

BOROUGH OF RED HILL
COUNCIL MINUTES
Wednesday, August 12, 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 7:30 p.m.

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

OTHERS PRESENT: Secretary, Darlene Stoudt; Mayor, David Schiffgens; Solicitor, Mark Hosterman; Engineer, Ryan Kern

VISITORS:

ACTION ON MINUTES: A motion to approve the Minutes of July 1, 2009, July 8, 2009 was made by John Smith and seconded by Faith Diascro. Motion carried unanimously.

CITIZENS PARTICIPATION: -

RHFC/FIRE MARSHALL: - John Lehr, Fire Marshall

Events for RHFC:

Charles McCleary made a motion to accept any events for the RHFC until September 9th and John Smith seconded the motion. Motion passed unanimously.

UPPER MONTGOMERY JOINT AUTHORITY: - Larry Morton

Larry Morton stated that UMJA submitted a H2O Pa Grant application in the amount of \$2.4 million. Mr. Morton stated that the Commonwealth Financing Authority is currently reviewing the applications thru June 2009. The DCED contacted BCM and requested the submission of revised funding table to show the breakdown of project funds as 66.7% CFA grant and 33.3% UMJA. UMJA original funding request was submitted assuming the cost of the project would be shared 50/50.

RHPC/UPRPC: David Schiffgens

RHPC - David Schiffgens stated that a meeting is scheduled for August 20th for Metro PCS, PA LLC for installation of an antenna to the RHWA Tower.

Mark Hosterman anticipates Metro PCS requesting a waiver on land developmental.

Mark Hosterman stated that Metro PCS conditional hearing is scheduled for September 9th council meeting and a zoning hearing is also need for Metro PCPS antenna approval.

BUDGET & PERSONNEL: - Charles McCleary

Charles McCleary stated to council the total income YTD is \$562,774.35 and YTD expenses are \$397,084.22 with a net income of \$165,690.33

CODE REVIEW: - Doris Decker

GENERAL SERVICES: - John Smith

John Smith addressed the following issues:

- Conrad is getting prices garage door openers.
- Posting "No Parking Signs By Order of the Fire Marshal" were installed along Graber Alley, Bitting Alley, Cedar Court, Sixth Street and a portion of 11st Street.

PARKS & RECREATION: Paul Snyder.**SANITATION AND RECYCLING: Faith Diascro**

Faith Diascro addressed the following topics:

- Faith Diascro is researching the mileage of the trash bags with the supplier.
- The glass container is in need of repair per Conrad Bender.

Tom Paul stated to council that the repair can be put on hold.

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. **Coordination with Bob Irick regarding municipal boundary. Preliminary plans will probably be submitted in the fall**

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. **No changes since last month.**

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. As requested, BIA prepared a supplement punch list for the development and finalized the overall cost opinion. **Awaiting further orders.**

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 submitted the updated MS-4 report to DEP on June 4th. The new 5-year permit application is due this fall. DEP will send a certified package to the Borough in the coming months. **No further work at this time.**

Arancibia Property -

Ryan Kern attended the June Planning Commission meeting to discuss expansion to the Kimberly Arancibia property, 902 Main Street, Red Hill. Property owner is seeking a zoning variance for off-street parking and side yard setback. Project was withdrawn due to incomplete site plan. On 7/01/09, BIA received revised site plan. **Planning commission gave conditional approval at 7/16/09 meeting. Received revised land development plan. BIA Issued a comment letter on 8/12/09. Zoning hearing meeting is scheduled for 8/31/09**

SOLICITOR: Mark Hosterman

Tom Paul opened the hearing at 8:30 pm.

Mark Hosterman read the following ordinance to council

Ordinance 2009 - 470
Recreational Vehicle and Truck Restrictions Ordinance

Doris Decker made a motion to adopt Ordinance 2009 - 470 and Mark Rober seconded the motion.

Roll Call

Mark Rober	Yes
Paul Snyder	Yes
Doris Decker	Yes
John Smith	Yes
Faith Diascro	Yes
Charles McCleary	No

Motion passed 5-1.

Tom Paul closed the hearing at 8:40pm.

Preston Court -

Mark Hosterman stated to council the letter dated 4/29/08 was mailed to the Lexon Insurance Company and T.H. Properties with notice of T.H.Properties default for having failed to timely complete required improvements in accordance with a Land Development Agreement, entered into April 5, 2005 between the Borough and T.H.Properties. The April 29, 2009 letter provided a 20 day period for commencement of completion and /or correction work pursuant to the Agreement and notified both Lexon and its principal that required work had to be completed on or before July 31, 2009.

Mark Hosterman stated a letter on August 3rd was mailed to Lexon with written demand for payment of the entire principal amount of the bond less amounts previously authorized to be released. Specifically, the Borough demands payment from Lexon Insurance to the Borough in the amount of \$750,000.00 within ten business days of the date (8/3/09) or by August 17th, 2009.

Mark Hosterman also stated that if Lexon does not transmit payment in the amount of \$750,000.00 to the borough in ten business days of the date of the notice letter, Lexon Insurance shall be in further material breach of its obligations under the Bond, and the borough will have no choice but to pursue any and all available remedies against Lexon Insurance. Lexon Insurance is reminded that the terms of the Bond expressly provide that the Surety's sole defense for nonpayment under the Bond is no-receipt of its Principal's default, and Lexon Insurance has already received and acknowledged written notice of T.H. Properties default.

Mark Hosterman stated that potential litigation will be discussed in executive session.

SECRETARY/TREASURER: –

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

A motion was made by Charles McCleary to accept the Treasurer's Report for July 2009 as presented. Paul Snyder seconded the motion. Motion carried unanimously.

PRESIDENT: Thomas Paul**New Business:**

EIT -

Tom Paul addressed council on selecting delegates for the tax collection committee. The delegates for nomination are: Sandra Kassel, Primary Voting delegate, Gail Stevens, First Alternative voting delegate, Faith Diascro, Second Alternative voting delegate.

Doris Decker made a motion to nominate Sandra Kassel, Gail Stevens, and Faith Diascro as the delegates for the tax collection committee and John Smith seconded the motion. Motion passed unanimously.

Resolution 2009-04**APPOINTING DELEGATES TO SERVE AS TAX COLLECTION COMMITTEE REPRESENTATIVES FOR THE BOROUGH OF RED HILL.**

Paul Snyder made a motion to adopt Resolution 2009-04 and Charles McCleary seconded the motion. Motion passed unanimously.

House Bill 1500 -

Tom Paul stated to council that he will be meeting with Upper Hanover Supervisor Fried, and Mayor Vicki Lightcap on a regional "fact finding mission regarding a police force.

Tom Paul stated the bill would enforce municipalities to pay for full - part time state police coverage with a fee schedule of \$53 per resident the first year, \$104 per resident the second year, \$156 per resident the third year of coverage. The bill is currently in the hands of the House State Government Committee.

11th Street Traffic Light -

Tom Paul will meet with the residents on 11st and Main Street for signatures on Traffic Light easements.

Upper Perkiomen Athletic Fields -

Tom Paul met with officials on putting artificial turf on the athletic fields. The officials are anticipating receiving a waiver on land development; however, the borough will be asking the school district for reimbursement of our legal and engineering fees.

Budget 2010-

Charles Mc Cleary will give Darlene Stoudt budget meeting dates for advertising in the Town and Country.

Tom Paul adjourned the council meeting for an executive session at 9:13 pm.

Council reconvened at 9:55 pm.

Mark Hosterman stated the following topics were discussed in executive session with the following motions:

Charles McCleary made a motion to allow the Borough Solicitor to work with the Borough Council President in order to sign and all court documents necessary to file suit against Lexon Insurance Company in order to pursue proceeds under the bond deemed necessary and appropriate by the Solicitor and Borough Council President after contacting Lexon's counsel and requesting payment of \$500,000.00 to settle the matter which proceeds would be placed in escrow account to complete the improvements and reimburse the Borough for legal, engineering, inspection and court costs and any unused balance to be refunded to Lexon. John Smith seconded the motion. Motion passed unanimously.

Charles McCleary made a motion for advertisement to have the solicitor prepare an ordinance to remove the provision concerning nonconforming lots which allows structures on nonconforming lots with unauthorized side yards if the side yards are deemed to be the average side yards of different properties within 100 feet of the subject property. Faith Diascro seconded the motion. Motion passed unanimously.

Adjournment: - On a motion of Mark Rober, seconded by Paul Snyder and a unanimous vote, the meeting was adjourned at 10:00 pm.

Respectfully submitted,

Darlene Stoudt