

**BOROUGH OF RED HILL
COUNCIL MINUTES
Wednesday, December 9, 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 December 2, 2009, was made by John Smith and seconded by Charles McCleary. Motion carried unanimously.

CITIZENS PARTICIPATION: -

Carl Bonenberger, 617 Main Street addresses the following issues:

1. Trash Bags-

Carl Bonenberger stated Red Hill residents are tying one Red Hill trash bag on a trash container with more than one generic bag in the container. This is not fair to the resident that bags all their trash in RH trash bags. Tom Paul instructed Darlene Stoudt to contact Mascara to instruct their drivers not to pick up trash that is not in Red Hill trash bags.

2. Noise on Main Street -

Carl Bonenberger complained about the screeching cars, and speeding on Main Street.

Mark Hosterman suggested that he contact the State Police, using the non-emergency number.

Stephanie Long, 821 Carrington Drive addressed Preston Court issues and requested from council more information about the complaint that was filed in federal court.

Mark Hosterman proceeded to answer Stephanie Long's request on the suit against Lexon on the THP Bond.

Mark Hosterman addressed the Suit against Lexon on the THP Bond:

- Lexon Insurance answer is due on Monday, December 13, 2009.
- Wisler Pearlstine will represent the borough against Lexon.
- Tax payers are responsible for the litigation costs.
- Court could award attorneys' fees to Red Hill.
- Lexon will not honor the language of the bond.
- Lexon has no serious offer on the table.

Mark Hosterman suggested Stephanie Long to file a Right-to-Know request with the Red Hill Borough for the complaint that was filed in federal court against Lexon Insurance Company in the matter related to the bond they hold for the THP Preston Court community.

RHFC/FIRE MARSHALL: - John Lehr, Fire Marshall

UPPER MONTGOMERY JOINT AUTHORITY: - Larry Morton

Larry Morton stated the bid openings for the laterals and man holes are scheduled for December 15th.

RHPC/UPRPC: David Schiffgens

BUDGET & PERSONNEL: - Charles McCleary

Charles McCleary stated to council the total income YTD is \$694,591.23 and YTD expenses are \$600,643.25 with a net income of \$93,947.98.

Adoption of 2010 Budget

Charles McCleary stated to council that a tax rate of .3 mills are included in the budget. Red Hill Borough property millage for 2010 is 2.2mills.

Doris Decker questioned a personnel compensation issue, which initiated an executive session.

Tom Paul adjourned council meeting at 7:45 pm for the executive session and reconvened council meeting at 7:57pm.

Charles McCleary made a motion to adopt the 2010 Budget of and John Smith seconded the motion. Motion passed 6-0.

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

Conrad Bender received a proposal for \$320.00/hr from Todd's Tree Service for the disposal of the Christmas Trees. Council asked John Smith to question the hourly rate with Todd's Tree Service.

PARKS & RECREATION: Paul Snyder**SANITATION AND RECYCLING: Faith Diascro****REVITALIZATION - Doris Decker****MAYOR: David Schiffgens****Snow plowing in the borough-**

David Schiffgens suggested that the borough change their method of snowplowing from curb-to-curb to 3 passes. This snow procedure will allow streets to be opened more quickly and efficiently. Council agreed to the 3 passes snowplowing. John Smith was instructed to have Conrad Bender call David Schiffgens for the directive on the snowplowing.

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 Erick 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 Erick regarding municipal boundary. Preliminary plans will probably be submitted in the fall. Issued general concurrence letter regarding the municipal boundary. **Contacted by the engineer regarding storm water issues. Workshop meeting scheduled for this Friday 12/11 to discuss project with the developer and Upper Hanover Township.**

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.**

Upper Perkiomen HS Athletic Fields -

Eustace Engineering submitted plans and reports (dated 9/4/09) to the Borough in early September. BIA reviewed the submission and provided a comment letter to the borough on October 7, 2009. **Received conditional approval at the October council and planning commission meetings.**

MetroPCS Antenna -

Received MetroPCS Antenna plan submission in late July'09. BIA issued comment letter on August 19th 2009. Attended August 20th Red Hill Planning Committee meeting. The Planning Commission recommended the waiving of land development process and recommended Conditional Use Approval (with the condition of an in lieu of fee for three street trees). **Construction issues over the past week.**

Saini Subdivision -

BIA performed a site inspection in early September to view the property, provide photo documentation, and compare construction completeness to the site plans. BIA is in the process of finalizing a completion punch-list. Issued final punch list letter. **No changes.**

SOLICITOR: Mark Hosterman

Mark Hosterman addressed the following topics:

Resolution No. 2009-10

The Red Hill Borough Council adopted the Pennsylvania Construction Code for the Borough through Ordinance 2004-425 of 2004 which provides for the Borough to establish a schedule for permit and inspection fees and to establish various permit fees in accordance with Borough ordinances

Paul Snyder made a motion to adopt Resolution 2009-10 and Doris Decker seconded the motion. Motion passed unanimously.

Resolution No. 2009-11

A resolution confirming the previously adopted form of subdivision and land development application; amending the schedule of non-refundable application fees and amending the schedule of refundable professional consultant's escrow account to be established with the borough upon sketch plan, conditional use, subdivision or land development application.

Doris Decker made a motion to adopt Resolution 2009-11 and Faith Diascro seconded the motion. Motion passed unanimously.

Ordinance No, 2009-472

An Ordinance amending Chapter 27 (Zoning), part 8 (Administration), Section 802.2 (Occupancy permit), subsection D (1) (b) (1) by deleting the section requiring two appliance circuits to the kitchen counter.

Charles McCleary made a motion to adopt ordinance 2009-472 and Mark Rober seconded the motion. Motion passed unanimously.

2010 Tax Increase

Charles McCleary made a motion to instruct Mark Hosterman to implement an ordinance to increase the Red Hill property tax by .3 mills, making the Red Hill 2010 property millage to 2.2 mills. Faith Diascro seconded the motion. Motion passed unanimously.

Doris Decker made a motion to instruct Darlene Stoudt to advertise in the Town & Country a meeting for payment of the bills and any other business on December 29th, 4:30pm in the Red Hill Chambers and Charles McCleary seconded the motion. Motion passed unanimously.

SECRETARY/TREASURER: –

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

A motion was made by Charles McCleary to accept the Treasurer's Report for November 2009 as presented. Doris Decker seconded the motion. Motion carried unanimously

ADT -Security Services, Inc.

Charles McCleary addressed council on securing a PA State contract for the purchasing of cameras. After reviewing the ADT contract, Charles McCleary is requesting a new contract on the elimination of the lift rental and a signed waiver releasing the liability for using the Red Hill Borough lift.

PRESIDENT: Thomas Paul

Tom Paul adjourned the council meeting at 8:55 pm for executive session for discussion on the Preston Court litigation.

Tom Paul reconvened the council meeting at 9:08pm.

Adjournment: - On a motion of Charles McCleary, seconded by Paul Snyder and a unanimous vote, the meeting was adjourned at 9:08pm.

Respectfully submitted,

Darlene Stoudt