

A regular meeting of the Borough Council was held June 7, 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 Zaiser, Solicitor Charles Fonzone, Manager David L. Woglom and Asst. Borough Secretary Phyllis R. Ewing.

RESOLVED, That, the Minutes of May 3 and 24, 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 financial reports be approved and vouchers drawn in payment of the bills listed thereon be ratified. Motion of Councilwoman Werner, seconded by Councilman Williams. A roll call vote was taken and the motion was unanimously carried (Councilman Wilsey — absent).

CHECKS #
52833 — 53094 \$2,371,068.52

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

Treasurer's Report
May 31, 2006

Fund	Savings/Checking	PLGIT	CD	Total
Electric Fund	\$ 112,705.13	\$ 4,888.08	\$ 785,000.00	\$ 902,593.21
Water	622,914.53	4,513.08	250,000.00	877,427.61
Sewer	478,001.68	3,993.41	250,000.00	731,995.09
General	12,554.44	2,042.16		14,596.60
Payroll	200.00			200.00
Payroll Withholding	19,161.02			19,161.02
Debt Service Reserve		1,939.99		1,939.99
Fire Equipment		24,794.49		24,794.49
Recreation Fund	22,510.21			22,510.21
PA Motor License	151,601.48	584.03		152,185.51
Sinking Fund	9,149.75	3,616.18	300,000.00	312,765.93

1999-01 Equipment Replacement	303,596.34			303,596.34
Totals	\$1,732,394.58	\$ 46,371.42	\$1,585,000.00	\$3,363,766.00

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

Visitors:

Lori Desko, 18 Front Street, indicated that she would like to speak with regard to regulations for the occupancy of a residence. President Hallman indicated that she could speak during the Health, Safety & Welfare Committee portion of the Agenda.

Christian Herman, 222 N. Ambler Street, regarding submitting a proposal of design for the Broad Street triangle parking lot. President Hallman indicated that he could speak during the Public Works Committee portion of the Agenda.

Manager Woglom swore new Fire Police person Jodi Shaw into office.

At 7:40 p.m., President Hallman called an executive session to discuss the current litigation between the Borough and several Borough employees.

At 7:45 p.m., President Hallman called the meeting back into session.

PLANNING & ZONING COMMITTEE

Councilman Roberts chaired the Planning & Zoning Committee portion of the agenda in Councilman Wilsey's absence.

Councilman Roberts called the public hearing on Ordinance 1121, concerning the establishment of a Historic Preservation district, into session.

Councilman Roberts:

This is an issue Council discussed in great length and advertised properly. Anyone present with questions or statements on this Ordinance, may speak now. (No one indicated that they wished to speak.) There being no one wishing to speak, the public hearing portion of the meeting is closed.

RESOLVED, That, reading of Ordinance 1121 concerning the establishment of a

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

RESOLVED, That, Ordinance 1121, an amendment to the Code of Ordinances of the Borough of Quakertown, Chapter 27, Section 319, amending the Zoning Ordinance to establish a historic preservation overlay zoning district which regulates the demolition of historic or architecturally significant buildings, making demolition of historic and architecturally significant buildings a conditional use, be passed finally. Motion of Councilman Roberts, seconded by Councilman Zaiser. A roll call vote was taken and the motion was unanimously carried (Councilman Wilsey — absent).

REVENUE & FINANCE COMMITTEE

RESOLVED, That, Council approve the request of the First United Church of Christ to waive the bandshell rental fee. Motion of Councilman Roberts, seconded by Councilwoman Werner.

Councilman Roberts pointed out that this will be the final waiving of the bandshell rental fee if Resolution 37-06, allowing sponsorship to be displayed, is adopted.

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

RESOLVED, That, the following Resolution 37-06, concerning the use of banners on the Borough's portable bandshell, be adopted:

RESOLUTION 37-06

WHEREAS, the Borough rents its portable bandshell to groups for their own use; and

WHEREAS, the Borough charges a fee for that use that is representative of the Borough's cost to rent the bandshell to these groups; and

WHEREAS, the Borough wishes to establish a policy whereby the Borough permits these individual groups to attach an advertisement banner on the bandshell so that the groups who use the bandshell can seek companies or individuals who financially support the group through advertisement.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Quakertown that groups who rent the portable bandshell from the

Borough are permitted to hang, drape or otherwise attach a banner to the floor, bottom or sides of the bandshell in any conspicuous way that does not damage or permanently deface the bandshell.

Motion of Councilman Roberts, seconded by Councilman Rosenberger.

Councilman Rosenberger pointed out that the banners are permitted for the duration of that particular groups use of the bandshell.

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

As a result of the executive session, the following motion was made:

RESOLVED, That, the proper Borough officials be authorized to execute a settlement agreement concerning the withdrawal of the lawsuit involving the alleged violations of the sunshine act after said agreement has been approved by the Borough's labor attorney and the other parties. Motion of Councilman Roberts, seconded by Councilman Rosenberger.

At the request of Councilman Rosenberger, Solicitor Fonzone explained the background for the above motion. Solicitor Fonzone gave the following explanation: The parties have reached an agreement with respect to withdrawing the lawsuit. Attorney Rudolf is drafting the agreement. Council is giving him authority to draft the agreement and approval of the terms of the withdrawal of the lawsuit with prejudice, which means it is over. The lawsuit was filed by five employees of the Borough that challenged the efficacy of certain decisions Council made and cited certain provisions of the sunshine act and the Borough's position was there weren't any violations, so that question will be resolved because the lawsuit is being withdrawn.

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

HEALTH, SAFETY & WELFARE COMMITTEE

Councilwoman Werner indicated that the first item on the agenda is the second consideration of Ordinance 1116, which was first considered and defeated at the May 3 meeting due to the vote not being unanimous.

RESOLVED, That, reading of Ordinance 1116, concerning the establishment of a curfew, 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 1116, an amendment to the Code of Ordinances of the Borough of Quakertown, Chapter VI, adding Sections 401 – 411 regulating the presence and conduct of minors on streets and other public places; defining duties of parents or others in charge of minors; providing for penalties for violation thereof, be passed finally. Motion of Councilwoman Werner, seconded by Councilman Zaiser.

Councilman Williams asked whether the residents in the area behind the Grundy House have set up a neighborhood watch? He was told that they are looking into starting one. Councilman Williams indicated that until they set up a neighborhood watch, he cannot vote in favor of this Ordinance.

President Hallman indicated that he has been told by several residents that they are not in favor of a curfew ordinance and he also indicated that he feels it will infringe on the rights of those that are not causing problems. President Hallman questioned the procedure when the youth violating the ordinance is from out of town? Chief McElree stated that they can't be taken into custody, but they would be cited for the violation of the curfew ordinance. Councilman Rosenberger indicated that while this Ordinance adds a tool for the officers, is it also adding an extra burden on the officers? Chief McElree indicated that initially it will cause more events and more contacts with children under the age of 18, but he feels that it will fix itself and as the information gets out, it will become less of a problem.

Councilman Williams questioned the Solicitor on whether this Ordinance would open the Borough to lawsuits. Solicitor Fonzone stated that it is a situation the Chief would have to face as well as his officers. Solicitor Fonzone pointed out that the Chief was asked this question and he had felt confident that they could handle the situation. Solicitor Fonzone pointed out that there is always a danger of lawsuits no matter what you are talking about. Solicitor Fonzone indicated that he feels the ordinance is fine as to form and legality and the Chief has the active role in making sure his men know how to enforce it.

Councilman Zaiser pointed out that since the first reading, a lot of the police officers indicated to him that they support this ordinance. Councilman Zaiser also stated that his neighbors are also in favor of this ordinance.

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

RESOLVED, That, Council grants the request of the Quakertown National Bank to close Second Street between Broad and Third Streets on July 19 from 6:30 to 9:30 p.m. Motion of Councilwoman Werner, seconded by Councilman Williams. A roll call vote was

taken and the motion was unanimously carried (Councilman Wilsey — absent).

RESOLVED, That, Council authorize the proper Borough officials to sign a contract with the Police Association. Motion of Councilwoman Werner, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried (Councilman Wilsey — absent).

Councilman Zaiser explained the concept of National Night Out (crime and drug prevention event) to Council. Councilman Zaiser pointed out that there is a cost of \$500 or \$600 for supplies, such as t-shirts for the Policemen to give out.

RESOLVED, That, Council supports and sponsors National Night Out on August 1. Motion of Councilwoman Werner, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried (Councilman Wilsey — absent).

Ms. Desko asked whether there is an occupancy limit for people living in a residence in the Borough? Manager Woglom indicated that he, Code Enforcement Officer Ken Fretz and the Chief met in this regard. Manager Woglom stated that they are in the process of conducting an investigation as to how many people are there, how many square feet are there and what the Building Code specifies. Councilman Rosenberger asked if the Borough ordinances currently prohibit over a certain number of people? Manager Woglom stated it is not that specific, the Code Enforcement Officer is looking into it.

Mrs. Desko asked if there are regulations with regard to the Zoning Officer inspecting an apartment every time a tenant moves out to make sure that it meets Codes? President Hallman indicated that there really isn't anything on the books, that he is aware of, in terms of having the Code Enforcement Officer go in every time it is rented out. President Hallman indicated that this has been brought up in the past and will possibly be discussed in the near future.

PUBLIC UTILITIES COMMITTEE

RESOLVED, That, the following Resolution 34-06, awarding the bid for the purchase of two dump trailers, be adopted:

RESOLUTION NO. 34-06 ACCEPTING BID AND AWARDING CONTRACT TO HALE TRAILER BRAKE & WHEEL, INC.

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of Hale Trailer Brake & Wheel, Inc. of Allentown, Pennsylvania, in the amount of \$69,648.00 for two Aluminum Dump Trailers with trade-in of one used trailer as per

bid opened May 18, 2006, is hereby accepted. The contract is awarded to Hale Trailer Brake & Wheel, Inc. The Borough Manager is hereby authorized to execute the said contract on behalf of the Borough of Quakertown.

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

RESOLVED, That, the following Resolution 36-06, awarding the bid for purchase of manhole repair materials, be adopted:

RESOLUTION NO. 36-06
ACCEPTING BID AND AWARDING CONTRACT TO
EAST JORDAN IRON WORKS, INC.

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of East Jordan Iron Works, Inc. of Middletown, Delaware, in the amount of \$7,129.32 for the provision of sewer manhole products as per bid opened June 2, 2006, is hereby accepted. The contract is awarded to East Jordan Iron Works, Inc. The Borough Manager is hereby authorized to execute the said contract on behalf of the Borough of Quakertown.

Motion of Councilman Rosenberger, seconded by Councilwoman Werner.

Under discussion, Councilman Rosenberger pointed out that the low bidder, Ferguson Waterworks of Whitehall, Pennsylvania, did not meet the specifications and his bid was rejected.

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

PUBLIC WORKS COMMITTEE

RESOLVED, That, Council approve the proposal from Borough Engineer Cowan Associates to perform a stormwater study of the Licking Run Creek area at a cost of \$22,500. Motion of Councilman Zaiser, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried (Councilman Wilsey — absent).

Councilman Zaiser indicated that the next item on the agenda is a public hearing on the vacation of an unopened alley between 38 and 40 Elm Street.

Councilman Zaiser

Are there any comments or questions on this Ordinance, vacating an unopened alley

between 38 and 40 Elm Street? I believe there is an attorney present.

Atty. Gavin Laboski:

I represent one of the petitioners – CDES Investments who brought this petition to Borough Council seeking to vacate an unopened alley that exists between 38 and 40 Elm Street. I think the petition speaks for itself. The property right now is grass. The proposal is to have the Borough vacate the street understanding that you have not opened it nor have any intent to open it. The ownership of the lot or street would revert 50/50 evenly between the two properties on either side. The street would be eliminated essentially. We ask that you approve the petition, grant the vacation of the public street and allow the parcels to be merged to each lot. I should note that my client has agreed to cover all the Borough's costs that are associated with this – mostly advertising costs and other things to effect the vacation of the unopened alley. If you should have any questions, I'll try to answer them. Otherwise, the petition speaks for itself.

Solicitor Fonzone:

Dave, are we certain that there are no easements, no pipelines or no water lines through this unopened alley?

Manager Woglom:

Yes, I'm sure.

Solicitor Fonzone:

They signed the petition?

Manager Woglom:

Yes and complied with everything we asked.

Solicitor Fonzone:

You understand it is the Borough's rights we are giving up, we can't give up individual rights?

Atty. Laboski:

That's right, both adjacent property owners have signed on the petition. The petition includes a hold harmless to the Borough as well.

Councilman Zaiser:

Any other questions or comments? (No one indicated that they wished to speak.) There being no one wishing to speak, the public hearing portion of the meeting is closed.

Councilman Zaiser read Ordinance 1119 in full.

RESOLVED, That, Ordinance 1119, providing for the vacation of an unopened alley located between 38 and 40 Elm Street in the Borough of Quakertown, Bucks County, Pennsylvania, be passed finally. Motion of Councilman Zaiser, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried (Councilman Wilsey — absent).

RESOLVED, That, the following Resolution 35-06 awarding the bid for curb and sidewalk work be adopted:

RESOLUTION NO. 35-06
ACCEPTING BID AND AWARDING CONTRACT TO
MCCARTHY MASONRY & CONCRETE, INC.

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of McCarthy Masonry & Concrete, Inc. of Quakertown, Pennsylvania, in the amount of \$70.50 per lineal foot for curbing and sidewalk as per bid opened May 10, 2006, is hereby accepted. The contract is awarded to McCarthy Masonry & Concrete, 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 Councilwoman Werner. A roll call vote was taken and the motion was unanimously carried (Councilman Wilsey — absent).

Christian Herman told Council that he and others that have graduated from Quakertown High School are interested in submitting a proposal for the Broad Street triangle parking lot. Their proposal would be to use natural 6" veneer stone and would include a professional artistic rendering with a stone monument in the middle with stonework and flagstone. President Hallman told him to present his ideas to the Borough Manager.

Manager Woglom pointed out that Quakertown Alive and the Borough have received two Hometown Streets grants from the Commonwealth totaling \$900,000. Included in that \$900,000 is approximately \$100,000, which has been set aside to do a re-landscaping of the downtown triangle. There is a kick-off meeting scheduled with the Delaware Valley Regional Planning Commission, who administers the money, at the end of June to start the beginning phases of moving forward on this project. We are going to include Mr. Herman and his friends when we meet with the architect to look at the design of the downtown triangle. Ultimately the design will come to Council for their approval.

PARKS & RECREATION COMMITTEE

RESOLVED, That, Council grants the request of the Quakertown High School Booster Club to conduct a football camp on June 19 to 21 at the Midget Football Complex. Motion of Councilman Williams, seconded by Councilman Zaiser. A roll call vote was taken and the motion was unanimously carried (Councilman Wilsey — absent).

Councilman Williams read the letter of request from the Quakertown Soccer Club to install a fence around their fields. A discussion was held on whether they should use split rail type fencing or pressure treated lumber as was used in the East Broad Street parking lot.

RESOLVED, That, Council grants the request of the Quakertown Soccer Club to install a fence of split rail or pressure treated lumber to go around the north and south fields. Motion of Councilman Williams, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried (Councilman Wilsey — absent).

RESOLVED, That, Council grants the request of the Quakertown Soccer Club to build a kick-wall in the complex. The Soccer Club will maintain the kick-wall. Motion of Councilman Williams, seconded by Councilman Roberts.

Manager Woglom indicated that the kick-wall will be built in the very northeast corner of the complex.

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

Manager Woglom stated that they have reached the deadline for discount sales of swimming pool passes. The number of passes is up 40% from a year ago. Compared to the last year of the old swimming pool it is up 100%. The national bathing place regulations allow that the maximum number of people in the pool at one time would be 581. Should we get to that point, how would that be limited? President Hallman indicated that many years ago, they stopped selling daily passes when they felt the pool was getting too full. President Hallman asked how many season passes have been sold for this year? Manager Woglom indicated over 1,700. Council felt that the Life Guards and Pool Manager should use commonsense and their own judgement in deciding when the pool has reached the maximum number.

President Hallman declared the meeting adjourned at 9:25 p.m.

BOROUGH OF QUAKERTOWN

Dennis A. Hallman

President of Council

Attest:

Phyllis R. Ewing
Asst. Borough Secretary