

**Red Lion Borough Council**  
**Meeting Minutes**  
**Monday, May 10<sup>th</sup>, 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 Sec'y

**Visitors**

Samantha Craley  
Bob Frutiger  
Keith Kahwajy  
Christopher Reed

Scott Gingrich  
John Brownlee  
Lynne Gohn  
Mackie & Sandra Enfield

Pastor David Tietje  
Jan Barnhart  
Cheri Booth

1. The meeting was called to order @ 7:00p.m. followed by the pledge to the flag. In observance of the upcoming Memorial Day holiday, Pastor Tietje (St. John's UCC) asked for a moment of silence to remember those who served & those who gave the ultimate sacrifice for our country. Pastor Tietje followed with a prayer.
2. **Approval of Meeting Minutes**
  - Mrs. Frutiger made a motion to approve the April 5<sup>th</sup>, 2021 Work Session Minutes; Mr. Minnich seconded. All were in favor; motion carried.
  - Mrs. Frutiger made a motion to approve the April 12<sup>th</sup>, 2021 Meeting Minutes; Mrs. Slenker seconded. All were in favor; motion carried.
3. **Visitors & Public Comment**—the following were present to address Council:
  - Mackie & Sandra Enfield (residents of 420 S. Franklin St.) stated approx. 30 years ago, Ed Henshaw approached them with the request to run a storm sewer pipe through their property. The Enfield property has a well & septic system, and they worried the pipe would ruin the septic system. Ed told them, if that happens they could hookup to public sewer because a connection valve was going to be installed on the sewer line. In exchange for allowing the Borough to run this pipe, the Enfield's were told it would be no charge to connect to sewer, whenever they decided to do so & they would never receive a sewer bill, so they agreed, and the pipe was installed.  
Mr. Enfield got busy, years passed & now he would like to connect to public sewer, and he said Jeff Beard told him to get approval from Borough Council; however, Council said the decision would need to come from Red Lion Municipal Authority. The Enfield property is in York Township, but RLMA would still need to approve the connection to public sewer. This was discussed at the April RLMA Meeting, but a decision wasn't agreed upon until the Enfield's make a formal request. They stated public water was ran in front of their house too, but that will have to be confirmed with RLMA also. The Enfield's were invited to attend the next RLMA meeting on Wednesday, May 26<sup>th</sup> to discuss their wish to connect to sewer.
4. **Public Hearing**—At this time (7:10p.m.) the Public Hearing was started. Christopher Reed, General Counsel for CHR Corporation (Rutter's) was present to request Borough Council approval for the transfer of a liquor license from Springettsbury Township to Rutter's Store # 28 (301 N. Main St, Red Lion Borough). Moderate internal renovations are planned for that store to include adding space for beer & wine sales, assuming approval from the LCB is obtained. Atty. Craley swore in Mr. Reed & Cheri Booth, District Supervisor of 13 Rutter's stores prior to their testimony. Ms. Booth stated currently two of the locations she oversees sell beer & wine. Ms.

Booth stated, prior to working in this region, she worked for Rutter's for 13 years in stores that sold alcohol, so she's familiar with the operation & procedures in place concerning alcohol sales. All Rutter's employees are RAMP-certified (Responsible Alcohol Management Program) and although as a restaurant licensee, only 50% of employees are required to be RAMP-certified, Rutter's strives for 100% employee certification. This certification makes employees aware of their responsibility, as the seller of alcohol, to be able to identify intoxicated patrons, those trying to purchase more alcohol, the amount that's allowed to be consumed onsite & how to deal with difficult situations that may arise.

The following questions were asked regarding Rutter's beer/wine sales.

From Mr. Reed to Ms. Booth:

- Is she aware of any Rutter's store ever being cited by the PA Liquor Control Board or the State Police because of alcohol sales to an intoxicated person? *No, she's not aware of any.*
- Has she seen increased suspicious or illegal activity in those stores selling beer & wine? *She stated it's actually the opposite as she has seen more Police presence in & around those particular stores.*
- What safeguard does Rutter's have in place to prevent alcohol sales to minors? *Every person attempting to purchase alcohol is carded and their identification can be scanned to print out a proof of age.*
- Further explanation of RAMP. *Mr. Reed explained the Responsible Alcohol Management Program is a class offered through the Pennsylvania Liquor Control Board in conjunction with the Pennsylvania State Police Liquor Control Enforcement. A restaurant licensee is not required to undergo RAMP certification for its service staff, except for possibly the Manager. Rutter's requires a minimum of 50% of their staff to take & pass the class to obtain certification, but they strive for 100% of their staff to do so. This is an ongoing certification, as the State requires recertification every two years.*

From Borough Council to Ms. Booth/Mr. Reed:

- Store #28 (N. Main) closes every night @ 11pm, will that continue to do so after renovations? *It may change, staff is unsure at this time.*
- How long has Rutter's been serving alcohol at any store? *In 2016, Pennsylvania legislature permitted the grocery store/convenience store industry to sell beer & wine under the "R" license.*
- How much alcohol consumption is allowed onsite? *Per the "R" license that allows Rutter's to sell alcohol, the liquor code requires the establishment to permit the consumption of alcohol on site; however, Rutter's limits that consumption (per their house rules at all locations) to 24 oz. Mr. Reed added that 99% of Rutter's alcohol sales are to-go.*
- How many Rutter's stores currently sell alcohol? *39 locations across Pennsylvania.*
- How do the adult slushies work, especially with the "open container" law? *Under the liquor code, a closed container is one that cannot be readily consumed. Rutter's puts a seal over the lid & a straw is not provided when purchasing a slushy containing alcohol. If the seal is removed and/or a straw is placed in the cup, the patron cannot leave with it. It must be consumed on the premises & it cannot be resealed either. All 39 locations sell these & have experienced no problems with patrons trying to go against what is allowed.*
- Can this particular liquor license that is being transferred be used in multiple areas/stores? *No, this is site-specific to Store #28 (N. Main St.)*
- Has there been an uptick of robberies at stores selling alcohol? *Mr. Reed stated luckily, no.*

Additional information from Mr. Reed:

- In regard to safety, all Rutter's stores have security cameras and those selling alcohol have more in the service/selling area & exterior of the store. Of note, Rutter's has never been cited by local or State Police or the LCB for the illegal sale to a minor or intoxicated person.

Those minors or intoxicated people who have tried to purchase alcohol have been reported to Police.

- Age-restricted products aren't new to this Rutter's location, as tobacco & lottery are also sold there, but only to qualifying individuals.
- Initially, beer will be sold first. Additional certification with the LCB is necessary to sell wine, so those sales will come later once permitting is received.
- Since wine is sold in larger than 24oz. bottles, Mr. Reed said Rutter's employees can prevent the consumption of wine onsite.
- Of the 17 Rutter's locations that have video-gaming terminals, all of those sell beer/wine, so the percentage of alcohol sales/onsite consumption may be slightly higher in those locations, but house rules (limit of 24 oz. onsite consumption) still apply.

Mr. Craley prepared a Resolution (for either Council's approval or denial of the license transfer) and he stated, at one point, it was almost impossible for a municipality to deny the liquor code. This has now changed & basically states the Borough's decision is final & there is no appeal from a denial. Mr. Reed stated, in the event Council denies the transfer, there is a property interest that Rutter's has in the license, so they could go to Court of Common Pleas to seek the decision being overturned. The PA Supreme Court as well as the commonwealth & local courts have identified the standard for which the municipality must consider the transfer is whether it would be detrimental to the health, welfare & safety of the community. The Borough has done this type of transfer once before, for Golden Crust's Tap Room, but the case law that Mr. Reed just stated wasn't in effect at that time. Council has heard nothing adverse or opposing the transfer at tonight's hearing. When asked about the possibility of adding beer & wine sales at the Winterstown Road Rutter's Store, Mr. Reed said if the store redesign permits it, they may be back to Council to request a transfer. But he is present tonight because the Borough's quota system has already been exceeded with two locations selling alcohol + 1 eating establishment selling it. The quota system used to be very strict to allow only 1 license per every 1,000 residents, but liquor code modifications permits someone wanting to bring in a license over quota to come before the governing municipal body to request the intermunicipal transfer.

Mrs. Barley made a motion to adopt the Resolution and to approve the liquor license transfer from Springettsbury Township to Rutter's Store #28 (301 N. Main Street); Mr. Musso seconded. Motion carried, with Ms. Weaver opposing & Mrs. Slenker abstaining.

5. **Visitors/Public Comment continued**—Jan Barnhart & Lynne Gohn, representing the Red Lion Historical Society stated that, at their recent Open House, they were served with 3 subpoenas, 1 for Mr. Barnhart, 1 for Mrs. Gohn & 1 for the Historical Society. The subpoena referenced a 2019 incident that occurred at (or after) the Suds 'n' Song event when a boyfriend/girlfriend had too much to drink & were in a motorcycle accident, killing the man. The girlfriend is suing the boyfriend's family and stated both he & she were overserved alcohol at the Suds 'n' Song event. Those summoned are to appear at a Zoom meeting on May 20<sup>th</sup>.

Mr. Barnhart said Red Lion Historical Society lent their name to the event two different years because the Borough couldn't have held the event otherwise.

Mr. Craley said a subpoena is a request for documents & information and to his knowledge, litigation hasn't been started yet. There has been a Writ of Summons by the young lady, injured in the accident against the estate of the dead driver. They are the only 2 people involved.

Mr. Craley suggested the Historical Society notify their insurance company who will decide if they want to provide a lawyer during the Zoom meeting, to advise them how to answer questions, etc. Mrs. Price said the Historical Society was listed as a named insured on the Borough's policy for the Suds event so once she has made contact with the insurance company, she will contact Jan & Lynne.

Mr. Craley said there are many risks in life and, although this was a very unfortunate incident, it's why we have insurance, and why we shouldn't be afraid to hold any other events.

6. **Mayor Hughes' Remarks & Recommendations**—no report
7. **Public Safety**—Ms. Weaver reported:
  - The EMA & Ambulance Reports were distributed. John Brownlee has contacted Ian Montgomery about EMA personnel being present at the Street Fair.
  - Chief Gingrich reported:
    - The new ladder truck is now in service
    - Some deficiencies were found in the box assignments given to the Borough, as well as other areas where improvements can be made. He's asking for Council approval to make the following changes:
      - To be dispatched as 1 station rather than 2 which gets a single station in to alert personnel from both stations.
      - They've increased equipment on structure fires, bringing in 5 engines rather than 4 and 2 ladder trucks on 1<sup>st</sup> & 2<sup>nd</sup> alarms.
      - They've changed "working fire group" (when the fire is larger than what was dispatched), to include 2 more engines, "next due" to bring 2 engines and another engine, rescue truck & an air truck from Wrightsville, Dallastown & Shrewsbury.

Ms. Weaver made a motion to approve the above changes; Mrs. Slenker seconded. All were in favor; motion carried. Chief Gingrich will get these updates to County.

  - There was a recent fire at Silverback Services that was quite large. Chief said there is a lot of recycling materials, old cars, car parts, etc. in that area. The Fire Company was able to control the fire before it spread too far and there is apparently supposed to be a "watchperson" onsite, but they were sleeping when the fire started. Dan Shaw said Silverback went to the Zoning Hearing Board to allow the recycling materials, old cars, etc.
  - Chief questioned the locks on the Rail Trail gates & whether the Fire Company can get a key for those. The same key is used for all Borough locks, including those at the Rail Trail, so Borough staff will ensure Fire personnel has one.
  - Fire Police requests for Dallastown Borough events—Ms. Weaver made a motion to approve the Fire Police for Dallastown Carnival & the Halloween Parade; Mr. Minnich seconded. All were in favor; motion carried.
8. **Solicitor's Report**—Mr. Craley's items are covered under other areas of tonight's agenda.
9. **Engineer's Report**—Jeff Shue reported:
  - A preconstruction meeting was held last week with the paving contractor who should be ready to begin their work in July.
  - Concrete & stormwater work started today.
10. **Parks & Recreation**—Mrs. Barley reported:
  - Splash Pad is to be opened after Memorial Day with revised hours. It will be open Monday-Friday from noon-7pm and weekends from 9am-8pm.
  - Adult exercise equipment for Fairmount Park has arrived. This was purchased with grant money & it will be installed shortly.
  - Fireworks vendor will set off the display from the park & Meredith has asked if anyone is available to help clean-up afterwards, it would be appreciated. The Car Show starts early the next morning.
  - Field hockey goals have been ordered.
  - Rail Trail—portion from Main Street to Maple; Mrs. Price would like to apply for grant money to address drainage issues & defining the trail a little better in the area past the church parking lot. The DCNR grant doesn't require engineered drawings; it's more streamlined than some. Mrs. Price will bring paperwork to Council next month regarding finalizing the trail.

- Mrs. Price reported the mural under the Charles Street bridge is done & looks good.
- Suds ‘n’ Song has lost some alcohol vendors due to lack of help & because some brewers have received subpoenas from the 2019 event discussed earlier tonight.  
When Suds started 6-7 years ago, many of these brewers were small, but they’ve expanded now & have a lot of events, etc. due to the state opening back up after the pandemic. A few smaller breweries can be contacted to gauge their interest in Suds. More information will be gathered this week.  
Mrs. Barley suggested splitting the proceeds of the \$5 drink chip sales 50/50 with the brewers as an incentive to participate. A good bit of donation money has been received for this event. Of note, two Constables will be onsite that day from 3-8pm.
- Thank you to everyone who recently donated to ROARS which supports Borough events; \$10,000 was raised.
- Red Lion Borough’s portion of relief money coming to municipalities from the federal government as part of the American Rescue Plan Act is expected to be in two separate distributions. The first is to be approx. \$500,000, the second approx. \$135,000, but there are limits to how it can be spent. Parks & infrastructure are two eligible areas, so it could help complete the Rail Trail and help with stormsewer repairs. Mrs. Price will begin the DCNR grant paperwork for the trail. Signage for the trail could possibly be purchased with other grant funds.
- In Fall 2020, Mr. Klinedinst requested a breakdown of the \$10,000 given to the Rec Department but Council hasn’t received anything yet other than a monthly report on what Rec spends. Whether or not that money was considered a loan or otherwise will be researched & reported next month, along with expenditures from those funds.

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

- Tour of Dallastown’s new Park Street water tank will be held June 9<sup>th</sup> @ 6:00p.m. for interested Council members.
- May 12<sup>th</sup>—water shut-offs for delinquent bills.
- MS-4 training will be completed by Borough employees (late summer) and Municipal staff has also been invited to attend.
- Flushing of the system is done.
- The Borough used 800 gallons of water during street sweeping.

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

- Handicapped parking space request was received for 306 W. Broadway, Apt. B—Mrs. Barley made a motion to approve the request for the 1<sup>st</sup> space on S. Park Street (west side); Mrs. Frutiger seconded. All were in favor; motion carried.
- Myers Electric to replace the lights on Cherry Street that are Borough-owned. Bollards may be installed to protect the lights since cars have backed into them in the past.

13. **Planning, Zoning & Economic Development**—Mrs. Slenker reported:

- Economic Development had a good brainstorming meeting last month.
- Waiver request of 6’ sidewalks on Martin Street & Railroad Lane was received by the property owner at the corner of Main & Martin. They’ve requested a 4’ sidewalk (and 6” curb) due to having to replace a full block of sidewalk. Mrs. Slenker made a motion to approve the waiver request of the 6’ sidewalk on Martin & Railroad; Mr. Minnich seconded. More discussion was held. A vote was taken & the motion was defeated because Council believes the sidewalk should be uniform rather than 4’ in some areas & 6’ in others, so the sidewalks will be replaced as is.
- Zoning Hearing is scheduled for May 11<sup>th</sup> @ 6:00pm
- Planning Commission meeting is scheduled for May 17<sup>th</sup> @ 7:00pm
- Update on 215 E. Lancaster property will be given when Mrs. Price receives it.

- YAMPO (York Area Metropolitan Planning Organization) sent some information on transportation & public outreach; however, the link didn't work. Mrs. Price will research & report back to Council.
14. **Administration**—Mrs. Frutiger/Mrs. Price reported:
    - YATB Open House is Wednesday, May 19<sup>th</sup> @ 10am for those interested in attending.
    - Mrs. Price would like to meet with the Finance Committee about investing the PLGIT money to get a larger return.
    - Mrs. Frutiger suggested any complaint about a property or street be made prior to a Council meeting so information/answers can be obtained.
    - Regarding several out-of-state vehicles being parked on Borough roads, can notice be sent to those vehicle owners stating they need to transfer their registration? Unfortunately, Borough staff can't access Maryland information to find out who the cars belong to, but Mrs. Price will research this further.
  15. **Communication**—nothing additional
  16. **Approval of bills**—Mrs. Barley made a motion to approve the bills; Mrs. Frutiger seconded. All were in favor; motion carried.
  17. **Adjournment**—Mrs. Barley made a motion to adjourn the meeting @ 8:36p.m. Motion carried, meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary