

A G E N D A
Board of Supervisors
Special Work Session Meeting
November 14, 2019
8:00am

1. Call Meeting to Order: Anne Lamberton, Chair
2. Pledge of Allegiance
3. Announcements:
4. **New Business:**
 - A. Review and discuss the draft of proposed Short Term Rental Ordinance
5. Board of Supervisors Report/Comment
6. Public Questions and Comment

ADJOURNMENT

VIDEO AND AUDIO RECORDING IN PROGRESS

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS
WORK SESSION
NOVEMBER 14, 2019

A Work Session of the Tobyhanna Township Board of Supervisors (“Board”) was held on November 14, 2019, at the Tobyhanna Township Government Center Building, 105 Government Center Way, Pocono Pines, Pennsylvania, 18350.

Present are Supervisors Anne Lamberton, John Holahan, III, Heidi A. Pickard, Brendon Carroll, David Carbone, Interim Manager Autumn Canfield, and Solicitor Jonathan J. Reiss, Esq.

1. Chair Anne Lamberton calls the meeting to order at 8:03AM. A quorum is present.
2. The Pledge of Allegiance is recited.
3. Announcements: none.
4. New Business: Discussion on Proposed Short-Term Rental Ordinance

Julia Heilakka presents proposed changes to the Short-Term Rental Ordinance.

Heidi Pickard states the owner of the short-term rental should be responsible for getting inspections and the Township should not take on the liability of using a Building Codes Official (BCO). Julia Heilakka states the occupancy limit of 10 people is because UCC regulations state that a transient commercial lodging for more than 10 people requires installation of fire suppression systems. Heidi Pickard states the purpose of the STRO is not to uphold UCC but to regulate nuisance rentals. Jonathan Reiss states building codes still apply to the structures. John Holahan and Brendon Carroll state Pennsylvania has a code excluding dwellings from needing fire suppression systems. Julia Heilakka states she will research further. Brendon Carroll asks about houses built prior to the township’s adoption of the UCC. Jonathan Reiss states if an owner changes the use of a building then it has to be brought up to code and that the use of the building becomes commercial in nature. Virginia Emanuel asks what constitutes a commercial business verses a single family dwelling. Jonathan Reiss states the UCC dictates the number of people as what constitutes a commercial use.

Brendon Carroll asks how this applies to properties in private communities. Jonathan Reiss states associations can have stricter regulations but cannot undermine a regulation of the township. Based on the recent Pennsylvania Supreme Court ruling in the Slice of Life Court Case, the current township’s Zoning Ordinance does not allow for short-term rentals in residential areas. Jonathan Lake asks if regulations take priority, an association’s or the township’s. Jonathan Reiss states both must be complied with, abiding by the stricter regulation. Ricky Cortez asks for clarification on the number of people for the need of a fire suppression system. Jonathan Reiss recommends the ordinance reflect that if the short-term rental is rented to more than 10 people at a time, the owner must comply with UCC regulations. Robert Price asks if the building would need to be ADA compliant. Jonathan Reiss responds maybe. Brendon Carroll asks whether the UCC or the IRC applies as both have been adopted by the Township. Jonathan Reiss states the Township would decide.

Jonathan Lake asks the Board to summarize why they are holding short-term rental discussions. Anne Lamberton states the township has received a lot of complaints about short-term rental properties. Jonathan Reiss states the recent Pennsylvania Supreme Court ruling was also considered. John Holahan states he owns short-term rental properties and has verified with the Ethics Board that he can participate in the discussion. Sally Ladd states the proposed ordinance

is too much regulation and will cause owners to sell. The Board discusses regulations to address problem rentals and to allow short-term rentals in the township. Tom Papp states he lives next-door to a short-term rental and has had several issues with renters. Lynn O'Neil states she also has problems with short-term rentals including septic and safety issues. Julia Heilakka reads provisions in the draft ordinance that will address safety and nuisance issues. Amy Young asks what is the criteria to be a 'local contact' per the draft ordinance. Julia Heilakka reads the draft ordinance's requirements for a local contact. Virginia Emanule states education may help facilitate change in short-term rentals. Bob Christians states a tiered fee schedule for certain types of short-term rentals may control some problems.

