

Red Lion Borough Council
Meeting Minutes
Monday, April 11th, 2022

Members present

Amy Lau
Cindy Barley
Tina Frutiger
Muriel Slenker
Chris Minnich
Dennis Klinedinst
Tony Musso

Visitors

Bob Frutiger
Jordan Ilyes
Scott Gingrich
Curt Kosko

John Krantz
Christian Miller
Pastor Dave Shultz

Others present

Dianne Price, Borough Manager
Dan Shaw, Codes/Zoning
Jeff Shue, Engineer
Mike Craley, Solicitor
Samantha Craley, Solicitor
Mayor Eugene Lau
Brett Patterson, Public Works
Stacy Myers, Recording Sec'y

John Brownlee
Mark Holloway
Katie Bulla

1. The meeting was called to order @ 7:00p.m. Pastor Dave Shultz from Winterstown UMC offered a prayer, followed by the pledge to the flag.
2. **Approval of Meeting Minutes**
 - Mrs. Frutiger made a motion to approve the March 7th, 2022 Work Session Minutes; Mrs. Barley seconded. All were in favor; motion carried.
 - Mrs. Frutiger made a motion to approve the March 14th, 2022 Council Meeting Minutes; Mrs. Barley seconded. Mr. Klinedinst stated that, Resolution 2022-11 referenced a local share grant for a Bobcat Compact Track Loader. The Resolution had the “Track Loader” verbiage, but he was interested in applying for a Bobcat Compact **Skid** Loader & wanted to make that clarification. With that clarification, a vote was taken on the minutes. All were in favor; motion carried. Of note, the Borough did not apply for the grant funds.
3. **Visitors & Public Comment**—Curt Kosko from Shentel Communications was requesting a franchise agreement between Shentel Communications & Red Lion Borough. Resolution 2022-12 was to allow Shentel to supply high-speed internet service (not cable television) to Borough residents.
Mrs. Barley made a motion to adopt Resolution 2022-12; Mr. Minnich seconded. All were in favor; motion carried.
Mr. Kosko stated the next step is to schedule a call with permitting & engineering. He will contact Mrs. Price within the next two weeks to do so.
4. **Mayor Lau’s Remarks & Recommendations**—Mayor Lau said things in the Borough seem to be going well. The streets look very nice, thanks to the street sweeping efforts!
5. **Public Safety**—Mrs. Slenker said the EMA Report & Fire Company Reports were distributed. In addition, Chief Gingrich reported:
 - He apologized for getting the reports out late, but 1st quarter of 2022, as well as the March monthly reports were sent.
 - Fire Police sent an email request for Council approval of a stenciled patch/decals for their uniforms. That will serve as their official badge rather than spending money on a physical badge. Mrs. Slenker made a motion to approve the patch for the Fire Police uniforms; Mr. Klinedinst seconded. All were in favor; motion carried.
 - Mr. Craley asked if Scott, as Fire Chief can now swear in new Fire Police members? Chief Gingrich said since Alliance has taken on their own insurance, they passed a Resolution for the home municipality of the Fire Company to allow the Fire Chief to swear in new Fire Police, where it used to be required by the Mayor or Chairman of the Board of Supervisors.

The home municipality of Alliance is Red Lion Borough & Felton Borough, but they had been having Representative Stan Saylor conduct the swearing in. Chief will forward a copy of the Resolution to Mrs. Price.

- Relief Audit findings—Chief said Alliance doesn't consider the findings a significant concern. The audit included past records from Leo Fire & Felton Fire Companies. Findings included:
 - The Treasurer, John McCarty is required to be bonded & is not.
 - Some expenditures were not accounted for.
 - No membership roster & no meeting minutes were available.

If these findings go uncorrected for two consecutive audits, it may lead to relief funds being withheld or funds being decreased to the Fire Company. Chief Gingrich stated all the above findings have been corrected with Alliance Fire and safeguards have been added to the by-laws, so the Treasurer's Bond doesn't get overlooked in the future.

Mrs. Price said her experience with volunteer fire companies is that auditors aren't always looking for findings, although Chief disagreed. She would like to see these findings not be an issue in future audits & suggested hiring a part-time person to do the meeting minutes, ensure the Bond is in place & keep records up to date. It wouldn't require a lot of time each month & the expense could be covered with the relief funds. Chief said he can make that suggestion.

- Chief will forward an updated tenant registration list to Mrs. Price.

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

- Ilyes' Developer's Agreement—has been fully executed by both parties, the Borough & Jordan Ilyes. In addition, Mrs. Price signed the Easement Agreement & had it notarized, but has not received a signed copy back from Jordan.

Christian Miller, Solicitor for Jordan Ilyes stated that the September 2021 Easement Agreement had been revised to include sewer upgrades that Jordan would be completing. The Sewer Easement is the same as before, but the Exhibit had been updated, although Mrs. Price hadn't received a copy of the update. The last plan was dated February 10th, 2022, which had different sewer drawings. Jordan said he wants to reference the new plan showing the stormwater issues being fixed.

- Discussion was held on the electric pole that has been installed on the Rail Trail. Council requested it be moved onto Jordan's property & Jordan met with Met-Ed about it. Met-Ed stated it cannot be within 25' of his buildings, so he's unsure where else it can be installed to get the brewery & coffee shop their necessary power. Jeff Shue said the pole is currently 33' from the edge of Jordan's building, but on the plan, it's showing 25' from the building, which would make it on the **edge** of the easement, not in it. The easement is already very narrow & can't be made narrower. The Agreement that Mrs. Price & Jordan just signed shows the pole 25' off the side of his building but it seems the easement agreement & his plan don't match, so Jordan's Engineer must find a way to correct that discrepancy. Jeff suggested meeting onsite to verify measurements & what's accurate per the plan. A visit will be scheduled for all parties to meet.

Christian Miller said changes to the plan or easement agreement will subsequently change the Developer's Agreement. Mr. Craley agreed, as long as the amendments/changes are approved by Mrs. Price and Jeff Shue, the Developer's Agreement states that the parties can agree to change exhibits & process. If Jordan doesn't like the proposals, he is to bring it to Borough Council, as stated in the Agreement.

- An Executive Session will be held at the end of the meeting to discuss the status of the Pearson litigation. No official action will be necessary, but Mr. Craley would like Council to authorize Mrs. Price to sign the verification of the facts & what will be used to reply to the request. Mrs. Barley made a motion authorizing the above action; Mrs. Frutiger seconded. All were in favor; motion carried.

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

- Road widening work at the square—bids were opened today with only one bid being received from JVI Group, Inc. Their bid was approx. \$75,000 over what the State has agreed to fund. Jeff said the State may consider funding the difference to allow this project to move forward. This may be confirmed by next month's meeting, so Jeff recommended Council take no action on JVI's bid.

Borough staff has some reservations about working with JVI Group again, as the past experience with them was for the Trail/Greenway. That project was estimated at \$600,000 & ended up costing \$1.3million due to change orders & overages. With the square widening being a project reimbursed by PennDOT, the State may or may not reimburse for contract Changes Orders. Jeff talked to a few other people who worked with JVI on bridge & paving jobs & had no problems, but Mrs. Price stated Spring Grove Borough also had problems working with them. Council has two options right now:

- Deny the bid until it's confirmed the State will reimburse the additional funds.
- Rebid the project to see if other, more favorable bids are received. If no other bids are received, the project could be pushed to 2023. The Borough has 3 years to hold the reimbursement from the State.

In reviewing JVI's bid, piping & inlet costs are what drove up the bid total. If JVI is awarded, the Borough would control the project and can choose Jeff Shue, Brett Patterson, or the State to inspect the work.

Mr. Craley said if the Borough doesn't want to work with JVI & they're not satisfied with their bid, Council can reject it and wait to rebid; however, Jeff said, if Council wants to rebid the job, he suggests they do so as soon as possible unless they choose to wait till 2023.

Mr. Klinedinst made a motion to reject JVI Group's bid of \$345,665 for the Rt. 74/Rt. 24 Widening Project; Mr. Minnich seconded. All were in favor; motion carried.

Mr. Klinedinst made a motion authorizing Jeff Shue to rebid the Rt. 74/Rt. 24 Widening Project; Mr. Minnich seconded. All were in favor; motion carried.

- Pre-construction meeting for the paving project is scheduled for Thursday, April 14th @ 8am with Kinsley. After that, those who wish can visit 252 N. Franklin Street to discuss the pole/Ilyes' plan.

8. **Parks & Recreation**—Mrs. Lau & Katie Bulla reported:

- Breakfast with the Easter Bunny & egg hunts this past Saturday went well, despite cold temperatures. It was a good turnout with lots of help from volunteers! Mrs. Lau said the crafts went really well. Katie said there were 6 children preregistered for the Special Needs hunt, but only two showed up.
- Reimbursement of \$25,000 in Marcellus Shale grant money was received for the adult exercise equipment in Fairmount Park.
- New Park & Recreation Director, Tess Croy starts next Monday, April 18th.

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

- Wednesday, April 13th—water shutoffs for delinquent bills
- Source Water Protection Plan meeting was held on April 6th. One takeaway was to form a Steering Committee between Dallastown, Red Lion & Windsor. Mr. Minnich also invited John Brownlee to the next SWPP Meeting, scheduled for Wednesday June 29th, @ 6:30pm at the Red Lion Municipal Offices.
- Flushing of the distribution system started today, April 11th. They will work with the Borough's street sweeping that is still ongoing.

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

- Work on Martin & Henrietta is complete.
- New Borough Office renovations—Dan Shaw is working on getting the architect drawings. All the CAD drawings have been received.

- Street sweeper was out of service for one week but is back up & running now.
 - Reimbursement of \$53,335 was received from DEP for the chipper. It was a 90% reimbursement with the Borough paying 10% of the total equipment cost.
11. **Planning, Zoning & Economic Development**—Mrs. Barley reported:
 - Banner program is ongoing—the plan is to have them installed by Memorial Day
 - April 26th—Economic Development meeting will be held
 - Garden Tour—has been postponed until Spring 2023
 - April 18th—Planning Commission meeting to be held @ 7pm to review a Use Variance application for 119 S. Franklin Street, in the Residential Town Zone. The current use is two apartments & an office and is considered a multi-use building which is an existing nonconformity. The owner wants to rent the office space to an embroidery business.
 - Zoning Hearing will be held on May 10th if all goes well with the Use Variance request mentioned above.
 12. **Administration**—Mrs. Frutiger had nothing to report. Mrs. Price found out the Council pay discrepancy was due to federal tax being withheld which is normally not done. This will be corrected, going forward.
 13. **Communication**—nothing further
 14. **Approval of bills**—Mrs. Barley made a motion to approve the bills; Mrs. Frutiger seconded. All were in favor; motion carried.
 15. **Adjournment**—Council will move to Executive Session after adjourning the meeting to discuss the Pearson litigation concerning the 441sq. ft. of vacant land between Summit Lane & the Rail Trail. An update will also be given on the ArthurLee situation regarding 33 W. Broadway. No formal action will be needed.
Mrs. Barley made a motion to adjourn the meeting @ 8:07pm. Motion carried, meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary