

**Red Lion Borough Council  
Meeting Minutes  
Monday, January 9<sup>th</sup>, 2017**

**Members**

Cindy Barley  
Christina Frutiger  
Dee Kabacinski  
Tony Musso  
Dennis Klinedinst  
Tony Musso  
Nevin Horne

**Others**

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

**Visitors**

Robert Frutiger  
Felix Milner  
Ben Rodkey  
Melanie Thompson  
Matt Horn

Nick Rhodes  
Glen Rexroth  
Blaine Markel  
Jay McWilliams  
John Miller

Brad Smith  
Henry Korte  
Kathy Horne  
Rev. Matthew Cashtle

1. The meeting was called to order @ 7:00p.m. Pastor Jay McWilliams, from Pleasant View Church of the Brethren offered a prayer. Everyone present participated in the pledge to the flag.
2. Mr. Musso made a motion to approve the December 12<sup>th</sup>, 2016 Meeting Minutes; Mrs. Frutiger seconded. The motion carried, with Mr. Klinedinst opposing.
3. **Public Hearing on Zoning Amendments**—the Public Hearing began @ 7:03p.m. for Borough Council to vote on proposed Zoning Ordinance Amendments. The amendments have been approved by York County Planning Commission. They've been advertised and are now ready for action. The amendments included the following sections of the Zoning Ordinance:
  - 27:639-1B—Public and semi-public parking lots—lot width has to be 80' and everywhere else in the General Requirements in the zone, it has to be 60'. *Reduce it from 80' to whatever the zone generally requires; a Special Exception being criteria.*
  - 27:605-C & H—Removing 1600' sq. ft. display area (C) and having to remove the vehicles within the two-week period (H)
  - 27:629—Mini-storage. *Add section that no public water & sewer is required (unless an office is at the facilities). More review on this item.*
  - 27:409-9—Termination of enterprise. *Keep the words "pertaining to" and add "and identifying".* Pre-existing buildings/businesses would not be affected, going forward. This includes signs in both Commercial & Industrial zones.
  - 27:410—Parking for mini-storage. *Add under "Parking" as the "type of uses" listed. Adding mini-storage facility, one parking space per each story of a building or 5,000 sq. ft. of mini-storage building area, whichever is greater.*
  - 27:504-B1—typographical error
  - 27:414—typographical error
  - Definition of "restaurant" to include all that a restaurant encompasses.
  - Definition of "kennel" amended.Public Hearing closed @ 7:09p.m.
4. **VISITORS AND PUBLIC COMMENTS**—the following were present to address Council:
  - Melanie Thompson, 312 Wise Avenue, addressed Council about the poor appraisal she recently received for her home. When she purchased it ten years ago, it appraised for \$135,000 and despite doing repairs & upgrades to it, her home recently appraised for

\$116,000. The appraisal cited a “non-growth neighborhood” as the reason. Ms. Thompson is concerned about the quality of homes & properties in & around Red Lion, particularly those that appear rundown and abandoned. She wondered what can be done to change this or to want people to purchase homes in the area, rather than rent. Council said a lot of community events are being planned & those in the past have been successful at bringing visitors to the town. Red Lion can’t physically grow or be built out; it is landlocked to any expansion; however, with the development of some industrial zones, more businesses will hopefully be brought into the area. Council also suggested that Ms. Thompson join the Redevelopment Committee; her ideas may be helpful to the group. Council member Mrs. Kabacinski & Mr. Horne reported on their “Red Lion is Open for Business” event as a possible springtime event to spark interest of vacant homes that are for sale. Mrs. Price or Council will contact realtor Wade Elfner to contact Ms. Thompson regarding her appraisal.

- Reverend Matthew Cashtle, 28 South Main Street, is a new Red Lion resident. He asked if there are any plans for larger businesses to come to Red Lion, possibly in the Industrial Zone that would bring higher-level jobs to the area. With the expansion of buildings, such as the old Yorktowne Kitchens building, Councilman Horne is hoping this will help stimulate growth. Council also invited Rev. Cashtle to be a part of Redevelopment and/or Planning Commission, as they’re always looking for fresh ideas. Mrs. Price told of LERTA, or Local Economic Revitalization Tax Assistance, which provides a tax benefit for commercial properties if they’re bought & improved.

5. **ENGINEER’S REPORT**—Jeff Shue reported:

- Details on street projects are still being worked out. It was decided to bid the street projects as two simultaneous contracts rather than one, believing that better bids will be received this way. Some projects, such as “Contract 2”, may be very specialized work.
- Has also been working with Brett Patterson and Borough staff on structural evaluations.
- Has been authorized to obtain the Highway Occupancy Permit for the repair of a fire hydrant. The HOP must be approved through the State Department of Transportation.

6. **PUBLIC SAFETY**—Mr. Musso—

- **Fire Company Report**—Ben Rodkey reported:
  - So far in 2017, 14 calls have been received, one of which was a fatality due to a motorist suffering a heart attack on Country Club Road.
  - New members are serving in their leadership positions within the Fire Company.
  - Meeting between the Fire Company & the Public Safety Committee will be scheduled for this month.
  - Council thanks all first responders for their service & time.
- **Ambulance Report**—distributed
- **EMA Report**—Scott Kopp was not present tonight; no report.
- **State Police**—Mrs. Kabacinski offered condolences to Trooper Weaver’s wife. A letter of sympathy will be sent to her from Borough Council.

7. **MAYOR KOPP’S REMARKS AND RECOMMENDATIONS**—Mayor Kopp reported that all Fire Personnel have been sworn in for 2017.

8. **SOLICITOR’S REPORT**—Mr. Craley reported:

- There had been an appeal filed from the Zoning Hearing Board’s decision to approve the Special Exception for 86 North Main Street. The Borough’s argument was the lot width did not meet the minimum requirement. In December, Judge Flannelly ruled upholding the ZHB’s decision on the grounds that the width was never raised. In a Special Exception, the burden is always on the applicant to meet all requirements of the Ordinance. Mr. Craley believes the judge made an error of law and he would like Council’s permission to appeal that case to Commonwealth Court. Mrs. Barley made a

motion authorizing Mr. Craley to file the appeal. Mrs. Frutiger seconded. Mr. Klinedinst asked if the cost of the appeal is worth the fight? Mrs. Barley believes it is, setting the standard for not only this case, but in the future. It will involve some filing of paperwork, not a lot of time; most of the work has already been done. All were in favor; motion carried.

- Elaborating on Ms. Thompson’s comment earlier relating to property values, Mr. Craley asked if her tax assessment changed. She said no, but she will now apply for a reassessment. He believes back in 2005-2006, some banks & lenders were conducting “predatory lending”, lending money under the assumption that the appreciation of value would continue to rise. In 2007-2008, things changed a little. At one time, York County’s Common Level Ratio was 1.32%. Assigned each year by PA Department of Revenue, this is the approx. average above the assessed value of a property that the property is worth. In 2016, that ratio was 1.12%. It’s steadily rising, but he believes that is part of the problem of low appraisals.

9. **AGREEMENTS**—none

10. **ORDINANCES**

- Ordinance 2017-01-01—amending the Zoning Ordinances, as discussed earlier tonight. These have been advertised and need Council’s action. Mrs. Barley made a motion to approve the Zoning Ordinance Amendments as written; Mr. Musso seconded. Motion carried, with Mrs. Frutiger opposing.
- Authorization for an Ordinance to restrict parking on Pine Street (east side). Council would like to research more areas in town to combine them for advertising purposes. Mr. Klinedinst made a motion to table this decision for more discussion at February meeting; Mr. Musso seconded. All were in favor; motion carried.

11. **RESOLUTIONS**

- Fee Schedule—Of note, the grass sticker was removed, the fee for duplicate tax bills was added and the parking at the Broadway Municipal Lot was added. Mrs. Barley made a motion to approve the Fee Schedule, as presented. Mrs. Frutiger seconded. All were in favor; motion carried.
- Appointing an alternate to the Zoning Hearing Board—Mr. Musso made a motion to nominate Bob Frutiger for the position. Mr. Klinedinst made a motion to nominate Felix Milner for the position. Council took a vote; 4 voted in favor of Bob Frutiger; 3 voted in favor of Felix Milner.

Mr. Musso made a motion to approve the Resolution nominating Mr. Frutiger as alternate to the Zoning Hearing Board; Mrs. Frutiger seconded. Mr. Klinedinst had no personal problem with Mr. Frutiger, but he believed before a person held this position, they should clean up their own property, noting the car & tractor sitting in his yard and overgrown trees in the front yard. Mrs. Frutiger said the ZHB does not deal with trees and that the vehicle in their yard has the proper license & registration.

Motion carried 4-3, with Mr. Klinedinst, Mr. Henshaw & Mr. Horne opposing.

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

- New Year’s Eve event went well; fireworks display was great; no complaints were heard
- Basketball is going on now
- Baseball sign-ups are Jan 16 & 17<sup>th</sup> @ Windsor Recreation—after sign-ups, usually meet at Living Word to break into teams
- Recreation has partnered with the library for some events, including movie nights. Last Friday’s movie had 35 kids (+ parents) attend.
- Community building improvements are planned—hoping to get more rentals in order to raise funds. Mr. Musso will look at the griddle in the kitchen, which possibly needs repaired.

- Tentative list of 2017 events was distributed.
- Recreation meetings are held the last Monday of the month @ 7p.m.
- Kindergarten thru 2<sup>nd</sup> grade basketball last year—the location where basketball was held told Red Lion Rec that the nets (purchased by Red Lion Rec) were not theirs & there was no way to prove that they were. Even though those nets were claimed by others, Mrs. Price said it's more cost effective to write off the cost of those two hoops & go back to that old location since the rent was less than other places. Of note, any losses that were incurred on equipment may have been recouped by a recent \$2,000 rental of the batting cages.

13. **MUNICIPAL SERVICES**—Mrs. Barley reported:

- A request was received to appoint Mike Poff to the Municipal Authority as he is willing to serve another 5-year term. Mr. Klinedinst made a motion to appoint Mike Poff to the Red Lion Municipal Authority for a 5-year term; Mr. Horne seconded. All were in favor; motion carried.
- A list of parking lot costs is being created; Mrs. Price will present when complete. Of note, the parking kiosk & signs should be here by March. (Costs requested by Mr. Klinedinst are also being gathered. This takes more time, as items purchased are not entered into the computer by Purchase Order).

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

- Request to the school district for lighting at crosswalks—no response received yet.
- Handicapped parking space requests are still being received. Residents who currently have the spaces have been coming to Borough Office to sign the list. A request was received for 57 East High Street; there was a space there, but those residents had moved. More information will be gathered as the list for the handicapped spaces in town is put together.
- 2017 Street Project list—Jeff Shue recommended bidding as two separate projects; one for micro-surfacing & one for the balance of the work. Mr. Klinedinst made a motion authorizing the advertisement of bids for two separate road projects; Mr. Musso seconded. All were in favor; motion carried.
- Note regarding the sidewalk cut/repair and permitting will be put in the next Borough newsletter to inform people.
- Mr. Horne asked who calls Brett/Public Works in the event of snow. State Police can call if they think roads are treacherous. The snow/ice received on January 7<sup>th</sup> was not really expected and was worse in some areas than others.

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

- Appointing Wade Elfner to Planning Commission for another 3-year term. Mr. Horne made a motion to appoint Wade Elfner to Planning Commission for a 3-year term; Mr. Klinedinst seconded. Mr. Craley stated the term is 4 years, not 3. Mr. Horne changed his motion to appoint Wade Elfner for a 4-year term; Mr. Klinedinst seconded. All were in favor; motion carried.
- Planning Commission meeting will be held on Monday, January 16<sup>th</sup> @ 7p.m.
- Zoning Hearing will be held on Tuesday, January 10<sup>th</sup> @ 6p.m. (for Silverback Services)
- Mia Brae Land Development Plan—Planning Commission approved the plan and recommended approval of waivers, one of which Jeff Shue wanted to discuss. The SALDO requires improvements to existing streets when they touch a property to bring them up to standards within the Ordinance. Mr. Shue said this is often waived because it may not always be applicable to the situation. Since the Planning Commission meeting, it was discovered the inlet at the intersection of Redco Avenue & East Broadway is failing. The Borough does not want truck traffic in that area and then have problems occur in the future. This should be addressed now. Jeff & John Miller (Mr. Rexroth's

Solicitor) suggested granting the waiver subject to an agreement between the developer and the Borough to make these corrections to the Redco/Broadway intersection now before additional development takes place. Jeff suggested this be the developer's cost and be done by the developer and that the entire width of Redco, not just the inlet, be researched. If just the inlet is repaired and the pipe is in poor condition also, it will still cause problems. Jeff is in agreement with everything else on the plan.

Mr. Craley suggested approving this waiver (506.4—requires improvements to an existing public street) subject to the condition that the drainage facilities at Redco & East Broadway be structurally repaired to the Borough's satisfaction as set forth in a development agreement. The other seven waivers requested are as follows:

- Vertical grades at street intersections are not to exceed 7% grade unless a leveling pad is installed. Jeff is recommending approval for this waiver.
- Section 512.2(G) –waiver for the separation of intersections—Jeff recommends approval.
- Section 509—waiver of required curbing—Jeff recommends approval.
- Section 510.1(C)—waiver of required sidewalks—Jeff recommends approval.
- Section 511.7—waiver of required street trees—Jeff recommends approval.
- Waiver of street lighting—Jeff recommends approval.
- Developer is requesting the ability to file a plan that is both a preliminary & a final plan. Jeff recommends approval.

Planning Commission also supports all the waiver requests. All the other items in Jeff Shue's letter of December 14<sup>th</sup>, 2016 have been addressed. Items 5 thru 11 were technical items that have been resolved. Administrative comments 1 & 4 have been resolved. Stormwater comments 1, 2 & 3 have been resolved. General comments 1 & 2 are conditional. Only administrative items remain outstanding and will be resolved at the staff level before the plan is recorded.

Mr. Horne made a motion to approve the waivers (#1 thru #7 and #9), as outlined on the Engineer's 12/14/16 letter with the condition that waiver #1 include a condition of drainage facilities at Redco & Broadway be repaired to the Borough's satisfaction as set forth in a developer agreement. Mr. Klinedinst seconded. All were in favor; motion carried.

Mr. Klinedinst made a motion to approve the plan with two conditions, 1) the fee be paid for the stormwater maintenance fund and 2) the estimate of security for any dedication of public improvements. Mr. Horne seconded. All were in favor; motion carried.

Signage will be added (as noted on the plan) within the Industrial Park regarding truck traffic coming out of Boxwood onto Rt. 74.

After the plan is recorded, the process of the Borough vacating North Boxwood Road will begin.

- Mrs. Kabacinski distributed a code revision for rental properties. Mr. Craley has a copy and gave a suggestion of a "point system" be implemented for landlords. This would not penalize landlords that are abiding by the law, but it would offer stricter standards for those who are not following the law. Mrs. Kabacinski asked Council to review the revision & offer their ideas.

16. **ADMINISTRATION**—Mrs. Frutiger reported Dave is recovering from his accident. John Persing has been filling in on parking meters in his absence.
17. **COMMUNICATION**—nothing further
18. **Approval of bills**—Mrs. Frutiger made a motion to approve the bills; Mr. Musso seconded. A vote was taken; Mr. Henshaw (Grit Printing) & Mrs. Barley (Dave Lutz) abstained. Mr. Horne & Mr. Klinedinst opposed and there were not enough votes to approve. Bills had to be voted on separately.

Mr. Musso made a motion to approve all bills except the payment to Dave Lutz (#118531); Mrs. Kabacinski seconded. Motion carried with Mr. Henshaw abstaining and Mr. Horne & Mr. Klinedinst opposing.

Mr. Musso made a motion to approve the payment to Dave Lutz (#118531); Mrs. Frutiger seconded. All approved; motion carried with Mrs. Barley abstaining.

19. **Adjournment**—Mrs. Barley made a motion to adjourn the meeting @ 8:57p.m. Motion carried; meeting adjourned.

Respectfully submitted by  
Stacy Myers, Recording Secretary