

A regular meeting of the Borough Council was held February 3, 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 December 2, 2009, be approved as written. Motion of Councilmember Rosenberger, seconded by Councilmember Erwin. A roll call vote was taken and the motion was unanimously carried.

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

January 8, 2010	—	\$	32,892.44
January 11, 2010	—		2,605.37
January 15, 2010	—		912,132.77
January 22, 2010	—		12,129.35
January 28, 2010	—		95.00
January 28, 2010	—		130,422.64
January 29, 2010	—		95,735.49
February 5, 2010	—		5,227.55

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 Police Department, Zoning Administrator and Building Inspector reports be received and filed. Motion of Councilwoman Scarborough, seconded by Councilman Williams. A roll call vote was taken and the motion was unanimously carried.

Visitors:

Nancy Roberts, 529 Juniper Street, stated that next year it is the 300th anniversary of Richland Friends.

Manager Scott McElree indicated that John Schlupp, who was appointed to the Quakertown Planning Commission, had to turn down the appointment due to prior commitments. Manager McElree announced the following appointments:

Quakertown Planning Commission—Jon Roth, 1018 Brookfield Circle, Quakertown, term to expire 12/31/13 to fill the unexpired term of John Schlupp

Civil Service Commission—Carol Roth, 301 Cedar Crest Drive, Quakertown, term to expire 12/31/13 to fill the unexpired term of Raymond Ely

RESOLVED, That, the appointments announced by the Borough Manager be ratified. Motion of Councilman Rosenberger, seconded by Councilman Williams. A roll call vote was taken and the motion was unanimously carried.

PLANNING & ZONING COMMITTEE

Teresa Sparacino of Delta Development Group gave a presentation on Urban Vision and Revitalization. Ms. Sparacino pointed out that the following questions needed to be answered:

- Linkages that are required from Route 309 to Main Street, the Antiques District and Memorial Park.
- How does Quakertown leverage its current assets?
- How can Quakertown capitalize on the opportunities provided by reactivation of the rail line for passenger service?
- What areas of Quakertown are conducive for residential and commercial redevelopment?
- What merchandise is missing from the Quakertown market?
- How can the vacant industrial sites be redeveloped and what role do they play?

Ms. Sparacino told Council that the Committee has researched the market, which provides the foundation for the revitalization plan. Ms. Sparacino indicated that it is not the Committee's thoughts, but the public's thoughts through town hall meetings, stakeholder interviews, and market assessment. The Committee did business owners and consumer surveys. Ms. Sparacino pointed out a few highlights where the business owners and consumers align are on the ease of walking from store-to-store and also cost of merchandise ranked high. With regard to improvements, ranking high were: public restrooms, less traffic congestion, additional parking and free parking. Retail establishments of most interest were: fine dining restaurants, theater, local and unique restaurants and a bookstore. Ms. Sparacino further explained the slide presentation.

Councilman Scholl thanked Ms. Sparacino for the presentation

RESOLVED, That, the following Resolution 14-10, regarding waivers for the Foulke lot-line, be adopted:

RESOLUTION 14-10

WHEREAS, the Quakertown Planning Commission and the Bucks County Planning Commission have reviewed and recommended approval, for waivers regarding Foulke lot-line adjustment for tax parcels 35-011-193 and 35-011-163 of the plan dated June 15, 2010 and revised October 23, 2009 per review letter dated June 26, 2009 with the following waivers:

1. Waiver of the Borough's Subdivision and Land Development Ordinance requirement in Section 504.5 to require lot lines to be substantially at right angles. The proposed lot line is parallel to the existing lot line.
2. Waiver of the Borough's Subdivision and Land Development Ordinance requirement in Section 5061.A regarding cartway widening to East Broad Street. East Broad Street is in good condition as a thirty-two (32) foot wide paved cartway with curbs and sidewalks on both sides of the street. The property frontage is approximately eighty-two feet and increasing the width would most likely create a hazardous traffic pattern.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Quakertown approves the plan dated June 15, 2010 and revised October 23, 2009, including the above waivers. The plan must be recorded in Bucks County within ninety (90) days.

