

A regular meeting of the Borough Council was held December 2, 2009, 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 November 4, 2009, be approved as written. Motion of Councilman 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:

November 13, 2009	–	\$802,902.52
November 20, 2009	–	15,494.93
November 25, 2009	–	8,198.38
November 25, 2009	–	134,113.37
December 4, 2009	–	3,543.86

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

RESOLVED, That, the Financial Statement, 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.

Visitors:

Doug Mohr, 302 West Broad Street, indicated he has questions regarding the Mustang Club and to answer any questions Council may have on the Streetscape. President Roberts advised Mr. Mohr that the item relating to the Mustang Club has been withdrawn from the Agenda.

PLANNING & ZONING COMMITTEE

RESOLVED, That, the following Resolution 128-09, regarding waiver for creation of storm sewer easements for a proposed Sonic Drive-in, be adopted:

RESOLUTION 128-09

WHEREAS, a development plan has been filed for a proposed Sonic Drive-in to be located at Quakertown Plaza, Tax Map Parcel 35-2-34; and

WHEREAS, the Quakertown Planning Commission and the Bucks County

Planning Commission have reviewed and recommended approval, conditioned upon recommendations, of the plan dated September 30, 2009 and revised November 18, 2009 with the following waiver:

1. Waiver of the Borough's Subdivision and Land Development Ordinance requirement in Section 508.5D to create storm sewer easements around the proposed sonic drainage facilities.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Quakertown that the plan dated September 30, 2009 and revised November 18, 2009, including the above waiver, is approved conditioned upon the recommendations in Cowan Associates letter of October 22, 2009 and the Bucks County Planning Commission review letter of November 12, 2009. The plan must be recorded in Bucks County within ninety (90) days.

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

REVENUE & FINANCE COMMITTEE

RESOLVED, That, the following Resolution 122-09, setting Council and Work Session meeting dates for 2010, be adopted:

RESOLUTION NO. 122-09

RESOLVED, That, the Council of the Borough of Quakertown will conduct a reorganizational and regular meeting on Monday, January 4 and regular meetings on the following dates: Wednesdays February 3, March 3, April 7, May 5, June 2, July 7, August 4, September 1, October 6, November 3 and December 1, 2010. The meetings will be held in Council Chambers on the second floor of Borough Hall, commencing at 7:30 p.m. on said dates; and

BE IT FURTHER RESOLVED, That, the Council of the Borough of Quakertown will hold Work Sessions on the following dates: Monday, January 25, February 22, March 22, April 19, May 24, June 28, July 26, August 23, September 27, October 25 and November 22, 2010. The meetings will be held in Council Chambers on the second floor of Borough Hall commencing at 7:30 p.m. on said dates.

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

Councilman Rosenberger read Ordinance 1164, amending employee pension regulations, in full.

RESOLVED, That, Ordinance 1164, an amendment to the Code of Ordinances of the Borough of Quakertown, Chapter 1, Part 2, Section 242, amending employee pension regulations, be passed finally. Motion of Councilman Rosenberger, seconded by Councilwoman Scarborough. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the following Resolution 127-09, adopting the proposed 2010 budget, be adopted:

RESOLUTION NO. 127-09

WHEREAS, the Borough Council of the Borough of Quakertown has reviewed and held public meetings on the consideration of the proposed 2010 Budget.

NOW, THEREFORE, BE IT RESOLVED, That, the 2010 Budget be adopted as presented.

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

RESOLVED, That, the following Resolution 117-09, authorizing the Borough Manager to sign the reimbursement agreement for the Streetscape Project, be adopted:

RESOLUTION 117-09

AUTHORIZING THE EXECUTION OF TRANSPORTATION ENHANCEMENTS
PROGRAM FEDERAL AID REIMBURSEMENT AGREEMENT
ASSOCIATED WITH THE DOWNTOWN STREETScape PROJECT

WHEREAS, the Borough of Quakertown ('Borough') is about to undertake the Downtown Streetscape Project; and

WHEREAS, all or a portion of the Project will be performed under a Transportation Enhancements Federal Aid Reimbursement Agreement with the Pennsylvania Department of Transportation ('PennDOT') and the Borough will be eligible for reimbursement from PennDOT for certain qualified and allowable construction costs associated with the Project; and

WHEREAS, the Borough of Quakertown wishes to enter into a Transportation Enhancements Program Federal Aid Reimbursement Agreement for the Downtown Streetscape Project; and

NOW, THEREFORE, the Borough Council of the Borough of Quakertown hereby resolves that:

Section 1. The Borough Manager, Scott C. McElree, is granted all signature authority on behalf of the Borough of Quakertown and the Borough Council to execute

the Transportation Enhancement Reimbursement Agreement for the costs of the Construction of the Downtown Streetscape project designated as Contract No. 060063501, and in doing so, agrees to be legally bound to the terms, conditions, and provisions set forth by the agreement.

Section 2. The Borough Secretary, Scott C. McElree, is empowered, authorized and certified to declare to all those inquiring that any copy of this resolution is true and correct and duly adopted according to law by the Borough Council of the Borough of Quakertown. In making such declaration the Borough Secretary shall affix the Seal of the Borough of Quakertown to any such true and correct copy of this resolution.

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

HEALTH, SAFETY & WELFARE COMMITTEE

Councilman Johnson read Ordinance 1162, regarding a multi-way stop intersection on Hickory Drive and Dewsbury Lane to permanent status.

RESOLVED, That, Ordinance 1162, an amendment to the Code of Ordinances of the Borough of Quakertown, Chapter 15, Section 211(1), adding a multi-way stop intersection on Hickory Drive and Dewsbury Lane, be passed finally. Motion of Councilman Johnson, seconded by Councilwoman Scarborough. A roll call vote was taken and the motion was unanimously carried.

Councilman Johnson read Ordinance 1163, regarding adding a one-way restriction on Elm Street and adding 25 MPH speed limit on Elm and North Penrose Streets to permanent status.

RESOLVED, That, Ordinance 1163, an amendment to the Code of Ordinances of the Borough of Quakertown, Chapter 15, Sections 205(1) and 201(1), adding a one way restriction on Elm street and adding 25 mph speed limit on Elm and North Penrose Streets, be passed finally. Motion of Councilman Johnson, seconded by Councilman Zaiser. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the following Resolution 126-09, appointing Officer Christopher Bacarri to permanent status, be adopted:

RESOLUTION NO. 126-09

WHEREAS, on October 22, 2008, Kristopher Baccari was appointed as a Probationary Officer in the Quakertown Police Department; and

WHEREAS, Kristopher Baccari has completed his probationary status.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Quakertown, Pennsylvania, That, effective November 22, 2009, Kristopher Baccari is appointed as a permanent officer in the Quakertown Police Department.

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 124-09, regarding Police Powers, be adopted:

RESOLUTION NO. 124-09

BOROUGH OF QUAKERTOWN
BUCKS COUNTY, PENNSYLVANIA

A RESOLUTION AUTHORIZING BOROUGH OF QUAKERTOWN POLICE OFFICERS TO MAKE ARRESTS WITHOUT WARRANT FOR THE OFFENSES ENUMERATED HEREIN PURSUANT TO §8902 OF TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED STATUTES

It is hereby RESOLVED by the Borough Council of the Borough of Quakertown as follows:

Section 1. Borough of Quakertown Police Officers are hereby authorized, upon view, to make arrests without warrant upon probable cause when there is ongoing conduct that imperils the personal security of any person or endangers public or private property for the offenses enumerated in Section 2 of this Resolution.

Section 2. Offenses for which police officers of the Borough of Quakertown are authorized to make arrests without warrant under authority of Section 1 of this Resolution are:

Offenses which constitute a summary offense under Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses);

§5503 of Title 18 of the Pennsylvania Consolidated Statutes (relating to disorderly conduct);

§5505 of Title 18 of the Pennsylvania Consolidated Statutes (relating to public drunkenness);

§5507 of Title 18 of the Pennsylvania Consolidated Statutes (relating to

obstructing highways and other public passages);

§6308 of Title 18 of the Pennsylvania Consolidated Statutes (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages).

- Section 3. The following guidelines shall be observed by police officers of the Borough of Quakertown upon arrest without warrant under authority of this Resolution:
- a. Upon arrest, the defendant shall be immediately transported to the Borough of Quakertown Police Department for processing and issuance of a citation;
 - b. The defendant shall be processed without unnecessary delay, and furnished a copy of the citation;
 - c. The defendant is then to be released, provided that he/she is no longer in a position of imperiled personal security;
 - d. In the case of juveniles:

- (1) An attempt shall be made to contact a parent, guardian or responsible person.

Responsible person—one who is responsible for the physical custody of a juvenile, or is another adult acquaintance of the juvenile's parents or legal guardian who agrees and reasonably demonstrates the ability to provide supervision for the juvenile, until parents, legal guardian or next of kin can assume that responsibility.

- (2) The juvenile shall be released to a parent, guardian or responsible person after processing and issuance of a citation;
- (3) If, after a period of six (6) hours, a parent, guardian or responsible person cannot be contacted, or refuses to accept custody, the police officer will contact the on-duty juvenile probation officer at the Bucks County Juvenile Probation Department to arrange shelter for the juvenile.

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

Councilman Johnson stated that proposed Resolution 123-09, regarding a request from the Mustang Club, was withdrawn and will not be considered this evening.

PUBLIC UTILITIES COMMITTEE

RESOLVED, That, the following Resolution 125-09, regarding request from Richland Township Water Authority to supply water to 1538 W. Broad Street, be adopted:

RESOLUTION NO. 125-09

WHEREAS, a request for Borough water service at 1538 West Broad Street, Quakertown was received from Ettore Angelo; and

WHEREAS, this property is located in Richland Township and the Richland Township Water Authority has indicated that the property is not located near any existing or proposed Richland Township Water Authority distribution facilities; and

WHEREAS, Richland Township Water Authority has also requested the Borough to supply water service to 1538 West Broad Street, Quakertown.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of Ettore Angelo for water service. The Borough Manager is directed to make the necessary arrangements.

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 129-09, awarding purchase of a used sewer vacuum truck, be adopted:

RESOLUTION NO. 129-09 ACCEPTING BID AND AWARDING CONTRACT TO GRAN TURK EQUIPMENT COMPANY, INC.

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of GranTurk Equipment Company, Inc. of Bridgeport, Pennsylvania, in the amount of \$57,100.00 for a 1990 Ford with Vactor 2100 Sewer Cleaner, a used sewer cleaning truck, as per bid opened November 18, 2009, is hereby accepted. The contract is awarded to GranTurk Equipment Company, 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 Williams. A roll call vote was taken and the motion was unanimously carried.

PUBLIC WORKS COMMITTEE

Councilman Zaiser stated that there aren't any items for action or report under the Public

Works Committee.

PARKS & RECREATION COMMITTEE

Councilman Williams stated that there aren't any items for action under the Parks & Recreation Committee.

Councilman Scholl stated that Friday, December 4th is the tree lighting in downtown sponsored by Quakertown Alive. There will also be a canned food drive that Relay for Life is conducting, in conjunction with the Quakertown Neighborhood Association, and the food can be taken to the tree lighting, which will then be delivered to the Food Pantry.

Councilman Zaiser stated that tomorrow night 7 - 9 p.m., December 3rd, there will be cookies and hot cocoa at the Train Station. People are asked to bring a gift card to a local merchant. Those gift cards will be turned over to students at Quakertown Elementary that Counselors at the School have determined are in need this Christmas.

President Roberts indicated that an Executive Session will be held following tonight's meeting regarding contract negotiations and possible litigation.

President Roberts, on behalf of Council, bid farewell to Councilman Zaiser and thanked him for his service and diligence to do a good job. Councilman Zaiser thanked Council and indicated that he enjoyed serving the community.

President Roberts adjourned the meeting to an Executive Session at 8:10 p.m.

BOROUGH OF QUAKERTOWN

L. James Roberts, Jr.
President of Council

Attest:

Phyllis R. Ewing
Asst. Borough Secretary

