

**Red Lion Borough Council
Meeting Minutes
Monday, February 12th, 2018**

Members

Tina Frutiger
Cindy Barley
Chris Minnich
Stephanie Weaver
Denny Klinedinst
Nevin Horne
Tony Musso

Others

Dianne Price, Borough Manager
Jeff Shue, Engineer
Mike Craley, Solicitor
Mayor Walt Hughes
Stacy Myers, Recording Sec'y

Visitors

Jeff Herrman
Melanie Thompson
Laura Kirk
Nick Rhoads

Robert Frutiger
Scott Thompson
Todd Klunk
Anthony Reichard

Pastor Jay McWilliams
Sandra Graham
Ashley Ziegler

1. The meeting was called to order @ 7:00p.m. Pastor Jay McWilliams from Pleasant View Church opened with a prayer. All present participated in the pledge to the flag.
2. Mrs. Frutiger made a motion to approve the January 8th, 2018 Meeting Minutes; Mrs. Barley seconded. All were in favor; motion carried.
3. Mrs. Frutiger made a motion to approve the January 15th, 2018 Special Meeting Minutes; Mr. Minnich seconded. A vote was taken; motion carried with Mr. Klinedinst opposing.
4. **VISITORS AND PUBLIC COMMENT**—The following were present to address Council:
 - Todd Klunk from 724 South Main Street was present to discuss citations he has received for Ordinance violations (snow removal, tall grass, tree limbs). Besides Dan Shaw & John Persing, there are a couple other people authorized to give these citations, but that is not their only job, as Mr. Klunk believed. Mr. Persing does rental inspections, parking meter duty and helps in the Borough Office, when necessary. Mr. Klunk said he was written up for tree limbs extending over the road/sidewalk; however, he does not have any trees on his property. Mrs. Price explained that the addresses for tree limb violations come from the Public Works crew and they could be off a house number or so. As far as the tall grass citation, Mr. Klunk said the picture (that Mr. Persing took) was from a perspective that the grass would look tall, but it's deceiving. Why wouldn't Mr. Persing use a ruler to show the actual height of the grass? The snow pictures show a lot of cinders; however, the walk is still snow-covered. This happens a lot along South Main Street. The snow can be cleared, but if the State plows go through again, they can close the walkway very easily. Mr. Klunk's property will be visited again to verify there are no overgrown trees and/or limbs, but the snow citation he received will have to be paid. The violation cost for snow not cleared from sidewalks (12 hours after snow has stopped) is \$150 to start. The \$150 is not all fine cost; court costs are included, in the event the property must be cited. Of note, 50 citations were mailed for non-removal of snow last week due to the recent storm(s).
 - Ashley Ziegler from 105 East Broadway was present to lodge a complaint about her neighbors, who are also her tenants, at 107 East Broadway. The tenants are being evicted and Ashley believes their raucous behavior (pounding/bumping on shared house walls, playing loud music late at night, etc.) is to retaliate for getting evicted. She has called State Police, who responded about the neighbor's destructive behavior & loud music. She was told by the Trooper that they're (PSP) not "paid" by the Borough to enforce Borough Ordinances. Mr. Craley stated by law, State Police are not ALLOWED to enforce local Ordinances, it has

nothing to do with the Borough not paying for their services. Council would like to follow-up with Lt. Palmer about the Trooper's comment. Ashley will get the Police Report to Mrs. Price. Dan Shaw can follow-up on the noise disturbance, but in order to enforce the Ordinance, the noise must be disturbing more than one property. Ashley said the neighbors on the other side of 107 East Broadway are also being annoyed by their behavior, so she will have them contact Dan also. Mr. Craley said a civil complaint can also be filed; however, with Ms. Ziegler being the landlord, it may be a waste of money for her to do so. Ashley also discussed an incident from last summer where the tenants had guns drawn against each other & PSP was called, but nothing was done about that & no arrests were made. Council advised her to take notes of dates & times of such events, but they will follow up with Lt. Palmer.

