

**Red Lion Borough Council
Meeting Minutes
Monday, July 9, 2018**

Members

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

Others

Dianne Price, Borough Manager
Dan Shaw, Codes/Zoning
Mike Craley, Solicitor
Jeff Shue, Engineer
Randy Gray, Public Works
Mayor Walt Hughes
Stacy Myers, Recording Sec'y

Visitors

Bob Frutiger
Laura Kirk
Brad Smith
Kathy Horne
Cindy Herbst

Meredith Yakelis
Nick Rhoads
Melanie Thompson
Cheryl Williams
Pastor Paul Dauenbaugh

Kristin Sweitzer
Phil Hersey
Dean Lake
William Wonders

1. The meeting was called to order @ 7:00p.m. Pastor Paul Dauenbaugh from Pleasant View Brethren in Christ Church offered a prayer. All present participated in the pledge to the flag.
2. **Meeting Minutes**
 - June 4, 2018—Mrs. Frutiger made a motion to accept the June 4th, 2018 Meeting Minutes; Mr. Musso seconded. All were in favor; motion carried.
 - June 11, 2018—Mrs. Frutiger made a motion to accept the June 11th, 2018 Meeting Minutes; Mr. Minnich seconded. One correction was necessary; under *Public Works, Summit "Lane"*, *should be Summit Drive*. With this correction, all were in favor; motion carried.
 - June 18, 2018—Mrs. Frutiger made a motion to accept the June 18th, 2018 Meeting Minutes; Mr. Musso seconded. All were in favor; motion carried.
3. **VISITORS AND PUBLIC COMMENT**—the following addressed Council:
 - Cheryl Williams (159 First Avenue) was present to lodge a complaint about her neighbor at 157 First Avenue. He has set off fireworks (too close to occupied homes/structures) and committed other noise violations (revving his Jeep, loud music), trash on the property between the garages, as well as violations of the Burn Ordinance (not burning in an actual burn pit/allowed container). Council told her all these issues are Police matters & she should call 911 when they take place. The violator is the son of the property owner at 157 First Avenue and Ms. Williams stated the church (St. Paul's) on First Avenue has outdoor cameras that contain footage of her neighbor committing many of the violations. Ms. Williams doesn't want the activity to escalate if she calls the Police, but many of the issues are dangerous (and bothersome) and she wants them to stop. Council urged her to call 911 and get all the documentation she can against the neighbor to use as proof for the Police. Mayor Hughes suggested that Dan Shaw send a letter about the neighbor's disorderly conduct in the hope that it would deter the negative behavior. The letter can also state that PSP will be called if the behavior does not stop. Council agreed that a letter may be a good place to start. Ms. Weaver made a motion authorizing Dan Shaw to send a letter to the property owner (violator's father) regarding the Ordinance violations. Mrs. Barley seconded. All were in favor; motion carried. Mr. Horne also mentioned Opera House Apartment residents have reported seeing this man not obeying the Stop signs on First Avenue either. The residents are elderly, and they are concerned for their safety as well as that of the many children in the area. Mr. Horne said if PSP could sit in that area on patrol, they could surely catch him.

Ms. Williams also asked Council if it was possible to paint parking lines along First Avenue to help the parking problems. Mrs. Price & Council agreed to look into this.

- Cindy Herbst (rear of 163 First Avenue) also complained about the neighbor at 157 First Avenue. She stated she has called the Police and, if they respond to the residence at all, they don't do anything to deter the behavior. Ms. Herbst said she has called Councilman Minnich a few times about the neighbor setting off fireworks, but Mr. Minnich hadn't returned her calls. Council members can't do anything about this behavior. They urged her to also call the Police as soon as the fireworks and negative behavior begin. Proof, in the way of pictures or video, will help the Police a lot. Council understands the neighbors' frustration, but the Police must be called, and they must have proof to take action.

Ms. Herbst also complained about the drug problem on First Avenue, stating her landlord and wife (at 163 First Avenue) are drug dealers. She had spoken to Mayor Hughes and thought nothing was done about the situation; however, Mayor Hughes stated he sent a letter to the Officer in Charge at PSP and listed all information that Ms. Herbst & her husband offered, including the offenses taking place at the residence.

Ms. Herbst stated it's a dangerous situation, with her husband being threatened with a gun by a resident recently. State Police are aware and on alert regarding the drug problem and all the offenses and Council **urged** her to continue to call the Police when these situations arise.

- Dean Lake (Hyson Lane) was present to discuss a nuisance violation letter he received recently. The letter addressed his tall grass, weeds and a vehicle on his property with expired tags; however, he said there is (and wasn't) any vehicle on his property with expired tags. The car that Codes Enforcement referenced was his neighbor's car and it's gone now. Mr. Lake said if the Borough is going to send violation letters for such things, they should be sure to address these issues at **all** properties. He reported the same such violation at Frutiger's residence and hopes they received a violation letter as well. Councilman Horne said, when he asked about the vehicle on Frutiger's property, Mr. Frutiger assured him the vehicle was legal. Codes Enforcement will look into this.
- William Wonders (Linden Avenue) was present to discuss the plan to widen Boundary Avenue from Linden Avenue to Adams Lane. He stated he & his neighbors do not want it widened. There used to be no parking on his side of Linden Avenue, but he said the signs have now been taken down. He doesn't understand why the road should be widened, but there are three businesses there and the Borough wanted to widen the area to accommodate emergency vehicles as well as snow plows. Boundary Avenue, across the street, is the correct width. Mr. Wonders said, during the fireworks, there were a few huge campers that went down Adams Lane. He believes emergency vehicles would be able to access it as well. He would like to see the "No Parking" signs put back up rather than widening the road. With the signs up, anyone parking there can be cited. Mr. Klinedinst said he doesn't have any problem putting the "No Parking" signs back up & using the money elsewhere, but he doesn't want to hear from Mr. Wonders or his neighbor later asking for the road to be widened. Mr. Wonders' neighbor was not in attendance tonight, but Mr. Klinedinst had received a call from the neighbor stating he also wanted the "No Parking" signs back up. Ms. Weaver made a motion to drop the contract to widen Boundary Avenue from Linden Avenue to Adams Lane; Mr. Klinedinst seconded. All were in favor; motion carried.
Ms. Weaver made a motion to make both sides of Boundary Avenue a "No Parking" zone, 24 hours/day and to authorize Mr. Craley to amend the Ordinance and advertise it for next month's meeting; Mr. Horne seconded. Mr. Craley confirmed the Ordinance will state "No Parking **anytime** on either side of Boundary Avenue between Linden Avenue & Adams Lane". All were in favor; motion carried. Of note, there will be a \$75 parking ticket for any car parked in that area once the signs are installed. Mayor Hughes agrees with installing the signs again, as he spoke to Mr. Wonders' and his neighbor about it.

4. **MAYOR HUGHES' REMARKS AND RECOMMENDATIONS**—Mayor Hughes reported:
- The Mayor's Tuesday night monthly meetings have been suspended over the summer. Should anyone want to discuss anything with him, they can call him to schedule a meeting.
 - He officiated a wedding in York Township this past month.
 - He visited new residents on Atlantic Avenue, who are neighbors of Silverback Services to show them their property lines and discuss their boundaries, etc. He said it went well. They told the Mayor that Mr. Rhoads had spoken to the exterminator a month before they moved into the property.
 - Welcomed several new residents into town with visits and/or welcome packages.

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

- 16 Fire calls this month, 69 personnel using 22 pieces of apparatus
- 51 ambulance calls this month. Laura Kirk submitted her report and stated that along with some training, she is preparing for the August Street Fair.
- Last week at Work Session, Council talked to Bethany Miller (Lion Pharmacy) about the Knox Boxes. Discussion addressed Ordinance 2009-09-02, passed in 2009 regarding the requirement for Borough businesses to have Knox Boxes in order for the Fire Department to gain access in the event of a fire. Mrs. Miller stated if she complies with the Knox Box Ordinance, she is "not in compliance with the Federal government" and could lose her license. Mr. Craley stated a provision could be put in the Ordinance for Council to grant a waiver in certain cases. Mr. Wonders' (representative of Fire Company) stated most drivers/officers have a code they enter into the box to access a key inside the box which gains them access to the business. The code identifies who opened the box.

Mr. Craley suggested obtaining a formal opinion from Mrs. Miller's governing agency that installing the Knox Box would put her in violation & jeopardy of losing her license. More information is necessary before Council moves ahead with granting a waiver; however, no enforcement will be taken against Mrs. Miller until Mr. Craley reviews the situation. More information and/or opinion could be gathered from the Fire Department as well.

A few Council members believe exceptions to the above Ordinance must be made somewhere. Mayor Hughes stated he is personally and professionally opposed to Knox Boxes, except in certain apartment situations, but he is concerned when the government interferes with businesses and the right to choose what they feel is best for them. He understands the Fire Department's plight; however, in certain situations, he feels the citizen should be able to choose.

Mr. Craley stated Section 7-501 (1) of the Ordinances states where the Knox Boxes are required.

- Commercial or industrial buildings protected by an automatic alarm system or automatic suppression system, or such buildings that are secured in a manner that restricts access during an emergency.
- Government buildings, public buildings and nursing care facilities.
- Multi-family residential buildings that have restricted access through locked doors and have a common corridor for access from the living units.

Council should decide if they do or do not want the boxes required in certain situations and if they want to revise the Ordinance. Mrs. Price stated she believes municipal buildings and schools should remain a requirement for the Knox Boxes. Council members agreed to review this Ordinance & prepare to make a decision on this.

Fire Company personnel will be asked to the August Work Session to offer their opinion.

6. **SOLICITOR'S REPORT**—Mr. Craley reported the following:
 - Attended the Special Exception Zoning Hearing for Rutter's. Their SE was approved with conditions that should've reflected our concerns regarding the loading area & the lighting. The draft copy of the written decision was received & reviewed with no changes to the Board's decision. If further action is necessary, it can be dealt with during land development.
 - School administration meeting was held regarding the noise issue from the Junior High School. A proposal was submitted with the school's steps to remedy the situation, which was sent to the neighbors for review.
 - Of note, North Boxwood was vacated before the Land Development Plan was recorded.
7. **ENGINEER'S REPORT**—Jeff Shue reported the following:
 - On June 25th, he walked the section of Rt. 74 that will be combined with the Rt. 24 PennDOT project. A reimbursement agreement between the State & the Borough will be drafted. This project is proposed for 2020.
 - He will contact Kinsley to remove the Boundary widening portion of the contract. That work should begin July 16th.
 - Microsurfacing part of the contract should begin in August.
 - A request for surety reduction has been received from Village Realty. Jeff will review to have ready for Council's action in August.
 - Sketch of the property lines for the wall have been submitted. Jeff will continue to work with staff on this.
8. **PARKS AND RECREATION**—Mrs. Barley, Meredith & Kristin reported:
 - Day camp is going well—20-30 children attend each day.
 - July 4th Stay at Home went well—160 chicken BBQ's were sold (in a little over an hour)
 - July 3rd fireworks—started early due to predicted storms
 - Food Truck Friday—July 20th
 - June Farmer's Market—went well; produce vendors were there. Next one is July 14th
 - Greenway Committee—Council should appoint committee members in August to help Borough Manager & Recreation with the work load.
 - York Community Foundation will present a check to the Borough on Friday, July 13th (2:30pm) on the Greenway (behind Vulcan Field). The check is to cover the cost of the drilling.
 - Concrete work will be done around park/camp activities. The tables/chairs purchased in July should be used this summer yet.
 - Mayor Hughes congratulated the Recreation Department & everyone involved on their great work, successful community events & activities.
 - Ms. Weaver commented on the Facebook posts regarding the Hand, Foot & Mouth cases claiming it was contracted at the Splash Pad. She said the posts are perceived as bickering back & forth. Kristin & Meredith said there are two articles about contracting the disease; one from American Pediatrics & one from Center for Disease Control. Kristin has removed all the comments (and is no longer responding) on FB, but the informative articles are still posted. The disease has a 3-7-day incubation period; no child came to the Splash Pad one day & had the disease the next. The chlorine at the splash park would've killed the disease. The children could've contracted it on the playground equipment, day care, someone's house, etc. The bathrooms at the park are bleached every day and are clean. The water at the Splash Park is tested daily & it tests clean. There will be people there that don't respect the park property; staff does what they can to clean the equipment. If people disrespect that, they clean up or are asked to leave. Water test results are posted on the Red Lion website, at the park & on Facebook.

