

A regular meeting of the Borough Council was held September 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 August 5, 2009, 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:

August 14, 2009	–	\$ 40,775.79
August 21, 2009	–	796,503.95
August 28, 2009	–	93,379.31
September 1, 2009	–	299,453.73
September 4, 2009	–	7,222.15

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

Visitors:

Stephen Biddle, 130 S. Main Street, indicated that he wished to speak with regard to the Richland Library Company, the trash bid, and also has a question on the tennis courts. President Roberts stated that he could speak when those items come up on the Agenda.

Willard Turner, 1760 Lower Rocky Dale Road, Green Lane, stated that he wished to speak with regard to recycling. President Roberts stated that he could speak during the Public Works Committee portion of the Agenda.

Lauren Byelich, Anglican Church of Incarnation, 44 S. Eighth Street, announced that the Church is holding a prayer for our nation, praying for all elected officials, on September 10<sup>th</sup> at 7:00 p.m.

#### **PLANNING & ZONING COMMITTEE**

Mr. Biddle was told that he could speak at this time. Mr. Biddle stated that the waiver

request is from the Richland Library Company, not Richland Library.

RESOLVED, That, the following Resolution 97-09, regarding the Richland Library Company's request for waivers, be adopted:

RESOLUTION NO. 97-09

WHEREAS, a request was received for modifications to the requirements of the Quakertown Borough Subdivision and Land Development Ordinance for the Richland Library Company Land Development; and

WHEREAS, the Quakertown Planning Commission advises that the granting of the waivers will not cause a negative impact.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the waivers to Section 506.1.A and Ordinance 1078, Section 812.B as listed in a letter from Mease Engineering, dated July 21, 2009.

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

President Roberts stated that a letter was received from Timothy Ruth, Battery Warehouse, stating his concern and asked that his letter become part of the minutes. The letter is as follows:

“Quakertown Borough  
Mr. L. James Roberts  
President, Borough Council  
35 N. 3<sup>rd</sup> St.  
Quakertown, PA 18951

Council members:

I am writing this letter to express my concerns over the proposed Land Development Plan of the Richland Library Co. At 44 South Main St., Quakertown, PA 18951.

I am the property owner of 33 and 43 South 14<sup>th</sup> Street. While my property does not directly adjoin the 44 South Main St. address, we do adjoin (to the north and subsequently down hill) the property owned by Eugene Orzell which does adjoin the South Main St. property in the rear.

Over the years, we have experienced, and are still experiencing, significant water run off from the south of our property. This has subsequently created a water table issue that has adversely affected my property. Over the years, we have been forced to re-pave portions

of our property only to have the newly paved portions deteriorate again because of the high water table and water pushing up through the asphalt. I am very aware of the land composition of Quakertown and the surrounding area. I realize that Quakertown is basically built on a swamp and, therefore, there are water problems in the Borough.

My concern is that the run off generated from the proposed Richland Library Land Development Plan will exacerbate the current situation. I have reviewed the plan submitted by Mease Engineering and have spoken with Scott Mease regarding the proposed plan. Even though he has conveyed to me that the proposal should minimize the impact, I am still concerned as to my potential recourse should the problem of water on my property increase after the plan is approved.

I would like to be on record as to opposing the approval of the current plan and would make the recommendation that any additional run off, generated by the increase of the impervious surface and or increased size of the building coverage area, be redirected to the East side of the Main St. property and be discharged onto Main St. Into the existing storm sewer.

Please notify me as to what course of action I should take in order to record my concerns and have my rights as a property owner protected. In addition, I want to be notified as to what specific assurances will be taken by the Borough to insure that acceptance of this proposal will not create stormwater impacts on adjacent parcels as stated in section 7 of the comment section in the memorandum received from the Bucks County Planning Commission on August 7, 2009. More specifically, what recourse will I have provided to me if the situation becomes worse based on the approval of the plan.

Thank you in advance for your attention to this matter. I look forward to hearing from you.

Sincerely,

Timothy C. Ruth /s/  
Property owner 33-43 S. 14<sup>th</sup> St., Quakertown, PA 18951"

President Roberts stated that the Manager will respond, by letter, as requested to Mr. Ruth.

### **REVENUE & FINANCE COMMITTEE**

Councilman Rosenberger made the following announcement: "The Borough's Minimum Municipal Obligation (MMO) for 2010 is \$269,428.00 for the Non-Uniform Pension Plan and \$354,154.00 for the Police Pension Plan."

RESOLVED, That, the following Resolution 101-09, T-Mobile water tank lease

agreement, be adopted:

Resolution 101-09

WHEREAS, the Borough Manager and Water Department Superintendent have negotiated a lease agreement for a T-Mobile Northeast, LLC proposed antenna facility to be installed on the Borough's Portzer Road water tower; and

WHEREAS, the Borough Solicitor has reviewed and approved the content of the lease agreement.

NOW, THEREFORE, BE IT RESOLVED, That, the Borough Council of the Borough of Quakertown authorizes the Borough Manager to execute the water tank lease agreement on behalf of the Borough.

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

**HEALTH, SAFETY & WELFARE COMMITTEE**

RESOLVED, That, the following Resolution 92-09, Lion's Club Halloween Parade, be adopted:

RESOLUTION NO. 92-09

WHEREAS, a request was received from the Quakertown Lions Club for the annual Quakertown Halloween Parade to waive the fee for the use of the bandshell and to approve the closing of the streets for the parade route. The requested street closings are Juniper Street, 11<sup>th</sup> Street, Broad Street and Third Street, Fifth, Sixth and Seventh Streets between Broad and Park Avenue; 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 Lions Club Halloween Parade to close Borough streets and waive the fee for the use of the bandshell for their event on October 18<sup>th</sup>, 2009 (rain date October 25, 2009).

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

RESOLVED, That, the following Resolution 93-09, public gathering permit and Borough street closure for Quakertown Alive's Autumn Festival, be adopted:

RESOLUTION NO. 93-09

RESOLVED, That, a request was received for a public gathering permit from Quakertown Alive! to hold their Autumn Alive Festival on October 3<sup>rd</sup> with street closings of W. Broad Street from Fourth Street to Hellertown Avenue and Front Street from Broad to Juniper Streets.

NOW, THEREFORE, BE IT RESOLVED That the Council of the Borough of Quakertown grants the request of Quakertown Alive! to hold their Autumn Alive Festival on October 3, 2009, and to close Borough streets provided approval is received from PennDOT to close Broad Street and also that the Borough is added as an additional insured on their insurance.

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 95-09, multi-way stop signs at Hickory Drive/Dewsbury Lane, be adopted:

RESOLUTION 95-09

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 multi-way stop sign at the intersection of Hickory Drive and Dewsbury Lane.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Quakertown to place a multi-way stop sign at the intersection of Hickory Drive and Dewsbury Lane for up to ninety days.

Motion of Councilman Johnson, seconded by Councilwoman Scarborough.

Councilman Johnson asked if this multi-way stop sign will be evaluated within the 90 days on whether it should be made permanent? Manager McElree indicated that it will be.

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

RESOLVED, That, the following Resolution 96-09, Crossroads Pregnancy Care's request to hold a 2-mile walk through Quakertown, be adopted:

RESOLUTION NO. 96-09

WHEREAS, Crossroads Pregnancy Care has applied for a public gathering permit for a 2-mile walk through Quakertown.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the public gathering permit request of Crossroads Pregnancy Care for their 2-mile walk through Quakertown with Harvest Fellowship Church beginning and ending in Memorial Park on October 10, 2009, from 9:00 a.m. to 1:00 p.m. 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 following Resolution 99-09, appointment of Nicholas Filoon of Jamison, Pennsylvania, be adopted:

RESOLUTION NO. 99-09

WHEREAS, Resolution 51-09, authorized the Borough Manager to proceed with the selection process for a police officer and decertification of the previous civil service list of candidates; and

WHEREAS, proper selection process and decertification have been completed.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown appoints Nicholas Filoon of Jamison, Pennsylvania, to the position of Probationary Patrolman, at an annual salary of \$50,166.00, effective September 13, 2009.

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 100-09, applying for Nicholas Filoon to attend a basic training program, be adopted:

RESOLUTION 100-09

AND NOW, this second day of September, 2009, the Borough Council of the Borough of Quakertown of Bucks County, Pennsylvania, being desirous of obtaining reimbursement of monies for expenses incurred for Officer Nicholas Filoon pursuant to the training provisions of the Municipal Police Officers Education and Training Act, Act 120 of 1974, hereby enacts the following Resolution:

BE IT RESOLVED by the Borough Council of the Borough of Quakertown , and it is hereby resolved by the authority of same;

THAT the Borough Council of the Borough of Quakertown hereby agrees that while receiving any funds from the Commonwealth of Pennsylvania pursuant to said Act, the Borough Council of the Borough of Quakertown shall adhere to the rules, regulations and training standards established by the Municipal Police Officers' Education and Training Commission.

IN WITNESS WHEREOF the Borough Council of the Borough of Quakertown hereby authorizes the execution and attestation of the Resolution and the date first above written.

Motion of Councilman Johnson, seconded by Councilwoman Scarborough.

Manager McElree pointed out that with the issue regarding the State Budget not being adopted, we may not get reimbursed for his training.

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 consideration under the Public Utilities Committee.

#### **PUBLIC WORKS COMMITTEE**

Councilman Zaiser told Mr. Biddle that he could speak at this time. Mr. Biddle pointed out that the proposal for the bags to go from \$2.25 to \$4.00 per bag represents a 79% increase and asked whether the Borough could offer annual coupons to the bag users charging a gradual increase in cost. Mr. Biddle stated that he feels the price differential for the bags places a burden on the average person. Councilman Zaiser stated that there is another option from one of the bidders where the bag price is lower, but the cart goes up \$10.00. President Roberts pointed out that there are 350 bag users vs. 2,350 cart users and with that option the cart users would be subsidizing the bag users.

Mr. Biddle told Council that he feels Recycle Bank is a great program, highly respected and won awards.

Councilman Zaiser told Mr. Turner that he could speak at this time. Mr. Turner stated that plastic is a deadly poison and only glass should be used. President Roberts stated that the Borough does not collect the trash and has a trash collector through bids. Mr. Turner was directed to see the Borough Manager with regard to his concern.

Councilman Zaiser made the following statements:

At Work Session, Council narrowed the bids down to options 3 and 4. Option 3 is without Recycle Bank and Option 4 is with Recycle Bank. Option 3 has discounted price for senior residents.

It has always been Council's intention to encourage recycling without extra costs to the residents. By encouraging recycling, the Borough gets grant funds back. Recycle Bank would encourage recycling. The Borough can do its own encouraging of recycling and generate more grant money.

He wasn't aware that the grant money was going into the general fund and would like to see that addressed in the future. He feels that perhaps, in the future, it could be worked back to the residents.

He feels that option 3 with a discounted price for seniors is a plus.

RESOLVED, That, the following Resolution 94-09, awarding the trash/recycling bid, be adopted:

RESOLUTION NO. 94-09  
ACCEPTING BID AND AWARDING CONTRACT TO  
CHES-MONT DISPOSAL

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of Ches-Mont Disposal of Skippack, Pennsylvania for Option #3, three-year contract, as per their bid opened August 17, 2009, is hereby accepted. The contract is awarded to Ches-Mont Disposal. 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.

Councilwoman Scarborough asked if option 3 includes the 35 gallon toter for seniors? Manager McElree stated that it does and is offered so that the senior wouldn't have to struggle with the larger toter. Manager McElree stated that if Council decides on option 3, it would continue as it is currently. Councilman Johnson stated that he feels the rewards program of Recycle Bank would have been better than advertising on the web site for people to recycle more.

A roll call vote was taken and the motion was carried by majority vote with the following Councilmembers voting in favor: Rosenberger, Scarborough, Williams, Zaiser and Roberts; and the following Councilmembers voting against: Johnson and Scholl.



## **PARKS & RECREATION COMMITTEE**

RESOLVED, That, the following Resolution 91-09, Tennis Zone and Fitness Center request to use Borough streets and Park for a 5K Road Race, be adopted:

### **RESOLUTION NO. 91-09**

WHEREAS, a request was received from the Tennis Zone and Fitness Center to use Borough streets and Park for a 5K Road Race.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of the Tennis Zone and Fitness Center to hold a 5K road race on Saturday, October 10, 2009, 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 asked Mr. Biddle if he had a question about the next item on the agenda? Mr. Biddle asked if it wouldn't be more efficient to contract for such a recreational service with a private location versus the cost of reinvesting in the tennis courts. Councilman Scholl pointed out that if Council went to something like that our residents would have to pay to use the courts. Councilman Williams asked how it would be any different for the use of our basketball court or any of the fields? Mr. Biddle stated that those teams using the other facilities help pay. Mr. Biddle feels that tennis should also be cost-shared. President Roberts told Mr. Biddle that his opinion has been noted.

RESOLVED, That, the following Resolution 89-09, regarding tennis court repair, be adopted:

### **RESOLUTION NO. 89-09**

WHEREAS, the Borough has received proposals from American Tennis Courts, Inc. of Baltimore, Maryland to repair the surface on the bottom half of four tennis courts and to recolor other half to match new color; and

WHEREAS, the repair of the four tennis courts is considered maintenance.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown wishes to accept the proposals of American Tennis Courts, Inc., as per their proposal dated July 21, 2009, for repair of PREMIER COURT® surface on the

bottom half of four (4) tennis courts, at a cost of \$18,690.00 and additional proposal to recolor other half to match new color and new tennis lines, at a cost of \$5,570.00, at a total cost of \$24,260.00.

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 98-09, regarding a movie in Memorial Park be adopted:

RESOLUTION NO. 98-09

WHEREAS, St. Luke's Network and Dominick's Restaurant have agreed to support the "Movie in the Park" program; and

WHEREAS, the Quakertown Police Association has agreed to sponsor the event.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown agrees to the "Movie in the Park" being held in Memorial Park on Friday, September 18, 2009.

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

President Roberts declared the meeting adjourned at 8:30 p.m.

BOROUGH OF QUAKERTOWN

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L. James Roberts, Jr.  
President of Council

Attest:

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Phyllis R. Ewing  
Asst. Borough Secretary