

**Red Lion Borough Council  
Meeting Minutes  
Monday, November 14, 2016**

**Members**

Cindy Barley  
Tina Frutiger  
Dee Kabacinski  
Kelly Henshaw  
Dennis Klinedinst  
Nevin Horne

**Others**

Dianne Price, Borough Manager  
Dan Shaw, Codes/Zoning  
Brett Patterson, Public Works  
Mike Craley, Solicitor  
Mayor Steven Kopp  
Stacy Myers, Recording Sec'y

**Visitors**

Robert Frutiger  
Loren McCleary  
Skip Missimer  
Ben Rodkey

Scott Kopp  
Eric Immel  
Kathy Horne

1. The meeting was called to order @ 7:00p.m. All present observed a moment of silence, followed by the pledge to the flag.
2. Mrs. Frutiger made a motion to approve the October 10<sup>th</sup>, 2016 Meeting Minutes; Mrs. Barley seconded. Mr. Klinedinst wanted his comment about the Red Lion Happenings website page to be included in the October 10<sup>th</sup> minutes. Under *Communications*—Mr. Klinedinst asked if Red Lion Happenings was a Borough-affiliated website or operated from Red Lion Borough. It is not operated from the borough, or an official Red Lion Borough website. This has been added to the October 10<sup>th</sup>, 2016 Meeting Minutes. Everyone was in favor with this change; motion carried.
3. **VISITORS AND PUBLIC COMMENTS**—Kathy Horne reported that the Halloween parade went very well, considering the parade route being changed midway through. She had given a gift card to the Red Lion student who volunteered her time to help “MC” the parade. Mrs. Horne suggested renting a wireless microphone for the future, which would help with crowd control along the parade route and to announce upcoming floats, parade participants, etc. Council thought wireless equipment would also be useful for some other borough events and Mrs. Price will check pricing and/or possibly check with Red Lion Area Business Association to help with the cost, as the Association may find the equipment useful too.
4. **ENGINEER’S REPORT**—Jeff Shue was not present tonight; however, the 2017 Street Project List was distributed to Council for their review.  
Of note, Mr. Klinedinst received a call from Grace Lutheran Church regarding the concrete in their alley that is breaking up. They wanted to know if the Borough could patch the concrete, but Brett said blacktop will not adhere to concrete. The church had cut the concrete to run electric wiring and it’s not the Borough’s responsibility to fix it.
5. **PUBLIC SAFETY**
  - **Fire Company Report**—Ben Rodkey reported:
    - October’s report will be emailed as soon as it’s complete
    - Their Annual Appreciation Banquet will be held this weekend
    - The Fire Company is actively pursuing new members/volunteers
    - Gun raffle tickets are on sale now; drawing will be November 24<sup>th</sup>
    - The Fire Company was a polling place for the November 8<sup>th</sup> election. Things went well and it was not overly crowded.
    - November 26<sup>th</sup>—Fire Company will deliver Santa to the Community Building for the pizza party/tree lighting ceremony
    - December 10<sup>th</sup> & 11<sup>th</sup>—Santa will ride around the Borough on the fire truck.

