

**PARADISE TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
SEPTEMBER 6, 2023**

Call to Order

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

Public Comment Statement

Gonze 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*".

Gonze stated that the meeting is being recorded for the limited purpose of preparing the official minutes.

Special Note

Gonze announced that to meet the requirements established by the Office of Open Records for virtual meetings, this meeting is being audio and video recorded via Zoom from the initial announcement of the meeting until its end. The meeting Zoom link was posted on the Township's website where the public may join the Zoom meeting, interact, and ask questions in real time.

Roll Call

Officials Present:

Peter Gonze – Chair

Reda Briglia – Vice Chair

Michael Stein – Supervisor

John C. Prevoznik – Solicitor

Charles Unangst – Engineer

Tina Transue – Secretary

Executive Session

Solicitor Prevoznik stated that an Executive Session was held at 5:45 p.m. today; present were the three Supervisors and the Solicitor. Solicitor Prevoznik stated that a discussion was held regarding litigation, and matters relating to the M & M Realty Partners, LP's recent Appeal to PaDEP action. Also discussed were two legal issues i) regarding the Hawthorne Resort's Conditional Use and ii) a personnel issue. The Executive Session ended at 5:56 p.m. No decisions were made.

PARADISE TOWNSHIP BOARD OF SUPERVISORS MINUTES-SEPTEMBER 6, 2023

Approval of Minutes

Motion: Briglia moved and Stein seconded to approve the August 7, 2023, Board of Supervisors regular meeting minutes as presented.

Motion carried 3-0.

Motion: Briglia moved and Stein seconded to approve the August 21, 2023, Board of Supervisors regular meeting minutes as presented.

Motion carried 3-0.

Unfinished Business

Rezoning Route 390/Any Action – The Board discussed the revised definition and criteria for a Vehicle Repair Shop, Limited Residential as proposed by Steve Dellinger, from Hanover Engineering, and Solicitor Prevoznik. The Board discussed whether to include, as a requirement, that all hazardous materials be kept at a distance of 100 feet from wellheads, streams, and wetlands. The Board asked Hanover Engineering to amend the draft to include safe distance language in the draft ordinance. After the draft has been amended it will be forwarded to the Paradise Township Planning Commission and the Monroe County Planning Commission for review. The Board discussed the definition and name of the new proposed R-3 district.

Motion: Stein moved and Briglia seconded to approve sending the proposed draft to the Paradise Township Planning Commission and the Monroe County Planning Commission after Mr. Unangst amended the language regarding the distance hazardous material can be stored from a wellhead, stream, or wetlands.

Motion carried 3-0.

DEND Properties Conditional Use Hearing/Any Action – Solicitor Prevoznik stated that DEND Properties has requested a continuance of the Conditional Use Hearing and has forwarded a waiver of time until October 31, 2023, to hold a hearing.

Motion: Briglia moved and Stein seconded to accept the request for a waiver of time from DEND Properties and to grant the waiver until October 31, 2023.

Motion carried 3-0.

Motion: Briglia moved and Stein seconded to hold the continuance of the Conditional Use Hearing for October 16, 2023, at 4:30 p.m. and to advertise the hearing in the *Pocono Record*.

Motion carried 3-0.

Bid Proposals (6:10)

Fall Clean-up/Award Bid – Transue stated that the Fall Clean-up quote advertisement was published in the *Pocono Record* on August 8, 2023, and August 14, 2023. Transue stated that four quotes were received for Fall Clean Up.

Waste Management submitted a quote, as follows:

\$49.25 for trash per cubic yard and \$49.25 for metal per cubic yard.

That's Gotta Go Dumpsters submitted a quote, as follows:

\$29.48 for trash per cubic yard and \$29.48 for metal per cubic yard.

CCI Waste & Recycling submitted a quote, as follows:

PARADISE TOWNSHIP BOARD OF SUPERVISORS MINUTES-SEPTEMBER 6, 2023

\$39.94 for trash per cubic yard and \$19.94 for metal per cubic yard.

G & S Containers submitted a quote, as follows:

\$29.93 for trash per cubic yard and \$29.93 for metal per cubic yard.

Motion: Briglia moved and Stein seconded to award the Fall Clean-up quote to That's Gotta Go Dumpsters for \$29.48 for trash per cubic yard and \$29.48 for metal per cubic yard.

Motion carried 3-0.

New Business

PFLA Town Hall – Route 191 Safety Discussion/Any Action – Gonze stated that the Board attended the informational Paradise Falls Lutheran Association (PFLA) Town Hall meeting held at PFLA property regarding safety and reckless driving on Route 191/Route 940. The Board summed up the informational meeting with Senator Brown, PennDOT, and the Pennsylvania State Police.

MMO Pension Worksheet/Approve – Transue explained 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 2024 is \$518,867.20. The Minimum Municipal Obligation is \$51,886.72 plus a \$380.00 administrative charge, for a total obligation of \$52,266.72. Transue noted that the salary of the new employee replacing retiring road crew member Ron Litts was not included in the calculations.

Motion: Briglia moved and Stein seconded to approve the MMO report for \$52,266.72 as presented.

Motion carried 3-0.

Advertisement for Equipment Operator/Approve – The Board discussed placing an ad for an Equipment Operator to replace road crew member Ron Litts.

Motion: Gonze moved and Stein seconded to approve placing an advertisement for an Equipment Operator in the *Pocono Record*.

Motion carried 3-0.

PennFuture Model Ordinance/Any Action – Gonze stated that a model Logistics Warehouse ordinance was submitted to the Township by PennFuture for its consideration. The Board asked Steve Dellinger to review the model ordinance for future discussion.

Motion: Briglia moved and Stein seconded to approve Steve Dellinger reviewing the model ordinance from PennFuture regarding Logistics Warehouses for future discussion.

Motion carried 3-0.

PARADISE TOWNSHIP BOARD OF SUPERVISORS MINUTES-SEPTEMBER 6, 2023

2024 Budget Work Session Memo/Any Action – Transue stated that budget season is coming up and the Board should consult their calendars for dates to hold the budget work sessions to discuss at the next meeting.

Mount Airy Trail Monitoring Report/Any Action – The Board briefly discussed the Mount Airy Trail Monitoring Report.

Motion: Briglia moved and Stein seconded to accept the Mount Airy Trail Monitoring Report.

Motion carried 3-0.

Cintron SEO Hearing/Any Action – Solicitor Prevoznik stated that he will work with SEO Jake Schray regarding the Cintron Hearing.

Motion: Briglia moved and Stein seconded to Solicitor Prevoznik to work with SEO Jake Schray to prepare for the Cintron Hearing.

Motion carried 3-0.

Discuss M & M Realty's DEP Appeal/Any Action – Solicitor Prevoznik stated that M & M Realty Partners, LP have appealed DEP's decision regarding the need for a Planning Module to repair the septic systems on their property. The Board discussed hiring an attorney to represent the Township in the M & M Realty Partners, LP's appeal hearing as the Township has been named as a party to the lawsuit. Solicitor Prevoznik provided the names of two different attorneys with environmental experience to represent the Township to choose from.

Motion: Briglia moved and Stein seconded to retain Attorney Paul Bruder, of Mette, Evans, and Woodside as counsel for the Township in the matter of M & M Realty Partners, LP vs. Pennsylvania Department of Environmental Protection at a rate of \$400.00 per hour.

Motion carried 3-0.

Reports

Roadmaster – Mader reviewed his report for the Board. The Board discussed with Mader how many members of the road crew and which pieces of equipment should be taken to Community Day on September 10, 2023. The Board agreed that the dump truck, bucket truck, and tractor can be taken to Community Day for display. The Board agreed that one road crew member should be on hand to supervise the Touch-A-Truck event.

Solicitor – Solicitor Prevoznik stated that he had nothing further.

Engineer – Mr. Unangst stated that he would remind Jason Smith to reach out to Solicitor Prevoznik regarding the Act 167 Stormwater Ordinance.

PARADISE TOWNSHIP BOARD OF SUPERVISORS MINUTES-SEPTEMBER 6, 2023

Correspondence/Miscellaneous

None.

Other Business/Public Comment

None.

Motion: Briglia moved and Stein seconded to recess the regular meeting at 6:58 p.m.
Motion carried 3-0.

Public Hearing (7:00)

M & M Septic Appeal

Motion: Briglia moved and Stein seconded to open the Public Hearing.

Motion carried 3-0.

Solicitor Prevoznik announced that this hearing is a continuation of the Public Hearing that was last held on July 20, 2023, before the Board of Supervisors on the Appeal of M & M Realty Partners, LP ("M & M Realty"), in which M & M Realty is seeking approval to repair the existing sewage facilities by repair permit in lieu of filing an Act 537 Planning Module for multiple sewage facilities on its properties, located at 6315 Paradise Valley Road and 513 Grange Road.

Solicitor Prevoznik opened the hearing and offered into evidence a posting from Tina Transue certifying that she posted the continuation notice on the front door of the Township building and the Township's website. Solicitor Prevoznik also offered into evidence four documents that pertain to M & M Realty Partners, LP appealing a decision from the Pennsylvania Department of Environmental Protection to which Paradise Township has been given party status. There was discussion as to which party has jurisdiction to decide at this time, whether it is PA DEP or the Township. Attorney Siegel will write a brief to the Board on the jurisdictional issue to be submitted within 25 days.

Motion: Briglia moved and Stein seconded to request the brief written by Attorney Siegel be submitted to the Board within 25 days for review.

Motion carried 3-0.

Motion: Briglia moved and Stein seconded to move all exhibits into evidence.

Motion carried 3-0.

Motion: Stein moved and Briglia seconded to continue the Public Hearing to a time and date certain of October 16, 2023, at 7:00 p.m. at the Paradise Township Building, located at 5912 Paradise Valley Road, Cresco, PA 18326.

Motion carried 3-0.

The transcript of the proceedings was taken and will be prepared by Panko Reporting.

Motion: Briglia moved and Stein seconded to reconvene the regular meeting at 7:13 p.m.

Motion carried 3-0.

PARADISE TOWNSHIP BOARD OF SUPERVISORS MINUTES-SEPTEMBER 6, 2023

Motion: Briglia moved and Stein seconded to authorize Solicitor Prevoznik to notify the Pennsylvania Department of Environmental Protection of the impending hearing.

Motion carried 3-0.

Adjournment

Motion: Briglia moved and Stein seconded to adjourn the meeting at 7:14 p.m.

Motion carried 3-0.

Respectfully submitted,

Tina Transue

Tina Transue

Secretary