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

- 25 ambulance calls for the month; 26 fire calls for the month—report distributed
- At the January 15th Council meeting, Council voted in favor (all except Mr. Musso) of withholding funds going to the Fire Company until a Treasurer's Report & Meeting Minutes were given to the Borough. Mr. Minnich stated the information requested was submitted on February 8th. Mr. Minnich made a motion to continue distributing funds to the Fire Company; Mrs. Frutiger seconded.

Mr. Klinedinst said what he requested was a full account of what they bought with funds given to them by Red Lion Borough in 2017 and he hasn't received that yet. Mr. Musso said, at the recent Fire Company meeting, attended by himself, Mrs. Price, Mr. Minnich, Mr. Klinedinst & Fire Company representatives it was agreed upon by **everyone** present that *going forward* the Fire Company would provide the Borough with a list of their bills, how their bills are paid, what monies are used to pay those bills & the part of their Meeting Minutes where the bills are approved. Mr. Musso stated it was a request from this point forward, not going back to 2017, etc. A Financial Statement & Report was given to the Borough; Mr. Klinedinst would like to see that report. Mr. Klinedinst believed the purpose of the Fire Company meeting was to address complaints against the Fire Company & thought his request for the financial information was made after that meeting. Mr. Minnich stated Mr. Klinedinst's request for those financial reports was made on December 27th; the Fire Company meeting was January 16th.

Mr. Craley stated there are two types of money that the Borough can give to the Fire Company. 1) Money to go into their General Fund. If all the money is deposited into the General Fund and that amount of money is spent on bills the next month, the Fire Company could say they used that money to pay bills. If they supply a copy of their Treasurer's Report showing how much revenue they received versus their expenditures, obviously, you know if & how your money was spent. 2) Restrict the money given to the Fire Company; i.e. to pay for insurance, recruitment program, etc. Then they would be required to show receipts of the expenses that those funds paid specifically. Mr. Craley said it's Council's decision as to how specific they want to be where these expenditures are concerned and whether or not they want to decide where the funds should be allocated.

A vote was taken on the motion, stated above, to continue distributing funds to Leo Fire Company, as the need arises. Motion carried, with Mr. Klinedinst, Ms. Weaver & Mr. Horne opposing.

- **EMA Report**—Laura Kirk distributed her report & stated things are running smoothly. Of note, there will be a Municipal EMC training on Saturday, February 17th @ 911 Center, beginning @ 9am.

