

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS
SPECIAL MEETING
JANUARY 25, 2021

The January 2021 Special Meeting of the Tobyhanna Township Board of Supervisors was held on January 25, 2021, over digital tele-meeting due to Covid-19 restrictions.

Present are Supervisors John Kerrick, David Carbone, Brendon Carroll, and John Holahan, III are present. Also present is Solicitor Jonathan J. Reiss, Esquire, Manger Robert Bartal, and Assistant Manager Autumn Canfield. Lloyd Vought is absent.

1. Call Meeting to Order: John Kerrick calls the meeting to order at 6:03PM. A quorum is present.
2. The Pledge of Allegiance is recited.
3. Old Business: Supervisors to Discuss Short Term Rental:
 - a. Robert Bartal reviews the options for moving forward in regards to short term rental; leave the current ordinance as it is and begin enforcement, change the Zoning to allow for the use without an additional standalone ordinance, or allow for the use with an additional standalone ordinance to enforce. He reviews the township's building codes enforcement officer's statement that the transient use of a dwelling is consider an R-3 type building requiring sprinkler systems, emergency lighting as well as handicap accessibility. He continues by reviewing possible third party options for implementing the proposed ordinance.
 - b. David Carbone asks if there is an estimated cost for these third party companies. Robert Bartal states cost will vary based on the type of ordinance passed, the number of inspections, and the amount of staff needed to run the program to name a few variables. John Holahan is in favor of having a standalone ordinance along with the zoning amendment change. He recommends possibly charging more in a permit fee for owners looking to permit multiple rental homes. Jonathan Reiss expresses caution on certain types of restrictions and processes. He continues stating HOA's have a better ability of enforcing more restrictions for the short term rentals.
 - c. David Carbone asks about the limitations on septic systems. Jonathan Reiss states the draft ordinance does address the need for septic inspections and permits to verify the number of bedrooms for the dwelling. Brendon Carroll states he is in favor for allowing short term rentals but has concerns about too many restrictions and the burden on the township it will cause. He asks Jonathan Reiss if the township is required to have short term rentals as a permitted use per the slice of life case. Jonathan Reiss states it is not required to have as a permitted use. John Holahan asks Jonathan Reiss about the liability of issuing a permit for short term rental use and the house not technically being up to code. Jonathan Reiss states the township could get sued but shouldn't be liable. The Board discusses an ordinance that would not be as restrictive as the current draft and be paired down as to reduce burden on staff and cost. John Kerrick states he is in favor of

allowing the use and having the ability to adjust the standalone ordinance as needed. John Holahan asks Greg Romulus to do a costing. Autumn Canfield states Crystal Butler has already generated a costing spreadsheet for in house enforcement. Brendon Carroll states the short term rental owner could self-certify instead of inspecting each home. Crystal Butler hands out and reviews the costing analysis for in house enforcement. John Kerrick opens the floor to public comments.

4. Public Comment:

- a. Joe Crandall expresses displeasure with the length of time it is taking to pass an ordinance and lack of enforcement.
- b. Tia Fritz states there could be negative impact to the housing supply in the area if there is a blanket approval of short term rental. She recommends including the standalone ordinance.
- c. Jay Levy states he is against minimum stay requirements and cautions a severely restrictive ordinance.
- d. Denise Wash states over regulating or tamping down short term rentals will effect resident business owners. She cites Coolbaugh Township's Short Term Rental Ordinance fees and process.
- e. Lisa Liebetrau states she is against one week minimums and recommends the Board consider a hybrid ordinance as to not over regulate.
- f. Christine Chaisson states enforcing one week minimums would be a nightmare and would be costly.
- g. Jen VanGilder is against one week minimum. She continues stating that she is for a standalone ordinance but not one that is severely restrictive.
- h. Magda Kowalska states there are good short term rental owners and hopes there can be a way for that to continue.
- i. George Sabo states there should be a mechanism for neighbors to be able to contact the short term rental owners to notify them of a problem.
- j. Robert Baechtold states he is in favor of one week minimums. He continues stating it is too difficult to change HOA's deed convenats to be effective.
- k. Brett Lewis states he is against one week minimums.
- l. Anthony Rallo states he is favor of an ordinance for short term rental.
- m. Wendy Manley thanks the Board for an open dialogue about short term rental.
- n. Moira Sedgwick states she is against one week minimums but believes some regulation is needed.
- o. Ray Charles states one week minimum rentals are not viable for short term rentals.

- p. Ricky Cortez thanks the Board for their work on the ordinance. He continues to states the Board could consider a tier fee schedule for short term rental.
- q. Mike Herzig reviews his recent process of inspection for his short term rental property in Tunkhannock Township.
- r. Connell McGill states he is in favor of short term rentals. He states his concerns are with the owners buying multiple houses and running a business.
- s. Mike Christian states he is in favor of short term renting with time limits of some sort to create balance.
- t. Steve Thumb states he is generally in favor of renting. He expresses concern of multiple home operations in the area. He believes a third party service should be utilized.
- u. Tim Drag states commercial operations should not be allowed residential zones.

Brendon Carroll thanks everyone for their input. John Holahan motions to move forward with the Zoning Ordinance Amendment to allow for short term rental with the standalone draft ordinance for enforcement. John Kerrick and Brendon Carroll state the draft standalone ordinance could use some work and may be too strict. John Kerrick asks Jonathan Reiss what the next steps would be. Jonathan Reiss states the Zoning Amendment would go to the county and township planning commissions but will also include the standalone ordinance for reference. John Holahan motions to send the Zoning Ordinance Amendment to the planning commissions with the standalone ordinance as reference, John Kerrick seconds. Vote: John Holahan, John Kerrick, and Brendon Carroll in favor, David Carbone did not respond; motion carries.

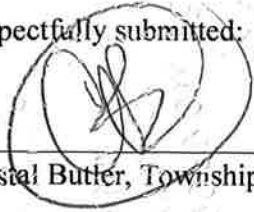
John Kerrick states the township received additional information from DEP in regards to the I-380 Realignment Project. He seeks a motion to approve the appraisal proposal from Tim McKeown in the amount of approximately \$16,500.00. Brendon Carroll makes the motion to accept the proposal not to exceed \$17,000.00, John Holahan seconds. Vote: John Holahan, John Kerrick, and Brendon Carroll in favor, David Carbone did not respond; motion carries.

John Kerrick announces an executive session was held prior to the meeting from 5:30 to 6:45 for litigation and personnel.

5. Adjournment: Meeting adjourning at 7:42PM.

Minutes recorded by Crystal Butler

Respectfully submitted:



Crystal Butler, Township Secretary