

**PARADISE TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
JULY 19, 2021**

Call to Order

Chair Konrath called the meeting to order at 6:01 p.m.

Pledge of Allegiance

Konrath led the Pledge of Allegiance to the Flag.

Public Comment Statement

Konrath read the public comment statement "*Ladies and gentlemen, before the Board of Supervisors votes on any matter, the Board will allow for public comment on that particular item. If you wish to be heard at that time, please raise your hand, and you will be recognized*".

Konrath stated that the meeting is being recorded for the limited purpose of preparing the official minutes.

Roll Call

Officials Present:

Gary Konrath – Chair

Peter Gonze – Vice Chair

Reda Briglia - Supervisor

John C. Prevoznik – Solicitor

Charles Unangst – Engineer

Tina Transue – Secretary

Work Session Items

The discussion with residents continued from the Work Session regarding Short-Term Rentals (STR). Resident Lois Flood was present and reported on an ongoing problem STR next to her home. Gonze stated that the Planning Commission should continue the dialog about Short-Term Rentals at their next meeting and further discuss the future of STRs in Paradise Township. The Supervisors made clear that this was not a decision that could be made overnight and that further discussions would need to be held on the matter.

There was an intermission at 6:22 p.m. The meeting reconvened at 6:37 p.m.

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### Approval of Minutes

**Motion:** Gonze moved and seconded by Briglia to approve the July 7, 2021 Board of Supervisors regular meeting minutes as presented.

***Motion carried 3-0.***

### Treasurer's Report

Transue read the Treasurer's Report.

**Motion:** Gonze moved and seconded by Briglia to approve the June 21 Treasurer's Report.

***Motion carried 3-0.***

### Work Session Items (continued)

Konrath noted that at the Work Session, the Board informed the Planning Commission that it was inclined to follow through with the rezoning of Route 390 between Carrazza's Restaurant and Koerners Road on the side that backs up to the State Game Lands to a B-1 district and not further develop the zoning concept of home business occupation.

**Motion:** Gonze moved and seconded by Konrath to have the Planning Commission take the necessary steps to develop a process for rezoning the particular areas which were discussed at the Work Session. The action would include drafting a letter of notice enclosing a zoning map and the zoning requirements governing the B-1 Business District. The letter with enclosures should be sent to all residents who would be required to receive notice under the Municipal Planning Code of a zoning map amendment, which would include all adjoining properties and properties across the street from where the zone is changed.

***Motion carried 3-0.***

### Unfinished Business

*Terry Martin/Paradise Plaza Land Development Plan/Resolution 10-2021* – Jayne and Daniel Costanzo were present and explained that Mr. Martin was unable to attend the meeting. Charles Unangst, Hanover Engineering relayed the pertinent information to the Board in Mr. Martins' absence to move forward with the final Land Development Plan and Resolution 10-2021. Mr. Unangst read for the Board the resolution that conditionally approves the Preliminary/Final Land Development Plan/Lot Combination Plan of Paradise Plaza Lands of Daniel W. Costanzo and Jayne R. Costanzo. Mr. Unangst also explained that the Costanzos were requesting a waiver of Section 131-28.D. of Chapter 131 of the Paradise Township Code of Ordinances which requires a full replacement area for wastewater effluent disposal for any lot. Mr. Unangst explained that Lot A, as shown on the Land Development Plan, did not need a replacement septic area as a result of DEP stating that spray irrigation systems regulated by DEP do not require a replacement area.

**Motion:** Gonze moved and seconded by Briglia to grant the waiver of Section 131-28.D. of Chapter 131 of the Paradise Township Code of Ordinances for the provision of providing a full replacement area for wastewater effluent disposal for Lot A only so long as they maintain the current uses and septic system on Lot A. The waiver was not granted for

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Lot B. The waiver is to be placed on the Final Land Development including the date and time of approval by the Board.

***Motion carried 3-0.***

The Board further discussed Resolution 10-2021. Mr. Unangst reported that there were two exhibits for Resolution 10-2021 (Exhibit A -- review letter from Hanover Engineering dated July 16, 2021) (Exhibit B -- Waiver Request submitted by Terry Martin). Solicitor Prevoznik questioned Mr. Unangst if the resolution refers to the Waiver Requests specifically to Lot A. Mr. Unangst stated that it did not. Solicitor Prevoznik stated that the resolution should be amended in writing to include that specific language.

**Motion:** Gonze moved and seconded by Briglia to adopt Resolution 10-2021 contingent upon the resolution being amended to match the waiver which was granted for Lot A only.

