

**Red Lion Borough Council
Meeting Minutes
Monday, September 14th, 2020**

Members present

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

Others present

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

Randy Gray
Skip Missimer
Cpl. Spencer, PSP

Felix Milner
Scott Gingrich
Ed Pearson

John Brownlee
Bob Frutiger
Nick Rhoads

1. The meeting was called to order @ 7:00p.m. Everyone observed a moment of silence, followed by the pledge to the flag.
2. **Approval of Meeting Minutes**
 - Mrs. Frutiger made a motion to approve the August 3rd, 2020 Work Session Minutes; Mr. Klinedinst seconded. Motion carried (6-1) with Ms. Weaver opposing because she felt they weren't an accurate representation of what occurred at the meeting.
 - Mrs. Frutiger made a motion to approve the August 10th, 2020 Regular Meeting Minutes; Mr. Klinedinst seconded. Motion carried (6-1) with Ms. Weaver opposing because she hadn't received a copy of the minutes to review prior to tonight's meeting.
3. **Visitors & Public Comment**—the following were present to address Council:
 - Cpl. Spencer from Pennsylvania State Police presented a compilation of Police calls in Red Lion Borough from January 1st thru August 27th, 2020. There was a total of 1,877 calls during that time ranging from thefts, drug possession, drug overdoses, traffic violations, school/security checks, assaults, etc. Of note, Cpl. Spencer said there was 1 attempted homicide during this date range; that has since been solved. When asked, Cpl. Spencer confirmed that drugs are a continuous problem on First Avenue. He urged anyone noticing suspicious behavior to call 911. Mayor Hughes offered a tip to patrol officers. Excessive speeding & single-car racing seem to be a problem around W. High & N. Franklin Street, especially during early morning & late afternoon hours. Cpl. Spencer will pass that along to patrol. Council thanked Cpl. Spencer for the information & to pass along their accolades to PSP officers.
 - Dirk Posey owns property at 125 Henrietta with a parking lot on Henrietta. Currently, the sidewalk in that area is 10' wide, but when he repaves the parking lot, he would like to narrow the sidewalk to 4-5' to give him more parking lot area. Dan Shaw said the Borough would need to waive the 10' requirement for the sidewalk there, where the elementary school used to be. Mike Craley suggested a written request, along with a diagram, be submitted by Mr. Posey, but for future resident inquiries, the Borough may want to revise the Sidewalk Ordinance. Mr. Posey has a map of the property tonight so Council allowed him to make his request to Dan Shaw. Dan said as long as Mr. Posey has a sidewalk there, it's no Ordinance or SALDO violation; it's just the width that is changing. Mr. Posey is proposing to make the sidewalk 5' (5'6" including the curb) and Dan doesn't have a problem with that.

Mrs. Barley made a motion to allow Mr. Posey's sidewalk to be 5' (not including curb) from Rock Lane to Pine Street on Henrietta Street (on North side). Mr. Klinedinst seconded. All were in favor; motion carried.

4. **Mayor Hughes Remarks & Recommendations**—Mayor Hughes stated:

- He has received several calls from residents who leave messages asking him to return their calls. He returns their calls & leaves messages but doesn't hear back from them.
- He has driven past the property at Church Lane & Prospect several times as a follow-up to a complaint about loud raucous behavior there, but no one is out when he passes. There are many vehicles on the property, but he doesn't see people outside.

5. **Public Safety**—Ms. Weaver stated the EMA, Fire Company & Ambulance reports have been distributed. In addition, Chief Gingrich reported:

- On September 28th-30th, Alliance Fire personnel will travel to Wisconsin to conduct an inspection of their new engine.
- Expenses incurred during the COVID-19 pandemic can be submitted to Mrs. Price. Fire Company personnel spoke to Stan Saylor recently who said there are grant monies available for those types of expenses.
- Chief Gingrich will notify Alliance's building & maintenance personnel about the tripping hazard posed by the metal plate in the Charles Street sidewalk.
- Mayor Hughes passed along his thanks & regards to Chief Gingrich & Fire Company personnel for their fast response time to his house fire weeks ago. He was really impressed & very appreciative.
- John Brownlee, EMA Director will also submit a list of expenses incurred by Emergency Management during the pandemic.

6. **Solicitor's Report**—Mike Craley reported:

- Zoning & Planning Commission issues regarding the David Edwards building will be discussed later this evening.
- Silverback Services filed an appeal from the Notice of Violation and Mr. Craley will work with Dan Shaw on that. This will go to the Zoning Hearing Board in October.
- The Library Subdivision Plan & deed should be recorded soon.
- Hydrant Agreement will be discussed later this evening. Mr. Craley has reviewed the draft agreement & is satisfied with the language. Should Council want changes, Mr. Craley will discuss with the Authority Solicitor.
- Concerning the façade money, Mr. Craley said he mailed a confidential memo to all Council members with his recommendation to not pursue this issue any further.
- Mrs. Price spoke with Met-Ed about them not installing a full-block sidewalk replacement at a pole. They replied that legally, they do not have to do a full-block replacement. Ms. Weaver made a motion to authorize Mr. Craley to discuss this issue with Met-Ed's counsel; Mrs. Frutiger seconded. All were in favor; motion carried.

7. **Engineer's Report**—Jeff Shue reported:

- Rt. 24/Rt. 74 Agreement is still with Mrs. Price, as the contractor is working with PennDOT. Council will probably receive correspondence shortly on the work in the square.
- Awaiting DEP response on required permits for Lancaster Street.
- He was working with staff on 2021 road projects.
- Last week, he met with Windsor Township & Glenn Rexroth to discuss Rexroth's plan for expansion. The Township has work to do with this before it will come to the Borough's Planning Commission.

8. **Parks & Recreation**—Mrs. Barley reported:

- Food Truck Friday events are going well—profits to date are a little more than \$1,300. Next event is Friday, September 18th from 4:30-7:00p.m. in the Municipal Parking Lot.

- “Make & Take” packages have started to be distributed today in collaboration with the library. This will continue every Monday through the end of 2020.
- Field hockey is going well.
- New Year’s Eve discussions are taking place on what can/cannot be done due to COVID restrictions.
- Tree Lighting ceremony will be Sunday, November 29th @ 7:00p.m.
- Breakfast with Santa will be Saturday, December 5th from 8:30-10:30am
- Santa’s Shanty will most likely be open, but with revisions due to COVID restrictions. More on this later.
- Community Building rentals have decreased due to COVID, but when there are renters, notes/files are kept as record. Mr. Craley reported that, as of a ruling today by the District Court in western Pennsylvania, it was found that many of the restrictions on gatherings have been found to be unconstitutional. The ruling affects what can & cannot be done; he will keep Council posted.

9. **Municipal Services**—Chris Minnich reported:

- Shutoffs for delinquent bills will be Wednesday, September 16th
- Award of next trash contract--Penn Waste was the low bidder, although costs have increased by 32% since last contract. The monthly resident charge will go from \$18.75/month to \$24.75/month, beginning 1/1/2021. There will be a \$1/month increase each year after that if Council accepts the 5-year contract from Penn Waste. Republic Services was the other bidder, but with a slightly higher bid than Penn Waste. All collection services will remain the same with 1 large/bulk item each week, recycling collection & 1 trash collection each week. Mr. Minnich made a motion to award a 5-year contract to Penn Waste; Mrs. Barley seconded. All were in favor; motion carried.

Residents can still pick up the trash bags at the current cost through the end of 2020; the cost will then increase as of January 2021.

- Hydrant Agreement—Mr. Craley stated the language is good in the agreement. Borough staff began an inspection of the hydrants which should be completed next week sometime. RLMA staff told Mrs. Price there were no maintenance records on the hydrants; however, Mr. Missimer (from RLMA Board) said information is in the C.S. Datum software. Mr. Missimer said the email sent to Mrs. Price from Keith Kahwajy stated there was nothing separate on the hydrants other than what is on C.S. Datum. Mrs. Price stated she doesn’t have access to that system, but Ms. Weaver (former RLMA rep) & Mr. Missimer disagreed, stating that those records & that information will always be available. Jeff Shue can arrange access to Mrs. Price, when requested.

Mr. Missimer said the information stored on C.S. Datum includes the name, address & ID of the hydrant, who owns it, the discharge rate, the year it was built, the manufacturer & whether or not it was broken/repared in the past and any notes on the latest testing.

Brett Patterson would like to see additional information on the hydrants including parts (gaskets, etc.) that have been replaced, whether or not and when the hydrant was greased, if it’s in good/working condition & any additional problems. The Borough is inspecting the hydrants to ensure they’re giving the Municipal Authority working hydrants. Mr. Missimer stated that’s fine & he suggests continuing the inspections. Mrs. Price would like the reports/data to confirm the condition of the hydrants before the Borough agrees they’re in good, working condition being that the Borough is responsible for fire protection for its residents. Any problems with any hydrants will be noted. If anyone has any comments about the draft agreement, they can contact Mr. Craley so he can discuss with RLMA Solicitor. At the October Work Session, the hydrant inspection should be complete & the agreement will be discussed.

Of note, Mr. Missimer mentioned a typographical error on the agreement. Page 2, Item #6 reads “the Borough further agrees to notify the Borough”. It should read “the Borough further agrees to notify the Authority”. That will be corrected.

When asked how the Authority plans to fund this loss of revenue from the hydrants, Mr. Missimer said it will either be built into the Authority’s 2021 Budget or \$1 may be added to each resident’s monthly bill. This will be decided later, but he is in favor of building it into the budget.

- Mr. Musso mentioned an accumulation of trash on High Street (behind the old B & L building). Staff will look into this.

10. **Public Works**—Mr. Klinedinst reported:

- 303 E. Lancaster Street, Apt 5 submitted a handicapped parking space request (corner of Pine & Lancaster). With no other handicapped spaces in that block, Mr. Klinedinst made a motion to approve this request; Mr. Minnich seconded. All were in favor; motion carried.
- No determination was made on the Borough’s project list for 2021 & the loan funds. Mr. Klinedinst is concerned that the Borough won’t get reimbursed by PennDOT for the work in the square. Mrs. Price has contacted Stan Saylor’s office & Will Clark to ask if the square project can be moved to 2021 & if the money (reimbursement) can be guaranteed. Mr. Clark is to get back to her. Public Works Committee should decide if they want to meet to discuss projects, but discussion can be held at Work Sessions, starting January 2021.
- Rt. 24 North—Mr. Klinedinst said the curb line was dropped & it’s very noticeable since the road was paved. Unfortunately, the Borough has no say on this since it’s a PennDOT road. Mr. Klinedinst said the State did a good job with the project, but there are several sewer cap blocks that need raised to make the road smoother. The one at First Avenue is bad. Mr. Klinedinst will discuss this at the next Authority meeting.
- Bills for the sidewalk installation during the Rt. 74/Rt. 24 Project will be mailed to residents. Boundary Avenue sidewalks, where the 2019 fire took place, are to be done by the end of the year.
- Ed Pearson still disagrees with the property line at his property on Charles St & the Rail Trail. Mr. Craley didn’t have paperwork tonight regarding this, but he stated the part that everyone agreed upon was the 60’ along the bridge, then the property line extends down. Referencing the paperwork on hand tonight, Mr. Craley said C1 was 51’ & L2 was 18’, which is 69’; the Borough’s deed said 63’. Mr. Craley is disputing what Mr. Pearson is claiming is his property. If the Borough wishes to give Mr. Pearson more land, a subdivision plan must be done. Mr. Pearson thought he & the Borough were still negotiating over the piece of property in question, although Mr. Craley disagrees, stating Borough Council made a decision to agree that it was the agreed-upon boundary line. Mr. Craley then sent an email to Mr. Pearson’s attorney noting this but has received no response from her. Mr. Pearson has a copy of the original deed from 2018 which shows the footage. The Rail Trail deed to Mr. Lutz only referenced tax parcel maps which are not really accurate. Mr. Pearson had the property surveyed & is going by what he’s being told, but he said he hadn’t agreed with what Council referred to as the property line. He researched the deeds at the courthouse & claims he has 70’ from the surveying pin. He doesn’t want to interfere with the Rail Trail, but he wants to confirm what is his & what is the Borough’s. He stated he’s willing to give up some of his property if the Borough is willing to give up some property near the jail that he now owns & wants to refurbish. Jeff Shue said there should be a plan from the surveyor as to where they estimate the property line to be; this needs to be reviewed by Borough Council. After the property line is established, the Borough & Mr. Pearson can’t “swap” land without a subdivision. Mr. Pearson said when facing the bridge (off N. Charles St.), that point is the issue of disagreement, not the line separating the jail property from the garage.

Mr. Craley will bring his paperwork to Council's October 12th meeting and Mr. Pearson and his attorney will also attend.

11. **Planning, Zoning & Redevelopment**—Mrs. Slenker reported:

- Zoning Hearing will be held on September 15th @ 6p.m. to discuss the David Edwards building at 252 N. Franklin Street. Jordan Ilyes has a contract on the building & is proposing to create 105 high-end apartments. This would require 212 parking spaces + 1 additional space for every 5 units, which is 21 more. Total required spaces is 233 and he currently has 209 residential parking spots. After last month's Planning Commission meeting, Mr. Ilyes revised his plan to use the area on Keener Avenue/Cypress Lane for parking also. He's asking for 1.5 parking spaces per unit instead of the 2 parking spaces per unit required by the Ordinance.

There are 15 designated spots on the plan (marked B1 to B15) for the proposed brewery in the basement of the building. Mr. Ilyes' plans show the downstairs area as 3,668 sq. ft. The 2nd floor has another commercial area where a coffee shop is being proposed, so based on the square footage, another 9¼ parking spaces would be needed for the coffee shop. Total parking needed for these commercial uses would be 19 spaces. The 15 spaces the plan shows would change if he is granted the request for 1.5 parking spaces rather than 2.

He also submitted a Variance request for smaller parking spaces, 9' x 18' rather than the required 10' x 20'.

Mr. Klinedinst made a motion authorizing Mr. Craley & Mrs. Price to attend the Zoning Hearing on behalf of Borough Council to ensure that adequate parking exists to alleviate potential parking problems off site; Mrs. Slenker seconded. All were in favor; motion carried. Mr. Craley said the size of the parking spaces isn't a huge issue because these will be private spaces, but Borough Council wants at least 2 parking spaces/unit.

- Redevelopment Committee didn't meet last month, but the Holiday Decorating Contest for 2020 will be explained in the Borough Newsletter.
- No Planning Commission Meeting will be held this month.

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

- Catherine Meyer Award winner for 2020 is Mayor Walt Hughes. Congratulations Mayor Hughes!
- MMO (Minimum Municipal Obligation) for the 2020 Police Pension is \$0.00.
- Borough Council's Budget Meeting will be held Tuesday, October 20th @ 6:00p.m.
- Mr. Klinedinst stated a number of Borough official positions & committee positions are vacant; i.e. Redevelopment, Recreation, an alternate for Zoning Hearing Board, and a representative from the school. Council can review this list.

13. **Approval of bills**—Mrs. Barley made a motion to approve the bills; Mr. Minnich seconded. Motion carried with Mr. Klinedinst opposing.

14. **Adjournment**—With no further business before Council, Mrs. Barley made a motion to adjourn the meeting @ 8:30p.m. Motion carried; meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary