

**PARADISE TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
OCTOBER 18, 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

Peter Gonze – Vice Chair

Reda Briglia – Supervisor

John C. Prevoznik – Solicitor

Charles Unangst – Engineer (Absent)

Tina Transue – Secretary

Approval of Minutes

Motion: Gonze moved and seconded by Konrath to approve the October 4, 2021 Board of Supervisors regular meeting minutes as presented.

Motion carried 2-0. (Briglia abstained due to absence)

Treasurer's Report

Transue read the Treasurer's Report.

Motion: Gonze moved and seconded by Briglia to approve the October 18, 2021 Treasurer's Report.

Motion carried 3-0.

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Planning Commission Items

Short-Term Rental Zoning Restrictions/10/12 Recommendations – The Board discussed the response of the Planning Commission to the Board's proposed Short-Term Rental Ordinance amendment voted on at the October 4, 2021 Board of Supervisors meeting for a public hearing to be held on December 6, 2021, at 6:30 p.m., that would 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. The Planning Commission recommended back to the Board, additional provisions to the Zoning and Short-Term Rental Ordinance such as limiting the maximum number of bedrooms to four, considering buffering requirements, installing decibel meters and restrict the occupancy to two guests per bedroom and encourage the Board of Supervisors to do everything in their power to enforce the ordinance currently in place. The Planning Commission did not recommend restricting the Zoning Districts where Short-Term Rentals are allowed. The Board is moving forward with the public hearing to be held on December 6, 2021, at 6:30 p.m., that would 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.

Unfinished Business

Devils Hole Road Invoice/Approve – Konrath stated that the amount for the emergency culvert repair done by Papillon & Moyer Excavating & Paving, LLC on Devils Hole Road due to Hurricane Henri was \$205,386.66. Transue stated that \$158,000.00 of that amount could be taken out of the ARP Funds received from the Federal Government in response to the COVID-19 Pandemic. The remaining \$47,386.66 will be taken out of the PLGIT General Fund account which has a budgeted line item for Capital Construction projects.

Motion: Briglia moved and seconded by Gonze to approve paying the Papillon & Moyer Excavating & Paving, LLC invoice in the amount of \$205,286.66 with \$158,000.00 of that amount being taken out of the ARP Funds account and the remaining \$47,386.66 will be taken out of the PLGIT General Fund account budget line item for Capital Construction projects.

Motion carried 3-0.

Mount Airy Response Letter/Set a Work Session Date – The Board discussed the Mount Airy letter, dated October 1, 2021. The letter was sent by Mount Airy in response to the Township's letter concerning the Notice of Violation issued to Mount Airy from PA DEP. The Board discussed Mount Airy's position which is that Mount Airy's Civil Engineering design team cannot at this time design a Waste Water Treatment Plant (WWTP) renovation due to a lack of direction from PA DEP on the new requirements and discharge limits. Several different possibilities for the WWTP renovation were also discussed.

Motion: Gonze moved and seconded by Briglia to approve Konrath reaching out to Dave Osborn about setting a date for a Work Session on November 1, 2021 with Mount Airy to discuss Mount Airy's response letter.

Motion carried 3-0.

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Stormwater Management/Remove from Zoning/Discuss – Solicitor Prevoznik explained that currently individuals wishing to develop a property in the Township who have a concern with the Stormwater Management Ordinance may now appeal to the Zoning Hearing Board to request a variance because the Stormwater Ordinance is located in Zoning. The Supervisors may want to consider removing the Stormwater Management Ordinance from Zoning and allow it to be in the Subdivision and Land Development Ordinance (SALDO). By doing so, the Supervisors would be the parties responsible for the granting of waivers from the Stormwater Management Ordinance.

Motion: Gonze moved and seconded by Briglia to approve Solicitor Prevoznik to draft the necessary documentation to move Stormwater Management out of Zoning Ordinances and into Subdivision and Land Development Ordinances.

Motion carried 3-0.

Wilkins Variance Request/Hanover Comment Letter/Discuss – The Board discussed the comment letter submitted by Hanover Engineering regarding the Zoning Hearing Board variance request from Thomas R. and Christine A. Wilkins to allow construction of a driveway across wetlands at their property off of Alpine Road. Solicitor Prevoznik stated that he was in contact with Christine Wilkins, and she stated that she would ask for a continuance of the Zoning Hearing Board hearing; however, the Township has not yet received that request. The Solicitor further stated that if there is a continuance granted, the Township Engineer and the Engineer for Wilkins should discuss the project and determine if there is common ground for the request.

Motion: Gonze moved and seconded by Briglia to authorize the Solicitor, the Township Engineer, and the Township Zoning Officer to work with the Wilkins after receiving the request for a continuance of the Zoning Hearing Board hearing in order to understand the Wilkins plans for the property to determine the scope of any future variance or waiver requests.

Motion carried 3-0.

New Business

Alternate ZHB Attorney Nanovic/Approve Rates – Konrath stated that he spoke to Attorney Thomas Nanovic regarding Attorney Nanovic acting as the Alternate Zoning Hearing Board Attorney for the Wilkins' variance request, as Attorney Madden had a conflict and recused herself from the hearing. Konrath stated that Attorney Nanovic's rate is \$175.00 per hour.

Motion: Gonze moved and seconded by Briglia to approve Attorney Thomas Nanovic as the Alternate Zoning Hearing Board Attorney for the Wilkins' variance request hearing at the rate of \$175.00 per hour.

Motion carried 3-0.

PMSD Response Letter and Monroe County/MaryEllen Keegan Response/Discuss – Gonze stated that MaryEllen Keegan from the Monroe County Emergency Management Office reached out to him responding to a letter that was sent to her from the Township requesting better communications between the Monroe County EMO and Paradise

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Township when an emergency is happening in the Township. The Board discussed Ms. Keegan's response which also included a timeline of her communications with Mr. Kevin Transue, the Township's Emergency Coordinator, and Logan Evans, Pocono Mountain Volunteer Fire Company Chief. Mr. Transue was in attendance at the meeting. Mr. Transue reported to the Board the dates on which he was contacted by Ms. Keegan along with the substance of those communications. The Board also discussed a letter, dated October 13, 2021 from Dr. Elizabeth Robison, Superintendent of Pocono Mountain School District. This letter was written in response to the Township's letter to the Pocono Mountain School District wherein the Township requested better communications in the event of an emergency such as the oil spills which occurred on August 24, 2021 and on September 3, 2021. Tina Transue stated that Gonze and herself were scheduled to attend a zoom meeting on Tuesday, October 19, 2021, at 3:00 p.m., with executive members of the Pocono Mountain School District to discuss the communications breakdown.

Motion: Briglia moved and seconded by Konrath to approve Gonze to work with Mr. Transue and the Paradise Township office staff to put together a time line of the communications from Ms. Keegan from the Monroe County Emergency Management Office and the staff from Pocono Mountain School District in regard to the oil spills that occurred on August 24, 2021 and September 3, 2021.

Motion carried 3-0.

Willing Workers/Appropriations – The Board discussed canceling the Willing Workers bake sale at the upcoming election due to the COVID-19 Pandemic. The Board discussed researching if an appropriation could be given to the Willing Workers in lieu of the bake sale for next year. The Willing Workers hold the Bake Sale at the elections each year to raise money for college scholarships.

Motion: Briglia moved and seconded by Konrath to cancel the Willing Workers' Bake Sale this year due to the COVID-19 Pandemic.

Motion carried 3-0.

Open Space Reimbursement/Approve – Konrath stated that the Open Space Reimbursement is for the upkeep of the Paradise Township Open Space Hiking Trails by seasonal workers. Konrath stated that the amount of reimbursement from the Open Space account to the General Fund account is \$26,071.91.

Motion: Briglia moved and seconded by Gonze to approve the Open Space Reimbursement from the Open Space account to the General Fund account in the amount of \$26,071.91 for the upkeep of the Paradise Township Open Space Hiking Trails by seasonal workers.

Motion carried 3-0.

A. J. Magnotta/Solar Bank Request/Discuss – Konrath stated the Shawn McGlynn was contacted by A.J. Magnotta inquiring whether the Paradise Township Zoning Ordinance would allow for the installation of a solar bank within dedicated greenways. Mr. Magnotta requested that the plan be presented to the Paradise Township Environmental Advisory Council for consideration and feedback. The Board discussed the proposal from Mr.

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Magnotta. Briglia questioned whether Mr. Magnotta was requesting to put the solar bank on Township greenways or on Mount Airy's greenways. The map provided with the proposal appears to be of Mount Airy's property. Briglia suggested reaching out to A.J. Magnotta to clarify where he was requesting to put the solar bank.

Motion: Gonze moved and seconded by Konrath to approve Briglia reaching out to A.J. Magnotta to clarify the location he is proposing to put the solar bank.

Motion carried 3-0.

Bill Spies Email (Overlook, Peach Ln and Apple Ct)/Discuss – Konrath stated the Bill Spies sent an email to the Township questioning whether Overlook, Peach Lane, and Apple Court are in fact private roads. Mr. Spies stated that according to their deeds the residents living within what used to be the Maple Lawn Subdivision do not have claim to this road and will be in the hands of the grantor. Mr. Spies further states that it appears to him that the grantor had been passed from Robert Nothstein to Paradise Township in 2006 when the Township purchased Mr. Nothstein's remaining lands. Solicitor Prevoznik stated that he would pull the title search out for the Nothstein Preserve.

Zoning Officer NOV Appeal Request/Discuss – Solicitor Prevoznik stated that the Township received a notice of appeal by David G. Edinger and Kathryn A. Edinger to be heard by the Zoning Hearing Board for a Notice of Violation issued to them by Shawn McGlynn for their property located at 211 Trillium Way. Transue stated that the original appeal application and payment have not yet been received by the Township office. Solicitor Prevoznik stated that Attorney Kidwell should be notified that the Township has not received the original notice of appeal and payment.

Motion: Briglia moved and seconded by Gonze to approve Shawn McGlynn reaching out to the Zoning Officer Solicitor if he wants council to represent him for this Notice of Violation appeal hearing.

Motion carried 3-0.

Brick Linder Update/PA Game Commission Timber Harvest/Any Further Action – The Board received an email update from Brick Linder from Linder Engineering about the Timber Harvest on PA State Game Lands that affected the Seven Pines Park Project that cost the Township approximately \$45,000.00 in extra cost to remediate the runoff created by the timber harvest. Mr. Linder states in his email that the file of the timber harvest includes a Title 34 note that excludes the PA Game Commission (PGC) from being subject to regulation by counties or municipalities. As a result, it appears a timber harvest application for the upslope area may not have been submitted locally for review. Mr. Linder met with Steve Baade, of Monroe County Conservation District, at the Seven Pines Park site and showed him the disturbance, removal of vegetation, and skid roads from PGC timber harvest operation. Mr. Linder included in his email the Earth Disturbance Inspection Report from the Seven Pines Park Project; however, Mr. Baade did not address the upslope PGC drainage in his report. The Board discussed reaching out to the Barrett Township Supervisors as they have in the past questioned whether PA State Game Commission should be held liable for the damages. Gonze stated that he spoke to Barrett

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Township Supervisor Bill Pipolo about the perceived lack of communication between Paradise Township and Barrett Township regarding the Seven Pines Park Project. Gonze stated that he relayed to Supervisor Pipolo that all the information was given to Barrett's PARC representative Benji LaBar at the PARC meetings. Briglia stated that she also offered to go to a Barrett Township Supervisors' meeting to update the Board but was told by Ms. LaBar that it was not necessary.

Motion: Briglia moved and seconded by Gonze to authorize Solicitor Prevoznik to forward the email from Mr. Linder to Barrett Township's Solicitor, Todd Weitzmann, and request that Mr. Weitzmann make the Barrett Township Supervisors aware that Paradise Township would like to institute legal proceedings and possibly seek reimbursement for the damages.

Motion carried 3-0.

Reports

Solicitor - Solicitor Prevoznik stated that he had nothing further to report.

Engineer - Mr. Unangst was not in attendance.

Zoning Officer – There was no report submitted.

PMREMS – Gonze stated that PMREMS has five interviews set up for the position of Executive Director.

Correspondence/Miscellaneous

Konrath stated he replaced all the maps on the Open Space Properties.

Other Business/Public Comment

None.

Adjournment

Motion: Gonze moved and seconded by Briglia to adjourn the meeting at 7:36 p.m.

Motion carried 3-0.

Respectfully submitted,

Tina Transue
Secretary