

A regular meeting of the Borough Council was held December 5, 2007, 7:30 p.m.

The following members and officers were present: President Dennis A. Hallman, Vice President L. James Roberts, Councilmembers Donald Rosenberger (7:43 p.m.), Elfriede Werner, Daniel Williams, David Wilsey, and David Zaiser, Junior Councilperson Katelynn Klinkert, Solicitor Charles Fonzone, Manager Scott C. McElree and Asst. Borough Secretary Phyllis R. Ewing.

RESOLVED, That, the Minutes of November 7 and 26, 2007, be approved as written. Motion of Councilman Roberts, seconded by Councilman Zaiser. A roll call vote was taken and the motion was unanimously carried (Councilman Rosenberger — absent).

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

CHECKS #

56937 — 57115

\$ 2,313,331.51

RESOLVED, That, the Treasurer's Report for October 2007 be received and spread on the minutes. Motion of Councilwoman Werner, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried (Councilman Rosenberger — absent).

<p>Treasurer's Report October 31, 2007</p>
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Fund	Beginning Balance	Revenue	Expenditures	Ending Balance
Electric Fund	\$ 938,500.06	\$2,336,201.85	\$2,020,606.74	\$1,254,095.17
Water	1,312,720.62	124,675.74	115,026.11	1,322,370.25
Sewer	1,634,691.56	421,007.40	366,903.88	1,688,795.08
General	66,131.01	801,516.18	833,632.56	34,014.63
Payroll	16,210.47	495,611.12	501,904.92	9,916.67
Restricted Funds	2,400,629.14	664,317.82	149,243.51	2,915,703.45
Sinking Fund	43,426.02	182,558.73	92,320.95	133,663.80
Total Available Funds	\$6,412,308.88	\$5,025,888.84	4,079,638.67	\$7,358,559.05

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 Rosenberger — absent).

President Hallman announced that an Executive Session was held on November 26, 2007: (1) To conduct interviews for a Police Lieutenant position; (2) To discuss with the Borough Solicitor a possible settlement with regard to the Lockridge Outdoor Advertising litigation; and (3) To discuss issues surrounding the Borough Ordinances pertaining to signs and adult uses.

PLANNING & ZONING COMMITTEE

Councilman Wilsey indicated the next item on the agenda is consideration of the Lockridge Outdoor Advertising, LLC settlement. Solicitor Fran Fruewirth explained that on November 9th, the litigation regarding Lockridge Outdoor Advertising was heard in the Bucks County Court. Discussions lead to the proposed agreement before Council this evening. In consideration of two outdoor advertising signs at locations along West End Boulevard, with a size of 220 sq. ft., Lockridge agrees to meet all the requirements of the Borough in creating those signs and committing them to be at those two locations.

Councilman Wilsey asked if anyone present wished to comment. There being no one indicating a wish to comment, the following motion was made:

RESOLVED, That, the proper Borough officials be authorized to sign the agreement with the Lockridge Outdoor Advertising, LLC concerning a settlement. Motion of Councilman Wilsey, seconded by Councilman Roberts. A roll call vote was taken and the motion carried by majority vote with the following Councilmembers voting in favor: Roberts, Werner, Williams and Hallman; and the following Councilmembers voting against: Wilsey and Zaiser. (Councilman Rosenberger — absent).

RESOLVED, That, the following Resolution 62-07 creating a Uniform Construction Code Board of Appeals, be adopted:

RESOLUTION NO. 62-07

WHEREAS, the Borough Council of the Borough of Quakertown wishes to create a Uniform Construction Code Board of Appeals;

NOW, THEREFORE, BE IT RESOLVED, That, the Uniform Construction Code Board of Appeals be established as provided in Ordinance No. 1099, adopted on April 7, 2004. The President of the Borough Council shall appoint members to this Board of Appeals each serving for a term of 5 years.

Motion of Councilman Wilsey, seconded by Councilman Williams.

Under discussion, Councilman Zaiser asked when members of the Board would be appointed. President Hallman indicated that they will be appointed by the new Council President

next year.

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

Councilman Rosenberger is now present.

RESOLVED, That, proposed changes to an Ordinance regarding signs and adult uses be forwarded to the Quakertown Planning Commission for their review. Motion of Councilman Wilsey, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried.

REVENUE & FINANCE COMMITTEE

RESOLVED, That, the following Resolution 63-07 regarding the proposed 2008 Budget be adopted.

RESOLUTION NO. 63-07

WHEREAS, the Borough Council of the Borough of Quakertown has reviewed and held public meetings on the consideration of the proposed 2008 Budget; and;

NOW, THEREFORE, BE IT RESOLVED, That, the 2008 Budget be adopted as presented.

Motion of Councilman Roberts, seconded by Councilman Rosenberger.

Councilman Roberts reminded Council that along with the adoption of the Budget is the proposed 25.5% electric rate increase. Councilman Roberts pointed out that in January the 25.5% increase in electric rates will be considered for adoption.

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

RESOLVED, That, the following Resolution 70-07 appointing Hutchinson, Gillahan & Freeh to perform annual audits of the Borough be adopted:

RESOLUTION NO. 70-07

RESOLVED, That, Council appoint Hutchinson, Gillahan and Freeh to perform the 2007 annual audits of the Borough at a total cost of \$14,250.00 for the Borough of Quakertown, \$1,560.00 for the Real Estate Tax Collector, and \$400.00 for the Quakertown IDA.

Motion of Councilman Roberts, seconded by Councilman Wilsey. A roll call vote was taken and

the motion was unanimously carried.

RESOLVED, That, the following Resolution 60-07 setting the 2008 meeting dates be adopted:

RESOLUTION NO. 60-07

RESOLVED, That, the Council of the Borough of Quakertown will conduct a reorganizational and regular meeting on Monday, January 7 and regular meetings on the following dates: Wednesdays February 6, March 5, April 2, May 7, June 4, July 2, August 6, September 3, October 1, November 5 and December 3, 2008. The meetings will be held in Council Chambers on the second floor of Borough Hall, commencing at 7:30 p.m. on said dates; and

BE IT FURTHER RESOLVED, That, the Council of the Borough of Quakertown will hold Work Sessions on the following dates: Monday, January 28, February 25, March 24, April 28, May 19, June 23, July 28, August 25, September 22, October 27 and November 24, 2008. The meetings will be held in Council Chambers on the second floor of Borough Hall commencing at 7:30 p.m. on said dates.

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

RESOLVED, That, the following Resolution 66-07 creating new fund names and numbers be adopted:

RESOLUTION NO. 66-07

WHEREAS, the Borough Council of the Borough of Quakertown wishes to create new funds, change fund names and numbers;

NOW, THEREFORE, BE IT RESOLVED, That, the following new funds, names and numbers be adopted as follows:

General Fund — changing fund number from 09 to 01.

Pool Fund — new fund 09.

Water Capital Fund — changing fund number from 11 to 18 and changing name from Water Improvement Fund to Water Capital Fund.

Capital Projects Fund — new fund 20 and changing fund name from Sinking Fund to Capital Projects Fund.

Fire Company Capital Fund — new fund 30.

Liquid Fuels Fund — new fund 35 and changing name from Motor License Fund to Liquid Fuels Fund.

Police Health Reimbursement Arrangement Fund (HRA) — new fund 55.

Equipment Replacement Fund — new fund 70.

Consolidated Cash Fund — new fund 99.

Escrow Fund — new fund 92.

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

RESOLVED, That, the following Resolution 67-07 retaining Berkheimer as Tax Officer to collect the Local Services Tax be adopted:

RESOLUTION NO. 67-07

A RESOLUTION OF THE GOVERNING BOARD OF QUAKERTOWN BOROUGH, BUCKS COUNTY, PENNSYLVANIA, AUTHORIZING, EMPOWERING AND DIRECTING THE PROPER OFFICERS OF THE GOVERNING BOARD TO EXECUTE AN AGREEMENT WITH BERKHEIMER WHEREUNDER BERKHEIMER IS RETAINED AS THE EXCLUSIVE TAX OFFICER FOR THE COLLECTION, ADMINISTRATION, RECEIPT AND ENFORCEMENT OF THE PROVISIONS OF THE RESPECTIVE TAX ENACTMENT OF THE GOVERNING BOARD LEVYING AND ASSESSING THE LOCAL SERVICES TAX FOR THE TERM HEREIN DEFINED, TOGETHER WITH SUCH EXTENSIONS AS MAY BE AGREED UPON, SAID TAX ENACTMENT HAVING BEEN ADOPTED UNDER AND PURSUANT TO THE AUTHORITY OF THE PENNSYLVANIA LOCAL TAX ENABLING ACT (ACT 511, P.L. 1257); AND APPROVING AND ADOPTING THE RULES AND REGULATIONS PREPARED BY BERKHEIMER TO ADMINISTER AND ENFORCE THE LOCAL SERVICES TAX.

WHEREAS, Act No. 511 of the 1965 General Assembly of the Commonwealth of Pennsylvania, enacted December 31, 1965, and effective January 1, 1966, authorizes certain political subdivisions, including, QUAKERTOWN BOROUGH, BUCKS COUNTY, to levy, assess and collect a tax assess and collect a tax on the privilege of engaging in an occupation, as therein with more particularity specified, generally and hereinafter referred to as the “Local Services Tax;” and

WHEREAS, QUAKERTOWN BOROUGH, BUCKS COUNTY, by Resolution and/or Ordinance, has levied, assessed and provided for the collection of such Local Services Tax; and

WHEREAS, Section 10 of said Act of 1965, specifies that any such political subdivision may provide for the creation of such bureaus or the appointment and compensation of such officers, clerks, collectors and other assistants and employees as may be deemed necessary for the assessment and collection of taxes imposed under the authority of that Act; and

WHEREAS, QUAKERTOWN BOROUGH, BUCKS COUNTY, and Berkheimer have negotiated an Agreement whereby and whereunder it will hire Berkheimer to collect the LOCAL SERVICES TAX levied by QUAKERTOWN BOROUGH, BUCKS COUNTY, and

WHEREAS, QUAKERTOWN BOROUGH, BUCKS COUNTY, recognizes the legal obligation and practical necessity for Berkheimer to establish and maintain consistent rules and regulations to be used in the efficient administration and collection of said taxes;

THEREFORE, BE IT RESOLVED that:

1. QUAKERTOWN BOROUGH, BUCKS COUNTY hereby appoints BERKHEIMER as its exclusive collector of its LOCAL SERVICES TAX for the initial term commencing January 1, 2008 and ending December 31, 2010, and any subsequent renewal terms thereafter, said initial and renewal periods to include all quarterly and annual collections pertinent to the tax years therein. This appointment resolution shall be deemed to encompass any renewal terms agreed upon by the parties without further re-enactment of this resolution or re-appointment.
2. Further, BERKHEIMER is authorized to retain any costs of collection incurred in recovering delinquent taxes and assessed to the delinquent taxpayer as allowed by law.
3. Further, QUAKERTOWN BOROUGH, BUCKS COUNTY APPROVES AND ADOPTS the Agreement negotiated with Berkheimer for the collection of the LOCAL SERVICES TAX.
- 4.. And further, QUAKERTOWN BOROUGH, BUCKS COUNTY adopts and incorporates the Local Services Tax Rules and Regulations as promulgated by Berkheimer, in their entirety.
5. Any resolution or part of this resolution conflicting with the provisions of this

resolution be and the same are hereby repealed to the extent of such conflict.

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

RESOLVED, That, the following Resolution 68-07 appointing a liaison between the Borough and Berkheimer be adopted:

RESOLUTION NO. 68-07

A RESOLUTION OF THE GOVERNING BOARD OF QUAKERTOWN BOROUGH, BUCKS COUNTY, PENNSYLVANIA , AUTHORIZING, EMPOWERING AND DIRECTING THE PROPER OFFICERS OF THE GOVERNING BOARD TO APPOINT A LIASON BETWEEN IT AND BERKHEIMER, THE DULY APPOINTED COLLECTOR OF LOCAL SERVICES TAX FOR THE DISTRICT, FOR THE EXPRESS PURPOSE OF SHARING CONFIDENTIAL TAX INFORMATION WITH THE DISTRICT FOR OFFICIAL PURPOSES.

WHEREAS, Act No. 511 of the 1965 General Assembly of the Commonwealth of Pennsylvania (53 P.S. §6901 et seq.), enacted December 31, 1965, and effective January 1, 1966, authorizes certain political subdivisions, including, QUAKERTOWN BOROUGH, BUCKS COUNTY, to provide for the creation of such bureaus or the appointment and compensation of such officers, clerks, collectors and other assistants and employees as may be deemed necessary for the assessment and collection of taxes imposed under the authority of that Act; and

WHEREAS, QUAKERTOWN BOROUGH, BUCKS COUNTY, has entered into contractual agreement with BERKHEIMER of Bangor, Pennsylvania, whereby and whereunder CLIENT appointed Berkheimer to collect Local Services Tax; and

WHEREAS, said Act 511 specifically mandates that any information gained by the appointed tax officer, his agents or by any other official or agent of the taxing district, as a result of any declarations, returns, investigations, hearings or verifications required or authorized by the taxing municipality*s ordinance or resolution, be kept confidential, except for official purposes; and

WHEREAS, any person who divulges any information which is confidential under the provisions of any ordinance or resolution, upon conviction may be subject to fines and/or imprisonment, upon conviction, and dismissal from office or discharge from employment; and

WHEREAS, Berkheimer requires passage of a resolution by the governing body of QUAKERTOWN BOROUGH, BUCKS COUNTY specifying that said confidential

information is needed for official purposes and absolving Berkheimer from any liability in connection with the release of said confidential information;

NOW, THEREFORE, BE IT RESOLVED that:

1. QUAKERTOWN BOROUGH, BUCKS COUNTY hereby appoints Borough Manager Scott C. McElree and Finance Director Julie Dechnik as its authorized representatives to make requests upon and receive any and all tax information and records from Berkheimer, relative to the collection of taxes for CLIENT, as desired and deemed necessary by CLIENT, to be used for official purposes only; and
2. Berkheimer is hereby directed to provide and/or transmit any and all tax information and records, or any portion thereof, relating to the collection of taxes for the Borough, upon request, to Borough Manager Scott C. McElree and Finance Director Julie Dechnik as the authorized contact representatives for it.
3. QUAKERTOWN BOROUGH, BUCKS COUNTY hereby saves harmless, indemnifies and/or absolves Berkheimer from and against any and all liability in connection with the release of said confidential information.

Motion of Councilman Roberts, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the following Resolution 69-07 authorizing Berkheimer to impose and retain costs of collection on delinquent taxes be adopted:

RESOLUTION NO. 69-07

A RESOLUTION OF THE GOVERNING BOARD OF QUAKERTOWN BOROUGH, BUCKS COUNTY PENNSYLVANIA, AUTHORIZING AND EMPOWERING ITS LOCAL TAX COLLECTOR, BERKHEIMER TO IMPOSE AND RETAIN COSTS OF COLLECTION ON DELINQUENT TAXES.

WHEREAS, QUAKERTOWN BOROUGH, BUCKS COUNTY, by Resolution and/or Ordinance, has levied, assessed and provided for the collection of certain local taxes under and pursuant to the authority of the Act No. 511 of the 1965 General Assembly of the Commonwealth of Pennsylvania, enacted December 31, 1965, and effective January 1, 1966, as amended; and

WHEREAS, QUAKERTOWN BOROUGH, BUCKS COUNTY, has hired Berkheimer to collect said taxes levied by the QUAKERTOWN BOROUGH, BUCKS COUNTY, including taxes that are or may become delinquent; and

WHEREAS, pursuant to Act 192 of the 2003-2004 General Assembly of the Commonwealth of Pennsylvania QUAKERTOWN BOROUGH, BUCKS COUNTY, has the right to impose a cost of collection on taxes that become delinquent and/or that remain due and unpaid;

NOW, THEREFORE, BE IT RESOLVED that:

1. QUAKERTOWN BOROUGH, BUCKS COUNTY APPROVES AND ADOPTS the Cost of Collection Schedule attached hereto and made a part of this Resolution to be imposed by BERKHEIMER upon any taxpayer whose taxes are or become delinquent and/or remain due and unpaid.
2. BERKHEIMER is authorized to retain said costs of collection set forth in the attached schedule incurred in recovering delinquent taxes and assessed to the delinquent taxpayer as allowed by law.
3. Any resolution or part of this resolution conflicting with the provisions of this resolution be and the same are hereby repealed to the extent of such conflict.

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

HEALTH, SAFETY & WELFARE COMMITTEE

RESOLVED, That, the following Resolution 64-07 appointing a Fire Marshal be adopted:

RESOLUTION NO. 64-07

WHEREAS, the Borough Council of the Borough of Quakertown wishes to fill a vacancy created by the resignation of Fire Marshal Fred Guenst;

NOW, THEREFORE, BE IT RESOLVED, That, Council appoints Douglas C. Wilhelm of 1072 Freedom Court, Quakertown, as Quakertown Borough Fire Marshal.

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

RESOLVED, That, the following Resolution 61-07 setting fees for a Police vehicle impound lot be adopted:

RESOLUTION NO. 61-07

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 set fees for storage of impounded vehicles;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Quakertown that the following charges be added, to read as follows:

10. POLICE FEES:

Vehicle Impound

.....a) Release Car (when Borough Hall business office is not open)	\$35.00
..... b) Daily Storage (starting midnight of day towed)	\$40.00/

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

RESOLVED, That, the following Resolution 65-07 appointing a Lieutenant to the Quakertown Police Department be adopted:

RESOLUTION NO. 65-07

WHEREAS, on September 5, 2007, the Borough Council of the Borough of Quakertown approved the selection process for the Lieutenant's position in the Quakertown Police Department; and

WHEREAS, the selection process for the Lieutenant's position has been completed;

NOW, THEREFORE, BE IT RESOLVED, That, Council appoints Timothy C. F. Gaumer, 6 Winchester Drive, Quakertown as a Lieutenant in the Quakertown Police Department.

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

Councilwoman Werner pinned the Lieutenant's shield on Lt. Gaumer's uniform and Manager/Chief McElree pinned on the Lieutenant's bars.

Officer's in attendance were: Sergeant Bender, Corporal Dex, Officer Boehm, Officer Molchan, Officer Newman, Officer Stoneback, Officer Lockwood, Corporal Fogel, Officer Watkins, Officer Gross, Officer Mallery, Officer Cabrera, and Officer Lee.

PUBLIC UTILITIES COMMITTEE

Councilman Rosenberger stated that the consideration of the electric rates will be on the agenda in January as it requires advertising. It was pointed out that a 25.5% increase is under consideration.

PUBLIC WORKS COMMITTEE

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

PARKS & RECREATION COMMITTEE

RESOLVED, That, Council grants the request of DeSales University to use the Stadium. Motion of Councilman Williams, seconded by Councilman Zaiser. A roll call vote was taken and the motion was unanimously carried.

Manager McElree showed a slide presentation on the three outgoing Council- members — Dennis Hallman, Elfriede Werner and David Wilsey.

Councilmembers Hallman, Werner and Wilsey thanked everyone and indicated it was a pleasure to serve on Council. Outgoing President Hallman indicated that it was a true honor to serve with all Council, police and Borough employees.

Vice President Roberts thanked the three outgoing Councilmembers for their dedication and service to the community. Vice President Roberts indicated that he is sure they will continue to be involved with the community.

On behalf of Council, Manager McElree presented plaques to Councilmembers Dennis Hallman, Elfriede Werner and David Wilsey. They were also presented with Certificates from Senator Wunderling.

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

BOROUGH OF QUAKERTOWN

Dennis A. Hallman
President of Council

Attest:

Phyllis R. Ewing
Asst. Borough Secretary