

**PARADISE TOWNSHIP BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
OCTOBER 4, 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 20, 2021 Board of Supervisors regular meeting minutes as presented.

***Motion carried 2-0.***

Unfinished Business

*Paradise Streams Restoration Project/Release Agreement* – Solicitor Prevoznik gave a brief summary on the history of the Paradise Streams Restoration Project. Solicitor Prevoznik stated that due to unforeseen issues with the project that the Township negotiated with the Luciano Excavating, Inc. (LEI) to terminate the contract for convenience.

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The Township received the executed Settlement Agreement to be signed upon approval and a copy returned to LEI. LEI will forward all surveys performed as part of the project, at no cost, to the Township upon request by the Township. Neither the Township nor LEI will be compensated for any work performed or not performed on the project. The DEP grant monies should cover the remaining cost of the engineering fees less any match, either in-kind or monetary, made by the Township. All grant monies left over will be returned to DEP. Transue stated that Dody Frawley, of Skelly and Loy, forwarded, via email today, the final reimbursement package to be completed and submitted to DEP. Transue stated that Ms. Frawley also copied her on emails to all the permitting agencies notifying them of the Township's decision to terminate the project.

**Motion:** Gonze moved and seconded by Konrath to approve and execute the Settlement Agreement as drafted.

***Motion carried 2-0.***

The Township is sending out letters to the property owners who had provided Landowner Agreements for project access informing them what occurred with the contract with LEI and to further inform them that the project has been terminated.

*Wyoming Electric (Traffic Calming Device Project)/Time Ext./No Cost Change Order –* Wyoming Electric informed Mr. Unangst that it would be on site on Wednesday, October 6, 2021, to start the foundations for the Traffic Calming Devices. Mr. Unangst stated that he had the No Cost Change Order for a 60-Day Time Extension to be approved and signed by the Township with two copies to be returned to Mr. Unangst.

*The Friendly Community Center/Appropriation Request –* Konrath stated he inquired into the history of the Township's appropriations to The Friendly Community Center and discovered that Paradise Township initially donated \$15,000.00 when the Community Center opened and has since donated \$7,500.00 each year thereafter. Barrett Township has only donated \$1,500.00 per year to the Community Center located in its Township. Konrath stated the Board would discuss the appropriation at the Budget Work Session.

**Motion:** Gonze moved and seconded by Konrath to table discussions on the appropriation request from The Friendly Community Center.

***Motion carried 2-0.***

*Short-Term Rental Ordinance Revision/Discuss –* Resident Steve Saslow was present to address the Board with his concerns regarding allowing short-term rentals to remain in the residential districts. Mr. Saslow has several short-term rentals near his home and he relayed some of the nuisance issues he has experienced as a result of his proximity to the short-term rental properties.

Gonze stated that the Board received a memo from Steve Dellinger, of Hanover Engineering, outlining the changes to the ordinance. Mr. Dellinger proposed that short-term rentals would be prohibited in all Residential Zones and allowed in Business Districts and an approved Master Development Plan located in the Resort Overlay District as a permitted use. Short-term rentals would also be allowed in the proposed B-3 Business District. The Board discussed moving forward with the zoning district changes.

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**Motion:** Gonze moved and seconded by Konrath to approve authorizing Steve Dellinger to revise the Zoning Ordinance to prohibit short-term rentals in all Zoning Districts other than B-1, B-2, the proposed B-3, and as a permitted use in an approved Master Development Plan located in a Resort Overlay District as recommended to the Board in Mr. Dellinger's Memorandum dated 10/4/21. Mr. Dellinger is to send the proposed ordinance to the Paradise Township Planning Commission and the Monroe County Planning Commission for comments.

***Motion carried 2-0.***

**Motion:** Gonze moved and seconded by Konrath to approve advertising the proposed revised ordinance for a Public Hearing on December 6, 2021, at 6:30 p.m., during the regularly scheduled meeting.

***Motion carried 2-0.***

### New Business

*M&M Realty ZHB Hearing/Consolidate Appeals* – Solicitor Prevostnik stated that he was contacted by Attorney Kidwell on behalf of M&M Realty. Mr. Kidwell stated that M&M Realty received a second Notice of Violation (NOV) from Zoning Officer Shawn McGlynn some 30 days after the initial violation. He further stated that the second NOV is substantially similar to the first NOV. M&M Realty would like to consolidate the two Notices of Violation into one appeal hearing. The appeal hearing on the first NOV is currently scheduled for November 23, 2021, at 5:30 p.m. Attorney Kidwell also requested that if he consolidated the appeals into one hearing, could the \$500.00 application fee to address the second NOV be waived and returned to the applicant.

**Motion:** Gonze moved and seconded by Konrath to approve refunding the \$500.00 application fee for the second NOV issued to M&M Realty contingent upon both Notices of Violation appeals will be consolidated within the same hearing on November 23, 2021 at 5:30 p.m.

***Motion carried 2-0.***

*Budget Work Session Dates/Discuss, Approve Advertising* – The Board discussed several dates for the Budget Work Sessions.

**Motion:** Gonze moved and seconded by Konrath to approve advertising for the Budget Work Sessions on Wednesday, October 20, 2021, Thursday, October 21, 2021 and Wednesday, October 27, 2021 at 10:00 a.m.

