul: We pay what the contract says (inaudible). And if cost-of-living is higher than, if you agree to 4% that year and it was higher that year you are paying the 4%. Susie: Correct. We would pay what the contract states. Bob: Another thing there, two things, on Facebook, someone that used to live here and now lives in town says Weatherly residents are paying more. Paul: They're not. Bob: They're not. We have the last contract; it was per capita, equal. Paul: That is supposed to stay the same, right? Per capita tax, what you pay on your house here in the township, if you moved that into the borough you would be paying the same thing, the same per capita tax. Bob: Yes that is right. Based on the Borough's number of their \$90,000 that they are giving the fire company, yes that would be an accurate statement. The other statement that was made at the last meeting, the previous contract 3 years ago, we did solicit the other fire companies and they all had their reasons. Rush Township wanted to come to the church, that's it, because it is just too far to go. And they did have tankers. Nesquehoning doesn't. Beaver Meadows doesn't. We did not approach L & L. It was told to us at the last meeting and the two supervisors will confirm this, they told us that they told the fire chiefs from Nesquehoning, Beaver Meadows, L & L and Rush that if they became the primary responder for Packer Township they would not honor the mutual aid agreements. They would stop at the borough line. They would still go to Nesquehoning for a fire or Beaver Meadows, Lehigh & Lausanne or to Rush but they would not step foot in Packer Township to honor someone else's mutual aid agreement. Now is that bargaining in good faith? You can put that in the paper. Paul: No because the fire company has an agreement with a neighboring company. We have it both ways. Like, I don't even know if we have one with Rush, do we? Bob: Is that what Mr. Cuddleford said at the meeting? Susie: Yes. Bob: That is what Mr. Cuddleford said. Our fire chief told neighboring municipalities they would not honor the mutual aid agreement in Packer Township if that company became the primary responder. Susie: I don't call that good neighbors. Bob: That's how they are going about this.

Bob Selert made a motion to approve the 2024 budget. Susie Gerhard seconded the motion and Terry Davis agreed. Vote 3-0

Bob Selert made a motion to ratify the 3 year agreement that we did present to the Borough for their 28th meeting. We have to ratify what we signed. Susie Gerhard seconded the motion and Terry Davis agreed. Vote 3-0 Paul Bray asked what it means and Bob explained that we signed the agreement and we had not had a public meeting to say that that was what we were proposing. We did give them a signed agreement for the 1st three

years of their original proposal which they have turned down. Craig Cannon asked what is the alternative if they don't come to an agreement. Bob: We have until the 31st to come to an agreement. Paul asked how many years the Township has paid an agreement like this. This is a 3 year contract that is up now right? And was a three year one prior to that? So that is six years but did they have it before? Bob: I don't remember the previous 3 years, when Mrs. Hinterleiter got sick and was no longer in the office, the invoices she would send to the Township, I don't remember how they came to the number. We paid it. When she took leave no one sent a bill. I won't blame the previous supervisors, it was overlooked. No bill, no payment. So then there were 2 or 3 years Susie? Susie: Yes, we did back pay along with our monthly payments. Bob: Before Mrs. Hinterleiter got sick I don't think there was a multiple year agreement in place. Paul: I thought they were paying a, when they first started it the ambulance was still operating and the Township was paying a portion of the workers' comp for the fire company and the workers' comp for the ambulance so the Borough didn't pay the whole thing. I don't think we had a big contract like this one here. Bob: The past 2 three year agreements say that a portion of this money will be used towards the Borough's workers' comp bill. Paul: So part of it goes to the workers' comp insurance. And I know \$300 of what you pay every month goes to the new rescue truck. Susie: Correct. Paul: So the Township pays \$3,600 a year for that rescue truck and the Borough is paying \$58,399. That's the total payments. Bob: And that's what was agreed upon previously. Wherever that figure came from I don't know. Paul: I asked because I wanted to know where the money is going. I'm a member of the company but I also live here in the township and I want to know where they're spending our money too. Because anything that goes wrong with the trucks, the Borough pays for it. They took that over years ago because the fire company, there's not enough money to pay for things. Bob: We have here, their expenses, utilities, training, miscellaneous services, insurance, miscellaneous supplies, gas, heating oil, chemicals, repair and maintenance, equipment, that line is blank, fire fighter relief. So that our contribution and the Borough's which you spend on equipment. Paul: Right and the state audits that account every year. Bob: I understand that. That's in this budget. I don't know why it's in this budget because it should be even. But it's in there. It shows where one truck was paid off, the second truck was paid off. I guess that truck payment is for the first one. And that is saying truck payment First Banker, \$40,000 for this year. Paul: So far? Bob: That is what is allocated. Expended is \$34,199.60. They did give us a breakdown. I know at the state association population committee meeting I was at, I didn't get a chance to call the woman today from Bucks County, she seems very knowledgeable on what we can actually request, actually they have to provide money coming in, money going out and what it's going for. But I think they have met that here. Paul: The Borough? Bob: The Borough.

Bob: For all those opposed to our garbage increase, Jim Thorpe just did this contract probably the same time ours did, went from \$25/month which would have been \$75/quarter to \$50.69/month or \$152.07/quarter. Ours increased to \$115.15/quarter. We were not the only ones faced with these garbage increases. Lehighton was in the paper the other day. They are expecting the same 50% increase. Moving forward with the garbage Mr. Yurchak brought a check in that he got from Judge Homanko today with our active collections for our past due accounts. We did receive a check today for \$4039.77 which represents all back fees and costs at the magistrate's office for one of the properties, for one person. We have paid constable fees to execute judgement on two more and expect we'll be hearing about that soon. Atty. Yurchak: There's two that have been served execution papers. Bob: One of the two neighbors here have paid up. So we did get \$2900 there. We are perusing those that aren't paying. If you know someone and we aren't going to read their names out, they will get a letter from the solicitor saying that they have so many days to pay for this year and some of the smaller ones that carried over from 2022. If not we are taking them to the magistrate and we will do the same thing. We'll go in and levy. They have a big screen TV, somebody is going to get to be able to buy a big screen TV for pennies on the dollar.

New Business – Bob Selert made a motion to rehire Mr. Barry Gerhard and hire Ryan Binder for the snow plow crew. Susie Gerhard seconded the motion and Terry Davis agreed. Vote 3-0

Bob Selert made a motion to advertise the 2024 meeting schedule. Susie Gerhard seconded the motion. Terry Davis agreed. Vote 3-0

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

Bob Selert made a motion to approve 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 6:34 p.m. A total of 15 residents attended the meeting.

Respectfully submitted
Stephanie Stolpe
Packer Township Secretary/Treasurer