

A regular meeting of the Borough Council of Quakertown was held September 6, 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, Douglas Propst, Jon Roth, Solicitor Charles Fonzone, Manager Scott C. McElree and Asst. Borough Secretary Kris Barndt. Councilwoman Paulovitz was absent.

RESOLVED, That, the Minutes of August 2, 2017 be approved as written. Motion of Councilman Rosenberger, seconded by Councilman Propst. A roll call vote was taken and the motion was unanimously carried. Councilwoman Paulovitz absent.

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

August 4, 2017	-	\$	21,188.69
August 10, 2017	-		43,706.89
August 17, 2017	-		787,872.61
August 25, 2017	-		18,781.08
August 29, 2017	-		949,185.92

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

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

Visitors:

June Hunt, 115 E. Broad Street, indicated she would like to speak regarding the amphitheater.

Kathy Wilt, 135 S. 9th Street, indicated she would like to speak regarding the new parking pattern, tree trimming and opiods in the Borough.

PLANNING & ZONING COMMITTEE

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

REVENUE & FINANCE COMMITTEE

RESOLVED, That, the following Ordinance 1220, early retirement incentive for eligible members of the pension plan for non-uniformed employees; be adopted:

ORDINANCE NO. 1220

AN ORDINANCE OF THE BOROUGH OF QUAKERTOWN, BUCKS COUNTY, PENNSYLVANIA, CREATING AN EARLY RETIREMENT INCENTIVE FOR ELIGIBLE MEMBERS OF THE PENSION PLAN FOR NON-UNIFORMED EMPLOYEES OF THE BOROUGH OF QUAKERTOWN.

Motion of Councilman Rosenberger, seconded by Councilwoman Gaier to pass Ordinance 1220. A roll call vote was taken and the motion was unanimously carried. Councilwoman Paulovitz absent.

RESOLVED, That, the following Resolution 82-17, Freight Station Sublease Agreement with QT Freight House, LLC., be adopted:

RESOLUTION 82-17

WHEREAS, the Council of the Borough of Quakertown wishes to accept the Freight Station Sublease Agreement with QT Freight House, LLC (Ian Jeffrey).

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown accepts the Sublease Agreement with QT Freight House, LLC (Ian Jeffrey) and authorizes the Borough Manager to execute said agreement on behalf of the Borough.

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

RESOLVED, That, the following Resolution 85-17, authorization to extend energy contract, be adopted:

BOROUGH OF QUAKERTOWN, PENNSYLVANIA

RESOLUTION NO. 85-17

**RESOLUTION AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO
THE 2018-2022 NON-POOL ENERGY PURCHASE SCHEDULE
WITH AMERICAN MUNICIPAL POWER, INC. ("AMP")**

WHEREAS, the Borough of Quakertown, Pennsylvania (the "Municipality") is a political subdivision organized and existing pursuant to the laws of the State of Pennsylvania, which owns and operates an electric utility system for the sale of electric capacity and associated energy for the benefit of its citizens and customers;

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

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

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

WHEREAS, Municipality entered into a 2018-2022 Non-Pool Energy Purchase Schedule with American Municipal Power Inc. ("AMP") (AMP Contract No. 2015-001746-SCHED) in order to purchase energy from AMP ("2018-2022 Non-Pool Energy Purchase Schedule");

WHEREAS, the Parties desire to execute an amendment to the 2018-2022 Non-Pool Energy Purchase Schedule for AMP to sell and Municipality to purchase additional energy under terms and conditions similar to those in the 2018-2022 Non-Pool Energy

Purchase Schedule for an extended term with delivery beginning in 2023 and ending no later than December 31, 2027;

WHEREAS, the Parties desire for Municipality to sell and AMP to purchase energy under terms and conditions described herein for a term ending no later than December 31, 2021; and,

WHEREAS, AMP has provided appropriate personnel and information regarding the First Amendment of the 2018-2022 Non-Pool Energy Purchase Schedule to enable Municipality to evaluate the benefits and risks of the additional power purchases authorized by the First Amendment to the 2018-2022 Non-Pool Energy Purchase Schedule and to determine the same are in the public interest;

WHEREAS, AMP has prepared and delivered to the Municipality the form of a First Amendment to the 2018-2022 Non-Pool Energy Purchase Schedule, pursuant to which the Municipality may purchase electric energy; and

WHEREAS, in recognition of the unique nature of the Purchases described herein, competitive bidding is not required on the Municipality's purchase of energy, through the First Amendment to the 2018-2022 Non-Pool Energy Purchase Schedule, however, any competitive bidding requirement that might otherwise be applicable for the purchase of any energy through the execution of the Remaining Requirements Energy Supply Schedule authorized by this resolution, should be waived.

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

SECTION 1. That the form of the First Amendment to the 2018-2022 Non-Pool Energy Purchase Schedule between this Municipality and AMP, substantially in the form attached hereto as Exhibit 1, is approved, subject to and with any and all changes provided for herein and therein.

SECTION 2. That the Borough Manager or his or her designee is hereby authorized to execute the First Amendment to the 2018-2022 Non-Pool Energy Purchase Schedule and to acquire the Municipality's energy from Long Term Energy

Purchase(s), with a term beginning on January 1, 2023 and ending no later than December 31, 2027, and with a third party contract price (excluding any taxes, transmission costs, replacement energy, losses, congestion costs, security costs, or AMP service fees) not to exceed \$79.00 per MWh, to sell energy under terms and conditions in the First Amendment for a term ending no later than December 31, 2021, and is further authorized to execute and deliver any and all documents necessary to participate in Long Term Energy Purchase, pursuant to the conditions set forth herein, as set forth in the First Amendment to the 2018-2022 Non-Pool Energy Purchase Schedule.

SECTION 3. That competitive bidding is not required on the Municipality's acquisition of its right to secure energy under the First Amendment to the 2018-2022 Non-Pool Energy Purchase Schedule, and in the event any competitive bidding requirements are applicable, any such competitive bidding requirement that might otherwise be applicable, are hereby waived.

SECTION 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of a quorum of the Council, and that all deliberations of this Council and of any its committees that resulted in such formal action, were held in meetings open to the public, in compliance with all legal requirements.


SECTION 5. If any section, subsection, paragraph, clause or provision or any part thereof of this resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this resolution shall be unaffected by such adjudication and all the remaining provisions of this resolution 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 6. Pursuant to 53 P.S. § 47402-A and 53. P.S. § 47505-A, competitive bidding is not required on the Municipality's purchase of power and energy, through the Schedule.

SECTION 7. That this resolution shall take effect at the earliest date allowed by law.

ENACTED, this 6th day of September, 2017, at a regular meeting of the Borough Council of Quakertown, Pennsylvania.

BOROUGH OF QUAKERTOWN


L. James Roberts, Jr.
PRESIDENT OF COUNCIL

ATTEST:

Scott C. McElree
BOROUGH SECRETARY

Councilman Rosenberger stated there are no changes to the existing contract other than extending it for another five years at the price the Borough chooses.

Councilwoman Gaier asked if there was a premium the Borough would have to pay in order to take advantage of this extension on the contract. Manager McElree answered that is correct there is not a buyout.

Motion of Councilman Rosenberger, seconded by Councilman Propst to extend the contract. A roll call vote was taken and the motion was unanimously carried. Councilwoman Paulovitz absent.

RESOLVED, That, the following Resolution 86-17, accepting the rate for the new contract extension with NextEra, be adopted:

RESOLUTION 86-17

WHEREAS, the Borough of Quakertown has accepted a contract extension with NextEra beginning January 1, 2023 and ending December 31, 2027; and

WHEREAS, Borough Council wishes to accept Proposal #1 – Blend & Extend rate with the term of September 1, 2017 through December 31, 2027.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown wishes to accept Proposal #1 – Blend & Extend rate, price \$52.81/ MWh with the term of September 1, 2017 through December 31, 2027 and authorizes the Borough Manager to execute the AMP Contract #2023-004105-AMD on behalf of the Borough of Quakertown.

Councilman Rosenberger stated this option would save the Borough approximately \$440,000 a year over ten years.

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

HEALTH, SAFETY & WELFARE COMMITTEE

RESOLVED, That, the following Resolution 81-17, A Women's Place request to hang purple ribbons for domestic violence awareness, be adopted:

RESOLUTION 81-17

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. Councilwoman Paulovitz absent.

Councilman Johnson indicated that Kathy Wilt could speak at this time. Ms. Wilt stated there are people upset about the new parking on Broad Street. Ms. Wilt asked why the parking was changed and what the plans are. Councilman Johnson replied it was originally designed to add parking spaces when the triangle project was going to reduce parking. By making angled parking it would increase parking spaces. Secondly, Branch Street was going to be one lane for traffic calming through down town.

Ms. Wilt asked if there is a schedule for tree trimming around power lines and trees in the Borough. Manager McElree answered that there is a four year program which the Borough is broken down into four sections and every year the trees get trimmed within that section. The trimming goes out for bid.

Ms. Wilt also asked if the Police Department uses narcan. Manager McElree stated that the department does use narcan and was the first community in Bucks County to start using it.

PUBLIC UTILITIES COMMITTEE

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

PUBLIC WORKS COMMITTEE

President Roberts stated that there are not any items for action under the Public Works Committee in Councilwoman Paulovitz absence.

PARKS & RECREATION COMMITTEE

Councilman Propst indicated that June Hunt could speak at this time. Mrs. Hunt who owns Moon Dog Yoga suggested residents or business owners in the Borough should be charged a discount rate for use of the amphitheater just as the swimming pool tickets and kids camp.

Manager McElree stated he would mention that suggestion when the fees are set for next year.

Councilman Rosenberger suggested maybe there should be different rates for different nights.

Councilman Propst stated maybe there could be some type of time share if someone else is interested in using the amphitheater for a short period of time to split the fee.

RESOLVED, That, the following Resolution 83-17, Tony Hawk Foundation Grant Agreement for the Action Park, be adopted:

RESOLUTION 83-17

WHEREAS, the Action Park Committee has received acceptance for a \$10,000 grant from the Tony Hawk Foundation; and

WHEREAS, the Tony Hawk Foundation seeks to foster lasting improvements in society, with an emphasis on supporting and empowering youth and supports recreational programs focusing on the creation of public skateboard parks.

NOW THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown accepts the Agreement with the Tony Hawk Foundation dated July 26, 2017 and directs the Borough Manager to execute the said Agreement on behalf of the Borough of Quakertown.

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

President Roberts declared the meeting adjourned at 8:26 p.m.

BOROUGH OF QUAKERTOWN

L. James Roberts, Jr.
President of Council

Attest:

Scott C. McElree
Borough Secretary