

October 4, 2006

A regular meeting of the Borough Council was held October 4, 2006, 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 Wilsey, David Zaiser, Solicitor Charles Fonzone, Manager David L. Woglom and Asst. Borough Secretary Phyllis R. Ewing.

RESOLVED, That, the Minutes of September 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.

RESOLVED, That, the financial reports be approved and vouchers drawn in payment of the bills listed thereon be ratified. Motion of Councilwoman Werner, seconded by Councilman Wilsey. A roll call vote was taken and the motion was unanimously carried.

CHECKS #

53845 — 54037

\$1,944,946.41

RESOLVED, That, the Treasurers Report for September 2006 be received and spread on the minutes. Motion of Councilman Rosenberger, seconded by Councilman Williams.

Under discussion Councilman Roberts indicated that the PennVEST reimbursement of \$3,400,000 has been received.

A roll call vote was taken and the motion was unanimously carried.

A roll call vote was taken and the motion was unanimously carried.

Treasurer's Report September 30, 2006				
Fund	Savings/Checking	PLGIT	CD	Total
Electric Fund	\$ 3,669.54	\$ 4,960.54	\$ 785,000.00	\$ 793,630.08
Water	142,035.47	4,578.27	250,000.00	396,613.74
Sewer	363,199.82	4,051.34	250,000.00	617,251.16
General	77.58	2,070.82		2,148.40
Payroll	200.00			200.00
Payroll Withholding	22,084.91			22,084.91
Debt Service Reserve		1,971.59		1,971.59
Fire Equipment		25,206.54		25,206.54
Recreation Fund	22,858.03			22,858.03
PA Motor License	154,070.06	594.24		154,664.30
Sinking Fund	6,848.74	3,665.64		10,514.38

1999-01 Equipment Replacement	143,625.75			143,625.75
Totals	\$858,669.90	\$ 47,098.98	\$1,285,000.00	\$2,190,768.88

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

Manager Woglom swore new Fire Police person Roland Biello into office.

The status of the union negotiations as reported by Joel Barras are as follows:

To: Quakertown Borough Council

From: Joel S. Barras, Esq.

Date: September 25, 2006

Re: Status of Contract Negotiations with Non-Uniform Employees

The following constitutes the third in the series of reports presented to Borough Council and the residents and taxpayers of Quakertown Borough regarding the status of negotiations with the International Association of Operating Engineers, Local 542-C, which represents certain non-uniform Borough employees. Since the last report was delivered, representatives from the Borough and the Union conducted two negotiation sessions for an initial collective bargaining agreement.

September 11, 2006

Representatives from the Borough and the Union conducted their third negotiation session on September 11, 2006. As with its previous sessions, the parties discussed preliminary issues before bargaining over substantive contract proposals. At the outset of this session, per the Unions request, the Borough provided the Union with information regarding the current health insurance benefits provided to the Boroughs employees. The Union then requested further information regarding this issue and others, including documents concerning 1) employees that have previously been disciplined and later appealed those actions to Borough Council, 2) information regarding the health insurance benefits provided to employees prior to the current plan and 3) the completed or potential outsourcing of any and all work by the Borough. The Borough informed the Union that it would compile the requested information for the Union pursuant to the parties earlier agreement.

Following the discussion of preliminary matters, the Borough informed the Union that it had rejected the Unions proposal that the Borough pay its employees in cash, provide them with a secure location to store that money, obtain an insurance policy covering that stored cash, and increase the employees lunch period to allow them to pay their Union dues. After the Borough

rejected this proposal for obvious reasons, the Union informed the Borough that it would exercise its right to formally request that a mediator appointed by the Pennsylvania Bureau of Mediation participate in future bargaining sessions. The Borough indicated that it had no objection to the involvement of a mediator.

At the request of the Borough, the parties then began to negotiate over less contentious matters. I am pleased to report to Borough Council and the general public that the Union and the Borough were able to reach their first tentative agreements on certain contract provisions. First, the Union and the Borough agreed on language for a nondiscrimination clause. Additionally, the parties agreed to Overtime and Bereavement Leave provisions that essentially memorialize the benefit levels currently offered to the employees.

Other issues that were discussed during this session included the Borough's proposals regarding Vacation and Holiday Time provided to employees, as well as the dollar amount the Borough provides its employees to purchase work clothes. With respect to Vacation Time, the parties were close to reaching a tentative agreement that would maintain the current schedule of leave time provided to the employees, which is as follows:

Employees hired after June 1, receive no paid leave time during the remainder of their first calendar year of employment

Employees hired prior to June 1, receive 5 paid days for their first partial year of employment.

From the 2nd full year through the 4th year, employees receive 10 paid days.

From the 5th full calendar year through the 12th year, employees receive 15 paid days.

From the 12th full calendar year through the 19th year, employees receive 20 paid days.

From the 20th full calendar year and over, employees receive 25 paid days.

In an effort to reach an agreement over this issue, the Borough proposed to enhance this benefit by providing employees hired after June 1, with a prorated number of vacation days for their first calendar year. The Union requested that the date be moved from June 1, to July 1, which the Borough agreed to consider and respond to at the next session.

With regard to paid time off for Holidays, the Borough proposed maintaining the current level of benefits: 8.5 days for specifically named holidays and an additional 4 floating holidays employees may take at their discretion, for a total of 12.5 paid holidays. The Union requested that the Borough provide its employees an additional paid holiday. Again, the Borough agreed to consider this proposal and respond at the next session.

Finally, the Borough proposed that employees be reimbursed for up to \$165 a year on work clothes, such as jeans, boots and jackets, which is the current practice. It should also be noted that at the beginning of this year, the Borough increased this amount from \$150. The Union countered the Borough's offer with a proposal that employees be paid \$250 year, as well as \$1,000 per year for tools purchased by Borough mechanics. The Borough indicated that this amount was unrealistically high, but that it would duly consider the Union's proposal.

Finally, the session concluded with the Borough agreeing to provide a proposal regarding the licensing that employees are legally required to maintain in order to perform their job duties.

September 20, 2006

The parties conducted their fifth negotiating session on September 20, 2006. Unfortunately, the parties were unable to build upon the progress they achieved at the previous session. At the outset, a Union representative directed a derogatory comment toward the Borough Manager in reference to a newspaper article the Union representative was holding. This comment was indicative of the tenor of this negotiating session, which at times became openly antagonistic. The session lasted approximately three hours and forty-five minutes, an hour and ten minutes of which consisted of five caucuses where the parties separated and privately discussed issues. The Union requested four of these caucuses, accounting for one hour, while the Borough requested a single caucus that took ten minutes.

Initially, before the parties discussed substantive contract proposals, the Borough provided the Union with the information it requested concerning discharged employees who appealed those decisions to Borough Council, as well as certain health care insurance information the Union requested. Further, at the Borough's request, the Union clarified what information it sought with respect to Borough outsourcing. During this session, the Union again requested additional information, specifically concerning the Borough's insurance policies and the Borough's administrative costs. In addition, the Union informed the Borough that it formally requested the services of a mediator from the Bureau of Mediation, but then immediately asked the Bureau to delay assigning a mediator to the bargaining sessions.

The Borough then offered its proposals concerning the licenses employees are required pursuant to federal and state law to possess to perform their job duties, including Commercial Drivers Licenses, Water Operators Licenses, Wastewater Operators Licenses, and Aquatic Facility Operators Licenses. Specifically, the Borough proposed that, for any employee that was required to possess such a license, the Borough would pay for any necessary testing and training, as well as permit employees to take exams, training courses and study on Borough time. The Union summarily rejected this proposal, since the Borough insisted that it be permitted to discharge employees who are unable to obtain or maintain the necessary licenses to legally perform their

jobs.

The Union then inquired whether the Borough had any counter-proposals regarding the withholding of Union dues or submitting disciplinary decisions to an arbitrator. While the Union appeared disconcerted that the Borough had no new proposals, the Union later conceded that it too had no new proposals to offer the Borough. Furthermore, the Union adamantly refused to discuss issues it considered economic prior to reaching an agreement on these issues. As such, the Union refused to discuss the employees salaries until the parties reached an agreement on the manner in which the Union would receive its dues payments from the Borough employees, as well as an agreement on when and how employees could withdraw their membership in the Union if the employee so desired. In response to the Boroughs position that an employee be permitted to join or leave the Union at his or her will, a Union representative stated that any employees that wished to leave the Union would be a “coward” for withdrawing their membership rather than attempting to change the Union.

The Borough next informed the Union that with respect to their Vacation Time proposal, the Borough would agree to provide 5 days off to employees hired prior to July 1 for their first calendar year, rather than after June 1, if the Union agreed that an employee hired after July 1 receives 2 prorated paid vacation days for the remainder of the year, rather than 2.5 days. It should be noted again that currently, an employee hired after June 1 receives no paid vacation time until after his or her first calendar year. The Union summarily rejected the Boroughs counter-proposal without any real explanation.

The Borough subsequently informed the Union that it could not accept the proposal to increase the number of paid holidays from 12.5 to 13.5, as well as the Unions proposal that employees receive \$250 per year towards work clothes and \$1,000 per year towards tools. The Borough informed the Union that it believed the benefits currently provided to its employees were eminently reasonable. In response, the Union informed the Borough that it would reject any contract proposal that reduced in any manner the benefits currently provided to the employees. When the Boroughs representatives explained that in recent years the Boroughs costs had dramatically increased and its revenues have leveled off, the Union implied that the Borough should increase the electricity rates in Quakertown to fund enhanced benefits for Borough employees.

This negotiating session concluded with the Union indicating that it would address Borough Council at its September 25 meeting. As noted in the previous status report presented to Borough Council and the public, it would not be surprising if, while addressing Borough Council or the press, a Union representative were to mischaracterize statements made during negotiations, attempt to circumvent the Boroughs bargaining representatives and negotiate directly with Borough Council, request that one or more members of Borough Council directly participate in the negotiations, raise the legal fees expended by the Borough during the negotiations or otherwise

attempt to curry sympathy for the Unions positions.

PLANNING & ZONING COMMITTEE

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

REVENUE & FINANCE COMMITTEE

RESOLVED, That, the Council of the Borough of Quakertown extends the existing lease and addendum with the Upper Bucks Senior Citizen Center for a period of twenty-five years for the building located at 26 N. Fourth Street. Motion of Councilman Roberts, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried.

Phil Abramson, President of the Quakertown School Board, made a presentation on the School Board representation issue, indicating the following:

- In June, the School Board was advised of a population imbalance within the School District.
- The School Board had four options —
 - Make all nine Board seats “at large”;
 - Divide the district into 9 individual regions with one Board Member from each region;
 - Keep current three regions with 2 Board Members for each plus 3 Board members “at large”; or
 - Retain the three regions, but redefine the regions.
- The School Board agreed to redefine the regions with population equal as closely as possible. It was determined to move election district #4 from Richland Township and add it to Quakertown Borough, the new population percentages for the three regions would be:
 - Milford Township with Trumbauersville Borough — 31%
 - Quakertown Borough and Richland District #4 — 34%
 - Richland Township (minus District 4) with Richlandtown Borough and Haycock — 35%

- A petition was submitted to the School Board with approximately 1,400 signatures that asks the Board and/or a judge to adopt an “at large” system. Mr. Abramson indicated that he is not personally in favor of an “at large” system since it does not provide fair representation for each area of the district.
- A hearing will be held regarding the realignment plan for Board Regions in the Bucks County Court House on October 16.

School Board members Kelly VanValkenburgh and Nancy Tirjan were also present.

RESOLVED, That, the following Resolution 45-06, supporting the School Boards proposed plan of School Board reapportionment, be adopted:

RESOLUTION NO. 45-06

WHEREAS, the Quakertown Community School District has become aware of the need to reapportion the voting districts for School Board Directors in the Quakertown Community School District in order to balance the population in the voting districts; and

WHEREAS, the School District has passed a resolution at its August 24, 2006 meeting to reapportion its representation of School Board Directors by transferring a portion of the existing Voting Region 1 into Voting Region 3, thereby balancing out the population in each of the three voting regions; and

WHEREAS, Borough Council is concerned over maintaining representation in the School District that is fair to all residents of the Borough of Quakertown; and

WHEREAS, Borough Council believes that the School Districts proposed plan of School Board reapportionment is fair to the residents of the Borough and to all of the residents of the Quakertown Community School District by providing a balanced representation in each of the voting districts.

NOW, THEREFORE BE IT RESOLVED by Borough Council of the Borough of Quakertown that the Borough is in support of the School Districts proposed plan of School Board reapportionment (as passed at the School Boards August 24, 2006 meeting) that proposes to transfer a portion of the existing Voting Region 1 into Voting Region 3.

AND BE IT FURTHER RESOLVED that the Borough Solicitor is authorized and directed to attend the October 16, 2006 hearing in Bucks County Court of Common Pleas in order to represent the Borough in this matter and to convey Borough Councils support of the plan of the Quakertown Community School Board.

Motion of Councilman Roberts, seconded by Councilman Zaiser.

Under discussion. President Hallman stated that reapportioning the districts to the approximate same population seems to be the fairest way to go. President Hallman stated that he believes if all seats went to “at large”, all representation could be lost in some voting districts. Councilman Zaiser indicated that he feels the School Boards decision seems to be the right thing for Quakertown. Councilman Williams stated that he feels it is fair to all of the communities in the Quakertown School District.

A roll call vote was taken and the motion was unanimously carried.

HEALTH, SAFETY & WELFARE COMMITTEE

RESOLVED, That, Council authorizes the Quakertown Fire Police to assist the Coopersburg Harley Owners Group on October 14. Motion of Councilwoman Werner, seconded by Councilman Williams. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, Council appoints Traffic Planning and Design in Center Valley to prepare a Traffic Calming Program for the Borough at a cost of \$950. Motion of Councilwoman Werner, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried.

PUBLIC UTILITIES COMMITTEE

RESOLVED, That, Council authorizes the proper Borough officials to sign an agreement with the Bucks County Water and Sewer Authority concerning utility disconnections. Motion of Councilman Rosenberger, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, Council authorizes the proper Borough officials to sign an agreement with the Bucks County Water and Sewer Authority concerning the provision of water meter readings. Motion of Councilman Rosenberger, seconded by Councilwoman Werner. A roll call vote was taken and the motion was unanimously carried.

PUBLIC WORKS COMMITTEE

Councilman Zaiser stated that there arent any items for consideration under the Public Works Committee.

PARKS & RECREATION COMMITTEE

Councilman Williams stated that there arent any items for consideration under the Parks & Recreation Committee.

President Hallman reminded Council of the following:

Two locations for the new voting machine demonstrations — Saturday at the Autumn Alive Festival and on October 11 at 8:00 a.m. at the James A. Mitchener Library.

The Upper Bucks Chamber of Commerce invited Council to the Bucks County Commissioners State of the County Address to be held at 8:00 a.m. on October 11, 2006 at the James A. Michener Library.

President Hallman declared the meeting adjourned at 8:00 p.m.

BOROUGH OF QUAKERTOWN

Dennis A. Hallman
President of Council

Attest:

Phyllis R. Ewing
Asst. Borough Secretary

October 23, 2006

A special meeting of the Borough Council was held on October 23, 2006, 7:30 p.m.

The following members and officers were present: President Dennis A. Hallman, Councilmembers L. James Roberts, Donald Rosenberger, Elfriede Werner, Daniel Williams, David Wilsey, David Zaiser, Solicitor Fran Fruewirth and Manager David L. Woglom.

President Hallman indicated that the first order of business is a public hearing on the future use of the former Krupp Foundry site, located at the intersection of Fourth and Mill Streets. President Hallman turned the meeting over to Councilman Williams, Chairman of the Parks & Recreation Committee.

Councilman Williams

I'd like to open the public hearing on the future use of the former Krupp Foundry site. I would like to lay out a few guidelines — if you want to speak, you must be a taxpayer or resident of the Borough of Quakertown. We will ask for your name and address. We are looking for

ideas on what we could do with the Krupp Foundry land. We've already had discussions with regard to senior housing and the YMCA. Some Councilmembers have stated that they would like to see it used as all park land. I'd like to open up to the residents and taxpayers of Quakertown Borough for their input. Anyone wishing to start off?

Dan Ritter, 1236 Mill Street

I've been at the last meeting and I think you gentlemen all know how I feel about the land that it should be kept as extra land to be used as a park.

George Banas, 34 S. Seventh Street

If you go back to when this land was originally purchased, it was Bill Edge's dream to have it as park land. I could see the bandshell, pavilion, trees and plenty of parking. There is currently no parking for large events.

Lori Desko, 18 Front Street

I totally agree with Mr. Banas.

Irena Ulrich, 144 E. Mill Street

Keep the land as a park area.

Stephen Biddle, 130 S. Main Street

Consider looking into low-level activities that would appeal to all ages; artistic facilities such as horseshoes, croquet, frisbee, miniature golf, pitch and putt, a climbing wall, board games checkerboard tables, etc. Look how to share parking, and consider where to make linkage into the larger context.

Doug Mohr, 302 West Broad Street

Look at a couple of acres on Mill Street as possibly being reserved for development in a sense to help pay off the amount of money that has been spent or to use as seed money to do whatever is intended for the park area.

Councilman Williams:

There being no one else wishing to speak, I will officially close this hearing,

President Hallman stated that Council will discuss the statements made tonight as well as the other information they have at the next Work Session. Councilman Roberts asked for information from Mr. Biddle relative to the plan he suggested. Councilman Roberts also indicated that Council will have to consider the location of the permanent bandshell.

Councilmembers Wilsey and Rosenberger indicated that the first decision will have to be how much acreage to put into the park system.

President Hallman thanked those that spoke and declared the public hearing closed at 7:45 p.m.

BOROUGH OF QUAKERTOWN

Dennis A. Hallman
President of Council

Attest:

David L. Woglom
Borough Secretary