6. **MAYOR'S REMARKS AND RECOMMENDATIONS**—Mayor Hughes reported the following:
 - He recently met with a resident who is concerned about illegal activity in the Borough, providing names & addresses of such. Mayor Hughes has submitted this information to Lt. Palmer with PSP.
 - He met with Red Lion School District Superintendent, Dr. Deisley regarding an academic awards program for Seniors that would focus on core subjects such as Math, Science, English, History, Civics, Arts & Music as well as an Outstanding Citizenship Award related to Business and Art. The Mayor has been in contact with some faculty members who are also onboard with the idea. Several of the staff of Red Lion Senior High may attend the June 11th Council meeting, so the Mayor suggested holding the meeting at the Community Building.
 - Any business and/or building interested in having murals painted should contact the School District as the art students would do this.
 - He recently attended the RLABA dinner, held at Red Brick Bakery. It was a nice affair.
 - He greeted 8 new homeowners in Red Lion. He gave each a Welcome package & some information about the town, etc.
 - He met with a family whose daughter is experiencing health issues and has been in contact with some agencies who can possibly provide help for her/the family.
7. **SOLICITOR'S REPORT**—Mr. Craley's items will be covered under other Committee reports.
8. **ENGINEER'S REPORT**—Mr. Shue reported:
 - Bids for the street work—needs a motion to advertise; however, Brett Patterson asked that a portion of the contract (#2) be removed because some base repair work needs to be done prior to the micro-surfacing. The portion to be removed is Keener Avenue, from Franklin to Park Street. Mr. Klinedinst made a motion authorizing the advertisement of Bid #1 & #2, with these modifications to the contract; Mrs. Frutiger seconded. All were in favor; motion carried.
 - PennDOT meeting was held on February 8th—discussion was on limits of a traffic study that would have to be done for a Land Development Plan, not yet seen. Also discussed:
 - Traffic counts as they exist today would be used in projecting traffic counts going forward for expansion.
 - Driveway & alley going out onto Winterstown Road and how they will interact with Rutter's expansion. Suggestions will be given to Rutter's Engineer.
 - Jeff felt PennDOT was supportive in recognizing the concerns of Red Lion's residents.
 - 510 Wise Avenue—met with property owners & their Engineer to rectify stormwater issues. The resident is moving forward with a Zoning Hearing to try to obtain a Variance, which is a separate matter from the stormwater. Mr. Klinedinst stated he believed the drain pit was too far up on the hill and not what was approved at the Zoning Hearing. He had mentioned this to Dan Shaw at that time. Jeff Shue stated that the plans that were submitted & approved reflect exactly what was installed on the property. The problem is the report used an inappropriate number for where they should've started relating to the impervious area. It was built exactly per the plans, but the number (starting point) on impervious was incorrect.
9. **RESOLUTION**—Resolution 2018-4—to set the fee schedule which includes an increase in Community Building rental fees. Current fee is \$145/room, \$48/hr for each additional hour, \$185/room with use of kitchen. Now increasing to \$200/room, \$50/hr each additional hour, \$250/room with use of kitchen. The security deposit is being increased to \$100. Mrs. Barley made a motion to adopt Resolution 2018-4 with these amendments; Mr. Horne seconded. All were in favor; motion carried. Mrs. Barley will check on the cancellation clause to be sure it's in the Rental Agreement.

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

- March 24th—Breakfast with Easter Bunny (8:30-10:30am), followed by egg hunt (11am). Volunteers & sponsors are needed! A “food allergy” egg hunt is also planned for the same time as other egg hunt, but different location. For children with sensory issues, another egg hunt (AFTER the other hunts) may be held, but people are urged to register so it’s known how much interest there would be for this hunt.
- Glow Run—originally planned for New Year’s Eve is now St. Patrick’s Day (Sat, March 17), 8:00-9:30pm. Sponsors are needed!
- June 2nd—Suds ‘n’ Song event, 1-9pm @ Vulcan Field.
- Revolution baseball game fundraiser is in May—tickets will be available through the Recreation Director.
- Community Garden in Fairmount Park will be removed as soon as weather permits. This will not be returning.
- Greenway invoice for \$26,331—explained that this was in tonight’s bills for Council’s approval. \$11,000 of this cost is offset by funds received through a grant.
- Summer Movie Theater series is being planned. We will split the cost of the movie license with Kaltreider-Benfer Library at a cost of \$500 (this is in addition to their annual donation)
- Splash Pad signage will be improved to educate the public on what is & what is not allowed.
- Memorial monument—Mr. Klinedinst spoke to the American Legion, who may be interested in sponsoring the rehab of it. Mayor Hughes spoke to the VFW about the same issue. Ms. Weaver also spoke to the VFW, who is agreeable to rehabbing the monument in return for allowing their street banners for Memorial Day & Labor Day.

11. **MUNICIPAL SERVICES**—Ms. Weaver reported:

- Red Lion Municipal Authority appointed their officers, which remained the same as last year—Eric Immel-Chairman, Skip Missimer-Vice Chair, Brad Smith-Secretary, Mike Poff-Treasurer, Jeff Herrman-Asst. Sec/Treas. MPL Law Firm remains their Solicitor for 2018. C.S. Davidson remains their Engineer for 2018.
- C.S. Davidson to find a sensor that can be installed on Fairmount Tank overflow to prevent another incident (like January) from occurring.
- Jeff Herrman reported other items from RLMA:
 - February 14th—water shutoffs for unpaid bills
 - Frozen pipes & meters during freezing weather—tips are on the RLMA website on how to prevent this.
 - Water Treatment Plant is running smoothly
 - Milner Heights development—water improvements are being planned.

