

June 3, 2009

A regular meeting of the Borough Council was held June 3, 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 May 6, 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:

May 11, 2009 –	\$	17,961.47
May 15, 2009	–	145,344.93
May 22, 2009	–	1,705,900.26
May 29, 2009	–	273,077.34
June 5, 2009	–	4,012.61

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

President Roberts asked Manager McElree to address the question raised last month by Councilman Zaiser regarding a check made out to the National Rifle Association. Manager McElree had issued a memorandum to Council regarding the NRA Police Firearm's Training on May 11th. Manager McElree stated that police officers have to qualify, with the weapons that they carry, at least once a year and training must be through recognized police training programs. Manager McElree indicated that the check was issued for police firearms training and pointed out that the NRA is recognized as one of the best firearms training in the nation.

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.

The following officers were presented with Police Accommodations:

Officers William Newman, Bryan Lockwood, Cassie Zliceski, Joshua Mallery, Robert Lee, Corporal Harold Gross, Detective Sergeant Donald Bender, William Newman, Christopher Grill, Mario Cabrera, Corporal Scott Fogel, Robert Lee, Matthew Molchan, Mark Watkins, Steven Stoneback, Kristopher Baccari, PA State Troopers Nate Wentzel, Shawn Smith, Sean Taylor and Donald Marsh

A civilian, Jennifer Gorant was also honored for aiding police in the apprehension of two armed robbery suspects.

Borough Manager/Chief McElree thanked Council for their continued support of the Quakertown Police Department.

PLANNING & ZONING COMMITTEE

RESOLVED, That, reading of Ordinance 1161, establishing a Pawnbroker Ordinance, be waived. Motion of Councilman Scholl, seconded by Councilman Zaiser. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, Ordinance 1161, an amendment to the Code of Ordinances of the Borough of Quakertown, chapter 13, adding part 9, sections 901 through 907 establishing a Pawnbroker Ordinance, be passed finally. Motion of Councilman Scholl, seconded by Councilman Zaiser. A roll call vote was taken and the motion was unanimously carried.

REVENUE & FINANCE COMMITTEE

Councilmember Rosenberger stated that a request was received from Quakertown Alive for Council to send a letter of support to the State Senate to encourage them to continue to fund the Main and Elm Street Programs. President Roberts pointed out that as of June 30th, we will lose our Senator. Following discussion, it was decided that, at the appropriate time, Council will send a letter of support to the proper legislator.

HEALTH, SAFETY & WELFARE COMMITTEE

RESOLVED, That, the following Resolution 64-09 regarding the request of Quakertown Train Station Society to hold a wine tasting event, be adopted:

RESOLUTION NO. 64-09

WHEREAS, a request for a public gathering permit was received from the Quakertown Train Station Historical Society to host a wine tasting event at the train station property on August 1, 2009, from 6 p.m. to 10 p.m.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the public gathering permit request of the Quakertown Train Station Historical Society to hold this fund raising event provided that they agree to meet with the Borough Manager to resolve all parking concerns and to insure public notification to the surrounding properties.

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 67-09 regarding the request of Quakertown National Bank to hold their Founder's Day event and to close Second Street, be adopted:

RESOLUTION NO. 67-09

WHEREAS, Quakertown National Bank has applied for a public gathering permit to celebrate QNB's Founders' Day event on July 15 and to close Second Street between Broad and Third Streets.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the public gathering permit to Quakertown National Bank and to close Second Street between Broad and Third Streets on July 15 from 6:00 to 9:30 p.m.

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 70-09 regarding the request of the Quakertown Fire Department to hold a carnival on the Krupp property site, be adopted:

RESOLUTION NO. 70-09

WHEREAS, a request was received from the Quakertown Fire Department to use the Quakertown Borough Krupp property site for a Fire Department Carnival to be held August 4 through August 8, 2009 and use of the bandshell for this event.

NOW, THEREFORE, BE IT RESOLVED, That, the Borough Council of Quakertown, Pennsylvania, grants the request of the Quakertown Fire Department to use the Quakertown Borough Krupp site for a carnival and use of the bandshell provided that the Borough is added as additional insured on the insurance.

NOW, BE IT FURTHER RESOLVED, That, the Borough Council of the Borough of Quakertown waives the fee for the use of the bandshell.

