

**Red Lion Borough Council  
Meeting Minutes  
Monday, September 9, 2019**

**Members**

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

**Others**

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

**Visitors**

Melanie Thompson  
Peter French  
Scott Kopp  
James Winkler

Laura Kirk  
Eric Immel  
Bob Frutiger  
Dave Briggs

Kristin Sweitzer  
Andy Luckenbaugh  
Nick Rhoads

1. The meeting was called to order @ 7:00p.m. Pastor Paul offered a prayer. Everyone participated in the pledge to the flag.
2. Mrs. Frutiger made a motion to approve the August 5<sup>th</sup> Work Session Meeting Minutes; Mr. Minnich seconded. All were in favor; motion carried.  
Mrs. Frutiger made a motion to approve the August 12<sup>th</sup> Regular Meeting Minutes; Mr. Musso seconded. All were in favor; motion carried.
3. **VISITORS AND PUBLIC COMMENTS**—the following were present to address Council:
  - James Winkler, owner of 213-215 E. Lancaster Street requested an extension on his demolition deadline of 215 E. Lancaster. Council had previously given him notice that he had until September 30<sup>th</sup>, 2019 to demolish the building; however, Mr. Winkler has had the demolition permit since February 2019 and Council doesn't see much progress so far. Mr. Winkler explained he has started the demolition inside; however, he needed to bring more equipment to do so. He also owns another building that he has a demolition deadline for & he's been working on that. Council President Musso stated progress needs to be evident, as this building has been a long-time eyesore and public nuisance. Mr. Winkler has secured the building & entryways so no trespassers can gain access, which Council was happy to hear, but they stated progress of the demolition must be evident by the next Council meeting on October 14<sup>th</sup> and every Council meeting following. Dan Shaw & John Persing will visit the property on October 14<sup>th</sup> to ensure progress is being made.  
Mrs. Barley made a motion that Council will extend Mr. Winkler more time for demolition contingent upon monthly progress being evident by each regular Council meeting or before & verified by the Zoning Officers; Mr. Klinedinst seconded. All were in favor; motion carried.
  - Andy Luckenbaugh from Andy's Automotive Service is requesting a waiver for a Land Development Plan as he's proposing to add another 32' x 40' bay(s) onto the existing bays at his North Main Street garage. He needs a larger work area to work on ambulances and larger/taller vehicles. He distributed the drawing of the area showing Item #1—a small area shown in pink is still part of Railroad Lane. Mr. Luckenbaugh is asking the Borough to abandon it because they had formally adopted it in the late 1800's and, Item #2—an area shown in green is the proposed addition to his current building. He is requesting a waiver of a Land Development Plan for the addition as that area is all macadam. Jeff Shue stated storm water management will be unchanged because it's all paved. The other issues reviewed during a Land Development Plan are additional sanitary usage, traffic changes and parking;

however, these issues are not relevant in this case. He recommended the Borough address the abandonment first & then act on the LDP waiver.

Mrs. Barley made a motion authorizing Mr. Craley to prepare & advertise an Ordinance to vacate the small portion of Railroad Lane across Mr. Luckenbaugh's property to the extent that it exists (between Summit & Hess Lanes); Mrs. Frutiger seconded. All were in favor; motion carried.

Mr. Horne made a motion to waive the Land Development Plan contingent upon the addition being 32' x 40', as presented; Ms. Weaver seconded. All were in favor; motion carried.

It was confirmed that the building height will conform to the Borough's Ordinance for a Commercial Zone. Also, stormwater can be reviewed when the building permit is presented to the Zoning Officer.

- Dave Briggs is representing the American Legion requesting a waiver from a Land Development Plan as they're proposing to construct a deck & roof off the rear of the East Broadway property. The proposed structure will extend 14' out from the existing building & 21' in length across the back of the existing building. C.S Davidson completed the structural engineering on the plan; however, Jeff Shue stated it would be a conflict of interest only if the Borough requires a LDP. Mr. Briggs said the deck, which will extend over the existing macadam, will be used mainly for smoking patrons as he would like to make the inside of the Legion a smoke-free establishment. No outside access to the deck is planned; patrons will have to enter through the front of the Legion & pass through to the rear to access the deck. No extra license is required by the LCB, but there will be a minimal fee the Legion will pay. Jeff Shue stated this would go through a 3<sup>rd</sup>-party codes enforcement to review the structure, but he doesn't see a need for a Land Development Plan.

