

Red Lion Borough Council
Meeting Minutes
September 14, 2009

Members

Christina Frutiger
Michael Gebhart
John Clemons
Dennis Klinedinst
Jeffrey Herrman
Kelly Henshaw

Others

Mayor Robert Frutiger
D. Michael Craley, Solicitor
Jeffrey Shue, Engineer
Officer Damon, YARPD
Stacy Myers

Guests

Joe Yahnke
Walt Hughes
Loren McCleary
David McCoy
Scott Kopp
William Bogdanowich
Lori Badders
Steve Kopp
Brad Smith

Sandra Graham
Ann Reichard
Dave Reichard
Thomas Shellenberger
Ryan Sanders
Andrew Tome
Dave Price
Scott Thompson

1. The meeting was called to order @ 7:00p.m. Councilman Henshaw offered a prayer, and all present followed with the Pledge of Allegiance.
2. Mr. Clemons made a motion to approve the minutes from the August 10, 2009 meeting. Mr. Henshaw seconded. All were in favor; motion carried.
3. **FIRE REPORT**—Joe Yahnke & John Clemons reported on the Gamewell system. Mr. Clemons stated that currently the alarm boxes on the poles in the Borough are not hooked up to the Fire station. Mr. Yahnke said that if someone were to pull the alarm box before 11:00p.m., the siren would blow & the ticker tock at the Fire Station would punch out a number to alert the Fire Company to the appropriate location. From 11:00pm-6:00am the siren is turned off, so if someone pulled the alarm, the siren would not blow. The ticker tock would still work, so if someone happens to be @ the Fire Station, they could send for help; however, none of the volunteers or 9-1-1 would know the alarm has been pulled. The new paging system does not work with the 2 alarm boxes that are left in town. Water Authority (who owns the building) has been notified about this.
The Fire Company has purchased a new engine tanker from Dover Township. Currently, the old Tanker 34 (the 2,000-gallon 2-seater tanker unit) is for sale. They did this because of the lack of manpower during the day for fire calls. This unit is a dual piece, which they feel would serve them and the area better.
The Fire Company is also searching for a new (or possibly a demo) unit for the current 1989 Engine Rescue unit. They are looking at different vendors for this piece of equipment, which is also a dual piece. Both of these new units will lower insurance costs for the Fire Company.
4. **POLICE REPORT**—Officer Damon did not have a report for August with him. Mrs. Frutiger asked if the grant money that the Borough was given can be used for the “Witch Watch” program. Officer Damon said he will look into this.
5. **VISITORS**—The following were present to address the Council:
 - A. **Crossing guards** had following requests:
 - Mr. Bogdanowich asked Council to supply them with a letter stating the crossing guards will not be held responsible for any accidents involving children and/or cars. There was recently an accident

at North Charles & West High Streets. Mr. Bogdanowich was standing on the corner at the time, not directing traffic, and there were no children coming at the time. One of the persons involved in the accident stated on her phone that “there is a crossing guard here” (possibly to act as a witness). They would like to have a letter to back them up in cases like this so they’re not held responsible.

- Crossing guards are requesting a \$1/hr raise
- Mr. Clemons reported he was unable to find a training course for Crossing Guards; however, they could go through Fire Police training. Mr. Bogdanowich said that although Gayle Sullivan told the guards they are not to direct traffic, when school lets out, there will be serious traffic jams if he does not move the school buses and other vehicles along. There is a safety issue also (which Councilman Gebhart attested to) because school children will often run into the street as the Crossing Guard is directing traffic. Mr. Clemons suggested Mr. Bogdanowich not direct the traffic, and when there are problems (traffic jams, etc.) maybe those people involved will report to Ms. Sullivan and the school district about it. Mr. Clemons will contact Ms. Sullivan to try and reach a solution to this ongoing problem, but in the meantime he advised the guards not to direct traffic.
- Rain gear and ID tags are still necessary for the Crossing Guards

B. **David Price** from Captain Bob’s Crabs was present to discuss the transient vendor permit, which was increased from \$75/year to \$75/month. His business, which has sat in Lion Bowling’s parking lot for over 10 years, is seasonal. His business is only open 6 months/year, and he was wondering if he could get an exception to the fee. Mr. Craley suggested Council table any decision on this until Dan Shaw (Zoning Officer) is present. Mr. Price will contact Dan before next Council meeting.

C. **Walt Hughes** was present to discuss the process of acquiring building permits in Red Lion. His barber shop, which he has occupied for three years, has been inspected and approved by both the Commonwealth of Pennsylvania and also Red Lion Borough. Recently, he decided to make half of the building his residence. He received approval by the Red Lion Planning Commission and also the Zoning Hearing Board. An architect drew up his plans, which were then submitted to Codes Administrators, who denied them in June due to the following reasons:

- 1) no handicapped parking shown on plans (which it is)
- 2) no measurements shown on plans for the handicapped ramp (which there are)
- 3) walls in restrooms are not 2-hour fire-rated (plans show all interior and exterior walls are 8” masonry block)
- 4) requires a cash register and counter to be installed in the barber shop (not a rule for barber shops in PA)
- 5) require plans to be re-submitted each time changes are done (very costly with architects and engineers’ costs)

Mr. Hughes had a choice to file an appeal with the County or file an appeal with Department of Labor & Industry in the Commonwealth of PA. He filed an appeal through his attorney with the Commonwealth, and won his appeal. He won on all above issues. Mr. Hughes filed a complaint and submitted a report to a State agency asking them to review the ethics of Codes Administrators. After 4 months, Mr. Hughes received his permit. He asked Council to reconsider when renewing the contract with this company. Councilman Clemons stated he also, had a problem with Codes Administrators when he was doing work at his wife’s hair salon in the Borough.

D. **Walt Hughes** also stated that he is being charged 2 commercial pick-ups each quarter for trash. Since changing the property from two businesses to one (and one residence), he asked Council to grant him an exception from paying both trash bills. Mr. Craley stated that Dan Shaw can verify the usage change of the building, and report back to Council.

E. Parking meter attendant, Mr. McCoy asked when Council will adopt the parking changes for street sweeping. This will be in re-codification of ordinances. He had two hearings for parking tickets that were denied. One said “not enough notice given”(signs have to be up two days’ prior to sweeping), and the other said “not notified”. Also, the fee on the tickets needs to be changed from \$10 to \$35.

6. **PETITIONS**—none

7. **ORDINANCES**—Mr. Clemons made a motion to approve the Enactment of Recodification Ordinance. Mr. Klinedinst seconded. All were in favor; motion carried.

8. **RESOLUTIONS**—Two before Council:

A. Resolution needed for the liquor license transfer to Vinmar (Golden Crust Pizza/Vincenzo's Restaurant). Needs to be stated as 53-59 East Broadway, not 53 and 59 East Broadway as originally worded. Mr. Klinedinst made a motion to adopt the Resolution with this change; Mr. Henshaw seconded. All were in favor; motion carried.

B. Resolution for application for CDBG funds through York County Planning Commission which were verbally committed for \$250,000 to be used for continuation of Street Scape projects (on South Main & East Broadway) Mr. Klinedinst made a motion to adopt the Resolution; Mr. Clemons seconded. All were in favor; motion carried.

9. **AGREEMENTS**—none

10. **BIDS**—none

11. **MAYOR FRUTIGER'S REMARKS AND RECOMMENDATIONS**—Mayor Frutiger reported there will be a public meeting in Fairmount Park on Thursday, 9/17/09 @ 7:00p.m. Discussion will be held on better uses for the park.

12. **ENGINEER'S REPORT**—Jeff Shue reported the following:

A. Has the review for Elmwood Estates land development plan—this will remain inactive until Jeff gets notification from Council regarding traffic issues. Jeff will talk to Dan Shaw about this.

B. Jeff has received paperwork from Stew Graybill which came from the state regarding a bituminous overlay project for Main Street from Springvale to Windsor Lane through the square. With this project, the state will be redoing their ADA (handicapped) ramps; they will not redo the ramps on the Borough-owned cross streets. The estimated cost to bring the 42 Borough cross streets into ADA-compliance is approximately \$360,000. The state said they could include the Borough's crosswalks in their plan, and the Borough can repay them, but Jeff Shue advised against that at this time.

C. Drawings for park restrooms now complete; given to Borough office

D. Pre-construction meeting for HVAC system in Community building was held; equipment delivery will be 10/5/09.

E. Yoe Borough contacted Jeff Shue to get Red Lion's consideration on these issues:

- Erosion & Sedimentation Control plan at the old incinerator site has begun; it's been delayed because of zoning issues at the site. Yoe is currently dredging their basins, and would like to get rid of the material. They will give it to Red Lion for the old incinerator site, but Jeff said an E & S Plan has to be approved and have a permitted receiving site in order for Red Lion to take the material.
- Yoe Borough is applying for a grant for stormwater renovation (H2O grant) in their Borough. They believe they will have more success in receiving grant money if it is a multi-municipality application.
- Mr. Clemons made a motion to authorize Jeff to move forward with the E & S Plan. Mr. Klinedinst seconded. All were in favor; motion carried.
- Mr. Klinedinst made a motion to authorize Mike Craley to review the Zoning Ordinance and draft amendments to permit Parks & Recreation in an Industrial Zone. Mr. Herrman seconded. All were in favor; motion carried.
- Mr. Klinedinst made a motion to table approval of Yoe Borough's request until next month. Mr. Herrman seconded. All were in favor; motion carried.

13. **SOLICITOR'S REPORT**—Mike Craley reported the following:

A. Received request for extension until January 11, 2010 to deal with outstanding issues on preliminary land development plans for Boxwood Elm, LLP. Mr. Herrman made a motion to grant the extension. Mr. Gebhart seconded. All were in favor; motion carried.

B. Received email regarding a change in the Principal & Assistant Principal's parking spaces at Red Lion High School. Designated parking spaces were installed for temporary use during

construction. Mr. Craley recommended simply taking the parking signs down, no money would be spent on amending the ordinance. Then the next time Council is dealing with parking, it can be included that this section was deleted. Mr. Herrman made a motion to remove the parking signs. Mr. Gebhart seconded. All were in favor; motion carried.

C. EY, Inc. lease with Yorktowne was reviewed. Mike suggested two minor changes:

- Where Red Lion was proposing to salt/cinder the lots on Redco Avenue, he suggested putting a provision that states in bad weather Borough streets & alleys come first.
- Payment (\$1/yr) were to be made within the first 30 days of the execution of the agreement and everything else within 30 days of the yearly anniversary date. Debe Sowers sent Mike an email stating that Stew Graybill said the agreement he did is what they're going to go with. Mr. Herrman made a motion to send the agreement with the two changes that Mr. Craley made. Mr. Clemons seconded. All were in favor; motion carried.

14. **PARKS AND RECREATION**—Dennis Klinedinst reported:

- Fall baseball, flag football, girls' field hockey available
- November 14th, 2009—bus trip to New York City; \$50/person; call Yvonne @ 244-6896 for more information; leave Queensgate @ 6:30a.m.; return 11:00p.m.
- Richard Orwig from 213 South Franklin Street rented the Community building for a family reunion, which he does each year. He reserved it on September 8, 2008 for August 2, 2009, and canceled due to the lack of air-conditioning. He is requesting his \$50 deposit be returned to him. Mr. Klinedinst made a motion to return the \$50 to Mr. Orwig. Mr. Henshaw seconded. All were in favor; motion carried.
- Halloween program is being planned by Parks & Rec, along with Red Lion Mile Committee. Possibly held @ Recreation building & end up @ Vulcan Road; more details to come. Dennis will attend next RLM Committee meeting.

15. **PUBLIC SAFETY**—John Clemons reported:

- Ambulance report distributed
- Received request for street light @ Park Lane & Boundary; Dan Shaw will talk to Brett about this
- ECRIN—Evacuating County Residents in Need program—Scott Kopp said he is not authorized to monitor the program; needs Council's authorization. This is a \$0 cost to Borough. Mr. Clemons made a motion to authorize Scott Kopp to run this program. Mr. Herrman seconded. All were in favor; motion carried. Scott will have authorization form next month.
- Cleaning in EMA Department—Scott Kopp reported there are light bulbs that need replaced; major sweeping needs to be done; Borough cleaning lady was told not to clean upstairs in that department. Scott has been trying to get a key from Keith Kahwajy so that he has access to cleaning supplies/vacuum. Jeff Herrman said he will talk to Authority Chairman Eric Immel about this. The County and Governor of PA gives individuals authority for EMA Services, but Council authorizes our EMA department to do their required duties. Current EMA Director, Clair Paules would need to be replaced in order for Scott Kopp to be recommended to fill that vacancy. Council will talk to Clair Paules, and then a Public Safety Committee meeting will be held between Mr. Paules, Mr. Clemons, Mr. Kopp, Mr. Herrman & Mr. Gebhart on 9/28/09 @ 7:30p.m.

16. **MUNICIPAL SERVICES**—Two apartments above Mr. Craley's business; one tenant has moved out & apartment will not be re-rented; it will be used for storage. Mr. Craley asked for exoneration from paying trash service for the vacant apartment. Dan Shaw will review.

17. **PUBLIC WORKS**—Kelly Henshaw reported:

- Request for handicapped parking space at 229 Wise Avenue—Dan Shaw said it meets all requirements. Mr. Gebhart made a motion to approve the space. Mr. Klinedinst seconded. All were in favor; motion carried.
- ADA ramps (42 total) in Borough—PennDot offered to include these in their update plan for approximate \$360,000. Jeff Shue said while Borough may be able to contract out & get the job done cheaper, being in the state's right-of-way, the Borough would have to permit it. Jeff

suggested passing on PennDot's offer right now. If Borough makes sure to bring the ramps into ADA-compliance in future projects when making updates to streets, we're fine. Mr. Henshaw made a motion for Dan Shaw to contact PennDot and politely decline their offer to replace our 42 ramps. Mr. Clemons seconded. All were in favor; motion carried.

- Paving projects—estimates to be gathered from outside sources to save costs; 10/15/09 is end of paving season

18. **PLANNING, ZONING AND REDEVELOPMENT**—Kelly Henshaw reported:

- Two letters of interest were received to serve Redevelopment Commission; one from Carrie Ziegler to fill Walt Hughes' vacancy, ending on 12/31/2012, and one from Andrew Tome to fill John Clemons' vacancy, ending on 12/31/2011
- Mr. Herrman begrudgingly made a motion to accept Mr. Walt Hughes' resignation from Redevelopment Commission and Red Lion Mile Committee. Mr. Clemons seconded. All were in favor; motion carried.
- Mr. Henshaw made a motion to accept the letters of interest from Mrs. Ziegler and Mr. Tome to fill the vacancies on Redevelopment. Mr. Klinedinst seconded. All were in favor; motion carried.
- Red Lion Mile update—John Clemons reported :
 - a. \$9,772 in checking; \$10,057 in Money Market account.
 - b. Offered thanks to Walt Hughes for all his time & help on Redevelopment and Red Lion Mile Committees.
 - c. Wanted to send flowers from RLM Committee monies to Heather Goebeler & family in the passing of her infant son
 - d. New officer update--John Clemons will be President; Chelsea Parkent will be Secretary, and Dee Kabacinski will be Treasurer
 - e. 501(3)c—will contact Brian McCabe to help Committee gain this status
 - f. Ideas for bricks are being gathered
- No Planning Commission meeting will be held on 9/21/09

19. **ADMINISTRATION**—Jeff Herrman reported:

- H1N1 swine flu vaccine is not currently covered by Borough's health insurance plan. It would cost an additional fee for employee's to get the vaccine. Mr. Herrman made a motion to include the H1N1 vaccine with the regular flu vaccine for employees. Mr. Henshaw seconded. All were in favor; motion carried.
- Minimum Municipal Obligation (MMO)—retired police pension plan will cost \$0 at this time. Three retired officers are currently on the pension plan. Mr. Herrman made a motion to accept this plan. Mr. Klinedinst seconded. All were in favor; motion carried.

20. **Manager's Comments**—Mr. Klinedinst inquired about getting a dumpster @ Recreation building. Stew told Dennis that Ed Ward from Penn Waste was to deliver a dumpster there, but it hasn't been yet. Dennis will contact Brett Patterson.

21. Council recessed @ 8:50p.m. for an Executive Session to discuss personnel matters. Council reconvened @ 9:21p.m. Mr. Henshaw read and made a motion to accept the Resolution terminating Stewart G. Graybill as Borough Manager and all other offices held under Red Lion Borough Council, effective immediately. The Resolution stated it is hereby resolved by Council of the Borough of Red Lion, York County, Pennsylvania as follows:

Employment of Stewart G. Graybill as Manager of Red Lion Borough is terminated, effective immediately. His employment in any and all other positions held in and on behalf of Red Lion Borough is also terminated. In accordance with Section 32-2 of the Code of Ordinances of the Red Lion Borough, all compensation due him up to, and including 60 days, after the effective date of termination together with compensation for earned, but unused vacation and personal leave shall be tendered immediately.

Mr. Klinedinst seconded the motion. A vote was taken. Motion passed with 5-ayes, 1-nay (Mr. Gebhart).

22. Mr Gebhart made a motion to approve the bills and statements. Mr. Klinedinst seconded. All were in favor; motion carried.

23. Mr. Henshaw made a motion to recess the meeting until Monday, September 21, 2009 @ 7:30p.m. to discuss the advertisement and options to find a replacement for Borough Manager. Mr. Klinedinst seconded. All were in favor; motion carried.

Respectfully submitted by:

Stacy Myers
Recording Secretary