***Motion carried 3-0.***

*Brick Linder/Seven Pines Park Project/Update* – Brick Linder, Linder Engineering was present to update the Board on the Seven Pines Park Project. Mr. Linder stated that they began the closeout process with DCNR. Mr. Linder stated that the project experienced an unexpected problem due to runoff issues. Mr. Linder stated that timber harvesting was performed on the adjoining State Game Lands 221 located on the upslope drainage area of the park. Linder reported that runoff from the State Game Lands ran from the State's property and across the ballfields thereby washing out the trail before the runoff flowed into the constructed storm water basin. Mr. Linder showed the Board photos of the project and the damage done from the runoff. Mr. Linder explained that the skid roads created by the harvester was creating the runoff issue. Mr. Linder explained that he contacted the Conservation District. He reported that the District suggested the construction of an upslope swale to divert the water to correct the issue.

Mr. Linder noted that there were several potential issues with the proposed storm water fix. First, the work would have to be performed on the State Game Lands property. Second, the scope of work is outside the current NPDES permit boundary for the project. The Conservation District relayed to Linder that amending the NPDES permit would not be a problem. Mike Wilke, of the Conservation District, reached out to the Game Commission regarding performing work on the State Game Lands property. Wilke reported to Linder that the Township was given approval to work on the Game Lands but would have to sign a Special Use Permit Application for submission to the Game Commission. Mr. Linder explained that he would design a diversion berm which would be excavated from the upslope area and the materials placed on the downslope side to create a berm which would capture the runoff before entering into the park thereby allowing the storm water to be diverted to the wetlands on the west side of the park. The Board discussed the runoff issue at Seven Pines Park. Mr. Linder stated that he did not yet have a price to remedy the runoff problem to date. He also stated that Kobalt Construction would be submitting a change order as a result of the runoff issue. The Board discussed whether the harvester that timbered the Game Lands would have any culpability for the runoff issue that was created by the harvesting. Briglia stated that the

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Zoning Officer had a copy of the Timber Harvest Permit for the State Game Lands. The Board discussed having Mr. Linder review the permit to see if the harvester could be held liable for the runoff issue.

**Motion:** Gonze moved and seconded by Konrath to approve Mr. Linder reviewing the Timber Harvest Permit. Transue is to send a copy of the permit to Mr. Linder.

***Motion carried 3-0.***

**Motion:** Gonze moved and seconded by Briglia to approve the filling out of the Special Use Permit request application and returning to Mr. Linder for submission to gain access to the Game Lands to mitigate the runoff issue.

***Motion carried 3-0.***

Mr. Linder stated that there were sizable potholes in the main entrance of Seven Pines Park. Konrath stated he would make the Roadmaster aware of the issue.

*Response Letter to Luciano Excavating/Ratify* – The Board tabled the discussion on the Luciano Letter until the Executive Session.

### New Business

*Final Minor Subdivision/Lot Combination (Thomas Alison Hunter Et al – Peter Gonze & Debra A Mattie)/Resolution 11-2021* – Mr. Unangst reviewed Resolution 11-2021 for the Board. Mr. Unangst stated that there was one exhibit for Resolution 11-2021 which was a review letter from Hanover Engineering dated July 15, 2021 marked as Exhibit A.

Mr. Unangst stated that the resolution states that the form is to be executed by the Applicants and returned to the Township on or before the close of business day ten days after receipt of the Board's written decision. Gonze requested that the time to return the signed document be extended to thirty days from ten days as some of the applicants are out of State, and it would take extra time to get the documents signed and returned.

**Motion:** Briglia moved and seconded by Konrath to approve Resolution 11-2021 contingent upon a change that denotes the time to return the signed resolution to the Township from ten days to thirty days after the Board's written decision.

***Motion carried 2-0. (Gonze abstained)***

*Alex Tasselmyer/Stormwater Concerns* – Mr. Tasselmyer stated that he lives on Larsen Lane and is having issues with stormwater running across his property and undermining his decks. Mr. Tasselmyer stated that Larsen Lane has two cul-de-sacs and water from the first cul-de-sac is running across his neighbor's property onto his property. The Board discussed having Mr. Unangst look at Larsen Lane to see if he can determine what is causing the stormwater issue. Briglia stated that she believed the Township had plans for Larsen Lane.

**Motion:** Gonze moved and seconded by Konrath to approve Mr. Unangst to look at the plans for Larsen Lane and to go to Larsen Lane to access the stormwater issue.

***Motion carried 3-0.***

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*Short-Term Rental Enforcement Options/Discuss* – The Board briefly discussed the problems with obtaining compliance from Short-Term Rental owners and the best options for enforcement.

*Short-Term Rental Ordinance Changes/Discuss* - Konrath stated the Board discussed this in the Work Session and the Planning Commission is going to look into it further.

*Fee Schedule/Resolution 09-2021* – The Board discussed the Fee Schedule changes as discussed with Jake Schray and Shawn McGlynn at the July 7, 2021 Work Session.

**Motion:** Briglia moved and seconded by Gonze to adopt Resolution 09-2021.

***Motion carried 3-0.***

*Small Cell Bill* – Solicitor Prevoznik stated that the Pennsylvania General Assembly approved a new wireless bill, House Bill (H.B.) 1621 that regulates the deployment of “small cell” wireless facilities in the public rights-of-way. Solicitor Prevoznik suggested sending the Wireless Ordinance back to Cohen Law Group to update the ordinance with the changes.

**Motion:** Gonze moved and seconded by Briglia to refer the Wireless Ordinance back to Cohen Law Group to implement any changes necessary to integrate House Bill (H.B.) 1621.

***Motion carried 3-0.***

*Hanover to Work with PA Rail Authority/Devils Hole Rd Project* – Solicitor Prevoznik requested that Hanover Engineering work with PA Northeast Railroad Authority (PNRRA) in connection with the Devils Hole Road Project and required easement. Solicitor Prevoznik reported that he, Mr. Unangst, and Gonze had a phone conference with the PNRRA at which time PNRRA requested that the Township engineer review current stormwater calculations running through the existing culvert and then determine whether changing the size of the culvert would affect the Rail Authority’s culvert downstream underneath the railroad bridge.

**Motion:** Gonze moved and seconded by Briglia to approve Hanover Engineering to work with the PNRRA in regard to the Devils Hole Road Culvert Project.

***Motion carried 3-0.***

### Reports

*Solicitor* - Solicitor Prevoznik stated that he contacted the Pennsylvania Northeast Regional Railroad Authority (PNRRA) to request the Right of Entry for Hanover Engineering to go on its property.

Solicitor Prevoznik also stated that he received word from DCNR that the Township will not have to go through an approval process to obtain an easement from Pocono Heritage Land Trust (PHLT) for the Devils Hole Road Culvert Project. Solicitor Prevoznik forwarded that information to Christine Meinhart, Monroe County Planning Commission who stated that the Commissioners were meeting on Friday July 23, 2021. She believed the

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Commissioners would simply request a letter from the Township explaining the project in order to approve the easement from PHLT. Solicitor Prevoznik stated that he was contacted by Louise Troutman, on behalf of PHLT, and requested he send them an easement for consideration to pass onto its attorney.

*Engineer* - Mr. Unangst stated he had nothing to report.

*Zoning Officer* – The Board discussed the Zoning Officer's report.

*PMREMS* – Gonze stated that there was a recommendation to raise the starting rate of EMTs as there is a shortage of EMTs at this time. Current starting wage is \$13.00 per hour and the proposed starting wage is \$16.00 per hour with adjustments for current EMTs and Paramedics as appropriate.

### Correspondence/Miscellaneous

Konrath stated that the Township was in receipt of a Notice of Violation for Mount Airy from PA DEP. Konrath asked that it be put on the agenda for the next Board meeting.

Joan Merli reported that a property on Bush Road has a banner on a truck at the edge of his driveway that has profanity on it. Konrath asked Transue to make the Zoning Officer aware of the situation.

**Motion:** Briglia moved and seconded by Gonze to recess the regular meeting and go into an executive session.

***Motion carried 3-0.***

**Motion:** Briglia moved and seconded by Gonze to reconvene the regular meeting.

***Motion carried 3-0.***

Solicitor Prevoznik stated that contract negotiations and potential litigation regarding the Paradise Stream Restoration Project were discussed and no decisions were made.

**Motion:** Konrath moved and seconded by Gonze to approve Solicitor Prevoznik to set up an Executive Session with Skelly & Loy and the Supervisors to discuss potential litigation regarding the Paradise Stream Restoration Project.

***Motion carried 3-0.***

### Adjournment

**Motion:** Gonze moved and seconded by Briglia to adjourn the meeting at 8:17 p.m.

***Motion carried 3-0.***

Respectfully submitted,

Tina Transue  
Secretary