

A regular meeting of the Borough Council was held March 3, 2010, 7:30 p.m.

The following members and officers were present: Vice President Donald Rosenberger, Councilmembers David Erwin, Michelle Scarborough and Daniel Williams, Solicitor Charles Fonzone and Asst. Borough Secretary Phyllis R. Ewing.

RESOLVED, That, the Minutes of January 4 and February 3, 2010, be approved as written. Motion of Councilman Erwin, seconded by Councilwoman Scarborough. A roll call vote was taken and the motion was unanimously carried (Councilmembers Johnson, Scholl and President Roberts absent).

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

February 12, 2010	–	\$ 212,301.77
February 12, 2010	–	97,132.15
February 19, 2010	–	867,038.19
February 24, 2010	–	170,826.49
February 26, 2010	–	158,818.53
March 1, 2010	–	2,212.68
March 1, 2010	–	11,075.52

Motion of Councilman Williams, seconded by Councilwoman Scarborough. A roll call vote was taken and the motion was unanimously carried (Councilmembers Johnson, Scholl and President Roberts 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 Erwin. A roll call vote was taken and the motion was unanimously carried (Councilmembers Johnson, Scholl and President Roberts absent).

PLANNING & ZONING COMMITTEE

In Councilman Scholl's absence, Councilman Erwin chaired the Planning & Zoning Committee portion of the agenda.

RESOLVED, That, reading of Ordinance 1169, adopting 2009 International Codes, be waived. Motion of Councilman Erwin, seconded by Councilwoman Scarborough. A roll call vote was taken and the motion was unanimously carried (Councilmembers Johnson, Scholl and President Roberts absent).

RESOLVED, That, Ordinance 1169, an Ordinance of the Borough of Quakertown adopting the 2009 editions of the international residential code, international building code, international fire code, international mechanical code, international plumbing code, international fuel gas code, international existing building code and international property maintenance code,

and the Pennsylvania uniform construction code, regulating and governing the construction, renovation, use and occupancy of residential and commercial structures within the Borough of Quakertown in order to safeguard life and property, and further repealing all prior ordinances, and parts thereof which are inconsistent or in conflict therewith, be passed finally. Motion of Councilman Erwin, seconded by Councilwoman Scarborough. A roll call vote was taken and the motion was unanimously carried (Councilmembers Johnson, Scholl and President Roberts absent).

RESOLVED, That, reading of Ordinance 1170, adding Spas and Hot Tubs to Swimming Pools, be waived. Motion of Councilman Erwin, seconded by Councilman Williams. A roll call vote was taken and the motion was unanimously carried (Councilmembers Johnson, Scholl and President Roberts absent).

RESOLVED, That, Ordinance 1170, an Ordinance amending the Code of Ordinances of the Borough of Quakertown, Bucks County, Pennsylvania by repealing Chapter 23, swimming pools, in the code of ordinances for the Borough of Quakertown, in its entirety and replacing it with Chapter 23, swimming pools, spas and hot tubs, be passed finally. Motion of Councilman Erwin, seconded by Councilwoman Scarborough. A roll call vote was taken and the motion was unanimously carried (Councilmembers Johnson, Scholl and President Roberts absent).

REVENUE & FINANCE COMMITTEE

RESOLVED, That, the following Resolution 19-10, proper officials to sign agreement between the Borough and the Quakertown Police Association, be adopted:

RESOLUTION NO. 19-10

WHEREAS an agreement has been reached between the Borough of Quakertown and the Borough of Quakertown Police Association.

NOW, THEREFORE, BE IT RESOLVED, That, the proper Borough officials are authorized to sign the agreement between the Borough of Quakertown Police Association and the Borough of Quakertown covering the period of January 1, 2010 through December 31, 2012.

Motion of Vice President Rosenberger, seconded by Councilman Erwin.

Vice President Rosenberger indicated some of the highlights of the contract:

- It is a 3 year contract– January 1, 2010 through December 31, 2012
- Salary increases will be 3% in 2010, 3-1/2% in 2011 and 4% in 2012.
- Provides opportunity to create banked overtime in lieu of compensation. They can accumulate compensatory hours up to 240 hours (previously 80 hours).

- Increases number of vacation hours that Borough can buy back on an annual basis to 48 hours (previously 36 hours). It was noted that very few officers have taken advantage of this benefit in the past, majority use their vacation.
- Provides a flexible spending account allows pretax contributions for certain medical expenses and a health reimbursement account.
- provides a long-term disability policy, which will pay up to 60% of salary per month.
- A grievance language change.
- Elimination of a 21-day restriction on scheduling.

A roll call vote was taken and the motion was unanimously carried (Councilmembers Johnson, Scholl and President Roberts absent).

RESOLVED, That, reading of Ordinance 1168, creating an early retirement incentive, be waived. Motion of Vice President Rosenberger, seconded by Councilwoman Scarborough. A roll call vote was taken and the motion was unanimously carried (Councilmembers Johnson, Scholl and President Roberts absent).

RESOLVED, That, Ordinance 1168, an Ordinance of the Borough of Quakertown, Bucks County, Pennsylvania, creating an early retirement incentive for eligible members of the pension plan for non-uniformed employees of the Borough of Quakertown, be passed finally. Motion of Vice President Rosenberger, seconded by Councilman Erwin. A roll call vote was taken and the motion was unanimously carried (Councilmembers Johnson, Scholl and President Roberts absent).

RESOLVED, That, the following Resolution 22-10, adopting an asset smoothing method for the non-uniformed pension plan, be adopted:

Resolution 22-10

A RESOLUTION OF THE BOROUGH OF QUAKERTOWN
BUCKS COUNTY, PENNSYLVANIA
ADOPTING AN ASSET SMOOTHING METHOD FOR
THE NON-UNIFORMED PENSION PLAN
THE BOROUGH OF QUAKERTOWN

WHEREAS, in accordance with the provisions of Act 205 of 1984, as amended by Act 44 of 2009, the municipality may adopt an actuarial smoothing method to determine the actuarial value of assets for the Non-Uniformed Pension Plan of the Borough of Quakertown's actuarial valuation; and

WHEREAS, the Borough Council has chosen to use an actuarial smoothing method for the January 1, 2009 actuarial valuation and future actuarial valuations; and

BE IT RESOLVED by the Borough Council of The Borough of Quakertown, Bucks County, Pennsylvania that the actuary for the Non-Uniformed Pension Plan of the Borough of Quakertown is directed to use the actuarial smoothing method for the January 1, 2009 actuarial valuation, as described in the actuarial valuation report, subject to the market value corridors allowed under Act 205 of 1984, as amended by Act 44 of 2009.

Motion of Councilman Rosenberger, seconded by Councilman Erwin. A roll call vote was taken and the motion was unanimously carried (Councilmembers Johnson, Scholl and President Roberts absent).

RESOLVED, That, the following Resolution 23-10, adopting an asset smoothing method for the police pension plan, be adopted:

Resolution 23-10

A RESOLUTION OF THE BOROUGH OF QUAKERTOWN
BUCKS COUNTY, PENNSYLVANIA
ADOPTING AN ASSET SMOOTHING METHOD FOR
THE POLICE PENSION PLAN

WHEREAS, in accordance with the provisions of Act 205 of 1984, as amended by Act 44 of 2009, the municipality may adopt an actuarial smoothing method to determine the actuarial value of assets for the Police Pension Plan of the Borough of Quakertown's actuarial valuation; and

WHEREAS, the Borough Council has chosen to use an actuarial smoothing method for the January 1, 2009 actuarial valuation and future actuarial valuations; and

BE IT RESOLVED by the Borough Council of The Borough of Quakertown, Bucks County, Pennsylvania that the actuary for the Police Pension Plan of the Borough of Quakertown is directed to use the actuarial smoothing method for the January 1, 2009 actuarial valuation, as described in the actuarial valuation report, subject to the market value corridors allowed under Act 205 of 1984, as amended by Act 44 of 2009.

Motion of Councilman Rosenberger, seconded by Councilman Williams. A roll call vote was taken and the motion was unanimously carried (Councilmembers Johnson, Scholl and President Roberts absent).

RESOLVED, That, the following Resolution 26-10, request of Upper Bucks Forum on Aging, be adopted:

RESOLUTION 26-10

WHEREAS, a request was received regarding the posting of the Upper Bucks Forum on Aging to be held May 14, 2010 at Benner Hall in Richlandtown, Pennsylvania; on the Borough website and bulletin boards; and

WHEREAS, the Borough Council supports the concept of the event and encourages the Borough's residents to participate and make an effort to attend.

NOW, THEREFORE, BE IT RESOLVED, That, the Borough Council of the Borough of Quakertown grants the request for the posting of the Upper Bucks Forum on Aging event on the Borough website and bulletin boards.

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

RESOLVED, That, the following Resolution 27-10, revised agreement regarding Master Plan for the Krupp Site, be adopted:

RESOLUTION NO. 27-10

WHEREAS, the Master Plan for the Krupp Site Agreement has been renegotiated as to the costs of the Master Plan phase, which includes some minor changes in the scope.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown approves the Borough Manager to enter into the revised agreement with CMX dated December 17, 2009, for the purpose of developing a master plan for the Krupp site at a cost of \$20,000.

