

A regular meeting of the Borough Council was held October 7, 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, and Daniel Williams, Solicitor Charles Fonzone, Manager Scott C. McElree and Asst. Borough Secretary Phyllis R. Ewing.

RESOLVED, That, the Minutes of September 2, 2009, be approved as written. Motion of Councilman Rosenberger, seconded by Councilman Scholl. A roll call vote was taken and the motion was unanimously carried. (Councilman Zaiser absent).

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

September 4, 2009	–	\$ 82,477.62
September 18, 2009	–	875,469.53
September 21, 2009	–	90.00
September 24, 2009	–	317.67
September 25, 2009	–	645,695.78
October 2, 2009	–	7,539.35
October 8, 2009	–	213,734.08
October 9, 2009	–	6,549.99

Motion of Councilman Rosenberger, seconded by Councilwoman Scarborough.

Councilman Rosenberger asked about the check to Bucks County Nursery in the amount of \$2,250.00. Manager McElree answered that it is for the entire season, 41 planters and reoccurring maintenance. A roll call vote was taken and the motion was unanimously carried (Councilman Zaiser absent).

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 (Councilman Zaiser absent).

Visitors:

Erin McGettigan indicated that he is present regarding the block party

Tim Johnson, on behalf of Quakertown Midget Football, was in attendance to present a check in the amount of \$1,250 for their participation at the 4th of July event, and expressed thanks to the Borough for all the Borough does for their organization. President Roberts asked that Council's thanks be conveyed to the organization

Lindsay Bowers, 27 S. Main Street, Rear Apt., Quakertown, Pennsylvania, was sworn in as a Fire Policewoman by Manager McElree.

President Roberts announced that our newest K-9 addition to the Police Department, Jinx, will perform a demonstration along with his handler, Officer Cassie Zliceski. Officer Zliceski and Jinx performed a demonstration whereby Jinx sniffed out and found a black powder, previously hidden. Officer Zliceski indicated that Jinx is a bomb dog, a patrol dog, which means he does searching for children and the elderly, and also apprehension. Manager McElree told Council that they had close to 100 incidents where the K-9's needed to be used. Manager McElree stated that K-9 Kito is cross-trained in drug detection. Kito took a pound of marijuana off the street during a car-stop. K-9 Jinx had been most recently used for a warrant search and also tracking.

PLANNING & ZONING COMMITTEE

RESOLVED, That, the following Resolution 110-09, Giant Gas Pump Plan approval, be adopted:

**BEFORE THE BOROUGH COUNCIL
OF THE BOROUGH OF QUAKERTOWN
RESOLUTION NO. 110-09**

**A RESOLUTION CONDITIONALLY APPROVING THE SUBDIVISION AND
LAND DEVELOPMENT PLAN OF GIANT FOOD STORES, LLC LOCATED
IN THE QUAKERTOWN PLAZA**

WHEREAS, Giant Food Stores, LLC, has submitted a Land Development Plan for preliminary/final approval to the Borough Council of the Borough of Quakertown; and

WHEREAS, on October 13, 2008 the Planning Commission approved the Plan subject to the following conditions:

1. The Developer shall address those items reviewed by the Planning Commission and discussed at the October 13, 2008 meeting as follows:
 - a. The plan needs notations to the exact location of landscaping trees and species.
 - b. The sign for the facility has to be in compliance with the Borough's sign ordinance.
 - c. The facility should have some extra buffering to make it more attractive on the W. Broad Street side.
 - d. The sewage planning modules must be coordinated with the State.

- e. The canopy will be about 17 feet total for one sign.
- f. A manhole must be installed where the proposed pressurized sanitary sewer lateral from the grinder pump connects to the existing lateral at W. Broad Street.
- g. The size of the waterline must be determined prior to any construction taking place.
- h. The Storm Sewer Roof Leader Connection detail shown must be removed and a detail added showing a prefabricated tee or wye for this connection must be shown.
- i. Trip Classification Percentages, Jarred Neal from Traffic Planning and Design, Inc. clarified that there are three ways to classify a trip; new, pass by and internal capture trips. Cowan's letter wants clarification that pass by trips were calculated in the driveway calculations. Mr. Neal replied that pass by trips were and that it does operate at expectable levels of service (which means the time that someone has to wait). Mr. Neal will address and clarify Cowan's comments and feels it will not be an issue. The traffic study conforms to all the standards that are set by PennDOT. A question was asked as to the days and hours used for the traffic study. Mr. Neal explained prior to the study, they discussed with Cowan under what conditions they wanted, the study done and Cowan requested Tuesday, Wednesday or Thursday with peak hours being 7:30-8:30 a.m. and 4:15-5:15 p.m. Mr. Neal further explained several other areas of the study to the Planning Commission members.
- j. An escrow account would be established to cover costs of improvements.

2. The Developer is responsible to secure the appropriate insurance as required by the PennDOT permit, to the satisfaction of the Borough of Quakertown and PennDOT.

3. The Developer shall be required to enter into the necessary Subdivision and Land Improvements and Maintenance Agreements for any public improvements or those to be inspected by the Borough Engineer. Part of these Agreements will be the posting of construction and inspection security to assure proper completion of said improvements, as well as providing proper insurance certificates.

NOW, THEREFORE, BE IT RESOLVED that the Land Development Plan of Giant Food Stores, LLC #476-Fuel Island, is hereby approved subject to the here and above noted conditions; and

The conditions of approval have been made known to the Applicant and final approval is to be deemed expressly contingent upon Applicant's affirmative written acceptance of the conditions of approval on a form prescribed by the Borough of Quakertown within twenty (20) days of the date hereof.

In the event that the statutory review period for this subdivision or land development, as set forth in the Municipalities Planning Code, should expire prior to the end of the twenty (20) day response period, the Applicant's written acceptance of the conditions of approval should be tendered PRIOR to the expiration of the statutory review period, even if such period expires less than twenty (20) days from the date of this resolution. The response period shall be deemed to expire on October 27, 2009.

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

REVENUE & FINANCE COMMITTEE

RESOLVED, That, the following Resolution 103-09, request from Quakertown Fire Department for financial support, be adopted:

RESOLUTION NO. 103-09

WHEREAS, Station 17 of the Quakertown Fire Department has requested the disbursement of \$40,000 for the acquisition of emergency services equipment.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown, grants the release of \$40,000 to the Quakertown Fire Department from the Fire Capital Fund (30) to be used for emergency services equipment..

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

RESOLVED, That, the following Resolution 104-09, request from Quakertown Fire Department to waive fees for building permits, be adopted:

RESOLUTION NO. 104-09

WHEREAS, both the Quakertown Fire Company #1 and the West End Fire Company are in the process of completing building renovations and expansions to their Stations; and

WHEREAS, a request was received from the Quakertown Fire Department to waive the costs and fees associated with building permits; and

WHEREAS, the Pennsylvania Borough Code, Section 1202, allows Council to waive associated fees for building permits for fire companies.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request to waive the building permit fees, excluding any associated external fees the Borough may experience, such as plan review and/or other third party involvement.

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

RESOLVED, That, the following Resolution 105-09, Borough property to Quakertown Historical Society, be adopted:

RESOLUTION NO. 105-09

WHEREAS, the Borough has possession of two large lobster figures that had been attached to the Trainer's Restaurant building; and

WHEREAS, the Quakertown Historical Society has offered to receive and preserve the lobster figures.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown relinquishes the lobster figures and transfers the property from the Borough's inventory to the Quakertown Historical Society; and

BE IT FURTHER RESOLVED, That, if the Quakertown Historical Society desires to relinquish the lobster figures, they must be returned to the Borough.

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

RESOLVED, That, the following Resolution 102-09, appointment of voting delegates for E.I.T. collection, be adopted:

BOROUGH OF QUAKERTOWN
RESOLUTION NO. 102-09

TCC VOTING DELEGATE APPOINTMENT RESOLUTION

WHEREAS, Act 32 §505(b) requires the governing bodies of school districts, townships, boroughs, and cities to appoint one voting delegate and one or more alternate delegates to be their Tax Collection Committee (TCC) representatives. The purpose of this resolution is to appoint the required delegates. The appointed individuals have consented to appointment.

RESOLVED, by the governing body of the Borough of Quakertown, That, the following individuals are appointed as delegates to the TCC for the Borough of Quakertown:

1. Primary voting delegate: Borough of Quakertown, Borough Manager
Address: 35 N. Third Street, Quakertown, PA 18951; Phone: 215-536-5001.
2. First alternate voting delegate: Borough of Quakertown, Finance Director
Address: 35 N. Third Street, Quakertown, PA 18951; Phone: 215-536-5001.
3. If the primary voting delegate cannot be present for a TCC meeting, the first alternate voting delegate shall be the representative at the TCC meeting.

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

RESOLVED, That, the following Resolution 111-09, agreement with Bucks County Water & Sewer Authority regarding fuel pumping facilities, be adopted:

RESOLUTION NO. 111-09

WHEREAS, a proposal has been received from Bucks County Water and Sewer Authority with regard to entering into an agreement with the Borough regarding the usage of the Borough's fuel pumping facility; and

WHEREAS, the agreement would include Bucks County Water & Sewer Authority paying costs associated with up-dating the Borough's fuel pumping facilities (not to exceed \$38,000), as well as the costs of the fuel they receive, and to pay their percentage of re-occurring maintenance costs; and

WHEREAS, the Council of the Borough of Quakertown has determined that it would be in the best interest of the Borough as well as Bucks County Water and Sewer Authority to enter into an agreement regarding the usage of the Borough's fuel pumping facilities,

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown authorizes the proper Borough officials to sign the agreement with Bucks County Water & Sewer Authority regarding the usage of the Borough's fuel pumping facility.

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

RESOLVED, That, the following Resolution 112-09, setting an interconnection fee for customer generated electric, be adopted:

RESOLUTION NO. 112-09

WHEREAS, Resolution 7-09 was adopted on January 7, 2009, and established the fees associated with Borough services; and

WHEREAS, the Borough wishes to add a fee for an interconnection fee for customer generated electric.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Quakertown that the following fee be added to read as follows:

Electric Department

Customer Generated Electricity

Interconnection Fee	\$0.00
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Motion of Councilman Rosenberger, seconded by Councilwoman Scarborough. A roll call vote was taken and the motion was unanimously carried (Councilman Zaiser absent).

Steve Biddle asked whether the Borough has any idea of what other communities are charging for the interconnection fee? President Roberts stated that research is on-going to obtain that information. Manager McElree stated that the only one that we are aware of, at this time, is Perkasio. Perkasio charges \$375 for the meter, \$125 for the inspection fee and \$25.00 for an administrative fee.

RESOLVED, That, the following Resolution 115-09, Delta Development Group, additional surveys, be adopted:

RESOLUTION NO. 115-09

WHEREAS, the Borough Council of Quakertown, Pennsylvania, adopted Resolution 86-09 accepting the economic development proposal from Delta Development Group of Mechanicsburg, Pennsylvania to provide consultant services; and

WHEREAS, the Economic Development Committee has determined that it is necessary to conduct up to an additional 250 surveys (totaling 600 surveys) with a cost of up to \$4,000.00.

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

Quakertown approves the additional surveys at a cost of up to \$4,000.00.

Motion of Councilman Rosenberger, seconded by Councilman Scholl.

Councilman Rosenberger indicated that the Economic Development Committee felt that the approved 350 surveys should be expanded in order to go beyond the Quakertown School District. Councilman Rosenberger stated that he believes the Committee would recommend going with an additional 150 surveys at a cost of \$2,500.00. The Committee will have a better idea following a conference call next week, which is why he is proposing that Council approve the expenditure of up to \$4,000. Councilwoman Scarborough asked what was budgeted for this program? President Roberts pointed out that with this expenditure, the program will be below budget.

A roll call vote was taken and the motion was unanimously carried (Councilman Zaiser absent).

HEALTH, SAFETY & WELFARE COMMITTEE

RESOLVED, That, the following Resolution 106-09, request from John Stahl regarding the annual Coopersburg HOG Toy Run, be adopted:

RESOLUTION NO. 106-09

WHEREAS, a request was received from John Stahl to engage in a HOG Toy Run.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown, grants the request of John Stahl to engage in a HOG Toy Run on Saturday, October 10, 2009, provided the proper route is followed: Giant Shopping Center to Mill Street, from Mill Street to 9th Street, from 9th Street to Broad Street, then east on Broad Street.

