

**BOROUGH OF RED HILL
COUNCIL MINUTES**
Wednesday, December 10, 2008
7:30 pm

President, Thomas Paul, called CALL TO ORDER a meeting of the Red Hill Borough Council to order on the above date at 7:32p.m.

MEMBERS PRESENT: Doris Decker, Faith Diascro, Paul Snyder, Charles McCleary, John Smith

OTHERS PRESENT: Secretary, Darlene Stoudt, Solicitor, Mark Hosterman, LTL Engineer, Norm Ulrich, Barry Isett Engineer, Ryan Kern

VISITORS: Bernadette A. Kearney, Hamburg, Rubin, Mullin, Maxwell & Lupin, Attorneys at Law

ACTION ON MINUTES: A motion to approve the Minutes of December 3, 2008 was made by Doris Decker and seconded by Charles McCleary. Motion carried unanimously.

CITIZENS PARTICIPATION: -

Preston Court Residents:

Liz DeJesus – 100 Asbury Drive

Mr. and Mrs. Troy Long – 821 Carrington Drive

The following issues were addressed by the residents:

- **Preston Court punch list request.**

Tom Paul stated LTL is monitoring this development and Norm Ulrich will email a copy of the punch list to Troy Long.

- **Water in the Swale -**

Norm Ulrich stated that there will be intermittent pockets of water in the swale due to ½% slope of the land, therefore creating water in the swale for a longer period of time.

- **11th Street Intersection – Avondale and Vanguard Drives – Safety Hazard for cars to pull out on 11th due to the truck that is parked on 11th street blocking the view. Residents of Preston Court are requesting No Parking signs on the east side of 11th Street.**

Tom Paul instructed Conrad Bender to investigate this issue, and report the information to Mark Hosterman for the drafting of a No Parking and Tow Away Zone Ordinance for 11th Street.

Kershner Tract: Bernadette Kearny

THE APPLICATION OF INVESTOR'S LAND ACQUISITION ONE, LLC, FOR CONDITIONAL USE APPROVAL TO AMEND THE CONDITIONAL USE PREVIOUSLY GRANTED TO CONSTRUCT A TOWN HOUSE COMMUNITY ON A 13.4 ACRE PARCEL GENERALLY KNOW AS THE KERSHNER TRACT TO INCLUDE REDESIGNED VILLAGE HOUSING COMMUNITY ON THE KERSHNER TRACT AND TO EXTEND THE COMMUNITY ONTO A 6.2 ACRE PARCEL GENERALLY KNOWN AS THE WEAVER TRACT.

Bernadette Kearny addressed council and Mark Hosterman on the findings of fact:

Ms. Kearny addressed:

Item (4) – In addition to the fee in lieu of open space, an Emergency Services and Recreation Impact Fee in the amount of \$3500.00 per unit shall be paid at the time of building permit application for each unit in accordance with Resolution 2005-08 adopted by borough Council on May 11, 2005. *The developer is asking for credit for work done on a Tot Lot, and the Perkiomen walking trail. No credit will be given if the options are not open to the public.*

Item (7) – The use of the Property contained within the Borough of Red Hill shall be limited to only those uses permitted in the Village Overlay District. *The property would remain LI in Upper Hanover, and if the development does not move forward with the property, the property would remain LI.*

Item (8) Future use of the adjoining property in Upper Hanover Township shall be resolved to the mutual satisfaction of borough Council and Developer such that if the property is rezoned to residential proposed by Upper Hanover Township, then no additional setbacks or buffers shall be required. In the alternative, in the event the portion of the property in Upper Hanover Township remains LI-Limited Industrial, then an additional 75 foot buffer easement shall be placed upon those portions of the property in order to prohibit buildings, parking, paved surfaces and outside storage or activities within the 75 foot buffer area of the townhouse units in Red Hill Borough. *75 foot buffer.*

(9) Any future traffic from the portion of the property located in Upper Hanover Township may be permitted through the townhouse community only upon specific authorization of Borough Council. Such traffic shall be of residential usage only and shall be limited to those roadways which are designed for pass-through traffic by Borough Council. *Red Hill and Upper Hanover have no traffic impact fees.*

(12) The townhouse community shall be designed to permit each townhouse to have a patio or deck of not less than 10 feet in depth and total of 150 square feet. Borough Council, as its option, may permit decks and patios in the required yard setbacks if deemed advisable by Borough Council in its sole discretion. *Council will decide with a text amendment on the installation of a deck or patio in the required set-back.*

RHFC/FIRE MARSHALL: - John Lehr, Fire Marshall

Larry Morton stated to council that 17 fire calls were reported for the month of November.

Doris Decker made a motion to accept the Santa Trip Event of 12/21 and Paul Snyder seconded the motion. Motion passed unanimously.

UPPER MONTGOMERY JOINT AUTHORITY: - Larry Morton

Larry Morton stated work continues on preparation of the Sewer Lateral Inspection Regulations. UMJA is discussing their line items for their 2009 – 2010 budget.

**RHPC/UPRPC: David Schiffgens
UPRPC –**

BUDGET & PERSONNEL: - Charles McCleary

Charles McCleary made a motion to adopt the Red Hill Borough 2009 Budget with an income of \$668, 191.00 and expenses of \$668, 191.00 and Faith Diascro seconded the motion. Motion passed unanimously.

CODE REVIEW: - Doris Decker

GENERAL SERVICES: - John Smith

Charles McCleary addressed the council on the purchasing a backhoe for the borough. Charles McCleary stated to repair the 22-year old back hoe would cost the borough \$14,119.00. Conrad Bender received a State contract proposal, which was presented to council from Plasterer Equipment, which sells John Deere Equipment.

Charles McCleary stated a 2009 John Deere back hoe would cost the borough \$83, 000.00 with interest for 60 months yielding a net total \$94,000.00.

Charles McCleary addressed other items of interest:

- Trade-in value for the old back hoe would be \$6500.00.
- 1st payment is due in January 2010
- Additional attachments can be purchased for future borough projects.

Charles McCleary made a motion to contact Plasterer Equipment to proceed with the purchase of the 2009 John Deere Backhoe for an annual cost of \$19361.00 for 2010 and John Smith second the motion. Motion passed unanimously.

PARKS & RECREATION: Ryan Enoch**SANITATION AND RECYCLING: Faith Diascro****OPEN SPACE: - Doris Decker****MAYOR: David Schiffgens****ENGINEER: LTL – Norman Ulrich**

The following projects are currently under review or have received conditional or final approval:

- Paone Townhouse Development – LTL has prepared the construction escrow information to be attached to the developers' agreement after it is prepared. Borough Council instructed the Borough Solicitor to prepare the developers agreement for review and approval at an upcoming Borough Council meeting. After the developers' agreement has been approved and signed by all interested parties, the plans can be recorded and construction may begin. LTL will keep the Borough informed of the projects progress as it moves forward.
- B&W Constructors and Equipment, Inc. – LTL was informed by Borough personnel that this property was sold and is now being developed as a part of the “neighboring Kershner/Tract”/ upon verification, this project can be removed from the Engineer's report.
- Lehigh Gas Corporation Land Development – LTL anticipates the applicant will continue discussions with the Borough to obtain project direction prior to proceeding with the planning process.
- Saini Minor Subdivision Plan –Construction activities for the month include: E&S installation, home construction, site grading, concrete work, etc. LTL will continue to keep the Borough informed of any developments as they occur.

The following projects have received final approval from the borough and are in various stages of construction:

- Preston Court – Major construction activities for the month include the completion of punch list items. LTL recently observed construction activities on site indicating that the swale and walking trail work are nearing completion.
- G&M Enterprises, Inc. –The contractor is requested escrow release #4 for the project. LTL personnel have reviewed the request and issued a letter with recommendations, dated 12/10/08. This project is now complete and can be removed from this report after the Borough has approved the final escrow request.

Following Special Projects have been worked upon by LTL as authorized by Borough Council:

- MS4 NPDES –LTL will update the Borough on the progress of the program.

SOLICITOR: Mark Hosterman

Mark Hosterman addressed council on the following issue:

Intersection Improvements Agreement – 11th & Main Street –

The contribution amounts from the following boroughs are as follows:

- Red Hill – 40,000.00 – will go to 45,000.00
- Pennsburg, - 45,000.00
- Upper Hanover - \$45,000.00 firm – one time contribution, regardless of cost.

After much discussion by council and Mark Hosterman on the contribution amounts and the cost of the project that is estimated at \$138,500.00, the council directed Mark Hosterman to work on the language on this project and forward a letter to Chuck Garner.

**Ordinance – 2008 - 465
West Eight Street Tow Away Zone**

Doris Decker made a motion to adopt Ordinance 2008-465 and Paul Snyder seconded the motion. Motion passed unanimously.

**Ordinance – 2008- 466
Increasing the real estate tax from 1.7 mills on each dollar of assed real estate within the Borough of Red Hill to 1.9 mills commencing January 1, 2009**

Charles McCleary made a motion to adopt Ordinance 2008-466 and Faith Diascro seconded the motion. Motion passed unanimously.

SECRETARY/TREASURER: –

A motion was made by Faith Diascro to approve the List of Bills for payment, seconded by Charles McCleary. Motion carried unanimously.

A motion was made by Paul Snyder to accept the Treasurer's Report for November 2008 as presented. Charles McCleary seconded the motion. Motion carried unanimously.

PRESIDENT: Thomas Paul

Old Business:

Tom Paul reported on the following:

End of the year meeting:

Tom Paul stated that Wednesday, December 31st, 8:30 am in the RHB Chambers is the last scheduled meeting for 2008 for the payment of the bills. Tom advised Darlene to advertise the notice in the Town and Country.

KershnerWeaver Tract –

Doris Decker made a motion to grant an extension of time until January 16, 2009 for the Council and the Mayor to render a decision on the Conditional use of extending the town house development into Upper Hanover Township and Jack Barbary's request for credit of \$3500 for improvements performed for a tot lot and Charles McCleary seconded the motion. Motion passed unanimously.

Adjournment: - On a motion of Paul Snyder, second by Faith Diascro and a unanimous vote, the meeting was adjourned at 9:02pm.

Respectfully submitted,

Darlene Stoudt