

A regular meeting of the Borough Council was held April 2, 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 Minutes of March 5 and 15, 2008, be approved as written. Motion of Councilman Rosenberger, seconded by Councilwoman Scarborough. A roll call vote was taken and the motion was unanimously carried.

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

March 1, 2008	—	\$203,149.43
March 11, 2008	—	\$165,014.73
March 18, 2008	—	\$ 21,076.68
March 26, 2008	—	\$ 3,436.36
March 26, 2008	—	\$690,341.08

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

PLANNING & ZONING COMMITTEE

At 7:40 p.m., Councilman Scholl announced that tonight's meeting was advertised as a Conditional Use Hearing regarding Tom Skiffington's application for the demolition of two accessory structures at 101 E. Broad Street. Councilman Scholl turned the hearing over to Solicitor Fonzone.

Solicitor Fonzone:

With respect to the application of Skiffington, Inc. Conditional Use Hearing, the purpose of the hearing is Skiffington, Inc. has asked to demolish two accessory buildings located in the Historic Preservation District. Mr. Skiffington is here. Mr. Skiffington, please come forward. (Mr. Skiffington was sworn in.) Can you tell us your name, please?

Mr. Skiffington:

Thomas Skiffington.

Solicitor Fronzone:

Your relationship to Skiffington, Inc.?

Mr. Skiffington:

I'm the President and CEO.

Solicitor Fonzone:

Is Skiffington, Inc. the owner of 101 East Broad Street?

Mr. Skiffington:

That is correct.

Solicitor Fonzone:

You made an application to the Borough to have two existing accessory buildings on that premises removed?

Mr. Skiffington:

Yes, I have.

Solicitor Fonzone:

The plan has been submitted, drawn by Urwiler & Walter, Inc. sketch plan dated January 7, 2008, Project # 08001-B.

Mr. Skiffington:

That's correct.

Solicitor Fonzone:

That plan fairly and accurately represents the property with respect to this particular hearing,

Mr. Skiffington:

Yes it does.

Solicitor Fonzone:

With respect to this particular hearing, it has been advertised properly. We will make the advertisement and a copy of the application part of the record. The plan indicates it is in the Town Center district, is that correct?

Mr. Skiffington:

Yes, it is.

Solicitor Fonzone:

The Zoning Ordinance under Chapter 27, Part 3, Section 318, historic preservation, provides that the Borough Council can grant a conditional permit to remove these buildings. First required, at this point, is testimony from you, Mr. Skiffington to justify that request.

Mr. Skiffington:

Basically, the reason I want to remove the buildings is when I purchased the property these buildings are in disrepair. I don't believe they have any historical value to the community — kind of, probably an understatement. I'd like to rebuild properties in that location that will enhance the downtown and the surrounding properties.

Solicitor Fonzone:

Do any members of Council have any questions for Mr. Skiffington?

Councilman Scholl:

Just would like to ask for a time frame for when the building will be torn down or the new building will go up?

Mr. Skiffington:

I'll ask you how long will it take for your approval? I plan to get to the approval right away, as quick as I get approval from the Borough that is as quick as we will start building.

Solicitor Fonzone:

Any other questions of Mr. Skiffington? Do any members of the public have any questions of Mr. Skiffington? Seeing no other interested parties, I will declare this hearing closed (7:45 p.m.). Does Council wish to make a motion at this point?

RESOLVED, That, Council grants the conditional use permit to Skiffington, Inc. Motion of Councilman Scholl, seconded by Councilman Johnson. A vote was called for and the motion was unanimously carried.

Councilman Scholl read Ordinance 1142, regarding a change in the garage sale permit process, in full.

RESOLVED, That, Ordinance 1142, an amendment to the Code of Ordinances of the Borough of Quakertown, Chapter 13, Section 302, deleting a time frame requirement be passed finally. Motion of Councilman Scholl, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried.

Councilman Scholl indicated that the first item on the agenda, Cowan Associates review of the stormwater study, will be addressed at a special meeting on April 21 at 7:30 p.m. Manager McElree indicated that he provided Mr. Kensky with a copy of the study, he reviewed it and will provide a copy of his questions and points. Manager McElree stated that he will provide a copy of his questions and points to Council and the Engineer prior to the meeting.

REVENUE & FINANCE COMMITTEE

At 7:35 p.m., President Roberts called the public hearing regarding the University of Pennsylvania bond issue to order and asked if anyone present wished to speak with regard to this issue. There being no response from the public or members of Council, the public hearing portion on the University of Pennsylvania bond issue was closed at 7:37 p.m.

RESOLVED, That, the following Resolution 40-08 regarding University of Pennsylvania bond issue, be adopted:

RESOLUTION NO. 40-08

RESOLUTION DECLARING THAT IT IS DESIRABLE FOR
THE HEALTH, SAFETY, AND WELFARE OF THE PEOPLE
IN THE AREA SERVED BY THE TRUSTEES OF THE
UNIVERSITY OF PENNSYLVANIA TO HAVE A PRIOR
BOND ISSUE REFINANCED THROUGH THE
QUAKERTOWN GENERAL AUTHORITY

WHEREAS, The Trustees of the University of Pennsylvania (the "Borrower") is a Pennsylvania nonprofit corporation which owns and operates a university located in the City of Philadelphia, Pennsylvania and in Kennett Square, Chester County, Pennsylvania; and

WHEREAS, the primary or secondary service area of the Borrower includes the Borough of Quakertown, Bucks County, Pennsylvania (the "Borough"); and

WHEREAS, the Borrower desires to undertake the issuance of the Quakertown General Authority Refunding Revenue Bonds, Series of 2008 (The Trustees of the University of Pennsylvania Project) in an amount not to exceed \$77,700,000 (the "2008 Bonds") in order to currently refund the Quakertown General Authority Refunding Revenue Bonds, Series of 2004 (The Trustees of the University of Pennsylvania Project) (the "2004 Bonds"); and

WHEREAS, the 2004 Bonds were issued to currently refund a portion of the Quakertown General Authority Variable Rate Demand Revenue Bonds (Pooled Financing Program), Series of 1985; and

WHEREAS, the Quakertown General Authority (the "Authority") is a municipal authority organized under the provisions of the Municipality Authorities Act, 53 Pa. C.S. Ch. 56, as amended (the "Act") by the Borough of Quakertown; and

WHEREAS, in accordance with the Act, the Borrower and the Authority request that the Borough Council of the Borough (the "Borough Council") declare that it is

desirable for the health, safety and welfare of the people served by the Borrower to have the 2004 Bonds refinanced through the Authority; and

WHEREAS, the Borough Council is familiar with the Borrower and is concerned about improving the health, safety and welfare of the people of the Borough.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF QUAKERTOWN, COMMONWEALTH OF PENNSYLVANIA, as follows:

1. It is hereby declared desirable for the health, safety and welfare of the people in the area served by the Borrower to have the 2004 Bonds refinanced through the Authority through the issuance by the Authority of the 2008 Bonds in an amount not to exceed \$77,700,000.
2. This approval does not obligate the taxing power of the Borough of Quakertown in any way.
3. This Resolution shall take effect immediately.

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 41-08 regarding the removal of a fee for usage of the Skate Park, be adopted:

RESOLUTION NO. 41-08

WHEREAS, a request was received from the Bucks County Covered Bridge Society to rent the bandshell for their rededication ceremony.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of the Bucks County Covered Bridge Society to rent the bandshell for their event on Saturday, April 19, 2008, provided they add the Borough as an additional insured on the insurance.

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 42-08, regarding the removal of a fee for usage of the skate park, be adopted

RESOLUTION 42-08

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

WHEREAS, the Borough wishes to remove the fee for use of the Skate Park.
NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Quakertown that the fee for the daily admission to the Skate Park be removed

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

HEALTH, SAFETY & WELFARE COMMITTEE

RESOLVED, That, the following Resolution 47-08, regarding Quakertown Clean-up Day, be adopted:

RESOLUTION NO. 47-08

WHEREAS, the Council of the Borough of Quakertown wishes to declare May 10, 2008 as Quakertown Clean-up Day.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown declares May 10, 2008 as Quakertown Clean-up Day in which a group of volunteers will clean trash from Borough owned properties.

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

RESOLVED, That, the following Resolution 43-08 regarding the American Legion's request to conduct the Memorial Day Parade, be adopted:

RESOLUTION NO. 43-08

WHEREAS, a request was received for a public gathering permit from the Quakertown American Legion.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the public gathering permit to the Quakertown American Legion for the Memorial Day Parade to be held on May 26, 2008, provided they add the Borough as an additional insured on the insurance.

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

RESOLVED, That, the Council of the Borough of Quakertown grants the request of the Quakertown American Legion to use the bandshell and waive the fee for the Memorial Day Parade. Motion of Councilman Johnson, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That the following Resolution 52-08 appointing a Youth Aid Panel be adopted:

RESOLUTION NO. 52-08

WHEREAS, Resolution 7-08 was adopted on February 7, 2008, creating a Youth Aid Panel; and

WHEREAS, the Borough Manager recommended appointments of the following panel representatives to the Youth Aid Panel:

Elfriede Werner, 248 South Third Street, Quakertown, PA 18951
Richard Harold Cobb, Jr., 2300 Rickert Road, Blooming Glen, PA 18944
John Flynn, 614 Juniper Street, Quakertown, PA 18951

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown ratifies the appointment of the recommended panel representatives to the Youth Aid Panel.

Motion of Councilman Johnson, seconded by Councilwoman Scarborough.

Councilman Rosenberger questioned the person from Blooming Glen. Manager McElree indicated that he is the senior volunteer, he does the victim responses, in the Police Department. Councilman Rosenberger asked who the Youth Aid Panel reports to? Manager McElree replied that they report to the County Juvenile Probation partnered with Big Brothers. Councilman Rosenberger asked if there is a length of term for these positions? President Roberts answered until Council decides to appoint another person.

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

PUBLIC UTILITIES COMMITTEE

RESOLVED, That, the following Resolution 38-08, regarding deregulation of electric rates, be adopted:

RESOLUTION NO. 38-08

WHEREAS, the Borough Council of the Borough of Quakertown realizes that continuously increasing energy rates may have a negative impact on residents of the

Borough, and

WHEREAS, energy prices forecast a continual rise in the future and rising energy rates could hamper economic and residential development in the Borough.

NOW, THEREFORE, BE IT RESOLVED, That, the Borough Council of the Borough of Quakertown calls on the General Assembly to pass measures aimed at increasing energy supply in the Commonwealth, supporting new technologies that may impact energy supply in the future and pass legislation that will increase energy supply in the state and assist Boroughs and residents to manage energy demand. Borough Council supports funding sources for a smart metering program.

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

RESOLVED, That, the following Resolution 50-08 accepting the proposal for a Jet-Vac Camera Truck for use in the Sewer Department, be adopted:

RESOLUTION NO. 50-08
ACCEPTING PROPOSAL AND AWARDED CONTRACT TO
JET-VAC, INC.

RESOLVED, by the Council of the Borough of Quakertown, That, the proposal of Jet-Vac, Inc. of Wharton, New Jersey, in the amount of 180,091.71 (leased for a three-year period at \$60,030.57/year) for a IBAK "Elite Mainline" television pipe inspection system with Orpheus Camera (Jet-Vac Camera Truck) as per proposal dated March 31, 2008, is hereby accepted. The contract is awarded to Jet-Vac, Inc. 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 Zaiser.

Councilman Williams pointed out that the proposal includes a buyout at the end of the three-year period for \$1.00

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

RESOLVED, That, the following Resolution 53-08, awarding the bid for water main materials, be adopted:

RESOLUTION NO. 53-08
ACCEPTING BID AND AWARDED CONTRACT TO
FERGUSON WATERWORKS

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of Ferguson Waterworks of Whitehall, Pennsylvania, in the amount of \$17,997.20 for water main replacement materials as per bid opened April 1, 2008, is hereby accepted. The contract is awarded to Ferguson Waterworks. 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 Williams. A roll call vote was taken and the motion was unanimously carried.

PUBLIC WORKS COMMITTEE

RESOLVED, That, the following Resolution 51-08, awarding the bid for the 2008 street resurfacing, be adopted:

RESOLUTION NO. 51-08 ACCEPTING BID AND AWARDING CONTRACT TO BRACALENTE CONSTRUCTION, INC.

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of Bracalente Construction, Inc. of Bath, Pennsylvania, in the amount of \$215,676.00 for 2008 Street Resurfacing Project as per bid opened March 25, 2008, is hereby accepted. The contract is awarded to Bracalente Construction, Inc. The Borough Manager is hereby authorized to execute the said contract on behalf of the Borough of Quakertown.

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

PARKS & RECREATION COMMITTEE

RESOLVED, That, the following Resolution 48-08, regarding the use of Borough sport fields, be adopted:

RESOLUTION NO. 48-08

WHEREAS, the Council of the Borough of Quakertown wishes to establish procedures for the closing and opening of the sports fields for public use;

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown establishes the following procedures for the sports fields:

Connie Mack

1. Approve the installation of four gates to the fence perimeter, securing the fields when use is not permitted.

2. Apply signs to the fence gates indicating when the fields are closed due to maintenance or weather related conditions.
3. Initiate a reporting program that requires the sports organizations to contact a designated Borough contact to report when they recommend the fields closed due to maintenance or conditions. The Borough would then authorize the closing of the fields based on legitimate criteria, and post the closing on the Borough's website.
4. Authorize the installation of the security light as requested.
5. Authorize the installation of the requested press box with conditions of approved plans and construction by the Code Enforcement Officer.

Soccer

1. Approve the installation of a flag pole to accommodate a flag system indicating the status of the fields for public use (red = no use; no flag = use allowed).
2. Install two signs on the perimeter of the fields to indicate the flag system.
3. Initiate a reporting program that requires the sports organizations to contact a designated Borough contact to report when they recommend the fields closed due to maintenance or conditions. The Borough would then authorize the closing of the fields based on legitimate criteria, and post the closing on the Borough's website.

Little League

1. Fields are currently protected by a fenced perimeter with gates and posted signs.
2. Initiate a reporting program that requires the sports organizations to contact a designated Borough contact to report when they recommend the fields closed due to maintenance or conditions. The Borough would then authorize the closing of the fields based on the legitimate criteria, and post the closing on the Borough's website.

This policy is subject to change at any time. (See minutes of 5/7/08.)

Motion of Councilman Williams, seconded by Councilman Johnson.

Under discussion, Manager McElree stated that for legitimate field maintenance,

chemicals not safe to play on, or if it rained and the fields are flooded, they will be closed. Manager McElree stated that Melissa Molnar will be the Borough contact person, she will document whether the fields will be closed or open and advise Barbara Stoneback for posting on the web site. The only posting on the web site will be when the fields will be closed.

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

RESOLVED, That, the following Resolution 44-08, regarding Quakertown School District Varsity Baseball Team's request to use the baseball stadium, be adopted:

RESOLUTION NO. 44-08

WHEREAS, a request was received from the Quakertown School District Varsity Baseball Team to use the baseball stadium for twenty-six home games.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of the Quakertown School District Varsity Baseball Team to use the stadium provided that there aren't any conflicts with the Quakertown Stadium Athletic Association and the Borough is added as an additional insured on their 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 45-08, regarding Quakertown Youth Baseball Association's request to install a batting cage, be adopted:

RESOLUTION NO. 45-08

WHEREAS, a request was received from Quakertown Youth Baseball Association to erect a batting cage between the rear of the pool property and the youth baseball field..

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of Quakertown Youth Baseball Association to erect a batting cage.

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 46-08, regarding Harvest Community Fellowship's request to use the Skate Park, be adopted:

RESOLUTION NO. 46-08

WHEREAS, a request was received from Pastor Robert Urich of Harvest Community Fellowship to use the Skate Park.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of Harvest Community Fellowship to use the Skate Park for an "Extreme Tour 2008", a family-centered exhibition of professional skaters, bikers and musicians on Saturday, May 17, 2008.

Motion of Councilman Williams, seconded by Councilwoman Scarborough.

Under discussion, it was pointed out that the bandshell would not be available to Harvest Community on May 17th as it is being used by Quakertown Alive!

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

RESOLVED, That, the following Resolution 49-08, regarding the rental of the bandshell at Memorial Park, be adopted:

RESOLUTION NO. 49-08

WHEREAS, a request was received from Harvest Community Fellowship to rent the bandshell for a Relay for Life Sunday morning service.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of Harvest Community Fellowship to rent the bandshell for their event on Sunday, May 4, 2008, provided they add the Borough as an additional insured on the insurance.

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

Councilman Williams advised Council that there will be a Relay for Life breakfast at Applebees on Saturday, April 5, from 7 to 10 a.m.

President Roberts told Council that representatives of the Board of Supervisors of Springfield Township were at the Work Session requesting Council's support in their opposition to the planned construction of the PP&L power lines that are running through the upper end of Bucks County. Council asked the Springfield Township Board of Supervisors to provide a Resolution so that Council can act on the Resolution. President Roberts pointed out that the Supervisors did not comply with that request. A letter was received from Springfield Township indicating that it was decided at their meeting that they would not write a Resolution for Quakertown Council and that it is up to Quakertown Council to decide what they wish to do.. At

the Work Session, the Borough Solicitor advised Council that support, although not financial, could become more involved than intended. Councilman Roberts stated that while a motion of support will not be forthcoming, the Borough Council is empathetic to Springfield's situation.

President Roberts with regard to the Resolution on a bandshell fee, asked the Borough Solicitor to check into what could be done.

President Roberts declared the meeting adjourned at 8:35 p.m.

BOROUGH OF QUAKERTOWN

L. James Roberts
President of Council

Attest:

Phyllis R. Ewing
Asst. Borough Secretary