

**Red Lion Borough Council  
Meeting Minutes  
Monday, June 13<sup>th</sup>, 2016**

**Members**

Cynthia Barley  
Danielle Kabacinski  
Christina Frutiger  
Anthony Musso  
Kelly Henshaw  
Dennis Klinedinst  
Nevin Horne

**Others**

Dianne Price, Borough Manager  
Mike Craley, Solicitor  
Jeff Shue, Engineer  
Mayor Steven Kopp  
Dan Shaw, Codes/Zoning  
Brett Patterson, Public Works

**Visitors**

Ben Rodkey  
Scott Kopp  
Theresa Olafsson

Robert Frutiger  
Loren McCleary  
Bill Henry

1. The meeting was called to order @ 7:00p.m. Pastor Tina Melusky, from Grace Lutheran Church offered a prayer. Everyone present participated in the pledge to the flag.
2. Mr. Musso made a motion to approve the May 9<sup>th</sup>, 2016 Meeting Minutes; Mrs. Frutiger seconded. A vote was taken; motion carried, with Mr. Klinedinst & Mr. Horne opposing.
3. **VISITORS AND PUBLIC COMMENTS**—the following address Council:
  - Neal Metzger from LSC Designs and Tim Rutter, representing Rutter’s Farm Stores, were present to get some feedback from Council regarding expanding the Rutter’s Store located at the intersection of South Main Street & Winterstown Road. Mr. Rutter would like to add to the parking area and also the number of gas pumps at the site. The site, which borders Windsor Township, is in the Commercial Zone. Mr. McCleary, who owns 730 South Main Street, had approached Rutter’s Corporation to gauge their interest in purchasing his property to expand the store. To move forward with this project, Dan Shaw said they may need a Use Variance to expand onto the adjacent site on 730 South Main Street or get the adjacent site rezoned to Commercial. (It is currently Residential Outlying). Mr. Metzger feels that when applying for the Use Variance to expand the store, they would also need to apply for a dimensional Variance for the paving coverage, as the maximum paving coverage allowed in the RO Zone is 50%. Proposed plans were distributed to Council that showed angled pumps along South Main Street with additional parking to the north side of the store and the entrance to the store being moved away from the Rt. 24 intersection. Mr. McCleary agreed to give Rutter’s a few weeks to make their decision before he refurbishes 730 South Main and moves forward with selling the property. To Mr. Rutter’s knowledge, there have been no complaints about the store, noise, etc, from the property directly across the alley (behind Rutter’s). Mr. Craley’s recommendation is to originate this plan with the Planning Commission for discussion and he stated the rezoning could be done through a map amendment. This process would begin with Red Lion Planning Commission then go to York County Planning Commission for their recommendation. At some point, all adjoining property owners would be notified, giving them an opportunity for a Public Hearing and the property would be posted, so everyone in the vicinity would have ample opportunity to relay their opinions to Council before a decision is made.  
Mr. Klinedinst made a motion to move forward with Mr. Craley’s recommendation; Mrs. Frutiger seconded. All were in favor; motion carried.

- Theresa Olafsson from Shades Hair and Spa (201 East Broadway) was present to talk about a Shades Fest event scheduled for October 15<sup>th</sup>, from 9-3p.m. to raise awareness about domestic violence. The event would benefit Stillwaters Domestic Violence Shelter and ACCESS York/Victim Assistance. The event will be held in the salon parking lot that day, rain or shine. Fun, food, vendors, entertainment will be enjoyed and several local businesses have already given their blessing with holding the event, due to the amount of traffic/parking shortages expected. (Set-up for the event may begin around 7a.m. that day).

Mr. Musso made a motion to close Birch Lane from 7am-5pm on October 15<sup>th</sup>, 2016; Mrs. Frutiger seconded. All were in favor; motion carried.

4. **PUBLIC SAFETY**—Mr. Musso

- **Fire Company Report**—Ben Rodkey reported:
  - 21 calls for the month of May, with 84 personnel using 34 pieces of apparatus
  - \$0 fire loss
  - Suspected arson fire earlier this month @ 601 West Maple Street. Fire Marshall believes it was kids trespassing & breaking into a box truck at the facility. State Police will increase their patrols in the area.
  - Kids with fireworks were reported near Fairmount Park recently.
  - Open House was held on June 4<sup>th</sup>; attendance not as good as previous years
  - Staff numbers responding to calls has been sporadic; options are being reviewed to increase interest in volunteering. Fire Company may bring pieces of apparatus to Fairmount Fun Day or Street Fair events.
- **Ambulance Report**—distributed
- **EMC Report**—Scott Kopp reported:
  - Red Lion, in conjunction with York Township, will be working on municipal certification at the end of June.
  - Amateur radio operators are being scheduled for Red Lion Street Fair on August 13<sup>th</sup>, 2016.
- **State Police**—Mr. Musso reported State Police are still doing a fantastic job in the Borough.
  - Mr. Musso reported he received an email from Vince Caltagirone, owner of Golden Crust Pizza in regards to a person who came into his establishment, visibly intoxicated, on June 4<sup>th</sup>. This was the same day as the Suds ‘n’ Song event and Mr. Caltagirone blamed the event as the reason this person was allowed to get intoxicated. Mr. Musso had replied to the email, stating that as a business owner, it is Mr. Caltagirone’s responsibility to call 911 in the event that someone is so highly intoxicated in his establishment. Whether or not this individual actually got this intoxicated at Suds ‘n’ Song is uncertain. It was the brewers/vendors from the breweries that actually served at Suds ‘n’ Song. Mrs. Kabacinski stated she would be interested in viewing Golden Crust’s cameras (with a time stamp) to see when this person actually came into Golden Crust. If it was “later in the evening” as Mr. Caltagirone claimed, the Suds ‘n’ Song event was long over. State Police (in uniform & plain clothes) were at the event as a presence also. Mr. Horne displayed his displeasure that these events are being held. He believes the Borough is in business, not to “entertain people”, but to keep Borough residents safe, fix borough streets, etc. Other Council members, however, feel that events such as this bring about a sense of community and bring people into town, increasing revenue.

- Mr. Musso reported “Project Heroin” asked if Red Lion Borough wants to be part of the needle exchange. Mrs. Price said no, under the advisement of State Police.
5. **MAYOR KOPP’S REMARKS AND RECOMMENDATIONS**—Mayor Kopp thanked everyone who attended the Memorial Day Parade & ceremony at the park. He reported he will be presenting Henry Herrman with the 2016 Red Lion Community Service Award at the October 10<sup>th</sup>, 2016 Council meeting, which will be held at the Community Building.
  6. **ORDINANCES**—
    - Ordinance 2016-7—Amends grass clippings collection—eliminates provision that required grass clippings to be recycled. They can now be put out with residential trash, and the Ordinance also includes what residents can do with yard & leaf waste. Mr. Musso made a motion to approve the Ordinance; Mrs. Kabacinski seconded. All were in favor; motion carried.
    - Ordinance 2016-8—Adding Vulcan Road Field to the Park Ordinance for purposes of establishing regulations for the parks, including sunrise & sunset hours. Mr. Musso made a motion to approve the Ordinance; Mrs. Frutiger seconded. All were in favor; motion carried.
    - Ordinance 2016-9—Requires permits for sidewalk & curb repair and replacement and also gives the borough the legal right to establish fees for inspections. Mr. Musso made a motion to approve the Ordinance; Mrs. Frutiger seconded. All were in favor; motion carried.
  7. **AGREEMENTS**—Agreement and Notice to Proceed for Kinsley paving contract for Charles Lane & Church Lane. Contract had been awarded to Kinsley Construction previously. Mr. Musso made a motion to authorize the Notice to Proceed as the contract was bid and previously accepted; Mrs. Frutiger seconded. All were in favor; motion carried.
  8. **ENGINEER’S REPORT**—Jeff Shue absent tonight; no further report
  9. **SOLICITOR’S REPORT**—Mr. Craley reported an Executive Session will be held at the end of tonight’s meeting to discuss litigation involving 33 West Broadway and potential litigation involving 86 North Main Street and Vulcan Road.
  10. **PARKS AND RECREATION**—Mrs. Kabacinski reported:
    - Mike Zelger has been granted permission to use the Nitchkey Field concession stand for his adult league. He has agreed to pay half the utilities and a walk-through was done to determine what stock he would be using/keeping. There will be an inspection to be sure the condition of equipment is good.
    - Splash Pad is officially open. A relay was repaired recently and a back-up has been ordered to keep in stock. Discussion was held regarding steps to follow if the Splash Pad is not in operation or out of service.
    - Flag Day ceremony was held June 11<sup>th</sup>.
    - A few patrons reported their cars were spray painted while parked at the Suds ‘n’ Song event. These were reported to State Police.
    - Mr. Klinedinst requested a spreadsheet of expenditures & revenue for the Suds ‘n’ Song event. Mr. Musso thanked everyone who donated their personal time for the event, stating it is a great community event and good feedback was heard from those who attended.
  11. **MUNICIPAL SERVICES**—Mrs. Barley reported:
    - An amendment to the Municipal Lot Ordinance needs to be done to include the new parking lot on West Broadway. Discussion will determine time limits, costs, etc. Until these issues are determined, it will be an open lot.
    - At the recent PSAB Conference, Council learned picnic tables, banners, signs, etc for town can be acquired through “The Big House” and the PA Department of Corrections at a reasonable cost.
    - Also at the conference, Council learned requirements are being changed for content of signs around town. Dan Shaw is reviewing this.
  12. **PUBLIC WORKS**—Mr. Klinedinst reported:

- 607 West Broadway requested a Handicapped Parking space. Mr. Klinedinst has not talked to the resident yet. When visiting the location, he did not find any shortage of parking. He is tabling this request for now.
- 10 East Avenue (Runkle's)—they have 8 residential units and no tenants are allowed to park on the Runkle's business lot. Mr. Klinedinst stated per Zoning and the Special Exception that they were granted, they are required to supply parking to their tenants. One of their tenants has now applied for a Handicapped Parking space, because he said he is not allowed to park on the blacktop area right outside his unit. Dan Shaw said the units on East Avenue were not included in the Special Exception and if rental units were put in (as in this case) prior to the Zoning Ordinance, a parking space for each tenant is not required. More research will be done to be sure proper signage for tenant parking is there and for the possibility of the handicapped space.
- Remove gate at Charles Lane & Railroad Lane (between the Gemmill and Zarfos buildings)—this was previously installed to deter illegal activity in the area. Mrs. Barley made a motion to now remove the gate; Mrs. Kabacinski seconded. All were in favor; motion carried.
- Charles & Gay Street curb/sidewalk repair—three properties are not in compliance yet. Council discussed possibility of placing liens on them; one is in foreclosure. Mrs. Barley made a motion to authorize management to place liens on any properties related to the Charles & Gay Street Project not in compliance with the physical sidewalk repair work. Mrs. Frutiger seconded. All were in favor; motion carried.
- Quote for barricades installed along the new municipal parking lot was \$17,466.00. This is a treated-wooden barrier and a one-time investment. More on this later.
- Bid for the 1988 Chevy dump truck with the cinder and plow for \$4,100. Mr. Klinedinst made a motion to accept the bid and sell the truck with attachments; Mr. Musso seconded. All were in favor; motion carried.
- Of note, Mr. Henshaw, Mr. Klinedinst and Mrs. Price have contacted Red Lion School District regarding the grant money available to deal with stormwater runoff along Horace Mann Avenue. Once the plan is completed, the grant can be applied for and Council was hoping the school district would want to contribute as well. To date, no word of agreement has been received from the school. Mrs. Barley agreed to contact the school again. Red Lion Municipal Authority plans to contribute \$1,000.
- Mrs. Kabacinski discussed the possibility of gating the Mill Street entrance into Vulcan Fields; however, the State uses that entrance. More discussion may come on this.

13. **PLANNING, ZONING AND REDEVELOPMENT**—Mr. Horne reported:

- There will be a Planning Commission meeting this month, June 20<sup>th</sup> @ 7:00p.m.
- He received a phone call from a neighbor who claimed she was being evicted because he (Mr. Horne) voiced his opinion at May's Zoning Hearing. He explained to her he did not have a problem with her; he was voicing his opinion about the tenants at 138 and 132 East Broadway.
- A complaint was made regarding the mini-storage at Neff Street extended (owned by Troy Leiphart) stating a business was being run out of the facility and the occupants were using the wooded area as a bathroom. Dan Shaw has notified Mr. Leiphart that this is a zoning violation; a civil action could be taken if it is not stopped. The facility is for storage purposes only; no businesses are supposed to be operated there.  
Of note, Mrs. Price read from the 2013 Zoning Hearing decision on Troy Leiphart's storage unit facility, that "servicing or repair of equipment shall not be conducted on the premises" and "no business activities other than rental of storage units shall be done on premises". This was a condition of approval from that hearing and can be enforced as an Ordinance. Mr. Leiphart will be made aware of the violation.

14. **ADMINISTRATION**—Mrs. Frutiger stated the Financial Report was distributed. To date, one nomination was received for the Catherine Meyer Award.
15. **COMMUNICATION**—Mrs. Price distributed her report.
16. **Approval of bills**—Mr. Musso made a motion to approve the bills; Mrs. Frutiger seconded. A vote was taken; motion carried with Mr. Horne opposing and Mrs. Barley abstaining.
17. **EXECUTIVE SESSION**—Council recessed to Executive Session @ 8:42p.m. to discuss an actual matter of litigation and three potential matters of litigation regarding properties in the Borough. Council reconvened @ 8:57p.m. Mrs. Barley made a motion authorizing Mr. Craley to appeal the Zoning Hearing Board's decision with regards to ArthurLee, LLC and 86 North Main Street. Mrs. Kabacinski seconded. All were in favor; motion carried.
18. **Adjournment**—Mr. Musso made a motion to adjourn the meeting @ 8:57p.m. Motion carried; meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary