

**PARADISE TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
SEPTEMBER 8, 2021**

Call to Order

Chair Konrath called the meeting to order at 6:03 p.m.

Roll Call

Officials Present:

Gary Konrath – Chair

Peter Gonze – Vice Chair

Reda Briglia – Supervisor

John C. Prevoznik – Solicitor

Charles Unangst – Engineer (Absent)

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.

Work Session(continued)

Jason Smith continued the Work Session conversation by reading each question from his September 7, 2021 comment letter and gave Dr. Browne and Ms. Bateman the opportunity to answer.

- 5. How does Mount Pocono’s WWTP impact water temperatures, now that they have changed to using spray irrigation? Is this accounted for in your evaluation and in the 2021 Discharge Management Plan (DMP)?**

Dr. Browne stated that he did not have a definitive answer and the questions would be evaluated and included in the 2022 DMP.

- 6. If aeration would be installed, what is the likely location – in the lake, Pond 16 or other?**

Dr. Browne stated that Mount Airy would need to evaluate the options available, including costs, for aeration. It is the evaluation and costs which will drive the ultimate location.

7. Would a siphon bypass Pond 16 and go directly into Forest Hills Run (FHR)?

Dr. Browne stated that if a siphon system was to be used, the design would be to bypass Pond 16. He clarified, however, that some water may be directed to Pond 16.

8. How is dissolved oxygen being “carefully monitored” during 2021 in the outlet or FHR?

Dr. Browne stated that dissolved oxygen measurements are taken every two weeks.

9. Dissolved oxygen at Station 3 was always above the Chapter 93 criteria, yet the DMP states that it was lower than criteria at 5.5 meters in the lake (at least during summer months). Might it be safe to assume that there is sufficient aeration occurring between the lower gate and Station 3?

Dr. Browne stated that the answer was yes, that the outlet from Pond 16 to FHR has a decent amount of physical agitation which increases the water/air interface. Also, photosynthesis occurs in the pond increasing dissolved oxygen in the water.

10. Were sediment thicknesses measured in the deeper portion of the lake? Does the total sediment listed in the DMP account for these sediments? Was there sediment at the outlet tower, and if so, how much?

Dr. Browne stated that approximately 4 feet of sediment was identified on the lake bed at the outlet tower. Ms. Bateman indicated that there was a total bathymetric survey performed and that sediment depths were measured throughout the lake.

11. Bathymetric Survey Section M-M only goes to a hard bottom depth of 11 feet. The Lower Gate is at approximately 16 to 18 feet (24-inch diameter orifice). Will sediment removals to only 11 feet deep help significantly with the cold water availability?

Ms. Bateman responded that increasing the volume of deeper waters will increase the storage of cool waters. The main goal of dredging the western edge of the lake is to maintain and improve withdrawing lake water for golf course irrigation. This will allow the lake level to be kept with a larger freeboard and reduce the frequency of events that discharge over the spillway.

12. Does the bathymetric data collected allow for an accurate determination of water volume from 5.5 meters down to 8.5 meters?

Dr. Browne responded yes.

13. Is increasing outlet capacities in Pond 16 ultimately going to improve water temperatures in FHR?

Dr. Browne stated that it was their hope that this would improve the water temperatures in FHR. He did, however, admit that it was unlikely that dam permit water temperatures could not be met at 100%.

14. Section 7.0 is actually Section 6.0.

Dr. Browne stated that they would make that change in the DMP.

15. It seems that Section 6.0, Item 3, should include a determination of the volumes of cold water above the Lower Gate and above the proposed potential withdrawal at 8.5 meters.

Dr. Browne stated that Ms. Bateman made that determination when she calculated the volume of water below 5.5 meters as 69,792 cubic yards and the volume of water below 8.5 meters as 3,621 cubic yards.

16. It seems that Section 6.0, Item 4, should include developing the 2022 DMP.

Dr. Browne stated that it will be included.

The 2021 DMP should be revised to account for above items, as necessary.

Dr. Browne stated that he would revise the 2021 DMP to include the above comments. Dr. Browne also stated that he would have both the 2020 and 2021 DMP back to the Township in 2 – 3 weeks.

Ms. Bateman asked the Board of Supervisors for clarification as to the direction to be taken regarding the posting of signs around the Greenway Conservation Lands signage. Her request was to define the frequently of posting around the boundary. She also asked if Mount Airy could make copies of the approved signs and post them on trees. She suggested that in the conservation areas, the interval of 150 – 200 feet would create a sufficient line of sight to provide proper notice.

Motion: Gonze moved and seconded by Briglia to accept Mount Airy #1, LLC's proposal: i) to allow posting on trees; and ii) to post Greenway Conservation Lands at an interval of 150 – 200 feet to create the best line sight; and iii) that no posting was necessary in areas facing the parking lots.

Motion carried 3-0.

The Board took a short recess at 6:13 p.m.

The Board reconvened the meeting at 6:30 p.m.

Approval of Minutes

Motion: Gonze moved and seconded by Konrath to approve the August 16, 2021 Board of Supervisors regular meeting minutes as presented.

Motion carried 3-0.

Motion: Gonze moved and seconded by Briglia to approve the August 26, 2021 Board of Supervisors special meeting minutes as presented.

Motion carried 3-0.

PARADISE TOWNSHIP BOARD OF SUPERVISORS MINUTES-SEPTEMBER 8, 2021

Bid Proposals

Fall Clean Up Bids/Award Bid – Transue stated that the Fall Clean-Up advertisement for quotes was published in the *Pocono Record* on August 9, 2021 and August 16, 2021. Konrath stated that only one quote was received for Fall Clean Up. The quote was from J.P. Mascaro & Sons. Mascaro quoted in its bid \$36.00 per cubic yard for trash and \$26.25 per cubic yard for metal.

Motion: Briglia moved and seconded by Gonze to award the Fall Clean-Up quote to J. P. Mascaro & Sons for \$36.00 per cubic yard for trash and \$26.25 per cubic yard for metal.

Motion carried 3-0.

Unfinished Business

Small Cell Changes/Response from Cohen Law Group – Transue stated that Mike Roberts responded to her email requesting the Cohen Law Group to review the Township's Small Cell Communications Ordinance in light of the new PA Act 50. Mr. Roberts stated in his return email that the Township's ordinance was compliant with the new act and no further revisions need be made at this time.

Bono Easement/Resident Attorney Review – Solicitor Prevoznik stated that the Bono's signed the easement without the necessity of further alteration regarding review costs. The easement was ready for recording; however, Prevoznik stated that he wanted to discuss in Executive Session problems regarding other property acquisition for Devil's Hole Road culvert project.

Alex Tasselmyer/Larsen Lane – Mr. Tasselmyer was not present. The Board briefly discussed the stormwater issue Mr. Tasselmyer brought to the Board's attention. It was noted that Mr. Unangst visited Mr. Tasselmyer's property as well as the surrounding property and thereafter prepared a comment letter addressing the storm water issues he saw on the site. Mr. Unangst opined in his report that the Township was not responsible for the issues confronting Mr. Tasselmyer.

New Business

Walter DePue/Fine Reduction – Resident Walter DePue was present along with his girlfriend Kristen Keyser to request a reduction of the fine he received from Magistrate Riley in a civil case filed by Zoning Officer Shawn McGlynn. The civil fine was levied after McGlynn filed a series of Notices of Violation against DePue to which Mr. DePue failed to respond. Mr. DePue provided his explanation as to why he thought he received the fines. He noted that he has since corrected the violations as requested by the Zoning Officer. Therefore, Mr. DePue requested a reduction of the \$12,096.25 fine. The Board discussed imposing a payment plan instead of reducing the fine. The payment plan would include the possibility of future forgiveness of some portion or all of the remaining portion of the fine if Mr. DePue remained in compliance. Gonze suggested a \$200.00 a month payment plan to be reviewed in one year. Mr. DePue stated that he was already making monthly

PARADISE TOWNSHIP BOARD OF SUPERVISORS MINUTES-SEPTEMBER 8, 2021

payments on other fines and asked if it could be lowered to \$100.00 per month. The Board discussed the best payment option and details of the proposed payment plan.

Motion: Gonze moved and seconded by Briglia to approve Solicitor Prevoznik writing and recording a repayment plan for Mr. DePue which provides: i) for the first six months of the agreement, DePue would be responsible to pay \$100.00 per month starting on October 1, 2021; ii) on the seventh month, the monthly payment would be in the amount of \$200.00 and remain at that amount until further action of the Board of Supervisors; iii) interest will accrue on the repayment plan at 6% which will be added to the back end of the repayment agreement; iv) the repayment agreement will be for a period of five years. When Solicitor Prevoznik has the repayment plan prepared, Mr. DePue will come in to sign the agreement and recorded in the Monroe County Recorder of Deeds Office. Mr. DePue can appear before the Board in the future to request a reduction/dismissal of the balance of the repayment plan if he stays compliant.

Motion carried 3-0.

Community Day/Ratify Cancellation – Konrath stated that Board decided to cancel Community Day this year due to the rise in COVID-19 cases in Monroe County.

Motion: Briglia moved and seconded by Gonze to ratify the cancellation of Community Day.

Motion carried 3-0.

Pocono Mountain Regional EMS/Financial Statements – The Board discussed the Financial Statements from Pocono Mountain Regional EMS. Gonze explained that PMREMS has contacted several of the Townships they serve to ask for an additional allocation in their 2022 budget that would be dedicated to capital purchases to be used in the future to purchase new equipment. The Board will review at budget time.

New Bucket Truck/Discuss – Konrath stated that Mike Mader relayed to him that he was unable to find a used bucket truck that is better than our existing bucket truck for the amount of money originally set aside in the budget in the amount of \$65,000.00. After purchasing the other vehicles budgeted for 2021, there was approximately \$141,000.00 left in the budget for capital purchases. Mader stated that he received a quote from VersaLift East for a new bucket truck in the amount of \$157,422.00. The bucket truck would not be available until the Spring of 2022. The bucket truck would be budgeted into 2022's budget. However, the bucket truck needs to be ordered now or the Township runs the risk of not being able to acquire a bucket truck.

Motion: Briglia moved and seconded by Gonze to approve ordering the 2022 bucket truck to be delivered in 2022 in the amount of \$157,422.00 paid in the 2022 budget contingent upon VersaLift East being a current CoStars member.

Motion carried 3-0.

Emergency Declaration/Recent Storms – The Board discussed declaring a state of emergency as a result of the hurricane Henri and Ida.

PARADISE TOWNSHIP BOARD OF SUPERVISORS MINUTES-SEPTEMBER 8, 2021

Motion: Gonze moved and seconded by Konrath to declare a state of emergency as a result of hurricane Henri and Ida and to have Solicitor Prevoznik write the Declaration of State of Emergency to cover the health, welfare and safety of residents of Paradise Township, infrastructure issues including roads damaged and homes damaged, bridges, vegetation and trees, and culverts.

Motion carried 3-0.

Linder Engineering Review of PHLT Easement/Discuss – Solicitor Prevoznik stated this would be discussed in Executive Session.

Christopher Evans/Refund Request – The Board discussed the written request from Christopher Evans for a refund of his septic permit payment. Mr. Evans had an agreement of sale on a property in Paradise Township and as a part of the sale Mr. Evans had the Township SEO Jake Schray do testing on the property. Mr. Schray stated in an email to Transue that he did soil probes on the property and the testing failed. Mr. Schray stated the he told Mr. Evan's mother Carol Evans that a refund of \$275.00 would be appropriate. Konrath stated he was unsure why Mr. Schray would suggest a refund back to Mr. Evans. Briglia stated that possibly Mr. Schray only did soil probes and did not perform a perc test. Briglia explained that in the past the charges for each were separate on the fee schedule but under the new fee schedule they were billed under one fee. The Board felt more information from Mr. Schray would be needed in order to determine if a refund is warranted.

Motion: Briglia moved and seconded by Konrath to table the discussion on the refund request from Mr. Evans until more information can be gathered from the SEO, Jake Schray.

Motion carried 3-0.

MMO Report/Approve – Transue stated that the Minimum Municipal Obligation (MMO) report is an annual report that estimates the expected financial obligation for the coming year for the Pension Plan. The Plan must be approved by the Board each year before submitting it to the Pennsylvania Municipal Retirement System (PMRS). The estimated payroll for 2022 is \$540,000.00. The Minimum Municipal Obligation is \$54,000.00 plus a \$360.00 administrative charge, for a total obligation of \$54,360.00.

Motion: Briglia moved and seconded by Gonze to approve the MMO for \$54,360.00 as presented.

Motion carried 3-0.

PMSD Oil Spill/Discuss – The Board discussed the Pocono Mountain School District oil spill. Gonze stated that the Board was not notified of the heating oil spill or follow up information from the school representatives. Gonze stated that Transue was sent an email from Wendy Fable on September 3, 2021 (several days after the spill) from the school district but the Board was not copied or notified by the district about the spill. Kevin Transue, Paradise Township EMC stated that he was contacted by the Monroe County Emergency Management Office. Mr. Transue stated that he told the Monroe County

PARADISE TOWNSHIP BOARD OF SUPERVISORS MINUTES-SEPTEMBER 8, 2021

Emergency Management Office that he could not and would not make decisions for the Township and that EMC would need to contact the Board. The Board further discussed the lack of communication from the school district. It was noted that the school district did not contact Paradise Township about the leak even though the school campus is located in Paradise Township as well as the waterways affected by the oil spill. Solicitor Prevoznik suggested setting up a meeting with representatives of the school district to prevent such miscommunications in the event of future disasters. Gonze stated that a letter should be sent to the school district asking why the Board of Supervisors was not informed of the spills when they happened. Solicitor Prevoznik stated that a letter should also be sent to DEP as to why they did not contact the Board regarding the spills either.

Motion: Gonze moved and seconded by Briglia to approve Solicitor Prevoznik drafting two letters, one to Pocono Mountain School District and one to DEP regarding the lack of communication to the Board of Supervisors from both agencies in reference to the heating oil spills on Pocono Mountain School District property.

Motion carried 3-0.

The Board also discussed Pocono Township's EMC Jerrod Belvin being notified of the oil spill and not Paradise Township officials. Mr. Belvin was also made aware of issues with the Ski Haven Lakes Estates bridge after the storms and again the Paradise Township EMC was not contacted. The Board discussed contacting Monroe County Emergency Management Office to set up a meeting to discuss the miscommunications. Gonze is to contact Monroe County Emergency Management Office to set up a meeting.

Motion: Briglia moved and seconded by Konrath to approve Gonze reaching out to Monroe County Emergency Management Office and a County Commissioner on behalf of the Township regarding the lack of communications.

Motion carried 3-0.

Roof Rental Forms/Update – Konrath stated that he was made aware by Transue of an issue with parties renting The Roof Park and entering the pavilion the day before their event. The purpose of the entry was to allow the renter to store food and supplies for their events. This often interferes with the Township employees' ability to clean the building because the supplies are in the way. Transue stated that the office staff places a notice in the packet given to the renters stating that if renters enter the building the day before or the day after their rental date then they would forfeit their deposit. Konrath stated that the office staff will update the rental form to make clear that if renters access the building the day before or after their rental date they would forfeit their deposit.

Reports

Roadmaster – The Board discussed the Roadmaster's report. Konrath stated that there was a problem with the Road Paving Project. The PennDOT representative missed a part of Keokee Chapel Lane when he calculated the mileage for the bid package. Konrath stated that he would let Mader know that the paving company would need to submit a change order to document the change in mileage. The cost is still expected to come in under the budget set aside for the Road Paving Project for this year.

PARADISE TOWNSHIP BOARD OF SUPERVISORS MINUTES-SEPTEMBER 8, 2021

Solicitor – Solicitor Prevoznik reported that he was contacted by Carl Hogan, BBD, LLC and the audit should be done soon and he was asked to write a letter to the auditor. Solicitor Prevoznik stated that a letter was sent to Luciano Excavating, Inc. (LEI) notifying them that the Paradise Stream Restoration Project contract would be terminated for convenience contingent upon Paradise Township receiving a release as outlined in the August 12, 2021 letter from LEI.

Motion: Gonze moved and seconded by Briglia to ratify Solicitor Prevoznik writing a letter to Luciano Excavating, Inc. notifying them that the Paradise Streams Restoration Project contract would be terminated for convenience contingent upon Paradise Township receiving a release as outlined in the August 12, 2021 letter from LEI.

Motion carried 3-0.

Engineer – Mr. Unangst was not present.

EAC – Konrath stated that the EAC members attended the Work Session with Mount Airy in lieu of their meeting to be held on September 15, 2021 so that meeting has been canceled.

PARC – Briglia stated that PARC met in August and she would forward the minutes. Konrath asked Briglia if there were any complaints about the baseball fields being locked to keep dogs off the fields. Briglia stated that to her knowledge there was only one person who contacted the Township who regularly used the fields to practice with his children and he was given the combination to use the fields. Kevin Transue stated that there were still numerous people who brought their dogs to the park despite dogs not being allowed at Seven Pines Park. Transue stated that the Township and PARC should look at posting more prominent signs saying that dogs are not allowed at the park. Kevin Transue stated that he has also seen quite a few people using the new playground at Seven Pines Park.

Correspondence/Miscellaneous

None.

Other Business/Public Comment

None.

Motion: Gonze moved and seconded by Briglia to recess the regular meeting and go into an executive session at 7:50 p.m.

Motion carried 3-0.

Motion: Briglia moved and seconded by Gonze to reconvene the regular meeting at 8:10 p.m.

Motion carried 3-0.

Solicitor Prevoznik stated that property acquisitions, specifically easements with regard to a road project, and a personnel matter were discussed. No decisions were made during Executive Session.

PARADISE TOWNSHIP BOARD OF SUPERVISORS MINUTES-SEPTEMBER 8, 2021

The Board stated that Mike Reed, maintenance/laborer was out on a non-work-related injury and he would be possibly going out on short-term disability. Konrath stated that he would contact seasonal employee Doug Leies to temporarily cover the time that Mike Reed will be out. Doug Leies would be paid \$17.00 per hour with no benefits.

Motion: Gonze moved and seconded by Briglia to hire seasonal employee Doug Leies to temporarily cover the time that Mike Reed is on disability leave. Doug Leies would be paid \$17.00 per hour with no benefits.

Motion carried 3-0.

Adjournment

Motion: Gonze moved and seconded by Briglia to adjourn the meeting at 8:15 p.m.

Motion carried 3-0.

Respectfully submitted,

Tina Transue
Secretary