

## **BHW Directors Meeting with Attorney John “Jack” Spall**

Saturday April 24, 2021; 9:30 AM  
Spall, Rydzewski, Anderson, Lalley, Tunis  
2537 Route 6, Hawley PA 18428  
570-226-6229

(Minutes recorded by Lou Lombardo)

**SUBJECT:** Short Term Rentals; Bed n Breakfast Policies and Trespassers

- ATTORNEY: Jack Spall
- BHW Representatives:
  - President-John Scagliotti
  - VP-Richard Klein
  - Treasurer-Alissa Weiss
  - Sgt Arms-Lou Lombardo

--John Scag: We want to create a B n B policy. Lackawaxen Township does not have a policy.

--Jack Spall: The municipalities are not pursuing it. Paupack Township is putting the onus on individual communities. Reason-fear of lawsuits. Lackawaxen Township told the Tink Wig community the B n B issue is your responsibility.

--John Scag: BHW covenant “Residence is a single detached building allowed for one family”.

--Jack Spall: The BHW covenant has decent language.

--John Scag: A household includes extended members The B n B is not renting to a family unit. Our concerns are noise, road wear, trash, ATV’s, fireworks, firearms. We are seeking your guidance to write a policy.

--Jack Spall: You can only regulate the property owner. Palmyra Township requires the property owner to report to the home within 2 hours of a complaint. The BHW directors can write a rules and regulations policy which can be enacted. A by-law change will require a 67% vote from the BHW property owners. I recommend the rules and regulations method.

--John Scag: Previous meetings with the BHW Board have the following proposals: The B n B property owner must register, pay a yearly fee, must be a reliable property owner, parking guidelines, number of people allowed, noise.

--Jack Spall: Advice; the building permit dictates the number of bedrooms and the septic capacity. This determines the number of people allowed. Health and Safety is your reliable argument.

--Jack Spall: The property owner must post the BHW regulations in the house.

--Jack Spall: Some private communities have declared that no short term rentals are allowed. I am not sure they can enforce it. Renting a home is a property owner right. There is a B n B home at Rough Grouse Ridge that charges \$1,000.00 per night. The BHW covenant has better wording for controlling short term rentals. It is probably better to make 3 night rentals the minimum.

--Lou L: What is the norm for a yearly registration fee?

--Jack Spall: The fee amount is up to the BHW directors.

--Lou L: Our fee will be earmarked for road repair and the maintenance of common grounds.

--Jack Spall: Hang your hat on the septic system rule, accidents, and forest fires.

- Lou L: Can we rule that renters are not permitted to operate ATM's, snowmobiles, etc on BHW roads. Does this clear us from lawsuits in the event of a violator having an accident?
- Jack Spall: BHW will not be totally immune to a lawsuit. The association is responsible for road issues. Even though they violated the ATV rule and there is an accident, trespassers are protected, BHW has some responsibility. You cannot be the community police. If you see a violation report it to the B n B property owner. I recommend a graduated fine structure.
- John Scag: The BHW covenant fines are very low.
- Lou L: Can we require a minimum home owner insurance liability coverage and be a certificate holder.
- Jack Spall: You can require that the property owner provide the insurance information when they register for a yearly permit. Blue Heron Woods Property Owners Association should be listed on the certificate to the policy.
- John Scag: What if a home owner circumvents our rules? BHW does not know they are renting.
- Jack Spall: BHW is not free of responsibility if there is an accident on your roads. You should write the B n B policy and send it to all BWH property owners before the June annual meeting.
- John Scag: Due to the Covid 19 restrictions we have only had board meetings.
- Alissa W: I will set up a virtual meeting "Zoom". Presently, we cannot rent a rental building due to covid policies.
- Jack Spall: Say that it is not economical and practical to have an outdoor meeting (tent rentals).
- John Scag: Settlers Inn was \$700.00; Blooming Grove FC was \$50.00. None are available.
- Jack Spall: The Annual Meeting announcement should indicate that there are no available venues. Virtual Meetings did not exist when the BHW covenant was written.
- Alissa W: There are 2 options for a virtual meeting: Dial in or Zoom.
- Jack Spall: Your annual meeting deals with reports, questions and answers. This can be accomplished with a virtual method. Record any questions that you cannot immediately answer.
- Rich K: Does the school rent out rooms?
- Jack Spall: Yes! The LW HS gym seats 2500 and the football stadium seats 3200 (1500 people are allowed for the 2021 graduation). Call LW HS Principal Jim Cane. They may say no because they disinfect every night.
- A Weiss: A virtual meeting is more convenient and safer.
- John Scag: We have a TRESPASS problem at BHW south (off of the route 6 entrance) ATVs are riding on the old logger trail and in the BHW north wetland space.
- Jack Spall: Report this to the Department of Conservation. Their people will investigate the wetland area violations (retention pond area). POST SIGNS that state CRIMINAL VIOLATION. You can use generic postings or custom signs.
- Rich K: You can use purple paint
- Jack Spall: Few people know the meaning of purple paint markings.
- Rick K: Some BHW Board slots were up for election for 2020. Can we skip 2021?
- Jack Spall: Put all 5 candidates on the ballot.

--John Scag: We sent a letter to a property owner who had commercial vehicles parked on Decker Road. We mentioned the violation of firetruck, ambulance, and police access. The person moved the vehicles.

--John Scag: Jack, we have yet to receive a bill from your law firm.

--Jack Spall: We will get you a BILL asap.

--Jack Spall: I will draft Recommendations for B n B Rules and Regulations within the next 2 weeks. The BHW board can enact the policy immediately.

--Jack Spall: Put a RSVP date on you Zoom Meeting announcement.