

BOROUGH OF RED HILL

COUNCIL MINUTES

Wednesday, May 13, 2009

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, Mark Rober

OTHERS PRESENT: Secretary, Darlene Stoudt, Solicitor, Mark Hosterman, Engineer, Ryan Kern,

VISITORS:

ACTION ON MINUTES: A motion to approve the Minutes of April 1, 2009 was made by John Smith and seconded by Doris Decker. Motion carried unanimously.

CITIZENS PARTICIPATION: -

Preston Court –

Troy Long, 821 Carrington Drive addressed the following issues:

- 11th Street No Parking and Tow Away Zone -
Tom Paul stated the ordinance is on the agenda for tonight's adoption.
- THP Bankruptcy issue
Mark Hosterman stated that the borough has a Bond for Preston Court, and the Bond is not subject to bankruptcy. Mark Hosterman stated there are no actions against THP. The bond isolates THP. If the bond company does not release the bond, Mark Hosterman will petition the court to lift the stay.

Tom Diascro, 920 Vanguard Drive asked the difference between a bond and an escrow account. Mark Hosterman stated that boroughs prefer escrow accounts for the availability of the money; however, developers prefer to post bonds.

Liz Dejesus, 100 Asbury Drive asked questions on the swale and other pertinent topics:

Ms. Dejesus stated that children play in the swale, which is filled with water, and is a safety issue due to the debris that is lying at the base. Tom Paul stated that the Red Hill Fire company can drain the water out of the swale; Tom Paul stated that the borough plans to have a contractor who will be employed by the bond company to add yard drainage.

Troy Long, 821 Carrington Drive addressed council on the safety issues of the swale and also the also the safety of the public pedestrian trail that runs behind the development, and the condition of the swale that parallels the trail.

Troy **Long** asked about the proposed sign to instruct visitors and provide important disclaimers still needs to be constructed and placed at the trail opening. Tom Paul suggested that the residents should create a temporary sign and seek reimbursement from THP.

Mark Hosterman stated that the swale was constructed according to the plans and the borough is not responsible for the debris in the swale.

Mark Hosterman summarized the situation that a bond is in place that requires a lifting of the bankruptcy stay before the borough can pursue the bond.

REVITALIZATION -

Joe Hoffman, Barry Isett and Associates, Manager, Grantmanship

Mr. Hoffman addressed council on his experience with municipal and school related grants; these services are performed for the borough with no fees. Mr. Hoffman asked the borough and the revitalization committee for an appointment to conduct a borough field trip to set the program in motion in order to secure funds from the state and federal agencies.

RHFC/FIRE MARSHALL: - John Lehr, Fire Marshall

Events for RHFC:

Doris Decker made a motion to accept any events for the RHFC until June 10, and John Smith seconded the motion. Motion passed unanimously.

UPPER MONTGOMERY JOINT AUTHORITY: - Larry Morton

Larry Morton addressed council on the following topic:

- Private Sewer Lateral resolution was adopted on 5/5/09.

Larry Morton stated this resolution will govern an issue when a problem occurs on the resident's property that needs to be corrected.

Mark Hosterman stated to council that an ordinance needs to be adopted for all municipalities to back the resolution giving power to UMJA; user friendly, making the residents aware of their property as part of the program.

Larry Morton stated the documentation will be send to DEP for infiltration in correcting the problem and making an effort to fix the lateral.

RHPC/UPRPC: David Schiffgens

UPRPC –No report

RHPC – No meeting scheduled for the month of May.

BUDGET & PERSONNEL: - Charles McCleary

YTD income is \$438,137.70 and expenses are \$245,769.21 with a net income \$192,638.49.

CODE REVIEW: - Doris Decker**GENERAL SERVICES: - John Smith**

Spring Street Sweeping –

John Smith stated that street sweeping is scheduled for June 1st and June 2nd.

John Smith made a motion to hire Reilly's to clean the streets and Charles McCleary seconded the motion. Motion passed unanimously.

PARKS & RECREATION: Paul Snyder

Paul Snyder addressed the following topics:

- Todd's Tree Service is scheduled to trim the trees in the park.

Paul Snyder thanked Michele D'Ippolito and the Girl Scouts for the work done in the flower beds in the park, and around the building.

SANITATION AND RECYCLING: Faith Diascro

Faith Diascro addressed the following issues:

- Abitibi is having financial problems.
- Dead bugs are found in the trash bags container.

Faith stated that she will contact the supplier of the trash bag company for an answer on this bug problem, and if the borough needs to send the trash bags back to the supplier.

REVITALIZATION - Doris Decker**MAYOR: David Schiffgens****ENGINEER: Ryan Kern, Barry Isett Associates**

The following projects are currently under review:

Kershner/Weaver Tract -

Land Acquisition One, LLC received Conditional Use approval for the Kershner Tract and the Weaver Tract with the borough approving a Village Housing Overlay District for both parcels. Mr. Robert Irick contacted BIA to discuss the ultimate right-of-way interpretation of Hendricks Road. BIA recommended that BIA review the previous approved plans for the Weaver tract and offer their interpretation. **No changes since last month.**

Paone Townhouse Development –

The Borough is in the process of setting up a meeting between RHB, BIA and Bohler engineering to discuss the project. Meeting is tentatively scheduled for April 2009. **BIA met with borough officials and developer on 4/20/09. BIA is awaiting a revised cost estimate from the developer for Washington Street.**

Preston Court –

The borough officials, BIA and solicitor performed a site walk of Preston Court to review the comments in the 2/19/09 LTL review letter. Outstanding construction items and a list of additional items will be needed to be addressed prior to project completion. BIA will prepare a letter that itemizes the additional construction tasks that need attention. **BIA has performed a landscaping inspection of the site and has issued a review letter and cost opinion to the Borough.**

MS4 DEP Permitting –

BIA reviewed the comment letter from DEP regarding MS4 Year 4 and 5 annual report. Upon authorization from Borough Council, BIA is prepared to begin addressing DEP'S comments and prepare the resubmission package for the September 2009 deadline. **BIA has been working on preparing the revised report to be submitted to DEP. Submission deadline is June.**

SOLICITOR: Mark Hosterman

Mark Hosterman addressed the following issues:

Mark Hosterman opened the hearing at 8:39 pm reading the following ordinance to council:

Ordinance No. 2009-469
11th Street No Parking and Tow Away Zone Ordinance

Doris Decker made a motion to adopt Ordinance No. 2009- 469 and Charles McCleary seconded the motion. Motion passed unanimously.

Mark Hosterman adjourned the hearing at 8:42 pm after the adoption of the ordinance.

INTERMUNICIPAL COOPERATION AGREEMENT

Mark Hosterman distributed a draft to council of the Upper Hanover agreement for the adoption of the Uniform Construction code on the establishment of a board of appeals committee.

SECRETARY/TREASURER: –

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

A motion was made by Faith Diascro to accept the Treasurer's Report for April 2009 as presented. Paul Snyder seconded the motion. Motion carried unanimously.

PRESIDENT: Thomas Paul**Old Business:****11th Street Traffic Light -**

Tom Paul stated John Lear, UPVRPC sent a letter to the Honorable James R. Matthews, Chairman of the Montgomery County Board of Commissioners on a project involving the intersection of Route 29 and 11th Street.

Funding for the project would be approximately \$138,500.00. The three communities that funded the study and pledged to contribute funds to the project are Red Hill Borough, Pennsburg Borough and Upper Hanover Township.

The contributions for the project are as follows:

- Red Hill Borough - \$40,000.00
- Pennsburg Borough - \$45,000.00
- Upper Hanover Township - \$45,000.00
- Senator Wonderling - \$5,000.00 - Secured from DCED
- Representative Mensch - \$5,000.00 - Secured from DCED
- UPVRPC - \$5,000.00

Tom Paul stated during the last phase of the project, the lowest bid came in at \$213,000.00 thus creating additional funding of \$86,000.00. The three communities cannot commit any more funds to the project; therefore ending the project.

Luanne Stauffer, Chamber of Commerce, Executive Director addressed council and stated that the county wants this project to happen, and letters are being addressed to the commissioners for support of the project.

Tom Paul stated to council that there will be NO action taken at tonight's meeting on the 11th Street Traffic light.

Tom Paul adjourned council for an executive session at 9:04 pm on the pending litigation on the THP bond.

Tom Paul reconvened the meeting at 9:55 pm.

Charles McCleary made a motion that the solicitor and Borough Council President engage special counsel for the Borough of Red Hill to intervene in the Chapter 11 Action of THP in order to seek a lifting of the automatic stay on the Preston Court improvements bond and to pursue the proceeds of the Bond. Doris Decker seconded the motion. Motion passed unanimously.

Adjournment: - On a motion of Mark Rober, seconded by John Smith and a unanimous vote, the meeting was adjourned at 9:56 pm.

Respectfully submitted,

Darlene Stoudt