

**Red Lion Borough Council
Meeting Minutes
Monday, May 11, 2020**

Members present

Cindy Barley
Tina Frutiger
Muriel Slenker
Stephanie Weaver
Dennis Klinedinst
Chris Minnich
Tony Musso

Others present

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

Visitors

Meredith Yakelis
Nick Rhoads

1. The meeting was called to order @ 7:00p.m, followed by the pledge to the flag.
2. **Action on Meeting Minutes--**
 - Mrs. Barley made a motion to approve the March 2nd, 2020 Work Session Minutes; Mr. Minnich seconded. All were in favor; motion carried.
 - Mrs. Frutiger made a motion to approve the March 9th, 2020 Council Meeting Minutes; Mrs. Barley seconded. All were in favor; motion carried.
 - Mrs. Barley made a motion to approve the April 13th, 2020 Council Meeting Minutes; Mrs. Slenker seconded. One correction was necessary; under Item #5, 7th bullet point, *“Redevelopment will see a deficit” should be corrected to “Recreation Department will see a deficit”*. All were in favor; motion carried with this correction.
3. **VISITORS AND PUBLIC COMMENT**—as a public comment, Council President Musso asked for the Council’s stance on the June 6th Seniors Parade that Red Lion High School seniors (and parents) are planning. PennDOT is not issuing street closing permits at this time, so the Borough can’t close State roads for a parade and Solicitor Craley advised against doing so anyway. The school district has not acknowledged the parade, nor outlined any guidelines for it and the Borough doesn’t want it to be viewed as a “Borough event”, but if the parade route would remain on Borough streets **only**, Council would be amenable for the seniors to have it. Because it could be an excessive number of vehicles (with senior students, friends, parents, etc.) the Borough will wait to see if York County moves from the “red” phase to the “yellow” phase of reopening by the beginning of June, then make the decision on making Borough streets available for the parade route.
4. **MAYOR HUGHES’ REMARKS & RECOMMENDATIONS**—Mayor Hughes reported:
 - Harvest Parade Committee has not been meeting due to COVID-19. It’s undetermined right now whether the parade will be held this year. More info will come later.
 - The Mayor created a 21-minute video (posted on Borough website) to discuss coronavirus information & safety tips for school-age children, parents, senior citizens, along with a healthy snack tip!
 - According to Governor Wolf’s data of coronavirus cases, if there are 16 or less cases per day, a County can move to the “yellow phase”. Currently, York County, with 13½ new cases/day is still in the red phase. Mayor Hughes said, should Council want to, he will support a letter to the Governor asking him to move York County into the yellow phase in an effort to reopen PA. The Mayor is in favor of supporting & reopening businesses if done in a logical, sensible way, taking necessary safety precautions.
 - Mayor’s Award Ceremony will be postponed until this fall.

- Mr. Klinedinst asked why the Zoning Hearing is still taking place tomorrow night, 5/12, when Mayor Hughes had declared the Borough's Disaster Declaration & "shut down all Borough meetings" until May 31st, 2020. Mr. Craley stated governmental meetings aren't shut down; Zoning Hearings can be held. The May 12th hearing pertains to two dimensional variances for Kaltreider-Benfer Library. It is legal to hold government meetings, as this Council is doing tonight, as long as safety measures are taken. Committee meetings such as Redevelopment were cancelled until May 31st, 2020.

5. **PUBLIC SAFETY**—Ms. Weaver stated she hadn't been able to attend Fire Company meetings due to COVID-19 restrictions/cancellations, but Mrs. Price had distributed the Fire Company report & letter. Per Emergency Management, Mrs. Price said John Brownlee keeps her updated via email on EMA activities & issues. Many of the meetings have been cancelled, but she posts updates on the Borough's website.

Mr. Klinedinst stated the night of April 13th, he received a phone call that there was a transformer fire on a pole at Vine & Lancaster Streets. The pole fell over & oil from the transformer ran down the road & into the creek on his property. After 3 days of complaining to different sources, nets were finally installed to catch the oil. Mr. Klinedinst said the nets are still there today, floating in the creek. Jeff Shue said York County Conservation District should be contacted so they can follow up with the necessary cleanup. Red Lion Borough has an MOU with YCCD to defer those responsibilities to them.

