

A regular meeting of the Borough Council of Quakertown was held May 3, 2017, 7:30 p.m.

The following members and officers were present: President L. James Roberts, Vice President Donald Rosenberger, Council members Lisa Gaier, Michael Johnson, Jann Paulovitz, Douglas Propst, Jon Roth, Solicitor Charles Fonzone, Manager Scott C. McElree and Asst. Borough Secretary Kris Barndt.

RESOLVED, That, the Minutes of April 5 and April 24, 2017 be approved as written. Motion of Councilman Rosenberger, seconded by Councilwoman Gaier. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the following check registers be approved for payment:

April 7, 2017 -	\$ 143,777.72
April 13, 2017 -	76,728.06
April 17, 2017 -	606.79
April 21, 2017 -	740,527.98
April 27, 2017 -	619,392.05

Motion of Councilman Rosenberger, seconded by Councilman Propst. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the Financial Statement, Police Department, Zoning Administrator and Building Inspector reports be received and filed. Motion of Councilman Propst, seconded by Councilman Roth. A roll call vote was taken and the motion was unanimously carried.

Visitors:

Stephen Biddle, 130 S. Main Street, indicated he wished to speak regarding the triangle development and the power purchase.

### **PLANNING & ZONING COMMITTEE**

Councilman Roth stated that there are not any items for action under the Planning & Zoning Committee.

### **REVENUE & FINANCE COMMITTEE**

To recap the happenings since the Special Council Meeting of April 24, 2017, Borough Manager McElree stated the RACP Grant expiration was today May 3<sup>rd</sup> and it was the understanding that the expiration could not be extended without Council approval. The RACP office informed the Borough that was not a requirement and the Borough Administration could make the request for the extension. Manager McElree learned the RACP Grant money of \$2,000,000 could be applied for re-identification to another Borough qualified project. The extension was filed and it was granted 24 hours later by the RACP Office of the Budget for an additional 6 months. If the current triangle property project fails and the Borough takes back the property, and if Council

considers the Agreement on the agenda tonight, it gives the Borough opportunity to work with the RACP office in Harrisburg to redirected the funds to another project.

Manager McElree also explained an Agreement has been signed by 301 Broad Street Partners, LP stating they will secure financing within 60 days of today by a qualified lender. If that does not occur, then the agreement is the developer will transfer the property back to the Borough.

Councilman Rosenberger indicated that Stephen Biddle could speak at this time. Mr. Biddle questioned what a term sheet is. Manager McElree explained it is an outline of the agreement between the lender and the borrower including terms, conditions, interest rates, etc. The lender of the financial institution then takes that to a loan committee for denial or approval. If approved the borrower receives a commitment letter. Mr. Biddle asked for clarification of re-directing a project in town if the original project does not take place. Councilman Rosenberger stated the Borough would have to come up with another proposal that would meet all the requirements of the RACP Agency which would include development of jobs, having a substantial impact on the local area not just economically, but socially.

Frank Licopli questioned why the triangle project is taking so long to get started. President Roberts responded, it is the financing.

RESOLVED, That, the following Resolution 54-17, executing the Triangle Property Project Agreement, be adopted:

#### RESOLUTION 54-17

RESOLVED, That, the Council of the Borough of Quakertown directs the Borough Manager to execute the purposed Triangle Property Project Agreement between the Borough of Quakertown and 301 Broad Street Partners, LP.

Motion of Councilman Rosenberger, seconded by Councilman Propst. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the following Resolution 51-17, disposition of municipal records, be adopted:

#### RESOLUTION 51-17 DISPOSITION OF MUNICIPAL RECORDS

WHEREAS, the Borough of Quakertown declares its intent to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual approved July 16, 1993, and;

WHEREAS, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Quakertown, Bucks County, Pennsylvania, in accordance with the above cited Municipal Records Manual, hereby authorizes the disposition of the following:

Bank Statements & Reconciliations	2009
Liquid Fuels, Electric Escrow, Water Escrow, PLGIT, Utility Payment, General Account	
Daily Cash Receipts	2013
Pool 2013	
Tax Collector's Monthly Report to Taxing Districts	2009
Accounts Payable Files & Ledgers	2009, 2008, 2007, 2006
Utility & Paid Service Receipts	2009
Check Registers & Deposit Slips	2009
Accounts Receivable Files & Ledgers	2009
KIDS registration forms	2012
Voided Account Payable Checks	2013 & 2012

Motion of Councilman Rosenberger, seconded by Councilwoman Gaier. A roll call vote was taken and the motion was unanimously carried.

### **HEALTH, SAFETY & WELFARE COMMITTEE**

RESOLVED, That, the following Resolution 47-17, recognition of National Nurse's Week, be adopted:

#### **RESOLUTION 47-17**

*WHEREAS, the nearly 2.9 million registered nurses in the United States comprise our nation's largest health care profession; and*

*WHEREAS, professional nursing has been demonstrated to be an indispensable component in the safety and quality of care of hospitalized patients; and*

*WHEREAS, the cost-effective, safe and quality health care service provided by nurses will be an ever more important component of the U. S. health care delivery system in the future; and*

*WHEREAS, along with the American Nurses Association, the Borough of Quakertown has declared the week of May 6 – 12 as National Nurses Week with the theme Nursing: the Balance of Mind, Body and Spirit in celebration of the ways in which nurses strive to provide safe and high quality patient care and map out the way to improve our health care system.*

*NOW THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown asks that all residents of the Borough of Quakertown join in honoring the nurses who care for all of us.*

*BE IT FURTHER RESOLVED, That, Borough Council and the residents of the Borough of Quakertown join in honoring the professional nurses who care for all of us, and that we express our appreciation to the nurses, not just during this week, but at every opportunity throughout the year.*

Motion of Councilman Johnson, seconded by Councilwoman Gaier. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the following Resolution 48-17, recognition of Police Week, be adopted:

#### RESOLUTION 48-17

WHEREAS, The Congress and President of the United States have designated May 15th as Peace Officers' Memorial Day, and the week in which May 15<sup>th</sup> falls as National Police week; and

WHEREAS, the members of the law enforcement agency of the Borough of Quakertown play an essential role in safeguarding the rights and freedoms of Quakertown; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the law enforcement agency of the Borough of Quakertown unceasingly provide a vital public service;

NOW, THEREFORE, the Borough Council of the Borough of Quakertown, call upon all citizens of Quakertown and upon all patriotic, civic and educational organizations to observe the week of May 14 - 20, 2017, as Police Week with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Quakertown shall observe Monday, May 15, 2017, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

Motion of Councilman Johnson, seconded by Councilwoman Gaier. A roll call vote was taken and the motion was unanimously carried.

Councilman Johnson mentioned that year to date 43 officers have been killed in the line of duty. The goal is to keep the deaths under 100 officers per year, but it has not been happening.

Councilman Johnson also stated on Earth Day, the clean up scheduled in the Borough, had a very good turn out with many volunteers. Work was done in Memorial Park, the cemetery, the Skate Park and several other small parks in the Borough.

Councilwoman Gaier mentioned the Citizens Police Academy graduation was held with nineteen graduates. Manager McElree encourages them to join the Auxiliary Police.

## **PUBLIC UTILITIES COMMITTEE**

RESOLVED, That, the following Resolution 55-17, defense of Borough operated municipal electric systems in the Commonwealth of PA , be adopted:

### **RESOLUTION 55-17**

#### **RESOLUTION IN DEFENSE OF BOROUGH OPERATED MUNICIPAL ELECTRIC SYSTEMS IN THE COMMONWEALTH OF PENNSYLVANIA**

WHEREAS, the Borough of Quakertown is proudly one of the thirty-five boroughs in the Commonwealth of Pennsylvania that owns and operates a non-profit community electric system in accordance with provisions set forth in the Pennsylvania Borough Code; and

WHEREAS, each of our municipalities works diligently and effectively to provide reliable and cost effective public power to all of the residents and businesses within their borders; and

WHEREAS, from time to time legislation is introduced in the Pennsylvania General Assembly proposing to add additional regulations, rules, or taxes focused only on these thirty-five Boroughs; and

WHEREAS, a member of the Pennsylvania House of Representatives has circulated a co-sponsorship memorandum, indicating his intention to introduce legislation in the near future, which would amend the Borough Code by unnecessarily regulating and controlling the thirty-five Boroughs that own and operate non-profit community electric systems;

NOW THEREFORE, BE IT RESOLVED, that the Council of the Borough of Quakertown hereby expresses its opposition to this recently proposed legislation on the basis that it unduly imposes on our community a severe financial burden, endless litigation, and is an overreach by the Pennsylvania General Assembly to usurp the fiduciary role of our Borough Council to manage the finances of our municipality;

AND FURTHER, a copy of this Resolution shall be provided to our State Representative and State Senator to encourage them to vigorously oppose this legislation on our behalf.

Motion of Councilwoman Gaier, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried.

President Roberts indicated Stephen Biddle could speak at this time. Mr. Biddle asked the description of the contract such as terms, years and charges. Manager McElree replied this portion is through a federal grant and is offered at an inexpensive rate. There are two separate contracts involved, one with NYPA (New York Power Authority), the Niagara project and there is a St. Lawrence project which has been added this year. The NYPA contract continues through 2025. The St. Lawrence project is new and is a one year contract and provides the Borough about 4% of our base load of power. The power is supplied to the Borough through AMP (American Municipal Power). President Roberts gave Mr. Biddle a copy of the agreement to read on his own time.

RESOLVED, That, the following Resolution 56-17, renewal of Agreement with New York Power Authority, be adopted:

#### RESOLUTION 56-17

WHEREAS, a renewal Agreement for Electric Service between New York Power Authority and the Borough of Quakertown, which is part of the Borough's portfolio was received.

NOW, THEREFORE, BE IT RESOLVED, That, the Borough Manager is hereby authorized to execute the said Agreement on behalf of the Borough of Quakertown.

Motion of Councilwoman Gaier, seconded by Councilman Roth. A roll call vote was taken and the motion was unanimously carried.

#### **PUBLIC WORKS COMMITTEE**

RESOLVED, That, the following Resolution 49-17, recognition of Public Works Week, be adopted:

#### RESOLUTION 49-17

WHEREAS, Since 1960, American Public Works Association (APWA) has sponsored National Public Works Week. Across the nation, more than 29,000 APWA members use this week to energize and educate the public on the importance of the contribution of public works to their daily lives: planning, building, managing and operating the heart of our local communities and building the quality of life; and

WHEREAS, APWA has selected "Public Works Connects US" as its theme for 2017's National Public Works Week. The theme celebrates the vital role Public Works plays in connecting us all together; and

WHEREAS, the cornerstone of civilization, Public Works provides, maintains, and improves the structures and services that assure a higher quality of life for our communities; and

WHEREAS, its streets, roads, bridges, and public transportation keep us linked together from coast to coast, and its clean water and sanitation services keep us healthy and allow our communities to grow and prosper; and

WHEREAS, American Public Works Association proudly salutes and thanks the tens of thousands of Public Work professionals who work tirelessly throughout North America every day to strengthen the bond that keeps us all connected.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council to proclaim the week of May 21 -27, 2017 "Public Works Connects Us" in the Borough of Quakertown, Pennsylvania. Council calls upon businesses, organizations and citizens to acquaint themselves with the issues involved in providing our public works services and to recognize the outstanding contributions which our Public Works employees make every day to ensure the health, safety, comfort, and quality of life in the Borough of Quakertown.

Motion of Councilman Propst, seconded by Councilwoman Gaier. A roll call vote was taken and the motion was unanimously carried.

### **PARKS & RECREATION COMMITTEE**

RESOLVED, That, the following Resolution 50-17, Quakertown Men's Slow Pitch League's request to use the baseball field, be adopted:

#### **RESOLUTION 50-17**

WHEREAS, a request was received from the Quakertown Slow Pitch League requesting use of Memorial Park (Tennis Court area) baseball field for a men's slow pitch league.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of the Quakertown Slow Pitch League to use the baseball field in Memorial Park (Tennis Court area) two games per night Wednesdays and Thursdays, starting on May 17, 2017 through August 19, 2017, with games starting at 6:15 pm and the second game starting immediately upon conclusion of the first game, provided each of the six teams adds the Borough as an additional insured on their insurance.

Motion of Councilman Propst, seconded by Councilman Johnson. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the following Resolution 57-17, Communities for Peace request to use the amphitheater for a Prayer Event for Peace and Unity, be adopted:

RESOLUTION 57-17

WHEREAS, a request was received by Communities for Peace to use the Park at 4<sup>th</sup>s amphitheater for a Prayer Event for Peace and Unity.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of Communities for Peace to use the amphitheater for a Prayer Event for Peace and Unity on Thursday, May 4, 2017 from 6:30 pm to 8:30 pm provided they add the Borough as an additional insured on their insurance.

Motion of Councilman Propst, seconded by Councilman Roth. A roll call vote was taken and the motion was unanimously carried.

President Roberts declared the meeting adjourned at 8:20.

BOROUGH OF QUAKERTOWN

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L. James Roberts, Jr.  
President of Council

Attest:

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Scott C. McElree  
Borough Secretary