

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

The following members and officers were present: President L. James Roberts, Vice President Donald Rosenberger, Councilmembers David Erwin, 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 March 3, 2010, be approved as written. Motion of Councilman Rosenberger, seconded by Councilman Johnson. A roll call vote was taken and the motion was unanimously carried.

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

:	March 3, 2010	–	\$ 100.00
	March 5, 2010	–	101,628.59
	March 12, 2010	–	73,893.88
	March 19, 2010	–	752,409.76
	March 26, 2010	–	6,869.52
	March 31, 2010	–	287,195.89
	April 1, 2010	–	3,857.09

Motion of Councilman Rosenberger, seconded by Councilman Erwin.

President Roberts stated that he will abstain from voting as a purchase was made from the Friendly Book Store.

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

RESOLVED, That, the Financial Statement, Police Department, Zoning Administrator and Building Inspector reports 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:

John Edge, 727 Lehigh Drive, indicated that he wished to speak regarding the condition of the Quakertown Tennis Courts

President Roberts and Manager McElree presented recognition awards to the following :

Nancy Roberts for serving on the Quakertown Planning Commission
Steve Biddle for serving on the Quakertown Planning Commission

Raymond Ely, Jr. for serving on the Civil Service Commission
Barbara Stoneback, retired employee, served as Borough Administrative Assistant
Dave Gruber, retired employee, served as Foreman in the Electric Department
Maria Nicol, retired employee, served as Administrative Assistant in Police Dept.
William Nace, retired employee, served as a worker in Public Works Department (not present)

PLANNING & ZONING COMMITTEE

RESOLVED, That, the following Resolution 41-10, Hvorecny subdivision lot line adjustment and waivers, be adopted:

RESOLUTION 41-10

WHEREAS, the Quakertown Planning Commission and the Bucks County Planning Commission have reviewed and recommended approval, with conditional comments, of the subdivision and waivers regarding Hvorecny lot-line adjustment for tax parcels 35-5-65, 35-5-66 and 35-5-67-2 of the plan dated January 20, 2010 per review letter February 1, 2010, with the following waivers:

1. Waiver of the Borough's Subdivision and Land Development Ordinance requirement in Section 306.K to require to show finish grade contours. This plan proposes an adjustment to the property line. Both lots are already developed with a principle use and no development is proposed.
2. Waiver of the Borough's Subdivision and Land Development Ordinance requirement in Section 306.J from the requirement to show the location and size of all utilities on the site. The exposed and visible utilities (i.e. utility poles and valves), are shown on the plan. No new site improvements or utilities are proposed with this plan.
3. Waiver of the Borough's Subdivision and Land Development Ordinance requirement in Section 506.1(A) from the requirement to increase the width of North Ninth Street. No new site improvements are proposed with this plan..

NOW, THEREFORE BE IT RESOLVED, That, the Borough Council of the Borough of Quakertown approves the plan dated January 20, 2010 per review letter February 1, 2010, including the subdivision and above waivers conditioned upon the comments in the Bucks County Planning Commission review letter of February 19, 2010. The plan must be recorded in Bucks County within ninety (90) days.

Motion of Councilman Scholl, seconded by Councilman Williams.

Councilman Scholl asked if this was approved by Quakertown Planning Commission and Bucks County Planning Commission?

Zoning Administrator Fretz indicated that both Planning Commissions approved and it is a simple subdivision with no land development.

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

REVENUE & FINANCE COMMITTEE

RESOLVED, That, the following Resolution 31-10, a second elective investment option for employees regarding a 457 Plan:

RESOLUTION NO. 31-10

WHEREAS, the Borough of Quakertown is responsible for administering the Quakertown Borough deferred compensation 457 Plan; and

WHEREAS, administration of the deferred compensation 457 Plan requires retaining an investor.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown adds Smith Barney of Allentown, Pennsylvania, as an additional investment service provider under the current Borough of Quakertown deferred compensation 457 Plan.

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

RESOLVED, That, the following Resolution 30-10, change in date for the October Work Session, be adopted:

RESOLUTION NO. 30-10

RESOLVED, That, the Council of the Borough of Quakertown wishes to change the date of the October Work Session;

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown hereby establishes the date of October 18, 2010 as the date for the Work Session and directs the Borough Manager to follow proper procedure to have this change in date advertised.

Motion of Councilman Rosenberger, seconded by Councilman Erwin. A roll call vote was

taken and the motion was unanimously carried.