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

RESOLVED, That, the following Resolution 114-09, one-way Elm Street and set speed limit on Elm and N. Penrose Streets, be adopted:

Resolution 114-09

WHEREAS, Chapter 15, Section 105 of the Code of Ordinances of the Borough of Quakertown permits Borough Council to enact temporary, specific traffic and/or parking regulations for up to 90 days; and

WHEREAS, Borough Council perceives a need for a one-way traffic direction on

Elm Street and the reduction of the speed limit on Elm and North Penrose Streets to 25 mph.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Quakertown to change Elm Street from a two-way street to a one-way street in a southerly direction for up to ninety days; and

BE IT FURTHER RESOLVED, That, the speed limit on Elm Street and North Penrose Street be set at 25 mph for up to ninety days.

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

RESOLVED, That, the following Resolution 107-09, request from Erin McGettigan for a block party for vote McGettigan, be adopted:

RESOLUTION NO. 107-09

WHEREAS, a request was received from Erin McGettigan to hold a block party for “vote McGettigan”.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown, grants the request of Erin McGettigan to close a portion of Braithwaite Lane, between 75 and 91 Braithwaite Lane, for a block party on October 24, 2009, 12:00 noon to 5:00 p.m., provided they add the Borough as an additional insured on the insurance.

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

RESOLVED, That, the following Resolution 113-09, establish Trick or Treat Night on October 31st from 6 to 9 p.m., be adopted:

RESOLUTION NO. 113-09

RESOLVED, That, the Council of the Borough of Quakertown establishes October 31, 2009, 6:00 to 9:00 p.m., as Trick-or-Treat night in the Borough of Quakertown.

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

RESOLVED, That, the following Resolution 109-09, request from Laura Ratushny to close a portion of N. Penrose Street for a block party, be adopted:

RESOLUTION NO. 109-09

WHEREAS, a request was received from Laura Ratushny of North Penrose Street to hold a block party;

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown, grants the request of Laura Ratushny to close North Penrose Street between Tohickon and Highland Avenues for a block party on October 3, 2009, with a rain date of October 4, 2009.

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

Councilman Johnson asked that since the Borough has a traffic specialist, could we have him go through the rest of the Borough to see if there are any other areas needing to be posted at 25 mph? Manager McElree stated that he has addressed that with the Traffic Calming Committee and there are a number of areas that are not posted. Manager McElree indicated that the areas will be brought to Council in stages.

PUBLIC UTILITIES COMMITTEE

RESOLVED, That, the following Resolution 108-09, award bid regarding the Water Department Pole Building Residing Project, be adopted:

RESOLUTION NO. 108-09 ACCEPTING BID AND AWARDING CONTRACT TO KAISER CONSTRUCTION COMPANY, INC.

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of Kaiser Construction Company, Inc. of Douglassville, Pennsylvania, in the amount of \$21,198.00 for Re-siding Water Department Pole Building as per bid opened September 15, 2009, is hereby accepted. The contract is awarded to Kaiser Construction Company, Inc. This award is made with Kaiser's agreement to hold the bid price until January 15, 2010. 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 (Councilman Zaiser absent).

PUBLIC WORKS COMMITTEE

In Councilman Zaiser's absence, Councilman Rosenberger chaired the Public Works Committee portion of the Agenda.

With regard to a Recycling Incentive Program, Councilman Rosenberger prepared a PowerPoint, which was reviewed at the meeting. It was indicated that the objective is to

increase residents awareness, to encourage and increase levels of materials being recycled in the Borough, which would increase the grant money from the Department of Environmental Protection. It was suggested to have volunteers monitor, by home, the amount being recycled. It could be explained to those under-recycling, to increase the amount they are recycling, explain what can be recycled and the benefits of recycling. There are nine people from the Senior Center that indicated a willingness to volunteer. A meeting will be scheduled in the next week or two to discuss the monitoring with the volunteers.

PARKS & RECREATION COMMITTEE

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

President Roberts declared the meeting adjourned at 8:25 p.m.

BOROUGH OF QUAKERTOWN

L. James Roberts, Jr.
President of Council

Attest:

Phyllis R. Ewing
Asst. Borough Secretary