

**Red Lion Borough Council
Meeting Minutes
Monday, September 10th, 2018**

Members

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

Others

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

Visitors

Pastor David Tietje
Brad Smith
Meredith Yakelis
Jim Jones

Bob Frutiger
Melanie Thompson
Kelly Henshaw
Joe Silar

Laura Kirk
Kristin Sweitzer
Kathy Horne
Nick Rhoads

1. The meeting was called to order @ 7:00p.m. Pastor Tietje from St. John's UCC opened with a moment of silence in remembrance of the 17th anniversary of 9/11, followed by a prayer. Everyone present participated in the pledge to the flag.
2. **Meeting Minutes**
 - August 6th, 2018—Mrs. Frutiger made a motion to approve the Meeting Minutes; Mr. Minnich seconded. Mr. Klinedinst stated he hadn't heard the Borough was giving the Library \$500 toward Movie Night until after it was given, then the library never obtained the license. Mrs. Barley believes the Library wouldn't have agreed to purchase the movie license unless the Borough agreed to split the cost & to go back on that now is in bad faith. This comment, however, does not change what was noted in the August 6th Meeting Minutes. A vote was taken; motion carried, with Mr. Klinedinst opposing.
 - August 13th, 2018—Mrs. Frutiger made a motion to approve the Meeting Minutes; Mr. Musso seconded. Mr. Klinedinst requested Mayor Hughes' additional comments be added under the "Public Works" section. *Mayor Hughes stated that, with the election coming up in November, he will make it known which Council members voted in favor of removing any public parking.* Motion carried with this additional language being added to the Meeting Minutes.
3. **VISITORS AND PUBLIC COMMENT**
 - John Domer, owner of Gift Rite—dropped off a check for \$650 before the meeting. This was raised at his recent car show & he donated all profits to the Recreation Department for Fall Fest. John had 127 cars at the show & said it was a huge success. Mr. Musso thanked Mr. Domer; Council & Recreation are very appreciative of his generosity!
 - Dave Dennish, representing Kaltreider Benfer Library was present to thank the Borough for their yearly contribution & for increasing that contribution the past couple years in an effort to donate based on a "per capita rate". Last year, the Borough gave \$7,500 to the Library. Mr. Dennish discussed the ongoing events of the Library and stated 80% of Red Lion Borough residents hold library cards. In 2017, Red Lion Borough residents checked out over 23,000 items. A library expansion is being discussed as they are outgrowing their current building.
On October 24th from 7-9pm, the Library will hold a Trick or Treat Trivia event at the Red Lion Fire Hall. Cost is \$20/person & includes a light dinner, prizes, trivia & is a BYOB-

event. Tickets are available for purchase at the Library. If the sign in the square is not in use, a message about this event can be added.

4. **MAYOR HUGHES REMARKS AND RECOMMENDATIONS**—Mayor Hughes reported:

- Welcomed Boy Scout Troop 35 (St. John’s) to tonight’s meeting.
- He will perform a wedding at the end of September.
- He received a complaint from Kirby Henshaw because his daughter received a parking ticket while parked on Boundary Avenue. One of Mr. Henshaw’s concerns was that the date & times were left off the “No Parking” signs on Boundary. Mayor Hughes stated adding dates/times to the signs wasn’t necessary; however, the Ordinance states it is necessary. With the ongoing construction in that area, Mayor Hughes explained to Mr. Henshaw there are several issues going on at this time. He said Mr. Henshaw’s two choices are either pay the violation or request a hearing and Mayor Hughes suggested Mr. Henshaw request a hearing. Mayor Hughes also stated he would like to discuss the ticket itself with Mrs. Price & the Enforcement Committee, as he believes some of the language on the ticket should be revised.

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

• **Fire Company Report**

- Fire Company Audit is now complete & meets State standards.
- He issued an apology to Mr. Klinedinst because, when Mr. Klinedinst asked last month if there was a merger going on between fire companies, Mr. Minnich responded that there was discussion but nothing definitive. Mr. Minnich recently learned that it is happening but is in early stages of discussion. More discussion may be held at the Fire Company’s October 3rd meeting and Mr. Minnich suggested Mr. Klinedinst & Mrs. Price attend that meeting.
- For this month—21 calls with 97 personnel using 35 pieces of apparatus
- Joe Silar reported the parking lot paving is complete.
- Fundraising events—September 22nd—crab feed is sold out.
- Mr. Minnich distributed an information pamphlet about false alarms/false calls. 17.36% of all calls are false alarms and include unintended transmission of alarm, malicious mischief, false calls, etc.

- **EMA Report**—Laura Kirk submitted her report and stated there is a Borough resident interested in joining EMA. They have radio/communications experience, so they will be a good addition to the department.