6. **SOLICITOR'S REPORT**—Mr. Craley reported:

- He's staying updated on legislature regarding virtual meetings & tax deadlines related to COVID-19 guidelines. The requirement for Council to have a physical quorum at meetings was waived. A virtual meeting can be advertised with an invitation for public to submit written comments and to include a link in which the public could attend online. If someone with a comment/concern would not have the means (computer, phone, etc) in which to attend the virtual meeting, other arrangements must be made for them to attend.
- Reviewed the draft Intersection Improvement Reimbursement Agreement & sent his comments to Mrs. Price for Council's clarification.
- He recently received the draft of the Cross-Easement Agreement with Kaltreider-Benfer Library. There appear to still be a few outstanding issues.
- Mr. Klinedinst mentioned a motion made by Council on September 9th, 2019 for Parks & Recreation to spend up to \$1,500 for a pitching machine. He stated in December, a credit card bill was paid for \$1,735.83. After talking to PSAB about it, they advised Mr. Klinedinst to discuss the expenditure with the Solicitor. Mrs. Price said that credit card bill may have included other items besides just the pitching machine. She will gather details & report back. Mr. Craley said if Council puts limitations on an expenditure & if the authorized person exceeds those limitations, Council has the right to pay only the authorized amount & take the excess amount from another source.

7. **ENGINEER'S REPORT**—Jeff Shue distributed his report & also discussed:

- Had discussion with PennDOT regarding the \$150,000 grant money awarded to the Borough for improvements at the square. He agrees with Mr. Craley, who reviewed the agreement and stated there are some issues that still need addressed. Based on the draft the Borough received, the Borough would be responsible for all costs not related to construction. Jeff's estimate of the Borough's cost is \$20,000 for improving the state highway, widening the square (at Lion Pharmacy), bidding, etc. The construction won't be completed this year, but Jeff would like to be able to bid by spring 2021. He foresees the overlay process being done this year.

Mr. Craley said, per 3 of his comments on the Reimbursement Agreement, the Borough should anticipate paying for this project & not move forward with it unless Council is willing to do so. Jeff said if Council is amenable to moving forward, understanding the costs Jeff has

outlined above, then we can lock down an agreement stating this. PennDOT has the right to state they're not paying anything; however, the Borough would know this before awarding a contract.

Mr. Klinedinst made a motion authorizing Jeff Shue to continue with the Rt. 24/Rt. 74 agreement process; Mr. Musso seconded. All were in favor; motion carried.

- Lancaster Street extension—DEP permitting results should be known in June. This has been delayed due to the coronavirus.
- 30 N. Main Street & 21 Broadway (Donna Ward's property)—proposed a 2nd-story connector across Railroad Lane, resulting in a 11'5" clearance which would not allow access for a truck larger than a pickup truck. Council is not amenable to this due to a fire truck, street sweeper, garbage truck, etc. not being able to access Railroad Lane. Mrs. Price will respond to the property owner's architect stating more clearance would be needed, at least 13'6".
- Farhat Construction, who completed work on Broadway—when this type of work was halted due to the Governor's COVID-19 guidelines, the contractor left a trench open on Broadway. Jeff called him, stating a trench cannot be left open & a waiver could be obtained for the work, if necessary. The contractor returned, finished the trench & also completed some sidewalk work. He was then going to move to Main Street to complete work, but Jeff advised against it due to the Governor's guidelines, so he pulled offsite. On May 1st, when construction could continue, Brett Patterson called the contractor to ask when he would return. He stated he was unsure whether he would return to complete the work. Jeff called him to discuss this; the contractor said he would return on May 20th to complete the project; however, he is asking for remobilization costs of \$10,000. Jeff agrees that some remobilization costs would be charged, but not this much. Typically, remobilization costs are 5% of project costs and for this curb/sidewalk work, \$10,000 would be in excess of 5%. But per the contract, Farhat was guaranteed this work & Jeff doesn't want him to say the Borough didn't allow him all the work that was promised in the contract.

Council should decide whether to move forward with the North Main curb/sidewalk work because the Borough will probably not be reimbursed for it. Mrs. Price stated it will probably involve placing property liens for the costs if property owners don't pay. If the Borough gets stuck with paying the entire construction cost of the Rt. 74/Rt. 24 Project (should PennDOT require it), the budget may be tight. Revenue is unknown for next year due to the coronavirus, but Council would like to complete the project that's already been started. The Borough would eventually recoup lien money (through property sales, etc.) and the Lancaster Street project for 2021 can be postponed, if necessary.

Mr. Klinedinst made a motion authorizing Mrs. Price & Jeff Shue to negotiate with Farhat Construction on remobilization costs, not to exceed \$10,000 in an effort to move forward with this project; Mrs. Barley seconded. All were in favor; motion carried.

8. **PARKS AND RECREATION**—Mrs. Barley & Meredith Yakelis reported:

- Summer camp is tentatively scheduled to begin July 14th (previously to begin mid-June)—Several local summer camps are being cancelled and to date, Red Lion hasn't received many registrants, but if able, Meredith would like to move forward with it. Counselors are still interested in participating.
- USA Field Hockey program—postponed to July 25th (for the 1-day program) and the week of July 27th (for the week-long program)
- Suds 'n' Song—June 6th is cancelled for that day (currently unknown what other date this could be planned due to our County still being in the Governor's "red phase" and not wanting to interfere with other planned summer-to-fall events).

Costs have been incurred because of koozies, glasses, banner & other items being purchased. Because income revenue (loss of rental, sports programs & event income) has decreased for Recreation, Mrs. Barley suggested the General Fund help with a financial donation. Mrs.

Price said there may be a recoup of lost funds from the Borough's Disaster Declaration, but that's unknown right now.

Between the Suds event costs & costs incurred from the now-cancelled basketball program, Mrs. Price estimates \$7,500 would help the Park & Rec fund. As of fall, some of these costs may be able to be recovered, but some may not.

Mrs. Barley made a motion to transfer \$10,000 from the General Fund to the Recreation fund to aid during this financial hardship. Mrs. Frutiger seconded. All were in favor; motion carried. Mr. Klinedinst requested a spreadsheet showing where/how that \$10,000 is spent.

- Food truck day is being proposed (on a smaller scale) this summer, to be held every couple weeks to help generate revenue for Recreation. Food trucks from George's/FFF Catering, Bonkey's & Sugar Rose Bakery are all possibilities as participants. Bethany UMC is being asked if they're amenable to handle overflow parking.
- Fitness classes in the park have been very popular. They've had to turn some people away as they're limiting each class to 10 people. Due to popularity, two classes per day may be offered.
- Softball program has been cancelled
- Meredith (or another guest) reads a children's book each day @ noon online.
- Bowers contract—Meredith reviewed the rules that must be understood & signed by everyone who's interested in renting the facility. Ms. Weaver asked for details regarding Kevin Lawrence's organization, because she had been contacted via email about the situation.

Meredith stated:

- June 2019—Meredith sent a request via email, for Kevin Lawrence to return the 6 keys in his possession. The keys were not returned.
- A written request was made to Kevin on January 1st, 2020 for the keys to be returned and they were not.
- A certified letter was then sent to Kevin, requesting the keys be returned by February 28th, 2020. A parent from Kevin's organization returned the keys.

Meredith had heard from Paul Craley that Kevin Lawrence's ball team had received special discounts, etc., which is not true. She also learned, Kevin was loaning out the 6 keys to various people and in addition, he did not make any payment to Recreation during the time he had possession of the keys. In June 2019, Kevin's organization should've been banned (according to the Bowers Contract) when the keys were not returned at that time.

In addition to the emails, Meredith has text messages from Kevin Lawrence requesting that she call him because he had questions about certain things, but whenever she would call him, he never answered.

- Public Works employees are completing an in-house project at Nitchkey Field (as time allows) to complete walking areas around the ballfield. Mr. Klinedinst asked if the fence, that has been removed, will be replaced & when. For safety reasons, some type of fence must be reinstalled. The fields are not currently being used, but Mrs. Price will ask Public Works staff about the timeframe.
- Memorial Day parade has been cancelled & the ceremony will be held online.
- Memorial in Fairmount Park has a gap that may cause deterioration once rain/moisture gets in there. Mrs. Price will ask Brett Patterson about this since Brett had talked to the contractor.

9. **MUNICIPAL SERVICES**—Mr. Minnich reported:

- There were 5 new connections since the February RLMA meeting.
- In April, there was a moratorium on water shutoffs for delinquent bills. As of May 13th, shutoffs will resume for unpaid bills.
- Fire hydrant on Lancaster & Main Streets was replaced & RLMA staff stated they were not notified and would've liked the chance to conduct an inspection before a new hydrant was installed. Mrs. Price said municipal staff shut off the valve after a PA One Call was placed,

then turned the valve back on after the hydrant was replaced, so municipal staff was aware of the replaced hydrant. RLMA staff should deal with the contractor to arrange an inspection after the hydrant is replaced. Mrs. Price said, going forward, the contractor will be notified to call RLMA staff for the inspection.

Mr. Klinedinst said the contractor, Barnes & Barnes who replaced this hydrant didn't go full block, as required by Borough specifications. And he said the bolts to the breakaway are into the concrete, which is not what was previously done. He said if a vehicle hits it again, the hydrant won't breakaway & he's not in favor of paying the Barnes & Barnes invoice until it's corrected. Mrs. Price said the contractor had difficulty obtaining material for the job & had to complete the concrete work by hand. This will be discussed with the contractor.

- Ordinance 2020-5-3—to amend verbiage in 3 areas (in Sections 1-9) of the current Solid Waste Ordinance. The word “disposal” was amended to “recycled”. This Ordinance has been advertised & is ready for action. Mr. Minnich made a motion to approve Ordinance 2020-5-3; Mrs. Barley seconded. All were in favor; motion carried.
- Flushing of the water system has been cancelled this year, or at least postponed & may be reevaluated late summer-to-fall.

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

- Barrasso Excavating had a May 13th, 2020 deadline to complete repairs on street cuts. Mr. Klinedinst, Mrs. Price & Brett Patterson have a list of several street cuts that still need addressed. Mr. Klinedinst made a motion authorizing Mrs. Price to send Red Lion Municipal Authority a letter noting the Borough's dissatisfaction on those repairs & requesting the contractor correct those per the Borough's specifications. Mr. Musso seconded. All were in favor; motion carried.
- Church Lane property (Anderson) has abandoned cars, junked appliances, etc. sitting around. A letter about this Ordinance violation can be sent. The District Justice's office has just opened today so we can now follow up the letters with enforcing violations, if necessary.
- Boundary Avenue sidewalks—will be completed once a contractor is obtained.
- Street sweeping will be done early tomorrow, 5/12. No parking tickets will be issued.
- Solar speed sign to be set up on Church Lane, behind St. John's UCC once church services resume.
- A resident on Maple Street has dug a trench from his rain spout down over the hill. Dan Shaw is researching this & will send a letter to the resident, if necessary.
- New parking meters along West Broadway—rough estimate of meter replacement is \$28,000-\$30,000, but the money can come from the parking meter fund. Mr. Klinedinst made a motion to move forward with the purchase to be paid from the meter fund; Ms. Weaver seconded. All were in favor; motion carried.
- Limb/branch collection is complete, but certain situations can still be collected if resident calls the Borough Office.

11. **PLANNING, ZONING & REDEVELOPMENT**—Mrs. Slenker reported:

- Resolution 2020-6—Traffic Signal amendment—PennDOT stated in order for Rutter's (Winterstown Road) to complete the improvements the Borough is asking for as part of their expansion, this Resolution is necessary because the improvements impact the traffic signal there. Mrs. Slenker made a motion to adopt Resolution 2020-6; Mrs. Barley seconded. All were in favor; motion carried.
- The “Give Local/Big Give” Day happens the 1st Friday of May—this is an 24-hr online donation event with typically some onsite events too, but due to the coronavirus, there were virtual things being livestreamed that day. Red Lion received \$255 in donations this year.
- Zoning Hearing will take place tomorrow, Tues, 5/12 @ 6p.m. to act on the Library's dimensional variances.

12. **ADMINISTRATION**—Mrs. Frutiger reported:
 - Resolution 2020-5—gives each tax authority the ability to extend the 2020 real estate tax discount rate to August 31st, 2020 and the face amount to December 31st, 2020 without penalty. Mrs. Frutiger made a motion to adopt Resolution 2020-5; Mr. Minnich seconded. All were in favor; motion carried.
 - Mr. Klinedinst said if there are any Borough employees not needed right now, they should be furloughed; however, Mrs. Price said all employees are back to work & are being used.
13. **COMMUNICATION**—no June Work Session will be held if the County is still in the “red phase”. If York County is moved to the “yellow phase”, a Work Session will be held June 1st, 2020.
14. **Approval of bills**—Mrs. Frutiger made a motion to approve the bills except the Barnes & Barnes payment for \$2,863; Mrs. Barley seconded. All were in favor; motion carried.
Mr. Klinedinst made a motion to hold Check #1489 for Barnes & Barnes until Mrs. Price & Brett Patterson are satisfied with the hydrant/concrete repair work for the Lancaster Street hydrant. Mrs. Barley seconded. All were in favor; motion carried.
15. **Adjournment**—Mrs. Barley made a motion to adjourn the meeting @ 8:52p.m. Motion carried; meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary