

A regular meeting of the Borough Council was held August 6, 2008, 7:30 p.m.

The following members and officers were present: President L. James Roberts, Vice President Donald Rosenberger, 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 following check registers be approved for payment:

July 1, 2008	—	\$ 20,952.72
July 9, 2008	—	\$ 39,014.09
July 16, 2008	—	\$ 26,622.49
July 24, 2008	—	\$791,879.85
July 31, 2008	—	\$ 40,539.44
July 31, 2008	—	\$289,012.70

Motion of Councilman Rosenberger, seconded by Councilman Williams.

Councilman Roberts stated that he will abstain from voting on the approval of the check registers because it includes the purchase of items from the Friendly Book Store and that he has signed a letter in this regard.

A roll call vote was taken and the motion carried with the following Councilmembers voting in favor: Johnson, Rosenberger, Scarborough, Scholl, Williams and Zaiser; and the following Councilmember abstaining: Roberts.

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

Visitors:-

Michael Fredericks of 456 S. 9th Street, Robert Fry of 448 S. 9th Street, Mike Orzel of 1024 Park Avenue, Sasha Styles of 328 E. Broad Street, Merrill Stoudt of 304 S. 9th Street, Eric Barnes of 461 S. 10th Street and Jim Roth of 220 Franklin Street indicated they wished to speak with regard to proposed Ordinance 1145.

John Leonard of 149 N. 9th Street stated that he wishes to speak under the Public Works Committee portion of the agenda.

PLANNING & ZONING COMMITTEE

Councilman Scholl invited those wishing to speak, to speak at this time.

Michael Fredericks stated that he feels that Section 9 of the proposed Ordinance 1145 is a disrespect for our civil rights and is unreasonable search and seizure.

Robert Fry stated that according to Sections 9 and 10, if the landlord doesn't pay, it will fall on the tenant. Mr. Fry indicated that he feels it is discrimination to require inspection only of rental dwelling units.

Mike Orzel stated that in his business 40% of his customers are renters, and in speaking to them, they indicated that they feel it infringes on their privacy and that there are other avenues rather than inspection.

Sasha Styles told Council that she feels Sections 1 and 9 violate the fourth amendment and in regard to Section 9, people can't afford this.

Merrill Stoudt stated that he feels people coming in while someone is living there is an invasion of their privacy. Mr. Stoudt told Council that he feels inspections should be done when no one is living at the property.

Eric Barnes stated that he opposes this ordinance and if there would be anything unsafe, he would go to his landlord. Mr. Barnes questioned the checklist and asked what some of the items listed have to do with the safety of the people?

Jim Roth urged Council to vote against Ordinance 1145. Mr. Roth told Council that every time he reads the Ordinance, he finds new problems with it.

RESOLVED, That, reading of Ordinance 1145 pertaining to Residential Rental Dwelling Units be waived. Motion of Councilman Scholl, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, Ordinance 1145, an Ordinance requiring landlords to annually register all residential rental dwelling units owned by such landlords in the Borough of Quakertown and the occupants of each such rental dwelling unit, and to report occupancy physical changes to such rental dwelling units; fixing the registration/inspection fee; further providing for a periodic inspection of all residential rental dwelling units 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 Councilman Zaiser.

Under discussion, Councilman Williams stated that he has been against this Ordinance from the beginning and indicated that he feels an Ordinance is needed for inspections, but of empty units and not occupied units.

Councilman Scholl stated that renters have approached him that are happy with this Ordinance. Councilman Scholl stated that he feels this Ordinance is a good thing.

Councilman Zaiser stated that he is in agreement with Councilman Scholl. Councilman Zaiser stated that if Council could spare one person from living in a bad situation, such as bad electrical wiring, that is a good thing.

Councilman Rosenberger stated that he is not a big fan of this Ordinance and agrees with some of Councilman Williams' statements. Councilman Rosenberger stated that Council could vote for this tonight and if it is found six months from now that it is a disaster, it could be repealed or fine-tuned.

A roll call vote was taken and the motion carried by majority vote with the following Councilmembers voting in favor: Johnson, Rosenberger, Scarborough, Scholl, Zaiser and Roberts; and the following Councilmember voting against: Williams.

Councilman Scholl indicated the next item on the Agenda is Ordinance 1146. Atty Labosky indicated a desire to speak on this Ordinance.

Atty. Gavin Labosky spoke, on behalf of Robert A. Rush, regarding amending the zoning classification of Tax Parcel 35-008-143 from Medium Residential (MR) to Town Center (TC). Atty. Labosky pointed out that both the Bucks County Planning Commission and the Quakertown Planning Commission recommend approval of the zoning change. Atty. Labosky stated that 17 neighbors had petitioned against the change, but he feels their petition is based on inaccuracies since this is a simply a request to change the zoning.

Councilman Scholl asked if Dr. Rush's son is opening some kind of business at that location? Atty. Labosky stated that is something Dr. Rush's son would like to pursue in the future and pointed out that can only happen if he meets the regulations of the Zoning Ordinance.