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

PARKS & RECREATION COMMITTEE

RESOLVED, That, the following Resolution 11-10, Quakertown Youth Lacrosse Association to use the Midget Football Association practice fields, be adopted:

11-10

RESOLUTION NO.

WHEREAS, Quakertown Youth Lacrosse Association has requested to use the Quakertown Midget Football practice fields from March through June and has obtained approval for use of the fields from the Quakertown Midget Football Association.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of the Quakertown Youth Lacrosse Association to use the

Quakertown Midget Football practice fields provided they add the Borough as an additional insured on the 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 10-10, Invite A Cure to use Memorial Park and Bandshell, be adopted:

RESOLUTION NO. 10-10

WHEREAS, a request was received from Invite a Cure to use Memorial Park and the bandshell for their breast cancer awareness event.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of Invite a Cure to use Memorial Park for their event on June 12, 2010, and to rent the bandshell, 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.

REVENUE & FINANCE COMMITTEE

RESOLVED, That, the following Resolution 13-10, contribution to VFW Post 11322, be adopted:

RESOLUTION 13-10

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 2010, to be used in the payment of rent where such organization has its regular meetings.

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

RESOLVED, That, reading of Ordinance 1166, regarding a 401A Pension Plan, be waived. Motion of Councilman Rosenberger, seconded by Councilwoman Scarborough. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, Ordinance 1166, an Ordinance amending and restating the governmental money purchase plan and trust adopted for the benefit of non-uniformed employees on February 3, 2010, be passed finally. Motion of Councilman Rosenberger, seconded by Councilman Williams. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, reading of Ordinance 1167, a Police Pension Ordinance change, be waived. Motion of Councilman Rosenberger, seconded by Councilman Erwin. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, Ordinance 1167, an Ordinance of the Borough of Quakertown, Bucks County, Pennsylvania, codifying changes in the Borough of Quakertown Police Pension Plan in the 2010-

2012 bargaining agreement between the Borough of Quakertown and the Borough of Quakertown Police

Association, be passed finally. Motion of Councilman Rosenberger, seconded by Councilman Johnson.

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

RESOLVED, That, the following Resolution 15-10, electric, water and sewer revenue, be adopted:

RESOLUTION NO. 15-10

WHEREAS, the 2010 budget requires a change in the electric, water and sewer billing rates.

NOW, THEREFORE, BE IT RESOLVED, That, the following changes be made to the electric, water and sewer billing rates for up to 90 days:

ELECTRIC

The electric rates are to increase 2.9%. Also, a monthly Customer Service Fee will apply as follows:

Residential Customers	\$ 14.00
Commercial Customers	\$ 20.00
Industrial Customers	\$125.00

WATER AND SEWER

A monthly Debt Service Fee will apply as follows:

Customers usage of 72,000 gals./yr. or less	\$ 16.00
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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 Councilman Rosenberger, seconded by Councilman Scholl. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the following Resolution 16-10, D.R.S.P., Inc. 1446 West Broad Street tax relief appeal, be adopted:

BOROUGH OF QUAKERTOWN

A RESOLUTION APPOINTING THE LAW OFFICE OF FONZONE AND ASHLEY TO INTERVENE IN THE TAX ASSESSMENT APPEAL OF D.R.S.P., INC., TAX PARCEL NO. 35-002-020, 1446 WEST BROAD STREET, QUAKERTOWN, BUCKS COUNTY, PENNSYLVANIA

RESOLUTION NO. 16-10

AND NOW THIS 3rd day of February, 2010 after consideration of the appeal of D.R.S.P., Inc. from the Bucks County Board of Assessment and Revision of taxes decision involving the property at 1446 West Broad Street, Quakertown, Bucks County, Pennsylvania we have determined that it is in the best interest of the Borough of Quakertown to have the Law Office of Fonzone and Ashley to Intervene on behalf of the Borough of Quakertown in the lawsuit filed at #2009-12846 in the Court of Common Pleas of Bucks County, Pennsylvania Civil Division.

Motion of Councilman Rosenberger, seconded by Councilwoman Scarborough.

President Roberts stated that he will abstain from voting because he is a member of the Bucks County Board of Assessment.

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

RESOLVED, That, the following Resolution 20-10, Strauss Group Quakertown Manor tax relief appeal, be adopted:

BOROUGH OF QUAKERTOWN

A RESOLUTION APPOINTING THE LAW OFFICE OF FONZONE AND ASHLEY TO INTERVENE IN THE TAX ASSESSMENT APPEAL OF STRAUS

GROUP QUAKERTOWN MANOR, TAX PARCEL NO. 35-006-052, 1020
SOUTH MAIN STREET, QUAKERTOWN, BUCKS COUNTY,
PENNSYLVANIA

RESOLUTION NO. 20-10

AND NOW THIS 3rd day of February, 2010 after consideration of the appeal of Straus Group Quakertown Manor from the Bucks County Board of Assessment and Revision of taxes decision involving the property at 1020 South Main Street, Quakertown, Bucks County, Pennsylvania we have determined that it is in the best interest of the Borough of Quakertown to have the Law Office of Fonzone and Ashley to Intervene on behalf of the Borough of Quakertown in the lawsuit filed at #2009-13654 in the Court of Common Pleas of Bucks County, Pennsylvania Civil Division.

Motion of Councilman Rosenberger, seconded by Councilwoman Scarborough.

President Roberts stated that he will abstain from voting because he is a member of the Bucks County Board of Assessment. Councilman Johnson stated that he will also abstain because his mother is a resident at 1020 South Main Street.

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

Borough Manager pointed out highlights to the agreement between the Borough and the International Association of Operating Engineers; such as, an increase across the Board for the union members of 60¢/hour, a change in health care coverage from a PPO to a QPOS, a long-term disability plan, clarified \$200 uniform allowance, increase in accrued comp time, it is a one year contract, everything is retroactive to January 1st.

RESOLVED, That, the following Resolution 18-10, proper officials to sign the agreement between the Borough and Local 542-C, be adopted:

RESOLUTION NO. 18-10

WHEREAS an agreement has been reached between the Borough of Quakertown and the Local 542-C International Association of Operating Engineers, AFL-CIO..

NOW, THEREFORE, BE IT RESOLVED, That, the proper Borough officials are authorized to sign the agreement between the Borough of Quakertown

and the Local 542-C International Association of Operating Engineers, AFL-CIO for the period January 1, 2010 through December 31, 2010.

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

Councilman Rosenberger stated that the next item on the Agenda regarding the Borough and Police Association will be deferred until next month.

RESOLVED, That, the following Resolution 21-10, Terms of Employment for Borough Manager and Chief of Police, be adopted:

RESOLUTION NO. 21-10

WHEREAS, Borough Manager and Chief of Police Scott McElree has indicated acceptance and signed the Terms of Employment for Borough Manager and Chief of Police as offered by Borough Council.

NOW, THEREFORE, BE IT RESOLVED, That, Borough Council approves the Terms of Employment for Borough Manager and Chief of Police effective February 3, 2010.

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

HEALTH, SAFETY & WELFARE COMMITTEE

RESOLVED, That, the following Resolution 12-10, Quakertown Alive! request to close portions of West Broad Street for their Arts Alive Street Festival, be adopted:

RESOLUTION NO. 12-10

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 6:00 a.m. to 6:00 p.m. on May 15, 2010.

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

PUBLIC UTILITIES COMMITTEE

Councilwoman Scarborough stated that there aren't any items for action under the Public Utilities Committee.

PUBLIC WORKS COMMITTEE

RESOLVED, That, the following Resolution 17-10, commitment to Regional Household Hazardous Waste Collection Program for 2010-2012, be adopted:

RESOLUTION NO. 17-10

WHEREAS, the Household Hazardous Waste Collection is a valuable aid to the residents of the Borough of Quakertown as well as neighboring communities.

NOW, THEREFORE, BE IT RESOLVED, That, the Borough Council of the Borough of Quakertown will commit to paying its proportional share of the Household Hazardous Waste Collection Program costs in the amount of \$1,296.45 per year for three years.

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

President Roberts stated that prior to this evening's meeting, Council met in executive session regarding a personnel matter.

President Roberts declared the meeting adjourned at 8:35 p.m.

BOROUGH OF QUAKERTOWN

L. James Roberts, Jr.
President of Council

Attest:

Phyllis R. Ewing
Asst. Borough Secretary