

A regular meeting of the Borough Council was held December 3, 2008, 7:30 p.m.

The following members and officers were present: President L. James Roberts, Vice President Donald Rosenberger (7:55 p.m.), Councilmembers Michael Johnson, Michelle Scarborough, Edward Scholl, Daniel Williams, and David Zaiser, Solicitor Charles Fonzone, Manager Scott C. McElree and Asst. Borough Secretary Phyllis R. Ewing.

RESOLVED, That, the Minutes of November 5, 2008, be approved as written. Motion of Councilman Williams, seconded by Councilman Scholl. A roll call vote was taken and the motion was unanimously carried (Councilman Rosenberger — absent).

RESOLVED, That, the following check registers be approved for payment:

11/19/08	--	\$ 9,822.12
11/26/08	--	\$879,453.39
11/26/08	--	\$137,649.79
12/4/08	--	\$ 4,674.19

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

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

President Roberts announced that Vice President Donald Rosenberger has been delayed, and, therefore, we will bypass the Revenue & Finance Committee portion of the Agenda until the end and prior to going into Revenue & Finance, Council will go into an executive session on matters concerning personnel.

Visitors:

Nancy Roberts thanked Council for clarifying, at their session last week, that the Historical Society's Library is open the first Saturday of the month.

Steve Biddle indicated that he has a question on Open Records.

Mary Sulger indicated that she would like to speak with regard to the Ordinance on commercial properties.

PLANNING & ZONING CO0MMITTEE

RESOLVED, That, reading of Ordinance 1152, regarding inspection of commercial properties, be waived. Motion of Councilman Scholl, seconded by Councilman Johnson. A roll

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

Mrs. Sulger was told she could speak at this time. Mrs. Sulger stated that she has a meeting scheduled with Doug Wilhelm and asked whether there is anything that she is responsible for. Manager McElree stated that would depend on how the lease agreement reads and indicated that the way the Ordinance is proposed, the ultimate responsibility would fall on the owner.

RESOLVED, That, Ordinance 1152, an Ordinance requiring commercial business/property owners to annually register all commercial businesses/properties owned and operated in the Borough of Quakertown: fixing the registration/inspection fee: further providing for a yearly inspection of all commercial businesses/properties for compliance with Borough codes and ordinances; providing fines and penalties for violations; repealing all other inconsistent ordinances, be passed finally. Motion of Councilman Scholl, seconded by Councilwoman Scarborough. A roll call vote was taken and the motion was unanimously carried (Councilman Rosenberger — absent).

RESOLVED, That, reading of Ordinance 1153 on open burning and recreational fires, be waived. Motion of Councilman Scholl, seconded by Councilman Williams. A roll call vote was taken and the motion was unanimously carried (Councilman Rosenberger — absent).

RESOLVED, That, Ordinance 1153, an Ordinance regarding open burning and recreational fires, be passed finally. Motion of Councilman Scholl, seconded by Councilman Johnson. A roll call vote was taken and the motion was unanimously carried (Councilman Rosenberger — absent).

RESOLVED, That, reading of Ordinance 1154, regarding Knox boxes, be waived. Motion of Councilman Scholl, seconded by Councilman Johnson. A roll call vote was taken and the motion was unanimously carried (Councilman Rosenberger — absent).

RESOLVED, That, Ordinance 1154, an Ordinance requiring certain commercial and residential buildings to install Knox Boxes, be passed finally. Motion of Councilman Scholl, seconded by Councilman Zaiser. A roll call vote was taken and the motion was unanimously carried (Councilman Rosenberger — absent).

RESOLVED, That, reading of Ordinance 1147, regarding Adult Uses, be waived. Motion of Councilman Scholl, seconded by Councilman Johnson. A roll call vote was taken and the motion was unanimously carried (Councilman Rosenberger — absent).

RESOLVED, That, Ordinance 1147, an amendment to the Code of Ordinances of the Borough of Quakertown, Chapter 27, Sections 201, 311(3)(f), 316(4) with respect to adult uses, be passed finally. Motion of Councilman Scholl, seconded by Councilwoman Scarborough. A roll call vote was taken and the motion was unanimously carried (Councilman Rosenberger — absent).

RESOLVED, That, reading of Ordinance 1149, adding conditional uses to the LI District, be waived. Motion of Councilman Scholl, seconded by Councilwoman Scarborough. A roll call vote was taken and the motion was unanimously carried (Councilman Rosenberger — absent).

RESOLVED, That, Ordinance 1149, an amendment to the Code of Ordinances of the Borough of Quakertown, Chapter 27, Section 314(4), adding conditional uses to the LI District, be passed finally. Motion of Councilman Scholl, seconded by Councilman Johnson. A roll call vote was taken and the motion was unanimously carried (Councilman Rosenberger — absent).

HEALTH, SAFETY & WELFARE COMMITTEE

Councilman Johnson stated that there aren't any items for action or report under the Health, Safety & Welfare Committee.

PUBLIC UTILITIES COMMITTEE

RESOLVED, That, the following Resolution 142-08, authorizing proper Borough officials to execute an easement for electrical service at 127 S. Second Street, be adopted:

Resolution 142-08

WHEREAS, an easement is required for 127 South Second Street for the purpose of electrical service.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Quakertown that the proper officers be authorized to execute the deed of easement for 127 South Second Street, Quakertown, Pennsylvania.

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

RESOLVED, That, the following Resolution 143-08, authorizing proper Borough officials to execute the Innermedia, Inc. Service Agreement for public access channel, be adopted:

Resolution 143-08

WHEREAS, PEG-TV by Innermedia, Inc. is available to municipalities for a public access channel; and

WHEREAS, the Borough Council of the Borough of Quakertown is interested in having a public access channel.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Quakertown that the proper officers be authorized to execute the Service Agreement with Innermedia, Inc.

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

RESOLVED, That, the following Resolution 144-08, approving the utility billing policy and procedure proposal, be adopted:

Resolution 144-08

WHEREAS, a proposal was received from Dallas Data Systems, Inc., dated November 19, 2008, for professional services to develop a Utility Billing Policy and Procedures manual.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Quakertown that the proper officers be authorized to execute the Dallas Data Systems, Inc. Statement of Work agreement at an hourly consulting rate of \$125.00.

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

PUBLIC WORKS COMMITTEE

RESOLVED, That, the following Resolution 145-08, awarding the gasoline and diesel fuel bid, be adopted:

RESOLUTION NO. 145-08
ACCEPTING BID AND AWARDING CONTRACT TO
FARM & HOME OIL COMPANY

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of Farm & Home Oil Company of Telford, Pennsylvania, in the amount of +\$.4500 price differential added to the Journal of Commerce Philadelphia Reseller Tank Car Low Price Posting for approximately 25,000 gallons of Regular Unleaded Gasoline (minimum 87 octane) and \$.4200 price differential added to the Journal of Commerce Philadelphia Reseller Tank Car Low Price Posting for approximately 55,000 gallons of Diesel Fuel, Ultra Low Sulfur as per bid opened November 24, 2008, is hereby accepted. The contract is awarded to Farm & Home Oil Company. The Borough Manager is hereby authorized to execute the said contract on behalf of the Borough of Quakertown.

Motion of Councilman Zaiser, seconded by Councilman Williams. A roll call vote was taken

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

PARKS & RECREATION COMMITTEE

RESOLVED, That, the following Resolution 146-08, regarding the American Legion, Wallace Willard Keller Post 242, to use Memorial Park for a “Traveling Vietnam Memorial”, be adopted:

RESOLUTION NO. 146-08

WHEREAS, a request was received from American Legion Wallace Willard Keller Post 242 to sponsor and host a “Traveling Vietnam Memorial” in Memorial Park.

NOW, THEREFORE, BE IT RESOLVED, that Council grants the request of the American Legion Wallace Willard Keller Post 242 to sponsor and host a “Traveling Vietnam Memorial” in Memorial Park and directs the Borough Manager to follow-up on details, such as date and time of this event.

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

At 7:55 p.m., President Roberts declared that Council recess for an executive session on matters concerning personnel.

Councilman Rosenberger present at 7:55 p.m.

At 8:12 p.m., President Roberts reconvened the Council meeting.

RESOLVED, That, the following Resolution 147-08, regarding the resignation of Lieutenant Gaumer, be adopted:

RESOLUTION 147-08

WHEREAS, Borough Council has been informed that Lieutenant Gaumer has expressed the desire to resign from his position with the Borough Police Department provided that certain conditions are met; and

WHEREAS, Council adjourned to an executive session to discuss this personnel matter; and

WHEREAS, the Borough Council members have reviewed a proposed agreement and general release in which Lieutenant Gaumer agrees to resign his position as Borough Police Officer in exchange for certain consideration provided that Lieutenant Gaumer

executes a separation agreement release in substantially similar form as that reviewed tonight by Borough Council.

NOW, THEREFORE, BE IT RESOLVED, That, the Borough Council of the Borough of Quakertown authorize the Borough Manager to execute the agreement on behalf of Borough Council.

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

REVENUE & FINANCE COMMITTEE

RESOLVED, That, the following Resolution 139-08, adopting the 2009 Proposed Budget, be adopted:

RESOLUTION NO. 139-08

WHEREAS, the Borough Council of the Borough of Quakertown has reviewed and held public meetings on the consideration of the proposed 2009 Budget.

NOW, THEREFORE, BE IT RESOLVED, That, the 2009 Budget be adopted as presented.

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

Councilman Rosenberger read Ordinance 1151, regarding garbage disposal assessment, in full. Councilman Rosenberger noted that the Ordinance was duly advertised.

RESOLVED, That, Ordinance 1151, an amendment to the Code of Ordinances of the Borough of Quakertown, Chapter 18, Section 202(5), removing assessment on garbage disposal units, be passed finally. Motion of Councilman Rosenberger, seconded by Councilwoman Scarborough. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the following Resolution 140-08, accepting the proposals from Hutchinson, Gillahan & Freeh pertaining to the audits for 2008 and the conversion to GASB 34, be adopted:

RESOLUTION NO. 140-08

RESOLVED, That, the Borough Council of Quakertown, Pennsylvania, appoints the firm of Hutchinson, Gillahan & Freeh of Quakertown, Pennsylvania, to perform the 2008 annual audits of the Borough financial statements (not including

the pensions), the Real Estate Tax Collector, GASB 34 Conversion and for the Quakertown Area Industrial & Commercial Development Authority as detailed in the Hutchinson, Gillahan & Freeh engagement letters dated October 7, 2008.

Motion of Councilman Rosenberger, seconded by Councilman Williams.

Councilman Zaiser stated that he had some questions on this at the Work Session, but he discussed this with the Borough Manager. Councilman Zaiser pointed out that he feels that the Borough has the best management finance team in Upper Bucks County, but, in his personal opinion, he would like a second set of eyes to look at it in the future.

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

RESOLVED, That, the following Resolution 137-08 regarding the closing of the payroll and debt service funds and transfer of the assets to the General Fund, be adopted:

RESOLUTION NO. 137-08

WHEREAS, during the closing of the financial records for the year ended December 31, 2007, the Finance Department reviewed fund activity and evaluated which funds are no longer needed and determined which funds to close; and

WHEREAS, the Borough Auditors agreed with the decision of the Finance Department.

NOW, THEREFORE, BE IT RESOLVED, That, the Borough Council fo the Borough of Quakertown authorizes the Finance Department to close the Payroll Fund and the Debt Service Fund and to transfer the assets to the General Fund - 01.

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

RESOLVED, That, reading of Ordinance 1150, regarding an Open Records Policy, be waived. Motion of Councilman Rosenberger, seconded by Councilman Johnson. A roll call vote was taken and the motion was unanimously carried. Councilman Rosenberger stated that the Ordinance has been duly advertised.

Mr. Biddle asked, with regard to the Open Records Act, if the Planning Commission should receive a draft from a Borough staff member, administrator or member of Council, does the Commission have to limit who has access to that draft? The Borough Manager replied that the intent of the Open Records Act deals with how the Borough responds to requests and does not regulate whether the Borough may share a record because it's a draft.

RESOLVED, That, Ordinance 1150, an Ordinance adopting Act 3 of 2008, the

Pennsylvania Right-to-Know Law, and establishing a Quakertown Borough Open Records Policy, be passed finally. Motion of Councilman Rosenberger, seconded by Councilman Williams. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the following Resolution 141-08, regarding an Indemnity Agreement, be adopted:

RESOLUTION #141-08

WHEREAS, the Borough Manager and Solicitor have reviewed the current Quakertown Historical Society's parking lot agreement with McCoolle's Red Lion Restaurant; and

WHEREAS, the Solicitor of the Borough Council has drawn up an Indemnity Agreement Against General Claims naming the Borough of Quakertown and the Quakertown Historical Society as additional insured.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Quakertown that the Indemnity Agreement Against General Claims as prepared by Solicitor Fonzone is approved.

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

Councilman Rosenberger announced that a grant of \$25,000 was approved for Quakertown Alive administration from the Department of Community and Economic Development.

RESOLVED, That, the following Resolution 138-08, setting the meeting dates for 2009, be adopted:

RESOLUTION NO. 138-08

RESOLVED, That, the Council of the Borough of Quakertown will conduct regular meetings on the following dates: Wednesdays January 7, February 4, March 4, April 1, May 6, June 3, July 1, August 5, September 2, October 7, November 4 and December 2, 2009. 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 26, February 23, March 16, April 27, May 18, June 22, July 27, August 24, September 28, October 26 and November 23, 2009. 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 Rosenberger, seconded by Councilwoman Scarborough. A roll call vote

was taken and the motion was unanimously carried.

RESOLVED, That, the following Resolution 148-08, regarding health care benefits, be adopted:

RESOLUTION NO. 148-08

WHEREAS, a Resolution was adopted by the Quakertown Borough Council on April 5, 1995, which reads as follows:

“RESOLVED, That any member of Borough Council subscribing to any of the health care benefits offered to the employees of the Borough of Quakertown shall reimburse the Borough for the cost of the benefits.”

NOW THEREFORE BE IT RESOLVED, That resolution is now hereby rescinded.

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

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

BOROUGH OF QUAKERTOWN

L. James Roberts, Jr.
President of Council

Attest:

Phyllis R. Ewing
Asst. Borough Secretary