

A regular meeting of the Borough Council of Quakertown was held September 7, 2016, 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 August 3, 2016 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:

August 5, 2016	-	\$	165,488.60
August 12, 2016	-		11,367.23
August 19, 2016	-		819,462.73
August 26, 2016	-		11,930.26
August 31, 2016	-		795,214.22

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

### **PLANNING & ZONING COMMITTEE**

RESOLVED, That, the following Resolution 95-16, EPD Environmental Planning & Design, LLC's proposal for design and engineering services regarding Wayfinding Signage, be adopted:

#### **RESOLUTION 95-16**

WHEREAS, in 2010 the Borough hired Delta Development Group to provide an Urban Vision and Revitalization Plan; and

WHEREAS, the Borough has received a proposal in the amount of \$6,869.00 from EPD Environmental Planning & Design, LLC. of Pittsburgh, Pennsylvania for the Wayfinding Signage phase of the plan to include the design and engineering.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown wishes to accept EPD Environmental Planning & Design, LLC.'s proposal dated July 7, 2016 in the amount of \$6,869.00 for Wayfinding Signage design and engineering and authorizes the Borough Manager to execute the said proposal on behalf of the Borough of Quakertown.

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

RESOLVED, That, reading of Ordinance 1216, establishing Registration, Maintenance and Security of Abandoned Real Property, be waived. Motion of Councilman Roth, seconded by Councilman Propst. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, Ordinance 1216, an amendment to the Code of Ordinances of the Borough of Quakertown, Chapter 11, establishing Registration, Maintenance and Security of Abandoned Real Property as defined therein and providing for penalties for violations, severability, conflicts and an effective date, be passed. Motion of Councilman Roth, seconded by Councilwoman Gaier. A roll call vote was taken and the motion was unanimously carried.

Motion of President Roberts, seconded by Councilman Rosenberger to ratify Scott Cassel of 480 S. 10<sup>th</sup> Street to fill the vacancy on the Planning Commission. A roll call vote was taken and the motion was unanimously carried.

President Roberts called a recess for the Council meeting which will resume after the Public Hearing.

Roll call was taken again for the Public Hearing. All Council members were present along with Borough Manager McElree and Solicitor Fonzone.

President Roberts called a Public Hearing to order relative to an Inter-Municipal liquor license transfer for Blazin Wings, Inc. t/a Buffalo Wild Wings for the location at 1465 W. Broad Street, Unit #29.

President Roberts asked if there were anyone in the audience who wished to address the license matter. There was no response.

Borough Solicitor Fonzone questioned Douglas Wilhelm, Code Enforcement & Zoning Officer regarding Blazin Wings, Inc. t/a Buffalo Wild Wings' liquor license application.

Also questioned were Robert Hughes, Regional Manager for Buffalo Wild Wings and Daniel Bleznak, owner of the Quakertown Shopping Center.

President Roberts closed the Public Hearing at 8:01 p.m. (The full transcript is on file.)

President Roberts reconvened the Borough Council meeting at 8:02 p.m.

## **PLANNING & ZONING COMMITTEE**

RESOLVED, That, the following Resolution 92-16, Blazin Wings, Inc. t/a Buffalo Wild Wings' request for a liquor license transfer for the location of 1465 W. Broad Street, Unit #29, be adopted:

### **RESOLUTION 92-16**

WHEREAS, a request was received from Blazin Wings, Inc. t/a Buffalo Wild Wings of Minneapolis, Minnesota for an inter-municipal liquor license transfer of Restaurant Liquor License No. R-19367 LID No. 64734 owned by United Ventures, Inc. of 2615-21-23 Durham

Road, Bristol, Bucks County, PA 19007 to be used at the location of 1465 W. Broad Street, Unit #29, Quakertown; and

WHEREAS, an advertised public hearing was held for the purpose of receiving comments and recommendations of interested individuals residing within the Borough of Quakertown.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request for approval of an inter-municipal liquor license to Blazin Wings, Inc. t/a Buffalo Wild Wings.

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

### **REVENUE & FINANCE COMMITTEE**

RESOLVED, That, the following Resolution 96-16, ICMA-RC's proposal for 401a Retirement Plan Services, be adopted:

#### **RESOLUTION 96-16**

#### **A Resolution for a Legislative Body Relating To a Money Purchase Plan**

WHEREAS, the Employer has employees rendering valuable services; and

WHEREAS, the establishment of a money purchase retirement plan benefits employees by providing funds for retirement and funds for their beneficiaries in the event of death; and

WHEREAS, the Employer desires that its money purchase retirement plan be administered by ICMA-RC and that the funds held in such plan be invested in VantageTrust, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plans:

NOW THEREFORE BE IT RESOLVED that the Employer hereby establishes or has established a money purchase retirement plan (the "Plan") in the form of the ICMA Retirement Corporation Governmental Money Purchase Plan & Trust, pursuant to the specific provisions of the Adoption Agreement. The Plan shall be maintained for the exclusive benefit of eligible employees and their beneficiaries; and

BE IT FURTHER RESOLVED that the Employer hereby adopts the Declaration of Trust of VantageTrust, intending this adoption to be operative with respect to any retirement or deferred compensation plan subsequently established by the Employer, if the assets of the plan are to be invested in VantageTrust.

BE IT FURTHER RESOLVED that the Employer hereby agrees to serve as trustee under the Plan and to invest funds held under the Plan in VantageTrust; and

BE IT FURTHER RESOLVED that the Finance Director shall be the coordinator for the Plan; shall receive reports, notices, etc. from ICMA Retirement Corporation or VantageTrust; shall cast, on behalf of the Employer, any required votes under VantageTrust; may delegate any administrative duties relating to the Plan to appropriate departments; and

BE IT FURTHER RESOLVED that the Employer hereby authorizes the Borough Manager to execute all necessary agreements with ICMA Retirement Corporation incidental to the administration of the Plan.

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

RESOLVED, That, the following Resolution 91-16, appointing Jon Roth to fill David Erwin's position as a member of the Quakertown Area Industrial & Commercial Development Authority, be adopted:

#### RESOLUTION 91-16

Whereas, the Council of the Borough of Quakertown wishes to fill the remaining term of David Erwin's position as a member of the Quakertown Area Industrial & Commercial Development Authority.

NOW, THEREFORE, BE IT IS RESOLVED, That Borough Council hereby appoints Jon R. Roth to fill David Erwin's remaining term on the Quakertown Area Industrial & Commercial Development Authority for the period of August 2016 through December 31, 2017.

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

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

RESOLVED, That, the following Resolution 88-16, A Womens Place' request to hang purple ribbons to promote awareness for domestic violence, be adopted:

#### RESOLUTION 88-16

WHEREAS, a request was received from A Womens Place to hang purple ribbons on trees and light posts in the Borough in the month of October to promote awareness for domestic violence.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of A Womens Place to hang purple ribbons in the Borough during the month of October to increase awareness of domestic violence.

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 90-16, Quakertown Lions Club's request to hold the annual Halloween Parade, be adopted:

## RESOLUTION 90-16

WHEREAS, a request was received from the Quakertown Lions Club, for the annual Quakertown Halloween Parade, to waive the fee for the use of the bandshell and to approve the closing of the streets for the parade route. The requested street closings are:

Juniper Street from 4<sup>th</sup> Street to 11<sup>th</sup> Street,  
Eleventh Street between Juniper and Broad Street,  
Broad Street  
3<sup>rd</sup> Street between Broad and Juniper  
Fifth, Sixth and Seventh Streets between Broad and Park Avenue; and

WHEREAS, Council, in the adoption of Resolution 19-06, reserved the right to waive these fees for certain civic or charitable events which they deem beneficial to the betterment of the community.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of the Quakertown Lions Club Halloween Parade to close Borough streets and waive the fee for the use of the bandshell for their event on October 23, 2016 (rain date October 30, 2016).

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

## **PUBLIC UTILITIES COMMITTEE**

RESOLVED, That, the following Resolution 89-16, Wastewater Industrial Discharge Limits, be adopted:

### RESOLUTION 89-16

WHEREAS, the Borough of Quakertown, hereinafter the Borough, owns and operates a sanitary sewer system providing sewage disposal service to the citizens of Quakertown, the Borough of Richlandtown and Richland Township, including industrial users; and

WHEREAS, the Borough has adopted an Ordinance for the control of certain industrial waste discharges to the sewer system, hereinafter called the Industrial Pretreatment Program, as codified in Chapter 18 of the Borough Code of Ordinances; and

WHEREAS, the Borough, through interjurisdictional agreements, has been duly appointed by the Borough of Richlandtown and Richland Township as their agents for implementation of the Industrial Pretreatment Program within their jurisdictions; and

WHEREAS, in order to protect the sewer system, sewage treatment plant, sanitary sewer workers, the receiving waters and the public health, the Pretreatment Program establishes restrictions on the discharge of certain constituents that may be found in industrial wastes; and

WHEREAS, the Ordinance authorizes the Borough to establish and review from time to time local limits regarding the discharge of specific pollutants by industrial users to prevent pass through and interference and to implement the prohibited discharge standards established by the Pretreatment Program; and

WHEREAS, the Borough has developed such local limits which it wishes to impose on industrial users within and without the Borough, as authorized by the Ordinance and the interjurisdictional agreements; and

WHEREAS, the Borough has consulted with the Environmental Protection Agency with regard to the constituents to be controlled and levels at which such substances should be controlled in order to achieve these goals;

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

1. The following Local Limits Table is hereby adopted as the local limits authorized to be established by Section 302.3 of the Ordinance and as authorized by the interjurisdictional agreements with the Borough of Richlandtown and Richland Township. The Local Limits Table sets forth the maximum allowable net discharge of pollutants from Significant Industrial Users, as defined in the Ordinance. Wastewater Discharge Permits issued to Significant Industrial Users shall include such discharge limitations as will ensure that the sum of the industrial waste discharges will not cause the Local Limits to be exceeded.

#### LOCAL LIMITS FOR SIGNIFICANT INDUSTRIAL USERS

<u>Pollutant</u>	<u>Total Monthly Average Mass Headworks Loading (pounds per day)</u>
Arsenic	0.047
Copper	0.69
Cyanide	0.149
Lead	0.669
Mercury	0.0026
Molybdenum	0.28
Selenium	0.165
Silver	0.202
Zinc	3.08

2. All previous local limits specified in Section 1 adopted by this Council are hereby repealed in their entirety.

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

RESOLVED, That, the following Resolution 93-16, Sewage Facilities Planning Module for Independent Living Community at 105 E. Mill Street.

**RESOLUTION FOR PLAN REVISION**     RESOLUTION #93-16  
**FOR NEW LAND DEVELOPMENT**

RESOLUTION OF THE (SUPERVISORS) (COMMISSIONERS) (COUNCILMEN) of Quakertown  
(TOWNSHIP) (BOROUGH) (CITY), Bucks COUNTY, PENNSYLVANIA (hereinafter "the municipality").

**WHEREAS** Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the "Pennsylvania Sewage Facilities Act", as Amended, and the rules and Regulations of the Pennsylvania Department of Environmental Protection (Department) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, require the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes, and to revise said plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management, and

**WHEREAS** Renew Development, LLC has proposed the development of a parcel of land identified as  
land developer  
105 E. Mill Street, and described in the attached Sewage Facilities Planning Module, and  
name of subdivision  
proposes that such subdivision be served by: (check all that apply),  sewer tap-ins,  sewer extension,  new treatment facility,  individual onlot systems,  community onlot systems,  spray irrigation,  retaining tanks,  other, (please specify). \_\_\_\_\_

**WHEREAS**, Borough of Quakertown finds that the subdivision described in the attached  
municipality  
Sewage Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.

**NOW, THEREFORE, BE IT RESOLVED** that the (Supervisors) (Commissioners) (Councilmen) of the (Township)  
(Borough) (City) of Quakertown hereby adopt and submit to the Department of Environmental Protection for its approval as a revision to the "Official Sewage Facilities Plan" of the municipality the above referenced Sewage Facilities Planning Module which is attached hereto.

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

RESOLVED, That, the following Resolution 94-16, Walter H. McKeon, Inc.'s bid for removal of stored soil and debris at the wastewater plant, be adopted:

#### RESOLUTION 94-16

RESOLVED, by the Council of the Borough of Quakertown, That, the following bid be accepted and contract awarded to:

Walter H. McKeon, Inc., 1887 Stout Drive, Warminster, Pennsylvania for:  
Removal of stored soil and debris at the Waste Water Plant @ \$57,528.00

The contract is awarded in accordance with the bid opened July 25, 2016. The Borough Manager is hereby authorized to execute the said contract on behalf of the Borough of Quakertown.

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

#### **PUBLIC WORKS COMMITTEE**

Councilwoman Paulovitz stated that there are not any items for action under the Public Utilities Committee.

#### **PARKS & RECREATION COMMITTEE**

Councilman Propst stated that there are not any items for action under the Parks & Recreation Committee.

Councilman Propst announced several borough events coming up within the next several weeks.

President Roberts declared the meeting adjourned at 8:20 p.m.

BOROUGH OF QUAKERTOWN

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L. James Roberts, Jr.  
President of Council

Attest:

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Scott C. McElree  
Borough Secretary