Motion of Councilman Rosenberger, seconded by Councilman Williams.

Councilwoman Scarborough asked if this is just for the Master Plan and not to go forward with any other plan? Vice President Rosenberger indicated that it is only the Master Plan and will give us what is needed to apply for grants.

A roll call vote was taken and the motion was unanimously carried (Councilmembers Johnson, Scholl and President Roberts absent).

RESOLVED, That, the following Resolution 28-10, RNC reimbursement for the use of the Baseball Stadium, be adopted:

BEFORE THE BOROUGH COUNCIL OF THE BOROUGH OF QUAKERTOWN

RESOLUTION NO. 28-10

DIRECTING THE SOLICITOR TO PROCEED WITH PRESSING FOR COLLECTION OF PAYMENT OF A JUST DEBT VERSUS THE REPUBLICAN NATIONAL COMMITTEE

WHEREAS, the Borough of Quakertown was party to a contract signed by representatives of the Republican National Committee on October 27, 2008; and

WHEREAS, the terms of the contract called for the payment of cost incurred by the Borough in the execution of the conditions of the contract; and

WHEREAS, the Borough has performed all conditions of the contract; and

WHEREAS, the Republican National Committee has failed to respond to the invoices presented to them by the Borough and has failed to respond to subsequent inquiries as to the lack of payment.

NOW, THEREFORE, BE IT RESOLVED, that if final and complete payment is not received by the Borough of Quakertown by April 1, 2010, the Borough Council of the Borough of Quakertown hereby instructs its Solicitor, Charles J. Fonzone, to proceed with pressing for collection of payment of the invoiced amount of \$36,144.09 and such other sums as they may accrue.

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

HEALTH, SAFETY & WELFARE COMMITTEE

In Councilman Johnson's absence, Vice President Rosenberger stated that there aren't any items for action under the Health, Safety & Welfare Committee.

PUBLIC UTILITIES COMMITTEE

RESOLVED, That, the following Resolution 24-10, awarding the bid for the Park Avenue Waterline Crossing at Route 309, be adopted:

**RESOLUTION NO. 24-10
ACCEPTING BID AND AWARDING CONTRACT TO
WEXCON, INC.**

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of Wexcon, Inc. of Mohrsville, Pennsylvania, in the amount of \$138,622.50 for Park Avenue Waterline Crossing of Route 309 as per bid opened January 29, 2010, is hereby

accepted. The contract is awarded to Wexcon, Inc. 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 Erwin.

Councilman Williams questioned Wexcon's low bid costs for mobilization and traffic control compared to the other bidders? Councilwoman Scarborough pointed out that some of the items are higher as well as lower; and if you look at the second lowest bid, it is not that much higher. Vice President Rosenberger stated that the Borough Manager will get back to Councilman Williams with an answer to his question.

A roll call vote was taken and the motion was unanimously carried (Councilmembers Johnson, Scholl and President Roberts absent).

RESOLVED, That, the following Resolution 25-10, awarding bids for chemicals, be adopted:

RESOLUTION NO. 25-10
ACCEPTING BIDS AND AWARDING CONTRACTS

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

Gulbrandsen Technologies of Clinton, New Jersey for:
13-15% Aluminum Chloride Solution @ \$.03/wet pound

Brenntag Northeast, Inc. of Reading, Pennsylvania for:
Potassium Permanganate @ \$3.12/lb.

Chemical Equipment Labs, Inc. of Havertown, Pennsylvania for:
Sodium Hypochlorite @ \$1.415/gal.

Main Pool & Chemical Co. of Dupont, Pennsylvania for:
Sodium Bisulfite Solution @ \$1.84/gal

The contracts are awarded in accordance with bids opened February 10, 2010. 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 (Councilmembers Johnson, Scholl and President Roberts absent).

PUBLIC WORKS COMMITTEE

Councilman Erwin stated that there aren't any items for action under the Public Works Committee.

PARKS & RECREATION COMMITTEE

RESOLVED, That, the following Resolution 29-10, request of NFL Flag Football League to use Main Street Park, be adopted:

RESOLUTION NO. 29-10

WHEREAS, a request was received from the NFL Football League to use Main Street Park for youths ages 5 to 16 to play flag football.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of the NFL Flag Football League to use Main Street Park for their 2010 season, provided they add the Borough as an additional insured on their insurance.

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

Vice President Rosenberger declared the meeting adjourned at 8:05 p.m.

BOROUGH OF QUAKERTOWN

Donald Rosenberger
Vice President of Council

Attest:

Phyllis R. Ewing
Asst. Borough Secretary