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 71-09 regarding request from Danielle Lees to hold a neighborhood social gathering on Tierney Court, be adopted:

RESOLUTION NO. 71-09

WHEREAS, a request was received from Danielle Lees of Tierney Court to hold a neighborhood social gathering.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown, grants the request of Danielle Lees to block off Tierney Court for a neighborhood social gathering on July 4th.

Motion of Councilman Johnson, seconded by Councilman Williams.

Councilman Rosenberger asked if the neighbors had agreed to the blocking off of Tierney Court. Manager McElree indicated that he will check with Ms. Lees and make sure that they are notified.

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

PUBLIC UTILITIES COMMITTEE

RESOLVED, That, the following Resolution 63-09 awarding the bid for wood utility poles, be adopted:

RESOLUTION NO. 63-09 ACCEPTING BID AND AWARDING CONTRACT TO THOMASSON COMPANY

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of Thomasson Company of Philadelphia, MS, in the total amount of \$10,935.00 for wood utility poles as per bid opened April 29, 2009, is hereby accepted. The contract is awarded to Thomasson Company. 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 65-09 regarding a request for water service at 160 Fairview Avenue, be adopted:

RESOLUTION NO. 65-09

WHEREAS, a request for Borough water service at 160 Fairview Avenue was

received from Rudy and Nancy Clark; 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 160 Fairview Avenue.

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

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

RESOLVED, That, reading of Ordinance 1160 establishing rules and regulations for customer generated electric be waived. Motion of Councilwoman Scarborough, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, Ordinance 1160, an amendment to the Code of Ordinances of the Borough of Quakertown, Chapter 7, adding Sections 701 through 712 establishing rules and regulations for customer generated electrical service, be passed finally. Motion of Councilwoman Scarborough, seconded by Councilman Rosenberger.

Under discussion, Councilman Zaiser stated that he would like to have the interconnection fee removed from the Ordinance. Councilman Zaiser indicated that he feels it penalizes any resident for going green. Councilman Zaiser stated that an annual inspection fee should be established of no more than \$100 and inserted in the Ordinance. Solicitor Fonzone stated that would be a significant change to the Ordinance and would require it to be re-advertised.

Councilwoman Scarborough asked that it be noted that all Councilmembers are concerned about going green and encourages residents to go green.

A roll call vote was taken on Ordinance 1160, and the motion to pass Ordinance 1160 was voted on with the following Councilmembers voting in favor: Johnson, Rosenberger, Scarborough, Scholl, Williams and Roberts. Councilmember Zaiser voted against the Ordinance.

President Roberts indicated that because the vote on the first reading was not unanimous, Ordinance 1160 will again be considered at the next regular meeting of Council.

RESOLVED, That, the following Resolution 75-09, regarding a grant for LED Street

Lights, be adopted:

RESOLUTION NO. 75-09

BE IT RESOLVED, That, the Borough Council of Quakertown, Bucks County, Pennsylvania, hereby requests an Alternative Energy Project Deployment Grant, jointly with the Borough of Perkasio, in the amount of \$1,499,965 from the DEP's Pennsylvania Energy Development Authority to be used for LED street lights.

BE IT FURTHER RESOLVED, That, the applicant does hereby designate Scott C. McElree, Borough Manager of the Borough of Quakertown as the official to execute all documents and agreements between the Borough Council of Quakertown and the DEP's Pennsylvania Energy Development Authority to facilitate and assist in obtaining the requested grant.

Motion of Councilwoman Scarborough, seconded by Councilman Johnson.

Councilman Rosenberger asked if this requires matching on the part of the Borough? Manager McElree stated that it does, approximately 25%. Councilman Rosenberger asked how many street lights. Manager McElree answered approximately 1,200 street lights.

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

PUBLIC WORKS COMMITTEE

RESOLVED, That, the following Resolution 68-09, awarding superpave road materials, be adopted:

**RESOLUTION NO. 68-09
ACCEPTING BID AND AWARDING CONTRACT TO
COOPERSBURG MATERIALS**

RESOLVED, by the Council of the Borough of Quakertown, That, the following bid for superpave materials be accepted and contract awarded to:

Coopersburg Asphalt of Coopersburg, PA for:

SuperpaveHMA, 9.5 mm Wearing Course PG 64-22, 0.0 – 0.3 M Esal's, SLR H @ \$53.67/ton Borough pick-up; \$57.87/delivery
SuperpaveHMA, 9.5mm Fine Graded PG 64-22, 0.0 – 0.3 M Esal's, SLR H @ \$53.67/ton Borough pick-up; \$57.87/delivery
SuperpaveHMA, 9.5 mm Wearing Course PG 64-22, 0.3 – 3.0 M Esal's, SLR H @ \$53.67/ton Borough pick-up; \$57.87/delivery
SuperpaveHMA, 9.5mm Fine Graded PG 64-22, 0.3 – 3.0 M Esal's, SLR H @ \$53.67/ton Borough pick-up;

\$57.87/delivery
SuperpaveHMA, 19mm Binder Course PG 64-22, 0.0 – 0.3 M Esal's, SLR H @ \$49.93/ton Borough pick-up; \$54.13/delivery
SuperpaveHMA, 19mm Binder Course PG 64-22, 0.3-3.0 Esal's, SLR H @ \$49.93/ton Borough pick-up; \$54.13/delivery
SuperpaveHMA, 25 mm Base Course PG 64-22, 0.0 – 3.0 M Esal's, SLR H @ \$45.11/ton Borough pick-up; \$49.31/delivery
SuperpaveHMA, 25 mm Base Course PG 64-22, 0.3 – 3.0 M Esal's, SLR H @ \$45.11/ton Borough pick-up; \$49.31/delivery

The contract is awarded in accordance with bid opened May 11, 2009. 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 Johnson. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the following Resolution 69-09, awarding road materials, be adopted:

RESOLUTION NO. 69-09
ACCEPTING BIDS AND AWARDING CONTRACTS

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

Naceville Materials of Sellersville, PA for:

#10 screenings @ \$6.00/ton Borough pickup or \$9.50/ton delivered
#8 washed, crushed stone @ \$10.58/ton Borough pickup or \$14.08/ton delivered
#57 washed, crushed stone @ \$8.20/ton Borough pickup or \$11.70/ton delivered
2-A modified @ \$6.64/ton Borough pickup or \$10.14/ton delivered
3-A modified @ \$6.85/ton Borough pickup or \$10.35 ton delivered
R-4 shot rock @ \$10.00/ton Borough pick-up or \$13.50/ton delivered
2B ¾ clean @ \$8.20/ton Borough pickup or \$11.70/ton delivered

H & K Materials, Inc. of Chalfont, PA for:

#3 crushed stone @ \$8.40/ton Borough pick-up or \$13.18/ton delivered

Coopersburg Asphalt of Coopersburg, PA for:

QPR 2000 cold patch @ \$113.00/ton Borough pick-up or \$115.80/ton delivered

The contracts are awarded in accordance with bids opened May 11, 2009. The term of the contracts is June 1, 2009 through May 31, 2010. The Borough Manager is hereby authorized to execute the said contracts on behalf of the Borough of Quakertown.

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

PARKS & RECREATION COMMITTEE

RESOLVED, That, the following Resolution 66-09, regarding the preparation of a Master Plan for the Krupp property:

RESOLUTION NO. 66-09

WHEREAS, the Council of the Borough of Quakertown has indicated a desire to proceed with the master plan for the Krupp site; and

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown approves the Borough Manager to enter into an agreement with CMX of Lansdale, Pennsylvania, to provide engineering services in developing a master plan for the Krupp site at a cost of \$39,985.00.

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 74-09, regarding the request of Sports for Special Kids to hold their Season End Celebration in the Park, be adopted:

RESOLUTION NO. 74-09

WHEREAS, a request was received from Sports for Special Kids Quakertown, Inc. to hold a Baseball Program Season End Celebration in the Park.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of Special Kids Quakertown, Inc. to hold a Baseball Program Season End Celebration on June 28, 2009, from 2:00 to 5:00 p.m., in the Park provided they add the Borough as an additional insured on their insurance.

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

RESOLVED, That, the following Resolution 73-09, regarding the request from Quakertown Panther Football to use QMFA fields, be adopted:

RESOLUTION NO. 73-09

WHEREAS, Quakertown Panther Football has requested to use the Quakertown Midget Football field from June 22 to 24, 2009 from 8:00 a.m. to 2:00 p.m. and has obtained approval for use of the field from the Quakertown Midget Football Association.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of Quakertown Panther Football to use the Quakertown Midget Football field on June 22 to 24, 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 indicated that the next item on the agenda is consideration of Resolution 72-09, use of the Borough Tennis Courts by Tennis Zone. Councilman Rosenberger asked what the rental charge will be for Tennis Zone's use of the courts? Manager McElree stated that a rental fee has not been discussed. Councilman Rosenberger also asked whether there are any other instances where the use is for profit? Manager McElree stated that the Blazers pay QSAA, who maintains the stadium. Councilman Williams suggested that this item be moved to the Work Session for further discussion. Manager McElree stated that he will meet with Mr. & Mrs. Perez regarding this and, if they wish to move forward, we will put it on the Work Session in June.

Councilman Williams recognized Keller-Williams Real Estate employees for the great work they did painting the baseball stadium bleachers and the dugouts.

Councilman Williams also recognized the Strayer Middle School 6th grade students who did a great job planting flowers, etc. in Memorial Park.

Councilman Williams stated that he went on a brief tour with Public Works Superintendent Murgia and commented on the great jobs being done by the Public Works Department employees.

Manager McElree stated that Council had approved a second canine and the second canine was chosen Friday, May 29th. The dog is being trained, he'll go through ten-to-twelve weeks of training, four of which will be with the Police Officer. He is the newest addition to the Police Department, he is 18 months old and already had been named Jinx.

Manager McElree indicated that a date will need to be set for Council to tour Borough

facilities, and asked Council to let him know the dates they are available.

Manager McElree told Council that requests for proposals have gone out for selection of a consulting firm for the Economic Development.

President Roberts declared the meeting adjourned at 9:00 p.m.

BOROUGH OF QUAKERTOWN

L. James Roberts, Jr.
President of Council

Attest:

Phyllis R. Ewing
Asst. Borough Secretary

June 9, 2009

A special meeting of the Borough Council was held on June 9, 2009, at 7:00 p.m.

The following members and officers were present: President L. James Roberts, Councilmembers Michael Johnson, Donald Rosenberger, Michelle Scarborough, Edward Scholl, Daniel Williams, David Zaiser and Manager Scott C. McElree.

President Roberts indicated the purpose of tonight's meeting is to consider an extension to the contract with AMP-Ohio.

PUBLIC UTILITIES COMMITTEE

RESOLVED, That, the following Resolution 76-09, agreeing to the amendments and changes to the AMP-Ohio Contract, be adopted:

RESOLUTION NO. 76-09

BE IT RESOLVED by the Borough Council of the Borough of Quakertown, That Borough Council agrees to the amendments and changes to the AMP-Ohio Contract No. C-3-2007-5546, as presented to us in what will be known as Contract No. C-3-2007-5546-01, and

BE IT FURTHER RESOLVED, That, the Borough Manager is authorized to sign all necessary documents required to proceed with this agreement extension.

Motion of Councilwoman Scarborough, seconded by Councilman Rosenberger.

Councilwoman Scarborough explained the amendments and changes to the contract and extension of the contract to the end of 2015. Councilwoman Scarborough told Council that the Manager figured that between 2010 and 2015, with this contract, there would be a total increase of 1.72% unless there is some catastrophic occurrence. Manager McElree explained that:

- Non-pull power is the power the Borough contracts for that is normally used.
- Seasonal peaking – consume all electricity normally contract for, then use pull pieces.
- Pull power is reserve power. If for some unforeseen reason, Quakertown should exceed its normal demand requirement, then pull power can be used. Pull power is always more expensive.

Councilman Rosenberger asked whether the contract extension would provide for any

growth in our base? Manager McElree stated that it is built in to be able to expand at that price. President Roberts pointed out that what Council is doing tonight is to segregate it from the pulled rate that Council already bargained for. Manager McElree pointed out that according to AMP, Quakertown usage is going down – in 2006, the Borough used 106,927 megawatt hours, in 2007, the Borough used 107,000 and in 2008, the Borough used 102,000. Manager McElree stated that AMP anticipates the trend to continue for a few reasons: (1) We've been promoting conservation in the Borough and (2) people are more mindful with the cost of energy today.

Councilman Rosenberger stated that there is always a risk that AMP would go out of business. Manager McElree told Council that AMP is in a very secure position and within three years they are supposed to have their own generation station up on line. Councilman Zaiser expressed concerns with going to the year 2015. Manager McElree pointed out that the experts forecast that energy costs are going to continue to increase.

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