***Motion carried 2-0.***

*Letter from Barrett Supervisors/Regarding Seven Pines Park* – The Board discussed the letter received from the Barrett Township Supervisors regarding the Seven Pines Park Grant Project. The Barrett Township Supervisors stated that they did not feel that they were properly informed or consulted regarding the Seven Pines Park Project. Gonze stated that he would reach out to Supervisor Pipolo to further discuss the letter and the role of Barrett Township's PARC (The Pocono Area Recreation Commission) representatives to report back to their Board.

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**Motion:** Konrath moved and seconded by Gonze to approve Gonze calling Chairman Pipolo to discuss the letter.

***Motion carried 2-0.***

*ZHB Alternate Attorney/Discuss* – Konrath stated that the Zoning Hearing Board has a hearing on October 26, 2021 to hear a variance request for the construction of a driveway to access a remaining undeveloped residential lot in the Paradise Point Subdivision. The driveway is proposed to cross a wetland and thereafter be constructed within the wetland buffer areas. The Zoning Hearing Board's appointed attorney has a conflict with this hearing and an alternate attorney would need to be appointed for this hearing. The Board discussed having Solicitor Prevoznik reach out to prospective attorneys to fill in for the upcoming ZHB hearing scheduled for October 26, 2021.

**Motion:** Gonze moved and seconded by Konrath to approve Solicitor Prevoznik contacting prospective attorneys to represent the Zoning Hearing Board for the Wilkins Variance Request to be heard on October 26, 2021 at 5:30 p.m. and have said attorney reach out to Konrath thereafter.

***Motion carried 2-0.***

**Motion:** Gonze moved and seconded by Konrath to amend the agenda to add a motion to authorize the Township Engineer to review the proposed request for variance which is to be heard on October 26, 2021. The Township Engineer is to review documents in possession of the Township as well as reach out to applicant's attorney to discuss the need for the variance and possible alternatives. The Township will take up the issue of whether it wishes to participate in the October 26, 2021 hearing after reviewing the information provided by the Township Engineer. This matter was added to the Agenda due to the time sensitive nature of the request for variance and the scheduled hearing of October 26, 2021.

***Motion carried 2-0.***

The Board further discussed the ZHB variance request and the possibility of a Stormwater issue that would require the applicant to request stormwater variances in the future. It was also noted that the variance as requested is a variance for a driveway in a vacuum. If granted, there is no way of knowing whether this driveway will ever be used. Solicitor Prevoznik suggested having Mr. Unangst look at the information received by the Township and report back to the Board by the October 18, 2021 meeting.

**Motion:** Gonze moved and seconded by Konrath to approve Mr. Unangst reviewing the Township documentation as well as any documentation received for the Wilkins Property at Paradise Point and to reach out to Wilkins' engineer for any information he may require.

***Motion carried 2-0.***

### Reports

*Roadmaster* – No report received. Konrath stated that it was relayed to him that the Fall Clean Up went well. Konrath also stated that the paving for the Paving Project was complete; however, the roads have not been striped yet.

*Solicitor* - Solicitor Prevoznik stated that he had nothing further.

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*Engineer* - Mr. Unangst stated that he made a site visit to 278 Summit Drive and approved the return of the Fire Escrow monies to Mr. Olson. Mr. Unangst stated that the Devils Hole Road emergency culvert repair was completed and the road was open again to traffic. Mr. Unangst also stated that the permitting process for the culvert repair that was to take place in 2022 was still open. Mr. Unangst questioned whether the permits should be closed out now that an emergency repair was necessary and completed.

**Motion:** Gonze moved and seconded by Konrath to authorize Mr. Unangst to withdraw the permit application for the culvert replacement on Devils Hole Road at Tank Creek that was to take place in 2022.

### ***Motion carried 2-0.***

The Board discussed the invoice for the emergency culvert repair/replacement on Devils Hole Road at Tank Creek submitted by Papillon & Moyer. The invoiced amount was \$205,386.66. At the September 20, 2021 meeting the cost was estimated to be approximately \$196,000.00. Gonze stated that he spoke to Mr. Moyer about the cost difference. Mr. Moyer relayed to Gonze that at the time, he believed that the cost of the new guiderails was in the \$196,000.00 quote however they were not included in that quoted price.

Gonze asked Mr. Unangst if he was able to evaluate the crumbling bank of Sylvan Cascade Road. Mr. Unangst stated that he did not have any new information at this time. The Board discussed some possible options to repair the road.

*EAC* – Konrath stated that the EAC members attended the Work Session with Mount Airy on September 8, 2021 in lieu of their September 15, 2021 meeting.

*PARC* – Briglia was not in attendance to give a report.

### Correspondence/Miscellaneous

Gonze stated that he spoke to Paradise Township SEO Jake Schray about the new septic fees and refunding monies to applicants if all steps in the process are not completed. Gonze stated that he explained to Mr. Schray that the fee is an all-inclusive price. He further explained to Mr. Schray that the fee resolution does not appropriately address a break-out of costs between the application fee and the specific fees set forth for various processes involved in a septic permit.

Konrath stated that the Township is proceeding with the Halloween Event on October 30, 2021 as scheduled.

Konrath stated that the Township received a letter from Mount Airy, dated October 1, 2021, in response to the letter sent by the Township regarding Mount Airy's PA DEP Notice of Violation. As the letter was just received today, the Board will discuss the response letter further at the next meeting.

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Other Business/Public Comment

None.

Adjournment

**Motion:** Konrath moved and seconded by Gonze to adjourn the meeting at 6:55 p.m.

***Motion carried 2-0.***

Respectfully submitted,

Tina Transue  
Secretary