- Recently received an AFG Grant (Assistance to Firefighters Grant), with which they will purchase a compressor
  - **Ambulance Report**—distributed
  - **EMA Report**—Scott Kopp reported:
    - Jim Miller from Bethany United Methodist Church called Scott to say the church has signed the Memorandum of Agreement, agreeing to serve as a heating/cooling station in the event of emergencies, etc. They will send the signed MOA to the Borough Office.
    - Scott will not be retiring as EMA Director in January of 2017. It was determined that his replacement was not a good fit for the Red Lion EMA position.
6. **MAYOR KOPP'S REMARKS AND RECOMMENDATIONS**—Mayor Kopp reported:
- Since the October meeting, he officiated three weddings, participated in the Halloween parade and attended the Borough Appreciation Dinner.
  - He would like to suspend the parking meters for Small Business Saturday, which is November 26<sup>th</sup>, as well as for the holiday season from December 19<sup>th</sup>, 2016 through January 3<sup>rd</sup>, 2017. Mr. Klinedinst made a motion to suspend the parking meters, which will be bagged for the above-mentioned dates. Mrs. Kabacinski seconded. All were in favor; motion carried.
  - Happy Thanksgiving to all from Mayor Kopp!
7. **SOLICITOR'S REPORT**—Mr. Craley reported:
- He researched the Borough's obligation regarding handicapped parking spaces on the municipal lot. The ADA (American Disabilities Act) doesn't spell it out real clearly, but to serve the purpose of providing public commercial parking, the same rule is applied that pertains to private commercial lots, which is one handicapped space for every 25 non-handicapped spaces. The ADA recognizes that, in some places it is more practical than others to provide it. If handicapped parking is available in our municipal lot on West Broadway, there would be no need for handicapped parking spaces in the first couple blocks of West Broadway, as long as the ratio is met. The ADA also stated the handicapped parking space does not need to be right in front of the business that the handicapped person wants to visit, as long as it's a reasonable distance. The Borough can keep in mind the location of the municipal lot, where the other available handicapped spaces are located and then plan where the other handicapped spaces will be on the street within a reasonable distance. This is strictly with Commercial properties; residential properties are a little different. Reasonable accommodations are to provide the space; however, if two handicapped neighbors argue over a handicapped space, it's not the Borough's problem. Another parking space must be found if the handicapped space is occupied.  
Of note, the municipal lot must have two handicapped spaces; one van and one vehicle.
  - Ordinance for tax duplicates—to advertise to allow a fee to be charged for duplicate tax bills. The fee is set at \$5/bill.
  - West Broadway Parking Ordinance—to advertise parking for the new municipal lot. Same requirements as the metered parking will apply to the lot, with the exception that there is 4-hour maximum parking in the lot (meters have maximum of 2 hrs). The Ordinance incorporates the towing/impounding provisions from code. Council can determine the location of meters or parking poles with push boxes at a later date by Resolution. Council & Mayor will still retain the ability to designate free parking, when they wish.
  - Mr. Klinedinst asked Mr. Craley if Red Lion Borough should be concerned about the situation in Windsor Township and the application submitted from a grower of medical

cannabis. Mr. Craley may have more information after the township meeting on November 15<sup>th</sup>.

8. **AGREEMENTS-**

- Animal Control Services—to appoint Michelle Klugh, who is currently being used in the borough for this. There is no cost increase for 2017. Mrs. Barley made a motion to appoint Michelle Klugh as Animal Control Officer for 2017. Mr. Klinedinst seconded. All were in favor; motion carried.
- SPCA Agreement for 2017—there is no increase for 2017; a \$3,187 flat per capita rate is charged. This Agreement allows the Animal Control Officer a place to take the animals she may have to trap. Mrs. Barley made a motion to approve the SPCA Agreement for 2017; Mrs. Frutiger seconded. Mr. Klinedinst stated he is not happy with the lack of communication from the SPCA; they don't return phone calls. Mrs. Price suggested communicating through Ms. Klugh. The motion carried, with Mr. Klinedinst opposing.

9. **ORDINANCES**

- Authorization to advertise the 2017 Budget and Tax Ordinance—Mrs. Frutiger made a motion authorizing the advertisement of the Budget and the Tax Ordinance. Mrs. Kabacinski seconded. Mr. Craley said all non-land use Ordinances can be advertised together. Mrs. Frutiger amended her motion to include the advertisement of the Parking Lot Ordinance and the Tax Duplicate Fee Ordinance. Mrs. Kabacinski amended her second. All were in favor; motion carried.
- Authorization to advertise a pay increase for Borough Council members. The amount of an increase was never discussed. No motion was given so it died for lack of motion.

10. **PARKS AND RECREATION**—Mrs. Kabacinski reported:

- November 26<sup>th</sup> is Small Business Saturday—all meters will be bagged to offer free parking in town. Several trolley stops will be offered around town. Red Lion Area Business Association rented the trolley for this occasion. The trolley will be kept in town; a bus will run through town and surrounding (out of town) areas. A band, along with vendors will be at Fairmount Park.
- November 26<sup>th</sup> is also the Christmas tree lighting ceremony at Fairmount Park.
  - 5-6p.m.—pizza party with snacks, etc.
  - 6p.m.—Santa arrives on the fire truck, Christmas caroling
  - 6:30-8:00p.m.—in the Recreation Center—story time, movie to be shown, “letters to Santa” table; pictures with Santa can be taken.
  - In conjunction with Red Lion Community Services, boxes will be at each trolley stop for non-perishable food donations. At the Recreation Center in the evening, a box will be set up for new coats, gloves, hats and/or wrapped toys.
  - Crosswalk signs will be in place around town for these events.
- November 17<sup>th</sup>—New Year’s Eve Committee to meet at Municipal Building.
- November 28<sup>th</sup> @ 7p.m.—meeting of Recreation Committee in Rec Center to set agenda for 2017.
- Borough is expecting a bill from Red Lion High School Marching Band for participating in the Halloween Parade. Mr. Klinedinst stated he is against such a bill, stating the Borough does a lot for the school and we should work together for the community. This billing hasn’t actually been received yet. Mrs. Kabacinski stated she is against the amount the Borough is charged for gym usage for Rec activities. Kindergarten thru 2<sup>nd</sup> grade gyms are all scheduled, but there is a gym shortage for 7<sup>th</sup>-12<sup>th</sup> grades.
- Mrs. Price met recently with Windsor Recreation, Mike Zelger, and Meredith Yakelis. Chris & Mike said they’re working fine together. Softball is looking for an additional field, but they have to go through the school for that. Windsor Rec is not part of Red

Lion Rec; they are their own entity. Mrs. Price stated Red Lion can't give up any of their fields.

- December 3<sup>rd</sup>, from 8:30-10:30 a.m.—Breakfast with Santa at Community Building
- Food Truck Friday—Mrs. Kabacinski stated the program went pretty well and a good number of people attended. She suggested offering a farmer's market these afternoons since the parking lot has to be closed anyway. Some Council members didn't think enough interest would warrant that; however, it could be advertised to see the interest.
- Tables under pavilions at Fairmount Park—kids are causing damage to them. Mr. Klinedinst suggested pointing the cameras in that direction to possibly deter vandalism.
- Windows & doors at the Community Building—although he doesn't want to take the lead on planning the updates, Mr. Klinedinst discussed options for insulation, design, etc. with Brett. All improvement work has been budgeted for 2017.
- December 1<sup>st</sup>—Red Lion High School art students will paint the windows at the Community Building.
- Mr. Henshaw & other Council commented that the new entrance at the Community Building looks very nice.

11. **MUNICIPAL SERVICES**—Mrs. Barley stated the Committee will attend the Municipal Authority meeting (Tues, November 16th) to discuss the Borough's rent in the 2<sup>nd</sup> floor office space.

12. **PUBLIC WORKS**—Mr. Klinedinst reported:

- Recent sale of truck—money was put in the 2017 under "Sale of Assets". That cash can also be used for the bed of one of the trucks.
- Handicapped Parking Policy—as of January 2017, the initial fee to install the handicapped parking space is \$50; renewal fee will be \$10/year. The current spaces will remain and those using them will not be required to pay the \$50; however, the fees will be charged for new ones going forward. Mrs. Price or Mr. Klinedinst can research to determine what handicapped spaces are still needed. Mr. Klinedinst made a motion to adopt the Handicapped Parking Policy; Mrs. Frutiger seconded. All were in favor; motion carried.
- Mr. Klinedinst requested a spreadsheet from Brett Patterson which outlines the projects that Brett and the Public Works crew have on their agenda.

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

- An alternate is needed for the Zoning Hearing Board
- Planning Commission will hold a meeting on Monday, November 21<sup>st</sup>, 2016 @ 7p.m. Planning Commission will most likely have a meeting in December also. Zoning Hearing will be held Wednesday, November 16<sup>th</sup> @ 6p.m. to vote on application submitted by Silverback Services. Mrs. Price asked if Council has concerns about Silverback regarding traffic on residential streets, hours of operation, etc. If so, she suggested either a Council member attend the hearing to address the concerns or Council authorize her to act on behalf of the Borough Council when attending the hearing. No plans have been submitted detailing what Silverback's definite plans are for inside and outside the building; i.e. what business will be conducted and where on the property. The business is in the Industrial Zone; however, if they plan to rent U-Hauls, etc, they may be driving through residential areas frequently and at what hours? Mrs. Price does not want it said that she is against business coming into town because that's not true. Her main concerns are with setting limitations for trucks on residential streets and the hours of operation. Neighbors within 200ft of Silverback's property have been notified of the Zoning Hearing. They can voice their opinions/concerns at the hearing. Silverback has applied for Special Exceptions and Mr. Craley stated it is their (Silverback's) burden of proof to show they meet the legal requirements. They need to

show how much area they're using for each use, how much parking they have, if they need fencing, etc. If the Special Exception is granted, the Borough can impose conditions such as limitation on use of residential streets. This would need to be done before the Zoning Hearing's decision. Mr. Craley would counsel Mrs. Price or Council prior to the hearing, if need be.

Mr. Klinedinst does not feel that Mrs. Price and a couple other Council members will be impartial enough to attend the Zoning Hearing. Mrs. Price, Mrs. Frutiger and Mrs. Kabacinski would like to see plans submitted for what business will be taking place on Silverback's property. Mr. Craley stated that, should the applicant come to the Zoning Hearing with plans, Mrs. Price (or attending Council member) may ask the Zoning Hearing Board for a continuation so that Borough Council would have the opportunity to review them.

Mrs. Frutiger made a motion authorizing Mrs. Price to attend the Zoning Hearing on behalf of Borough Council, consulting with Mr. Craley before the hearing, if necessary. Mrs. Barley seconded. Mr. Craley said they will look at this issue from an objective point of view: Do they meet the requirements? What are the legitimate concerns of the Borough? They want the applicant to prove they meet the requirements while not having an adverse effect on the neighbors. Motion carried, with Mr. Klinedinst and Mr. Horne opposing.

- The Variance, requested by Scott Thompson at the October 24<sup>th</sup> Zoning Hearing was denied. Dan Shaw's determination that the accessory structure was in the side yard, which does not comply with the Ordinance, was sustained at the hearing. Of note, Scott Thompson has been permitted to put his own lock on the gate at the bottom of Mill Street. Three locks will be linked together. Each owner takes their own lock, so if the gate remains unlocked at any time, it can be determined who did it.
- Rental Ordinance discussion—Mrs. Kabacinski is currently reviewing Rental Ordinances of other Boroughs, which holds landlords accountable for registering tenants. Red Lion is having problems with tenants moving in & out of properties without having any accountability for the condition of those properties. Mr. Craley said some municipalities use a "point system", which does not involve inspections or licensing, but simply gives legal recourse to deal (and go to court) with problems of rental properties. This would help clean up rundown rental properties without impacting the good ones. Mrs. Kabacinski will email the material she has on this subject to Council before the December Work Session for discussion.

14. **ADMINISTRATION**—Mrs. Frutiger reported:

- Mrs. Price has the exoneration list for Per Capita tax, should anyone want to review it.
- Approved for \$23,000 reimbursement from FEMA for January 2016 snowstorm.

15. **COMMUNICATION**—Mr. Klinedinst notified Mayor Kopp that he requested from Mrs. Price, in August and September, a spreadsheet of regular hours for the Recreation Director and some office staff (Debe Sowers). Per Borough Code, he is notifying the Mayor since his request was not met. Mrs. Price stated the Recreation Director is an hourly employee so her exact hours can be given to Mr. Klinedinst. As far as Mrs. Sowers, she works 7½-hour days and gets paid for 8-hour days. Mrs. Price said this was done years ago when they worked as Municipal Authority employees. Employees who do not take the entitled two 15-minute breaks, could leave after a 7½-hour workday. Some employees DO take the two 15-minute breaks (within the Authority, not Borough staff) and they work the additional ½ hour for an 8-hour workday.

16. **Approval of bills**—Mrs. Frutiger made a motion to approve the bills; Mrs. Kabacinski seconded. A vote was taken, Mrs. Barley & Mrs. Kabacinski abstained; Mr. Klinedinst & Mr. Horne opposed. The vote was 2-2; Mayor Kopp voted "yay" as a tiebreaker. Motion carried.

To clarify, Mrs. Price asked other Council members if they're interested in receiving the spreadsheets Mr. Klinedinst requested, before she prepares them. Mr. Horne said he will review them if she prepares them. Mr. Klinedinst stated he was only interested in August & September reports of hours from the above-mentioned employees.

17. **Adjournment**—Mrs. Barley made a motion to adjourn the meeting @ 8:29p.m. Motion carried; meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary