

THE TOBYHANNA TOWNSHIP BOARD OF SUPERVISORS  
SPECIAL MEETING  
DECEMBER 7, 2020

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The December 2020 Special Meeting of the Tobyhanna Township Board of Supervisors was held on December 7, 2020, over digital tele-meeting due to Covid-19 restrictions.

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

1. Call Meeting to Order: John Kerrick calls the meeting to order at 5:03PM. A quorum is present.
2. The Pledge of Allegiance is recited.
3. Old Business: Supervisors to Discuss Short Term Rental:
  - a. John Kerrick states the Board would like to discuss short term rentals amongst the members prior to taking comments. John Holahan states his concerns about the commercial aspect of renting a home. He continues stating he understands the renting history of the area and is prepared to move forward with an ordinance and adjust it as need be. John Kerrick asks him if he would prefer in house enforcement or 3<sup>rd</sup> party out the responsibilities. John Holahan states he believes it may be too much for the staff to do enforcement in house but it could be ok to start that way and move 3<sup>rd</sup> party if need be. David Carbone agrees with John Holahan stating the enforcement could be complaint driven.
  - b. David Carbone states maybe the Board would like to consider a minimum rental period of one week. John Kerrick states the HOA's could be more restrictive. Jonathan Reiss states minimum rental stays would be too difficult to actually enforce and easy for the STR owners to work around. Brendon Carroll asks Jonathan Reiss to explain the Slice of Life case ruling. Jonathan Reiss states the determination was for that specific municipality and their definition of Single family dwelling. He continues by stating based on our ordinance short term renting a house does not fit into what is an allowable use in our township as it is not defined as a bed and breakfast or a hotel. Brendon Carroll verifies the process of passing such an ordinance. He inquires if first the Zoning Ordinance needs to be amended to allow for the use. Jonathan Reiss confirms. Brendon Carroll states next would be passing the standalone ordinance and he expresses concerns that such an ordinance will overwhelm the staff and even the police.
  - c. Brendon Carroll expresses concern about liability on the township in regards to issuing a permit to short term rent and something happens, like a house fire, and certain required safety measures weren't verified. John Holahan states the township could get sued over anything but it shouldn't stop an attempt to curb an ongoing problem. Johnathan Reiss states the township has three options; make it legal with no regulation, keep the current ordinance and enforce it, or make it legal and adopt an ordinance to enforce it. David

Carbone asks Jonathan Reiss if the township can require the owner to self-inspect and place the onus on them. Jonathan Reiss states you can put in a certification on the application for the owner to sign. John Kerrick asks if the staff could see what the cost would be to enforce with a 3<sup>rd</sup> party. Lloyd Vought express concerns of the impact to the economy if we don't allow for short term rentals.

4. Public Comment:

- a. Christine Chaisson states she is a short term rental owner and believes there should be enforcement to weed out bad owners.
- b. Bruce Freedman states he is against one week minimums.
- c. Michael Camino states he is against one week minimums. John Kerrick states the idea of a one-week minimum was just a comment brought up by one of the supervisors not a change that has been made to the draft.
- d. Wendy Manley asks if research was done on the amount of complaints received at the township.
- e. Jen VanGilder states the draft is a good start to the ordinance. She continues by stating she is against one week minimums.
- f. Anthony Rallo thanks the Board for their work on the draft.
- g. Mike Oliver states the township should not regulate length of the rental.
- h. Jennie Enzo states short term rentals have been positively effecting HOA's by reducing delinquent HOA fees and increasing property values.
- i. Sally Ladd states Coolbaugh has passed an ordinance and the township should reach out to them for information.
- j. Colin McGill expresses concerns for homes purchased for the sole purpose of short term rental.
- k. Wendy Manley request the Board of Supervisors keep an open mind and that not every short term rental is a party house or bad rental.
- l. Denise Wash states party houses are not just short term rentals; other residents have party houses as well.

5. Adjournment: Meeting adjourning at 5:56PM.

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Minutes recorded by Crystal Butler

Respectfully submitted:



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Crystal Butler, Township Secretary