Mrs. Barley made a motion to waive the Land Development Plan for the proposed deck & roof structure; Ms. Weaver seconded. All were in favor; motion carried.

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

- On August 28<sup>th</sup>, he attended a Town Hall meeting in Hellam Borough to discuss how Red Lion Borough is dealing with the PA State Police.
- The owner of the apartments on Catalpa Lane will be resealing their parking lot on Wed, September 11<sup>th</sup> & they're requesting their tenants be able to park in the "No Parking" areas on Catalpa Lane. Resealing will only take the one day. Ms. Weaver made a motion to allow those apartment tenants to park in the "No Parking" area on Wed, Sept. 11<sup>th</sup>. Mr. Klinedinst seconded. All were in favor; motion carried.

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

- **Fire Company Report**—for August
  - 14 calls with 63 personnel using 27 pieces of apparatus
  - \$2,500 fire loss
  - Merger update—a vote on the SOP will be taken in October; in November, the merger could be final.
  - Mr. Minnich apologized for mentioning that the Red Lion Municipal Authority could possibly donate money to the Fire Company for a new ladder truck. He was unaware that the RLMA can legally only donate \$1,000 to entities such as the fire company. He asked that everyone keep an open mind regarding the merger and donations.
  - Scott Kopp also reported:
    - September 14<sup>th</sup>—Crab feed—doors open at 5:30pm-9:30pm; tickets are \$40
    - SOP (Standard Operating Procedures) and SOG (Standard Operating Guidelines) are to be voted on in October, with a vote on the merger at each entity's own November meeting. They will then report the results at the joint meeting. If one entity does not wish to merge but the other two want to merge, those two will become Alliance Fire Company.

- If/when the merger moves forward, the “Go Live” date will be the 2<sup>nd</sup> quarter of 2020. Preparation of everything will take place 1<sup>st</sup> quarter.
  - Moving forward with purchase of a new ladder truck by the November meeting. Bid specs went to 3 different manufacturers; sealed bids are due by October 1<sup>st</sup> by 5p.m to be opened & voted on. Truck to be in service by November.
  - Mr. Klinedinst stated the Borough magazine had an article on available grants for fire equipment. Scott said federal grant money is backlogged; they’re just now releasing 2018 funds, but Leo Fire did hire a grant writer & will apply for 2019 fund money, when available.
  - Mr. Musso questioned the purchase of a new ladder truck **before** the merger; however, Scott stated Windsor & Felton Fire Companies were both asked & declined the need for the ladder truck to be in their municipality. Red Lion has always had a ladder truck, it helps with the ISO rating for Red Lion’s residents, and the fire company would like to keep it in town. The longer we wait, the less fire protection Red Lion will have.
- **Ambulance Report**—the Borough no longer has any ambulance employees on their payroll.
  - **EMA Report**—Laura Kirk reported:
    - Street Fair went well
    - Communication among EMA & Fire Police with the new radios went well
    - The tour of all the RLMA facilities was very interesting
    - This month, she’ll participate in training at Citizens Fire Academy
6. **SOLICITOR’S REPORT**—Mr. Craley reported:
- Commercial Maintenance Code is ready to be authorized for advertisement; however, one issue arose with the appeal process. If/when someone disagrees with the decision of the Codes Enforcement Officer. Two variations of appeal are given:
    - Applicant would come before Borough Council with their appeal (similar to Zoning Hearing Board). If Council votes in favor of the applicant (and against the Codes Enforcement Officer), the fee would be refunded to the applicant.
    - Borough and applicant **must** agree on a 3<sup>rd</sup>-party arbitrator to hear the appeal (cost to be split between Borough and applicant, also agreed upon by both parties). If Borough would prevail on appeal, would applicant pay the fee to file appeal? Or is Council agreeable to a 50/50 split of that fee? What if applicant prevails? The 3<sup>rd</sup>-party arbitrator would be concerned with structural issues; however, these violations would be for property maintenance issues.
  - Mayor Hughes believes it best to give the applicant a choice. It may appear like a conflict of interest if the applicant’s case went before Borough Council, the same people/person who filed the citation in the first place. Mrs. Price and Dan stated this is adding Commercial to what is currently done with Residential. If a resident is given a citation, they have a chance to fix the violation. If they choose not to fix it & appeal the citation, they appeal it before the District Magistrate.
  - Council agreed that the 3<sup>rd</sup>-party arbitrator may be the way to go. This would be a person who has enough expertise & experience to give a fair opinion. So, Council agreed to leave Section 6b of the Ordinance in place and if this option is chosen, a 3<sup>rd</sup>-party arbitrator must be agreed upon by **both** parties and the cost would be split 50/50.

- Redevelopment Committee members had discussed the Commercial Maintenance Code at length, and one thing they wanted to add to protect the business owner, was that prior notification of an inspection be given to the business owner. The current language states “during normal business hours” which isn’t inconveniencing a business owner or anyone. The Codes Enforcement Officer would only have access to publicly accessible areas during inspection.
  - With these clarifications, Mr. Craley will prepare the Ordinance for adoption at Council’s October meeting.
7. **ENGINEER’S REPORT**—Jeff Shue reported:
- Rt. 24/74 Project—
    - Mrs. Price has worked with PennDOT to get the widening work and grant obtained from York County included in the PennDOT contract.
    - Jeff is working with Borough staff on bid specs for curb & sidewalk work.
    - Permitting is being obtained for a mid-block crosswalk in front of Turkey Hill (West Broadway)
  - Street Cut Ordinance—Jeff gave feedback to Borough staff to refine this. Whether it’s RLMA or another utility, our concern is to protect Borough streets. More on this at the October meeting.
  - Rexroth Equities, LLC—reviewing (in conjunction with Windsor Township) Land Development Plan that will further develop the property on either side of Boxwood Road.
8. **PARKS AND RECREATION**—Mrs. Barley & Kristin Sweitzer reported:
- Summer camp went great with an average of 30 kids/day attending.
  - Pound fitness classes will begin Sept 30<sup>th</sup> thru Nov 18<sup>th</sup> from 6-6:45pm (Mondays only)
  - Cheerleading starts soon
  - Food Truck Friday—September 20<sup>th</sup> from 5-8pm in the Municipal Parking Lot—5-6 food trucks will attend. Mr. Minnich made a motion to waive the alcohol restriction for this event; Mrs. Frutiger seconded. Motion carried (4-3) with Ms. Weaver, Mr. Horne & Mr. Klinedinst opposing.  
Mr. Klinedinst suggested putting 4 x 4 boards along the guardrail (along Zarfos building) to allow people a place to stand & eat during this event. Council agreed this is a good idea; however, the food trucks set up in that area. Four high-top tables have been ordered by Parks & Recreation for additional seating/standing. The area along Laucks Law office (outside the guardrail) may be another area where this can be done. Parks and Rec can discuss this for next year.
  - Halloween Parade—October 28<sup>th</sup> @ 7pm (Rain date October 29<sup>th</sup>)—Red Lion Ambulance agreed to allow parade participants to use their parking lot for registration & parade staging. Windsor Fire Police will close the streets for this event.
  - Summer Camp counselors—1 out of 4 will return next year—Two years ago, bonuses were given to each counselor. In appreciation of all they do, Mrs. Barley made a motion to give all 4 counselors a bonus of \$200/each; Mrs. Frutiger seconded. Motion carried (5-2) with Ms. Weaver & Mr. Klinedinst opposing.
  - Bowers Pavilion—pitching machine is old & no longer working. A used model can be purchased for \$1,500. Rentals of the previous machine brought in approx. \$2,100. Mrs. Barley made a motion to allow Parks & Rec to spend up to \$1,500 on a replacement pitching machine; Mrs. Frutiger seconded. All were in favor; motion carried.
  - New camera is needed for the park to cover the pad **and** the fence that was vandalized recently. Camera cost is \$1,600. Mrs. Frutiger made a motion to purchase the camera; Mrs. Barley seconded. All were in favor; motion carried.
  - Mrs. Price & Meredith will be meeting with Game Time representatives to discuss purchasing new playground equipment.

9. **MUNICIPAL SERVICES**—Ms. Weaver reported from August:
- Water usage is down from last year this time
  - 6.41” of rainfall was received since August meeting
  - 12 new connections
  - September 11<sup>th</sup>—shut offs for delinquent bills
  - September 18<sup>th</sup>—Source Water Protection Meeting @ 6:30p.m. at the Red Lion Municipal Office.
  - September 21<sup>st</sup>—Water Treatment Plant tours will be available to the public from 10am-1pm. Anyone interested in the tour may park at Windsor Church of God (Manor Rd.) to carpool.
  - Mayor Hughes asked if the storage area behind the Public Works building (inside the fence) belongs to the Municipal Authority? Mrs. Price said that area belongs to the Borough. The Mayor stated weeds are high in that area; Borough staff will take care of this.
10. **PUBLIC WORKS**—Mr. Klinedinst reported:
- Base repair & street repair is taking place on Prospect Street, Church Lane & behind the Elks
  - September 30<sup>th</sup>—branch & limb collection takes place
  - Mr. Klinedinst reported many trees all over the Borough need trimmed before snow plowing begins—a list has been created.
  - Mr. Klinedinst received several compliments on the Horace Mann Avenue project. Of note, the school district has paid, but 3 property owners have not yet.
  - Resolution for 2019-4 for TAP reimbursement—funding to build the MA/PA Greenway with grant money from PennDOT totaling \$515,000. The necessary DEP permit for this project arrived Sept. 5<sup>th</sup>. This Resolution allows Mrs. Price to access the PennDOT system and find the Reimbursement Agreement. The Borough will maintain a “middleman” position with PennDOT holding the grant money that will pass directly to the contractor. PennDOT will determine whether the Borough can award the contract. Mrs. Barley made a motion to adopt this Resolution; Mrs. Frutiger seconded. Motion carried (5-2) with Mr. Horne & Mr. Klinedinst opposing.
  - Deteriorating areas on Howard Street resulting from RLMA’s street cut. The Municipal Authority has a 2-year Performance Bond on repairs and suggested waiting till Spring for the restorations to Howard Street. This will allow for additional settling of the road also. After the Spring repairs, the countdown on the two years will begin. The new Street Cut Ordinance will be available for Council’s review at October Work Session.
  - The portable speed sign will be moved to Horace Mann Avenue for a period of time to aid in deterring speeders. Franklin Street also needs the sign, at some point.
  - Brett Patterson compiled an estimate of approx. \$20,000 to repair the roadway around the library & at the park (the area that RLMA will donate). Mr. Klinedinst said there’s a lot of maintenance necessary on these roads & the Borough won’t maintain the property that the Library is getting donated to them. An understanding needs to be reached of who will maintain what. RLMA Engineer Jason Reichard is to meet with Brett Patterson to review the area & discuss repair prices. Of note, the property lines were adjusted to include the cell tower in the Borough’s property.
11. **PLANNING, ZONING & REDEVELOPMENT**—Mr. Horne reported:
- No Planning Commission meeting or Zoning Hearing in September
  - The wall repair at the park is now complete. Baughman Memorials will be contacted about repairing the monument there. Lions Club, who donated funds for the wall repair, stated they still have available funds if it’s needed for other community projects.
  - Karl Reynolds from Reynolds AV, LLC—Ms. Weaver contacted him about the monitors for the meeting room. A 70” display monitor & a 40” display monitor with a swing arm were chosen. The cost is to be a 50/50 split between Redevelopment & Municipal Authority. Each entity would pay \$1,425 for the 70” monitor and \$1,334.50 for the 40” monitor. Mrs.

Price said the Borough has a laptop that is currently used for PA One Calls that can be used at meetings to project plans, etc. onto the monitors. It would need to be decided who would operate the laptop at meetings. Anyone submitting plans to be displayed at the meetings would submit them electronically in order to use the monitor system.

- Recent Zoning Hearing approvals:
  - 137 Householder—Special Exception for a multi-family conversion
  - 207 Redco—Variance for a dance studio
- 12. **ADMINISTRATION**—Mrs. Frutiger reported:
  - September 26<sup>th</sup>—York County Borough Association dinner meeting to be held at Hellam Fire Company @ 6:30p.m.
  - October 22<sup>nd</sup>—Budget meeting @ 6p.m.
  - Catherine Meyer Award winner will be announced at the October Council meeting
- 13. **COMMUNICATION**—
  - October 7<sup>th</sup>—Council Work Session @ 7pm
  - October 14<sup>th</sup>—Regular Council Meeting @ 7pm
  - October 22<sup>nd</sup>—Budget Meeting @ 6pm
- 14. **Approval of bills**—Mrs. Frutiger made a motion to approve the bills; Mrs. Barley seconded. All were in favor; motion carried.
- 15. **Adjournment**—Mrs. Barley made a motion to adjourn the meeting @ 8:58p.m. Motion carried; meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary