

**Red Lion Borough Council
Meeting Minutes
Monday, April 12th, 2021**

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 Secretary

Visitors

Meredith Yakelis
Ed Pearson
Samantha Craley

Bob Frutiger
Keith Kahwajy

Scott Gingrich
Skip Missimer

1. The meeting was called to order @ 7:00p.m. Mayor Hughes offered a prayer which was followed by the pledge to the flag.
2. **Approval of Meeting Minutes**
 - Mrs. Frutiger made a motion to approve the March 1st, 2021 Work Session Minutes; Mr. Minnich seconded. All were in favor; motion carried.
 - The March 8th, 2021 Meeting Minutes had Dennis Klinedinst & Tony Musso's names omitted. Mrs. Frutiger made a motion to approve the minutes after adding their names; Mrs. Slenker seconded. All were in favor; motion carried.
3. **Visitors & Public Comment**—the following addressed Council:

Ed Pearson (121 N. Charles St)—stated back in October 2020, he brought a broken fence to Council's attention, which they called a liability & a hazard and the Borough said it was Mr. Pearson's responsibility. Mr. Pearson asked if Mayor Hughes served on Borough Council during July 2008, which Mr. Hughes said he was. Mr. Pearson said, during a recent Right-To-Know request of his & his attorney's (on a separate issue), they found where Mr. Hughes (in 2008) brought up to Council that someone had illegally removed the chain link fencing at Charles Street bridge. Mayor Hughes stated he was referring to the fencing **under** the bridge which was to stop people from going under there as a safety issue. That fencing came up missing after a few years. Mr. Pearson read from the July 2008 Council Meeting Minutes and where Walt Hughes mentioned the removal of the chain link fence & that to his knowledge, Council hadn't authorized the removal of the fence & that this is a liability issue & safety hazard. Mr. Hughes had gone on to say the fence should be replaced (or found) & suggested the Redevelopment attorney address the matter.

Mr. Pearson had pictures showing the existing post holes for the chain link fence & said they correspond with what Mr. Hughes had talked about back then.

Council President Musso asked Mr. Pearson to make his point in an effort to move the meeting along. Mr. Pearson said he will follow up on this issue & sat down.
4. **Mayor Hughes' Remarks & Recommendations**—Mayor Hughes said he was planning to present his State of the Borough Address but hadn't completed it. Nothing else to report.
5. **Public Safety**—Ms. Weaver stated the Fire Company & EMA Reports were distributed. She said the Fire Company would like to set up a stand at the fire station during the Street Fair. They would like to promote the need for volunteers & also will distribute fire protection material. The fire trucks will be on site for visitors to see & tours of the fire station will also be offered.

There will be a “Year in Review” meeting at the Fire Station on Thursday, April 15th @ 7pm. Anyone wishing to attend, enter via the rear entrance. Other information:

• **Fire Company Report**

- Total calls for the month was 71, 24 incidents in Red Lion Borough
- Alliance assisted different municipalities at 47 incidents.
- Chief Gingrich requested the Borough notify County 911 when a fire hydrant is taken out of service so they can update their software.
- The fire hydrant at Martin & Pine Street can now be put back in service.
- Of note, the financial report from Alliance Fire is included in Council’s packets tonight.
- Concerning the Street Fair, the Fire Company can do a demonstration if Council wishes, but they will distribute fire safety souvenirs to children & other visitors. Chief Gingrich sent his request to participate to RLABA but received no response yet. Mrs. Price will contact Ian Montgomery about street closures the day of the Street Fair.
- As always, Council thanked the Fire Company & volunteers for their time & efforts.

6. **Solicitor’s Report**—Mrs. Craley reported:

- Public Hearing for transfer of liquor license—Rutter’s (North Main) wishes to transfer the license from Springettsbury Township to this Red Lion location. Rutter’s has offered to pay costs for the hearing & advertising. Mr. Klinedinst made a motion to authorize the advertisement & distribute notices of a Public Hearing for a liquor license transfer to be held, Monday, May 10th, 2021 @ 7:10pm. Mrs. Slenker seconded. All were in favor; motion carried.
- 215 E. Lancaster Street property—the draft Blight Resolution contains language that it’s to be approved at a Planning Commission meeting & Mr. Craley wants to verify that that entity would be the one to approve & finalize it or if Borough Council would do so. He will research this.
- N. Charles Street property next to Ed Pearson’s property—Mr. Craley & Borough staff indicated to Mr. Pearson & his attorney that Council concurred with the survey results & were not planning any further action. He asked Council if that was the case? Council concurred.

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

- The signed contracts for the street projects are with Mrs. Price. Jeff would like to schedule a pre-construction meeting for the concrete work (will proceed the paving work/contract). Thursday, April 22nd @ 8am was set & the contractor will begin in May.
- Jeff had a recent meeting with Rutter’s (Winterstown Rd/South Main) who stated they still have unresolved issues with PennDOT, DEP & RLMA and will not be at April’s Planning Commission meeting.
- Columbia Gas is proposing to complete $\frac{3}{4}$ of the N. Charles Street block (from W. Broadway to First Avenue) in base repair & wearing course, although they are not proposing to repair the section from the alley up to W. Broadway. Jeff said since Kinsley Construction will be doing the mill & wearing course for the gas company, a Change Order can be completed with Kinsley. This work can be added to the other work that Kinsley is doing for the Borough and although this section of work will be billed to Columbia Gas, the invoice can be broken down for that $\frac{1}{4}$ of the street.
- Entrance to the Fire Company parking lot--Mr. Klinedinst is unsure whether blacktop can be rolled on top of cement, but this will be researched.

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

- Easter Egg Hunts went well, although some who pre-registered did not attend.
- 26 kids are signed up for Summer Camp; limit is 30.

- Adult fitness park equipment has been ordered.
- Fireworks vendor is from Pottsville—venue is TBD. The vendor will be in town to look at some available spots such as Vulcan Field, Denny Klinedinst's field, Rexroth property or at the park.

Mr. Klinedinst suggested holding the vendor's payment until we're sure the vendor will go through with the display. When the vendor will be in town to look at sites, Meredith will express Council's concern of losing the money, as it happened a couple years ago when the Borough gave a deposit to a fireworks vendor & it was never returned when the vendor didn't follow through. Mr. Craley said because the vendor was out of state (Maryland) it would cost the Borough more in legal fees to fight for it than the amount of the deposit.

Mr. Klinedinst made a motion to hold the deposit up to the 30 days (per the contract) or until a satisfactory venue is found; Ms. Weaver seconded. All were in favor; motion carried. Meredith will contact the vendor so a firm date for his visit is known.

- July 4th Stay at Home/Car Show—moving forward with food trucks booked, possible RLABA Chicken BBQ, Red Lion/Felton Band playing & other things.
- Food Truck Fridays will be held June 18th, July 16th, August 20th & September 17th from 4:30-7:00pm at the Municipal Parking Lot.
- Concert in the Park—August 22nd @ 6pm with Spring Garden Band
- Rail Trail will be shut down for the next 2 weeks for seeding to be done & fencing to be installed.

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

- April 14th—water shut offs for delinquent bills.
- April 5th—flushing started. Mr. Minnich said he was on vacation when flushing started. He asked Mrs. Price to send a letter to the Authority to let them know the Borough's intention of taking ownership of the hydrants. On February 17th, it was stated that a Borough employee will observe during the flushing process to repair/do maintenance on any hydrants (as needed & as time permits). Then in the March Meeting Minutes, it was stated flushing will begin April 5th after street sweeping.

Mrs. Price had asked RLMA in February, March & just last week not to begin flushing until after street sweeping because sending cinders into the storm drain goes against the Borough's MS-4 permit. She had a video (from 4/9/21) showing water rushing down W. Broadway into the storm drain & the street sweeper hadn't gone through that area yet.

Keith Kahwajy, Superintendent of the Municipal Authority was present tonight & said the RLMA board members told him to proceed with flushing, beginning April 5th. Mr. Missimer from the RLMA board was present tonight & said it appears there's a misconception about flushing. This process of flushing has been coordinated over the past 40-50 years and there is a strict schedule in doing so. The bulk water customers (Dallastown-Yoe & Windsor Borough) depend on Red Lion keeping to their schedule. It's a process that is laid out from the Water Treatment Plant throughout the whole system. Larger companies with sprinkler systems typically test their systems after Red Lion flushes, which could cause a schedule conflict as well because of having to obtain a contractor for that sprinkler system testing. Although Mr. Missimer said flushing isn't required by DEP or EPA, Red Lion chooses to conduct it annually in an effort to provide customers with good-tasting & good-smelling drinking water by flushing any sediment & residuals away, also alleviating the need for a lot of chemical usage. Annual flushing is considered a good practice by the water industry. RLMA staff managed to stay behind the Borough & their street sweeping schedule, but the presented video of W. Broadway may have been 1 instance that didn't happen, Mr. Missimer is unsure. He understands the Borough doesn't want cinders in the storm drain, but he didn't believe the MS-4 permit requirements names cinders specifically. Mrs. Price said it states not to put material(s) into the storm sewer.

At what point does the Borough need to notify the Authority of their street sweeping schedule? How can this be done next year to alleviate this problem again?

The Borough can't sweep the streets until after snowfalls are over, so it's an unknown timeframe.

Keith Kahwajy said the flushing was already delayed by over a week due to the Borough's street sweeping. Dallastown-Yoe Water's flushing follows Red Lion's, so if it's delayed even further, we're into pool-filling season which puts a strain on the filter plant. That's what they're trying to avoid.

Keith & Mr. Missimer don't believe a rain event will cause any less street debris to wash into the storm drains than flushing. We can't control rain events, but we can control the flushing schedule. The Borough goes by the flushing route which is posted on the website. A street list is posted so residents know when their street will be flushed in the event they experience discolored water, loss of pressure, etc.

Keith suggested, since the Borough owns the street sweeper, that they start a little earlier so they can be done well in advance of flushing. Council said it depends on the weather, but it can be coordinated. Communication must be better between the two entities, either through email or an in-person visit to verify what will take place.

- Springvale Road Water Main Replacement Project is taking place now.

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

- A handicapped parking space was requested at 93 E. High Street. Mr. Klinedinst made a motion to approve the request; Mr. Minnich seconded. All were in favor; motion carried.
- Brett will investigate the storm grate at Bonkey's that rattles when cars drive over it. It may need to be welded to keep it from shaking.
- Navarro & Wright has equipment in the Municipal Parking Lot because they're testing the building wall (Zarfoss Furniture) & were selected by Scott Thompson (paid for by the Borough).
- Through research, Dan Shaw found that Columbia Gas owes the Borough approx. \$30,000 for street cuts dating back to 2016. Mr. Klinedinst proposed that money be kept for street cuts & street base repair. Council agreed.
- Boundary Avenue sidewalk work that was never completed will be addressed. Other sidewalk repair needed on Railroad Lane and at Main/Howard Streets. Also, there is a sidewalk repair needed on Henrietta Street where a tree was removed a couple years ago & stone is still laying there.

11. **Planning, Zoning & Economic Development**—Mrs. Slenker/Dan Shaw reported:

- Economic Development had a good first meeting with a lot of great discussion & ideas.
- April 19th—Planning Commission Meeting @ 7pm to review a Zoning Hearing application for a Special Exception for a body shop at 207 Redco Avenue.
Kim Hogeman from the York County Blight Committee will also be at the meeting to give an update on 215 E. Lancaster Street's blighted process.
Dan said the approval or suggestion of a Resolution from the Planning Commission will be reviewed by Mr. Craley, as we're unclear of the statute and who is the legal entity (PC or Borough Council) to do the certification on a blighted property.

- No Zoning Hearing in April.

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

- Appointment of special labor counsel Michael Miller, Eckert Seamans—Mr. Craley said he's familiar with Eckert Seamans & believes it's a good idea to have a labor counsel available, if needed. Mr. Miller comes highly recommended.

Mrs. Barley made a motion to appoint Mr. Miller as special labor counsel for the Borough; Mr. Minnich seconded. All were in favor; motion carried.

- 2020 Audit is now complete.

- YATB has extended the earned income tax filing to May 17th, 2021, going along with federal & state tax filing extension.
13. **Communication**—nothing additional.
 14. **Approval of bills**—Mrs. Barley made a motion to approve the bills; Mrs. Frutiger seconded. All were in favor; motion carried.
 15. **Adjournment**—After the meeting is adjourned, Council will hold an Executive Session to discuss potential litigation involving an incident that occurred at the 2019 Suds ‘n’ Song event. No official action will be needed by Council.
Mrs. Barley made a motion to adjourn the meeting @ 8:06pm. Motion carried, meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary