

A regular meeting of the Borough Council was held February 4, 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 January 7, 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:

January 8, 2009	-	\$	12,160.47
January 9, 2009	-	\$	500.00
January 14, 2009	-	\$	161.08
January 15, 2009	-	\$	17,834.35
January 21, 2009	-	\$	2,821.29
January 22, 2009	-	\$	167.31
January 23, 2009	-	\$	6,881.85
January 30, 2009	-	\$	6,127.11
February 5, 2009	-	\$	1,133,935.40
February 6, 2009	-	\$	4,373.94

Motion of Councilman Rosenberger, seconded by Councilman Williams.

Councilman Roberts stated that he will abstain from voting on the approval of the check registers because it includes the purchase of items from the Friendly Book Store and that he has signed a letter in this regard.

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

RESOLVED, That, the 2008 Financial Statement be received and filed. Motion of Councilman Rosenberger, seconded by Councilman Zaiser.

It was requested that the Finance Director explain this new report in detail at the next Work Session. Councilman Rosenberger suggested data he would like to see in future reports.

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

RESOLVED, That, the Police Department report be received and filed. Motion of Councilman Williams, seconded by Councilwoman Scarborough. A roll call vote was taken and the motion was unanimously carried.

Visitors:

Doug Mohr, 302 West Broad Street, indicated that he wished to speak with regard to the Car Show and also the Residential Rental Inspection. President Roberts stated that he could speak during the Health, Safety & Welfare Committee and the Planning & Zoning Committee portions of the Agenda.

PLANNING & ZONING COMMITTEE

Jennifer Heisey of the Appalachian Mountain Club made a presentation on the Pennsylvania Highlands. Ms. Heisey explained that the Appalachian Mountain Club has approximately 5,000 members in the Delaware Valley area and indicated, on a map, where the trail extends. Ms. Heisey asked Council to adopt a resolution of support for the PA Highlands. Ms. Heisey stated that a Trail Celebration, welcoming the trail into Pennsylvania, will be held on May 16 in Rieglesville.

President Roberts asked Ms. Heisey to forward copies of sample Resolutions for Council's consideration.

Doug Mohr commented on the Residential Rental Inspection Appeals Board that he feels is an unnecessary extra layer and doesn't understand the purpose of it. President Roberts explained that it was felt an appeals board will help to alleviate the potential necessity of going to Court and told Mr. Mohr that his comment is noted.

Manager McElree proposed the following appointments to the Residential Rental Inspection Appeals Board:

John Schlupp, 324 Forrest Avenue, Quakertown
Alan Pfaff, 2056 Court Alley, Quakertown
Mary Sulger (Manager Quakertown West), 108 Laurel Court, Quakertown
Jason Moffett, 535 West Mill Street, Quakertown
John Flynn, 614 Juniper Street, Quakertown
Alternate 1 - Jeff Haring, 2407 Mill Road, Quakertown
Alternate 2 - Willard Scarborough, 223 N. Hellertown Avenue, Quakertown

RESOLVED, That, the appointments proposed by the Borough Manager be ratified. Motion of Councilman Scholl, seconded by Councilman Zaiser.

Councilman Rosenberger asked if Mary Sulger is the only appointee not a Borough resident. Manager McElree indicated that Jeff Haring is also not a Borough resident.

A roll call vote was taken and the motion carried with the following Councilmembers voting in favor: Johnson, Rosenberger, Scholl, Williams, Zaiser and Roberts; and the following Councilmember abstaining: Scarborough (due to appointment of spouse).

RESOLVED, That, the following Resolution 16-09, regarding a request for an H2O Grant, be adopted:

RESOLUTION NO. 16-09

BE IT RESOLVED, That, the Borough Council of Quakertown, Bucks County, Pennsylvania hereby request an H2O PA grants of \$1,000,000.00 from the Commonwealth Financing Authority to be used for Phase 4 of the Infrastructure Project and \$2,000,000.00 from the Commonwealth Financing Authority to be used for an Automatic Meter Reading system.

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 Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

Motion of Councilman Scholl, seconded by Councilman Rosenberger.

Under discussion, Manager McElree told Council that he, Julie Dechnik, Mike Brzezicki and Scott Borger have met, discussed possible projects for the grant funds and selected the projects listed.

Councilman Rosenberger questioned whether Council is committing itself to spending a lot of money, if the amount of the grant that is approved, does not meet the costs of the project? Manager McElree indicated that it is a matching-fund grant and it, therefore, will require the commitment of funds, but these are projects that need to be done at some point. Councilman Rosenberger asked how long the Borough has to match the funds? Manager McElree stated that if it is approved, Council could re-evaluate at that point and see if it is fiscally feasible for the Borough to proceed with the project and accept the grant. President Roberts pointed out that it makes the grant available to the Borough, but does not tie the Borough into doing the projects.

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

Steve Biddle, on behalf of the Quakertown Planning Commission, gave a brief presentation on the Comprehensive Plan update, which contains approximately 200 recommendations, opinions and suggestions endorsed by the Quakertown Area Planning Committee and is offered for adoption by the municipalities in the Quakertown Community School District. Mr. Biddle pointed out that Richland Township has a separate Comprehensive

Plan. Mr. Biddle presented Council with a memo dated February 3, 2009, and told Council that he has marked about 35 items for Council's attention that would most likely impact the Borough. Mr. Biddle indicated that the plan's most critical recommendations cover three major projects and a simple Ordinance request, as follows:

Groundwater Resources Study (3 year)
Highway Corridor Studies and Access-Management Plan.
Quakertown-area linked Open Space Plan update.
An Ordinance to protect Riparian Buffers.

President Roberts asked if the Quakertown Planning Commission has approved of this Comprehensive Plan? Mr. Biddle indicated that they have approved the plan. President Roberts asked the Borough Solicitor what the Borough would be bound to by adopting this Comprehensive Plan? Solicitor Fonzone answered that adoption of the Comprehensive Plan should not be taken lightly. Solicitor Fonzone stated that typically when a municipality adopts a Comprehensive Plan, they, in the long range, make an effort to adopt the recommendations. Councilman Scholl stated that what Council needs to do it make sure the Comprehensive Plan fits in with what Council wishes to adopt. Mr. Biddle pointed out that Council could revise the Plan. Zoning Officer Fretz pointed out that he spoke with Lisa Wolff of the Bucks County Planning Commission, asked her if there were any major changes that would directly impact the Borough and her answer was "No, there really isn't".

RESOLVED, That, the Borough Council of the Borough of Quakertown adopts the Quakertown Area Updated Comprehensive Plan of 2007 with the understanding that the Borough Council reserves, for itself, the right and intention to revise and amend the plan from time-to-time. Motion of President Roberts, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried.

REVENUE & FINANCE COMMITTEE

RESOLVED, That, the following Resolution 13-09, regarding the Historical Society Lease Agreement, is adopted:

Resolution 13-09

WHEREAS, the Borough Council of the Borough of Quakertown desires to create changes to the existing lease agreement with the Quakertown Historical Society.

NOW, THEREFORE, BE IT RESOLVED, That, the Borough Council of the Borough of Quakertown authorizes the proper Borough officials to sign the Quakertown Historical Society Lease Agreement as amended .

Motion of Councilman Rosenberger, seconded by Councilwoman Scarborough.

Councilman Zaiser pointed out that there isn't anything in the agreement regarding fees being passed onto the Borough. President Roberts indicated that is understood and it was determined that it would not be added to the lease agreement.

President Roberts asked that "It is understood that it is incumbent on the Society to use all the properties and buildings in a manner consistent with the mission as set forth in the Society's Bylaws, as attached." be added to the lease agreement. President Roberts pointed out that the Resolution approves the Lease Agreement as amended, so if Council is in agreement with the addition of this language, they will be voting on the Lease Agreement with this language inserted.

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

RESOLVED, That, the following Resolution 14-09, Borough contribution to VFW Post 11322, be adopted:

Resolution 14-09

WHEREAS, a request for financial support was received from John Rivers Memorial VFW Post 11322.

NOW, THEREFORE, BE IT RESOLVED, That, the Borough Council of the Borough of Quakertown will appropriate \$500 for the year 2009, to be used in the payment of rent where such organization has its regular meetings.

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 12-09, regarding the creation of a police post retirement medical fund, be adopted:

Resolution 12-09

Creating Police Post-Retirement Medical Fund - 61

WHEREAS, the Borough of Quakertown desires to create a new fund called "Police Post-Retirement Medical Fund" (Fund # 61) to provide for the accounting of the Borough's annual contribution to the Police Association's post retirement medical fund;

NOW, THEREFORE, BE IT RESOLVED THAT a Private-Purpose Trust Fund called "Police Post-Retirement Medical Fund" is hereby created for the purpose of

depositing and accounting for the Borough's annual contribution per the 2006-2009 POA Contract.

BE IT FURTHER RESOLVED that the annual contribution as set forth in the Borough of Quakertown Police Association Contract shall be deposited into an account in the name of the Borough of Quakertown at a mutually agreed upon financial institution.

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

HEALTH, SAFETY & WELFARE COMMITTEE

Doug Mohr was told he could speak at this time. Mr. Mohr told Council that the people running the First Pennsylvania Mustang Club have not approach any of the merchants in town with regard to their upcoming car show. Mr. Mohr pointed out that the car show exhibitors were setting up on the sidewalk, even inside the entrance to his building, thereby restricting access to his building. Scott Soost, 322 West Broad Street, told Council that the way the car show is run puts a burden on the merchants downtown. Councilman Johnson stated that Mr. Slavin of the Mustang Club should address the concerns of the merchants. Manager McElree indicated that he would be willing to set up a meeting between the Mustang Club and the merchants. Councilman Scholl stated that he feels the event organizer, not Manager McElree, should be responsible to set up a meeting with the merchants. Councilman Rosenberger questioned whether the car show couldn't be held on Front Street rather than Broad Street? This matter will be discussed further at the next Work Session.

PUBLIC UTILITIES COMMITTEE

RESOLVED, That, reading of Ordinance 1156, allowing only the Borough to aggregate demand response of retail customers in accordance with FERC Order 719, be waived. Motion of Councilwoman Scarborough, seconded by Councilman Scholl. A roll call vote was taken and the motion was unanimously carried.

Manager McElree explained the meaning of Ordinance 1156. It was pointed out that the passage of this Ordinance precludes the sale of electric by third party aggregators to certain retail customers in the Borough. High end users can opt into a program whereby they will be notified by PJM of a mandatory interruption when they will be required to reduce their electric load requirements and will be rewarded by receiving monthly RPM capacity credits of \$4,010 per 100

KW curtailed on their electric bill. There is also a penalty for the amount of demand not curtailed for each full emergency load response event.

Councilman Zaiser stated that he has very serious concerns regarding this ordinance, but does not want to cost businesses in the Borough thousands of dollars.

RESOLVED, That, Ordinance 1156, an Ordinance to allow only the Borough of Quakertown to aggregate demand response of retail customers located in and served by the Borough in accordance with FERC order 719, be passed finally. Motion of Councilwoman Scarborough, seconded by Councilman Scholl. A roll call vote was taken and the motion was unanimously carried. (Councilman Zaiser stated that noting his objections, he votes in favor.)

PUBLIC WORKS COMMITTEE

President Roberts commended the Public Works Department for the condition of the streets in the Borough.

Councilman Zaiser stated that there aren't any items for action on the agenda this evening and indicated that he has a concern about a Public Works Department employee that needs to be addressed in executive session.

PARKS & RECREATION COMMITTEE

Councilman Williams stated that there aren't any items on the agenda this evening.

Kenneth Marks, 37 Braithwaite Lane, thanked the Council for everything that was done in the Cedar Grove area to improve the traffic flow. Mr. Marks stated that there is a parking problem in his development – there are 5-ton company trucks being parked on Borough streets and people are leaving trash cans in the street to reserve parking spaces all year long, and asked what could be done in these situations? Manager McElree stated that the Borough Ordinance applies to commercial trucks, to include other types of vehicles would require the Council to consider a change to the Ordinance. Manager McElree stated that the trash cans are being used as barricades and he will research if there is a specific law prohibiting that use, blocking that portion of the street.

At 9:35 p.m., President Roberts announced that Council is going to recess for an executive session on a personnel issue.

At 9:55 p.m., President Roberts announced that Council reconvenes to consider Resolution 17-09.

RESOLVED, That, the following Resolution 17-09, regarding a Public Works Department employee, be adopted:

RESOLUTION 17-09

WHEREAS, Borough Council adjourned to an executive session to discuss a personnel matter pertaining to Mr. William Gleockler; and

WHEREAS, the Borough Council members have reviewed a proposed agreement and general release in which Mr. Gleockler agrees to separate his employment with the Borough as a Public Works Department employee provided that Mr. William Gleockler executes a separation agreement release in substantially similar form as that reviewed tonight by Borough Council.

NOW, THEREFORE, BE IT RESOLVED, That the Borough Council of the Borough of Quakertown authorize the Borough Manager to execute the agreement on behalf of Borough Council.

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

Manager McElree told Council that tomorrow is Middletown Township Police Officer Christopher Jones' funeral and asked Council to remember his family in their prayers.

President Roberts declared the meeting adjourned at 10:10 p.m.

BOROUGH OF QUAKERTOWN

L. James Roberts, Jr.
President of Council

Attest:

Phyllis R. Ewing
Asst. Borough Secretary