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

The following members and officers were present: Vice President L. James Roberts, Councilmembers Donald Rosenberger, 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 financial reports be approved and vouchers drawn in payment of the bills listed thereon be ratified. Motion of Councilwoman Werner, seconded by Councilman Rosenberger. A roll call vote was taken and the motion carried with the following Councilmembers voting in favor: Rosenberger, Werner, Wilsey, Zaiser and Roberts; and the following Councilmember abstained: Williams (President Hallman – absent).

CHECKS #

56455 – 56718 \$2,486,229.18

RESOLVED, That, the Treasurer's Report for August 2007 be received and spread on the minutes. Motion of Councilman Rosenberger, seconded by Councilman Williams.

Councilman Rosenberger asked whether the PennVest funds are all in for the sewer projects or if there will be more coming? Manager McElree indicated that there is still approximately \$300,000 coming.

A roll call vote was taken and the motion was unanimously carried (President Hallman – absent).

Treasurer s Report August 31, 2007

Fund	Beginning			Ending
	<u>Balance</u>	Revenue	Expenditures	<u>Balance</u>
Electric Fund	\$1,680,429.95	\$1,118,357.67	\$1,732,830.50	\$1,065,957.12
Water	1,078,015.34	789,489.76	636,173.64	1,231,331.46
Sewer	1,326,382.23	608,428.63	650,149.55	1,284,661.31
General	52,881.35	581,680.78	558,822.73	73,739.40
Payroll	14,182.46	705,500.44	691,663.93	28,018.97
Restricted Funds	2,960,104.47	502,246.41	39,540.47	3,422,810.41
Sinking Fund	4,293,892.27	4,003,639.86	4,592,398.76	3,705,133.37
Total Available Funds -	S7,253,996.74	\$4,505,886.27	\$4,631,939.23	\$7,127,943.78

RESOLVED, That, the Police Department, Zoning Administrator and Building Inspector reports be received and filed. Motion of Councilwoman Werner, seconded by Councilman

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

Visitors:-

Jim Wilson, 220 South Third Street, indicated that he has a question on the June 28th car show. Vice President Roberts indicated that he could speak during the Health, Safety & Welfare Committee portion of the Agenda.

Vice President Roberts announced that Council authorized President Hallman to appoint individuals to the Landlord/Tenants Committee and he made the following appointments: Elfriede Werner, David Zaiser, James Roth, Dennis Lawrence, Ray Stever, Doug Mohr, James Wilson, Stan Schoch, Jeff Haring and David Long.

PLANNING & ZONING COMMITTEE

RESOLVED, That, reading of proposed Ordinance 1133, Zoning Ordinance change concerning 114 Front Street, be waived. Motion of Councilman Wilsey, seconded by Councilman Zaiser. A roll call vote was taken and the motion was unanimously carried (President Hallman – absent).

Vice President Roberts explained the zoning change and asked if anyone wished to comment on the Ordinance?

Beth Sanuelson indicated that she lives in Haycock Township, but is a party to a building that is an adjacent property. She indicated her home address as 1074 Cider Press Lane, Quakertown and 121 Park Avenue, Quakertown as the adjacent property. Ms. Samuelson asked if there would be any impact on the pass-through road that runs from Front Street to Second Street? Edward Wild, representing the applicant, Bucks Preservationists, L.P., stated that at the Work Session his client responded to that question by indicating that they had secured a title report prior to them taking record title to the property and that they would be preserving all easements or third-party rights that may be affected by the property that would be pass-throughs as well as sewer easements and other concerns of record. Ms. Samuelson indicated she was satisfied with this answer.

Karen Royer, 114 Juniper Street, asked whether the alleyway that goes through there would also be preserved? Ms. Royer pointed out that there are two alleyways one from Front Street to Second Street and also one that was previously closed, that she kept open, because it's listed as an alley on her deed. Ms. Royer explained that it s an alley that was there when the old cleaners was there going out to Juniper Street and is used by her to park her vehicles. Edward Wild stated that a title search was done and any matters of record for which there is an obligation to recognize rights will be respected.

There being no further questions or comments, the following motion was made:

RESOLVED, That, Ordinance 1133, an Ordinance of the Borough of Quakertown, Bucks County, Pennsylvania amending the Quakertown Borough Zoning Ordinance and map by amending the zoning classification of Parcel No. 35-8-118 from the LI-Light Industrial classification to the TC-Town Center District on the said zoning map, and the zoning classification of Parcel No. 35-8-118 from the LI-Light Industrial classification to the TC-Town Center District for the property located at 114 Front Street, Quakertown, Pennsylvania 18951, be passed finally. Motion of Councilman Wilsey, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried (President Hallman — absent).

RESOLVED, That, the following Resolution 45-07 supporting the continuation of grant funding for open space be adopted:

RESOLUTION 45-07

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF QUAKERTOWN, BUCKS COUNTY, PENNSYLVANIA TO SUPPORT THE REFERENDUM FOR THE BUCKS COUNTY BOND ISSUE FOR OPEN SPACE PRESERVATION.

WHEREAS, on June 20, 2007, the Board of Commissioners of Bucks County approved a resolution to place a referendum on the November 6, 2007 ballot that would ask for the consent of the electorate to increase the debt of the County of Bucks in the amount of \$87 million for the acquisition of open space; and

WHEREAS, the Borough of Quakertown recognizes the importance of the preservation of open space within the Borough and County as a whole.

THEREFORE, BE IT RESOLVED, That, the Borough Council of the Borough of Quakertown hereby supports the \$87 million bond issue for the purpose of continued open space preservation throughout Bucks County.

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

REVENUE & FINANCE COMMITTEE

RESOLVED, That, the following Resolution 46-07 authorizing the proper Borough officials to execute an agreement with Berkheimer to collect Earned Income Taxes, be adopted:

RESOLUTION NO. 46-07

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 EARNED INCOME 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 EARNED INCOME/NET PROFITS 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 on salaries, wages, commissions, compensation and earned income of individuals, as therein with more particularity specified, generally and hereinafter referred to as the Earned Income Tax; and

WHEREAS, including QUAKERTOWN BOROUGH, BUCKS COUNTY by Resolution and/or Ordinance, has levied, assessed and provided for the collection of such Earned Income 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, including QUAKERTOWN BOROUGH, BUCKS COUNTY and Berkheimer have negotiated an Agreement whereby and whereunder it will hire Berkheimer to collect the EARNED INCOME TAX levied by the QUAKERTOWN BOROUGH, BUCKS COUNTY, and

WHEREAS, including 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 EARNED INCOME TAXES for the initial term commencing October 1, 2007 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 term 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.And further, QUAKERTOWN BOROUGH, BUCKS COUNTY APPROVES AND ADOPTS the Agreement negotiated with Berkheimer for the collection of the EARNED INCOME TAX.
- 4. And further, QUAKERTOWN BOROUGH, BUCKS COUNTY adopts and incorporates the Earned Income 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 Councilman Rosenberger.

Councilman Wilsey asked Finance Director Dechnik if she is confident that there will be an oversight to what Berkheimer is doing? Finance Director indicated that there will be someone in-house that will work directly with Berkheimer so that if the residents have a question, they could call us.

A roll call vote was taken and the motion was unanimously carried (President Hallman – absent).

RESOLVED, That, the following Resolution 47-07 appointing a liaison between the Borough and Berkheimer be adopted:

RESOLUTION NO. 47-07

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 LIAISON BETWEEN IT AND BERKHEIMER, THE DULY APPOINTED COLLECTOR OF EARNED INCOME 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 ol Pennsylvania (53 P.S. §6901 et seq.), enacted December 31, 1965, and effective January 1, 1966, authorizes certain political subdivisions, including, 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 Earned Income; 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 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 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 (President Hallman – absent).

RESOLVED, That, the following Resolution 48-07 appointing Berkheimer as the Borough s Tax Hearing Officer be adopted:

RESOLUTION NO. 48-07

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 BERKHEIMER AS ITS TAX HEARING OFFICER UNDER AND PURSUANT TO THE LOCAL TAXPAYERS BILL OF RIGHTS FOR THE EXPRESS PURPOSE OF ADJUDICATING APPEALS THEREUNDER.

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 certain local taxes on taxpayers, for general revenue producing measures; and

WHEREAS, QUAKERTOWN BOROUGH, BUCKS COUNTY, by Resolution and/or Ordinance, has levied, assessed and provided for the collection of the Earned Income Tax

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, has appointed Berkheimer to collect the aforementioned taxes levied by it; and

WHEREAS, Act 50 of the 1998 General Assembly of the Commonwealth of Pennsylvania, enacted May 5, 1998, and effective, in part, January 1, 1999, known as the "Local Taxpayers Bill of Rights," requires political subdivisions levying, collecting and assessing taxes of the nature and kind

aforementioned to establish an administrative process to receive and make determinations on petitions from taxpayers relating to the assessment, determination or refund of such tax, includin without limitation, the appointment of a Tax Hearing Officer by a political subdivision to hear an decide such an appeal; and

WHEREAS, under Section 8432 of such Act of 1998, a political subdivision shall adopt regulations governing practice and procedure under the Local Taxpayers Bill of Rights;

THEREFORE, BE IT RESOLVED, QUAKERTOWN BOROUGH COUNCIL OF QUAKERTOWN, PENNSYLVANIA, BUCKS COUNTY, hereby appoints. BERKHEIMER as its Tax Hearing Officer and further, adopts and incorporates the Act 50 Regulations as promulgated by Berkheimer in their entirety.

Motion of Councilman Roberts, seconded by Councilman Zaiser. A roll call vote was taken and the motion was unanimously carried (President Hallman – absent).

RESOLVED, That, the following Resolution 49-07 authorizing Berkheimer to impose and retain costs of collection on delinquent taxes be adopted:

RESOLUTION NO. 49-07

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 Zaiser. A roll call vote was taken and the motion was unanimously carried (President Hallman -- absent).

HEALTH, SAFETY & WELFARE COMMITTEE

Mr. Ed Quinn indicated that with regard to the first item on the Agenda, the First Mustang Club is making the request for the car show; it is not a Quakertown Alive! event. Councilwoman Werner pointed out the application and insurance are in the name of Quakertown Alive! Councilwoman Werner indicated that the item will be taken off the Agenda and asked that Mr. Quinn resubmit the application with the proper name.

RESOLVED, That, the following Resolution 51-07 regarding a multi-way stop sign at the Hellertown Avenue and Mill Street intersection be adopted:

Resolution 5 1-07

WHEREAS, Chapter 15, Section 105 of the Code of Ordinances of the Borough of Quakertown permits Borough Council to enact temporary, specific traffic and/or parking regulations for up to 90 days; and

WHEREAS, Borough Council perceives a need for a 4-way stop sign at the intersection of Mill Street and Hellertown Avenue;

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Quakertown to place a 4-way stop sign at the intersection of Mill Street and Hellertown Avenue for up to ninety days.

Motion of Councilwoman Werner, seconded by Councilman Wilsey.

Under discussion, Councilwoman Werner pointed out that approval was received from PennDOT for the 4-way stop.

A roll call vote was taken and the motion was unanimously carried (President Hallman – absent).

PUBLIC UTILITIES COMMITTEE

Councilman Rosenberger stated that, at the Work Session, Council reviewed the PPL latest offer, which includes:

The re-routing of the poles to the upper corner of Memorial Park;

To bring the lines down along the railroad track and not cross over the Midget Football practice field;

They agreed to pay \$26,000 for the easement;

They are not buying the land;

They agreed to pay \$13,000 to make an attractive border along the line to screen out the train tracks.

RESOLVED, That, Borough Council authorizes the proper Borough Officials to sign an agreement with PPL Electric Utilities Corporation accepting their offer of \$26,000 for the easement in the corner of the Borough s lot and the additional \$13,000 for site renovation. Motion of Councilman Rosenberger, seconded by Councilwoman Werner.

Under discussion, Councilman Wilsey stated that he feels it is not enough compensation because it does compromise part of the park system.

Councilman Zaiser pointed out that PPL has proposed routing the same lines through naturally wooded, open space and farmland in Richland. Councilman Zaiser felt that a denial would force PPL to investigate alternative routes and possibly aid the Richland residents in their battle.

Councilman Rosenberger stated that he views this as supplying the residents with a second source of energy so that we re not left in the dark during a blackout or brownout.

A roll call vote was taken and the motion carried with the following Councilmembers voting in favor: Rosenberger, Werner, Williams, Wilsey and Roberts; and the following Councilmember voting against: Zaiser (President Hallman – absent).

PUBLIC WORKS COMMITTEE

Councilman Zaiser indicated that Scott McMackin of Cowan Associates is present this evening to give an update on the storm water study.

Mr. McMackin told Council that the initial phase of the storm water study, which involved getting a detailed study of the drainage area for the Licking Run Creek is completed. He indicated that they are in the process of doing hydraulic and hydrologic studies to get the drainage area to the creek and analyzing what floods, when and during what storms. Following the completion of those studies will be the analysis of improvements and recommendations, cost estimate, putting a report together and they are also looking into resources for loans and grants to fund this kind of project. Mr. McMackin answered Councils questions and concerns.

PARKS & RECREATION COMMITTEE

RESOLVED, That, Council grants the request of the Quakertown Swim Team to host the championship on July 26, 2008. Motion of Councilman Williams, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried (President Hallman — absent).

Vice President Roberts adjourned the meeting at 8:40 p.m.

BOROUGH OF QUAKERTOWN

A special meeting of the Borough Council was held on October 22, 2007, 7:30 p.m.

The following members and officers were present: President Dennis A. Hallman, Vice President L. James Roberts, Councilmembers Elfriede Werner, Daniel Williams, David Wilsey and David Zaiser, Junior Councilperson Katelynn Klinkert, Solicitor Charles Fonzone, and Manager Scott McFlree.

REVENUE & FINANCE COMMITTEE

RESOLVED, That, the following Resolution 53-07 regarding the sale of Borough lawn equipment at auction be adopted:

RESOLUTION NO. 53-07

WHEREAS, the Borough Council of the Borough of Quakertown wishes to sell Borough lawn equipment at auction;

NOW, THEREFORE, BE IT RESOLVED, That, the proper Borough officials be authorized to execute a contract to sell Borough lawn equipment.

Motion of Councilman Roberts, seconded by Councilman Zaiser.

Manager McElree indicated that the Borough will net approximately \$29,000.00.

Councilman Roberts asked if anyone present wished to speak regarding this Resolution. There being no response, the roll call vote was taken.

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

President Hallman announced that an executive session of Council will be held following tonight s Work Session for the purposes of: (1) To consult with Borough Attorneys regarding information and strategy pertaining to the Lockridge Outdoor Advertising litigation and proposed settlement; and (2) Matters involving employment, terms and conditions of employment and evaluations of performance pertaining to current and possible future employees.

President Hallman adjourned the special meeting of Council.

BOROUGH OF QUAKERTOWN

Dennis A. Hallman
President of Council

Attest: Scott C. McElree Borough Secretary