

**PARADISE TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
SEPTEMBER 20, 2021**

Call to Order

Chair Konrath called the meeting to order at 6:00 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

John C. Prevoznik – Solicitor

Peter Gonze – Vice Chair

Charles Unangst – Engineer

Reda Briglia – Supervisor (Absent)

Tina Transue – Secretary

Approval of Minutes

Motion: Gonze moved and seconded by Konrath to approve the September 8, 2021 Board of Supervisors regular meeting minutes as presented.

Motion carried 2-0.

Treasurer's Report

Transue read the Treasurer's Report.

Motion: Gonze moved and seconded by Konrath to approve the September 20, 2021 Treasurer's Report.

Motion carried 2-0.

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New Business

Carl Hogan/2020 Audit Report/Discuss – Carl Hogan from BBD, LLP was present to review the 2020 audit report. The Board discussed the audit report with Mr. Hogan.

Motion: Gonze moved and seconded by Konrath to accept the December 31, 2020 auditor's report as presented by Carl Hogan from BBD, LLP and forward same to DCED.

Motion carried 2-0.

Unfinished Business

Christopher Evans/Refund Request – Konrath stated that he received an email from Jake Schray, SEO, wherein Schray suggested that Carol Evans (Christopher's mother) be given a partial refund of the application fee because the permitting process was not completed due to the fact that the property was known not to perc. Mr. Schray opined that he computed the proposed refund amount based upon the Township's previous Fee Schedule. Mr. Schray determined that a refund in the amount of \$275.00 be given based upon those site tests which were not conducted as a result of the failed soil probe analysis. Solicitor Prevoznik stated that under the new Fee Schedule, the Board approved one fee for the septic permitting process regardless of the outcome of each of the parts of the process. The new Fee Schedule does not provide for a monetary breakdown of each phase of the permitting process.

Motion: Konrath moved and seconded by Gonze to deny the request of Christopher Evans for a refund of any portion of the septic permit application fee.

Motion carried 2-0.

Dogan Minor Subdivision/Filing Date Extension – Terry Martin appeared to inform the Board that the Dogan Minor Subdivision just received DEP approval. He noted, however, that the plans were not recorded within the ninety-day time frame required by the Township's approval. Mr. Martin asked if the Board would sign a new set of plans to be recorded. The Board briefly discussed extending the time frame to record the minor subdivision plans.

Motion: Gonze moved and seconded by Konrath to extend the time frame thirty days from the date of the meeting in which the Dogan Minor Subdivision plans are to be recorded.

Motion carried 2-0.

Mr. Martin will bring in a new set of plans to be signed by the Board and the Planning Commission members.

Other Business/Public Comment

Resident Doris Ressler was in attendance. Mrs. Ressler stated that after Hurricane Ida hit, she called to report her flood damage to Monroe County Emergency Management Office and was told to report the damage to the Township. Mrs. Ressler called the Township Office and was told that the Township does not record that information, that the County was gathering that information to report to FEMA/PEMA. Transue explained to Mrs. Ressler that the office staff was not made aware of the reporting survey set up by Monroe County until after her call to the office, at which time a link was posted on the

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Township's website. Mrs. Ressler stated she was able to fill out the survey but asked who should storm damage be reported to for future reference. Mrs. Ressler was informed that the County would be the agency to report to as the County EMO would be reporting to FEMA/PEMA in the case of an Emergency Declaration. The Board discussed the issue of communications breakdowns between the Townships and Monroe County EMO that have been an ongoing problem with the recent emergency situations happening in Monroe County. Kevin Transue, Paradise Township EMC, stated that he was contacted by the Monroe County Emergency Management Office and was asked to go to Mrs. Ressler's property to inspect and report on the damages from the storm. Mr. Transue stated that he responded to the County EMO staff that he would not enter a resident's home for that purpose, as he was not qualified to do so.

Planning Commission Items

August 10 and September 14 Meeting/Recommendations

Short Term Rentals - Mr. and Mrs. Ruppen were present to discuss the Short-Term Rental recommendations from the Planning Commission meeting on September 14, 2021.

Mr. and Mrs. Ruppen are neighbors of the illegal STR in Wyndham Hills. The Board discussed the issues surrounding allowing Short-Term Rentals in all districts in the Township. The Board also discussed the Planning Commission's recommendation to the Board on Short-Term Rentals. The Planning Commission's recommendation was read, as follows: *"MacDonald moved and seconded by Merli to consider additional provisions to the Zoning and the Short -Term Rental Ordinances such as limitations on the number of bedrooms, buffering requirements, installing decibel meters and encourage the Board of Supervisors to do everything in their power to enforce the ordinance currently in place. At this point, the Planning Commission is not recommending any change to the Use Schedule regarding where Short -Term Rentals are allowed"*. Gonze suggested having Solicitor Prevoznik draft an amendment to the Short-Term Rental Ordinance to send back to the Planning Commission regarding the rezoning of the districts that Short-Term Rentals are allowed. The Board stated that the recommendations from the Planning Commission did not address the Board's concerns in regard to Short-Term Rentals and the impact to surrounding neighbors. Konrath stated that he did not believe the issue was the need for more enforcement as the Zoning Officer takes all steps within his purview to enforce the current ordinances.

Motion: Gonze moved and seconded by Konrath to approve Solicitor Prevoznik to collaborate with Shawn McGlynn, Paradise Township Zoning Officer; Steve Dellinger, consultant from Hanover Engineering; and Solicitor Tim McManus, Planning Commission Solicitor, to draft an amendment to the Short-Term Rental Ordinance to restrict Short-Term Rentals to the Business/Commercial districts.

Motion carried 2-0.

Comprehensive Plan Zoning Districts – The Planning Commission's recommendation to the Board of Supervisors regarding the establishment of new commercial districts was read, as follows: *"MacDonald moved and seconded by Merli to the Board of Supervisors to consider the extension of the B-1 District up to and including H on the proposed B-1*

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District Expansion Map” instead of redistricting Route 390 from Carrazza’s to Koerners Road (District Expansion Map A – M) as proposed by the Board of Supervisors and also “*Alker moved and seconded by Merli to recommend adoption of the proposed changes to the Zoning Ordinance, the Zoning Map for the B-3 District, Schedule I, Schedule III, and Schedule V (adding B-3) and the one change to the definition of Home Occupation*”. The Board discussed the recommendations from the Planning Commission. The Board discussed keeping the expansion of the B-1 District Expansion Map on Route 390 from properties marked A – M.

Motion: Gonze moved and seconded by Konrath to have Steve Dellinger, from Hanover Engineering, draft the Zoning Ordinance changes to be presented to the Board of Supervisors before sending back to the Planning Commission. Mr. Dellinger is to draft the proposal to include the B-1 District expansion on Route 390 to include properties marked A – M on the B-1 District Expansion Map. Mr. Dellinger is to also draft the changes to the Zoning Map for the B-3 District, Schedule I, Schedule III and Schedule V (adding B-3) and the one change to the definition of Home Occupation.

Motion carried 2-0.

Solicitor Prevoznik updated the Board on the \$12,000.00 judgement against the illegal Short-Term Rental located at 432 Upper Swiftwater Road. The property has been sold with the judgement. However, the title company did not disburse the judgment; the money is being held in escrow. The title company will not disclose the seller’s attorney’s name. Attorney Prevoznik opined that in order to recover the judgement, the Township will most likely have to sue the new owners, the previous owners, and possibly the title company.

New Business (Continued)

The Friendly Community Center/2022 Appropriations Request – Konrath stated that the Community Center requested \$9,000.00 as an appropriation for the 2022 budget year which is up from the previous appropriations of \$7,500.00. The Board discussed the request. Gonze suggested finding out how much Barrett Township appropriates to the Community Center each year. Konrath stated he would see Ms. Boyle from the Community Center and he would inquire from her what Barrett’s contribution is each year.

Additional Sewage Enforcement Officers/Request for Appointment – Jake Schray, Paradise Township SEO submitted a letter to the Board requesting that two additional Sewage Enforcement Officers be appointed to help with the workload in the Township. Mr. Schray requested the appointment of Justin P. Robbins (SEO Certification Number 04079) and Luke E. Eggert (SEO Certification Number 04090) as Paradise Township Sewage Enforcement Officers under the direction of Jake Schray. If Mr. Robbins and Mr. Eggert are appointed, they would fill in for Mr. Schray if scheduling conflicts arise. The request is not for an increase in hours but to be able to utilize other members of the Hanover team to reduce costs and be more efficient.

Motion: Gonze moved and seconded by Konrath to approve appointing Justin P. Robbins (SEO Certification Number 04079) and Luke E. Eggert (SEO Certification Number 04090)

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as Paradise Township Sewage Enforcement Officers at the same rates as indicated on Hanover Engineer's Rate Schedule that was submitted to the Township at the beginning of the year.

Motion carried 2-0.

R. Olson/Summit Dr./Return Fire Escrow – Transue stated that the Township was holding an escrow for Royal Olson for his property at 278 Summit Dr that burned down. Transue was contacted by Shawn McGlynn by email that stated that the property has been graded, seeded, and stabilized with straw and it was his opinion that the escrow monies could be released back to Mr. Olson. Solicitor Prevoznik stated that generally the Township Engineer would be the person to make the determination if the funds could be released.

Motion: Gonze moved and seconded by Konrath to approve releasing the Fire Escrow funds to Royal Olson for his property located at 278 Summit Drive contingent on Mr. Unangst's approval, in the amount of \$19,841.73 plus any interest earned on the account.

Motion carried 2-0.

Reports

Solicitor - Solicitor Prevoznik stated that he drafted the payment agreement for resident Walter DePue for the civil judgement filed against Mr. DePue. Solicitor Prevoznik stated that the agreement requires that the property in which Mr. DePue resides would have a lien recorded against it as part of the agreement. Mr. Konrath noted that Mr. DePue does not own the property and, therefore, Solicitor Prevoznik would need to remove from the agreement the provisions regarding a lien on the property. Solicitor Prevoznik requested that Transue obtain a certified copy of the \$12,096.25 judgment to be filed with the agreement. Konrath stated that he would have Mr. DePue sign the agreement as soon as he was available. The payment start date would be changed to November 1, 2021.

Solicitor Prevoznik then reported that Mr. Gonze has been working with Lucianos Excavating, Inc. to obtain a Settlement Agreement and Release for the Paradise Streams Restoration Project. It is hoped that the final paperwork will be available by the next meeting. Gonze questioned whether we had all the information from Skelly and Loy to close out the project. Transue stated she would get in touch with Ms. Frawley, from Skelly and Loy, to go over what was needed and submit the in-kind match for the project.

Motion: Gonze moved and seconded by Konrath to terminate the Paradise Streams Restoration Project for convenience and thereafter no longer pursue a new contract.

Motion carried 2-0.

Gonze stated he would have Skelly and Loy contact the agencies who have granted permits for the project such as DEP, Army Corp. of Engineers, and Monroe County Conservation District to make them aware that the project has been terminated and close out any permits.

Engineer - Mr. Unangst stated that Wyoming Electric, the contractor installing the traffic calming devices, was expected to be on site this coming week to install the foundations. Mr. Unangst noted that some issues have arisen regarding availability of electronic

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controllers. Accordingly, Wyoming Electric would finish the work as the parts become available. Mr. Unangst stated that substantial completion was to be obtained by October 1, 2021 per the contract. Mr. Unangst stated that this date cannot be held due to supply problems. Mr. Unangst stated that Wyoming Electric will execute a 60- day extension/no cost change order to the Township for review, approval, and signature.

Mr. Unangst reported that Papillion & Moyer paved Devils Hole Road at the site of the emergency stabilization pipe repair at Tank Creek. Mr. Unangst stated the guiderails were not installed as of the date of the meeting. Gonze stated that he spoke to David Moyer, from Papillion & Moyer. Mr. Moyer also reported that the guiderails were not yet installed. Mr. Moyer also stated that the contractor still had to perform line painting to complete the job. Mr. Moyer stated that they should be forwarding an invoice to the Township soon and expected it to be approximately \$196,000.00.

Gonze stated that he visited the Paradise Stream Restoration Project site and he would like to go to the site with Mike Mader to talk about removing the orange fence and silt socks left behind by Luciano's Excavating, Inc. Solicitor Prevoznik questioned whether letters should be sent to the homeowners to make them aware that the project has been canceled.

Motion: Gonze moved and seconded by Konrath to approve Solicitor Prevoznik to draft a letter to the homeowners that were to be impacted by the Paradise Streams Restoration Project to make them aware that the project was canceled.

Motion carried 2-0.

Zoning Officer – The Board discussed the Zoning Officer's report. Solicitor Prevoznik questioned whether the M&M Realty ZHB hearing had been rescheduled to a later date in response to a time extension request by Attorney Kidwell. Transue stated that the ZHB hearing was now scheduled for November 23, 2021 at 5:30 p.m. Solicitor Prevoznik stated that since Attorney Madden was not in the office on maternity leave, he was contacted by Louise Troutman concerning a ZHB hearing matter which is scheduled for October 26, 2021 at 5:30 p.m. The variance being requested is for a wetland crossing. Solicitor Prevoznik asked the Board if they wanted to take a position on this matter, as this property has come to the Board's attention in the past. Konrath stated that he would speak with Shawn McGlynn to find out the details of the variance request.

Motion: Gonze moved and seconded by Konrath to request information concerning the variance request to be heard on October 26, 2021, at 5:30 p.m., for a wetland crossing from Zoning Officer Shawn McGlynn.

Motion carried 2-0.

PMREMS – Gonze stated that PMREMS has several interested candidates for the position of Executive Director and that interviews were underway. Gonze also stated that PMREMS is having a difficult time finding staffing even after raising the starting wages, which seems to be a recurring issue across the country.

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Correspondence/Miscellaneous

Konrath stated that Absolute Lawns sprayed the Van Buskirk Preserve for the Mile-A-Minute weed before Hurricane Ida hit. Konrath reported that Mr. Galucci stated that the weed was now dying off. Konrath reiterated that the Township should look into having Township employees certified to spray weed killer on Township properties.

Adjournment

Motion: Konrath moved and seconded by Gonze to adjourn the meeting at 7:45 p.m.

Motion carried 2-0.

Respectfully submitted,

Tina Transue
Secretary