

March 5, 2008

A regular meeting of the Borough Council was held March 5, 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 Frank Procyk, Manager Scott C. McElree and Asst. Borough Secretary Phyllis R. Ewing.

RESOLVED, That, the Minutes of February 7, 2008, be approved as written. Motion of Rosenberger, seconded by Councilman Williams. A roll call vote was taken and the motion was unanimously carried.

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

February 6, 2008 —	\$114,329.28
February 15, 2008 -	47,949.70
February 25, 2008 -	225,539.31
February 26, 2008 -	255,332.85
February 27, 2008 -	4,035.40
February 28, 2008 -	878,013.26

Motion of Councilman Rosenberger, seconded by Councilwoman Scarborough.

Councilman Zaiser questioned the checks for Cowan Associates for plan reviews for the YMCA and Quakertown Diagnostic. Manager McElree indicated that since the Zoning officer is not certified to do plan reviews, Cowan is often used for the Zoning plan reviews.

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

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

Visitors:

Visitors indicating that they would like to speak with regard to the smoking ban in the park system were:

George Banas, 34 S. Seventh Street, Quakertown
Haley Stauffer, 32 S. Tenth Street, Quakertown
Julie Williams, 4567 Calvert Street, Center Valley

Linda Stezelberger, 620 Scott Road, Bedminster Township

PUBLIC UTILITIES COMMITTEE

At 7:35 p.m., President Roberts stated that a public hearing was advertised regarding the Comcast franchise renewal and turned the hearing over to Councilwoman Scarborough.

Councilwoman Scarborough opened the public hearing and asked if anyone present wished to speak with regard to the Comcast franchise renewal agreement. There was no response.

Manager McElree indicated that the franchise agreement is for a twelve year term, which specifically spells out the franchise fee, the term, the new educational channel, etc.

At 7:36 p.m., there being no further comment, President Roberts declared the public hearing portion of the meeting closed.

RESOLVED, That, the following Resolution 30-08, authorizing proper Borough officials to sign the Comcast franchise renewal, be adopted:

RESOLUTION NO. 30-08

WHEREAS, a public hearing has been held on the subject of the cable franchise renewal, including the cable operator's past performance and identifying the Borough's future cable-related community needs on this date, March 5, 2008.

NOW, THEREFORE, BE IT RESOLVED, That, the proper Borough officials be authorized to sign the Comcast of Southeast Pennsylvania, LLC cable franchise renewal.

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

RESOLVED, That, the following Resolution 27-08, awarding the bid for an Electric Department bucket truck, be adopted:

RESOLUTION NO. 27-08
ACCEPTING BID AND AWARDING CONTRACT TO
ALTEC INDUSTRIES, INC.

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of Altec Industries, Inc. of Plains, Pennsylvania, in the amount of \$165,283.00 for an Altec Aerial Device and Service Body mounted on a 2008 GMC Cab/Chassis, including a trade-in of a 1994 GMC Kodiak Bucket Truck, as per bid opened February 13, 2008, is hereby accepted. The contract is awarded to Altec Industries, 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 Rosenberger. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the following Resolution 29-08, awarding the bids for chemicals, be adopted:

RESOLUTION NO. 29-08
ACCEPTING BIDS AND AWARDING CONTRACTS

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

General Chemical of Parsippany, New Jersey for:
Aluminum Sulfate @ \$248.00/dry ton

Brenntag Northeast, Inc. of Baltimore, Maryland for:
Potassium Permanganate @ \$2.2815/lb
Buckman's, Inc. of Pottstown, Pennsylvania for:
Sodium Hypochlorite @ \$1.48/gal.

PVS Minibulk, Inc. Of Detroit, Michigan for:
Sodium Bisulfite @ \$1.80/gal

The contracts are awarded in accordance with bids opened February 13, 2008. The Borough Manager is hereby authorized to execute the said contracts 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.

PARKS & RECREATION COMMITTEE

With regard to the first item on the agenda, Councilman Williams indicated that the Relay for Life organization requested that the Borough parks be smoke free.

President Roberts read Ordinance 1143 in full.

Linda Stezelberger, Bucks County tobacco program coordinator. presented statistics on the number of deaths from smoking and those living, working or in contact with smokers. She indicated that outside smoking has the same effect as indoor smoking.

Haley Stauffer stated that she is a Junior in high school, a member of the school's anti-smoking committee, and stated that she believes that the main goal should be to stop children from taking up the habit of smoking and developing an addiction. She told Council that she looks forward to watching the July 4th fireworks in a smoke-free environment.

Julie Williams, Chairperson of Relay for Life, asked Council to set an example to the youth and allow people to enjoy the park system without secondhand smoke.

George Banas stated that he is speaking on behalf of members of the American Legion and the Quakertown Stadium Athletic Association. He indicated that in 1947 Memorial Park was named in honor of veterans fighting for our freedom and Council would be taking a freedom away if they ban smoking in the parks. He stated that members of Council were given a letter from the American Legion which indicated that they adopted a motion of not being in favor of this ban. He also questioned the enforcement of the ban.

Lee Rush, 128 Ridge Avenue, Perkasio stated that adopting the ordinance on minors under 18 smoking on public rights of way set a high standard for healthy living and the number of youths smoking is going down. He encouraged Council to adopt the Ordinance banning smoking in the municipal parks.

Councilman Williams read Ordinance 1143, declaring all public parks smoke-free, in full.

RESOLVED, That, Ordinance 1143, an amendment to the Code of Ordinances of the Borough of Quakertown, Chapter 16, adding Section 1 01(x), a prohibited activity in the municipal park system, be passed finally. Motion of Councilman Williams, seconded by Councilwoman Scarborough.

Junior Councilmember Klinkert commended Haley Stauffer for speaking out against smoking and thanked her for her courage.

Councilwoman Scarborough pointed out that not only are cigarette butts a form of litter, they are also a source of soil and water pollution — the cigarette butts leach into our waterways and affect the environment.

Councilman Scholl stated that seeing adults smoke presents a bad role model as well as fills the air with smoke concentrations equal to that of indoor smoking.

Councilman Williams indicated that he struggled with this decision, but if the ban deters one child from smoking, he feels that it is worthwhile.

Manager McElree pointed out that the police cannot enforce every law and every ordinance totally. Manager McElree stated that the majority of people in the community are law abiding citizens, and if you enact this ordinance, a majority of the people will respect that and abide by the law. If it is deemed that there is a problem, the police will enforce and focus their

attention on it.

A roll call vote was taken on the motion adopting Ordinance 1143 and the motion was unanimously carried.

RESOLVED, That, the following Resolution 35-08, regarding the request of District I Baseball Committee to use the baseball stadium, be adopted:

RESOLUTION NO. 35-08

WHEREAS, a request was received from the District I Baseball Committee to use the baseball stadium on May 27, 2008 (rain date May 28, 2008), May 29, 2008 (rain date May 30, 2008) and June 4, 2008 (rain date June 5, 2008).

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of the District I Baseball Committee 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 36-08, regarding the request of Quakertown Soccer Club, be adopted:

RESOLUTION NO. 36-08

WHEREAS, a request was received from the Quakertown Soccer Club to use and to waive the fee for the use of the bandshell for their 24-hour soccer tournament in memory of Sarah Parvin; 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 Soccer Club to use and to waive the fee for the use of the bandshell for their event on August 2 and 3, 2008.

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

PLANNING & ZONING COMMITTEE

RESOLVED, That, the following Resolution 37-08, concerning the “Meet & Greet” Council concept be adopted:

RESOLUTION NO. 37-08

WHEREAS, Council is interested in a “Meet and Greet” Council concept of informal meetings with the community.

NOW, THEREFORE, BE IT RESOLVED, That, the following definitions apply to the “Meet and Greet” Council concept:

Agency business — The framing, preparation, making or enactment of laws, policy or regulations, the creation of liability by contract or otherwise or the adjudication of rights, duties and responsibilities, but not including administrative action;

Deliberation — The discussion of agency business held for the purpose of making a decision.

Official action —

- (1) Recommendations made by an agency pursuant to statute, ordinance or executive order.
- (2) The establishment of policy by an agency.
- (3) The decisions on agency business made by an agency.
- (4) The vote taken by any agency on any motion, proposal, resolution, rule, regulation, ordinance, report or order.

Quorum — Four or more Council members gathered to conduct agency business and official action.

AND BE IT FURTHER RESOLVED, That, members of the Quakertown Community are invited to meet and greet with three or less members of the Borough of Quakertown Council at various locations during scheduled dates and times. Each meeting shall be facilitated by the Borough Manager and may include Borough employees from selected Borough departments to attend. The meetings shall not consist of a quorum and shall not include any agency business, deliberations or official actions.

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 31-08, regarding Trumbauersville Borough's request to use the bandshell, be adopted:

RESOLUTION NO. 31-08

WHEREAS, a request was received from Trumbauersville Borough to rent the bandshell for their Community Day on June 7, 2008.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of the Trumbauersville Borough to rent the bandshell for their event on June 7, 2008 provided they add the Borough as an additional insured on the insurance.

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 24-08, establishing the disposition of public records, be adopted:

Borough Of Quakertown
Disposition of Municipal Records

Resolution 24-08

RESOLVED, by the Council of the Borough of Quakertown, Bucks County, Pennsylvania, that

WHEREAS, the Borough of Quakertown declares its intent to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual approved July 16, 1993, and;

WHEREAS, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Quakertown, Bucks County, Pennsylvania, in accordance with the above cited Municipal Records Manual, hereby authorizes the disposition of the following public records:

Finance Department

Accounts Payable Invoices and Ledgers for the years:

1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004

Timesheets for the years:

1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004

Deposit Slips for the years:

1993, 1994, 1996, 1999, 2003, 2004

Check Register Report for the years:

1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004

General Ledger Report for the years:

1991, 1992, 1993, 1994, 1995, 1996

Tax Department

Earned Income Tax Returns for the years:

1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000

Earned Income Tax Reconciliation Report for the years:

1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000

Utility Billing Department

Utility Escrow Bank Statements for the years:

1976 through 1997

Final Read Calendar Books for the years:

1960 through 1997

Final Cards for the years:

1976 through 1997

Billing Journals for the years:

1976 through 1997

Cash Receipts Journals for the years:

1976 through 1997

Penalty Run Journals for the years:

1976 through 1997

Adjustment Run Journals for the years:

1976 through 1997

Police Department

Complaint Offenses for the years:

1978, 1979

Incident Reports for the years:

1985, 1986, 1988, 1989, 1990, 1991, 1992, 1994, 2001

Accident Reports for the years:

1969 through 2001

Daily Police Log Reports for the years:

1978 through 2003

Parking Tickets for the years:

1998 through 2006

Parking Ticket Log Books for the years:

1997 through 2004

Traffic Citations for the years:

1995 - #1074401-1074999, #1985000-1095200, #0827400-0827800, #0500801-0101199

1996 - 1997 - #148001-1483099

1998 - #1483700-1484000

1999 - #2306600-2307000, #3959001-3959411, #2305001-2305800, #2306001-2306599

2000 - 2001 - #5925001-5925600

Firearm Applications for the years:

through 1993

Juvenile Petition Records for the years:

1978 through 1980

Police Applicant Records for the years:

1985 through 1996

Payroll Records for the years:

1995 through 1997

Sewer Department

Treatment Plant Operation Records for the years:

1983 through 1998

Laboratory Records for the years:

1983 through 1998

System Hauler Manifests Records for the years:

1983 through 1998

General Correspondence for the years:

1983 through 1998

Payroll Records for the years:

1983 through 1998

Timecards for the years:

1983 through 1998

Water Department

Pump Record Report for the years:

1986, 1987, 1988, 1989, 1990

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 32-08, regarding a request from Quakertown Alive!, be adopted:

RESOLUTION NO. 32-08

RESOLVED, That, a request was received from Quakertown Alive! to hold their Spring Street Festival from 10:00 a.m. to 5:00 p.m. and to close Broad Street from Fourth Street to Front Street (train station lot) from 8:00 a.m. to 7:00 p.m. on May 17, 2008.

NOW, THEREFORE, BE IT RESOLVED That the Council of the Borough of Quakertown grants the request of Quakertown Alive! provided approval is received from PennDOT to close the roadways.

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 33-08, regarding traffic calming, be adopted:

RESOLUTION NO. 33-08

WHEREAS, the Traffic Calming Committee has studied and met with some residents on traffic calming measures and have presented their recommendations to Council;

NOW, THEREFORE, BE IT RESOLVED, That Council implements the following traffic calming measures:

- 1) Install one speed hump approximately mid-point on Hickory Drive to encourage lower speeds and discourage cut through traffic.
- 2) Install center double yellow lines on Hickory Drive to present the illusion of narrower cartways and promoting slower speeds and safer driving.
- 3) Install pedestrian signs on Hickory Drive.
- 4) Install a raised crosswalk in front of the Quakertown Community High School provided that the School District funds this portion of the project.

Motion of Councilman Johnson, seconded by Councilman Williams.

Under discussion, Manager McElree indicated that if the School District is unable to fund the raised crosswalk in front of the high school, and there is sufficient funds remaining after completing Hickory Drive, he will come back to Council and ask if the funds can be used for this crosswalk and ask the School District to fund the second crosswalk. Chief McElree pointed out that Fire Department Chief Wilhelm was a part of the discussion on these measures and while he would rather not have speed bumps, he understands the need for it.

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

RESOLVED, That, the following Resolution 34-08, concerning National Night Out, be adopted:

RESOLUTION NO. 34-08

WHEREAS, National Night Out in 2008 is scheduled to be celebrated on August 5, 2008 from 6:00 to 10:00 p.m.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown supports and sponsors the celebration of National Night Out on August 5, 2008.

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

PUBLIC WORKS COMMITTEE

RESOLVED, That, the following Resolution 28-08, awarding the bid for lawn care and vegetation, be adopted:

RESOLUTION NO. 28-08
ACCEPTING BID AND AWARDING CONTRACT TO
LAWN SPECIALTIES

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of Lawn Specialties of Hazleton, Pennsylvania, in the amount of \$19,435.00 for lawn care and vegetation for the year 2008 as per bid opened February 13, 2008, is hereby accepted. The award of the bid will include the option of awarding years 2009 and 2010 after performance evaluation throughout the first year. The contract is awarded to Lawn Specialties. 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 Scholl. A roll call vote was taken and the motion was unanimously carried.

President Roberts indicated that immediately following this meeting, an executive session will be held to consult with the Borough attorney regarding strategy in connection with pending litigation, which is Bucks County Docket #0508631-13-1.

President Roberts declared the meeting adjourned at 8:50 p.m.

BOROUGH OF QUAKERTOWN

L. James Roberts, Jr.
President of Council

Attest:

Phyllis R. Ewing
Asst. Borough Secretary

March 15, 2008

A special meeting of the Borough Council was held on March 15, 2008, at 8:30 a.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, David Zaiser and Manager Scott C. McElree.

President Roberts stated that this meeting was advertised for the consideration of the approval of a resolution regarding settlement of issues involved in antitrust litigation between 14 Boroughs and PP&L.

There being no one present wishing to speak with regard to this resolution, the following motion was made:

RESOLVED, That, the following Resolution 39-08, regarding settlement of issues involved in antitrust litigation between 14 Boroughs and PP&L, be adopted:

**BOROUGH OF QUAKERTOWN
RESOLUTION NO. 39-08**

Whereas, the Borough of Quakertown is a Plaintiff in the Civil Action entitled Borough of Lansdale, Pennsylvania, et al. vs. PP&L, Inc. et al. (Lansdale), filed in the Federal District Court, Eastern District of Pennsylvania, Case no. 02-8012;

Whereas, at a mediation conference held on February 21, 2008, the Court in Lansdale proposed a complete settlement of all issues involved consisting of a total withdrawal of all claims of both Plaintiffs and Defendants and including a termination of the trial for damages claimed by PP&L, et al., the trial being temporarily continued by the Court and to be rescheduled in the event that a settlement is not concluded;

Whereas, by Order dated February 21, 2008 the Court has directed that Counsel for Defendants report to the Court and legal counsel for Plaintiffs on or before March 21, 2008 as to whether the Plaintiffs have accepted the subject settlement proposal;

Whereas, on February 27, 2008 Plaintiffs' legal counsel held a conference with Plaintiffs' representatives and every Plaintiff represented appeared agreeable to the settlement proposal as recommended by legal counsel for Plaintiffs and as proposed by the Court;

Now, Therefore, the Council of the Borough of Quakertown, Pennsylvania, hereby

resolves and adopts as follows:

The settlement proposal as set forth above is hereby approved whereby all claims of both Plaintiffs and Defendants are to be withdrawn and no recovery of damages, fees or costs are to be allowed to any party to the subject civil action as aforesaid; contingent upon the foregoing, legal counsel for Plaintiffs are authorized to withdraw all claims of Plaintiffs and to report this decision to the Court and legal counsel for Defendants on or before March 21, 2008 consistent with the Order of Court dated February 21, 2008; Charles F. Wheatley, Jr. and/or the President of Quakertown Borough Council, if required, are hereby authorized to execute any documents necessary to effectuate the purpose and intent of this Resolution; this Resolution to take effect immediately upon adoption hereof.

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

President Roberts declared the meeting adjourned.

BOROUGH OF QUAKERTOWN

L. James Roberts, Jr.
President of Council

Attest:

Scott C. McElree
Borough Secretary