

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

RESOLVED, That, the Minutes of February 4, 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 (Councilman Zaiser-absent).

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

Feb. 5, 2009	–	\$1,126,375.23
Feb. 5, 2009	–	73,926.01
Feb. 12, 2009	–	4,212.93
Feb. 19, 2009	–	3,916.55
Feb. 26, 2009	–	257,448.85
Feb. 27, 2009	–	1,066,230.06
Mar. 6, 2009	–	3,206.17

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 and Williams; and the following Councilmember abstaining: Roberts (Councilman Zaiser-absent).

RESOLVED, That, the Police Department, Zoning Administrator and Building Inspector reports be received and filed. Motion of Councilman Williams, seconded by Councilman Johnson.

Manager McElree commented on the Police Department report and compared this years report to last years.

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

President Roberts read the following letter prepared and signed by Council to the widow of Staff Sergeant Mark Baum:

Mrs. Heather Baum
38 South Third Street
Quakertown, PA 18951

Dear Mrs. Baum:

The Council of the Borough of Quakertown was extremely saddened to hear of your family's loss with the death of your husband Staff Sergeant Mark C. Baum. Mark's death has brought the Iraq war to Quakertown, and it is times like this that makes war a reality to those who do not live with the ramifications of war every day. We want to express our heartfelt sympathies to you and your family.

We hope that you find comfort in knowing that Mark is a hero, a true patriot, one of our sons and daughters who have sacrificed so that we may live and govern as we do in the Borough of Quakertown. Elected officials are given the honor to be community leaders because of the sacrifices battlefield leaders have endured since the inception of our democracy. We are forever grateful to Mark, but also grateful to you and your family for your commitment to democracy and our way of life.

The Borough will work closely with the American Legion and provide a place for Mark's name to be inscribed on the Veteran's Memorial located at Memorial Park, near Mill Street between Fourth and Ninth Streets. We will notify you upon completion of the inscription.

The sadness, the pain, and the hopelessness will be replaced with the pride of knowing that Mark's heroism has made a difference in the fight for freedom and democracy; with honor because of Mark's mettle in helping those who cannot always help themselves; and the reverence of knowing that Mark is with others who have made the ultimate sacrifice, standing firm in God's love.

Please know that you and your family are in our thoughts and prayers.

Signed by members of Council

Visitors:

William Drobins, 96 Fairway Court, indicated he wished to speak with regard to deed

registration.

Doug Mohr, 302 West Broad Street, indicated he wished to speak during the Health, Safety & Welfare Committee portion of the agenda.

Ed Slavin, First Pennsylvania Mustang Club, indicated he wished to speak regarding the Mustang Club.

Rodney VanPelt of the Quakertown Moose, 113 E. Broad Street, asked to speak regarding the Mustang Club.

PLANNING & ZONING COMMITTEE

Councilman Scholl stated that there aren't any items for action or report under the Planning & Zoning Committee.

REVENUE & FINANCE COMMITTEE

Mr. Drobins asked why Council is considering the ordinance on deed registration? Manager McElree stated that it is important to the Borough to know when a property is transferred due to electric billings. Mr. Drobins stated that the County sends monthly reports to municipalities and questioned charging \$10.00 for the registration. President Roberts pointed out that waiting a month for a report may be too late when it comes to utility payments. Mr. Drobins stated that as a resident of the Borough, he asks that this ordinance not be adopted.

Councilman Rosenberger read Ordinance 1157, regarding deed registration, in full.

RESOLVED, That, Ordinance 1157, an amendment to the Code of Ordinances of the Borough of Quakertown, Chapter 1, administration and government, Part 8, real estate registry, is amended to conform with Act 110 of 2008, be passed finally. Motion of Councilman Rosenberger, seconded by Councilman Scholl.

President Roberts commented that before the Act took place, a business in town owed the Borough \$12,000 in an electric bill, a lien was placed on the property, but this resolution would have helped to protect the Borough's interest.

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

RESOLVED, That, the following Resolution 21-09, regarding support of the Highlands conservation, be adopted:

RESOLUTION 21-09

SUPPORT OF THE HIGHLANDS CONSERVATION ACT
AND PROTECTION OF THE HIGHLANDS REGION IN PENNSYLVANIA

WHEREAS, the Highlands region, encompasses more than three million acres of Pennsylvania, New York, New Jersey and Connecticut; and

WHEREAS, the Highlands region is an area of national significance, possessing significant natural beauty, containing contiguous forest and productive farmland, numerous cultural and historic sites, substantial recreational opportunities, and the protection and supply of important drinking water sources for over fifteen million people; and

WHEREAS, the U S Congress, in bipartianship, passed the Highlands Conservation Act, Public Law 108-421 that was signed into law by the President of the United States on November 30, 2004, designating the Highlands as a significant national conservation priority region; and

WHEREAS, the Highlands Conservation Act authorizes the Secretary of the Interior and the Secretary of Agriculture to provide financial assistance to Highlands States to preserve and protect high priority conservation land in the highland region; and

WHEREAS, the United States Forest Service will continue programs and assist Highlands states, local units of government, and private forest and farm landowners in the conservation of land and natural resources in the Highlands region; and

WHEREAS, land preservation efforts in the Highlands region should link the parks, historic sites, wetlands, wildlife habitats, streams, rivers, reservoirs, watersheds, trails, scenic and natural lands and other protected areas unique to the region for the enjoyment of future generations; and

WHEREAS, the Commonwealth of Pennsylvania has designated the Highlands as one of five Mega-greenways in the state of Pennsylvania; and

WHEREAS, the counties of Adams, Berks, Bucks, Chester, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, York, are local units of government containing portions of the Highlands region in Pennsylvania.

NOW THEREFORE BE IT RESOLVED that the Council of the Borough of Quakertown, Bucks County, Commonwealth of Pennsylvania supports the implementation of the spirit and intent of the Highlands Conservation Act and the protection of the Highlands region in Pennsylvania as an area rich in natural resources, which are important to the environmental quality and economic prosperity within our Borough.

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

HEALTH, SAFETY & WELFARE COMMITTEE

RESOLVED, That, the following Resolution 19-09, appointing Christopher Grill as a permanent officer in the Quakertown Police Department, be adopted:

RESOLUTION NO. 19-09

WHEREAS, on August 20, 2007, Christopher Grill was appointed as a Probationary Officer in the Quakertown Police Department; and

WHEREAS, Christopher Grill has completed his probationary status.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Quakertown, Pennsylvania, That, effective March 4, 2009, Christopher Grill is appointed as a permanent officer in the Quakertown Police Department.

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

RESOLVED, That, the following Resolution 2009, appointing Cassie Jo Zliceski as a permanent officer in the Quakertown Police Department, be adopted:

RESOLUTION NO. 20-09

WHEREAS, on August 20, 2007, Cassie Jo Zliceski was appointed as a Probationary Officer in the Quakertown Police Department; and

WHEREAS, Cassie Jo Zliceski has completed her probationary status.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Quakertown, Pennsylvania, That, effective March 4, 2009, Cassie Jo Zliceski is appointed as a permanent officer in the Quakertown Police Department.

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 stated that with regard to the Mustang Club car show, at the Work Session there were some questions regarding access to some of the stores in town and some other issues. Manager McElree stated that the merchants had a few concerns and he believes many of the issues could be easily remedied. Among issues raised were:

Sidewalks and entrances to stores being blocked. Mr. Slavin assured the Borough Manager that sidewalks and store fronts won't be blocked.

Concern with parking-By law, "no parking" must be posted 12 hours in advance. Temporary signs will be placed at meters on Broad Street advertising "free parking" downtown until 2:00 p.m., after which parking will be prohibited.

Rodney VanPelt of the Quakertown Moose, expressed support for the car show and presented Council with a petition containing sixty signatures of members in favor of the show.

RESOLVED, That, the following Resolution 15-09, granting the request of the First Pennsylvania Mustang Club to hold a car show, be adopted:

Resolution 15-09

RESOLVED, That, a request was received from the First Pennsylvania Mustang Club to hold a car show on Broad Street from Hellertown Avenue to Fourth Street; on Third Street from Juniper Street to Erie Avenue; and on Erie Avenue from Third Street to Fourth Street, 4:00 p.m. to 9:00 p.m. on June 13, 2009.

NOW, THEREFORE, BE IT RESOLVED That the Council of the Borough of Quakertown grants the request of the First Pennsylvania Mustang Club provided approval is received from PennDOT to close the roadways.

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 25-09 granting the request of Quakertown Alive! to use the bandshell, waive the fee and close portions of West Broad Street for their Arts Alive Street Festival, be adopted:

RESOLUTION NO. 25-09

RESOLVED, That, a request was received from Quakertown Alive! to hold their Arts Alive Street Festival from 10:00 a.m. to 5:00 p.m. and to close Broad Street from Fourth Street to Hellertown Avenue from 7:00 a.m. to 6:00 p.m. on May 16, 2009.

NOW, THEREFORE, BE IT RESOLVED That the Council of the Borough of Quakertown grants the request of Quakertown Alive! to use the bandshell, waive the fee, and close portions of West Broad Street for their Arts Alive Street Festival provided approval is received from PennDOT to close the roadways and they add the Borough as an additional insured on the insurance.

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

RESOLVED, That, the following Resolution 23-09 authorizing the addition of a Police K-9 Dog, be adopted:

RESOLUTION NO. 2309

WHEREAS, a K-9 unit has been created in the Quakertown Police Department;
and

WHEREAS, an additional K-9 Police Dog would be a useful addition to the Quakertown Police Department.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown authorizes the Borough Manager to proceed with obtaining an additional K-9 Police Dog for the Quakertown Police Department provided the K-9 is funded by Homeland Security.

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

RESOLVED, That, the following Resolution 24-09, granting the request of American Volkssport Association to hold a walk through the Borough, be adopted:

RESOLUTION NO. 24-09

WHEREAS, a request was received from the American Volkssport Association to hold a walk through the Borough of Quakertown.

NOW, THEREFORE, BE IT RESOLVED, That the Council of the Borough of Quakertown grants the request of American Volkssport Association to hold a walk

through the Borough of Quakertown on Saturday, May 16, 2009, provided they add the Borough as an additional insured on the insurance.

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

PUBLIC UTILITIES COMMITTEE

RESOLVED, That, the following Resolution 18-09, accepting bids and awarding contracts for chemicals, be adopted:

RESOLUTION NO. 18-09 ACCEPTING BIDS AND AWARDING CONTRACTS

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

General Chemical of Parsippany, New Jersey for:
Aluminum Sulfate @ \$298.00/dry ton

Brenntag Northeast, Inc. of Baltimore, Maryland for:
Potassium Permanganate @ \$3.11/lb.

Chemical Equipment Labs, Inc. of Havertown, Pennsylvania for:
Sodium Hypochlorite @ \$1.479/gal.

Basic Chemical Solutions of Morrisville, Pennsylvania for:
Sodium Bisulfite @ \$2.33/gal

The contracts are awarded in accordance with bids opened February 11, 2009. The Borough Manager is hereby authorized to execute the said contracts 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, Councilwoman Scarborough chaired the Public Works Committee portion of the agenda.

RESOLVED, That, the following Resolution 22-09, accepting bid and awarding contract for construction of a salt dome, be adopted:

RESOLUTION NO. 22-09
ACCEPTING BID AND AWARDING CONTRACT TO
DOME CORPORATION OF NORTH AMERICA

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of Dome Corporation of North America of Saginaw, Michigan, in the amount of \$157,390.00 for the construction of a salt dome as per bid opened February 12, 2009, is hereby accepted. The contract is awarded to Dome Corporation of North America. 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 Scholl. A roll call vote was taken and the motion was unanimously carried (Councilman Zaiser-absent).

Councilmembers commented on the good job of the Borough Public Works crew in snow removal.

PARKS & RECREATION COMMITTEE

RESOLVED, That, the following Resolution 26-09, granting the request of RASA to use the Memorial Park softball field, be adopted:

RESOLUTION NO. 26-09

WHEREAS, a request was received from RASA Softball to use the softball field in Memorial Park;

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of RASA Softball to use the softball field in Memorial Park for the 2009 season provided that they add the Borough as an additional insured to their insurance.

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

RESOLVED, That, the following Resolution 27-09, granting the request of HH&R Hitting and Fielding Camp to use Memorial Park, be adopted:

RESOLUTION NO. 27-09

WHEREAS, a request was received from three Quakertown High School students, Heverly, Helm and Roberts to use Memorial Park.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of Messrs. Heverly, Helm and Roberts to use Memorial Park on Sunday, May 3, 2009, or another agreeable date, (rain date Saturday, May 16, 2009), from 9 a.m. to 3 p.m., for a baseball camp for youths 8 to 12 years of age, provided that they add the Borough as an additional insured to their insurance.

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

Councilman Scholl announced that Grace Bible Fellowship Church, Old Bethlehem Pike, will be holding a Spaghetti dinner on Friday night, from 5 to 7:30 p.m. Proceeds go to the Relay for Life.

Councilwoman Scarborough stated that the Pennsylvania State Association of Boroughs suggests that Boroughs' eliminate the words "Work Session" and use the term "Special Meeting". President Roberts pointed out that the Borough Code indicates that certain Boroughs' that took the Home Rule Charter path (which we did) gave them special privileges, that Charter, granted us by the State Legislature, indicates "Work Session". Solicitor Fonzone indicated it would take a referendum to change it.

Manager McElree pointed out that the Borough TV channel is up and running. This channel can be seen either on channel 22 or on digital, it is DC-80-8 or DC-80-1. Manager McElree stated that it is still in the experimental stage and explained what is expected to be seen on the channel.

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

A special meeting of the Borough Council was held on March 30, 2009, at 6:30 p.m.

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

Dan Reavy, Verizon Director of External Affairs, Mary Lou Free of Verizon, and Adrian Copiz, Counsel for Verizon were present to answer questions.

President Roberts stated that this meeting was advertised for the consideration of the approval of a resolution regarding the approval and execution of a FIOS franchise contract with Verizon.

REVENUE & FINANCE COMMITTEE

In the absence of Councilman Rosenberger, President Roberts chaired the Revenue & Finance Committee portion of the Agenda.

RESOLVED, That, the following Resolution 36-09, regarding the approval and execution of a FIOS franchise contract with Verizon, be adopted:

RESOLUTION NO. 36-09

RESOLUTION OF QUAKERTOWN BOROUGH AUTHORIZING THE EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE BOROUGH AND VERIZON PENNSYLVANIA, INC.

WHEREAS, pursuant to Title VI of the Communications Act (see 47 U.S.C. § 601 et seq.), the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996, the regulations of the Federal Communications Commission and Pennsylvania law, Quakertown Borough in Bucks County is authorized to grant franchises to construct, operate and maintain a cable system utilizing public rights-of-way and properties within the Borough's jurisdiction; and

WHEREAS, Verizon of Pennsylvania, Inc. ("Verizon") is upgrading its existing telecommunications system under Title II of the Communications Act (see 47 U.S.C. §201 et seq.) and has applied for a non-exclusive cable franchise from the Borough to operate a cable system under Title VI of the Communications Act (see 47 U.S.C. §521 et seq.); and

WHEREAS, Verizon is in the process of installing a Fiber to the Premise Telecommunications Network (FTTP Network) in the Borough for the

transmission of non-cable services pursuant to authority granted by the Commonwealth of Pennsylvania; and

WHEREAS, the FTTP Network will occupy the public rights-of-way within the Borough, and Verizon desires to use portions of the FTTP Network once installed to provide cable services in the Borough; and

WHEREAS, the Borough desires to protect and manage the public rights-of-way, require high standards of customer service, receive financial compensation for Verizon's use of the public rights-of-way as provided by federal law, obtain complimentary services for its public buildings, obtain educational and governmental channels, establish certain reporting requirements, and provide for the future cable-related needs of its residents; and

WHEREAS, the Borough has determined Verizon to be financially, technically and legally qualified to operate the cable system to provide cable services; and

WHEREAS, the Borough has determined that the public interest would be served by granting a franchise to Verizon according to the terms and conditions contained in the Cable Franchise Agreement (the "Agreement") negotiated with representatives of Verizon.

NOW THEREFORE, BE IT RESOLVED by the Quakertown Borough Council as follows:

SECTION 1. Grant of Franchise; Execution of Franchise Agreement.

The Borough hereby grants Verizon a non-exclusive cable franchise subject to and in accordance with the terms and conditions of the Agreement. A copy of the Agreement is attached hereto and made a part hereof as Exhibit A.

SECTION 2. Other Franchises Unaffected.

Nothing in this Resolution, including the Agreement, shall alter the terms of any other franchise previously granted by the Borough, each of which shall remain in effect according to their particular terms and conditions.

SECTION 3. Severability.

If any section, subsection, sentence, clause, phrase or word of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not render this Resolution invalid.

Motion of Councilman Roberts, seconded by Councilman Williams.

Councilwoman Scarborough stated that this is a twelve year contract with a right of termination after three years.

Mary Lou Free answered that there is a clause that Verizon may opt out if it finds that it is not a viable service. Ms. Free pointed out that they have been in business over three years and its been viable. Mr. Copiz pointed out that Verizon has the opt out, but the Borough does not.

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

President Roberts declared the meeting adjourned.

BOROUGH OF QUAKERTOWN

L. James Roberts, Jr.
President of Council

Attest:

Scott C. McElree
Borough Secretary