

**PARADISE TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
DECEMBER 18, 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 (Absent)

Michael Stein – Supervisor

John C. Prevoznik – Solicitor

Charles Unangst – Engineer

Tina Transue – Secretary

Executive Session

Maintenance Laborer Applicant Interviews/Any Action - Stein stated that an Executive Session was held on December 11, 2023, and all three Supervisors and the Roadmaster, Mike Mader, were present. Stein stated that the Executive Session started at 12:00 p.m. and was recessed at 1:02 p.m. The Executive Session was reconvened at 3:00 p.m. and ended at 4:40 p.m. Stein stated the purpose of the Executive Session was to conduct interviews with the applicants for the Maintenance/Laborer position.

No decisions were made.

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Approval of Minutes

Motion: Briglia moved and Stein seconded to approve the December 4, 2023, Board of Supervisors regular meeting minutes as presented.

Motion carried 3-0.

Treasurer's Report

Transue read the Treasurer's Report.

Motion: Briglia moved and Stein seconded to accept the December 18, 2023, Treasurer's Report as written.

Motion carried 3-0.

Unfinished Business

Hanover Engineering Review Letter/NSC Change Order Request/Discuss/Any Action –

Gonze stated that he and Mr. Unangst met with representatives of Northeast Site Contractors via a phone call to review the Contractor's Application for Payment No. 1 and Change Order No. 2. Gonze stated that Change Order No. 2 requesting a no-cost time extension to May 31, 2024, to obtain and install eight sloped manhole adjustment rings would be requested. Also, Northeast Site Contractors will request an additional \$9,000.00 to recover costs for it to obtain and install eight sloped manhole adjustment rings. Northeast Site Contractors' basis for an increased cost is that it was unaware of the extent of the manhole repairs issue at the time of the bid because the manholes were filled in. The Board discussed Hanover Engineering's Review Letter dated December 13, 2023. Mr. Unangst recommended paying Payment No. 1, in the amount of \$575,862.48, leaving a retainage balance of \$75,704.07. Mr. Unangst also recommended paying the additional \$9,000.00 for Change Order No. 2, which would bring the total amount of retainage due upon completion to \$84,704.07.

Northeast Site Contractors Review and Approve Invoice/Update/Any Action

Motion: Upon recommendation of the Township Engineer, Briglia moved and Stein seconded to approve payment of Contractor's Application for Payment No. 1 of \$575,862.48.

Motion carried 3-0.

Northeast Site Contractors Change Order/Discuss/Any Action

Motion: Upon recommendation of the Township Engineer, Briglia moved and Stein seconded to approve the Proposed Change Order No. 2 which authorizes i) an increase of \$9,000.00 to the contract price for the acquisition and installation of eight sloped manhole adjustment rings; and ii) a no-cost time extension to May 31, 2024, for final completion of the 2023 Road Paving Project on Woodland Road.

Motion carried 3-0.

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New Business

Maintenance Laborer Position/Approve Hiring/Start Date – Gonze stated that the Board identified three candidates for the Maintenance Laborer Position.

Motion: Briglia moved and Stein seconded to table the discussion of hiring a Maintenance Laborer candidate to later in the meeting.

Motion carried 3-0.

Discuss Termination of Proposed Route 390 Redistricting/Discuss/Any Action – Gonze asked for a motion to be put forward to discuss terminating the redistricting of Route 390 from an R-1 district to an R-3 district.

Motion: Briglia moved and Stein seconded to discuss terminating the redistricting of Route 390 from an R-1 district to an R-3 district.

Motion carried 3-0.

Gonze stated that after a lot of time spent by the Board, the Solicitor, and the Engineer on redistricting Route 390 the Board agreed that allowing an expanded use to include higher-impact home occupation businesses in a residential district was not appropriate. Residents Trevor and Janine Sopko were present and participated in the discussion noting their objection to stopping the process.

Motion: Briglia moved and Stein seconded to terminate the redistricting of Route 390 from an R-1 district to an R-3 district.

Motion carried 3-0.

Transue's 2024 MOU/Discuss/Any Action – The Board briefly discussed Transue's 2024 MOU. Transue's salary for 2024 is \$69,677.52 for the period of January 1, 2024, at 12:01 a.m. to December 31, 2024.

Motion: Briglia moved and Stein seconded approval of Transue's MOU with a salary of \$69,677.52 for the period of January 1, 2024, at 12:01 a.m. to December 31, 2024.

Motion carried 3-0.

PMVFC Financials/Release Appropriation/Approve – The Board reviewed the 2022 Financial Report submitted by Pocono Mountain Volunteer Fire Company. Receipt of the financial reports from the Fire Company is required in order for the Fire Company to receive the 2023 \$40,000.00 appropriation as was stipulated at the January 3, 2023, Organizational Meeting.

Motion: Briglia moved and Stein seconded to acknowledge receipt of the 2022 PMVFC financial report and further to release the 2023 appropriation funds to Pocono Mountain Volunteer Fire Company in the amount of \$40,000.00.

Motion carried 3-0.

W. DePue/Fine Late Pay/Discuss/Any Action – Transue stated that Walter DePue is six months behind in paying his fine of \$100.00 per month. The Board discussed possible actions that could be taken against Mr. DePue.

