

Commissioners:

SCOTT L. METZGER
Chairman

TONY R. MUSSARE
Vice Chairman

RICHARD MIRABITO
Secretary



MATTHEW A. McDERMOTT
*Director of Administration
and Chief Clerk*

J. DAVID SMITH
Solicitor

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**LYCOMING COUNTY BOARD OF COMMISSIONERS
PUBLIC MEETING MINUTES
THURSDAY, JUNE 25, 2020
10:00 A.M.**

Present:

Commissioner Metzger

Commissioner Mussare

Commissioner Mirabito

Director McDermott

Solicitor Wiley

1.0 OPERATIONS

1.1 Opening Prayer

1.2 Pledge of Allegiance

1.3 Convene Commissioners' Meeting

1.4 Approve the Minutes of the Previous Meeting

1.5 Public Comment (Agenda Items Only)

2.0 ACTION ITEMS

- 2.1 Mya Toon- Vote on Resolution 2020.14 authorizing the submission of an H2O PA Grant Application to the Commonwealth Financing Authority. **Mr. Mirabito moved to approve. Mr. Mussare 2nd the motion. Approved 3-0.**

2.2 Mya Toon- Vote on 5-year grant agreement for the State Food Purchase Program. Mr. Mussare moved to approve. Mr. Mirabito 2nd the motion. Approved 3-0.

2.3 Shannon Rossman- Vote on Amendment to Zoning Ordinance 2020-01, Hunting Preserve Use. Mr. Mirabito voted No. Mr. Mussare voted Yes. Mr. Metzger voted Yes. Approved 2-1.

3.0 Commissioner Comment:

Mr. Metzger made comments in regards to the Sun-Gazette article on 6/24/20. He believes he too a leadership role and did his research on the Manor Care situation.

Mr. Mussare mentioned that they just had a meeting with the Sheriff. He believes our democracy is being challenged. Asked, are we prepared in Lycoming County? We have a tremendous relationship with our law enforcement. Do they have the right equipment to be safe?

Mr. Mirabito commented on the opening for Chairman on the Assessment Review Board.

(Please see Live Stream video for further details.)

4.0 PUBLIC COMMENT Speakers who wish to address the Board of Commissioners will be limited for No More than Three (3) minutes on any particular item. The speaker must state his/her name and address for the record. Any deviation from this rule must be approved by the Board Chairman.

Mr. Shireman- Jerisy Shore: made public comments in regards to Covid-19 and the situation within Manor Care- Jersey Shore.

Mr. Schick-Muncy Township Supervisor- Commending the Commissioners' are their hard work and research. He agrees that we need to be prepared for protesting that can get out of hand. He is concerned of the gathering that is happening at the Lycoming Mall.

5.0 NEXT SCHEDULED MEETING

The next public meeting will be held on Tuesday June 30, 2020, at 10:00 A.M. in the Commissioner's Briefing Room, 1st Floor, Executive Plaza, 330 Pine Street, Williamsport, PA 17701.

6.0 ADJOURN THE COMMISSIONERS' PUBLIC MEETING

****Please refer to video recording of meeting for more detailed information.**

<https://www.youtube.com/channel/UCSRDCV2YEBfonPDRfPMnEuw/videos>

Mr. Mussare,

In discussing with several of the residents involved we felt the need to reply to your response to our last letter and a few of your comments from the last meeting.

We would like to refer to your analogical comments about driving up a long road through the woods to access Mr. Fry's proposed site. While that is true, the reality is that road leads to the top of the hill to an open field that overlooks Pennsdale and even the new construction area for Geisinger. At a recent meeting with several of the local residences and myself, we explained that when the leaves are down in the winter you can easily see the ground in that field from in the Pennsdale area. The tree line breaks hard down over the hill and gives next to no cover from bullets. Where is concern for the safety of residence of our county? When you visited the proposed site did you travel the extra few minutes to inspect the current sight as part of the due diligence?

You stated that your vote changed based on considering individual rights. How about our rights? We understand that you are trying to look at the whole picture, but the reality is only one person is applying to put this type of dangerous and invasive business in our countryside. We would all agree that law/ordnances shouldn't be levied against any one individual; However, that also means laws shouldn't be changed to benefit one individual. That appears to be the situation in this case. County zoning was specifically created to help protect citizens and promote the economic development of the county.

In no way would preventing the change to the zoning create a hardship for Mr. Fry. He already has one of these operations just a few miles away and this is not his primary business. This is simply a hobby. The reason he needs a new site is lack of environmental planning at his existing site which was put in without any permitting or consideration for the rules. Why would the county go out of their way to help an individual who has a pattern of flouting the rules? Once the spotlight is gone, why would this time be any different?

This is not about PERSONAL RIGHTS, it's about zoning ordinances which the people have elected you custodian of those duties. We cannot see how anyone could vote for this against so many people and put their way of life in harm's way after spending years of building homesteads in the area. If zoning cannot even protect people from serious danger, then what is the point of having it at all? Your assertion that people should be able to do what they want with their private property leads us to believe that anyone should be able to do as they please. Surely that can't be the case. We hope you will reconsider your decision which could have such a negative effect on so many lives and vote with the people, not just an individual.

COMMISSIONER RICK MIRABITO STATEMENT FOR MINUTES PUBLIC MEETING JUNE 23, 2020

Mr. Chairman, before I begin my Statement for inclusion in the Minutes today, I want to read into the record a document that a constituent asked me to submit because he could not be here.

MR. KELLER'S LETTER.

THESE ARE MY COMMENTS:

There two facts that all three Commissioners agree upon. First, that we have the power to regulate hunting preserves; and second, if we do not regulate hunting preserves --- that is designate a place within the County Zoning Ordinance where they are allowed --- then such preserves would be allowed anywhere within the municipalities regulated by the County Zoning Ordinance.

An issue before us is how much change we allow when the public has expressed overwhelming concern and there is real evidence from existing preserves that they have the potential to do serious damage to the quality of life and the economy of the County. I say the "economy" because the damage from feral pigs will be much greater than any tourism benefit that the hunting preserves will bring to the County.

Unfortunately, today is a sad day for the quality of life in Lycoming County. I say that not to be overdramatic, but to describe what is happening with the vote by the majority Republican Commissioners who control this Board of Commissioners.

I have heard the majority on this Board of Commissioners say "We have to protect private property rights ... This is not our responsibility ... We cannot make the decision This is a decision for the Zoning Board ..."

Nothing could be further from the truth.

The Commissioners are the governing body of this County.

The Planning Commission is an advisory body.

The Zoning Board implements the decisions the Commissioners make.

We can choose to make a very broad sweeping decision or we can make a surgically precise decision.

The majority on the Board have chosen to make a very broad set of changes to the Zoning Ordinance.

The purpose of Zoning Laws is clear as set forth in A Practical Guide to Understanding Zoning

Laws: {quote}

Why is zoning important? Zoning laws determine what kind of structures can be built, whether or not an existing property can be re-purposed, and even whether or not an existing structure can be replaced with something new at all. Of course, even if these aren't changes you are currently considering, you might have a neighbor trying to make one of these changes... to the detriment of your own property.

Understanding zoning is important because it will in large part determine whether or not you get the change you want, and also whether or not you can prevent or modify the change you don't want.

What exactly is zoning and what is its purpose? **Zoning** is the legislative process for dividing land into zones for different uses. **Zoning laws** are the laws that regulate the use of land and structures built upon it.

.... "For the health, safety and general welfare of the public." It means that every act of governance should (ideally) be made in the best interests of the people. Accordingly, zoning laws are created for the simple purpose of protecting the health, safety and general welfare of the people as relates to land use.

[close quote]

PropertyMetrics.com: A Practical Guide to Understanding Zoning Laws (March 6, 2017).

The way to protect the health, safety, and general welfare of the public is to make a less dramatic change in the Zoning Ordinance and one more consistent with the public's expectations. Such an action would still allow hunting preserves but in Resource Protection Districts only.

The individual involved --- Mr. Stacy Fry --- could then apply to the Zoning Board for a variance from the Zoning Ordinance to put the hunting preserve in the Countryside District. At that point, the Zoning Board would exercise its role in the process.

The Commissioners, however, have decided to make a **dramatic** change in the law and allow the hunting preserves in **three** Zoning Districts. This change is a significant and fundamental departure from the current law and from what the public has relied on for almost 30 years.

When a prior Board of Commissioners enacted the Lycoming County Zoning Ordinance on December 31, 1991, in Section 2300, which is entitled "Statement of Purpose and Intent of Zoning Districts," the law established what the public could expect in each Zoning District.

The law is very clear:

1. With regard to the Resource Protection (RP) District, constituents could expect:
"Examples of areas which may fall within the Resource Protection District include State Game Lands and private hunting/fishing preserves."
2. With regard to the Agricultural (AG) District, constituents could expect:

“Land in this classification should not be used to accommodate the County’s growth ... As a matter of policy, it is hereby determined that the highest and best use of this land is agriculture.”

3. With regard to the Countryside (CS) District, constituents could expect: “The Countryside (CS) District is designed to permit residential development at densities that are consistent with the maintenance of a rural countryside character.”

In the past, Boards of Commissioners have made very narrow changes to the Zoning Ordinance understanding that the public relies on these laws to protect the quality of life in our community.

For example, on March 22, 2018, the prior Board of Commissioners changed the Zoning Ordinance to allow for Medical Marijuana Dispensaries but did it in a narrow manner, meaning the Ordinance allowed it in only one Zoning District.

This pattern is true of many other controversial uses where the Ordinance only allows the use in one District.

For example, the Zoning Ordinance allows use in only one District for controversial businesses such as Adult Entertainment, Medical Marijuana Dispensaries, Junk Yards, Disposal, Growers/Processors of Marijuana, and Medical Marijuana Transport.

We have heard all of the potential negative consequences from these hunting preserves.

Regardless of whether the current owner is responsible, we know that allowing these preserves to proliferate all over the County in Agricultural and Countryside Districts will have a deleterious effect on the quality of life for Lycoming County constituents.

Imagine that you have lived in a house for 30 years and a business owner is able to convince the governing body to allow a bar in the building across from your home. Patrons of the bar engage in fights, selling drugs, and other activities that destroy the quality of your life. The elected officials who made the change simply tell you “Call the police it is not our problem.”

One consequence of this change may involve constituents electing local leaders who chose to leave County zoning because these changes do not apply to municipalities with their own zoning ordinances.

We have heard from approximately 75 to 100 people who oppose the broad changes. These constituents understand that the proposed changes undo what the Zoning Ordinance in 1991 led them to believe what they could expect from the quality of life in their community.

These constituents are correct.

Make no mistake --- this is a material and fundamental change in the current law in not one, not two, but **THREE** zoning districts.

Constituents understand that change happens. This is not a case of “not in my backyard”.

“Not in my backyard” refers to a situation where zoning **ALLOWS** a use and residents say they do not want it in their neighborhood even though the law allows it.

That is not the case here.

Here the majority have changed the zoning in an expansive and unnecessary way.

These changes are saying to constituents “You do not matter. Your investment in the community does not matter. Someone with more influence than you matters.”

Today’s decision does not protect the public from the re-purposing of property.

Today's decision does not protect existing landowners from a decision that will be a detriment to their property.

Today's decision is not in the best interests of the public.

Today's decision does not protect the health, safety and general welfare of the public.

In short, today's decision makes it a sad day for the quality of life in Lycoming County.