

**Red Lion Borough Council
Special Meeting Minutes
Monday, June 18th, 2018**

Members

Cindy Barley
Christina Frutiger
Stephanie Weaver
Chris Minnich
Dennis Klinedinst
Tony Musso

Others

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

Visitors

Melanie Thompson
Bob Frutiger
Nick Rhoads

Barry Buser
Stacey MacNeal

1. The meeting was called to order @ 6:30p.m. All present participated in the pledge to the flag.
2. **Public Comment/Ordinance 2018-6-4**--Stacey MacNeal, Attorney from Katherman, Heim & Perry was representing Mr. Buser tonight and wanted to brief Mayor Hughes on this situation before he renders his tie-breaking vote on rezoning portions of property at 25-27 Grand Street from Residential Outlying to Commercial. The application was first submitted to rezone the property from RO to Industrial (which is the same zone as the rear of the property) but after input from the Planning Commission & Borough staff, the request was changed to Commercial, believing this to be a better use for this vacant lot. This lot has been vacant for over 20 years and while the Borough Zoning Ordinance allows for several uses in a Commercial Zone, Mr. Buser is limited to some uses by the size of this ½-acre lot. Any sort of development would come through the Borough's Land Development process anyway. This is simply to rezone the parcel of land. Mr. Craley stated the Ordinance 2018-6-4 was before Council for vote at their June 11th meeting. It was a map amendment to the Zoning Ordinance for the parcel at the corner of Grand Street & South Main (bordered by Lemon Lane also) to be rezoned from Residential Outlying to Commercial. The vote at the June 11th meeting resulted in a 3-3 tie, (one Borough Council member was absent that night). The Mayor was not at the meeting at that time, so Mr. Craley referred Council to the Borough Code, Section 1003: D4, which states "*if a tie or split vote occurs at a meeting when the Mayor is not in attendance, the matter shall be tabled to a special meeting to be held within, not less than 5 days or more than 10 days, as set by the Borough Council President, and the Mayor shall be given at least 5 days' notice of the meeting. At the time of the special meeting, it shall be the duty of the Mayor to cast a tie-breaking vote*". At the June 11th, 2018 meeting, Council President Musso stated to the public that the special meeting would be held Monday, June 18th, 2018 @ 6:30p.m. Tonight's meeting has been properly advertised. Mr. Craley does not believe, the way the statute reads, there is any need for a revote by Council members. This would've been an option had Mayor Hughes been at the June 11th meeting. Mayor Hughes stated as an independent elected official as part of Borough Council and per the Borough Code, his tie-breaking vote is in favor of Buser Imports and the rezoning of his property from RO to Commercial. The vote on this matter becomes 4-3. Mr. Craley stated that although Mayor Hughes has cast his tie-breaking vote, he (Mayor) still has the statutory period within the Borough Code to veto or sign his approval to it, at which time it becomes law.

3. **Other Council Business**—Mr. Musso reported on the following other issues:

- Last week, a formal complaint was lodged against a Council member (the behavior or actions of the Council person). Mr. Musso requested that Council authorize Mr. Craley to look into it to see what, if anything can be done to resolve this issue, whether in-house, legally, etc. Mr. Craley is unsure whether a Council member is covered under personnel, but he would like authorization to investigate procedure, as he has not experienced this in his 34 years of law. Mrs. Barley made a motion authorizing Mr. Craley to investigate appropriate procedure to handle this situation; Mrs. Frutiger seconded. All were in favor; motion carried.

- Mrs. Barley reported that Borough employees have received phone calls at the office that are nasty and not at all professional. She wondered if phone calls can be recorded, not just by the employee pushing a “record” button, but every time. Mr. Craley stated that recording phone calls gets into “Wire Tap Law” but he would like to review this to see what limitations & authority the Borough would have. Mrs. Price said, at this time not all calls can be recorded; all the office phones don’t have that capability. If Council wishes to audio tape every caller that calls to the office as protection for the employees (because it’s not known when a call may “get nasty”), this leaves to question, does the phone call then, become a public record? Is this a violation of the Sunshine Law?

Mayor Hughes stated that 911 and every Police Department records every call. Typically, every 30 days, those messages are recorded over. In this day & age, he believes Council & Mr. Craley should investigate this because you never know what type of person/people you’re dealing with.

Mrs. Barley made a motion authorizing Mr. Craley to investigate the possibility of recording calls coming into the Borough Office. Ms. Weaver seconded. All were in favor; motion carried.

- New residents have moved into Atlantic Avenue—Mr. Musso asked that Mayor Hughes visit to welcome them to the community, as they are feeling unwelcomed in the neighborhood and on their street. Mr. Musso stated the new family said Nick Rhoads & his employees at Silverback Services were the ones that made them feel unwelcome; however, Mr. Rhoads states he has surveillance cameras & footage to prove he has not talked to them since they were prospective buyers of the house. Mr. Rhoads said the female of that household told him someone from the Borough told them Silverback Services & their employees are “trouble makers”. Mrs. Barley reported the family was told “the whole road in front of their house was Silverback’s driveway and they weren’t allowed to park in it”.

Mr. Rhoads said that was untrue; he told them Silverback has large trucks that come down that street frequently. He doesn’t feel that the “solution” given to him by the Borough for his trucks to travel on Maple Street, then make that turn to Atlantic will work, not with 53’ trucks. He has put up “No Parking” signs again in that area. Mr. Rhoads said Mr. Craley also stated (at a previous meeting & in the minutes) that if the Borough’s proposed solution does not work, the situation will be revisited & “No Parking” signs will have to be put back up; however, the situation was not revisited or discussed again. The new owners claim the aggression increased since they had settlement on the property & moved in. Mr. Rhoads claims he has not spoken to them since they took possession of the property.

All involved parties are coming to the next Council meeting in the hope that this can be resolved peacefully. Mrs. Price said there is record of what portion of Atlantic Avenue is public and when Mr. Rhoads’ property begins. This will be brought to the meeting as well. Mayor Hughes will visit the new residents to welcome them to town.

- Wall at the park—the people doing the restoration are on vacation; the work will get done.

4. **Adjournment**—Meeting adjourned @ 6:52p.m. Next scheduled Council meeting is Council Work Session on Monday, July 2nd @ 7:00p.m.

Respectfully submitted by:

Stacy Myers, Recording Secretary