A regular meeting of the Borough Council was held April 5, 2006, 7:30 p.m.

The following members and officers were present: President Dennis A. Hallman, Vice President L. James Roberts, Councilmembers Donald Rosenberger, Daniel Williams, David Wilsey, David Zaiser, Solicitor Charles Fonzone, Manager David L. Woglom and Asst. Borough Secretary Phyllis R. Ewing.

RESOLVED, That, the Minutes of March 1, 2006, be approved as written. Motion of Councilman Roberts, seconded by Councilman Zaiser. A roll call vote was taken and the motion was unanimously carried (Councilwoman Werner — absent).

RESOLVED, That, the financial reports be approved and vouchers drawn in payment of the bills listed thereon be ratified. Motion of Councilman Roberts, seconded by Councilman Rosenberger.

CHECKS #

52366 — 52607

\$2,829,968.26

President Hallman brought Council's attention to check #52570 in the amount of \$8,166.38 and indicated that since this item fell into the price range of \$4,000 to \$10,000, three price quotations should have been obtained. This heat lining product was purchased through the sole North American distributor of that product. There is a similar product, called hot tape, which has been found to be inferior and requires a different procedure to apply, does not wear as long, and costs more. Recently two price quotes were received from U. S. Municipal Supply and Reliable Sign and Striping Company, they were identical in price at \$8,973.48 plus shipping. These quotes were \$807.10 higher than what was spent and do not include shipping. The Borough Manager was instructed to contact Pennsylvania State Association of Boroughs (PSAB) for clarification on the quoting process for exclusive products so that there is no confusion in the future. PSAB informed us that unless a product is patented or copyrighted, we must follow the Borough Code. Council will be issuing a memo to all Departments reinforcing instructions that all transactions must follow the Borough Code.

While President Hallman was explaining the circumstances around check #52570, Free Press Reporter/Columnist Richard Woldow interrupted the meeting. Despite President Hallman's request for him to stop his disruption, Mr. Woldow continued the disruption. President Hallman warned Mr. Woldow that if he did not cease, he would be removed from the meeting. When Mr. Woldow continued to ignore President Hallman's warning, President Hallman asked Police Chief Scott McElree to remove Mr. Woldow from the meeting room. At first, Mr. Woldow refused to leave. However, Chief McElree escorted him from the room.

A roll call vote was taken on the above motion and the motion was unanimously carried (Councilwoman Werner — absent).

Councilman Wilsey stated that he has a great and increasing concern over how we are doing business daily in the Borough. Councilman Wilsey pointed out that a couple of mistakes have been made with the Sunshine Law and suggested an audit be performed by an outside entity to review our code of operations, and made the following motion:

RESOLVED, That, an audit of Borough operations be performed by an outside entity. This audit should include a full review of the Borough Manager's performance as well as our Solicitor's performance. A final report from the audit shall include an assessment of our compliance with all laws governing Borough operations as well as recommendations pertaining to the future employment of our Manager and our Solicitor. Motion of Councilman Wilsey, seconded by Councilman Zaiser.

Councilman Zaiser stated that he agrees with Councilman Wilsey and he feels that there should be some form of a stop gap or something followed to prevent these mistakes from happening in the future.

Councilman Roberts questioned whether Councilman Wilsey means a review instead of an audit and questioned who would do such a review or audit? President Hallman suggested getting guidance from the Pennsylvania State Association of Boroughs. Councilman Rosenberger indicated that the cost of such an operational audit could be prohibitive.

Following further discussion, Councilman Roberts made the following substitute motion:

RESOLVED, That, Borough Council meet in executive session with the Borough Manager and the Solicitor to address issues of the Borough's compliance with the Borough's Administrative Code. Motion of Councilman Roberts, seconded by Councilman Rosenberger. A roll call vote was taken and the motion failed due to a tie vote with the following Councilmembers voting in favor: Roberts, Rosenberger and Williams; and the following Councilmembers voting against: Wilsey, Zaiser and Hallman (Councilwoman Werner — absent).

President Hallman requested that the primary motion be repeated so that Council will be aware of what they are voting on. The primary motion was repeated by Councilman Wilsey.

A discussion followed with several Councilmembers expressing concern on what the scope of such an audit would be, who would do the audit, and the cost of such an audit.

A roll call vote was taken on the motion and the motion was defeated by majority vote with the following Councilmembers voting against: Roberts, Rosenberger, Williams and Hallman; and the following Councilmembers voting in favor: Wilsey and Zaiser (Councilwoman Werner — absent).

Councilman Rosenberger indicated that he could not vote in favor of the motion due to the fact that it was open-ended since the cost is unknown. Councilman Williams agreed with Councilman Rosenberger. President Hallman stated that although he agrees with the concept, he cannot vote in favor when he doesn't know the cost involved.

RESOLVED, That, Council contact PSAB for a listing of firms that do these types of audits, contact those firms and request price quotations for an audit of the Borough's operating procedures and proceed from there. Motion of President Hallman, seconded by Councilman Zaiser. A roll call vote was taken and the motion was unanimously carried (Councilwoman Werner — absent).

President Hallman announced that Free Press Reporter/Columnist Richard Woldow may come back into the meeting room provided no further disruptions occur.

RESOLVED, That, the Treasurer's Report for March 2006 be received and spread on the minutes. Motion of Councilman Rosenberger, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried (Councilwoman Werner — absent).

Treasurer's Report
March 31, 2006

Fund	Savings/Checking	PLGIT	CD	Total
Electric Fund	\$ 620,091.15	\$ 4,847.02	\$ 785,000.00	\$1,409,938.17
Water	570,268.76	4,474.31	250,000.00	824,743.07
Sewer	197,736.53	3,958.92	250,000.00	451,695.45
General	33,742.66	2,023.87		35,766.53
Payroll	200.00			200.00
Payroll Withholding	23,031.09			23,031.09
Debt Service Reserve		1,925.93		1,925.93
Fire Equipment		24,605.66		24,605.66
Recreation Fund	22,356.21			22,356.21
PA Motor License	1,320.55	578.87		1,899.42
Sinking Fund	796,140.96	3,583.21	300,000.00	1,099,724.17

1999-01 Equipment				
Replacement	301,805.61			301,805.61
Totals	\$2,566,693.52	\$ 45,997.79	\$1,585,000.00	\$4,197,691.31
		•		

RESOLVED, That, the Police Department, Zoning Administrator and Building Inspector reports be received and filed. Motion of Councilman Roberts, seconded by Councilman Williams. A roll call vote was taken and the motion was unanimously carried (Councilwoman Werner — absent).

PLANNING & ZONING COMMITTEE

Councilman Wilsey stated that there aren't any items for action or report under the Planning & Zoning Committee.

REVENUE & FINANCE COMMITTEE

RESOLVED, That, the following Resolution 19-06, establishing fees for the use of the bandshell, be adopted:

RESOLUTION NO. 19-06

WHEREAS, Resolution 1-94 was first adopted on January 3, 1994 and established the fees associated with Borough services; and

WHEREAS, the Borough wishes to change the fee for the use of the bandshell:

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Quakertown that the fee be amended to read as follows:

11. MISCELLANEOUS FEES

Use of Bandshell for events: \$100.00 fee plus actual overtime hours of Borough workers billed at the rates established in the annual Billing Rate Resolution.

Use of Bandshell at no charge for the following events:

Quakertown Community Day; Quakertown

Halloween Parade; Quakertown Memorial Day Celebration; Quakertown Alive events; and Quakertown Historical Society events.

Council reserves the right to waive all or part of these fees for certain civic or charitable events which Council may deem beneficial to the betterment of the community.

Motion of Councilman Roberts, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried (Councilwoman Werner — absent).

HEALTH, SAFETY & WELFARE COMMITTEE

Councilman Wilsey chaired the Health, Safety & Welfare Committee in Councilwoman Werner's absence.

RESOLVED, That, Council grant the request of the Quakertown Fire Company #1 to conduct the Bucks County Fireman's Parade on June 10 in accordance with their application, to waive the bandshell rental fee, and to create no parking on June 10 from 8:00 a.m. until 4:00 p.m. on the following streets:

- a. Juniper Street from Twelfth to Sixth Streets;
- b. Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Streets from Broad Street to Park Avenue;
- c. Twelfth Street from Broad Street to Juniper Street;
- d. Broad Street from Sixth Street to Hellertown Avenue;
- e. Hellertown Avenue from Broad Street to Mill Street; and
- f. Mill Street from Hellertown Avenue to the Swimming Pool.

Motion of Councilman Wilsey, seconded by Councilman Zaiser. A roll call vote was taken and the motion was unanimously carried (Councilwoman Werner — absent).

RESOLVED, That, the following Resolution 21-06 concerning the Borough's sponsorship of a Teen/Youth Seminar be adopted:

Resolution 21-06

WHEREAS, the Borough of Quakertown wishes to assist in providing wholesome

programs and activities for the youth of the community; and

WHEREAS, the Borough wishes to be a sponsor of a proposed Youth and Community Seminar that will provide information, communication and demonstrations for both the youth and parents of the Quakertown area.

NOW, THEREFORE BE IT RESOLVED that Borough Council is in support of being one of the sponsors of the proposed Youth and Community Seminar in the Quakertown area, and that Council directs its Chief of Police to work with the steering group that is established to assist with the creation of this event.

Motion of Councilman Zaiser, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried (Councilwoman Werner — absent).

President Hallman appointed Councilman David Zaiser to Chair the Steering Committee of the proposed Youth and Community Seminar.

RESOLVED, That, President Hallman's appointment of David Zaiser to Chair the Steering Committee be ratified. Motion of Councilman Roberts, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried (Councilwoman Werner — absent).

RESOLVED, That, Council grants the request of the Sertoma Club to conduct a road race on June 25 on various Borough streets and in the northern portion of Memorial Park in accordance with their application subject to the following conditions:

- 12. That the runners must be made aware that this is not a closed course, that they sign a waiver acknowledging this and the hazards of vehicle traffic and that the Borough be made harmless.
- 2. That the runners run in the street, left side to curb (opposing traffic).
 - 3. That the event organizers must provide safety people at each intersection to help the runners, but not to impede or direct vehicle traffic.
 - 4. No permanent or semi-permanent markings are to be made on the streets, sidewalks or bicycle paths.

Motion of Councilman Wilsey, seconded by Councilman Williams. A roll call vote was taken and the motion was unanimously carried (Councilwoman Werner — absent).

RESOLVED, That, Council grant the request of Quakertown Alive! to close the

downtown triangle, to waive the bandshell rental fee and to create no parking on Broad Street from Fourth Street to Hellertown Avenue on May 20 from 7:00 a.m. to 6:00 p.m. in accordance with their application. Motion of Councilman Wilsey, seconded by Councilman Zaiser. A roll call vote was taken and the motion was unanimously carried (Councilwoman Werner — absent).

RESOLVED, That, Council grant the request of the Upper Bucks YMCA to conduct a road race on April 1 in conjunction with their application subject to the following conditions:

- 1. That the runners must be made aware that this is not a closed course, that they sign a waiver acknowledging this and the hazards of vehicle traffic and that the Borough be made harmless.
- 2. That the runners run in the street, left side to curb (opposing traffic).
- 3. That the event organizers must provide safety people at each intersection to help the runners, but not to impede or direct vehicle traffic.
- 4. No permanent or semi-permanent markings are to be made on the streets, sidewalks or bicycle paths.

Motion of Councilman Wilsey, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried (Councilwoman Werner — absent).

RESOLVED, That, the Borough Manager be authorized to advertise the proposed Curfew Ordinance for adoption on May 3. Motion of Councilman Wilsey, seconded by Councilman Zaiser. A roll call vote was taken and the motion was unanimously carried (Councilwoman Werner — absent).

RESOLVED, That, the Borough Manager be authorized to advertise the proposed Sexual Offender Ordinance for adoption on May 3. Motion of Councilman Wilsey, seconded by Councilman Zaiser. A roll call vote was taken and the motion was unanimously carried (Councilwoman Werner — absent).

RESOLVED, That, Council grants the request of Crossroads Pregnancy Care to conduct a walk-a-ton on June 3 and approval for use of Fire Police. Motion of Councilman Wilsey, seconded by Councilman Williams. A roll call vote was taken and the motion was unanimously carried (Councilwoman Werner — absent).

RESOLVED, That, Council grants the request of the Liberty Bell Wanderers to conduct a 5K-10K Leisure Walk on May 20. Motion of Councilman Wilsey, seconded by Councilman Williams. A roll call vote was taken and the motion was unanimously carried

(Councilwoman Werner — absent).

From

Street

RESOLVED, That, the following Resolution 25-06 concerning temporary parking restrictions on Main and Juniper Streets and Hellertown Avenue, be adopted:

RESOLUTION 25-06

WHEREAS, Chapter 15, section 105 of the Code of Ordinances of the Borough of Quakertown permits Borough Council to enact temporary, specific traffic and/or parking regulations for up to 90 days; and

WHEREAS, the Borough will be closing portions of Broad Street from Main Street to the railroad tracks in 2006 to replace a water line; and

WHEREAS, the Police Chief and Borough Manager are recommending to Borough Council that parking be restricted on portions of streets in the Borough in order to effectuate a safer detour route for vehicles.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Quakertown to create No Parking on the following portions of the following streets for 90 days, effective April 7:

Main Street	Broad St.	A Point 60' to the south	East	Monday - Friday Saturday 8:00 a.m. to 4:00 p.m.
Junipar St	Main St	A Point 50' to the east	North	Monday Friday Saturday

Side

Days/Times

To

Juniper St. Main St. A Point 50' to the east North Monday - Friday Saturday 8:00 a.m. to 4:00 p.m.

Hellertown Ave. Broad St. A Point 40' to the north West Monday - Friday Saturday 8:00 a.m. to 4:00 p.m.

Motion of Councilman Wilsey, seconded by Councilman Roberts.

Under discussion, Councilman Rosenberger felt that the days of the restricted parking should include Saturday since traffic is also extremely heavy on Saturdays.

RESOLVED, That, Resolution 25-06 be amended to include Saturday in the days of restricted parking on Main and Juniper Streets and Hellertown Avenue. Motion of Councilman Wilsey, seconded by Councilman Roberts. A roll call vote was taken on the motion as amended and the motion was unanimously carried. (Councilwoman Werner — absent).

PUBLIC UTILITIES COMMITTEE

RESOLVED, That, the following Resolution 24-06, concerning an amendment to the Borough's contract for wholesale power pertaining to the years 2008 - 2012, be adopted:

BOROUGH OF QUAKERTOWN, PENNSYLVANIA RESOLUTION # 24-06

TO AUTHORIZE THE EXECUTION OF A LONG-TERM POWER PURCHASE SCHEDULE WITH AMP-OHIO

AUTHORIZING the Borough Council President and the Borough Manager to execute a Long Term Power Purchase Schedule with American Municipal Power - Ohio, Inc., ("AMP-Ohio") in order to purchase from AMP-Ohio power and associated energy available to AMP-Ohio for the term January 1, 2008 through December 31, 2012.

WHEREAS, the Borough of Quakertown, Pennsylvania (the "Municipality"), owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers; and

WHEREAS, in order to satisfy the electric power and energy requirements of its electric utility system, the Municipality has heretofore purchased economical and reliable power and energy from AMP-Ohio, of which the Municipality is a member, or has heretofore purchased power arranged by AMP-Ohio; and

WHEREAS, the Municipality, acting individually and, along with other municipalities which own and operate electric utility systems, jointly through AMP-Ohio, endeavors to arrange for reliable, reasonably priced supplies of electric power and energy for ultimate delivery to its customers; and

WHEREAS, Municipality has executed a Master Services Agreement with AMP-Ohio which sets forth the general terms and conditions for the provision of power supply and other services by AMP-Ohio to the Municipality; and

WHEREAS, AMP-Ohio has purchased from a reputable third party power supplier a multi-megawatt block of power and associated energy for an extended term ending December 31, 2012 (herein "Long Term Power Purchase"); and

WHEREAS, the Municipality desires to enter into a power schedule to the Master Service Agreement in order to purchase energy from the Long Term Power Purchase; and

WHEREAS, AMP-Ohio has prepared and heretofore delivered to this

Municipality the form of a Long Term Power Purchase Schedule in order for Municipality to purchase power from the Long Term Power Purchase; and

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE BOROUGH OF QUAKERTOWN, PENNSYLVANIA.

SECTION 1. That the Long Term Power Purchase Schedule between this Municipality and AMP-Ohio, substantially in the form attached hereto as Exhibit 1 is approved, subject to and with any and all changes provided herein and therein.

SECTION 2. That the Borough Council President and the Borough Manager are hereby authorized to execute the Long Term Power Purchase Schedule on behalf of the Municipality.

SECTION 3. That is it found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

SECTION 4. If any section, subsection, paragraph, clause or provision or any part thereof of this ordinance shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this ordinance shall be unaffected by such adjudication and all the remaining provisions of this ordinance shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 5. That this ordinance shall take effect immediately upon its passage.

Motion of Councilman Rosenberger, seconded by Councilman Williams.

Under discussion, Councilman Wilsey asked if this changes the current contract? Councilman Rosenberger stated that it is an amendment to the contract.

Councilman Wilsey asked if the Solicitor has looked at this amendment and the current contract? Solicitor Fonzone stated that he has and pointed out that Attorney Wheatley is the attorney representing the Borough in these matters. Solicitor Fonzone further pointed out the following to Council: The agreement of sale, which you are signing today, basically says that if AMP-Ohio cannot provide the power that you are signing this contract for, AMP-Ohio would not be liable to the Borough if AMP-Ohio did not receive the power from the J. Aron Group. Attorney Wheatley has told me that the J. Aron Group is a well-respected group, which owns and controls the rights to the power. Obviously we have to rely on his expertise. If the power cannot be supplied by J. Aron, then AMP-Ohio, in the contract, has a duty to provide substitute power. In the year 2008, if there is a problem with

providing power, it will cost more than this contract puts out and according to Attorney Wheatley, the Borough would be responsible for the difference. Solicitor Fonzone indicated that from his standpoint, the contract is in legal form and pointed out that there is a risk.

Councilman Rosenberger pointed out that there still is a 6 month option out for either party.

A roll call vote was taken and the motion was unanimously carried (Councilwoman Werner — absent).

PUBLIC WORKS COMMITTEE

RESOLVED, That, Council authorize the Borough Manager to advertise for a public hearing on June 7 in connection with the request to vacate an unopened alley between 38 and 40 Elm Street. Motion of Councilman Zaiser, seconded by Councilman Wilsey. A roll call vote was taken and the motion was unanimously carried (Councilwoman Werner — absent).

RESOLVED, That, the President of Council be authorized to sign an agreement with William Boyette for the purpose of a loan of \$5,000 for two years at a rate of 4% interest per annum for the cost of replacing curb/sidewalk. Motion of Councilman Roberts, seconded by Councilman Zaiser. A roll call vote was taken and the motion was unanimously carried (Councilwoman Werner — absent).

RESOLVED, That, the following Resolution 22-06, awarding the bid for trash and recycling collection, be adopted:

RESOLUTION NO. 22-06 ACCEPTING BID AND AWARDING CONTRACT TO CHES-MONT DISPOSAL, INC.

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of Ches-Mont Disposal, Inc. of Exton, Pennsylvania, in the following amounts:

First year - \$17.43/month per customer for cart collection Second year - \$17.43/month per customer for cart collection Third year - \$17.43/month per customer for cart collection

for trash and recycling collection as per bid opened March 29, 2006, is hereby accepted. The contract is awarded to Ches-Mont Disposal, Inc. The Borough Manager is hereby authorized to execute the said contract on behalf of the Borough of Quakertown.

Motion of Councilman Zaiser, seconded by Councilman Williams.

Councilman Rosenberger questioned when the new bid for trash and recycling

starts? He was told it is to begin September 22, 2006.

A roll call vote was taken and the motion was unanimously carried (Councilwoman Werner — absent).

PARKS & RECREATION COMMITTEE

RESOLVED, That, Council grants the request of the Quakertown Midget Football Association for permission to perform a topographic study, at their cost, of the area to the east of the Midget Football Field. Motion of Councilman Williams, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried (Councilwoman Werner — absent).

RESOLVED, That, Council grants the request of the Quakertown Midget Football and Quakertown Soccer Club Associations for permission to install a sign, at their cost, at the California Road entrance to Memorial Park and for the Borough to provide electric to the sign with the understanding that the organization will secure the necessary building permit. Motion of Councilman Williams, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried (Councilwoman Werner — absent).

RESOLVED, That, Council grants the request of the Upper Bucks YMCA to use portions of Memorial Park from April 24 - June 18 for t-ball and from June 1 - September 1 for tennis. Motion of Councilman Williams, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried (Councilwoman Werner — absent).

RESOLVED, That, Council grants the request of the Richland Area Softball Association to use the Main Street Park softball field from April 1 to June 30. Motion of Councilman Williams, seconded by Councilman Zaiser. A roll call vote was taken and the motion was unanimously carried (Councilwoman Werner — absent).

RESOLVED, That, Council grants the request of the Richland Area Softball Association to use Memorial Park Stadium and softball field on April 30 for a Home Run Derby and Field Event. Motion of Councilman Williams, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried (Councilwoman Werner — absent).

RESOLVED, That, Council grants the request of the Quakertown Historical Society to conduct a flea market in Memorial Park on May 13 and September 9. Motion of Councilman Williams, seconded by Councilman Zaiser. A roll call vote was taken and the motion was unanimously carried (Councilwoman Werner — absent).

RESOLVED, That, Council grants the request of the Connie Mack organization to construct a batting cage in the northern portion of Memorial Park. Motion of Councilman Williams, seconded by Councilman Roberts. A roll call vote was taken and the motion was

unanimously carried (Councilwoman Werner — absent).

At 8:47 p.m., President Hallman announced that at this time, we are going to temporarily recess our meeting and go into an Executive Session for the purposes of consulting with our attorney to discuss matters involving staffing, issues involving non-uniform employees and the status of negotiations with the police association. We will return for purposes of possible discussion, possible motion and adjournment.

At 9:59 p.m., the meeting was reconvened.

RESOLVED, That, Council directs the Borough Manager to take all necessary steps to outsource all possible operations in the Public Works Department to be effective immediately. Motion of Councilman Roberts, seconded by Councilman Williams. A roll call vote was taken and the motion was carried by majority vote with the following Councilmembers voting in favor: Roberts, Rosenberger, Williams, Wilsey and Hallman; and the following Councilmember voting against: Zaiser (Councilwoman Werner — absent).

RESOLVED, That, Council directs the Borough Manager to take all necessary steps to restructure and reorganize the Electric Department, Sewer Department and Water Department as well as those functions in the Public Works Department which are not appropriate for subcontracting. Such reorganization shall include, but not be limited to, changing staffing levels, by increasing the number of part time employees and reducing the number of full time employees, reassigning job functions and combining positions. Motion of Councilman Roberts, seconded by Councilman Williams.

Under discussion, President Hallman stated that this is to try to help to curb rising costs the Borough encounters every year.

A roll call vote was taken and the motion was unanimously carried (Councilwoman Werner — absent).

At 10:02 p.m., President Hallman declared the meeting adjourned.

BOROUGH OF QUAKERTOWN

Dennis A. Hallman
President of Council

Attest:

Phyllis R. Ewing
Asst. Borough Secretary