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

- Hydrant Agreement between the Borough & Authority—the comments that Mrs. Barley sent to the Authority for their review will be forwarded to Council members also.
- RLMA has paved their parking lot at the park. They will direct the water to Kinsley Lane unless the Borough determines this will increase the icing problem then the Authority will pipe the water to Kaltreider Lane. Keith & Jeff (Municipal staff) met at the park to discuss with Borough staff.
- Of note, trash & recycling rates may increase due to new recycling regulations posed by Penn Waste (due to China's new restrictions). The Borough is under contract with Penn Waste for now. A note may be added to the sign in the Square to let residents know electronics can be taken to Silverback Services for recycling.

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

- Handicapped parking request received for 401 East Lancaster Street—Mr. Klinedinst couldn't find the property, but Dan Shaw visited the area & didn't see a parking shortage. Council believes the request stems from a dispute with the new neighbors over property lines, burning trash, lighting problems, etc. This will be revisited next month.
- Solar speed signs were installed on South Main & East Broadway—Mr. Klinedinst believes they are doing a good job to slow motorists. The East Broadway sign may be moved to a better (more noticeable) location.
- Tall weeds, grass at Lion Pharmacy—letter needs to be sent. Mrs. Price will talk to Bethany Miller. PennDOT is proposing to move her sidewalk in to give trucks a better turning radius. Also, the drain in the road sits directly in wheel travel of vehicles. It will only need repaired again, if the drain is not moved. The PennDOT proposal will fix that issue as well.
- Mowers for sale on MunicBid—there is a John Deere & Exmark. Mr. Klinedinst made a motion to advertise these for sale; Ms. Weaver seconded. All were in favor; motion carried.
- Trees on Boundary are being addressed before contractor comes through for project.
- Nick Rhoads discussed bringing tractor trailers onto Atlantic Avenue. Mr. Musso visited the property & suggested Nick cut back his greenway, but the Authority advised (and sent a letter) against that due to minimum depth requirements, so the water lines don't freeze. Keith Kahwajy's letter stated Nick's private lines, (not the municipal lines) would need adjusted/moved, should he remove the greenway due to freezing probability. Nick asked "No Parking" signs be installed because even if he did cut back his greenway, with cars parked there, 53-foot trailers cannot get in. Mr. Craley stated when Silverback originally submitted their application for a Zoning Hearing (February), the Borough tried to come up with a reasonable solution for traffic. You must travel on residential streets to access Silverback's building. Mr. Craley said the Borough thought all the truck traffic coming down Franklin to Maple Street to Mill would be better than traveling on Atlantic Avenue. One reason being that Maple Street is wider than Atlantic. If the Borough feels (and Nick also) it would be better to bring trucks straight in & out of Atlantic, he can ask for relief from the Zoning Hearing Board and the Borough (if they agree) can support that decision. Nick has a letter from his nearest neighbor (who wasn't present tonight because of work) but he has no problems with Nick or Silverback's business. If the residents along Atlantic Avenue are amenable to installing "No Parking" signs, the Borough will revisit the idea. His neighbor at 801 West Broadway, Phil Hersey, who's lived there for 40 years, was present tonight. He said Atlantic Avenue was used for truck traffic from the time that building was Persing and the business before that. He has no problem with Nick and/or his business and doesn't know why truck traffic route was changed. Mr. Craley asked, "do the trucks come in all times of the day? Or can it be restricted to certain times of the day?" With Silverback collecting electronics for recycling, traffic comes at all times of the day.

Mr. Craley suggested Borough staff talk to the residents on Atlantic to get their feeling on the “No Parking” signs being installed. Would bringing the trucks straight in & out of Atlantic solve Nick’s problems? Nick stated, as long as his property lines are respected. The conversation with the residents will take place and more discussion will take place at Council Work Session.

- Jeff Shue stated the sketch of the parking lot shows two rights-of-way come together at a point and most of the wall is within the Borough’s ROW, but there’s a section that is part of the Lutz property. The wall is basically running right along the property line. Jeff will work with staff on this.

11. **PLANNING, ZONING & REDEVELOPMENT**—Mr. Horne reported:

- Zoning Hearing--Tues, July 10th @ 6p.m.
- Planning Commission meeting—Mon, July 16th @ 7p.m.
- Waiver of a Land Development Plan for Golden Crust—a small portion of the building that the owner is proposing to close in & increase his kitchen size. Jeff Shue has no objection & believes the plan will have no impact on any land development issues. Mr. Klinedinst made a motion to grant the Waiver request from a Land Development Plan; Ms. Weaver seconded. All were in favor; motion carried.
- Transient Regional Merchant Permits—Dan stated the permit language is fairly vague and he asked that Council revisit the rules & regulations at August Work Session.
- Mr. Craley cleared up some confusion about voting for the different Boards. As a Council member, you can vote however you want. Zoning Hearing Board is a judicial entity & should vote based on the law, not personal feelings. Planning Commission make recommendations to the Zoning Hearing Board and it’s based more on law than “how you feel”. If Council recommends something be reviewed by the Planning Commission, a Council member may change their mind after PC makes their recommendation. “Pre-decisional” discussion or deliberation about agency business is subject to the Sunshine Law and is not allowed; however, after voting, if discussion takes place, that is fine.
- Historical Society building—Redevelopment had discussed options for it. Making it a community area, adding benches outside, adding a mural on the windows, etc. were discussed. If the building would be sold, the money must be given back to DCED, but costs for fixing up the building will be gathered so a decision can be made.

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

- Appointment of Auditors for 2018-2020—tabled until the Authority’s July meeting to see who they choose. We may get better pricing if both entities are done by the same.
- Debe Sowers is retiring on August 24th. A new employee, Stephanie Grove begins this month and will be on probation for six months.
- A vehicle for Borough business/Codes Enforcement use was discussed at Work Session. It was a 2010 Escape; however, Mrs. Price found out that the transmission is going bad. Discussion on vehicles at State sales & auctions was held. The Borough wants to go through MuniBid to possibly make a purchase. Mrs. Frutiger made a motion authorizing Mrs. Price and/or Brett Patterson to buy a vehicle, new or used. Other Council members would like to look around more before deciding. Motion died for lack of second.
- Mr. Klinedinst asked about charges on Mr. Craley’s bill. He believed one was from a tax collector & one from Skip Missimer. Maggie Driscoll is Red Lion School District’s Solicitor and the call was to discuss the HVAC issue at the Junior High. Mr. Missimer’s contact with Mr. Craley was regarding documentation & nuisance ordinance violations that Dan was sending (about the school).
- Mr. Klinedinst requested a copy of the Zoning Hearing transcript regarding Kaltreider-Benfer Library.

13. **COMMUNICATION**—Of note, Mr. Minnich wanted to clarify that he received no call from his neighbor, who stated earlier tonight that she called him & he never returned her call.
14. **Approval of bills**—Mrs. Barley made a motion to approve the bills; Mrs. Frutiger seconded. Motion carried with Mr. Horne & Mr. Klinedinst opposing.
15. **Adjournment**—Mrs. Barley made a motion to adjourn the meeting @ 8:55p.m. Motion carried; meeting adjourned.
16. **Council Work Session**—Monday, August 6th @ 7p.m.

Respectfully submitted by:

Stacy Myers, Recording Secretary