

A regular meeting of the Borough Council was held May 7, 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, Junior Councilperson Katelynn Klinkert, Solicitor Charles Fonzone, Manager Scott C. McElree and Asst. Borough Secretary Phyllis R. Ewing.

Councilman Zaiser indicated that the minutes of April 2 should include that Resolution 48-08 establishing procedures for the closing and opening of the sports fields for public use, have the following clause added: This policy is subject to change at anytime.

RESOLVED, That, the Minutes of April 2, 2008, be approved as corrected (Resolution 48-08 include the words– **This policy is subject to change at any time.**). Motion of Councilman Rosenberger, seconded by Councilman Scholl. A roll call vote was taken and the motion was unanimously carried.

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

April 4, 2008	—	\$117,363.57
April 9, 2008	—	\$ 93,700.25
April 13 - 19, 2008	—	\$ 17,671.99
April 25, 2008	—	\$159,254.86
April 30, 2008	—	\$ 12,495.74
April 30, 2008	—	\$295,744.07
May 2, 2008	—	\$ 6,210.98

Motion of Councilman Rosenberger, seconded by Councilman Zaiser.

Under discussion, 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 Johnson. A roll call vote was taken and the motion was unanimously carried.

Visitors:

Helen Theys of 144 Park Avenue and Michele Majoros of 410 S. Tenth Street indicated

that they wished to speak with regard to the home inspections.

Dieter Klinkert of 210 E. Mill Street and Janet Bassett of 1595 Sleepy Hollow Road indicated that they wished to speak with regard to the skate park.

John Taylor of 117 N. Penrose Street and Ted Nordmark of 313 E. Broad Street stated that they wished to speak with regard to alley maintenance policy.

Kelly Diehl and Connie Diehl of 54 S. 14th Street stated that they wish to speak with regard to speeding on 14th Street and a car parking on the sidewalk.

Mike Orzel of 69 S. 14th Street, indicated that he wished to speak with regard to speeding on 14th Street and also the Landlord/Tenant report.

James Roth of 220 Franklin Street, Doug Mohr of 302 W. Broad Street and Debbie Weider of 1002 Juniper Street, 1st Floor, are members of the Landlord/Tenant Committee and are present to speak with regard to the report.

Ralph R. Moyer, Jr. of 207 Juniper Street stated that he wished to speak with regard to alley maintenance, landlord/tenant and reserve time to speak on other topics on the agenda.

President Roberts acknowledged each of the visitors and told them the Committee they may speak under.

PLANNING & ZONING COMMITTEE

President Roberts stated that while Council will listen to anyone wishing to speak on the Landlord/Tenant report, we will schedule a special public Work Session on May 27 at 7:30 p.m. to discuss the Landlord/Tenant report. The regular Work Session will be held on May 19.

President Roberts pointed out that the Landlord/Tenant final report is a recommendation to Council from the Committee.

Councilman Scholl stated that those present wishing to speak on this report, may do so at this time.

Ms. Helen Theys stated that according to the newspaper, it was reported regarding expanding the Zoning Officer's power to enforce building code requirements and asked what is meant by that statement? Ms. Theys asked if a 1930, 1950, 1970 home would be subject to 2008 requirements? Ms. Theys pointed out that the Constitution protects against entry into a home without probable criminal cause and a warrant. Ms. Theys told Council she feels that these inspections would be a maneuver against property rights.

Mr. James Roth indicated that he is speaking as a Chairman of the Committee and not for

the Committee members. Mr. Roth stated that Council's vote for accepting or receiving the Committee report, simply affirms that the Committee has functioned and accomplished its mission and is not a vote to approve any or all of the recommendations included in the report. Mr. Roth stated that allegations have impugned the Committee's integrity and stated that he is dismayed that the charges have been made not in Committee or Borough Council's Work Session, but rather to the newspapers. Mr. Roth read a prepared statement with regard to the newspaper articles on the final report. Mr. Roth stated out that the Committee was composed of eleven individuals: he, as Chairman, (he did not vote except if there were a tie and there weren't any tie votes), 4 landlords, 4 owners of private residences and 2 tenants. Mr. Roth pointed out that the members also possessed other beneficial qualities; such as, experience in fire and safety issues; current knowledge of housing and real estate regulations on the federal, state and local levels; and experience as members of Quakertown Borough Council.

President Roberts pointed that whenever a Councilmember speaks, apart from sitting at the dais, they are speaking as individuals and not as the entire group of Councilmembers.

Mr. Doug Mohr stated that Mr. Roth has covered his position in this matter also.

Ms. Debbie Weider indicated that she is in agreement with Mr. Roth and Mr. Mohr. Ms. Weider stated that she was one of the renters on the Committee and found it to be quite a learning experience. Ms. Weider stated that she was insulted by comments in the newspapers.

Mr. Mike Orzel stated that at the Planning Commission meetings we were under the impression that home ownerships would not be included in inspections, but the newspapers indicate that they are. Mr. Orzel asked why two inspections would be necessary when the homes are sold, the mortgage company inspects the home? Mr. Orzel asked how and why has it changed from not including home ownerships in inspections to including them?

President Roberts reiterated that Council is about to receive the report with recommendations from the appointed Committee, elements of that report will be discussed at a special Work Session, at which your questions should be answered.

Mr. Ralph Moyer stated that he has been a landlord for 45 years and indicated that he will wait for the May 27th session to discuss it.

Ms. Michele Majoros stated that she has been a home owner in the Borough for 22 years and doesn't agree with having someone come into anyone's home for inspections. Ms. Majoros stated that she has fire insurance and it is between her and that company. Ms. Majoros suggested Council look at the way Pennsburg handles their inspections.

Councilman Scholl pointed out that the report was generated by the Committee, not by Council and Council will have the opportunity to accept some, all or none of the recommendations in the report.

RESOLVED, That, the following Resolution 57-08, receipt of the Landlord/Tenant Committee Final Report, be adopted:

RESOLUTION NO. 57-08

WHEREAS, on October 3, 2007, the President of Council appointed a committee for the purpose of integrating the various views expressed by various interests in the community in order to present Borough Council with possible legislation relative to a Landlord/Tenant Ordinance; and

WHEREAS, the Landlord/Tenant Committee has presented Borough Council with a final report.

NOW, THEREFORE, BE IT RESOLVED, That, Borough Council received the final report from the Landlord/Tenant Committee.

Motion of Councilman Scholl, seconded by Councilman Rosenberger.

Councilman Zaiser indicated that it was a pleasure to serve on the Landlord/Tenant Committee. Councilman Zaiser stated that while there were some disagreements, the only thing troubling to him was when it was expressed by certain individuals that "we're going to inspect all places or no places".

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

RESOLVED, That, the following Resolution 58-08, disbanding the Landlord/Tenant Committee, be adopted:

RESOLUTION NO. 58-08

WHEREAS, on October 3, 2007, the President of Council appointed a Landlord/Tenant Committee consisting of the following members: Elfriede Werner, David Zaiser, James Roth, Dennis Lawrence, Ray Stever, Doug Mohr, James Wilson, Stan Schoch, Jeff Haring, Debbie Weider and David Long; and

WHEREAS, the Landlord/Tenant Committee has presented Council with a final report and Borough Council has accepted the final report.

NOW, THEREFORE, BE IT RESOLVED, That, Borough Council hereby disbands the Landlord/Tenant Committee with thanks.

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

REVENUE & FINANCE COMMITTEE

RESOLVED, That, the following Resolution 59-08, entering into an agreement with Nihill & Reidley to perform an EIT Forensic Accounting service, be adopted:

RESOLUTION NO. 59-08

WHEREAS, the Borough of Quakertown has closed its Earned Income Tax office;
and

WHEREAS, Council wishes to have forensic accounting performed to analyze the operations of the Earned Income Tax office; and

WHEREAS, the Borough of Quakertown proceeded with due diligence in requesting proposals from three accounting firms to receive the finest forensic accounting service and fee.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown wishes to enter into an agreement, in a form approved by the Borough Solicitor, with Nihill & Riedley to perform forensic accounting for the Borough of Quakertown on the Earned Income Tax operations, as per their proposal dated April 15, 2008 at a fee ranging between \$5,000 and \$7,500 plus associated expenses.

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 60-08 regarding opposition to State Employee Retirement System (SERS) be adopted:

RESOLUTION NO. 60-08

WHEREAS, Senate Bill 596, to move police pension assets into the State Employee Retirement System (SERS) and to establish a two-tiered statewide police pension system has recently gained significant movement despite objections from local government; and

WHEREAS, Senate Bill 596 may significantly strain a municipalities budget that relies on this funding in order to reduce its minimum municipal obligation with their pension plans.

NOW, THEREFORE, BE IT RESOLVED, That, the Borough Council of the Borough of Quakertown authorizes the Borough Manager to submit letters of support to oppose the proposed SERS, Senate Bill 596, to the State Senator and Representatives.
Motion of Councilman Rosenberger, seconded by Councilman Scholl. A roll call vote was taken

and the motion was unanimously carried.

RESOLVED, That, the following Resolution 55-08, regarding approval of PLGIT Procurement Cards, be adopted:

RESOLUTION 55-08

AUTHORIZING ISSUANCE OF INDIVIDUAL PROCUREMENT CARDS

WHEREAS, the Borough of Quakertown has authority to authorize the purchase of goods and services by use of Procurement Cards; and

WHEREAS, PFM Financial Services LLC (PFM) has agreed to administer, on behalf of participating local governments and schools in the State of Pennsylvania, a Procurement Card system. The Procurement Cards will be issued to individual authorized employees of the district, by Bank of Montreal, a Canadian chartered bank with a branch at 115 South LaSalle Street, Chicago, IL 60603, with established limits and purpose; and

WHEREAS, it is the desire of the Borough of Quakertown to enable each authorized individual employee to procure authorized supplies and other products for the Borough of Quakertown purposes in order to facilitate creative pedagogical and governmental processes and efficient the Borough of Quakertown operations; and

WHEREAS, it is the desire of the Borough of Quakertown to reduce the economic burden on the resources of the Borough of Quakertown by increasing efficiency and reducing the administrative costs of the Borough of Quakertown and to respond to the exigencies of the day-to-day operations in accordance with the procurement process as established by Pennsylvania Statutes; and

WHEREAS, the Borough of Quakertown recognizes that the Procurement Card is neither a substitute for public bidding nor the Borough of Quakertown existing procurement program, and that the Procurement Card Program is not being implemented for the purpose of bid splitting and/or the avoidance of the statutorily mandated public bidding process; and

WHEREAS, the Borough of Quakertown recognizes the economic and financial savings and benefits to be gained by establishing an electronic Procurement Card system and sponsors and endorses the Corporate MasterCard Procurement Card Program;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Quakertown, Commonwealth of Pennsylvania, as follows:

1. The President and Secretary are authorized to enter into an Agreement with Bank of Montreal to secure Procurement Cards for each authorized employee of the Borough of Quakertown under such terms and conditions as approved by its legal counsel and the Borough of Quakertown.
2. As a condition precedent to receiving the Procurement Card, each authorized employee shall execute a Procurement Card Use Agreement.
3. As a condition precedent to receiving the Procurement Card, Manager shall establish a monetary limit of authority for each employee's use of the Procurement Card.
4. As a condition precedent to issuance of a Procurement Card, the Manager shall establish in writing purchasing parameters in accordance with the law including but not limited to: (a) a listing of goods and services which may be procured using the Card; (b) authorized vendors; (c) daily/weekly/monthly/annual monetary Procurement Card limits for each employee recipient of the Procurement Card. Employee recipients shall submit a list of the Borough of Quakertown goods and services to be annually purchased with the card, which shall be approved in writing by the Manager.
5. As a condition precedent to receiving the Procurement Card, each employee recipient shall sign an Agreement of Indemnity, which is included in the Procurement Card Use Agreement.
6. The Borough of Quakertown hereby expressly authorizes the Council President and Secretary to execute the Procurement Card Use Agreement on its behalf.
7. Upon receipt and use of a Procurement Card, the cardholder shall submit receipts and such information as periodically requested by Manager.
8. The Manager shall establish procedures and internal controls to implement this program, to ensure that Procurement Cards are being used only for authorized the Borough of Quakertown business purposes and in compliance with applicable law, and to allow for easily verifiable audits of their use. These procedures and internal controls and any changes thereto shall be submitted to the Borough of Quakertown at least annually for its review and input.
9. If the Borough of Quakertown has indicated to PFM that the account to be debited in connection with the Borough of Quakertown's use of the Procurement Cards will be an account of the Borough of Quakertown with the Pennsylvania Local Government Investment Trust. The Borough of Quakertown will specify the specific account to PFM, which serves as Administrator of the Pennsylvania Local Government Investment Trust, and PFM is authorized by the Borough of Quakertown to debit such account and

make payment to Bank of Montreal in connection with the Borough of Quakertown's use of the Procurement Cards.

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

RESOLVED, That, the following Resolution 54-08, entering into an agreement with Municipal Finance Partners to provide actuarial services, be adopted:

RESOLUTION NO. 54-08

WHEREAS, the Borough of Quakertown is responsible for administering the Police and Non-Uniformed Pension Plans; and

WHEREAS, administration of the Police and Non-Uniform Pension Plans requires retaining an actuarial consulting firm to provide consulting services; and

WHEREAS, the Borough of Quakertown proceeded with due diligence in requesting proposals from five Actuarial Consulting Firms to receive the finest actuarial services agreement on both services and fees.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown wishes to enter into an agreement, in a form approved by the Borough Solicitor, with Municipal Finance Partners to provide actuarial services for the Borough of Quakertown Police and Non-Uniform Pension Plans for a period of four (4) years, 2008 through 2011, with the fees as outlined in the Municipal Finance Partners proposal dated April 10, 2008.

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

RESOLVED, That, the following Resolution 66-08, an addition to the Borough's Fee Schedule for Conditional Use applications, be adopted:

RESOLUTION 66-08

WHEREAS, Resolution 3-08 was adopted on January 7, 2008 and established the fees associated with Borough services; and

WHEREAS, the Borough wishes to add a fee and associated costs pertaining to Conditional Use Permit Applications.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Quakertown that a fee and associated costs pertaining to Conditional Use Permit Applications be added to read as follows:

Code Department

Conditional Use Permit Application

Residential Use \$ 500.00 plus associated costs in excess of this amount.

Commercial Use \$1,500.00 plus associated costs in excess of this amount.

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

RESOLVED, That, the following Resolution 56-08, regarding the administration of a retirement plan, be adopted:

RESOLUTION NO. 56-08

WHEREAS, the Borough of Quakertown has employees rendering valuable services; and

WHEREAS, the establishment of a money purchase retirement plan benefits employees by providing funds for retirement and funds for their beneficiaries in the event of death; and

WHEREAS, the Borough of Quakertown desires that its money purchase retirement plan be administered by ICMA-RC and that the funds held in such plan be invested in the VantageTrust, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plans.

NOW THEREFORE BE IT RESOLVED that the Borough of Quakertown hereby establishes or has established a money purchase retirement plan (the "Plan") in the form of:

The ICMA Retirement Corporation Governmental Money Purchase Plan & Trust, pursuant to the specific provisions of the Adoption Agreement (executed copy attached hereto)

The Plan shall be maintained for the exclusive benefit of eligible employees and their beneficiaries; and

BE IT FURTHER RESOLVED that the Borough of Quakertown hereby executes the Declaration of Trust of VantageTrust, and attached hereto as Appendix B, intending this execution to be operative with respect to any retirement or deferred compensation plan subsequently established by the Borough of Quakertown, if the assets of the plan are to be invested in the VantageTrust.

BE IT FURTHER RESOLVED that the Borough of Quakertown hereby agrees to serve as trustee under the Plan and to invest funds held under the Plan in the VantageTrust; and

BE IT FURTHER RESOLVED that the Borough Manager shall be the coordinator for the Plan; shall receive reports, notices, etc., from the ICMA Retirement Corporation or the VantageTrust; shall cast, on behalf of the Borough of Quakertown, any required votes under the VantageTrust; may delegate any administrative duties relating to the Plan to appropriate departments; and

BE IT FURTHER RESOLVED that the Borough of Quakertown hereby authorizes the Borough Manager to execute all necessary agreements with the ICMA Retirement Corporation incidental to the administration of the Plan.

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 71-08, regarding the permit fee for the West End Fire Company's installation of a generator and other building work, be adopted:

RESOLUTION NO. 71-08

WHEREAS, the West End Fire Company has received a grant for the installation of a generator and other building work; and

WHEREAS, the Borough's required permit fee for the installation of a generator and other building work is \$600.00; and

NOW, THEREFORE, BE IT RESOLVED, That in conformance with Section 1202 of the Borough Code, the Council of the Borough of Quakertown waives the building permit fee for the West End Fire Company.

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

HEALTH, SAFETY & WELFARE COMMITTEE

Councilman Johnson told Kelly Diehl that she could speak at this time.

Ms. Kelly Diehl stated that she lives on Fourteenth Street and must park her vehicle on the street and in less than one week, her car was hit twice by two drunk drivers. Ms. Diehl told Council that her car was totaled the second time it was hit. Ms. Diehl stated that drag racing is a common occurrence on Fourteenth Street and asked for something to be done. Manager McElree stated that enforcement is one element, with a low impact, and traffic calming is going to be reviewed for 14th

Street at the next Traffic Calming Committee meeting. Manager McElree indicated that speed enforcement details will be conducted, but feels the answer is traffic calming.

Ms. Connie Diehl stated that in front of 52 S. 14th Street, there is a car parked on the sidewalk and asked why it is allowed? Ms. Diehl pointed out that a lady in a wheelchair has to go out in the street because of this car. Manager McElree indicated that the Police Department will take care of that matter.

Mr. Michael Orzel told Council that this past Monday, at little after 5:00 p.m., a grey sedan and a black Pontiac were racing each other down 14th Street from WaWa to Broad Street. Mr. Orzel stated that when Ms. Diehl's car was hit, the laundromat patrons and he heard a crash and saw a pickup truck backing away from her car that was hit; we ran out and tried to stop him from getting away. Mr. Orzel stated that when Park Avenue was repaved, they paved over the white mark from the curb out to the middle of Park Avenue at 14th Street that would indicate to the people not to block the intersection. Mr. Orzel asked that the patrol cars resume the practice of driving into the parking lots of the businesses when they patrol 14th Street.

Mr. Ralph Moyer asked that the police go up Apple Street and stated there are quite a few back doors of businesses along there.

RESOLVED, the following Resolution 61-08, regarding a request by Church World Service to hold a Crop Walk, be adopted:

RESOLUTION NO. 61-08

WHEREAS, a request was received for a public gathering permit from the Church World Service to hold a Crop Walk.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the public gathering permit to the Church World Service for a Crop Walk to be held on October 12, 2008, the route of the walk traverses from Memorial Park throughout the Borough.

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

RESOLVED, That, the following Resolution 25-08, regarding National Police Officers Week, be adopted:

RESOLUTION NO. 25-08

WHEREAS, the Congress and President of the United States have designated May

15 as Peace Officers' Memorial Day, and the week in which May 15 falls as National Police Week; and

WHEREAS, the members of the law enforcement agency of the Borough of Quakertown play an essential role in safeguarding the rights and freedoms of the Borough of Quakertown; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the law enforcement agency of the Borough of Quakertown unceasingly provide a vital public service;

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown calls upon the citizens of the Borough of Quakertown to observe the week of May 11 - 17, 2008 as National Police Week and commemorate law enforcement officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in so doing have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

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

PUBLIC UTILITIES COMMITTEE

Councilwoman Scarborough stated that there aren't any items for action or report under the Public Utilities Committee.

PUBLIC WORKS COMMITTEE

RESOLVED, That, the following Resolution 26-08 regarding National Public Works Week, be adopted:

RESOLUTION NO. 26-08

WHEREAS, National Public Works Week is a celebration of the men and women who provide and maintain the infrastructure and services collectively known as public works; and

WHEREAS, National Public Works Week calls attention to the importance of public works in community life;

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown calls upon the citizens of the Borough of Quakertown to observe the week of May 18 - 24, 2008 as National Public Works Week and recognize the contributions which public works employees make every day to our health, safety, comfort and quality of life.

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

RESOLVED, That, the following Resolution 68-08, awarding the bid for superpave, be adopted:

RESOLUTION NO. 68-08
ACCEPTING BID AND AWARDING CONTRACT TO
COOPERSBURG ASPHALT

RESOLVED, by the Council of the Borough of Quakertown, That, the following bid for superpave materials be accepted and contract awarded to:

Coopersburg Asphalt of Coopersburg, PA for:

SuperpaveHMA, 9.5 mm Wearing Course PG 64-22, 0.0–0.3 M Esal's, SLR H @ \$51.58/ton
Borough pick-up

SuperpaveHMA, 9.5mm Fine Graded PG 64-22, 0.0–0.3 M Esal's, SLR H @ \$51.58/ton
Borough pick-up

SuperpaveHMA, 9.5 mm Wearing Course PG 64-22, 0.3–3.0 M Esal's, SLR H @ \$51.58/ton
Borough pick-up

SuperpaveHMA, 9.5mm Fine Graded PG 64-22, 0.3–3.0 M Esal's, SLR H @ \$51.58/ton
Borough pick-up

SuperpaveHMA, 19mm Binder Course PG 64-22, 0.0–0.3 M Esal's, SLR H @ \$47.45/ton
Borough pick-up

SuperpaveHMA, 19mm Binder Course PG 64-22, 0.3-3.0 Esal's, SLR H @ \$47.45/ton
Borough pick-up

SuperpaveHMA, 25 mm Base Course PG 64-22, 0.0–3.0 M Esal's, SLR H @ \$43.14/ton
Borough pick-up

SuperpaveHMA, 25 mm Base Course PG 64-22, 0.3–3.0 M Esal's, SLR H @ \$43.14/ton
Borough pick-up

The contract is awarded in accordance with bids opened April 28, 2008. 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 Rosenberger. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the following Resolution 69-08, awarding the bid for road materials, be adopted:

RESOLUTION NO. 69-08
ACCEPTING BIDS AND AWARDING CONTRACTS

RESOLVED, by the Council of the Borough of Quakertown, That, the following bids for road materials be accepted and contracts awarded to:

Naceville Materials of Sellersville, PA for:

#10 screenings @ \$6.50/ton Borough pickup or \$10.09/ton delivered

#8 washed, crushed stone @ \$11.00/ton Borough pickup or \$14.59/ton delivered

#57 washed, crushed stone @ \$8.25/ton Borough pickup or \$11.84/ton delivered

2-A modified @ \$7.00/ton Borough pickup or \$10.59/ton delivered

3-A modified @ \$7.50/ton Borough pickup or \$11.09/ton delivered

R-4 shot rock @ \$9.00/ton Borough pick-up or \$12.59/ton delivered

2B ¾ clean @ \$8.25/ton Borough pickup or \$11.84/ton delivered

H & K Materials, Inc. of Chalfont, PA for:

#3 crushed stone @ \$8.40/ton Borough pick-up or \$13.09/ton delivered

Coopersburg Asphalt of Coopersburg, PA for:

QPR 2000 cold patch @ \$97.00/ton Borough pick-up or \$99.73/ton delivered

The contracts are awarded in accordance with bids opened April 28, 2008. The Borough Manager is hereby authorized to execute the said contracts on behalf of the Borough of Quakertown.

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

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

Mr. John Taylor stated that a portion of Penrose Street is unpaved and asked what the schedule would be for this street? The Borough Manager was asked to check on the status of that portion of Penrose Street.

Ms. Kelly Cox, N. Ambler Street, stated that they were always under the impression that they had to maintain their unpaved alley, but would like Ambler to be added to the list for maintenance.

Mr. Ted Nordmark of 313 East Broad Street stated that they depend on the alley system to get to and leave their homes and they need all the help Council could give as the alleys are in a deplorable condition.

Mr. Ralph Moyer stated that he feels all of the alleys should be paved. Mr. Moyer indicated that maintenance of the alleys was better when the Borough collected the trash.

RESOLVED, That, the following Resolution 67-08, regarding an alley maintenance policy, be adopted:

RESOLUTION NO. 67-08

WHEREAS, Council wishes to set a policy regarding maintenance of alleys in the Borough.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown adopts the following policy with regard to alley maintenance:

It shall be the policy of the Borough of Quakertown to repair potholes in stone alleys by means of back-dragging extra stone already in place or lightly filling the existing potholes with like stone. Alley maintenance will not take priority over other regularly scheduled Public Works projects, and will occur at the discretion of the Public Works Superintendent and approved by the Borough Manager. Maintenance of stoned alleys will not include the application of blacktop or any other paving surface. The Borough may discontinue stone alley maintenance at any time without cause.

Motion of Councilman Zaiser, seconded by Councilman Johnson.

Solicitor Fonzone pointed out that there is no record showing which alleys were ever dedicated to the Borough. Solicitor Fonzone stated that so many of the alleys are not showing as being dedicated to the Borough so if the Borough acts upon those rights of way, once maintenance starts, it will have to continue.

Councilman Williams stated that his concern is that there are some homes or apartments fronting on alleys that are not paved.

Councilman Rosenberger stated that his concern is with what is considered reasonable care. Councilman Rosenberger stated that he feels he does not have a full picture of what he is voting on.

A roll call vote was taken and the motion carried by majority vote with the following

Councilmembers voting in favor: Johnson, Scarborough, Scholl, Williams and Zaiser; and the following Councilmembers voting against: Rosenberger and Roberts.

RESOLVED, That, the following Resolution 68-09 awarding the bid for superpave be adopted:

RESOLUTION NO. 68-08
ACCEPTING BID AND AWARDING CONTRACT TO
COOPERSBURG ASPHALT

RESOLVED, by the Council of the Borough of Quakertown, That, the following bid for superpave materials be accepted and contract awarded to:

Coopersburg Asphalt of Coopersburg, PA for:

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SuperpaveHMA, 25 mm Base Course PG 64-22, 0.3–3.0 M Esal's, SLR H @ \$43.14/ton
Borough pick-up

The contract is awarded in accordance with bids opened April 28, 2008. 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 Rosenberger. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the following Resolution 69-08 awarding the bid for road materials be adopted:

RESOLUTION NO. 69-08
ACCEPTING BIDS AND AWARDING CONTRACTS

RESOLVED, by the Council of the Borough of Quakertown, That, the following bids for road materials be accepted and contracts awarded to:

Naceville Materials of Sellersville, PA for:

- #10 screenings @ \$6.50/ton Borough pickup or \$10.09/ton delivered
- #8 washed, crushed stone @ \$11.00/ton Borough pickup or \$14.59/ton delivered
- #57 washed, crushed stone @ \$8.25/ton Borough pickup or \$11.84/ton delivered
- 2-A modified @ \$7.00/ton Borough pickup or \$10.59/ton delivered
- 3-A modified @ \$7.50/ton Borough pickup or \$11.09/ton delivered
- R-4 shot rock @ \$9.00/ton Borough pick-up or \$12.59/ton delivered
- 2B ¾ clean @ \$8.25/ton Borough pickup or \$11.84/ton delivered

H & K Materials, Inc. of Chalfont, PA for:

- #3 crushed stone @ \$8.40/ton Borough pick-up or \$13.09/ton delivered

Coopersburg Asphalt of Coopersburg, PA for:

- QPR 2000 cold patch @ \$97.00/ton Borough pick-up or \$99.73/ton delivered

The contracts are awarded in accordance with bids opened April 28, 2008. The Borough Manager is hereby authorized to execute the said contracts on behalf of the Borough of Quakertown.

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

PARKS & RECREATION COMMITTEE

Dieter Klinkert was told that he could speak at this time. Mr. Klinkert told Council that he read about the problems with the skate park and asked for someone from the Borough to ask them to leave when they are ruining the skate park with their bikes. Council pointed out the costs of some of the damages at the skate park. Manager McElree stated that he asked the Public Works Superintendent the cost to bring the skate park back and he estimated approximately \$3,000. Manager McElree indicated that he was going to suggest to Council that they bring it up to where it is reasonably safe and monitor it for the summer and make a determination at the end of the summer once it is seen how the children use or abuse it.

Janet Bassett told Council that she is a teacher at the Freshman Center and is here as an individual on behalf of the children. Ms. Bassett stated that the children are very dedicated to their sport of skateboarding and were upset upon reading, in the paper, about the problems with the skate park. Ms. Bassett indicated that she, as a personal individual, is here tonight to support them.

Resolved, That, the following Resolution 62-08 regarding the request of East Swamp Church to use Cedar Grove Park be adopted:

RESOLUTION NO. 62-08

WHEREAS, a request was received from the East Swamp Church to use Cedar Grove Park.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of East Swamp Church to use Cedar Grove Park for a drop-in activity, which facilitates sports, games and crafts with local youth, beginning on May 21 and ending on August 6, 2008.

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

RESOLVED, That, the following Resolution 63-08 regarding the request of QMPO to use Memorial Park Pavilions and rent the Bandshell be adopted:

RESOLUTION NO. 63-08

WHEREAS, a request was received for a Public Gathering Use Permit application from the Quakertown Music Promoters Organization (QMPO) to use Memorial Park Pavilions and rent the bandshell.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of QMPO to use Memorial Park pavilions and to rent the bandshell for their event on May 27, 2008 provided they add the Borough as an additional insured on the insurance.

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

RESOLVED, That, the following Resolution 64-08 regarding a request from the American Legion to hold Community Day in Memorial Park be adopted:

RESOLUTION NO. 64-08

WHEREAS, a request was received from the American Legion for a Public Gathering Use Permit application to use Memorial Park and the bandshell for Quakertown Community Day.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of

Quakertown grants the request of the American Legion to use Memorial Park and the bandshell on July 4, 2008 (rain date July 5, 2008) provided they add the Borough as an additional insured on the insurance.

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

RESOLVED, That, the following Resolution 65-08 regarding the request of BARC to use Memorial Park for a track and field day be adopted:

RESOLUTION NO. 65-08

WHEREAS, a request was received for a Public Gathering Use Permit application from BARC to use Memorial Park for a track and field day.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of BARC to use Memorial Park for a track and field day on June 11, 2008, provided they add the Borough as an additional insured on the insurance.

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

RESOLVED, That, the following Resolution 70-08 regarding the leasing of the Blue Water Café be adopted:

RESOLUTION NO. 70-08
ACCEPTING PROPOSAL OF
DOMINICK'S PIZZA

WHEREAS, a proposal was received from Dominick's Pizza of Quakertown, Pennsylvania, for leasing the Blue Water Café, at the following minimum monthly fees paid to the Borough of Quakertown:

May (8 days)	\$ 730.00
June	\$ 2,800.00
July	\$ 2,800.00
August	\$ 2,800.00
September (1 day)	<u>\$ 100.00</u>
Total Minimum Fee	\$ 9,230.00

WHEREAS, the Borough of Quakertown proceeded with due diligence in requesting proposals from three restaurants/caterers to receive the best fee for this service.

NOW, THEREFORE, BE IT RESOLVED, That, the Blue Water Café be leased to Dominick's Pizza for the year 2008 as per their proposal.

Motion of Councilman Williams, seconded by Councilman Rosenberger.

A question was raised on the hours of operation and Manager McElree stated that they are required to be open during regular pool hours when the pool is open. Councilman Rosenberger asked what the revenues were under the Borough's stewardship last year. Finance Director Dechnik answered \$48,000. Councilman Rosenberger asked if their receipts will be audited. Finance Director Dechnik answered that they will be audited by the Borough internally.

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

At 9:45 p.m., President Roberts declared the meeting adjourned.

BOROUGH OF QUAKERTOWN

L. James Roberts, Jr.
President of Council

Attest:

Phyllis R. Ewing
Asst. Borough Secretary