

October 3, 2007

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 <u>Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Ending <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	<u>4,293,892.27</u>	<u>4,003,639.86</u>	<u>4,592,398.76</u>	<u>3,705,133.37</u>
Total Available Funds -	\$7,253,996.74	\$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 Samuelson 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 of 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.

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;

