

**PARADISE TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
AUGUST 2, 2021**

Call to Order

Chair Konrath called the meeting to order at 6:00 p.m.

Roll Call

Officials Present:

Gary Konrath – Chair

Peter Gonze – Vice Chair

Reda Briglia – Supervisor

John C. Prevoznik – Solicitor

Charles Unangst – Engineer

Tina Transue – Secretary

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.

Approval of Minutes

**Motion:** Gonze moved and seconded by Briglia to approve the July 19, 2021 Board of Supervisors regular meeting minutes as presented.

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

Unfinished Business

*Short-Term Rental Non-Compliant Properties/Discuss Enforcement Actions* – Solicitor Prevoznik reported that a letter was received from an attorney, representing the home owners of the unlicensed short-term rental house in Wyndham Hills, stating that they were no longer going to use the home as a short-term rental. Solicitor Prevoznik also stated that the Zoning Officer Shawn McGlynn was able to make contact with the owner of the Upper Swiftwater Rd. unlicensed short-term rental and met with the owner. Solicitor Prevoznik stated that he informed Mr. McGlynn that the septic issues must be

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remedied before the property owner could use the property let alone apply for the short-term rental license.

*Kobalt/Seven Pines Park Project/Change Order* – Transue stated that Brick Linder forwarded two change orders on behalf of Kobalt Construction, Inc. in conjunction with the Seven Pines Park Project. Transue stated she also received a letter from Linder Engineering, dated July 19, 2021, which letter explained the reasoning behind the change order which requested a no-cost extension to complete the construction contract to October 31, 2021. The change request is based upon 1) the time required to resolve the drainage issues; 2) establishing final vegetative stabilization to convert the temporary sediment basin to a detention basin; and 3) planting the required trees in the fall for improved survival rates. Brick Linder thought that Change Order #3 was appropriate. The second change order, Change Order #4, is to install an upslope swale, additional internal pipes, and riprap aprons to abate the excessive stormwater flowing through the park as a result of the clear-cut timber harvesting and skid rows established on the State Game Lands above the Seven Pines Park property. This issue was presented by Brick Linder at the July 19, 2021 Board meeting. Mr. Linder opined that Change Order #4 with a cost for the additional work of \$45,425.00 is appropriate.

Solicitor Prevoznik stated that he was contacted by Attorney Todd Weitzmann on behalf of Barrett Township. Attorney Weitzmann requested that Barrett Township be kept informed regarding the Seven Pines Park Project as splitting costs therefor is a requirement under the PARC Intermunicipal Agreement. Attorney Weitzmann relayed that Barrett Township Supervisors were unaware of the problems at the park site resulting from work performed upon with the State Game Lands. Solicitor Prevoznik responded to Attorney Weitzmann that Paradise Township was only made aware of these issues at the Township's last Board meeting by Brick Linder. Briglia stated that the Barrett Township PARC members should be reporting back to the Barrett Supervisors on the progress of the Seven Pines Park Project. The Board discussed the change orders. Briglia stated that she would notify the Barrett Township members of PARC about the change orders.

**Motion:** Briglia moved and seconded by Gonze to approve Change Order #3 to grant a time extension until October 31, 2021.

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

**Motion:** Briglia moved and seconded by Gonze to table the discussion and approval of Change Order #4 until Barrett Township is notified.

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

*PHLT Easement/Any Action Items* – Solicitor Prevoznik reported that he revised the Paradise Heritage Land Trust (PHLT) easement for the Devils Hole Road Culvert Project. Solicitor Prevoznik relayed that PHLT stated that it was requesting that the cost of its attorney review of the easement to be paid for by Paradise Township. The easement is needed to replace the culvert that runs under Devils Hole Road as the current culvert is deteriorating.

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**Motion:** Briglia moved and seconded by Gonze to offer to PHLT up to \$1,000.00 to cover the cost of its attorney's review of the easement for the Devils Hole Road Culvert Project.

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

Solicitor Prevoznik requested approval to obtain from the Township's insurance carrier an insurance ACORD effective for the culvert project so that he may provide it to PHLT for review.

**Motion:** Gonze moved and seconded by Briglia to authorize Solicitor Prevoznik to request an insurance ACORD to provide to Paradise Heritage Land Trust.

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

*PNRRA Easement/Any Action Items* – Solicitor Prevoznik reported that he, Mr. Unangst, and Gonze had a Zoom conference with the PNRRA. The PNRRA requested that the Township engineer review and report on the effect of changing the existing road culvert to the existing stormwater pipes under their tracks. In order for Mr. Unangst to perform the review, the Township has to obtain a Right of Entry Permit to go on the PNRRA's property. Mr. Unangst stated that he completed and submitted the permit request.

*Paradise Stream Restoration Project/Any Action Items* – Solicitor Prevoznik stated that his letter dated July 6, 2021 to Luciano Excavating regarding the Paradise Stream Restoration Project should be ratified.

**Motion:** Gonze moved and seconded by Briglia to ratify Solicitor Prevoznik's letter dated July 6, 2021 to Luciano Excavating regarding the Paradise Stream Restoration Project.

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

**Motion:** Gonze moved and seconded by Briglia to authorize Solicitor Prevoznik to set up a meeting with Luciano Excavating and Skelly & Loy regarding the Paradise Stream Restoration Project.

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

Solicitor Prevoznik stated that there will be an Executive Session at the end of the meeting to discuss potential litigation.

### New Business

*Fall Clean Up Ad/Approve Advertising* – Konrath stated the advertising for the Fall Clean Up bid needed to be approved. Fall Clean Up for this year was set for September 27, 2021 through October 2, 2021.

**Motion:** Briglia moved and seconded by Gonze to approve the advertising for Fall Clean Up.

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

*Noise Ordinance Changes/Discuss* – Konrath stated that he found an article in the PSATS Township News magazine concerning Noise Ordinances. The Board agreed not to pursue the noise ordinance at this time as there are many pending issues but agreed that the article could be passed onto the Planning Commission at a future time for consideration.

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*Mount Airy Notice of Violation/Discuss* – Konrath stated that the Township received a copy of a Notice of Violation issued to Mount Airy, LLC from the PaDEP. Solicitor Prevoznik recommended sending a copy of the letter to Mount Airy and request that the Township be kept apprised of the discussion between DEP and Mount Airy regarding the violations as it pertains to Mount Airy's Conditional Use Permit. The Board discussed the Notice of Violation.

**Motion:** Gonze moved and seconded by Konrath to authorize Solicitor Prevoznik to draft a letter to Mount Airy, LLC stating that in keeping with the Conditional Use Permit, Mount Airy must be in compliance with DEP.

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

*Library/In-kind Services/Discuss* – Konrath requested that the Township provide an in-kind service to the Barrett Paradise Friendly Library by having the Road Crew with the Township's bucket truck clean out the gutters.

**Motion:** Gonze moved and seconded by Briglia to authorize the Road Crew to use the Township's bucket truck to clean out the gutters at the Barrett Paradise Friendly Library.

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

*Newsletter/Discuss* – Transue updated the Board on the status of the new newsletter format. Transue relayed that she was concerned with the time line to get the newsletter out as there had been some delay on the part of *Hometown Press*. Transue reported that Greg Cook, of *Hometown Press*, indicated that the newsletter would be sent around September 1, 2021 regardless of whether *Hometown Press* receives enough advertising dollars to cover the printing and mailing.

*Mount Airy Greenways O&M Plan/Discuss* – Konrath stated that Jason Smith, Hanover Engineering, contacted the Board regarding the Mount Airy O&M Plan. Mr. Smith stated that he was contacted by Dr. Browne requesting a copy of the final revised Greenway O&M Plan; however, the revised plan has not been finalized. Mr. Smith stated in an email to Dr. Browne that he would make all the revisions and then present the plan for approval.

**Motion:** Gonze moved and seconded by Briglia to approve Jason Smith to finalize the O&M Plan.

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

*Pocono Towing/Return Escrow/Discuss* – Konrath stated that Pocono Towing has requested the return of its escrow monies in the amount of \$600.00 as it is not pursuing the purchase of the Paradise Plaza property.

**Motion:** Gonze moved and seconded by Briglia to approve returning the monies held in escrow to Pocono Towing in the amount of \$600.00.

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

### Reports

*Roadmaster* – The Board discussed the Roadmaster's report.

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*Solicitor* – Solicitor Prevoznik reported that M&M Realty Partners, L.P. filed an appeal to a zoning enforcement action. The Board discussed having Attorney Prevoznik represent Zoning Officer Shawn McGlynn at the Zoning Hearing Board hearing regarding the appeal of the zoning enforcement action and request for variance filed by M&M Realty Partners, L.P.

**Motion:** Gonze moved and seconded by Briglia to approve Solicitor Prevoznik to represent Shawn McGlynn, Paradise Township Zoning Officer, in the appeal before the Zoning Hearing Board to an enforcement action and request for variance filed by M&M Realty Partners, L.P.

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

*Engineer* – Mr. Unangst stated that he reached out to the contractor for the Traffic Calming Device project but he has not heard back from them.

*EAC* – Konrath stated that the EAC discussed invasive species on open space properties. The Board discussed the best way to eradicate invasive species on Township properties. Mr. Unangst stated he would reach out to Jason Smith for recommendations on how to rid the open space properties of the invasive species. Gonze stated he would look on the Penn State Extension website for advice.

Konrath stated that Laura Van Gilder resigned and members of the EAC Board nominated Joel Schilling.

**Motion:** Gonze moved and seconded by Konrath to appoint Joel Schilling to the EAC Board to serve the rest of Laura Van Gilder's term to expire on January 1, 2024.

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

*PARC* – Briglia stated that PARC met and paid Accounts Payables. The PARC Board also reviewed the information received from Brick Linder at the July 19 meeting regarding Seven Pines Park.

### Correspondence/Miscellaneous

Residents Steven Matula, Pat Brienza, Kimberly Kizer, and Dianne and George Leo were in attendance to discuss further the emergency access road from Wood Acres Drive to Green Chapel Lane to Wyndham Drive. Konrath stated that a two-lane emergency gated gravel road will be established on the Township property which was dedicated for the purpose of constructing a road. Konrath explained that gates will be installed on each side of both access roads with combination locks (Knox box) to which only the local first responders and road crews would have access. Konrath stated that the project will start as soon as the Roadmaster has time to start it.

Resident Alex Tasselmyer was in attendance and asked Mr. Unangst if he had visited Larsen Lane yet to look at the stormwater issue Mr. Tasselmyer referred to at the July 19 meeting. Mr. Unangst stated he had not been to Larsen Lane yet but would be visiting the site in the upcoming week.

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Other Business/Public Comment

None.

The Board took a brief intermission.

**Motion:** Gonze moved and seconded by Briglia to recess the regular meeting and go into an executive session at 7:10 p.m.

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

**Motion:** Briglia moved and seconded by Gonze to reconvene the regular meeting at 7:30 p.m.

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

Solicitor Prevoznik stated that potential litigation arising out of a contractual matter was discussed and no decisions were made. Solicitor Prevoznik also stated that the Township's legal enforcement options regarding Mount Airy, LLC's Conditional Use Permit and the Notice of Violation received from DEP were discussed. No decisions were made during Executive Session.

Adjournment

**Motion:** Gonze moved and seconded by Briglia to adjourn the meeting at 7:32 p.m.

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

Respectfully submitted,

Tina Transue  
Secretary