

A regular meeting of the Borough Council was held January 3, 2007, 7:30 p.m.

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

RESOLVED, That, the Minutes of December 6, 2006, be approved as written. Motion of Councilman Roberts, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried (Councilman Wilsey — absent).

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

Visitors:

The following visitors indicated that they wished to speak with regard to proposed Ordinance 1129 (prohibiting smoking by minors on the streets of the Borough):

Lee Rush, Executive Director of Just Community, Quakertown;

Ron Nolan, Bucks County School's Intermediate Unit; and

Ray Fox, Borough resident and 35 year employee with the Quakertown School District.

PLANNING & ZONING COMMITTEE

Councilman Rosenberger chaired the Planning & Zoning Committee portion of the agenda. Councilman Rosenberger indicated that there aren't any items for action or report under the Planning & Zoning Committee.

REVENUE & FINANCE COMMITTEE

Councilman Roberts announced that an executive session was held this evening at 7:00 p.m. Borough Council discussed and reviewed a Provisional Offer Letter to be provided to Chief of Police Scott McElree, in which, subject to a public vote by Council, the Borough would offer Chief McElree the position of Acting Borough Manager in exchange for certain consideration. Specifically, the Borough would offer Chief McElree \$200 per week for accepting the position of Acting Borough Manager, in addition to his current salary for his services as Chief of Police. Chief McElree has indicated his willingness to accept the terms offered by the Borough's Provisional Offer Letter.

RESOLVED, That, Council appoints Chief of Police Scott McElree to the position of Acting Borough Manager pursuant to the terms and conditions identified in the Borough's Provisional Offer Letter to him, a copy of which shall be attached to the Minutes of today's public Council Meeting. Motion of Councilman Roberts, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried (Councilman Wilsey — absent).

The Provisional Offer Letter is as follows:

Chief of Police Scott McElree
Quakertown Borough Police Department
35 North Third Street
Quakertown, PA 18951

**Re: Offer to Accept Appointment as Acting Borough Manager;
Terms of Employment if Offer Accepted**

Dear Chief McElree:

Please accept this letter as an offer to assume the position of Acting Borough Manager of Quakertown Borough ("Borough"). On behalf of Borough Council ("Council"), we are pleased to offer you this position of Acting Manager. If you accept Council's offer under the terms and conditions outlined in this letter, you must confirm your acceptance to me in writing by 4:00 p.m. on January 5, 2007. Your appointment would become effective 5:00 p.m. on January 5, 2007. Once you have indicated your acceptance of these terms, this process will become final by the affirmative vote of the Council at its January 3, 2007 public meeting.

DUTIES: Your duties as Borough Manager include those identified in the Borough's Home Rule Charter and relevant ordinances, copies of which are attached to this letter.

ADDITIONAL COMPENSATION: In addition to the compensation you already receive for your services as Chief of Police, you shall receive \$200 per week that you serve as Acting Borough Manager.

ALLOCATION OF TIME: Your duties as Acting Borough Manager will require your attention for a significant, if not majority, of your work day. It is expected that you will apportion your time as circumstances prudently require and will delegate tasks to subordinates as appropriate.

HOURS OF WORK/OVERTIME/COMPENSATORY TIME: Your duties also include working a minimum of 40 hours per week, except, of course, during weeks in which a valid use of paid leave time or holiday occurs. As Acting Manager and Chief of Police, you would continue to be a management employee of the Borough. Thus, you would be considered an "exempt" employee under state and federal wage and hour laws. Consequently, you will not be entitled to receive overtime pay or compensatory time off for any hours worked in excess of 8 hours per day or 40 hours per workweek.

RIGHT TO RESIGN: You shall have the right to resign your position as Acting Manager at any time with no effect upon your role as Chief of Police. The Borough shall not commit any adverse employment action against you in your role as Chief of Police in retaliation for you resigning your position as Acting Borough Manager.

With respect to your status as the Borough's Acting Manager, as with your status as Chief of Police, under Pennsylvania law, your role would remain subject to the ongoing, sole discretion of Council.

You understand this is a temporary appointment effective at the discretion of Council. Council is conducting a search for a replacement for the recently resigned Borough Manager. It is agreed that once a new Borough Manager is appointed by Council in the course of its selection for a replacement for the recently resigned Borough Manager, you will be removed from that position.

If you have any questions about the terms and conditions of your employment, or your employment status, feel free to contact me at your convenience.

The Council and I would like to congratulate you for earning this opportunity. We are confident that, if you accept this new role, you will provide the Borough and the community with the same high caliber of service to the Borough as Acting Manager as you provide as its Chief of Police.

Sincerely,

Dennis Hallman
Quakertown Borough Council President

Councilman Roberts indicated that also during the Executive Session held this evening, the Council also discussed and reviewed a proposed Memorandum of Agreement with the Borough Public Works Employees' Union. In exchange for certain consideration, the union will withdraw its pending litigation regarding the Borough's outsourcing in the removal of trees on Borough property as well as waiving its right to file legal challenges to the Borough's lawn maintenance outsourcing proposal.

RESOLVED, That, provided the Union executes the Memorandum of Agreement in substantially similar form as that reviewed tonight by Borough Council, that Borough Council will authorize Council President Dennis Hallman to execute this Memorandum of Agreement. Motion of Councilman Roberts, seconded by Councilwoman Werner. A roll call vote was taken and the motion was unanimously carried (Councilman Wilsey — absent).

RESOLVED, That, the following Resolution 1-07 establishing that no employee contributions are necessary for the uniform pension plan be adopted:

RESOLUTION 1-07

WHEREAS, it has been determined by Actuarial Study that the Police Pension Fund is actuarially sound, and that no contributions from the member officers are needed for the year 2007,

NOW, THEREFORE, under the authority of Section 6 of the Act of May 29, 1956, P.L. 1804, as amended, it is

RESOLVED, by the Council of the Borough of Quakertown, That, the deductions from each officer's wages as called for by Borough Ordinance be eliminated effective January 1, 2007, for the 2007 calendar year.

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

RESOLVED, That, the following Resolution 3-07 establishing Borough billing rates for 2007 be adopted:

RESOLUTION #3-07		
WHEREAS, the Borough of Quakertown provides services and/or repairs to needed public services; and		
WHEREAS, Borough Council wishes to establish proper billing unit-prices for the services;		
NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Quakertown, That, the following unit-prices will be used for billing purposes:		
PUBLIC WORKS DEPARTMENT		
Employee	Regular	Overtime
Joseph Murgia, Superintendent	43.02	64.53
Michael Smakulski, Asst. Supt.	27.90	41.85
General Crew		
Brian Fluck, Crew Chief	25.44	38.16
Kenneth Barndt.	23.04	34.55
William Gleockler	23.04	34.55
Brian Weaver	23.04	34.55
Henry Marushak	23.04	34.55
Gary Ritter	23.04	34.55

Bassam Sayegh	23.04	34.55
William Nace	23.04	34.55
Peter Weaver	24.44	36.66
Steven Brown, Mechanic	27.35	41.03
Andrew Bucko, Mechanic	28.68	43.02
ADMINISTRATION		
Employee	Regular	Overtime
David Woglom, Borough Manager	56.25	84.38
Barbara Stoneback, Adm. Assistant	28.44	42.67
Ken Fretz, Zoning Adm.	33.02	49.53
Phyllis Ewing, Manager Secretary	25.10	37.65
Elaine Propst, Payroll Clerk	24.13	36.19
Melanie Guenst, Billing Clerk	23.96	35.94
Maria Nicol, Police Secretary	23.96	35.94
Kris LaCava, Zoning Secretary	16.08	24.12
Melissa Molnar, Asst. Secretary	22.56	33.83
Jodi Shaw, Billing Clerk	14.83	22.25
Diane Kooker, Receptionist	20.15	30.23
Sandy Wolfinger, Asst. Secretary	22.56	33.83
ELECTRIC DEPARTMENT		
Employee	Regular	Overtime
John Molnar, Superintendent	43.02	64.53
General Crew		
David Gruber, Foreman	39.75	59.63
Donald Koch	37.48	56.22
Kenneth Christman	37.48	56.22
Erik Gibbs	37.48	56.22
Rick Hartenstine, Meters	23.04	34.55
Joseph Laumakis, Meters	23.04	34.55
WATER DEPARTMENT		
Employee	Regular	Overtime
Michael Brzezicki, Superintendent	43.02	64.53
Steve Crotzer, Asst. Foreman	28.70	43.06
Rodney Weaver, Asst. Foreman	28.70	43.06
Les Keiser	24.69	37.03
Brad Knight	24.69	37.03
David Weaver	24.69	37.03

Jay Chuchman	24.69	37.03
SEWER DEPARTMENT		
Employee	Regular	Overtime
Scott Borger, Superintendent	43.02	64.53
Operations		
George Kokolis, IPP Coordinator	27.63	41.44
Joe Bishop, Operator	24.99	37.48
Doug Lick, Operator	24.99	37.48
Diana Gleockler, Secretary	21.75	32.62
Line Maintenance		
Kelly Kemmerer, Foreman	29.08	43.62
James Schreier	23.04	34.55
Plant Maintenance		
Don Turner, Foreman	27.63	41.44
Randy Cabuski	24.99	37.48
Keith Ritter	24.99	37.48
POLICE DEPARTMENT		
Employee	Regular	Overtime
Scott McElree, Chief	49.15	73.73
Donald Bender, Sergeant	45.23	70.17
Timothy Gaumer, Sergeant	45.23	70.99
Edward Dex, Corporal	42.73	66.44
Scott Fogel, Corporal	42.73	65.51
Jeffrey Boehm	40.24	62.35
Mario Cabrera	39.72	59.07
Harold Gross	40.24	61.65
Robert J. Lee	37.23	50.84
Bryan J. Lockwood	37.54	53.11
Joshua Mallery	40.24	61.18
Matthew Molchan	40.24	61.53
William Newman	40.24	61.06
Steven J. Stoneback	37.32	53.11
Mark Watkins	40.24	62.35
EQUIPMENT		
	Cost per Hour	
Backhoe	75.00	
Dump Truck	60.00	

Air Compressor	30.00	
Sweeper	80.00	
Electric Bucket Truck	110.00	
Electric Auger Truck	110.00	
Chipper	50.00	
Pickup Truck	50.00	
Roller	50.00	
Sewer TV Truck	250.00 (Minimum 3 hour call)	
Sewer Flush Truck	250.00 (Minimum 3 hour call)	
MATERIAL	According to actual cost.	

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

Councilman Roberts indicated that the next item on the agenda is second consideration of Ordinance 1128, which was first considered and defeated at the December 6, 2006 meeting.

RESOLVED, That, reading of Ordinance 1128 be waived. Motion of Councilman Roberts, seconded by Councilman Zaiser. A roll call vote was taken and the motion was unanimously carried (Councilman Wilsey — absent).

RESOLVED, That, Ordinance 1128, an amendment to the Code of Ordinances of the Borough of Quakertown, Chapter 7, Sections 202 through 207, changing the billing schedule for electric rates in the Borough of Quakertown, and deleting Chapter 7, Section 209, be passed finally. Motion of Councilman Roberts, seconded by Councilwoman Werner. A roll call vote was taken and the motion to adopt Ordinance 1128 was adopted by a majority vote with the following Councilmembers voting in favor: Roberts, Rosenberger, Werner, Williams and Hallman. Councilmember Zaiser voted against the Ordinance (Councilman Wilsey — absent).

HEALTH, SAFETY & WELFARE COMMITTEE

Councilwoman Werner indicated that those wishing to speak on Ordinance 1129 prohibiting smoking by minors on the streets of the Borough may speak at this time.

Lee Rush, Executive Director of Just Community, indicated that he has been working in Quakertown 20 years and spent his career in adolescent treatment and counseling. Mr. Rush shared data and charts with Council in support of the fact that something must be done about smoking. Mr. Rush encouraged the passage of the Ordinance with the kids, identified as smokers, given a chance to go to education classes. He also indicated that he feels the fine should be higher than listed in the Ordinance. Mr. Rush indicated that a Tobacco Cessation Program already existing in Quakertown through the Intermediate Unit with funding from the tobacco settlement.

Ron Rolland, Bucks County Schools Intermediate Unit, stated that in November 1998, 46 states settled with the tobacco companies, through which the following occurred:

\$206 billion is to be paid over 25 years. Approximately \$11 billion goes to Pennsylvania and is known as Act 77.

Pennsylvania committed 100% of those funds to go toward health related initiatives.

12% of those funds go toward prevention and cessation of smoking efforts.

Our community can see some of those monies and does see some of those monies.

Pennsylvania Department of Health is the keeper of those funds in the state of Pennsylvania.

Bucks County Drug and Alcohol Commission gave three goals for the use of the funds. The three goals are: (1) Prevent initiation of tobacco use among young people; (2) Eliminate non-smokers exposure to second-hand smoke; and (3) Promote quitting among adults and youth.

Mr. Rolland indicated that the Bucks County Schools Intermediate Unit provides tobacco prevention programs in schools, cessation programs and tobacco education classes for tobacco policy violators as an alternative to either a fine or suspension of school.

Ray Fox, Borough resident and retired from Quakertown School District, indicated that he witnessed the youths smoking through the window of his office in the high school. He indicated that he agrees with Mr. Rush and is in favor of this Ordinance.

Steve Witman, a teenager in high school and a smoker, told Council that if they pass this Ordinance, they will have some following the Ordinance; but they will also have an increase in younger smokers because they will rebel.

Solicitor Fonzone asked Mr. Rolland about his statement that his program is a relief from the penalties when its incorporated by the District Justice. Mr. Rolland answered that it is offered to the community as a program that can be used as a tool or incentive to get people into the classes. Mr. Rush stated it does not waive the whole fine and indicated that an offer is made to the family — here's the cost of the fine and court costs, you can reduce some of the level of your fine if you successfully complete the class.

Mr. Rush strongly urged Council to adopt the ordinance with a higher fine.

Councilman Hallman agreed with Mr. Rush regarding the fine and indicated he feels it should be at least equal to the School District's fine. Chief McElree was asked whether he feels

the fine is sufficient? Chief McElree indicated that, in relation to data he received, two ordinances that had been enacted in other municipalities with \$50 fines were both successful. Councilman Roberts suggested Council adopt the ordinance as is and if at a later date they find it necessary, they can amend it.

Councilman Zaiser asked if it is up to the Judge's discretion on whether they get sent to cessation classes. Councilman Roberts indicated that the Ordinance as it stands would just levy a \$50 fine plus court costs.

RESOLVED, That, reading of Ordinance 1129, prohibiting smoking by minors on the streets of the Borough, be waived. Motion of Councilwoman Werner, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried (Councilman Wilsey — absent).

RESOLVED, That, Ordinance 1129, an amendment to the Code of Ordinances of the Borough of Quakertown, Chapter 6, Sections 401 to 404, prohibiting the use and possession of tobacco by minors under the age of 18 on public rights of way, be passed finally. Motion of Councilwoman Werner, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried (Councilman Wilsey — absent).

RESOLVED, That, the following Resolution 2-07 appointing Fire Police for 2007 be adopted:

RESOLUTION NO. 2-07

WHEREAS, the Quakertown Fire Department has nominated several individuals to serve as Fire Police for the Quakertown Fire Department; and

WHEREAS, Act 122 of 1980 (P.L. 5580, No. 122) requires that Quakertown Borough Council appoint these individuals as Fire Policemen and state the scope of their responsibilities.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Quakertown to appoint the following individuals as Fire Policemen for the Quakertown Fire Department and the Borough of Quakertown for 2007:

1. Peter Graziano, 39 S. Eighth Street, Quakertown, PA 18951
2. Christopher Erwin, 247 Richlandtown Pike, Quakertown, PA 18951
3. David Erwin, 545 S. Main Street, Quakertown, PA 18951
4. Celeste Graziano, 39 S. Eighth Street, Quakertown, PA 18951
5. Beth Rodenberger, 39 S. Eighth Street, Quakertown, PA 18951
6. Donald Wenhold, 152 Redwood Drive, Quakertown, PA 18951
7. Ryan Williams, 2 Naylor Court, Quakertown, PA 18951

8. Douglas Shaw, 33 S. Ninth Street, Quakertown, PA 18951
9. Roland Biello, 22 S. Main Street, Quakertown, PA 18951

AND BE IT FURTHER RESOLVED, by the Borough Council that these Fire Policemen are authorized to participate in or provide the duty as prescribed in Act 122 of 1980 in the following situations:

1. Any time the Quakertown Fire Department is dispatched for a fire or rescue call within the region that the Quakertown Fire Department is a first responder;
2. Any time the Quakertown Fire Department responds to a mutual aid call;
3. Any emergency service directly authorized by the Quakertown Department Fire Chief (or, in his absence, the Deputy Chief);
4. Any training courses approved by the Quakertown Fire Department Chief;
5. The following annual events: (a) Quakertown Memorial Day Parade; (b) Quakertown Community Day; (c) Quakertown 4th of July Fire Works; (d) Quakertown Halloween Parade; (e) all Fire Police district meetings and training courses; (f) the Bucks County Firemen's Parade; (g) the Perkasio Community Day Festival; (h) the annual Air Show; (i) the March of Dimes Walk-a-thon; (j) Crop Walk; (k) Fire Company Carnivals -- Dublin, Milford, Sellersville and Trumbauersville; (l) Sellersville Memorial Day Parade; (m) Quakertown Historical Society Market Day; (n) East Rockhill Township Community Day; (o) Christmas Parades — Perkasio and Dublin; (p) any funeral in Bucks County for a municipal or county official, any law enforcement officer and any fireman or fire police officer; and, any other regional Fire Company request if approved by the Fire Chief and the Borough Manager; and
6. Any other event if approved by Quakertown Borough Council.

The Fire Policemen shall not be used or participate in any other event without the approval of Quakertown Borough Council. No other individuals shall be authorized to act as Fire Policemen.

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

PUBLIC UTILITIES COMMITTEE

Councilman Rosenberger stated that there aren't any items for action or report under the Public Utilities Committee.

PUBLIC WORKS COMMITTEE

Councilman Zaiser stated that there aren't any items for action or report under the Public Works Committee.

PARKS & RECREATION COMMITTEE

Councilman Williams stated that there aren't any items for action or report under the Parks & Recreation Committee.

President Hallman stated that Council received a letter from Borough Manager David Woglom, pursuant to his resignation letter of November 1st, that effective 5:00 p.m. January 5th he resigned his position. President Hallman indicated that David Woglom served the community over 20 years of his life, putting in 50-60 hours nearly every week in performance of his duties, he acted with the residents well-being and best interests in mind. His future employers will truly benefit from his knowledge, integrity and work ethics. On behalf of Borough Council, President Hallman wished Dave Woglom well in his new position and thanked him for his years of service to the Borough.

President Hallman announced that immediately following tonight's meeting, Council will adjourn into an executive session to discuss with the Borough's labor counsel the on-going labor negotiations between the Borough and union representing the Borough's Public Works employees.

President Hallman declared the meeting adjourned at 8:30 p.m.

BOROUGH OF QUAKERTOWN

Dennis A. Hallman
President of Council

Attest:

Phyllis R. Ewing
Asst. Borough Secretary