RESOLVED, That, the following Resolution 44-10, authorizing the Bucks County Tax Collection Committee to file a grant application with PA Department of Community and Economic Development, be adopted:

RESOLUTION NO. 44-10

A RESOLUTION AUTHORIZING THE BUCKS COUNTY TAX COLLECTION COMMITTEE TO FILE AN APPLICATION WITH THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT FOR A GRANT TO ASSIST THE TCC WITH START-UP COSTS.

WHEREAS, the Bucks County Tax Collection Committee will be operating an intermunicipally, cooperative project to collect Earned Income Tax, and

WHEREAS, the Borough of Quakertown wishes to participate in said intermunicipal cooperative project.

AND WHEREAS, the Pennsylvania Department of Community and Economic Development makes available grants-in-aid to such projects through the Shared Municipal Services Program.

NOW, THEREFORE, BE IT RESOLVED, That, the Borough Council of the Borough of Quakertown hereby authorizes the Bucks County Tax Collection Committee to make application for such a grant on our behalf.

AND BE IT FURTHER RESOLVED, That, the Borough Council of the Borough of Quakertown hereby authorizes the Bucks County Tax Collection Committee to make application, on our behalf, for a grant in the amount of five thousand dollars (\$5,000.00) to said project.

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

HEALTH, SAFETY & WELFARE COMMITTEE

RESOLVED, That, the following Resolution 38-10, Bucks County Health Department's spraying program, be adopted:

RESOLUTION NO. 38-10

WHEREAS, the Borough Council of the Borough of Quakertown is desirous of helping to reduce the spread of the West Nile Virus.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants permission to the Bucks County Department of Health to treat Borough properties for mosquito control.

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

RESOLVED, That, the following Resolution 45-10, unclaimed valuables filed with Department of Treasury, be adopted:

RESOLUTION NO. 45-10

WHEREAS, unclaimed valuables have accumulated in the Police Department storage facility from 1996 through and including 2004; and

WHEREAS, Pennsylvania's Disposition of Abandoned and Unclaimed Property Act, requires law enforcement agencies to annually file an unclaimed property report with the Pennsylvania Department of Treasury.

NOW, THEREFORE, BE IT RESOLVED, That, the Borough Council of Quakertown Pennsylvania directs that the necessary annual unclaimed property report be filed with the Pennsylvania Department of Treasury.

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

RESOLVED, That, the following Resolution 46-10, destruction of evidence/property accumulated in evidence storage facility, be adopted:

RESOLUTION NO. 46-10

WHEREAS, evidence/property have accumulated in the Police Department evidence storage facility from police cases of 1982 through and including 2004; and

WHEREAS, Quakertown Police Department policy dictates that these cases meet the guidelines for destruction.

NOW, THEREFORE, BE IT RESOLVED, That, the Borough Council of

Quakertown Pennsylvania directs that the 1982 through and including 2004 police cases in the evidence storage facility be purged.

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

RESOLVED, That, the following Resolution 47-10, release accumulated inventory to PropertyRoom.com, be adopted:

RESOLUTION NO. 47-10

WHEREAS, an inventory of 58 bicycle/scooters, 1 paintball gun and 1 computer tower has accumulated in the Police Department property area of the Borough Hall basement; and

WHEREAS, the Quakertown Police Department has partnered with PropertyRoom.com, an online auction site that assists law enforcement agencies with selling their unclaimed property.

NOW, THEREFORE, BE IT RESOLVED, That, the Borough Council of Quakertown Pennsylvania directs that the Quakertown Police Department release the above listed property to PropertyRoom.com.

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

PUBLIC UTILITIES COMMITTEE

RESOLVED, That, reading of Ordinance 1171, electric rate increase, be waived. Motion of Councilwoman Scarborough, seconded by Councilman Erwin. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, Ordinance 1171, an amendment to the Code of Ordinances of the Borough of Quakertown, Chapter 7, Sections 202 through 207, changing the billing schedule for electric rates in the Borough of Quakertown, be passed finally. Motion of Councilwoman Scarborough, seconded by Councilman Erwin. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the following Resolution 40-10, adding water and sewer charges to the fee schedule, be adopted:

RESOLUTION NO. 40-10

WHEREAS, Resolution 5-10 was adopted on January 4, 2010 and established the fees associated with Borough services; and

WHEREAS, the Borough wishes to add a Debt Service Fee to water and sewer rates.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Quakertown that the Debt Service fee be added to read as follows:

WATER & SEWER

Monthly Debt Service Fee

Customers usage of 72,000 gals./yr. or less	\$
	16.00
Customers usage of 72,001 gals. To 180,000 gals./yr .	26.00
Customers usage of 180,001 gals. To 1,000,000 gals./yr.	100.00
Customers usage of greater than 1,000,001 gals./yr.	200.00

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

PUBLIC WORKS COMMITTEE

RESOLVED, That, the following Resolution 36-10, award bid for tree removal and trimming, be adopted:

RESOLUTION NO. 36-10 ACCEPTING BID AND AWARDING CONTRACT TO MATT'S TREE SERVICE

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of Matt's Tree Service of Orefield, Pennsylvania, for tree removal and trimming as per bid opened February 19, 2010, is hereby accepted. The contract is awarded to Matt's Tree Service. The Borough Manager is hereby authorized to execute the said contract on behalf of the Borough of Quakertown.

Motion of Councilman Erwin, seconded by Councilman Johnson. A roll call vote was taken

and the motion was unanimously carried.

RESOLVED, That, the following Resolution 35-10, award bid for residing and re-roofing of pole building, be adopted:

**RESOLUTION NO. 35-10
ACCEPTING BID AND AWARDING CONTRACT TO
RAM SIDING**

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of RAM Siding of Douglassville, Pennsylvania, in the amount of \$36,742.00 for Residing/Re-roofing of the Pole Building, which includes the option of metal moisturelok on the roof panels, as per bid opened March 5, 2010, is hereby accepted. The contract is awarded to RAM Siding. The Borough Manager is hereby authorized to execute the said contract on behalf of the Borough of Quakertown.

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

PARKS & RECREATION COMMITTEE

Mr. Edge was told that he could speak at this time. Mr. Edge presented Council with pamphlets on the tennis courts, he took pictures of the things he perceives as problems that need to be corrected. President Roberts told him that Council will review the pamphlet at the next Work Session and asked Mr. Edge to appear at the Work Session.

RESOLVED, That, the following Resolution 34-10, request of RASA to use Memorial Park and Main Street Park Baseball Fields, be adopted:

RESOLUTION NO. 34-10

WHEREAS, a request was received from RASA Softball to use the softball field in Memorial Park and the t-ball field in Main Street 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 and the t-ball field in Main Street Park for the 2010 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.

RESOLVED, That, the following Resolution 33-10, request of NFL Flag Football to use the Midget Football practice fields, be adopted:

RESOLUTION NO. 33-10

WHEREAS, a request was received from the NFL Football League to use the Midget Football practice fields 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 the Midget Football practice fields 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.

RESOLVED, That, the following Resolution 32-10, request of Pride of Quakertown to conduct an event "Bagging Hunger in Quakertown", be adopted:

RESOLUTION NO. 32-10

WHEREAS, a request was received from the Pride of Quakertown to use Memorial park to conduct a "Bagging Hunger in Quakertown" event.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of the Pride of Quakertown to use Borough Memorial Park to conduct a "Bagging Hunger in Quakertown" event on June 12, 2010, provided they add the Borough as an additional insured on the insurance.

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

RESOLVED, That, the following Resolution 39-10, request of Pride of Quakertown to close Mill Street, be adopted:

RESOLUTION NO. 39-10

WHEREAS, a request was received from the Pride of Quakertown to close Mill Street to conduct a "Bagging Hunger in Quakertown" event.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of the Pride of Quakertown to close Mill Street only if necessary, otherwise event will occur with participants using the sidewalk for their "Bagging Hunger in Quakertown" event on June 12, 2010, provided they add the Borough as an additional insured on the insurance.

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

RESOLVED, That, the following Resolution 37-10, leasing of the Blue Water Café, be adopted:

RESOLUTION NO. 37-10
ACCEPTING PROPOSAL OF
MAMA MIA'S

WHEREAS, a proposal was received from Mama Mia's of Hatfield, Pennsylvania, for leasing the Blue Water Café, at the following minimum monthly fees paid to the Borough of Quakertown:

May	\$ 500.00
June	\$ 1,500.00
July	\$ 3,000.00
August	\$ 3,000.00
September	<u>\$ 500.00</u>
Total Minimum Fee	\$ 8,500.00

WHEREAS, the Borough of Quakertown proceeded with due diligence in requesting proposals from other restaurants/caterers to receive the best fee for this service.

NOW, THEREFORE, BE IT RESOLVED, That, the Blue Water Café be leased to Mama Mia's for the year 2010 as per their proposal.

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

Councilman Williams stated that the next Community Day Committee meeting will be held on April 15th at 7:00 p.m.

Councilman Roberts announced that an executive session will be held following tonight's meeting regarding the Republican National Committee litigation.

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

BOROUGH OF QUAKERTOWN

L. James Roberts, Jr.

President of Council

Attest:

Phyllis R. Ewing
Asst. Borough Secretary