

Red Lion Borough Council Meeting Minutes
Monday, December 11th, 2023

Council present

Cindy Barley
Tina Frutiger
Chris Minnich
Dennis Klinedinst
Tony Musso

Others present

Dan Shaw, Borough Manager
Michelle Poole, Asst. Manager
Jeff Shue, Engineer
Samantha Craley, Solicitor
Mike Craley, Solicitor
Brett Patterson, Public Works
Stacy Myers, Recording Sec'y

Visitors

Chief Scott Gingrich
John Krantz
Evan Hiester
Rachael Dell

Bob Frutiger
Byron Trout
PSP Trooper Wright
Carlene Marks

Mark Holloway
Troy Leiphart
Tammy Grimm
Cheri Fulcher

1. The meeting was called to order @ 7:02p.m. Mark Holloway offered a prayer, followed by the pledge to the flag.
2. **Approval of Meeting Minutes**
 - Mrs. Frutiger made a motion to approve the November 6th, 2023 Work Session Minutes; Mr. Minnich seconded. All were in favor; motion carried.
 - Mrs. Frutiger made a motion to approve the November 13th, 2023 Meeting Minutes; Mr. Minnich seconded. All were in favor; motion carried.
3. **Visitors/Public Comment**
 - **PSP Trooper Wright** gave Council an incident report covering January 1st thru December 10th, 2023, which included 399 traffic citations, 517 warnings, 86 crashes, 31 DUI's, 369 criminal investigations, 727 calls for service. During that time, there have been less than 10 drug overdoses, although Trooper Wright was unsure of the exact number.
 - **Tammy Grimm, 303 First Avenue** submitted a request for a temporary handicap parking space for her husband who will be wheelchair bound for 6 months due to a fall. They may not need it for the entire 6 months, but she will keep Borough staff posted.
Mr. Klinedinst made a motion to install the temporary handicap space at 303 First Avenue; Mrs. Barley seconded. All were in favor; motion carried.
 - **Cheri Fulcher, 605 S. Pine Street** was present to discuss the sidewalk repairs that residents were billed for. When the sidewalk & road were marked, she called the Borough Office to ask what work was being done. Although she requested, she wasn't put into contact with the Borough Manager & didn't make a note of who she spoke to. Whoever she spoke to told her she was the Assistant Borough Manager although Council said there was no Asst. Borough Manager at that time. The lady also told her the work would be done at no cost to the property owners, that it was being covered by grant money, which Council said was not true. She & her husband have lived there for 11 years, and she said there was nothing wrong with their sidewalk, and she showed before & after pictures. They had 1 block of sidewalk replaced during the repair and then were billed \$300. The money isn't the issue; she said the issue is now stormwater running across the sidewalk when it did not before. They have 2 drains on their property, one for their downspout, the other for their sump pump. The side where the block of sidewalk was replaced has no gully & it's raised above the curb, so the water runs across the sidewalk & she's concerned about someone falling should that freeze. Cheri also questioned why residents weren't notified, as the Ordinance requires? Mr. Musso explained & apologized for the error and miscommunication. He has not seen pictures of Mrs. Fulcher's property but will review all the before/after pictures that Brett Patterson took. He agrees that the property should be put back the way it was.

Mrs. Fulcher also stated the contractor said ADA ramps were to be installed, but she said some of the curbs at Chestnut & Pine are too high for ADA ramps. Jeff Shue said those curbs would need to be torn out, then ADA ramps installed, which will take place in 2024.

- **Carlene Marks, 641 S. Pine Street** was told last week that someone from Council or Borough staff would call with an explanation as to why the sidewalk repairs were done where they were. They received no call or update. Mr. Musso visited her property, as well as 603 & 607 S. Pine (who attended Work Session) to look at the sidewalk repairs. She asked if there's an experienced concrete contractor who can give documentation of the work that was done & why? Jeff Shue said the repairs were documented based on the Borough's Ordinance and he and Borough staff determined which sidewalks were out of compliance with that Ordinance. Whether the sidewalks were cracked, presented tripping/falling hazards, etc. was all reviewed. Ms. Marks would like verification in writing that the repairs had to be done. All before & after pictures will be reviewed again.

4. **Mayor Lau Remarks & Recommendations**—Mayor Lau wasn't present tonight; no report.
5. **Public Safety**—Mrs. Slenker wasn't present tonight, but reports were distributed. Chief Gingrich reported for the Fire Company:
 - 98 calls for service in November, 27 in the Borough.
 - Saturday, Dec. 16th—Santa Run in the Borough, beginning @ 10:30am.
 - He reported on an issue with the County 911 CAD system—York County seems to be the only County required to abide by some FBI rule. He asked for Council support by attending a County meeting, if possible.
 - RLABA is in charge of New Year's Eve celebrations, but Fire Police need confirmation that it's taking place.
6. **Planning, Zoning & Economic Development**—At this time, Council addressed Troy Leiphart's waiver & LDP for 601 W. Maple Street. The Planning Commission recommended approval of the waiver of a preliminary LDP to move directly to a final LDP, as a preliminary is not necessary in this case. The Planning Commission also recommended conditional approval on the plan subject to administrative conditions being met, the largest being final approval from York County Conservation District for their Erosion & Sedimentation Control Plan. Byron Trout said verbal confirmation has been received, but they're waiting for final approval. He said the E & S Control Plan must also go through PADEP, so that takes time as well. Troy is proposing an outdoor storage area & a small addition to an existing garage. The property will be fenced & gated, just like his other mini storage uses. Mrs. Barley made a motion to approve the waiver & to give conditional approval based on C.S. Davidson's letter dated November 6, 2023 & as set forth in Jeff Shue's report. Mr. Minnich seconded. All were in favor; motion carried.
7. **Solicitor's Report**—Mr. Craley reported:
 - **Ordinance 2023-12-3**—to increase Borough Council members' compensation from \$1,100/year to \$1,800/year. The Ordinance has been advertised & is ready for action. Mrs. Barley made a motion to approve Ordinance 2023-12-3; Mrs. Frutiger seconded. All were in favor; motion carried.
 - **Parking violation update**—after Atty. Craley cleared up some confusion on what fees can be charged, & Michelle's questions have now been answered, Council asked Atty. Craley to prepare a draft of the updates for January's Work Session.
8. **Engineer's Report**—Jeff Shue had nothing else to add from last week's Work Session, other than a meeting has been scheduled for 12/19 @ 8am to discuss the 2024 Street Project list. Work on the bids for those streets will commence after that.
9. **Parks & Recreation**—Mrs. Lau nor Meredith Yakelis was present tonight. Mr. Minnich reported:
 - Breakfast with Santa—83 adults attended, 37 kids (ages 6-12), 37 kids (under 6yrs). Attendance was lower than normal, but everything went well.

- Santa's Shanty is going well. Mayor Lau is doing a great job as Santa!
- Tree Lighting went well after a cut cord was discovered.
- Basketball—there are 7 teams this year. Practices are taking place at Winterstown & games are played at LJM.
- Cheerleading is going well with practice on Tuesdays & Thursdays. Games on Saturday at intermural games.
- February 10th, 2024—Valentine's Dance is scheduled. Time & details TBA later.
- Rental & deposit fees for the Community Building will increase from \$200 to \$300 (rental fee) & \$80 to \$100 (deposit). Dan will add these to the 2024 Fee Schedule.

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

- RLMA staff have notified all their bulk water customers about the rate increase.
- The \$5/customer fee assessed on each water bill will run for 3 years. RLMA Board & John Krantz are adamant that the fee will drop off after 3 years.
- December 13th—shut offs for delinquent bills.
- Next RLMA meeting—December 27th @ 7pm.
- Next Source Water Protection Meeting—December 27th @ 6:30pm.
- Entech will be the appointed engineer for 2024.

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

- Approval is needed for C.M. High, Inc. to be contractor for traffic and school flasher signals in the Borough. Mr. Klinedinst made a motion to approve C.M. High, Inc. for this work; Mrs. Frutiger seconded. All were in favor; motion carried.
- Mr. Klinedinst requested use of the Borough's bucket truck to replace one of the Authority's nightlights. John Krantz said RLMA staff will televise the Borough's storm sewer pipe (as requested) first.
- Michelle will follow up on Scott Kline's property (N. Charles St.) where a stone parking lot was added without a permit.

12. **Planning, Zoning & Economic Development cont'd**—Mrs. Barley reported:

- Reapproval is needed on the LDP for 267 Cherry Street mini storage, as their time has expired. Mrs. Barley made a motion to reapprove the LDP; Mr. Minnich seconded. All were in favor; motion carried.
- Approval of the Stormwater Operation & Maintenance Agreement for 214-250 N. Franklin Street (Jordan Ilyes). This has been reviewed by Atty. Craley, Dan Shaw & Jeff Shue. Mrs. Barley made a motion to approve the Agreement; Mr. Minnich seconded. All were in favor; motion carried.
- Ian Montgomery has submitted his resignation from the Planning Commission & Economic Development. Mrs. Barley made a motion to accept his resignation; Mr. Klinedinst seconded. Motion carried 4-1, with Mr. Musso opposing.

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

- Approval of the 2024 General Budget—Mrs. Barley made a motion to approve the 2024 Budget as presented; Mr. Minnich seconded. All were in favor; motion carried.
- Resolution 2023-13—to set the millage rate at 4.0 for general purposes and .3 mills for fire protection. Of note, there will be no tax increase in 2024. Mrs. Barley made a motion to adopt Resolution 2023-13; Mr. Minnich seconded. All were in favor; motion carried.
Reminder—even though there is no tax increase, this Resolution (as well as Ordinance 2023-12-3) will be reviewed by the Mayor.
- Payment requests for construction at the new Borough Offices:
 - East Coast Contracting, Inc. in the amount of \$80,651.83.
 - Frey Lutz in the amount of \$34,816.43
 - Shannon Smith, Inc. in the amount of \$1,761.62

- Mrs. Frutiger made a motion to approve all 3 payment requests; Mrs. Barley seconded. All were in favor; motion carried.
 - Estimate from Senior Transports (Mike Kirkland) to move office furniture & equipment to new Borough Offices—Mrs. Frutiger made a motion to approve the estimate of \$1,000-\$1,200. Mr. Klinedinst seconded. All were in favor; motion carried.
 - January 2nd, 2024—Council Reorganization Meeting @ 7pm.
 - Resolution 2023-14—to approve amending the articles of incorporation of the Municipal Authority to increase the term of existence to end on November 1st, 2073. ****This has been completely pulled from the agenda for Council action.**
 - As this is Mrs. Frutiger's last Council meeting, everyone thanked her for all her years of service to the Borough & its residents!
14. **Communication**—nothing further
 15. **Approval of bills**—Mrs. Barley made a motion to approve the bills; Mr. Minnich seconded. All were in favor; motion carried.
 16. **Executive Session**—Council recessed to Executive Session @ 8:14p.m. to discuss Arthurlee, LLC litigation & a housing issue at 314 Boundary Ave. Council reconvened @ 8:41p.m. Mrs. Barley made a motion to accept the proposed plan for a wall on the Municipal Lot as presented, with the exception of the proposal for the water going into the sanitary sewer. Mr. Musso seconded. All were in favor; motion carried.
 17. **Adjournment**—With no further business before Council, the meeting adjourned @ 8:43p.m.

Respectfully submitted by:

Stacy Myers, Recording Secretary