RESOLVED, That, reading of Ordinance 1146, amending the zoning classification of Parcel 35-8-143 from the MR to TC district, be waived. Motion of Councilman Scholl, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, Ordinance 1146, an Ordinance of the Borough of Quakertown, Bucks County, Pennsylvania, amending the Borough of Quakertown Zoning Ordinance and map by amending the zoning classification of Parcel #35-8-143 from the MR - Medium Residential classification to the TC - Town Center district on the said zoning map, and the zoning classification of Parcel #35-8-143 from the MR - Medium Residential classification to the TC - Town Center district for the property located at 600 West Broad Street, Quakertown, Pennsylvania 18951, be passed finally. Motion of Councilman Scholl, seconded by Councilman Rosenberger.

Councilman Zaiser stated that last year Council changed the parking restrictions for Town Center businesses and that was with retail, correct? President Roberts indicated that it was

restaurants and retail. Councilman Zaiser stated that before the parking restrictions were changed, Town Center required so much off-street parking per square foot. Councilman Zaiser indicated that his concern is now if this property becomes retail, the parking concerns are an issue. Atty. Labosky indicated that he believes, based on that property and the existing buildings that are there, that it is almost impossible to make that economically viable as a retail establishment and is not Dr. Rush's immediate plan. Atty. Labosky pointed out that the Ordinance requires certain square footage and amenities that are required for retail and he is not close to coming into compliance with any of the retail requirements.

Councilwoman Scarborough stated that perhaps with regard to the concerns of residents on the parking issue, is it possible, in the future, that a sign could be put up from Apple Street back indicating "residential parking only"? Councilwoman Scarborough stated it is a thought for Council to consider in the future.

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

RESOLVED, That, the following Resolution 98-08 pertaining to rental inspection policies and procedures be adopted:

RESOLUTION NO. 98-08

WHEREAS, the Borough has prepared a "Rental Property Inspection Policy and Procedure" to establish the administration of a rental inspection program, the operational structure of a rental inspection program, and the appeal and remedy process regarding uncorrected violations.

NOW, THEREFORE, BE IT RESOLVED, That, the Borough Council of the Borough of Quakertown does hereby adopt the new policy entitled "Rental Property Inspection Policy and Procedure" to be effective August 7, 2008.

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

Councilman Scholl indicated that the next item on the agenda, discussion of an Adult Use Ordinance, is tabled until the August Work Session.

RESOLVED, That, the following Resolution 101-08, pertaining to the resignation of Johan Anestad from the Borough of Quakertown Planning Commission, be adopted:

RESOLUTION NO. 101-08

WHEREAS, a request for the resignation of Johan Anestad from the Borough of Quakertown Planning Commission was received.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown approves, with thanks, the resignation of Johan Anestad from the Borough of Quakertown Planning Commission.

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

RESOLVED, That, the following Resolution 102-08, pertaining to the appointment of Philip Abramson to the Borough of Quakertown Planning Commission, be adopted:

RESOLUTION NO. 102-08

WHEREAS, a request for the appointment of Philip Abramson to the Borough of Quakertown Planning Commission was received.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown approves the appointment of Philip Abramson to the Borough of Quakertown Planning Commission.

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

REVENUE & FINANCE COMMITTEE

RESOLVED, That, the following Resolution 103-08, pertaining to a request for use of Borough of Quakertown Skating Shelter as a temporary facility for the Quakertown Food Pantry, be adopted:

RESOLUTION NO. 103-08

WHEREAS, a request for use of the Borough of Quakertown Skating Shelter building as a temporary facility for the Quakertown Food Pantry has been received.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown approves the temporary use of the Skating Shelter as a temporary facility for the Quakertown Food Pantry; and

NOW, THEREFORE BE IT FURTHER RESOLVED, That, an agreement of occupancy shall be prepared by the Borough's Solicitor.

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

RESOLVED, That, the following Resolution 104-08, directing the Borough Manager to continue inquiry into a permanent food pantry facility, be adopted:

RESOLUTION NO.104-08

RESOLVED, That, the Borough Manager is directed to continue preparations for a permanent food pantry facility and,

NOW, THEREFORE BE IT FURTHER RESOLVED, That, the Council of the Borough of Quakertown hereby directs the Borough Manager to seek the cooperation of surrounding municipalities, as well as county, state and federal representatives in an effort to provide funding for either the operation or construction of the Quakertown Food Pantry.

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

RESOLVED, That, the following Resolution 107-08, pertaining to Bucks County Transport, Inc. authorizing the Borough Manager to take necessary steps to provide for a lease, be adopted:

RESOLUTION NO. 107-08

WHEREAS, the Borough has received a request from Bucks County Transport Company, Inc. (BCTC) to lease the Borough property located at 26 North Fourth Street for the purpose of parking their vehicles.

NOW, THEREFORE, BE IT RESOLVED, That, the Borough Council of the Borough of Quakertown does hereby authorize the Borough Manager to take any necessary steps to provide for the lease of said property.

Motion of Councilman Rosenberger, seconded by Councilman Scholl.

Under discussion, President Roberts indicated that the Borough Manager will work out all necessary details in the lease agreement. Councilman Rosenberger pointed out that Council is not approving the lease agreement this evening.

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

RESOLVED, That, the following Resolution 108-08, pertaining to long-term disability for non-bargaining unit employees, be adopted:

108-08

RESOLUTION NO.

WHEREAS, the Council of the Borough of Quakertown wishes to offer Long Term Disability insurance for the non-bargaining unit employees of the Borough of Quakertown; and

WHEREAS, the Borough of Quakertown's insurance broker proceeded with due diligence in requesting quotations from various providers and determined that the quotation of The Hartford of Connecticut would provide the best plan at the most reasonable cost.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown enter into an agreement with The Hartford implementing a long-term disability insurance plan for the non-bargaining unit employees of the Borough of Quakertown for a period of two years.

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 105-08, accepting the bid and awarding contract for a Fire and Burglar Alarm system, be adopted:

**RESOLUTION NO. 105-08
ACCEPTING BID AND AWARDING CONTRACT TO
AMERICAN SECURITY**

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of American Security of Allentown, PA, in the amount of \$17,475.00 for a Fire and Burglar Alarm Systems as per bid opened July 25, 2008, is hereby accepted. The contract is awarded to American Security Company. The Borough Manager is hereby authorized to execute the said contract on behalf of the Borough of Quakertown.

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

HEALTH, SAFETY & WELFARE COMMITTEE

RESOLVED, That, the following Resolution 106-08 approving the 2008 Halloween Parade, be adopted:

**RESOLUTION NO. 106-08
ANNUAL HALLOWEEN PARADE ROUTE**

WHEREAS, a request was received from the Quakertown Lions Club for the annual Borough of Quakertown Halloween Parade to waive the fee for the use of the bandshell and to approve the closing of the streets for the parade route. The requested

street closings are Juniper Street, 11th Street, Broad Street and Third Street, Fifth, Sixth and Seventh Streets between Broad and Park Avenue; and

WHEREAS, Council, in the adoption of Resolution 19-06, reserved the right to waive these fees for certain civic or charitable events which they deem beneficial to the betterment of the community.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of The Quakertown Lions Club Halloween Parade to close Borough streets and waive the fee for the use of the bandshell for their event on October 26, 2008 (rain date November 2, 2008).

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

PUBLIC UTILITIES COMMITTEE

RESOLVED, That, the following Resolution 109-08, awarding the contract for the well #14 filter project, be adopted:

RESOLUTION NO. 109-08 ACCEPTING BID AND AWARDING CONTRACT TO DERSTINE COMPANY

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of Derstine Company of Souderton, PA, in the amount of \$91,000.00 for the Well #14 Filter Project as per bid opened July 16, 2008, is hereby accepted. The contract is awarded to Derstine Company. The Borough Manager is hereby authorized to execute the said contract on behalf of the Borough of Quakertown.

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

RESOLVED, That, the following Resolution 110-08, awarding the contract for the re-manufactured electric transformer bid, be adopted:

RESOLUTION NO. 110-08 ACCEPTING BID AND AWARDING CONTRACT TO SOLOMON CORPORATION

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of Solomon Corporation of Solomon, Kansas, in the amount of \$11,750.00 for a remanufactured electric transformer as per bid opened July 29, 2008, is hereby accepted. The contract is awarded to Solomon Corporation. The Borough Manager is hereby

authorized to execute the said contract on behalf of the Borough of Quakertown.

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

PUBLIC WORKS COMMITTEE

Councilman Zaiser told Mr. Leonard that he could speak at this time.

John Leonard asked Council when the 9th Street project will be completed? Manager McElree indicated that he had sent the residents a letter regarding sidewalks and once the sidewalks are replaced, the road will be overlaid and the project finished.

Mr. Leonard stated that he is selling his home and is having a difficult time due to the amount of dust from the Borough parking lot. Mr. Leonard asked what the Borough intends to do about the parking lot? Manager McElree indicated that the Borough is getting into Budget time and this is the time that these things will be looked into.

Councilman Zaiser stated that National Night Out went well, was well attended. Councilman Zaiser thanked Doug Wilhelm, the fire company, Chief McElree and the police force for their assistance. Councilmember Scarborough pointed out that opening the pool was a great addition to National Night Out.

PARKS & RECREATION COMMITTEE

RESOLVED, That, the following Resolution 111-08, approving the YMCA's Public Gathering Permit, be adopted:

RESOLUTION NO. 111-08

WHEREAS, a request was received from the YMCA to use Borough streets and park for a Fitness 5K Run.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of the YMCA to hold a 5K run on Saturday, October 4, 2008, 9:00 a.m.

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

President Roberts declared the meeting adjourned at 9:00 p.m.

BOROUGH OF QUAKERTOWN

L. James Roberts, Jr.
President of Council

Attest:

Phyllis R. Ewing
Asst. Borough Secretary