Motion: Briglia moved and Stein seconded to table the discussion to a meeting in January 2024.

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Motion carried 3-0.

Open Space Reimbursement/Approve - The Board reviewed the expenses incurred by the Township to maintain the Open Space properties, which is reimbursed from the Open Space Earmarked Account to the General Fund, in the amount of \$49,717.97.

Motion: Briglia moved and Gonze seconded to approve reimbursing the General Fund account from the Open Space Account for expenses incurred by the Township to maintain the Open Space properties in the amount of \$49,717.97.

Motion carried 3-0.

Other Business/Public Comment

Emergency Management Coordinator (EMC)– Gonze stated that he spoke to Maryellen Keegan, from Monroe County Emergency Management office, and read the Emergency Management Handbook for Municipal Officials, which states that smaller municipalities may share an Emergency Management Coordinator. Gonze stated that he reached out to Richard Gannon, EMC for Mount Pocono Borough to inquire whether he would be interested in also serving as the Paradise Township EMC. Mr. Gannon, a Paradise Township resident, was interested in also serving as the Paradise Township Emergency Management Coordinator subject to the approval of the Mount Pocono Borough. Gonze stated that he asked Ms. Keegan if the Monroe County Emergency Management Office had a sample agreement for two municipalities that share an EMC. Solicitor Prevoznik stated that he would reach out to DCED to inquire about the same.

Motion: Briglia moved and Stein seconded to approve Solicitor Prevoznik contacting the PA Department of Community and Economic Development regarding an agreement for two municipalities that share an Emergency Management Coordinator.

Motion carried 3-0.

Reports

Solicitor – Solicitor Prevoznik stated that M & M Realty Partners, LP's Lot Joinder plan was due to be completed by December 31, 2023, but he has not had a response from M & M Realty Partners, LP's Attorney Wolfe. Mr. Unangst stated that he believed the plan was completed except for an indemnity clause Solicitor Prevoznik recommended be added to the plan. The Board discussed extending the finish date for M & M Realty Partners, LP's Lot Joinder Plan.

Motion: Briglia moved and Stein seconded to extend the completion date for M & M Realty Partners, LP's Lot Joinder Plan to January 31, 2024.

Motion carried 3-0.

Solicitor Prevoznik stated that Penn Future filed a motion to file a reply brief to the Court of Common Pleas of Monroe County in the matter of the Appeal of Citizens for Pennsylvania's Future from the Decision of the Paradise Township Board of Supervisors Dated September 27, 2023, Approving the Conditional Use Application of JSPA Realty, LLC. Solicitor Prevoznik stated that he has not heard if the motion was granted. Solicitor Prevoznik stated that he had an Executive Session item.

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Engineer – Mr. Unangst stated Jim Milot, Hanover Engineering Traffic Engineer, sent a letter by email earlier today for Gonze's signature to be sent to the district executive of PA Department of Transportation. Solicitor Prevoznik will review the letter before it is mailed.

Zoning Officer – The Board reviewed the Zoning Officer's Report.

Correspondence/Miscellaneous

None.

Motion: Briglia moved and Stein seconded to recess the regular meeting into an Executive Session at 6:51 p.m.

Motion carried 3-0.

Motion: Briglia moved and Stein seconded to reconvene the regular meeting at 7:06 p.m.

Motion carried 3-0.

Executive Session

Solicitor Prevoznik stated that an Executive Session was held and all three Supervisors were present. Solicitor Prevoznik stated that legal issues regarding hiring practices, Peach Lane, and the loss of Special Counsel Paul Bruder in the matter of the M & M Realty Partner LP's DEP Septic Appeal. Attorney Bruder was appointed as the judge for the DEP Environmental Hearing Board and therefore can no longer represent Paradise Township in the M & M Realty matter as of December 28, 2023. The Executive Session ended at 7:06 p.m. No decisions were made.

Briglia stated that the Board discussed the interviews for the position of Maintenance Laborer and the Board is offering the position to Michael Halstead at the rate of \$17.00 per hour contingent on the criminal background check and driving record check being satisfactory with a tentative start date of December 29, 2023. If Mr. Halstead can start at an earlier date after completion of the background checks, the Board will ratify the new hiring date at the next Board of Supervisors meeting.

Motion: Briglia moved and Stein seconded to offer the position of Maintenance Laborer to Michael Halstead at the rate of \$17.00 per hour with a tentative start date of December 29, 2023.

Motion carried 3-0.

Motion: Briglia moved and Stein seconded to approve Solicitor Prevoznik to reach out to other counsel to retain in the matter of M & M Realty Partner LP's DEP Septic Appeal. Solicitor Prevoznik will work with Gonze in finding and retaining an attorney to represent Paradise Township in the above-mentioned matter.

Motion carried 3-0.

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Gonze asked Stein if the EAC had made progress with the trail maps. Stein stated that the EAC had not met in December. Stein stated that he was in contact with the Professor of Art and Design at East Stroudsburg University (ESU) regarding a collaboration with students to work on the trail map brochures. Stein stated that Louise Troutman volunteered to act as a liaison with the ESU Department of Art and Design on the trail map brochures.

Adjournment

Motion: Briglia moved and Stein seconded to adjourn the meeting at 7:11 p.m.

Motion carried 3-0.

Respectfully submitted,

Tina Transue

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