Lisa Libatro states website platforms are booking sites and not managing firms; it is unfair to penalize owners for only using booking sites. Svetlana Conques states she runs a short-term rental management company and offers her expertise. The Board directs Svetlana Conques to speak with staff after the meeting. Ricky Cortez states as a short-term rental owner, he enforces rules at his property. Amy Young states some violations and penalties should be imposed on renters and not just the owners. Jonathan Reiss states the township wouldn't know who the renters are. Svetlana Conques recommends background checks, insurance on behalf of the renters, and internet application tools to maintain compliance. Katie Dagget states fair regulations are needed. Julia Heilakka states there is a revocation portion allowing for 3 strikes within one 12-month period before the permit is revoked. Donna Slagle states timeshare regulation improved timeshares for the better and that example could be followed.

William Van Gilder asks how the township will enforce the ordinance. Anne Lamberton states it will be complaint driven enforcement. William Van Gilder asks how the township will address the increased work load for the Zoning Officer to enforce and investigate complaints. The Board is unsure how they will handle staffing. Robert Price recommends community association boards actively enforce the ordinance for the township. Jonathan Reiss states it needs to be a township employee. Julia Heilakka asks the audience if there is a way to have a permanent link to the short-term rental listing on website platforms. The public responds yes. Amy Young states she represents several short-term rental owners who are against providing their permanent link to their listing. Julia Heilakka states it is required as a means to prevent owners from giving incorrect information on applications.

Mark Edwards states he feels the problem is negligent owners. Screening renters should be considered and having a local contact is necessary. Cindy Van Gilder asks about RV camping, tenting, or tree house short term rentals. Julia Heilakka states the ordinance is currently written to not allow for campers, tents, or any outdoor sleeping arrangements. Jonathan Reiss states some outdoor sleeping type units may already be regulated by the zoning ordinance.

Tom Papp asks why short-term rental owners are allowed to run a commercial business out of residentially zoned homes. Prudence Papp states she has contacted the owner of a neighboring short-term rental with complaints with no results. Anne Lamberton states these are reasons an ordinance is being considered. Cynthia Trall states the regulations in the ordinance will be too much to maintain in addition to state requirements such as excise taxes. Heidi Pickard states she performs those duties for her clients and it's not difficult, the ordinance would be another license.

Cynthia Trall states she does not agree with trespass waivers and allowing a township representative to enter her property at will. Julia Heilakka states in the current draft, the BCO could enter for an inspection and notice a separate building violation for which he would be obligated to issue a notice. Anne Lamberton recommends making the owner get their own

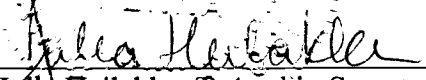
inspection. Robert Price states a checklist should be needed for inspections. Ricky Cortez asks if the ordinance requires business insurance for short-term rentals. Julia Heilakka states the draft ordinance requires commercial insurance.

Megan Ethan asks what the fees and terms will be for permits and a time frame for enactment. Julia Heilakka states there is no proposal for fees yet. The Board discusses regulations on stays booked prior to enactment. Anne Lamberton states more information is needed before a fee is set. Svetlana Conques states the association she works with is considering adding inspections as a service for short-term rental owners. Sally Ladd states smaller short-term rental owners won't be able to afford the fees associated with the ordinance and asks how many complaints the township has received for short-term rental properties. Julia Heilakka states the ordinance will be enforced in a complaint driven system. William Van Gilder recommends a tiered fee schedule based on occupancy. The Board directs Julia Heilakka to schedule another short-term rental meeting.

5. Meeting adjourned at 9:38AM.

Minutes recorded by Crystal Butler

Respectfully submitted:



Julia Heilakka, Township Secretary