

**Red Lion Borough Council
Meeting Minutes
Monday, June 12th, 2017**

Members

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

Visitors

Robert Frutiger
Melanie Thompson
Felix Milner
Kathy Horne
Neal Metzger
Jack Rogers
Chris Custance
Stefanie Weaver
Kristin Sweitzer

Brad Smith
Nick Rhoads
Cindy Mann
Nathan Elfner
Lori Pinko
Laura Kirk
Brianna Pinko
Sandra Graham
Jennie Donahue

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

Trey Elrod
Pastor David Tietje
Wade Elfner
David Martineau
Robin Miller
Meredith Yakelis
Scott Thompson
Carl Hanlin, Jr.

1. The meeting was called to order @ 7:00p.m. Pastor David Tietje, from St. John's United Church of Christ shared an inspirational reading. Everyone present participated in the pledge to the flag.
2. Mrs. Frutiger made a motion to approve the May 8th, 2017 Meeting Minutes; Mrs. Kabacinski seconded. One correction was necessary. Under "Public Safety Report", *the Public Safety Committee met at Musso's Pizzeria*, not the Municipal Offices. Motion carried with this correction; all were in favor.
3. **VISITORS AND PUBLIC COMMENTS**—The following were present to address Council:
 - Robin Miller, from the Historical Society stated they (Society) would like to return the museum in the square back to the Borough, as they do not have enough manpower to run both that museum and the one at the train station. They hope to be out of that building by October 31st, 2017, but they are waiting for some items to be picked up by Jeff Herrman. Ms. Miller said if anyone would be willing to help them move, it would be appreciated. Mrs. Kabacinski will work on getting some help for moving.
 - David Martineau & Neal Metzger from Rutter's Farm Store were present to request the rezoning of the property at 730 South Main Street. They had come before Council twice previously (most recently in January 2017) to ask for the zoning map amendment so that the property at 730 South Main is changed from a Residential use to Commercial. In January, the Rutter's representatives heard complaints & concerns from the neighboring residents of the Rutter's at 5 Winterstown Road and they wanted to address those concerns tonight.
 - **Lighting**—*residents had complained of the bright lights currently at this store, which are on 24/7.* Mr. Martineau displayed a proposed sketch plan for this site, showing lower LED lighting at the gas canopies and parking lot.
 - **Traffic**—*residents are concerned that a bigger store will bring more traffic and that the area (& nearby intersection) are already congested.* Rutter's plans to move the entrance to the parking lot (on South Main Street) away from the intersection to help alleviate some traffic congestion. The other entrance is on Rt. 24, a State road and PennDOT would dictate that.

- **Deliveries**—*nearby residents stated loud trucks, bringing deliveries & fuel, are on the premises at all times of night.* Deliveries will try to be scheduled at less-invasive times, if possible.
- **Rats**—*nearby residents have seen rats in their garages, sheds & believe they're attracted by Rutter's dumpsters.* Rutter's reps claim their store employees have never seen rats at this store or outside of it. The Department of Health requires inspections, but they plan to add enclosed dumpsters on the premises for all store trash.
- Mr. Klinedinst asked if Rutter's plans to close off the alley entrance to possibly alleviate traffic congestion there? Or possibly the Borough could make that alley one-way or restrict left turns from it? Where does Rutter's plan to pile snow when it's plowed? Nearby residents have had snow piled in their yards and this is not acceptable. Mr. Martineau stated the traffic at the alley and making the alley a one-way street or whether the Borough wishes to restrict left turns from it, could all be stipulations at the Land Development Plan phase. As far as snow plowing, Mr. Martineau said a larger parking lot is being proposed; snow could be piled at a far corner of the Rutter's lot.

The following residents addressed Rutter's representatives:

- Jack Rogers, from 726 South Pine Street, has attended past meetings to discuss seeing rats from the Rutter's store, the bright store lights burning 24/7 and 6 a.m. loud truck deliveries. He knows Rutter's has a business to run, but believes a bigger store means bigger problems. He does not feel this intersection, in mainly a residential neighborhood, is the best place for a Rutter's super store. He asked Council to consider neighboring residents & the community.
- Cindy Mann, from 13 Winterstown Road, has attended past meetings, stating she firmly disagrees with Rutter's claim that there are no rats around this store. She has seen them in her shed on more than one occasion and she does not keep any garbage in her shed. She is positive they're coming from Rutter's, because it provides a food source for them. She feels this will only get worse with a bigger store. She also asked Council to consider the neighborhood & Borough residents before approving the zoning amendment.
- Nathan Elfner, from 723 South Pine Street, stated the new LED lighting at this store has helped alleviate the glare onto neighboring properties, but he still feels a larger store will bring more problems. He does not feel making the alley (which runs right behind his property) a one-way street would deter speeding or traffic problems. And the noise from truck deliveries would only get worse with the larger store & more gas pumps.
- Wade Elfner, from 734 South Pine Street, has also attended past meetings; tonight, he brought a small bag of trash, blown into his yard from Rutter's. He said that is an every-day occurrence. He has also seen rats at his property on several occasions. He showed pictures from the March 2017 snowstorm, when huge piles of snow from Rutter's lot were piled beside his property. As the snow melted, he got water in his basement. He is certain that the traffic and trash problems will increase should Rutter's expand.
- Kristen Woltman, from Martin Street, is in favor of an expanded store, saying she would like to see more gas pumps at this location. She also feels another entrance into the Rutter's parking lot would ease the traffic congestion at that intersection.
- Ian Montgomery—asked what procedures did Rutter's take to address residents' concerns, voiced at previous meetings? Rutter's reps had already answered many of the concerns earlier in the meeting.
- Mr. Craley stated Council's job tonight is to simply deny the request for the rezoning of 730 South Main Street, or agree to have a draft amendment to the Zoning Ordinance. It would then go before Red Lion Planning Commission and York County Planning

Commission, then back to Borough Council for a public hearing & enactment of the Ordinance. Council's decision tonight on rezoning cannot be appealed; it's completely at their determination.

Mrs. Barley made a motion to move forward with the Ordinance amendment changing 730 South Main Street from a Residential property to Commercial. Mrs. Frutiger seconded. All Rutter's is requesting tonight is a rezoning of that property; that's what Council is doing with this motion. Mr. Craley said he has no doubt that Rutter's plan is to expand the store beside this property; however, once 730 South Main is rezoned to Commercial, any type of Commercial use can occupy that space. The plan that Rutter's representatives displayed tonight is in no way a definite example of what will go in that space. A Land Development Plan will have to be submitted also. Restrictions can be put on the store at that time, but the property at 730 South Main can never be rezoned *from* Commercial after tonight's decision.

A vote was taken on the motion above. Motion carried, with 5 in favor, 1 opposing (Mr. Horne).

Mrs. Barley's above motion involves & includes authorizing Mr. Craley to draft a zoning map amendment and forward to Red Lion Planning & York County Planning Commission for comments. Mrs. Frutiger had affirmed her second of the above motion.

- Jennie Donahue was present to discuss a program to create raised planting beds as a possible community program within Fairmount Park (below the playground area). There would be approx. 3-4 beds, each 3' x 4', where people can buy organic fresh vegetables. She was requesting help from the community, in the way of donations of soil, PVC pipe, growing advice, as well as help to construct the beds. She stated she already had many plants ready to be planted. The plants would grow by way of a self-watering system (using the PVC pipe). After the growing season, the beds would be removed.
Mrs. Kabacinski made a motion to approve the construction of a community garden in Fairmount Park, for a trial period of one year to see how successful it is, and limited to 3-4 plant beds, 3' x 4' in size. Mrs. Frutiger seconded. All were in favor; motion carried.
- Melanie Thompson, 312 Wise Avenue, is present to discuss truck traffic (coming off Rt. 24), turning onto Taylor Avenue driving over & breaking up curbs & sidewalks. Residents are frustrated because they are responsible for maintenance of the curbs & sidewalks. They were proposing that large trucks use Maple Lane (off Rt. 74, beside White Dove Laundromat) to avoid turning onto Taylor Avenue. Council stated, in order to hold truck drivers or their employer responsible for damage, residents need to get the license number off the **front** of the truck. Some of the trucks are too large to make those turns, and site restrictions could possibly be rectified by removing one or two parking spaces on some of the Borough streets. Carl Hanlin, of Wise Avenue believes too, removing some parking spaces or placing some type of barrier (truck curb) may remedy the situation in the area of Taylor Avenue, Wise Avenue & at the factory on Maple Lane. Mr. Craley stated parking adjustments were made years ago on Main Street & Taylor Avenue and this has been a problem for a long time. Mr. Klinedinst stated there are larger tractor trailers now too. Jeff Shue will examine the area to see if additional "No Parking" areas can be created, without doing a traffic study.
- An associate from Gordon Brown Engineering was present to discuss the Country Club Road townhomes. Sanitary sewer & storm sewer are both in place, but water service still has to be connected. This is a requirement as part of the Municipal Authority's Land Development Plan approval for these townhomes. In order to do this, a small section of Country Club Road will need to be closed for a short time, during the hours of 9am-3pm. They believe the work will take 2 days *at the most*, unless they run into problems (hitting rock when digging, etc.) They created a detour plan for residents to use, being Linden Avenue & Mill Street. The re-route onto Country Club, being a State road, will be handled by PennDOT. Linden Avenue was chosen because it's one of the wider intersections coming onto Country Club; however,

Council and Brett Patterson have reservations of any truck traffic on Linden or Mill Street. Brett does not believe either of those streets are wide enough to accommodate larger trucks, especially if residents' cars are parked on both sides. He proposed traffic detouring onto Franklin, then Broadway. Mr. Klinedinst asked if a bond will be issued for the use of the Borough streets. If several tractor trailers use those streets, even for a short period of time, damage can be done.

Jeff Shue suggested Gordon Brown & Associates work with Brett Patterson to come up with a route that works; however, Council wanted to move on this as soon as possible so the project doesn't get delayed. Jeff proposed using *both* Linden and Franklin for the detour; Linden (north) and Franklin (south) for traffic and possibly limiting parking on these streets for the duration of the project, no more than five (5) days.

Mrs. Barley made a motion to approve the project for no more than five (5) days, rerouting the traffic one-way *north* on Franklin and *south* on Linden, during the hours of 9am-3pm.

Mrs. Frutiger seconded. A vote was taken; motion carried with 5-in favor; 1-opposed (Mr. Horne).

4. **PARKS & RECREATION**—Mrs. Kabacinski reported:

- Gun raffle—\$2,700 net profit was made from ticket sales
- Suds 'n' Song event was very successful, with 3,000-3,500 people attending. All vendors sold out and everything went well. Mr. Musso thanked everyone who was involved and dedicated their time to this event. He also thanked Mr. Rhodes for being patient with those who parked on his property.
- Farmers Market—June 16th from 8am-noon at the Municipal lot—lots of produce, baked goods, etc. to enjoy (everything must be handmade or homegrown)
- Summer camp—approx. 50-52 children on roster (not all will be there every day). Four counselors are booked.
- Pavilion at Fairmount Park is booked for weekends.
- Splash Pad is going well. Brett to make some type of posting to alert when Splash Pad is available/not available. Two people are trained for the water area. Mrs. Price stated the permit requires no one trained with chemicals must be onsite as long as the licensed operator is within 25 miles of the area.
- Food Truck Friday—June 16th from 5-8p.m. *New this year, Collusion Tap Works to have beer truck.
- Fairmount Fun Day—Saturday, June 17th—petting zoo, Bounce House, games, & lots of other activities
- Yard Sale Days—June 16th & 17th
- Recreation meeting rescheduled—Wed, June 28th @ 7p.m. (at Rec building)
- July 3rd—Fireworks begin @ 9p.m.
- July 4th—Stay at Home Celebration—lots of vendors in the park, chicken BBQ, car show (in the morning)

5. **PUBLIC SAFETY**—Mr. Musso reported:

- **Fire Company Report**
 - 13 calls using 10 pieces of apparatus, 24 personnel responding. \$0 fire loss this month.
 - Meeting with Fire Company was held in May. After corresponding with other municipalities regarding their fire company operations, another meeting will be scheduled.
 - Mr. Klinedinst asked for minutes from the Fire Company meetings; however, only members receive them. Volunteer Fire Companies are not subject to Right to Know law.

- Mr. Klinedinst questioned the \$42,000 given to the Fire Company, (which is a required Fire Tax), when families in town cannot afford for their children to play ball. He would like to see more financial help go towards Borough residents.
- **Ambulance Report**—distributed
- **EMA Report**—Laura Kirk distributed her report.
- 6. **MAYOR KOPP'S REMARKS AND RECOMMENDATIONS**—Mayor Kopp thanked everyone who attended the Memorial Day festivities. It was a nice turnout and ceremony.
- 7. **SOLICITOR'S REPORT**—Mr. Craley will move forward with drafting a Zoning Map Amendment for the property at 730 South Main Street. They will go to York County Planning Commission first, then Red Lion Planning Commission for recommendation.
- 8. **ENGINEER'S REPORT**—Jeff Shue reported:
 - The street project has some concrete work & bituminous paving to do yet.
 - Micro-surfacing work—some base repair to be done before micro-surfacing. Contractor should be done by 2nd week of July.
 - Payments for both projects should be received by July Council meeting.
- 9. **ORDINANCES**—Ordinance 2017-6-3—restricting parking on West Broadway (north side, from North Franklin, 120' towards Red Lion Elks) and Pine Street (east side, between West Broadway & Henrietta). Mrs. Barley made a motion to approve this Ordinance; Mrs. Frutiger seconded. All were in favor; motion carried.
- 10. **MUNICIPAL SERVICES**—Mrs. Barley reported the parking kiosk & the sign are now in the Municipal Parking Lot. Large & small recycle bins are now available at Municipal Office.
- 11. **PUBLIC WORKS**—Mr. Klinedinst reported some inlets (grates) are still clogged & need attention.
- 12. **PLANNING, ZONING & REDEVELOPMENT**—Mr. Horne reported:
 - Planning Commission meeting to be held Monday, June 19th @ 7p.m.
 - Zoning Hearing to be held Tues, June 13th @ 6p.m.
- 13. **ADMINISTRATION**—Mrs. Frutiger:
 - Mrs. Price reported on the “Quality of Life” Ordinance. Violators of issues like tall grass/weeds & snow removal (essentially property maintenance) will be given a “Notice of Violation”, rather than taking them to District Court. The violators would pay the Borough directly. It would save time & money because often, when taking someone to District Court, the court costs are collected, but the Borough’s fine is waived, which doesn’t help the Borough at all. If these “Notices” or tickets are not paid, violators can be taken to the District Justice, but the Borough has no control over the time or disposition once sent to District Court. This will be discussed further at Work Session (no Work Session in July).
 - June 22nd—York County Borough Association dinner & meeting
 - Recent Teamsters Union meeting—employees’ requests for 4 ½% pay increase & 11 days off with pay were both denied. Discussion on insurance will be at July 13th meeting.
- 14. **COMMUNICATION**—nothing further
- 15. **Approval of bills**—Mrs. Frutiger made a motion to approve the bills; Mrs. Barley seconded. A vote was taken; motion carried, with 3 in favor, 1 abstaining (Mrs. Barley) and 1 opposed (Mr. Horne).
- 16. **Executive Session/Adjournment**—Mr. Craley stated because the Executive Session will involve information only with no action needed, he suggested adjourning the meeting then holding the Executive Session immediately after. Executive Session involves litigation regarding 21 East Broadway with ArthurLee, LLC. Council adjourned @ 9:01p.m.
- 17. **Next Borough Council Meeting**—July 10th @ 7:00p.m. No Work Session will be held in July.

Respectfully submitted by:

Stacy Myers, Recording Secretary