

**Red Lion Borough Council
Meeting Minutes
Monday, February 13th, 2017**

Members

Cindy Barley
Tina Frutiger
Tony Musso
Kelly Henshaw
Dennis Klinedinst
Nevin Horne

Others

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

Visitors

Robert Frutiger
Felix Milner
Melanie Thompson
Matt Horn
Dennis Tyndall
Kathy Horne

Kevin Temple
Walt Hughes
Mike Poff
Laura Kirk
Scott Kopp
Virginia Cameriero

Wade Elfner
Katie King
James Miller
Jack Rogers
Pastor Paul Dauenbaugh

1. The meeting was called to order @ 7:00p.m. Pastor Paul Dauenbaugh from Pleasant View Brethren In-Christ Church was present to offer a prayer. All present participated in the pledge to the flag.
2. One correction was necessary to the January 9th, 2017 Meeting Minutes. Under "Planning, Zoning & Redevelopment", 1st bullet point, "*Mr. Klinedinst changed his motion to appoint*" should've read "*Mr. Horne changed his motion to appoint*". Mr. Musso made a motion to approve the January 9th Meeting Minutes with this correction; Mrs. Frutiger seconded. All were in favor; motion carried.
3. **VISITORS AND PUBLIC COMMENTS**—The following addressed Council:
 - David Martineau, General Counsel for the Rutter's Companies was present to request Borough Council rezone the parcel at 730 South Main Street from Residential Outlying to Commercial. Rutter's is proposing to expand that store location and currently have a contract on the residence right next to it. The store currently sits in an intersection of commercial properties/uses (hardware store, doctor's office, car wash) and with the size of their current lot being fairly small, Rutter's thinks it's appropriate for a commercial expansion. They believe this would be a good use for the property.
Rutter's needs Council's approval for the rezoning so they can move forward for comments from Red Lion Planning Commission as well as York County Planning.
Drawings of the proposed expansion were discussed. Rutter's would like to expand from their two-fuel island to six or eight pumps. From resident concerns, previously voiced, they would keep the fuel islands along South Main Street, where they are currently. Parking spaces would be added along the residential side of the property and a privacy fence and/or screening of some type would be added in an effort to appease surrounding residents. (This could be decided through the Land Development process). The proposed landscaping was expanded along the parking area to help screen the alley & adjoining properties. Mr. Martineau also stated that with new LED lighting that Rutter's has been using, he believes this would address resident's concerns about bright lights at all hours at the store.
The current plan does not show closing off the alley which is behind the current store. Mr. Martineau said no access would be added to the northern part of the property; any access from the store to the alley would be closer to Winterstown Road. The new plan shows the entrance on

South Main further north (away from the intersection); however, the entrance onto Winterstown would remain the same.

Both South Main & Winterstown are PennDOT roads. A traffic analysis will have to be done to see the impact on both of these roads and restrictions may be imposed.

The parking lot would be lit by lower-level (12') LED lights. The fuel island canopies (16') are using less lights to save electricity. Rutter's wants to use enough lights for security while also being mindful of neighboring residents.

Delivery truck schedules delivering to the store would probably remain as they are currently.

Mr. Musso stated they (Council) are elected by Borough residents and if the neighboring residents of the current Rutter's are not happy & are affected by this, Council needs to take that into consideration.

Mr. Henshaw stated residents are Council's first concern; businesses are second, as they are only here for residents' convenience.

Mr. Horne stated he feels the expansion will bring more traffic congestion in that area. He can currently see Rutter's lights from his parent's home in Forest Hills. Does Rutter's plan on cutting back their hours? Probably not. There is definitely going to be more traffic & speeding problems. He also suggested more screening/trees, etc so cars pulling on & off Rutter's lot are averted away from neighbor's houses. He agreed with Mr. Musso that Council needs to listen to resident's concerns.

Rutter's representatives maintain that the end result of moving the fuel islands and adding new LED lighting will be less impact and, with the exception of traffic, the traffic patterns will be more convenient. They stated bigger does not necessarily mean more problems.

Mr. Craley stated the request to rezone this property is before Council for decision tonight.

Rutter's has a contract on the adjoining property and while Rutter's is very credible and try to work with neighbors, their intention is to expand their current store. There is no guarantee of the expansion. If, after the rezone, Rutter's decides not to expand, Mr. Craley said it is still possible that anything that is allowed (by right or Special Exception per Zoning Ordinance) that fits in that lot can occupy that space.

The rezoning & expansion through the Land Development process are a two-step process.

Rezoning of a parcel is considered a purely legislative act. It is not appealable to court until someone decides to build on it. At this point, Council can either reject it entirely or consider to amend the Zoning Ordinance and refer it to Red Lion Planning Commission and York County Planning Commission for their recommendations.

Council allowed public comment at this time. The following residents addressed Council:

- Cindy Mann has lived at 13 Winterstown Road for 15 years. She has dealt with truck noise at Rutter's all times of the year, varying from 9pm to 1am. The lights at Rutter's shine directly on her property. She feels that traffic congestion & speeding in & out of Rutter's will get worse with a larger store, along with a lack of privacy at her home.
- Jack Rogers lives on South Pine Street. He said most Rutter's Farm Stores are in isolated areas where there aren't many residences. That's not so with this store. He appreciates that Rutter's wants to make money, but he has witnessed rodents in & around the dumpsters, trash & littering, speeding up & down the alley, etc. All are problems that he feels will only get worse with a larger store.
- Wade Elfner lives on South Pine Street and disputed 99% of what was said by the Rutter's representatives tonight. He stated more parking spaces mean more traffic. A larger store & more customers will mean more littering, trash & traffic/speeding in the alley. His tenant, living behind Rutter's, has blackout curtains on her windows because Rutter's lights are so bright, all the time. Mr. Elfner has lived on South Pine since 1990 and he stated he does not need lights on the front of his house because Rutter's lights shine like daylight on his property. Noise from delivery trucks at the store and the generators on Rutter's roof are constant. He is a customer of the current Rutter's store, but he believes this is no place for a

Rutter's superstore. It is of no benefit to the Borough. There is no way that this will not have an impact on neighboring properties; no amount of trees and fencing will stop that. While Mr. Elfner's property is zoned Commercial, it doesn't meet the criteria for any commercial uses because of lot size.

- In response to resident's concerns, Mr. Martineau stated that a bigger store does not mean the traffic amount will be doubled. The store will have more storage, newer lighting and better access to fuel. He believes this is a commercial hub of this part of the Borough. Somewhere there will be a property that is impacted, but this promotes economic growth in the Borough.
- Melanie Thompson, of 312 Wise Avenue believes that the proposed traffic patterns of the larger store may alleviate the "stacking" of fuel pumps & parking shortage that takes place at the current store.
- Kathy Horne, a resident of East Broadway, asked Rutter's representatives why, before returning with another proposal for an expanded store, they didn't work to address the concerns that residents had voiced at a previous meeting. Maybe minor changes could be made to address the lighting and rodent problem, which would make for a happier community.
- Mr. Musso made a motion to deny the request for rezoning from Residential Outlying to Commercial. Mr. Horne seconded, again stating that this particular store has problems, as discussed, and they haven't been addressed. The motion carried, with Mrs. Frutiger & Mrs. Barley opposing.

4. **PUBLIC SAFETY**—Mr. Musso

- **Fire Company Report**—Mr. Musso reported for January—there were 17 calls, with 59 personnel using 19 pieces of apparatus. \$0 fire loss reported for the month.
- **Ambulance Report**—distributed
- **EMA Report**—Scott Kopp thanked Borough Council for allowing him to serve for the past 13 years as Emergency Management Coordinator. He is pleased to introduce Laura Kirk as his replacement since announcing he wanted to spend more time with his growing family. Ms. Kirk brings a technical background to Red Lion EMA and is very knowledgeable, having been a member of York Township EMA staff for 1 ½ years. She has her amateur radio license, which is required to use Red Lion's current radios. Laura has already signed up for additional training & has plans to reach out to the community & grow the EMA staff. She plans to remain on YT EMA staff as Deputy Public Information Officer. Mr. Musso made a motion to recommend to the Governor to appoint Laura Kirk as Emergency Management Coordinator for Red Lion. Mrs. Frutiger seconded. All were in favor; motion carried. Council thanked Scott Kopp for his years of service to the department and the community. Scott will remain on staff with Laura until she is comfortable in the position of Coordinator. There is money in the budget for business cards & polo shirts for Laura. Mrs. Price will order these items.
- **PSP Report**—Mr. Musso reported that, as part of the Governor's preliminary budget, it was stated that municipalities using State Police for protection, may be required to start paying for it. Mr. Musso reported that Red Lion is amenable (from a budget perspective) to paying the approx. \$160,000 that Red Lion would owe for PSP protection. This amount is still much lower than Red Lion paid for York Area Regional Police protection and Mr. Musso said State Police is doing a wonderful job protecting Red Lion & its citizens. The final decision, should this item pass as law, would be something that requires Council's vote.

5. **MAYOR KOPP'S REMARKS AND RECOMMENDATIONS**—nothing to report

6. **SOLICITOR'S REPORT**—Mr. Craley reported:

- The appeal on the ArthurLee, LLC property (86 North Main Street) was filed with Commonwealth Court on January 13th, 2017. More will be reported as available.

- He attended Zoning Hearing for Silverback Services & voiced the Borough's concerns regarding noise & truck traffic on residential streets. The Zoning Hearing Board was receptive and he feels the conditions that were imposed were the best that could be done due to that property being in the Industrial Zone.
 - Two zoning enforcement cases have gone before Judge Fishel this month, both resulting for the Borough & the abatement of the issues.
 - Rexroth Subdivision—most issues addressed; later tonight, Council to act on abandoning Boxwood Road
 - Right-to-Know Request received at Borough for information from anyone having contact with Senator Wagner, his businesses with Penn Waste and/or KBS. Anyone with emails about this, either from their personal or Borough email addresses, should send them to Mr. Craley or Mrs. Price, as they will be reviewing them before anything is sent in answer to the request. Right-to-Know requests are for existing documents; if the documents are no longer available, then nothing needs to be sent. An extension of 30 days was requested by Mrs. Price on this particular RTK request.
7. **ENGINEER'S REPORT**—Mr. Shue reported:
- 2017 Street Work bids—work was bid as two contracts. Four contractors responded to Contract #1 (paving work); however, the low bidder notified the Borough within 24 hours, that they were withdrawing their bid. Second lowest bidder was Shiloh Paving & Excavating. This project was bid as a contract base bid and an Alternate 1 & an Alternate 2. Alternate 1 was for reconstruction of Railroad Lane, and Jeff believes Shiloh's quote was very good. Alternate 2 was for Charles Street storm sewer improvements. Jeff is recommending not awarding this now as it can be bid next year to try for a better price.
 - Contract 2 only received one bidder—Stewart & Tate.
 - Mr. Musso made a motion to award Contract #1 for base bid & Alternate #1 to Shiloh Paving for a bid of \$167,290 and also to award Contract #2 to Stewart & Tate for a bid of \$335,412.80. Mrs. Frutiger seconded. All were in favor; motion carried.
 - Mr. Musso stated that if taxpayers are wondering what the money saved on police services is being used for, the street projects above are it.
8. **ORDINANCES**—Ordinance 2017-2-2—to abandon North Boxwood Road from East Broadway approximately 150 feet. This Ordinance is ready for action after approval of the Rexroth Equities Subdivision. Rexroth Equities is the sole owner of all adjoining properties. They have been notified and this Ordinance has been properly advertised. Mr. Klinedinst made a motion to approve Ordinance 2017-2-2; Mr. Horne seconded. All were in favor; motion carried. North Boxwood Road is now a private road which prohibits the public from traveling on it; however, residents of the trailer park may do so by using the easement.
9. **PARKS AND RECREATION**—Mrs. Kabacinski was not present tonight. The 2017 Calendar of Events were discussed.
- January through March—nothing
 - April 8th—Easter Bunny breakfast & egg hunt
 - April 22nd—Sportsman Show at the Fire Hall (proceeds benefit Recreation Dept)
 - April 29th—Clean-up day—Fairmount Park, 8am-noon
 - May 13th—Red Lion/Windsor Rec at the Revs Stadium
 - May 29th—Memorial Day, Parade & Fairmount Park service
 - June 3rd—Suds 'n' Song, Vulcan Field from 1pm-8pm
 - June 16th & 17th—Community Yard Sale
 - June 16th—Food Truck Friday, 5-8pm, Municipal parking lot
 - June 17th—Fairmount Fun Day, park
 - June 19th—Splash Pad opens—park program begins

- July 3rd—Fireworks (raindate is July 5th)
- July 4th—Stay at Home Celebration
- July 21st—Food Truck Friday, 5-8pm, Municipal parking lot
- August 11th—Food Truck Friday, 5-8pm, Municipal parking lot
- August 12th—Red Lion Street Fair
- August 26th—Dairyland Car Show (raindate is Aug 27th)—proceeds benefit Red Lion Rec
- September—nothing
- October 14th—Fall Fest & the Haunted Mile—Vulcan Field, 4pm-10pm
- October 30th—Halloween Parade
- October 31st—Trick or Treat
- November 25th—Small Business Saturday, Christmas in the Borough, Tree Lighting, Crafts for Kids, Caroling
- December 2nd—Breakfast w/Santa
- December 7th, 8th, 14th & 15th—Santa’s Shanty will be open
- December 31st—New Year’s Eve celebration
- Events without dates
 - Suds ‘n’ Song Brewery Tour
 - Day at York Revolution
 - Dance & Basic Cheer
 - Science Classes
 - Music Classes
 - Painting Nights
 - Bus trips with Windsor Rec
- Mr. Musso made a motion to approve the tentative 2017 Calendar of Events; Mrs. Barley seconded. Mr. Klinedinst wished to approve all events except Suds ‘n’ Song. Motion carried with Mr. Klinedinst & Mr. Horne opposing.
- A Resolution will be forthcoming that all overhead street banners for Broadway & Main Streets will require approval, per PennDOT requirements.

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

- Municipal parking lot kiosk will be coming soon
- Signage for parking lot should be installed soon

11. **PUBLIC WORKS**—

- With regards to the Borough’s recent action to charge a \$50 fee for handicapped parking spaces (and \$10 to renew), Mr. Klinedinst mentioned an article from the PA Human Relations Committee & the Midatlantic ADA Technical Center that read we cannot charge for “creating and marking the space”. The disclaimer on the article said municipalities should check with their Solicitor. Mr. Craley will review the article for relation to handicapped parking spaces in the Borough.
- 607 West Broadway—Mr. Klinedinst made a motion to waive the \$50 fee for this handicapped parking space (one space is being removed down the street from this spot). Mr. Musso seconded. All were in favor; motion carried.
- 303 South Main Street—handicapped parking space request was received. Mrs. Barley made a motion to deny the request on the grounds that these accommodations aren’t necessary because the homeowner has off-street parking. Mr. Horne seconded. All were in favor; motion carried.
- List of handicapped parking spaces in the Borough—Council gives authority to have handicapped markings removed from the following spaces:
 - 301 South Main Street
 - 323 First Avenue

- 124 South Franklin Street
 - 59 East High Street
 - 57 East High Street
 - 200 North Franklin Street
 - 241 West Broadway
 - 33 East High Street
 - 200 East Broadway
 - 229 Wise Avenue
 - 635 West Broadway
 - 175 First Avenue
- Sidewalks in the Borough—those in disrepair are usually repaired in conjunction with street work. Mr. Musso stated there are some in the Borough that are in bad shape. Mr. Klinedinst said it states in the Borough handbook that sidewalks/walkways will be inspected every October for disrepair. Mr. Craley stated that if there are sidewalks that are a threat to public safety or inability for handicapped access, they can be dealt with per Ordinance enforcement. The Charles Avenue & Gay Street residents who have not repaired their sidewalks per requirement when the street project took place have been given ample notice. This spring, they will be given a 30-day notice, and if they don't comply, the sidewalks will be repaired/replaced and liens will be placed on the homes for all associated costs.
 - Mr. Klinedinst reported there are 1,700 people in the Borough that have not paid their Per Capita taxes. There is \$379,411 in outstanding real estate taxes.
 - Daily reports of Public Works crew—Mr. Musso has received his report. Mr. Klinedinst & Mr. Horne also requested copies.
 - “No Parking” signs for east side of Pine Street between Broadway & Henrietta. This is still being held to look at other areas of the Borough where these signs may be necessary.

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

- Silverback Services—technical issues yet to be addressed
- Rexroth Equities-technical issues have all been addressed
- Jim Bucher's property—Red Lion Planning Commission approved his Land Development Plan; however, it is not ready for Borough Council yet.
- Redevelopment—new attendees at the recent meeting
- Glen Rexroth invited Borough Council to tour the suites of the old Yorktowne building; this will be scheduled.
- A banner “mock-up” has been created for the Borough
- No Planning Commission meeting will be held this month
- Planning Commission still has a vacancy

13. **ADMINISTRATION**—final copies of 2017 Budget distributed

14. **COMMUNICATION**—nothing further

15. **Approval of bills**—Mrs. Frutiger made a motion to pay the bills; Mrs. Barley seconded. All were in favor; motion carried, with Mrs. Barley abstaining.

16. **Adjournment**—Mrs. Barley made a motion to adjourn the meeting @ 8:45p.m. Motion carried; meeting adjourned.

Respectfully submitted by:
Stacy Myers, Recording Secretary

