

Borough of Red Hill  
Council Minutes  
Wednesday, October 14, 2009  
7:30 pm

President, Thomas Paul, called to order a meeting of the Red Hill Borough Council on the above date at 7:34 p.m.

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

**OTHERS PRESENT:** Mayor, David Schiffgens; Solicitor, Mark Hosterman; Engineer, Ryan Kern

**ACTION ON MINUTES:** A motion to approve the minutes of October 7, 2009 was made by Charles McCleary and seconded by Faith Diascro. Motion carried unanimously.

**CITIZENS PARTICIPATON:** None

At 7:36 p.m. the meeting was suspended for a Conditional Use Hearing. Council meeting resumed at 7:59 p.m.

**ACTION ON CONDITIONAL USE HEARING**

Mark Hosterman stated that Borough Council could but did not have to make a decision on the Conditional Use hearing for MetroPCS tonight. Borough Council indicated that they were willing to make the decision tonight. A motion to approve the Conditional Use was made by Doris Decker and seconded by Faith Diascro. Motion carried unanimously. Mark is to prepare the Conditional Use decision and an order granting the Conditional Use without any conditions.

**WAIVER OF LAND DEVELOPMENT**

MetroPCS has requested a Waiver of Land Development for the installation of their antennas onto the existing water tower owned by the Red Hill Water Authority. Borough Solicitor Mark Hosterman, stated we were working with unofficial minutes of the last planning commission. This was acknowledged by MetroPCS Attorney Nicholas A. Cuce, Jr. It was decided that we would go step by step through the conditions the that borough engineer Ryan Kern, of Barry Isett & Associates outlined in his letter of August 19, 2009.

*Item 1* – redacted lease agreement satisfies this requirement

*Item 2* – addition of fencing on the two sides of water tower not currently fenced in. The Planning commission recommended by a vote of 2-1 that a fence was not needed. Water company representative Jim Watco stated that a fence, would impede maintenance and painting and thus make them more costly. After some discussion of the security

features of the cabinets and an alternate idea of putting a fence around just the pad, a motion was made by Doris Decker that the borough council would not require a fence, seconded by Faith Diascro. A roll call vote was called for by Charles McCleary; the results were Paul Snyder – no; Doris Decker – yes; John Smith – no; Faith Diascro – yes; Charles McCleary – no; Tom Paul – yes. Mayor David Schiffgens was called upon to break the tie. His was a yes vote. Motion carried 4-3, no fence will be required.

*Item 3* – Landscaping in the form of yew hedge along the Bitting Alley fence and 3 street trees on 5<sup>th</sup> Street. If the Water Authority does not want the street trees they can be planted at the Borough's discretion.

The Planning commission recommended by a vote of 2-1 that the landscaping not be required. The Water Authority would prefer none as they do not want to maintain it or have the gate blocked. Tom Paul pointed out that since the borough already takes care of cutting the lawn it would also maintain the hedge line and the gate would not be blocked. They further indicated that they did not want the trees. A motion to require the recommended installation of a hedge of yew's and to have the applicant supply three (3) trees of six (6") inch diameter for a location to be specified by the borough was made by Charles McCleary and seconded by Paul Snyder. A roll call vote was taken Paul Snyder – yes; Doris Decker – yes; John Smith – yes; Faith Diascro – yes; Charles McCleary – yes; Tom Paul – yes. The motion passed unanimously. It was clarified that the street trees are to be six (6") inches in diameter when fully matured.

*Item 4* – The applicant shall repair/replace any damaged curb and concrete sidewalk along 5<sup>th</sup> street and install updated ADA compliant handicap ramps at the E. 5<sup>th</sup> Street and Bitting Alley.

The Planning commission recommended by a vote of 2-1 that this requirement was not necessary. The Red Hill Water Authority, did not want this provision they indicated it was their responsibility to replace and repair the sidewalk. A motion was made to require MetroPCS to meet the requirements as outlined in item 4 by Charles McCleary and seconded by Paul Snyder. A roll call vote was taken Paul Snyder – yes; Doris Decker – yes; John Smith – yes; Faith Diascro – yes; Charles McCleary – yes; Tom Paul – yes. Motion carried unanimously.

A motion to waive land development with the above stated conditions for MetroPCS was made by John Smith and seconded by Faith Diascro. Motion carried by a vote of 5 to 1.

A motion to require MetroPCS to pay all legal and engineering fees associated with the project was made by Charles McCleary and seconded by Paul Snyder. Motion carried unanimously.

It was further decided that in regard to item 4 in Ryan Kern's letter that Barry Isett and Associates would determine the condition of the curbs and sidewalks prior to installation. After the installation is complete Barry Isett and Associates will inspect the sidewalks and determine what repairs/replacements need to be done.

A short break was taken at 8:44 and council returned at 8:50.

**RHFC/FIRE MARSHALL:** John Lehr

John gave the fire company report of calls and man hours. He also stated that the fire company events for October are: Crop Walk on October 18<sup>th</sup>, Halloween Parade on October 25<sup>th</sup> with a rain date of October 27<sup>th</sup>. He further stated that the members would be attending the state recertification class on October 21<sup>st</sup>. Dave Schiffgens asked where the department stood on training. John stated that 75% of the members were certified, that the department is only one of 13 in the state to be rescue certified and only 2 in Montgomery County to be swift water certified. A motion to cover the events as stated was made by Doris Decker and seconded by Charles McCleary. Motion was carried unanimously.

John gave the following fire marshal's report. John has issued 8 parking tickets, 7 on Cedar Court and one warning at 4<sup>th</sup> and Main. In another matter he is working to try to get the address of the apartment over the garage at 808 Main St. changed. This apartment is actually located in Bitting Alley. A recent fire call to this location resulted in time lost due to the apartment being on Bitting Alley not actually on Main St.

**UPPER MONTGOMERY JOINT AUTHORITY:** no report

**PARKS & RECREATION:** Paul Snyder

Paul reported that with regards to the rubber for the playground we could wait till the company travels to New Jersey and they would drop it off or we could pay the freight. Tom instructed Paul to get current prices (we paid \$4,000 for six bags the last time it was purchased) with and without the cost of freight.

He also reported that George Elye would not replace the pipe on the swing set since it was not their equipment. Tom instructed Paul to meet with Conrad and get prices from a pipe company to fix the pipe.

**BUDGET & PERSONNEL:** Charles McCleary

Charles reported that the final touches were being made to the 2010 budget and it would be ready for the next workshop meeting.

**RECYCLING & TRASH:** Faith Diascro

Faith reported that Chuck and Conrad toured Hiller's facility to find out about their recycling roll-off program. Under this program, we would no longer have to separate glass by color. They would like our other recycling business such as aluminum cans, they can provide containers for cardboard and tin. Conrad is to provide them with our tonnage for the last two years and they will give us a price.

**MAYOR:** Dave Schiffgens

Nothing to report

**PRESIDENT:** Thomas Paul

Nothing to report

A motion was made by Charles McCleary and seconded by Faith Diascro to approve the balance sheet. Motion carried unanimously.

A motion was made by Charles McCleary and seconded by John Smith to pay the bills. Motion carried unanimously.

**SOLICITOR:** Mark Hosterman

*Pederson* – After it was determined that Land Development Review would be required for access through Jefferson Street to the second lot, the developer decided to use Graber Alley as the entrance to second lot. All utilities will go up the alley, the water and sewer authorities have already said they are willing to run lines. There will be no land development review required.

*902 Main St.* – Kim Arancibia indicated she wanted to make the hair salon a little bigger, if she wants to do so she will need to go through planning and zoning again. Dave stated that she has decided to not to make the salon bigger.

*11<sup>th</sup> Street Traffic Light* – easements have been obtained.

There will be an executive session after the joint planning commission/council meeting.

**ENGINEER:** Ryan Kern

*Kershner* – no activity

*Preston Court* – no update – Ryan was asked to get formal bids for the bollards.

*Paone* – no changes

*Arancibia* – not going through with plan to make salon larger

*MetroPCS Antenna* – Planning Commission recommended Waiver Land Development and Conditional Use Approval.

*Siani Subdivision* – punch-list letter to be sent out shortly

*Upper Perkiomen HS Athletic Fields* – Plans were submitted in and reviewed, a comment letter was provided to the borough on October 7, 2009. The submission is on the agenda for tonight's Planning Commission and Borough Council joint meeting.

Tom Diascro asked for an update on Lehigh Valley Gas. John Lehr said the clock is ticking on their compliance with the 5 year pressure testing that the DEP requires. If that is not completed they will not be able to open in order to keep their grandfathered use of the site. Tom Paul asked John to try to find out what that time frame was.

Mark presented Ordinance 2009-471, amendment to Chapter 27 of the Code of Ordinances, dealing with structures on non-conforming lots. A motion was made by Faith Diascro and seconded by Paul Snyder to adopt this ordinance. Motion carried unanimously.

Doris Decker presented Resolution 2009-05, a fee resolution. This resolution was necessitated by a change in code enforcement companies. A motion was made by Chuck McCleary and seconded by Faith Diascro. Motion carried unanimously.

Dave Schiffgens asked about banning solicitation and Mark stated that you cannot ban it. Doris indicated that was part of what would be discussed in the recommendations the code review committee would be making to borough council with regard to fees. It was decided to table these discussions until the November workshop meeting.

A motion was made by Paul Snyder and seconded by John Smith to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 9:25 pm

Respectfully Submitted

Doris Decker