Mr. Klinedinst asked Laura if Red Lion EMA is prepared for an emergency presented by the recent fire at the dump; i.e. fumes, etc. While Red Lion EMA is very small, Laura said the Memorandum of Agreement with York Township provides Red Lion with equipment & supplies that may be needed. If YT is not able to help, the County then steps in to assist. Emergency plans are being finalized before coming to Council for their review/approval. There is a section in that plan that relates to Mr. Klinedinst’s question.

- **Ambulance Report**—63 calls for the month.

6. **SOLICITOR’S REPORT**—Mr. Craley reported the following:

- The Borough’s brief opposing ArthurLee, LLC’s preliminary objections to the eminent domain condemnation for the parking lot was filed last week.
- Per the Borough Manager’s Report, the Red Lion School Board did approve the expenditure for the “chiller” (air conditioning unit for the Junior High building)

7. **ENGINEER’S REPORT**—Jeff Shue reported:

- 2018 Road Work
 - Stewart & Tate work is complete
 - Kinsley is almost complete—some sections of Charles left to complete
- Met with Red Lion School representatives for discussion concerning Horace Mann work for next year. More information should be known next month.

- MS-4 Audit was done by DEP—report came back with no findings. Annual Report is being compiled & should be distributed by end of this month as required by Borough’s permit.
 - Rutter’s project—Jeff will submit a letter related to the traffic impact assessment. He does not believe the Borough will achieve much more from this, as PennDOT will make their own decisions. Jeff believes PennDOT will make this substantial decision:
 - To keep Railroad Lane open (Jeff & Council oppose this, but we can’t dictate what PennDOT will do). PennDOT is choosing the alternative of keeping full movement out of the driveway closest to Railroad, **except** a left turn toward the signal light. A left turn **would** be allowed **into** the Rutter’s site from Winterstown (which Jeff is also opposing & has relayed his concern to PennDOT). If this is restricted, Rutter’s would be mandated by PennDOT to put mandated left-turn lanes on both Main Street & Winterstown Road. Jeff will take the stance that the Borough is not in favor of the alternative they’re choosing (above) and any concerns listed in his letter will be further addressed at the land development stage.
 - Of note, Rutter’s says deliveries will be made via Main Street and this will be addressed during land development review also.
 - Kaltreider-Benfer Library—is proceeding with their Subdivision Plan and will be the client moving forward. Red Lion Municipal Authority is the owner of the property. Discussion took place where the library asked if the Authority would allow C.S. Davidson to do the Subdivision Plan. The Authority did not oppose this; however, Jeff represents the Borough in reviewing Land Development & Subdivision & that’s his primary concern & responsibility. There may be times when the Borough or Authority use CSD Engineers to do something; however, in this case, neither of those entities is paying to employ an Engineer. The Library is the client in this case. For that reason, he believes the library should employ an outside engineer for review of their plan. Council agreed with Jeff’s opinion and Mrs. Price said she will relay this to the Library’s Solicitor, Peter Ruth.
8. **PARKS AND RECREATION**—Mrs. Barley, Meredith Yakelis & Kristin Sweitzer reported:
- Field hockey is going well; Softball & girl’s Cheerleading programs are back.
 - September 21st—Food Truck Friday—this is a “pop-up” event since these were so popular this summer. Recreation is asking that the alcohol ban be waived for this event. Many attendees expressed interest in having a beer vendor and Collusion Tapworks has agreed. Mr. Klinedinst is opposed, stating the event is too close to the church. Mr. Horne will not support it, stating he believes the LCB would oppose; however, Mrs. Sweitzer stated as long as the beer vendor has a “G” license (which Recreation & the Borough don’t provide), there is no law against it. Collusion would be responsible for setting a limit on how much they serve a person; they have all the responsibility, similar to any other bar. This event would be done by 8p.m. that night. Mrs. Barley made a motion that Borough Council waive the alcohol ban for this one-time event; Mr. Musso seconded. Motion carried, with Mr. Horne & Mr. Klinedinst opposing.
 - September 22nd—9am-2pm—Community Service Fair to be held at Recreation building. Any charitable or non-profit organization can participate.
 - October 13th—Fall Fest—a one-mile Glow Run is being planned for the end of this event. Volunteers are needed!
 - Meredith is currently working on digitizing a lot of Recreation’s communications; i.e. newsletters & other correspondence, for those who want that.
 - School Board recently sent an email regarding a new policy they’re implementing which will be detrimental to Red Lion Rec’s programs. They will begin to charge Red Lion Recreation for field use at a cost of \$200/field per night or \$300/court per night for basketball. Lacrosse plays 3-4 fields per night (which will be \$800/night) and basketball plays 4-5 schools per night (which will be \$1,200-1,500/night). Last year, \$35/per night per court was paid. This

new policy was instituted in June. Cheerleading wanted to be part of the Recreation program; however, because they would need 5 nights' time, the cost would be \$1,000. Mrs. Price said, at the recent School Board meeting, someone approached her stating it will cost \$300 to play volleyball, when some teams have been playing for 20 years. Mrs. Barley will create a spreadsheet to show the School Board how this new policy will be detrimental for Rec's programs and families will not be able to afford these costs. This will affect a lot of children's activities. The Borough & Rec don't make money on the programs, making sure all the kids that want to play, get to play. While the Borough & Recreation don't want to have a bad relationship with the School District, the Borough is not charging the school for Fire Police at the Homecoming Parade, we close the streets for school band events, among other things. School Board meetings are held the 1st & 3rd Thursdays of each month @ 7p.m. Other Council members and Recreation participants are encouraged to attend to express their concern over the new policy & costs. Brad Smith stated school property is public property & all taxpayers involved should express their concern about this too.

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

- **Resolution 2018-8**—RLMA had previously appointed Maher Duessel as their new auditors; however, due to cost differences & their requirement for their audit to be done on an accrual basis, they now appointed Hamilton & Musser. Mr. Klinedinst stated he would like to go with the same as RLMA and made a motion to adopt Resolution 2018-8 and to approve Hamilton & Musser as the Borough Auditor for a 3-year period; Ms. Weaver seconded. All were in favor; motion carried.
- Hydrant Agreement with Municipal Authority—RLMA stated they have no report on hydrant maintenance, besides the two incidents involving hydrants that were already provided to Ms. Weaver. Mrs. Price believed that, when hydrants were flushed, there should be a maintenance report showing any maintenance done and condition of the hydrants. Mr. Smith will ask Keith about this.
- **Resolution 2018-9**—Knox Box Ordinance—this allows Council (rather than staff) to waive the requirement of a Knox Box on a case-by-case basis based on undue hardship, unique circumstances or legal preemption. A hardship or unique circumstance would be a reasonable reason why, when you apply it to an individual, it creates a hardship to them, different from everyone else. Mayor Hughes stated he is opposed to a mandatory Ordinance (with certain exceptions); he believes it should be a choice whether a business owner wants to install one. At last month's meeting, Council agreed there were exceptions such as schools or multi-family apartment buildings that should be a mandatory requirement for a Knox Box, but not for individual business owners. Mr. Horne stated the Ordinance originally was created because false alarms forced the Fire Company to respond to non-emergency situations. Mr. Craley said the Fire Company used to have keys for all area businesses and this Ordinance was to prevent damage to the business when the Fire Company had to respond. A "tone" was sent over the air from County Control that allowed the box to be opened and the key to be accessed to open the business door. If Council chooses to change/eliminate the Ordinance, they can. Chapter 7 of the Zoning Ordinance is related to the key lock box system & requirements. Mr. Craley stated Section 7:501:1 notes when the lock boxes are required. To amend or repeal an Ordinance, takes another Ordinance. To offer a waiver to the existing Ordinance, Council can pass the Resolution (2018-9) Mr. Craley has prepared. Mr. Craley read what the current Ordinance (7:501) contains & where a Knox Box is required:
 - a) 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.
 - b) Government buildings, public buildings and nursing care facilities.

- c) Multi-family residential buildings that have restricted access through locked doors and have a common corridor for access from the living units.

Council agreed to eliminate the second part of “a” above—after “suppression system” everything else would be eliminated but keep the preemption waiver (for instances like Lion Pharmacy) so Council can allow a waiver in certain circumstances. Mrs. Barley made a motion to adopt Resolution 2018-9; Mrs. Frutiger seconded. All were in favor; motion carried. Mrs. Barley made a motion to amend the Knox Box Ordinance, eliminating the 2nd part of Section 501,1A of Chapter 7; Mrs. Frutiger seconded. All were in favor; motion carried.

- Transient license—selling seasons are ending for some of these (crab place, produce vendor, snowball stand). Dan Shaw asked Council to look at options of what they want to allow or not allow before October Work Session.

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

- Ordinance 2018-9-5—amending parking ordinance to restrict parking on the south side of Boundary Avenue between Linden & Adams. No parking will be allowed on the south side, 24/7. Mr. Musso stated there is more parking on the North side and believes that side should be restricted; however, the south side was where it was restricted before, so the Ordinance follows what was there prior. Mr. Klinedinst made a motion to approve Ordinance 2018-9-5; Mrs. Frutiger seconded. Motion carried, with Mr. Musso opposing.
- 735 West Broadway—handicapped parking space request was received. Mr. Klinedinst will check the location & report back for October Work Session.
- Boundary Avenue—project is moving along. Mr. Klinedinst believes the 1st handicapped ramp is too high in the back and it’s the contractor’s responsibility to make it right. Contractors found a broken shut off service in the street—he will give it to RLMA.
- September 27th—9am—meeting with School District to discuss Horace Mann project.
- Stewart & Tate bill received for microsurfacing of all requested streets. Original bid was \$25,108 & then an additional portion (by the pumps out back) plus Baker was added. The contractor did not charge the full amount for the street sweeping. The amount due is \$25,988.02. Mr. Klinedinst made a motion to pay \$25,988.02 to Stewart & Tate for microsurfacing; Mrs. Barley seconded. Motion carried, with Mr. Horne opposing.
- Boundary Avenue—base repair was on the project paperwork, but Jeff Shue said the contractor charged only for what they used. He believes the street is in good shape after milling. The material used is heavy on asphalt, mixed with sand. It makes a strong compression and, laid directly on top of the concrete street, there isn’t much better that could be done on that street. Mr. Klinedinst will ensure the Borough is not charged for base repair that wasn’t done.
- Taylor Avenue—weeds are covering the sidewalk—Mrs. Price said the property owner was cited today.
- Wallick Lane—He hopes to get base repair on that street; it’s in bad shape, as is West Prospect Street. He will meet with Brett Patterson to discuss the worst streets to see what can get done yet this year.
- Atlantic Avenue—many property owners need letters for weeds, etc. He will review a list of properties & discuss with Dan Shaw.

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

- September 17th--Planning Commission Meeting @ 7p.m.—3 items on the agenda:
 - Special Exception to conduct automobile repair at 601 W. Maple Street
 - Variance application for a 2-family conversion at 617 Wise Avenue
 - Relief from Zoning Case #99081—not allow customer’s cars parked along the street
- Redevelopment Committee discussion:
 - Vacant properties in Borough Center Zone

- Funds (from Redevelopment) to purchase a projector—when discussion is held on certain properties, pictures can be shown so everyone can see the property right away
- Audiotaping Council meetings & upload to website for those unable to attend
- Waiver requests for The Mill—Site Design Concepts was present to discuss Waiver requests submitted relating to building & parking lot expansion for The Mill (East Broadway/Rt. 74):
 - a) Separate preliminary plan
 - b) Dedicating additional right-of-way (part of PennDOT approval process)
 - c) Roadway improvements (part of PennDOT approval process)
 - d) Curb & sidewalk (on North side)
 - e) Street trees (pavement full width of property)
 - f) Street lights (install power packs on walls instead)
 - g) Stormwater management—not connecting to stormwater system because it’s in PennDOT right-of-way. Jeff stated the sketch plan shows a plan that will infiltrate all the water and The Mill will have no discharge from their site.
 - h) Concrete monuments beside intersections of street rights-of-way & property lines.

The Land Development Plan has not been submitted yet, but request of the above waivers is being done prior to preparation of an LDP in order to price out the project. This will come before Planning Commission then, but in an effort to save money and know how to go about the LDP, the developer is coming before Council now. Mr. Craley has never seen this done before and he read Section 512.1B of Municipalities Planning Code which states, “all requests for modification shall be in writing and shall accompany and be a part of the application for development”. There is no application for development before Council and the waivers would typically be attached to that. Mr. Craley does not feel Council should take formal action on these requests, per the MPC, without the plan being submitted. Council can give an advisory opinion only with the understanding that until we see the plan, their opinion is not binding. Council is not opposed to any of the above waiver requests but will defer to discussion with PennDOT for their requirements.

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

- Advertise amendment to a Defined Contribution Pension Plan—requested to change from a Defined Benefit plan that affects Dianne Price, Dan Shaw, Brett Patterson & Debe Sowers. The change would be from 1.18% to 1.25% and can be done anytime. An actuarial study was done that reflected the 1.25% would not make a big difference. All new employees hired are on the Defined Contribution plan and the Borough has no further liability on that type of plan. The study needed done because it’s split with the Municipal Authority, but a change would mainly benefit Debe Sowers at this time (retiring at the end of September). Mr. Klinedinst said of Mrs. Sowers, “she worked and got paid for her 30 years, let’s move on.” Mrs. Price said we cannot get State Aid if we don’t show a need and right now, we’re not showing a need. Council didn’t see the need to change the plan at this time and can revisit this when union negotiations are done.
- New Borough vehicle is here.
- Four nominations for Catherine Meyer Award—winner to be announced next month.
- Mr. Klinedinst asked for the new secretary’s salary & benefits—Stephanie Grove was hired at \$16/hr + benefits.

13. **COMMUNICATION**—nothing further

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

15. **Adjournment**—Mrs. Barley made a motion to adjourn the meeting @ 9:00p.m.

Respectfully submitted by:
Stacy Myers, Recording Secretary

