

**Red Lion Borough Council
Meeting Minutes
Monday, October 12th, 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
Mayor Walt Hughes
Brett Patterson, Public Works
Stacy Myers, Recording Sec'y

Visitors

Glenn Rexroth
Blaine Markle
Ed Pearson
Nick Rhoads
Chad Ward

Meredith Yakelis
John Brownlee
Atty. Amanda Dubbs
Ian Montgomery
Christina Myers-MacCloskey

Bob Frutiger
Felix Milner
Pastor Tim Funk
Randy Hake
Caterina (Maria) Favorito

1. The meeting was called to order @ 7:00p.m. Pastor Tim Funk offered a prayer. Everyone followed with the pledge to the flag.
2. **Approval of Meeting Minutes**—Mrs. Frutiger made a motion to approve the September 14th, 2020 Meeting Minutes; Mrs. Barley seconded. All were in favor; motion carried.
3. **Visitors & Public Comment**—Ed Pearson reported the fence at 127 N. Charles Street, previously connected to the bridge, was torn down about 3 weeks ago and what remains is a sharp object that he fears will injure someone. He said kids or other pedestrians are walking under the bridge & coming up to Charles Street. Public Works put up a safety fence in that area, but it still creates a liability because of the 3' drop off. Ed does not want the liability risk of someone falling onto his property. This will be discussed later tonight on the agenda.
4. **Mayor's Report**—Mayor Hughes stated he has the pleasure of presenting awards to high school seniors & citizens of the community based on their skills, achievements & talents. Due to the COVID pandemic, he's unable to present any awards to school students this year, but he recognized the following adults for their accomplishments:
 - **Ian Montgomery—Volunteer of the Year Award**—Ian is a member of the Borough's Planning Commission, but also helps out at several Borough/Recreation events, whenever he's needed, such as donning the Easter Bunny costume for the Easter breakfast.
 - **Central Pizza/Caterina (Maria) Favorito—Business of the Year Award**—one of the town's favorite restaurants, they put food out during the pandemic for passers-by to take, free of charge. The Borough is very appreciative of their generosity.
 - **Music Award of the Year—Randy Hake**—a great musician & awesome guitar player, teaching at The Guitar Spot, Randy's recognized for his wonderful talents.
 - **Performing Arts of the Year—Christina Myers-MacCloskey**—she's appeared in several productions, as well as conducting drama classes at the local community center and Red Lion's New Year's Eve celebration. She's recognized & appreciated for her talents.

Mr. Musso recognized Mayor Walt Hughes, this year's winner of the Catherine Meyer Award. Mr. Hughes has been in Red Lion since 1991 and has served as Chief of Police, Borough Council member, as well as Council President, then most recently, Red Lion Mayor. Mr. Musso presented Mayor Hughes' picture to be hung in the Municipal Office meeting room in recognition.

Mrs. Frutiger made a motion to hang Walter Hughes' picture on the meeting room wall; Mrs. Barley seconded. All were in favor; motion carried.

Mayor Hughes said he is deeply moved & appreciative of this gesture. He said it's been a pleasure to serve the Red Lion community & its citizens.

5. **Public Safety**—Ms. Weaver stated the Ambulance Report was distributed last week & the Fire Company Report was distributed tonight. EMA Director John Brownlee was present tonight but had nothing else to add to the EMA Report, also distributed tonight.

Additionally, Ms. Weaver reported Fire Company personnel traveled to Wisconsin a couple weeks ago to inspect their new truck. Within the next two weeks, the truck should be in Middletown, the next step before coming to Red Lion. ETA is unknown when it will arrive in town.

6. **Solicitor's Report**—Mr. Craley reported the following:

- Ed Pearson was present, along with his Attorney Amanda Dubbs to discuss a property line disagreement between Mr. Pearson's & Borough property. In December 2019, Gordon Brown & Associates had prepared site drawings of property Mr. Pearson purchased in 2018. Mr. Craley & Borough staff reviewed the drawings in an effort to find consistency of boundary lines with what was on a tax parcel map, what was on Mr. Pearson's deed & what was on the Borough's deed.

An agreement was reached that C1 & L2 was 70' in length. On Pearson's deed, the length of C1 & L2 are slightly over 69.64'. Another issue was to agree on a property boundary, and at their July 2020 meeting, Borough Council agreed the line noted on the plan as L2, L3, L5, & L7 was the boundary. Mr. Craley sent an email (on 7/14/20) to Attorney Dubbs stating that if there's a necessity for corrected deeds or an agreement, that noted line would be what Council would agree to as the property boundary.

A survey conducted for Dave Lutz was reviewed & determined the beginning point of that property line is consistent in being approx. 70' up the incline & over to the end.

Mr. Pearson distributed copies of the actual deed from 1975, which was reenacted in 2018 with the deed included. Mr. Klinedinst & Mr. Musso had met Mr. Pearson on the property to discuss the boundary line. Mr. Pearson said the 70' point mark runs from under the Charles Street bridge down to the Rail Trail. He's not contesting the 70' line on the deed but would like to make the boundary more of an equal line. He wants to make the property more usable for both himself & the Borough & he doesn't want his property so close to the Rail Trail because of liability.

Mr. Pearson said the Borough's public works crew cuts part of his grass all the time (approx. 8-10' of it) when they're mowing in that area. He is proposing to hold a 10' edge & the Borough would get the triangular piece of property. That way the Borough no longer has to maintain it. He owns the original jail (lockup) and showed Council the piece of property he wants for extra parking in the event he opens the lockup to the public. He said if everyone can agree, it straightens up the property line & the Borough can collect the extra tax revenue for the additional property.

"Swapping" of land, or the transfer of two lots, can only be done with a subdivision plan.

Prior to tonight, Council thought Mr. Pearson was asking for additional land on the East side of the property, but Ms. Dubbs said the surveyor had different colored lines on the map to show different options & she believes that was where things got confusing. There was also some encroachment on Mr. Pearson's property when backfill was dumped along the Rail Trail.

As the owner of part of that property, the Borough can decide whether or not they're willing to move forward with Mr. Pearson's proposal of asking for property on the East side & a small piece by the bridge.

But what does the Borough require for the needs of the Rail Trail? Parking was discussed & Mr. Pearson said the Borough has available parking closer to the church (approx. 25 yards

away) but also 15' in additional parking to where the wall/sign Mr. Klinedinst spoke of when meeting Mr. Pearson. Mr. Klinedinst said that area would be a good place to put a directional type of sign for Rail Trail visitors. Mrs. Barley said Mr. Pearson is going to have a lot of municipal parking at his jail; however, Mr. Pearson would like the additional piece of property to park his 7 construction vehicles.

Mr. Musso suggested some Council members meet on site to observe the area & gather more information before deciding. Jeff Shue said there could be variations of the point running along Charles Street, and there should be an agreement between what Mr. Pearson would like & what the Borough would like, then compare the difference.

Gordon Brown's office has already surveyed the property (on Pearson's behalf) and Jeff said he can also conduct a survey, but unless all the surrounding properties are also surveyed, it most likely still won't be definitive.

Council agreed to meet on site on Monday, October 19th @ 5:30p.m. prior to the Planning Commission meeting. This will be to simply observe & gather information, no discussion or deliberation will be held. Mr. Craley said Council needs to see where the pin is & determine what the needs of the Borough are/will be. Jeff Shue suggested Mr. Pearson's surveyor establish that point (based on the information shown to Council tonight) prior to meeting on October 19th.

Concerning the fence he mentioned earlier that was torn down, the set pin is in Summit Lane, approx. 18" from the sidewalk. The fence abuts the sidewalk & at one time, was connected to the Charles Street bridge. Mr. Pearson claims the fence is the Borough's & not his because it's not on his property & neither is the sidewalk; however, Mr. Craley said the right-of-way is what it is. The bridge was constructed as part of Charles Street so it's in the Borough's ROW, but that doesn't mean it's Borough property.

Mr. Pearson said it appears as if other, possibly original fencing, was in the sidewalk at one time before someone cut it off, but Jeff Shue said the sidewalks, in many cases were installed by the Borough but the Ordinance then turns over the maintenance & ownership of them to the property owner.

Jeff said the Charles Street bridge is inspected by the County but maintained by the Borough. If Mr. Pearson wants to install another fence, connected onto the bridge, it may require some type of permitting.

- Zoning Hearing will be held Tuesday, October 13th @ 6pm—Silverback Services has appealed an enforcement notice.
- September 15th—the Zoning Hearing Board heard a Variance application on the David Edwards building. The board approved the reduction in the parking space by removing the "one additional space for every 5 spaces" requirement & approved the Variance for the parking space size to make it 9' x 18', but as Council suggested, they did **not** approve the Variance to reduce the number of required residential spaces to two/unit.
- Hydrant Agreement—still reviewing along with Borough staff.

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

- MS-4 Report was filed—Jeff will meet with Borough staff on a quarterly basis regarding this.
- Rt. 74/Rt. 24 Project—the Borough was authorized last week to begin the work in the square: more discussion on this agreement will be held later.
- Trying to schedule a meeting with DEP regarding permitting for Lancaster Street extension.

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

- Field hockey season will end soon & went well
- Travel softball is going well
- Fitness in the Park classes are going well & will soon move inside with restrictions.
- Kids cooking classes are filled through end of the year.
- Cheer program will soon begin, holding practices at Chapel Church with restrictions.

- EYC Basketball will not be held this year. This is a county-wide decision.
 - Tree lighting at the park will be held Saturday, November 28th @ 7pm. Carols will be sung, but no indoor activities will be held.
 - New Year's Eve celebration/activities are still being planned. It was discussed to possibly stream live music to different locations throughout town & possibly have someone to speak about the town during an intermission period. More on this later.
 - December 5th—Breakfast with Santa from 8:30-10:30am
 - December 8th—Polar Express
 - Santa's Shanty is being planned, but children will not be able to sit on Santa's lap. A different setup will be used to adhere to social distancing. Boxes will be placed around town for children to drop off letters to Santa.
 - In January, other event planning will be started, i.e. Suds 'n' Song, etc.
 - Greenway Project—another meeting is scheduled for tomorrow, 10/13. Mrs. Price reported that the facility maintenance person from Gichner had never been told about the easement. He was concerned about people driving on it, but Brett Patterson said bollards are shown on the construction plan, so that should prohibit that. Other details will be discussed at tomorrow's meeting.
 - Food Truck Friday events were well attended & successful this year. Mr. Craley attended one recently & stated it was a great event!
9. **Municipal Services**—Mr. Minnich reported:
- October 14th—water shut offs for unpaid bills
 - 9 new connections since last meeting
 - Concerning the Hydrant Agreement, he feels it's important not to move forward with this until more information is gathered. He just learned recently what the \$12.50 standby fee covered & staff said, once the hydrant inspections are done, maintaining them shouldn't be difficult. This year's budget will include costs to bring the hydrants up to code. More discussion on hydrant maintenance will be held at budget time.
 - Mr. Musso stated he knows the Municipal Authority's rule is to hold the landlord responsible for unpaid water bills; however, he would like to see them go after tenants for collection. It seems to be the standard to hold landlords/property owners responsible because of the constant changing of tenants, but Mr. Musso said Dallastown Borough holds tenants responsible for unpaid water bills.
10. **Public Works**—Mr. Klinedinst reported:
- Handicapped parking space request was received from 330 S. Main Street. The request is for a space on Martin Street, approx. 30' from Main. Mr. Craley said if it's not a high-parking area such as Broadway & First Avenue, it's up to the discretion of Council to either grant or deny the request. Being that the residence has a driveway, garage & other adequate street parking, Mr. Klinedinst made a motion to not grant the request; Mr. Musso seconded. All were in favor; motion carried. The reasoning of the denial will be included in the letter to the resident.
 - N. Main Street manhole—reimbursement has not been received from the Municipal Authority for this repair. Jeff Beard told Mr. Klinedinst the Authority would supply the parts if the Borough's contractor supplied the labor, but Authority employees never brought the parts. The contractor had to get the necessary parts elsewhere to keep the project moving & Mr. Klinedinst believes RLMA should reimburse the Borough \$200 for those parts. Mr. Klinedinst made a motion authorizing Mrs. Price to send a letter to the Municipal Authority requesting reimbursement of \$200; Mr. Minnich seconded. All were in favor; motion carried.
The letter should include language about the verbal agreement that was made.

- Reimbursement Agreement for the Rt. 74 Project (widening at the square)—the Borough has an agreement that defines they will be reimbursed. They will bid the project & open the bids, then if the State doesn't reimburse the Borough, no award of the bid needs done. Mrs. Barley made a motion to approve the Reimbursement Agreement for the Rt. 74 widening; Mrs. Frutiger seconded. All were in favor; motion carried. Mr. Klinedinst made a motion authorizing C.S. Davidson to prepare the bids for the Rt. 74 widening project; Mrs. Frutiger seconded. All were in favor; motion carried.
- Resolution 2020-8—to apply for CDBG funding to install ADA ramps on Martin St. & Wise Avenue. Mrs. Price will apply for a certain amount of money & it can be spent where it's needed. Mrs. Barley made a motion to adopt Resolution 2020-8; Mrs. Frutiger seconded. All were in favor; motion carried.
- Concerning the metal cages that Met-Ed is putting around some utility poles, they previously told Mrs. Price they didn't need to adhere to the Borough's Sidewalk Ordinance requirements to replace the whole block of pavement. Mr. Craley said he received an email last week that asked to schedule a conference call to discuss this. Concerning tree trimming or canopies, Mr. Craley stated there is a Commonwealth Court case that says a utility like Met-Ed or PPL is not subject to municipal Ordinances & they can trim or remove anything that is in their utility right-of-ways. Mr. Craley agreed it's Met-Ed's liability, not the Borough's if something happens with their poles & they may be granted authority by the PUC, but he will know more once he hears back from Met-Ed.
- Bills for replaced sidewalks were mailed today. Residents can either pay the invoices in 60 days or notify the Borough within 30 days that they need a payment plan. Mr. Craley recommended placing a lien on the properties that accept the payment plan.

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

- Engineer Blaine Markle & Glenn Rexroth were present to request Council's reapproval of the preliminary final for Rexroth Equities, LLC that was previously approved 2-3 years ago. This plan was never recorded due to a delay in bonding so signature approval has now expired. The plan was for Mr. Rexroth to install all private improvements & private streets within the Mia Brae property & the old Yorktowne property. It involves 3 tracts of land (Mia Brae-2; Yorktowne-1) Mr. Rexroth has since submitted a 2nd plan, not seen by Council yet, but which involves construction of buildings on both above properties. Two changes were added on the 1st plan:
 - Mia Brae property—in blue is the entire property; the orange line is the tract joining 2 tracts (one parcel in Windsor Township, one in Red Lion Borough) into 1. The plan is now titled Final Reverse Subdivision Plan.
 - Mr. Rexroth is asking for Borough's approval of a modification request from Section 22:508-1A, Street Construction & Construction Material Specifications—the Ordinance requires SuperPave to be used; however, Mr. Rexroth has installed a similar/comparable material that Windsor Township has already approved. Mr. Klinedinst made a motion to approve the waiver of SuperPave in favor of the comparable street material Mr. Rexroth used; Mr. Minnich seconded. All were in favor; motion carried.
 - Mr. Klinedinst made a motion reaffirming Council's prior approval of the plan subject to the two above changes; Ms. Weaver seconded. All were in favor; motion carried.
- Resignation from Planning Commission—Mrs. Slenker made a motion to accept the resignation of Melanie Thompson; Mrs. Frutiger seconded. All were in favor; motion carried.

- Advertise amendment to the Redevelopment Ordinance—Mrs. Price said our current Ordinance states the Borough should look at parking lots & industrial parks for redevelopment, but the Borough needs economic development. Mrs. Slenker submitted a proposal for the type of amendment needed. Mrs. Slenker made a motion authorizing Mr. Craley to work with Borough staff to create a draft amendment of the Redevelopment Ordinance; Mrs. Frutiger seconded. All were in favor; motion carried.
 - October 19th—Planning Commission Meeting to be held @ 7:00p.m. to recommend denial or approval to allow a gym in the Borough Center Zone & a Variance for access via an arterial or collector street.
 - October 13th—Zoning Hearing to be held @ 6:00pm to hear Silverback Services’ appeal of an enforcement notice.
 - Dan Shaw reported he had a Labor & Industry Audit last week. Two commercial properties were selected to inspect. A couple minor infractions were found, but the owners are under no obligation to fix/remedy them; L & I has no enforcement authority.
12. **Administration**—Mrs. Frutiger reported:
- Tuesday, October 20th @ 6:00pm—Budget Meeting
 - The Borough received reimbursement of almost \$7,000 through the CARES Act for thermometers, masks, wipes & other items used during the pandemic.
 - Borough luncheon will be held Wednesday, October 14th @ noon
13. **Communication**—nothing further
14. **Approval of bills**—Mrs. Frutiger made a motion to approve the bills; Mrs. Barley seconded. All were in favor; motion carried.
15. **Adjournment**—With no further business before Council, Mrs. Barley made a motion to adjourn the meeting @ 8:53p.m. Motion carried, meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary