

A regular meeting of the Borough Council of Quakertown was held June 1, 2016, 7:30 p.m.

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

RESOLVED, That, the Minutes of May 4, 2016 be approved as written. Motion of Councilman Rosenberger, seconded by Councilman Prost. A roll call vote was taken and the motion was unanimously carried.

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

April	29, 2016	-	\$	718,030.05
May	6, 2016	-		166,996.22
May	13, 2016	-		9,861.17
May	20, 2016	-		639,738.26
May	24, 2016	-		2,123.71
May	24, 2016	-		390,131.75

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

Councilman Rosenberger asked Code Enforcement Officer, Doug Wilhelm if everything is satisfactory with the paving at Cleveland Steel. Mr. Wilhelm stated he has not had any issues or complaints with the neighbors.

Naomi Naylor, Director of Quakertown Alive presented awards to Betsy Cook and Doug Wilhelm for their commitment in providing data on the downtown business district which helps facilitate future grants to the Borough through the Department of Community Economic Development (DCED) impacting the growth of downtown economic development.

PLANNING & ZONING COMMITTEE

RESOLVED, That, the following Resolution 69-16, Eric Leitgeb of 136 N. Ambler Street request to install a curb cut, be adopted:

RESOLUTION 69-16

WHEREAS, Eric Leitgeb is the owner of record of 136 N. Ambler Street, Quakertown, Tax Map Parcel #35-009-077-005; and

WHEREAS, Eric Leitgeb made application for a curb cut for a new driveway to the side of his residence at 136 N. Ambler Street.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the application for a curb cut at 136 N. Ambler Street provided it is paid for by Mr. Leitgeb.

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

REVENUE & FINANCE COMMITTEE

Councilman Rosenberger mentioned the Borough Hall HVAC bid will be deferred until further notice.

RESOLVED, That, the following Resolution 73-16, Lifequest's request for approval of issuance of notes for a project, be adopted:

RESOLUTION 73-16

A RESOLUTION DECLARING THAT IT IS DESIRABLE FOR THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE BOROUGH OF QUAKERTOWN FOR THE QUAKERTOWN GENERAL AUTHORITY TO UNDERTAKE A PROJECT FOR LIFEQUEST AND CERTAIN AFFILIATES; AND REPEALING ALL PRIOR INCONSISTENT RESOLUTIONS.

WHEREAS, LifeQuest (the "Corporation") on behalf of itself and LifeQuest Nursing Center, Valley Nursing and Rehabilitation Center (doing business as Mosser Nursing Home), Milford Village Limited Partnership, TogetherCare, LifeQuest Foundation, LifeQuest Enterprises, Inc., Milford Village Enterprises, LLC and Lifespan Day Care (collectively, the "Affiliates"), has requested Quakertown General Authority (the "Authority") issue, pursuant to the provisions of the Municipality Authorities Act of 1945 (the Act of May 2, 1945, P.L. 382 as amended, Pa. Stat. Ann. tit. 53 (§§301-322) (the "Act"), up to \$6,600,000 in aggregate principal amount of notes to be in one or more series as either taxable or tax-exempt (which may be issued on the same or different dates) to be designated "Health Facilities Revenue Notes, Series 2016 (LifeQuest)" (or such other designation, as appropriate) with the appropriate alphabetical series designation, as applicable (the "Notes") to finance a project involving generally, among other things, the refunding of certain outstanding loans (the "Prior Debts") made to the Corporation and its Affiliates in order to finance, in part, the construction, renovation and equipping of certain facilities of the Corporation and its Affiliates; as well as the costs of issuance of such Notes (the "Project"); and

WHEREAS, the Corporation and the Authority have requested the Borough Council of the Borough of Quakertown (the "Borough Council") to approve by resolution the issuance of Notes for the Project as required by the Act, and the Borough Council desires to so approve the issuance by declaring that the Project will serve the health, safety and welfare of the residents of the Borough; and

WHEREAS, in accordance with Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), a public hearing will be held on behalf of the Borough Council by the Authority, in connection with the issuance of the Notes; and

WHEREAS, Section 147(f) of the Code requires that the applicable elected

representatives of the government unit on behalf of which bonds are issued and of each government unit having jurisdiction over the area in which any facility, with respect to which financing is to be provided from the net proceeds of such bonds, is located approve bonds after a public hearing in order for a private activity bond to be a qualified bond under the Code; and

WHEREAS, the Borough Council is the applicable elected representative of the governmental unit having jurisdiction over the area in which the facilities involved in the Project are and will be located.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Quakertown as follows:

SECTION 1. It is hereby determined and declared that it is desirable for the health, safety and welfare of the residents of the Borough of Quakertown for the Authority to undertake the financing of the Project for the Corporation and its Affiliates from a portion of the proceeds derived from the issuance and sale of not to exceed \$6,600,000 aggregate principal amount of its Notes. The President of the Borough Council, or such other Council Member as the President shall appoint to act on their behalf, is hereby authorized to execute the necessary approval under Section 147(f) of the Code after the hearing held pursuant to such Section.

SECTION 2. All actions of this Borough Council taken in conformity with the intents and purposes of this Resolution are ratified, confirmed and approved in all respects.

SECTION 3. This Resolution shall take effect immediately. All prior resolutions or portions thereof inconsistent herewith are hereby repealed.

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 72-16, Fox 29 downtown block party, be adopted:

RESOLUTION 72-16

WHEREAS, Fox 29 will be hosting a block party on West Broad Street on Friday, June 24, 2016 from 7 a.m. to 10:00 a.m.; and

WHEREAS, road closures will be necessary on West Broad Street from Hellertown Avenue to 4th Street, 3rd Street from Broad Street to Juniper Street and Front Street from Broad Street to Juniper Street.

NOW, THEREFORE, BE IT RESOLVED That the Council of the Borough of Quakertown authorizes the Fox 29 downtown block party on June 24, 2016 along with the necessary road closures with the necessary approval of PennDOT.

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

RESOLVED, That, the following Resolution 74-16, disposition of Police Department evidence/property, be adopted:

RESOLUTION 74-16

WHEREAS, evidence/property have accumulated in the Police Department evidence storage facility collected from police operations from years 2007 through 2015, and;

WHEREAS, the Quakertown Police Department will follow appropriate protocol by burning the drugs and drug paraphernalia listed on the attached inventory lists.

NOW, THEREFORE, BE IT RESOLVED, That, the Borough Council of Quakertown Pennsylvania directs the Quakertown Police Department to appropriately dispose of the evidence/property attached.

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

PUBLIC UTILITIES COMMITTEE

Councilman Erwin stated that there are not any items for action under the Public Utilities Committee.

PUBLIC WORKS COMMITTEE

RESOLVED, That, the following Resolution 71-16, downtown sidewalk replacement, be adopted:

RESOLUTION 71-16

WHEREAS, downtown sidewalks have been damaged by the trees planted by the Borough more than twenty years ago; and

WHEREAS, the Downtown Tree & Sidewalk Conceptional Project recommended by the Economic Development Steering Committee was approved by Borough Council on June 3, 2015.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown authorizes the Borough Manager to proceed with the completion of the sidewalk replacement plan as presented to Council.

BE IT FURTHER RESOLVED, That, the Council authorizes that the Borough of Quakertown will assume the full cost of the sidewalk replacement project.

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

Councilman Johnson asked if there will be a clause stating the Borough will not be liable for future damage and will be the responsibility of the property owner. Borough Manager McElree stated he will be working with Mr. Fonzone to acquire right to enter permission from the affected property owners to do the project and also a hold harmless agreement which would eliminate any Council, future Council, or Borough responsibility for any future maintenance.

Councilwoman Gaier added the agreement may also state for the first year it would be the property owner's responsibility of any special requirements or maintenance necessary to permit the sidewalks to cure correctly.

Councilman Johnson made a suggestion to keep the project cap at \$150,000 as budgeted in 2016 and if need be revisit the project for 2017's budget. Borough Manager McElree replied the \$150,000 for 2016's budget includes the cost of the trees and the brick which will be outsourced. After the legal requirements are finished the Borough should have approximately \$100,000 for concrete costs for the year 2016.

PARKS & RECREATION COMMITTEE

RESOLVED, That, the following Resolution 67-16, Pastor David Ellis' request to hold CROP Walk, be adopted:

RESOLUTION 67-16

WHEREAS, a request was received for a public gathering permit from Pastor David Ellis to hold a Quakertown Community Crop Walk.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the public gathering permit to hold a Quakertown Community Crop Walk to be held on October 9, 2016, the route to start outside the Memorial Park Baseball Stadium at 11:30 a.m. and traversing throughout the Borough, provided the Borough is added as an additional insured on the 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 66-16, Quakertown Fire Department's request to hold an annual carnival, be adopted:

RESOLUTION 66-16

WHEREAS, a request was received from the Quakertown Fire Department to use the Quakertown Memorial Park between the Tennis Courts and Panther Playground for a Fire Department Carnival to be held August 2 - 6, 2016 and use of the Borough's band shell and dunk tank for this event; and

WHEREAS, fireworks would be held on Friday, August 5, 2016 following Borough codes and which proper permits are obtained.

NOW, THEREFORE, BE IT RESOLVED, That, the Borough Council of the Borough of Quakertown grants the request of the Quakertown Fire Department to use Memorial Park between the Tennis Courts and the Panther Playground for a carnival and the use of the band shell and dunk tank and also to hold fireworks provided that the Borough is added as additional insured on the insurance.

NOW, BE IT FURTHER RESOLVED, That, the Borough Council of the Borough of Quakertown waives the fee for the use of the band shell.

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

RESOLVED, That, the following Resolution 70-16, East Swamp Church's request to host a Free Fall series and an annual Free Fall Event, be adopted:

RESOLUTION 70-16

WHEREAS, a request was received from the Quakertown Fellowship of Christian Athletes High School Club and the Quakertown Network of Churches to use the Main Street Skate Park for a Free Fall summer series and an annual Free Fall event in the fall.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of the Quakertown Fellowship of Christian Athletes High School Club and the Quakertown Network of Churches to use the Main Street Skate Park for a Free Fall summer series, which includes skateboarding and BMX competitions, recorded music and food from 5:30 p.m. to 8:30 p.m. on Mondays, May 23, June 6, June 20 and July 11, 2016 and an annual Free Fall event on Saturday, September 24, 2016 from 12:00 pm to 5:00 pm provided they add the Borough as an additional insured on the insurance.

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

President Roberts announced the appointment of three Council members to form an ad hoc committee to review the various possible designs and configurations of a proposed billboard at the northeast corner of Routes 313 and 309. The members are Lisa Gaier, Jann Paulovitz and Douglas Propst.

President Roberts declared the meeting adjourned at 8:08 p.m.

BOROUGH OF QUAKERTOWN

L. James Roberts, Jr.
President of Council

Attest:

Scott C. McElree
Borough Secretary