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

- February 26th from 10-2pm--PSCFO (Pennsylvania State Council of Farm Organizations) will host a seminar/workshop at the Red Lion Grange (Windsor Road). It will be directed at vegetable & produce growers for food safety education. Another seminar/workshop will be held on March 1st from 10-2pm in Bedford, PA. These are the 3rd & 4th in a series.
- Tree trimming by Public Works crew has begun.
- 117 Linden Avenue—handicapped parking request. Mr. Klinedinst made a motion to deny the request as there are already two handicapped spaces in that block. Mrs. Barley seconded. All were in favor; motion carried. Mr. Craley stated residents always believe these handicapped spaces are reserved; they are not, and Council must keep the residents’ interest in mind. These spaces can be approved by Council on a case-to-case basis should the need arise.
- Of note, Mr. Horne stated the problem of cars double-parking (taking more than one space) on Linden Avenue & Gay Street seems to be getting better. There have been cars parked on the sidewalk in the 200 block of East Broadway; Codes Enforcement will look at this.

- Atlantic Avenue—discussion held on the request from Silverback Services to have the last two parking spaces removed to enable larger trucks to get around that corner. Mr. Musso visited the property & spoke to Nick Rhoads (owner of Silverback). Mr. Musso suggested paving the grassy portion of Silverback’s property to help the trucks get around that corner rather than removing parking spaces because there is an existing home at that area. Mr. Horne & Brett Patterson visited the property. Brett suggested removing the two spaces; 1) because of the hydrant & 2) because of that intersection of Mill & Atlantic. Mr. Rhoads said if only one parking space is removed, and a 53’ truck with a sleeper cab travels up Mill Street it would still be extremely difficult to make that turn. Mr. Rhoads stated truck drivers may continue to have difficulty making the turn no matter how many parking spaces are taken away. Silverback’s property has so much impervious area now, to pave this portion as Mr. Musso suggested should not be an issue. Mr. Craley suggested Council not require any land development plans because there will not be enough earth disturbance to make a difference. Mr. Rhoads wants to verify that no plans would be needed if he moves forward with the paving. He can talk to Dan Shaw to see if any waivers are needed, so Council can approve those. Council gave their consensus that the paving be tried as a remedy to the turning problem right now, no fees will be imposed, and no land development plans will be required. Mr. Craley stated if the paving idea doesn’t work, the idea of removing parking spaces can be revisited, although Council doesn’t want to create a parking shortage. Dan Shaw stated he can check with Jeff Shue also concerning the paving. The Zoning Ordinance has no restrictions on impervious cover in the Industrial Zone; however, the SALDO (Subdivision and Land Development Ordinance) would be reviewed for verification in this situation.

13. **PLANNING, ZONING & REDEVELOPMENT**—Mr. Horne reported the following:

- Planning Commission recommended approval for the vacant lot at Grand & Main Street (from Lemon Lane to Main Street) be rezoned from Residential to Commercial.
- Planning Commission also recommended approval to rezone 675 South Main Street from Residential to Commercial. Rather than rezone this property, Mr. Craley stated it would be easier to do a text amendment to the Ordinance to allow a contractor’s office in the Commercial Zone. Currently, a contractor’s office is only allowed in the Industrial Zone. The only requirement that Planning Commission wanted to see was screening around any outdoor storage of materials. If Council agrees, the above two items can be put into Ordinance-form, sent to YCPC for review & Red Lion Planning and then a Public Hearing would be held for action on those two Ordinances. Mrs. Barley made a motion to move forward on rezoning the property at the corner of Main & Grand Streets to Commercial and do a text amendment to allow a contractor’s office in the Commercial Zone. Mrs. Frutiger seconded. All were in favor; motion carried.
- Mr. Craley mentioned the possibility of making this southern end of town (from Walnut to Rt. 24) a “multi-use” (or mixed-use) zone, as there are still several residents in the area, but there are also Commercial uses (doctor’s office, insurance office, etc.). Rezoning this entire area to Commercial might make it difficult for residents to buy/sell their homes as “Residential”. He urged the Planning Commission members to look at the RO & Commercial Zones to determine what would be best for both areas.
- February 26th—Planning Commission meeting—two Zoning Hearing applications will be reviewed.
- Nick Rhoads submitted a letter of interest to serve on the Redevelopment Committee. Mr. Klinedinst made a motion to appoint Mr. Rhoads to the longest vacant position on the committee; Ms. Weaver seconded. All were in favor; motion carried.
- Mr. Craley discussed a potential loan program for sidewalk replacement, where they’re required. Legally, the Borough cannot loan money to private citizens unless it’s a special program like the façade program. Years ago, when High Street & Wise Avenue were

paved, many residents couldn't afford to replace their sidewalks. At that time, the contractor completed the job, the Borough put a lien on the properties that could not pay and set those residents up with a repayment agreement. The liens were satisfied after the agreement was paid in full. Mrs. Price will review the old agreements, so Council can discuss this. Council can determine what properties have a "genuine financial need" for this loan program. Currently, it would involve Boundary & Charles Avenues, where the road projects will take place this year. There will be filing & attorney fees involved to place the lien; Mr. Craley did not believe an application fee was necessary. Council can ask the resident to contribute 3-5% (or a minimum of 5% or a designated dollar amount) also. Late charges can be listed in the repayment agreement as well. More on this to come once all project costs are gathered.

- It was recommended that all Planning & Zoning members receive training. Mrs. Price will contact PSAB; she said Red Lion could host a conference, if enough people are interested.

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

- The 2017 Audit has been completed
- Mr. Klinedinst stated that when Council members abstain from voting, they must submit in writing the reason for the abstention within 10 days of the meeting. Mr. Craley stated an abstention from voting on payment of bills is an obvious reason; however, an abstention from voting on other issues should be in writing, kept on record. Council will do this going forward.
- The Open Burning Ordinance—Council is urged to read it & bring ideas of adding/deleting wording to March Work Session.
- Ms. Weaver requested a meeting of the Administration Committee (Frutiger, Klinedinst & Weaver) pertaining to the recent PSAB conference she attended so she knows the protocol that the Borough follows. She reported the following that were discussed at the conference as requirements for municipalities:
 - ***Committee meetings***—the individual committees should hold monthly meetings.
 - ***Bills/checks***—checks are not to be signed until voted on at public meetings. *Red Lion does not mail any checks until approved by Council; any payment can be held, if Council wishes.*
 - ***Email policies***—emails of Council members and Borough employees can be considered public record and obtained with a Right-to-Know request. Open Record Act was discussed. *RL employees & Council are aware of this.*
 - ***Liquid Fuels funds must be kept in a separate account. This is already done, per State law.***
 - ***Exit audits should be done when an employee who handles money leaves the employ of the Borough.*** *Mrs. Price stated this would be done; however, no one handling money has left the Borough's employ recently.*
 - ***Zoning Ordinances required to be updated***—*Mr. Craley stated the most recent update was the rezoning (map amendment) of the parcel purchased by Rutter's (South Main St). Mrs. Price stated the Multi-Municipal Comprehensive Plan (between Red Lion, Dallastown & Yoe) is coming up for review.*
 - ***Monthly Treasurer's Reports for Council***—*these are made available to Council the Friday before the public meeting.*

15. **COMMUNICATION**—Of note, Work Session meetings will now be recorded, and Stacy Myers will transcribe.

16. **Approval of bills**—Mrs. Frutiger made a motion to approve the bills; Mrs. Barley seconded. A vote was taken; motion carried, with Mr. Horne & Mr. Klinedinst opposing.

17. **Adjournment**—Mrs. Barley made a motion to adjourn the meeting @ 9:02p.m. Motion carried; meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary