

**Red Lion Borough Council  
Meeting Minutes  
Monday, June 14<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  
Randy Gray, Public Works  
Stacy Myers, Recording Secretary

**Visitors**

Samantha Craley	Bob Frutiger	Scott Gingrich
Mackie & Sandra Enfield	Damon Reed	John Brownlee
Tom Englerth, Site Design Concepts	Pastor Ron Doverspike	

1. The meeting was called to order @ 7:00p.m. Pastor Ron Doverspike from Bethany United Methodist Church offered a prayer. Council President Musso asked for thoughts & prayers for the family, including the Fire Company family of Mark Moyer who passed away earlier this month. Everyone followed with the pledge to the flag.
2. **Approval of Meeting Minutes**
  - Mrs. Frutiger made a motion to approve the May 3<sup>rd</sup>, 2021 Work Session Minutes; Mr. Minnich seconded. All were in favor; motion carried.
  - Mrs. Frutiger made a motion to approve the May 10<sup>th</sup>, 2021 Meeting Minutes; Mr. Minnich seconded. All were in favor; motion carried.  
Mr. Klinedinst asked Atty. Craley what an abstention from a vote means, as Mrs. Slenker abstained from voting on Rutter’s liquor license transfer last month. Her abstention should be recorded as a “no” vote because she hadn’t explained why she abstained. Mr. Craley said an abstention is appropriate only when a person has a personal or pecuniary interest in something, not because they don’t want to take a position one way or the other. Law requires the reason for abstention to be recorded at the meeting. Mrs. Slenker was not aware of that.
3. **Visitors & Public Comment**—the following were present to address Council:
  - Jordan Ilyes (Ilyes Holdings, LLC) & Tom Englerth (Site Design Concepts) came before Council to discuss the site plan for Jordan’s proposed apartment buildings at 232 N. Franklin Street. Jeff Shue submitted comments regarding the updated plan & Council’s concerns. Jordan agreed with everything in Jeff’s letter, which were:
    - Sidewalk along Cherry Street—Jeff agreed too, that sidewalks in that area don’t make sense, but Jordan will install a concrete curb along Cherry for stormwater runoff.
    - Jordan suggested extending the Franklin Street sidewalk down past the Rail Trail entrance. He also offered to pave & fence the portion of the Rail Trail running along his property. That is in the right-of-way & will be indicated with a note on the plan. Jeff Shue suggested a Developer’s Agreement & an Easement for what Jordan is proposing in that area.

Jordan asked if Council wanted to keep the 5’ of stone on either side of the trail. Jeff said the shoulders need to be flat (per DCNR) but they can be almost any surface, although stone is easier to maintain. And the Borough maintains the trail & will, going forward.

When asked, Jordan said if residents park in the rear parking lot, they will access the building thru the back doors which is the main entrance. Hallways throughout the entire building will connect to the side & front entrances.

Mrs. Frutiger made a motion to approve Jordan Ilyes' moving forward with everything while being consistent with Jeff's letter dated June 14<sup>th</sup>, 2021 & to authorize Mr. Craley to create an agreement for the items under #6B & the easement regarding the fence & trail improvement; Mrs. Barley seconded. Jeff stated the plan will be an exhibit & part of the agreement that Mr. Craley is creating. All the waivers that Council previously discussed will be on that exhibit. All were in favor; motion carried.

Jordan's attorney will get the easement exhibits to Mr. Craley (thru Mrs. Price) to expedite the agreement.

Jordan also questioned the speed hump that was discussed previously. Jeff Shue had concerns about the busy-ness at the proposed mid-block pedestrian crosswalk at the Trail & the two-way drive accessing the parking lot. Some safety concerns were voiced previously about cars pulling out onto N. Franklin anyway. Jeff suggested construction detailing be clarified either to include a wider sidewalk or radiuses that are blacktopped & marked appropriately. Jeff had suggested a speed hump to slow down traffic in that congested area but that can be discussed later.

Stormwater concerns were also voiced & Jeff said there's an inlet in that area that can handle runoff & the proposed curb will help also.

- Related to Ilyes Holdings, LLC, Mrs. Frutiger made a motion to approve their formal LERTA application for 252 N. Franklin Street; Mr. Minnich seconded. LERTA (Local Economic Revitalization Tax Assistance) offers property owners tax abatement as incentive to revitalize undesirable properties. Red Lion Borough's LERTA extends for 10 years. Jordan also stated he's meeting with the School Board this Thursday, June 17<sup>th</sup> regarding their LERTA program. Their original LERTA didn't approve residential units, but this has now changed & the School Board is reviewing it again, but it's for a much shorter time period. If any Council member wants to attend the June 17<sup>th</sup> meeting (held via Zoom @ 7pm) in support of Jordan, he would appreciate it.
- Mackie & Sandra Enfield from 420 S. Franklin Street were before Council again to discuss the storm sewer pipe the Borough (Ed Henshaw & Ray Arnold) installed over 30 years ago, with the promise that, if needed, the Enfield's could connect to public sewer without paying a tapping fee or a monthly bill ever. The Enfield's property is in York Township & has private well & septic. Nothing of the Borough's promise was in writing, nothing was noted in Meeting Minutes; it was simply a verbal agreement. The storm sewer pipe was installed down the middle of the Enfield property, diverting stormwater runoff & mud created by the contractor when the Bellevue development was built. The Enfield's attended the May Municipal Authority meeting, where they were offered connection to public water **and** sewer for free. Skip Missimer from the Authority made the motion; however, he told the Enfield's that a monthly water & sewer bill would be charged. The Enfield's didn't want to pay any monthly fee, nor did they want to connect to public water. The Authority Board told them the storm sewer pipe was the Borough's responsibility & if Enfield's wanted to tear out the pipe, they could. Mrs. Enfield said they were doing the Borough a favor by diverting that mud & stormwater from the properties below/behind them for all these years and believed they should be compensated. She also stated anyone owning their property after them, should be compensated as well.

Mr. Musso explained to the Enfield's that the Borough & Municipal Authority are two separate entities and Borough Council cannot make a decision on a water & sewer connection nor a monthly water/sewer bill.

Mr. Craley stated that the Enfield's were clients of his in the past, so he said, it's agreed there was never an agreement between the Borough & Enfield's and there was a storm sewer pipe installed on their property with the promise that one day, they could hook up to public sewer. He questioned why the Enfield's needed to connect to both water and sewer. Andy Miller, RLMA's Solicitor had advised the Board to connect them to both in the event their sewer doesn't get paid, the water can be shut off. As in many municipalities, Mr. Craley said the Authority could either do 1) connect the Enfield's to public sewer & install a meter on their well for the purpose of billing them a metered sewer bill based off water usage (since the Enfield's stated, they do not want public water & want to remain on their well), or 2) connect the Enfield's to public sewer & make an exception for them by charging a flat sewer rate. But it's whatever the Authority is willing to do & it's their decision.

Although sympathetic with the Enfield's situation, Mr. Musso stated the Borough can't help them. He said they would need to go back to the Municipal Authority regarding public water & sewer & stated they may want to explain their situation to an attorney to see if they can offer any guidance.

Since Mr. Klinedinst & Mr. Minnich are also Board members of the Municipal Authority, Mr. Minnich offered to email the other Authority members on behalf of the Enfield's to discuss an option to hook them up to public sewer. After he emails the other Authority members, Mr. Minnich will contact the Enfield's.

4. **Mayor Hughes' Remarks & Recommendations**—A meeting of the Tractor Parade Committee will be held on Wednesday, June 16<sup>th</sup> @ 6:30p.m.
5. **Public Safety**—Ms. Weaver reported:
  - Fire Company, Ambulance & EMA Reports were all distributed.
  - Fire Company check is in tonight's bills & will be mailed tomorrow.
  - July 3<sup>rd</sup> Fireworks will be set off in Fairmount Park (by the memorial, near Boundary)
  - Hydrant at Martin & Pine—it was recently replaced, but the Borough had it bagged (out of service) until the road project in that area was complete.
  - Last night, there was a lot of smoke in town due to a controlled burn behind First Avenue Collision. Chief said it was too close to the building, so they put it out.
  - Chief thanked Council for their condolences at the passing of "Pap" Moyer.
  - Fire Company plans to update their security system at some of the rental venues. Mr. Minnich will forward contact information he has for Brink Security.
6. **Solicitor's Report**—Mr. Craley reported:
  - 215 E. Lancaster Street paperwork had been forwarded to him & Council for review; however, Council tabled discussion on this until their July meeting pending the proposed June 25<sup>th</sup> settlement of the property. Mr. Craley just wants Council to be aware of certain issues in the paperwork & to review it carefully, particularly regarding the asbestos. Because the property is blighted, the County Redevelopment Authority must do the condemnation, not the Borough.  
A demo contractor looked at the property, quoting \$180,000 just for demolition. Mrs. Price said the asbestos removal part of the project will not be covered by grant funds & that when 33 W. Broadway was demolished, the Borough paid \$33,000 for asbestos removal.
  - 137 Linden Avenue (Melissa Wilson)—On June 4<sup>th</sup>, the Borough received a notice from the District Attorney's office that Ms. Wilson filed summary conviction appeals for a variety of violations (11 of them) she received, such as illegal parking, 72-hr. parking limit, etc. She pled guilty & was found guilty to all of them (by DJ Fishel) & was on a payment plan. When she stopped making payments, Judge Fishel found her in contempt of court. Ms. Wilson then got a Common Court Pleas Judge to allow a Nunc Pro Tunc

Appeal which allowed her to file a late appeal & get a hearing in Common Pleas Court over all the charges against her. This appeal is scheduled for June 24<sup>th</sup> in front of Judge Trebilcock @ 10a.m.

After research, Samantha Craley found another summary conviction appeal on the docket which has the arresting agency as Red Lion Area School District. There are 54 counts in that appeal involving 7 truancy violations and approx. 47 Borough Ordinance violations (tall grass, weeds, etc.). Apparently, the DA's office sent the information to the School District, although only 7 counts are from the school. Mr. Craley is trying to get more information from the DA's office, but in the meantime, he will meet with Mrs. Price, John Persing & Dan Shaw on June 16<sup>th</sup> to review the Ordinance violations & prepare for the June 24<sup>th</sup> court date.

- 434 E. Lancaster Street—the Borough is planning to buy Pleasant View Church which is located in the Borough (part of the other parcels are in Windsor Township, part in Red Lion Borough). The Borough is paying cash for the property & buying it “as is” for \$175,000.

A subdivision is planned, as the Tax Assessment office erased the line by deed, but not by tax parcel, so it's 1 deed for the parsonage **and** the church. The tax assessment map shows 3 parcels. The Borough is subdividing the church & the parsonage & will only purchase the church; there's another buyer for the parsonage.

Mr. Craley said the proposed lot that the Borough is purchasing should be defined in the agreement as the legal description. Since the Borough's purchase is based off of a subdivision approval, it should be referenced in the agreement & the Subdivision Plan as proposed “Lot 1” & proposed “Lot 2”. Dan Shaw said Labor & Industry has the church address as 438 E. Lancaster; the tax assessment map has both the parsonage and church at 434 E. Lancaster.

Mr. Klinedinst made a motion to purchase proposed Lot #2 on the Subdivision Plan dated 4/21/2021 for \$175,000; Mrs. Barley seconded. All were in favor; motion carried. Dan Shaw stated the property meets all the Zoning requirements for a Special Exception for a public building and will eventually be used as the Borough Office.

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

- Martin/Pine Road Work—
  - Concrete & Stormwater contract—Restuccia issued a payment request for \$91,427.60 which Jeff agrees is appropriate for the work that has been completed. This part of the project should be complete by end of June.
  - Paving contract—Jeff received a Change Order for the additional overlay work on Martin (from Main to Pine Streets) & also the additional work for Charles (in conjunction with the restoration work done by Columbia Gas). Total Change Order is \$33,789 which Jeff stated seems very fair. Mr. Klinedinst made a motion to approve the Change Order added to Contract #2 in the amount of \$33,789; Mrs. Frutiger seconded. All were in favor; motion carried.
- Rt. 74/Rt. 24 Project/Work at the square—two bids were received & opened last week with Shiloh Paving being the low bidder at \$274,130.50. The Borough had a preapproved grant from the State in the amount of \$150,000. Staff & Jeff had been talking to YAMPO (York Area Metropolitan Planning Organization) who controls the PennDOT money. They told the Borough to come back to them if the bids come in higher, which staff has done & YAMPO would like to see the Borough bid this project in 2022 as part of a bigger street work project & they will then provide additional money at that time. Mr. Klinedinst made a motion to reject the two bids on the square reconstruction work, as the Borough will hold off on this project till 2022; Mrs. Barley seconded. All were in favor; motion carried.

- Jeff reviewed the plan on the church property & stated it's a fairly straightforward subdivision which will come before Planning Commission this month.
  - Rexroth Industrial Park plan—coming before Planning Commission this month too. Jeff foresees, at some point, Mr. Rexroth asking the Borough to reconsider the requirement for bonding since this plan is dealing mostly with parking lots. Bonding is typically put in place for stormwater & public improvements.
8. **Planning, Zoning & Economic Development**—Part 1—rest of report later on agenda--
- Damon Hall was present to request conditional approval on the Rutter's #48 (S. Main/Winterstown) expansion. Just some minor changes were made per the Borough's Planning Commission requests. Additional fencing & curbing was added along Railroad Lane & another stormwater basin was added onsite. Jeff Shue had issued a letter (May 17<sup>th</sup>) which the Planning Commission based their conditional approval on, and some items are still being worked through, but there are no major concerns. Damon said the owner's signature & his own signature are on the plan, but the surveyor's is not yet, nor those of the Planning Commission members. There are 4 waivers & all other items (9 of them) are conditional from Jeff Shue's May 17<sup>th</sup> letter. Mrs. Barley made a motion to approve the 4 waivers, noted as Items 1-4 on Jeff Shue's May 17<sup>th</sup> letter; Mr. Minnich seconded. All were in favor; motion carried. Mrs. Barley made a motion to approve the plan subject to the conditions noted on Page 2 of Jeff's letter which are 5 outside regulatory issues & 2 matters related to the Stormwater Management Ordinance; Mrs. Frutiger seconded. All were in favor; motion carried.
9. **Parks & Recreation**—Mrs. Barley reported:
- Suds 'n' Song event—once all bills & income are received & reviewed a profit & loss report will be distributed to Council. Thanks to all the volunteers!! It was a great day. Mrs. Barley suggested this event have its own committee for future years.
  - Splash Pad is open with limited hours & seems to be going well.
  - July 3<sup>rd</sup>—Fireworks will be set off in the park, near Boundary Avenue.
  - July 4<sup>th</sup>—Stay at Home celebration & car show will begin @ 8am. Mrs. Slenker provided names of 2 other people willing to serve as judges for the car show.
  - Field hockey camp is ongoing.
  - Basketball hoops from Rec Department—Mrs. Price wants to purchase the 2 hoops for \$50/each. Mrs. Barley made a motion noting Council's agreement that Mrs. Price purchase the basketball hoops for \$50/each; Mr. Minnich seconded. All were in favor; motion carried.
  - Food Truck Fridays—June 18<sup>th</sup> from 4:30-7:00pm at the Municipal Parking Lot
  - Summer Camp is ongoing with 22 kids participating.
  - Borough Yard Sale is Friday & Saturday, June 18<sup>th</sup> & 19<sup>th</sup>.
  - There was some confusion this past Friday when someone rented the Rec building but hadn't picked up the key during the Borough Office's business hours. A call came in after hours & had gone to the Water Treatment Plant. All of the rules & requirements are listed on the rental contract.
10. **Municipal Services**—Mr. Minnich reported:
- To clarify, the Municipal Authority did not tell Mackie & Sandra Enfield to come to the Borough meeting, as was claimed. The Authority offered to waive the tapping fees to connect them to public water & sewer, but the Enfield's don't want to pay a monthly bill as a result of the connection. The Authority doesn't bill flat rate sewer, but considered installing a meter on the Enfield's well in order to bill them for metered sewer. The Enfield's property is all in York Township and there is no documentation stating the stormwater pipe that runs through their property is a municipal system. Jeff Shue said it

conveys flows from a right-of-way & it seems to him like it's a private system, owned by them. If the pipe were to be removed, water runoff would end up on their property, so the pipe benefits the Enfield's too.

Council advised Mr. Minnich to mail a certified letter to the Enfield's reiterating the Authority's offer and what was stated at both the Municipal Authority **and** tonight's Council meeting.

- Flushing the system was moved to the week of April 11<sup>th</sup>, 2022.
- He dispelled rumors that Red Lion Borough is selling the Municipal Authority. RLMA currently has a bulk sales agreement with Dallastown-Yoe Water Authority and DYWA has requested an increase in their water purchase.

Red Lion Borough cannot sell Red Lion Municipal Authority unless they pay all their debt & assume the Authority. Mr. Craley said the Authority, having a Water Treatment Plant & ongoing issues has ongoing debt. Also, a Municipal Authority can provide service outside Borough limits without PUC approval; a Borough cannot. PUC approval isn't cheap & it takes time to obtain.

- Keith Kahwajy tendered his resignation as Superintendent of Red Lion Municipal Authority, effective end of August, if necessary. Mr. Minnich said the Board isn't looking in-house for a replacement. More on this later.

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

- 125 Prospect Street—a citation has been filed with the District Justice's office for tall grass.
- Employee damaged Borough equipment last year—was the incident report filed with insurance? Mrs. Price confirmed it was.

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

- Discussion & planning of many ideas are taking place with Economic Development. The next meeting is scheduled for June 28<sup>th</sup> @ 6:00p.m.
- Planning Commission Meeting will be held June 21<sup>st</sup> @ 7:00p.m. Agenda items include:
  - Subdivision Plan review for 434 E. Lancaster Street.
  - Land Development Plan for 401 E. Broadway & 100 Redco Avenue
  - Variance application for 815 S. Main Street (VFW) to build a deck on the back of the property that will encroach on the rear setback.
  - Variance application for 430 W. Broadway to allow an automobile washing facility, machine shop & a reduction from parking requirements (because business will be by appointment only).
- Dan met with Bernard Anthony about demolition of 215 E. Lancaster Street. He quoted \$180,000 which doesn't include remediation of asbestos.
- Dan submitted a request to Labor & Industry for information of what they consider 438 E. Lancaster Street (Pleasant View Church).
- Of note, 730 S. Main Street (beside Rutter's) will be demolished shortly.
- Mark Holloway's Right-to-Know request stemmed from him lodging a complaint about trash blowing around town from neighboring properties. Mrs. Price asked John Persing to keep an eye out for this type of issue. John found 2 violations in Mr. Holloway's block but 14 violations in the next block. Mr. Holloway claimed Mrs. Price wasn't doing her job & following through with issuing citations; however, his RTK request was for violations at specific addresses & not for everyone on the street or for those who received citations. Mrs. Price did contact Penn Waste to see if Gay Street trash could be collected in the alley, rather than the street. Penn Waste will do that if the Borough wishes. Then Mr. Holloway lodged a complaint about a neighbor who built a deck without a permit, but he didn't state when the deck was built. Dan Shaw did go look at the deck, but it was built two years ago & past the time that a citation can be filed. Staff felt Mr.

Holloway was upset because he had been caught building a neighbor's porch without a permit.

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

- Transfer investment funds to Edward Jones account from PLGIT—the Edward Jones accounts offer an interest rate of 1.4% while PLGIT is getting .029%. The money would be invested in government funds, appropriated under the fiduciary investment act and if \$500,000 is invested, there are no fees charged. The money can be accessed anytime & this is money that Mrs. Price stated hasn't been touched in over 10 years. Because it's federal money/funds, it can only be invested in low-risk government bonds which are insured.

Mrs. Frutiger made a motion to transfer \$500,000 from PLGIT to the Edward Jones accounts; Mrs. Slenker seconded. All were in favor; motion carried.

Council will get monthly statements to see where the money is invested.

- Contract negotiations to start in July.
- Mrs. Price would like to add department heads and/or titles for different jobs, events, & programs which, she believes may be an incentive to younger employees. It gives them something to work towards, such as training for a certain certification. Some current job descriptions (Operator 1, Operator 2) for union & non-union employees are out of date, so these will be updated and/or created, then discussed.
- The \$10,000 that was transferred from the Borough to Recreation in May 2020—Mr. Klinedinst said, per Mrs. Price's report, only \$1,000 was spent so the rest should be returned to the Treasurer. Mrs. Price & Mrs. Frutiger said there were still activities held in 2020, such as Food Truck Fridays, fireworks & "to-go" bags handed out to children. There was some confusion on whether the money was a loan or a gift; it wasn't specified & Council had different thoughts on it.

Mrs. Price said there were losses in Recreation in 2020 due to COVID; there was no Suds event, no pavilion rentals, no basketball, etc. Mrs. Price will get a list of where the money was spent in 2021, as the previous report only showed 2020.

Mr. Minnich suggested the money just stay in Recreation because there are always events going on. Mrs. Barley said Recreation tries to cover a lot of their costs with fundraisers.

14. **Approval of bills**—Mrs. Barley made a motion to approve the bills; Mrs. Frutiger seconded. All were in favor; motion carried.

15. **Adjournment**—With no further business before Council, Mrs. Barley made a motion to adjourn the meeting @ 9:20p.m. Motion carried, meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary