

COVINGTON TOWNSHIP BOARD OF SUPERVISORS
PUBLIC HEARING for ORDINANCE 2021-01 SHORT TERM RENTALS
TUESDAY APRIL 27, 2021 AT 6:00 PM

The Covington Township Board of Supervisors held a Public Hearing on Tuesday, April 27, 2021 at 6:00 p.m., at the Covington Township Municipal Building, 20 Moffit Drive, Covington Township, PA 18444 to consider Ordinance 2021-01 Short Term Rentals.

There were present: Joseph Setta, Vice Chairman; John Brostoski, Supervisor; Marshall Peirce, Supervisor; Douglas A. Hein, Secretary / Treasurer; and Joel M. Wolff, Esquire. Chairman Thomas M. Yerke and Supervisor Melissa Kearney were absent. A court reporter was not able to be at the hearing; however, court reporter Mark Wozniak will receive a copy of Mr. Hein's recording and provide the Township with an official transcript.

Vice Chairman Setta called the hearing to order with the Pledge of Allegiance at 6:00 pm. Vice Chairman Setta stated that the Chairman and other Supervisor were stuck in traffic and probably would not make the hearing, but a quorum was present. He stated the purpose of the hearing was to consider adoption of Ordinance 2021-01 Short Term Rentals. He then turned the hearing over to Solicitor Wolff.

Solicitor Wolff entered the following exhibits into the record: Affidavit of publication of tonight's hearing in the Tri-County Independent along with the ad, which he labeled Township-1. Solicitor Wolff turned the meeting back to Vice Chairman Setta.

Vice Chairman began Board discussion on the ordinance. He said there is something similar in Eagle Lake and Big Bass Lake. He said the ordinance will be hard to police and how people will take it. Supervisor Peirce said it's an ordinance that needs to move forward to control short term rentals that are happening in the Township to make sure the health and safety of the Township citizens are in good order. Supervisor Brostoski said people have the right to do what they want with their residences. He stated these things are happening and will continue to happen. He said this ordinance will give the Township the direction and enforcement power to regulate the rentals. He said it is no different than what is in other communities in the Northeast and is in favor of it.

Vice Chairman Setta opened the meeting to the public. Solicitor Wolff swore in those in attendance as a group so they could talk on record. He asked that when they are called upon to state their name and address for the record and reminded them that when they speak to remember they are under oath.

June Ejk, 103 West Creekview Drive, Clifton Township, PA, who is a Clifton Township Supervisor, said she is attending because Clifton Township is in the process of doing their own ordinance and she is visiting other townships that are working on an ordinance to make sure Clifton drafts one that can be enforced. She questioned why we are excluding Eagle Lake. Solicitor Wolff said the exclusion was for MP-RV zoning which is Eagle Lake. He said because of the size of the trailers in Eagle Lake, room and parking requirements in the ordinance, the mobile homes in Eagle Lake would be hard to enforce the ordinance on. She said they do short term rentals in Eagle Lake and asked if they will be excluded. Solicitor Wolff said they are excluded, and they handle it internally. She mentioned Big Bass Lake. Vice Chairman Setta said there is only a small section of Big Bass Lake that is in Covington Township. He and Chairman Yerke met with Big Bass Lake in the winter; June said it was her and two others in the room who were at that meeting. Vice Chairman Setta said this ordinance follows some of what is done at Big Bass Lake, and they seem to have a good handle on it there.

Greg Bonawitz, 45 Wildflower Circle, Gouldsboro, PA, said he has a property his family uses but rents it out to help cover the mortgage. He asked if the mobile home park is excluded, can Big Bass Lake be excluded. Solicitor Wolff said that because of the size of the trailers, the closeness of the trailers, the size of the rooms, and parking, the ordinance would not be enforceable there. Big Bass Lake has 10 homes in Covington Township so would not be excluded. Mr. Bonawitz questioned item j on page 3 that proof would have to be provided that short term rentals are not prohibited by any covenants. Solicitor Wolff said that if someone is subject to a homeowner's association that prohibits it, the Township would know that up front and not issue a permit. Mr. Bonawitz questioned the need for a local contact to be within 50 miles and 2 hours of the rental property. He stated that if he lived on all side roads 49 miles away, he may not make it to the property in 2 hours. He lives in Quakertown and can be here in 90 minutes using the Turnpike. He noted page 10 regarding revocation of permits if there are two violations in two years. He said that if he had a noise violation on day one and another on year two minus one day, the revocation of his permit for a year would cost him thousands of

dollars. He questioned if the noise violation example he was giving would be the same for a full time resident who had a complaint against him. Vice Chairman clarified that he was talking about full time residents; he was. Vice Chairman Setta said he can't speak for the police, but if they were called numerous times for something like that, they would issue a fine. Solicitor Wolff said the difference is that he is using it for a commercial purpose, but Mr. Bonawitz said a noise violation is the same for a renter as it is for a full time resident.

Maksim Kunin, 441 Main Street, Gouldsboro, PA stated he is on the board of Big Bass Lake. He said rentals have been part of their community from the start, 50 years ago. He said the majority of members rent from time to time. Their community sits in three townships. He said having three different ordinances plus their regulations would be a nightmare to deal with. He said their board would like to govern themselves because their rules are tailor made for their community, the Township's ordinance is not. He asked for Big Bass Lake to be excluded. He said people with problems will call their office first, not the Township. Supervisor Brostoski asked the percentage of renters in Big Bass Lake. Mr. Kunin said approximately 10-12 percent. He said about 10 percent of those renters are full time renters. He said there about 120 houses for rent, with about 20 being full time. He believes the Township is doing the right thing but doesn't want it too difficult for people to comply with so that the rentals get driven underground where it can't be regulated.

Kristy Akoury, 38 Bunea Vista Drive, Covington Township, said she looked to buy a house in Big Bass Lake and was told there were renters. She lives in a residential neighborhood; the house next to hers has mostly young people coming in every weekend partying. They leave piles of garbage that attracts animals. She doesn't know who is coming in now and moved here to know her neighbors. She doesn't know if renters are screened for criminal background. She wants to know when resident's safety comes before people who want to rent for a weekend. She said all the license plates are from New York and New Jersey, with the people going to the stores during the pandemic.

Roz Davis, 226 Old Schoolhouse Road, Covington Township, asked when the enforcement officer and fee resolutions will be addressed. Solicitor Wolff said it can be done tonight or at the next Board meeting. She asked if a committee for enforcement would be in place. Solicitor Wolff said the thinking is that it will be the Zoning Officer. She asked about background checks for the people out of state and the person overseeing the property, if it is being considered. Solicitor Wolff said it is not in the ordinance, but the annual permitting requirement, enforcement remedies, enforcement officer, insurance requirements and other requirements are in there to strike a balance. She asked about the noise question Mr. Bonawitz brought up. He said they are trying to come up with the wording for their regulations.

June Ejk said the landlords in her community screen their renters because they have a big investment in their properties. They make sure it is family friendly and not a party house.

Roz Davis pointed out that Supervisor Brostoski was listed as Vice Chairman and not Supervisor Setta on the signature page.

Supervisor Peirce asked how much the permit was in Big Bass Lake. Greg Bonawitz and Maksim Kunin both said it is \$120 annual fee plus \$35 processing fee. Supervisor Peirce asked what kind of deposit is required of the renters for damage. Mr. Bonawitz said it is up to the individual property owner, not the association. He gets a \$700 deposit on his property. He is also very clear up front about the regulations, and that it is a family community. Vice Chairman asked if he does not rent to anyone under 25 years of age; he has that the person of rental record and the person on site has to be 25 or older. Supervisor Peirce spoke to Ms. Akoury's concern about background checks and that it would be very difficult to do.

Brandon Pasco, 38 Bunea Vista Drive, Covington Township asked if a house in a residential area could be rented like that. He has spoken to the renters if they're noisy to keep it down, but said he takes a chance doing it. He said the neighbor who rents next to them had five cars leave last weekend and twenty minutes later eight new cars showed up to rent and the house was not cleaned or sanitized. Supervisor Peirce said it does not make sense and that is why they are trying to solve the problem. Ms. Akoury said it appears Big Bass Lake has rules in place to discourage this, but her neighbor does not. Vice Chairman Setta asked her if she has contacted the Covington Township Police; she has not. He told her that her first contact should be with them.

Vice Chairman closed public comments. He asked for a motion for the approval of the Short Term Rental Ordinance. Solicitor Wolff said that he doesn't have to, but he can, designate the enforcement officer and set the rates or it can be done later. Vice Chairman Setta said he would rather wait until the full Board is present. He asked if they had to vote

tonight and was told yes. Supervisor Brostoski asked Solicitor Wolff if the part of the ordinance regarding two violations was standard in other ordinances he looked at. Solicitor Wolff said yes, he looked at some from townships in Monroe County, Thornhurst Township's ordinance and ours follows the others.

Vice Chairman Setta asked if he could get the other two Supervisors on the phone to vote. Solicitor Wolff said there is a quorum and if he wanted them to vote, they should have been on the phone from the very beginning. Supervisor Peirce asked if it is adopted tonight, could changes be made. Solicitor Wolff said if it were a substantive change, another hearing would have to be advertised and held; if it was not substantive, changes could be made.

ON MOTION duly made (Peirce), seconded (Brostoski), and carried 2-1, with Vice Chairman against, to approve Ordinance 2021-01, Short Term Rentals.

June Ejk said it was not a majority of the Board, but Solicitor Wolff and Vice Chairman Setta said it was a quorum. Mr. Setta said it would have passed with the others present.

ON MOTION duly made (Brostoski), seconded (Peirce), and carried 3-0 to adjourn the hearing at 6:50 pm.

*Respectfully submitted,
Douglas A. Hein
Secretary / Treasurer*