

A re-organizational and regular meeting of the Borough Council was held January 4 2010, 7:30 p.m.

District Justice C. Robert Roth administered the Oath of Office to re-elected and newly-elected Councilmembers Donald Rosenberger, Daniel Williams and David Erwin. District Justice C. Robert Roth also administered the Oath of Office to Tax Collector Donald Knechel.

Manager McElree opened the floor for nominations for President of Council.

RESOLVED, That, L. James Roberts be nominated as President of Council. Motion of Councilman Rosenberger, seconded by Councilwoman Scarborough.

Manager McElree called for other nominations for President of Council. There being no other nominations, the following motion was made:

RESOLVED, That, the nominations of President of Council be closed. Motion of Councilman Rosenberger, seconded by Councilman Williams. A roll call vote was taken and the motion carried with the following Councilmembers voting in favor: Erwin, Johnson, Rosenberger, Scarborough, Scholl, Williams and the following Councilmember abstained: Roberts.

A roll call vote was taken on the nomination of President of Council and the motion carried with the following Councilmembers voting in favor: Erwin, Johnson, Rosenberger, Scarborough, Scholl, Williams and the following Councilmember abstained: Roberts.

Councilman Roberts will serve as President of Council and presided over the meeting.

President Roberts called for nominations for Vice President of Council.

RESOLVED, That, Donald Rosenberger be nominated as Vice President of Council. Motion of Councilwoman Scarborough, seconded by Councilman Scholl.

President Roberts called for other nominations for Vice President of Council. There being no other nominations, the following motion was made:

RESOLVED, That, the nominations of Vice President of Council be closed. Motion of Councilwoman Scarborough, seconded by Councilman Scholl. A roll call vote was taken and the motion carried with the following Councilmembers voting in favor: Erwin, Johnson, Roberts, Scarborough, Scholl, Williams and the following Councilmember abstained: Rosenberger.

Councilman Rosenberger will serve as Vice President of Council.

The following members and officers were present: President L. James Roberts, Vice President Donald Rosenberger, Councilmembers David Erwin, Michael Johnson, Michelle Scarborough, Edward Scholl, Daniel Williams, Solicitor David Roth, Manager Scott C. McElree and Asst. Borough Secretary Phyllis R. Ewing.

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

December 4, 2009	–	\$171,883.87
December 11, 2009	–	6,425.22
December 18, 2009	–	674,390.35
December 23, 2009	–	6,036.79
December 29, 2009	–	4,243.94
December 31, 2009	–	235,982.33

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

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

Manager McElree announced the following appointments and reappointments for 2010:

Zoning Hearing Board - Torry Hinkle and Gregory McDermott, to 5 year terms.

Quakertown Planning Commission - Michael Haywood, John Schlupp and Michael Orzel to 4 year terms.

Quakertown General Authority - Alex Londino to a 5 year term.

Quakertown Area Industrial & Commercial Development Authority–Michael Johnson to a 5 year term and David Erwin to fill the unexpired term of David Zaiser, to expire 12/31/10.

Civil Service Commission - John Smoll to a 6 year term.

Vacancy Board - Ronald Heller to a 1 year term.

RESOLVED, That, the appointment and reappointments made by Manager McElree be ratified. Motion of President Roberts, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried.

President Roberts announced the following Committee Chair assignments:

Planning & Zoning Committee — Councilman Scholl
Revenue & Finance Committee — Councilman Rosenberger
Health, Safety & Welfare Committee — Councilman Johnson
Public Utilities Committee — Councilwoman Scarborough
Public Works Committee — Councilman Erwin
Parks & Recreation Committee — Councilman Williams

President Roberts thanked the members of Council for the vote of confidence in voting him President of Council.

PLANNING & ZONING COMMITTEE

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

REVENUE & FINANCE COMMITTEE

Councilman Rosenberger read Ordinance 1165, setting the Borough tax rate on real estate for 2010, in full.

RESOLVED, That, Ordinance 1165, an Ordinance of the Borough of Quakertown, Commonwealth of Pennsylvania, fixing the tax rate on real estate within the Borough for the fiscal year 2010, be passed finally. 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 7-10, establishing that employee contributions are necessary for non-uniform pension plan, be adopted:

RESOLUTION NO. 7-10

A RESOLUTION ADDING NON-UNIFORM, NON-MANAGERIAL CONTRIBUTIONS TO THE NON-UNIFORM PENSION PLAN FOR THE YEAR 2010.

WHEREAS, Council has deemed contributions to the non-uniform pension plan are required in order to keep the fund actuarially sound;

NOW, THEREFORE, BE IT RESOLVED That, all non-uniform, non-managerial employees will be required to continue to contribute 1% of their annual salary to the Non-Uniform Pension Plan for the year 2010.

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 4-10, considering the H.R. 3007 - Local Fiscal Assistance Act, be adopted:

RESOLUTION NO. 4-10

WHEREAS, The United States Congress is considering H.R. 3007 or the *Local Fiscal Assistance Act*, which would provide direct funding to local governments for essential public services pertinent to all Pennsylvanians; and

WHEREAS, borough communities across our Commonwealth are in need of a flexible assistance program where the federal government may partner with local governments to help create jobs, improve infrastructure, and ensure the continued delivery of essential public functions that communities need to remain viable; and

WHEREAS, any policy efforts by Congress to stimulate the U.S. economy should include a reinstatement of the federal revenue sharing program as proposed in the *Local Fiscal Assistance Act*; and

WHEREAS, the current proposal before Congress and any related efforts should provide funds directly to local governments to fund such essential expenses as public safety (including police protection, fire safety, and code enforcement), transportation (including street maintenance and transit related initiatives), health programs, recreation facilities, libraries, environmental protection (sewage disposal, public sanitation, and pollution abatement), social services for the poor or aged, and local government administration functions; and

WHEREAS, our fellow small and mid-sized municipalities across the United States do not receive an equitable distribution of federal assistance as compared to larger metropolitan cities. The Local Fiscal Assistance Act as proposed under H.R. 3007 would help to alleviate this national inequity and would bring parity to the federal funds system of distribution; and

Therefore, BE IT RESOLVED that the Borough of Quakertown in partnership with our statewide legislative advocate, The Pennsylvania State Association of Boroughs, respectfully urge our member of the US House of Representatives and both United States Senators to support the federal Local Fiscal Assistance Act of 2009 (H.R. 3007), which would effectively provide \$90 billion to local governments across the country through fiscal year 2011.

Be It Further Resolved, that copies of this resolution be conveyed to our statewide advocates at the Pennsylvania State Association of Boroughs and the appropriate elected officials representing this borough community before the United States Congress and Pennsylvania General Assembly.

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

RESOLVED, That, the following Resolution 8-10, regarding the proposals for audit services from Hutchinson, Gillahan and Freeh, be adopted:

RESOLUTION NO. 8-10

RESOLVED, That, the Borough Council of Quakertown, Pennsylvania, appoints the firm of Hutchinson, Gillahan & Freeh of Quakertown, Pennsylvania, to perform the 2009 annual audits of the Borough financial statements (not including the pensions), the Real Estate Tax Collector, and for the Quakertown Area Industrial & Commercial Development Authority as detailed in the Hutchinson, Gillahan & Freeh engagement letters dated September 24, 2009.

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 5-10, updating the fee schedule for 2010, be adopted:

RESOLUTION 5-10

WHEREAS, the Borough of Quakertown charges fees for various services provided and applications made to the Borough; and

WHEREAS, Borough Council wishes to adopt a schedule of fees for these services;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Quakertown, that, the following schedule of fees is adopted as posted and attached.

Code and Zoning Department	
Mechanical, Plumbing & Building Fees	
Value Under \$200	\$50.00
\$200 - \$1,000	\$100.00
\$1,000-\$20,000	\$100.00 plus \$5.00 per \$1,000 in excess of 1 st \$1,000
Over \$20,000	\$200.00 plus \$5.00 per \$1,000 in excess of 1 st \$20,000
Use & Occupancy Permit	
Residential – New Construction Only	\$30.00
Commercial	\$50.00
Temporary Permit	

	Use Signs, Etc.	\$20.00
Yard Sale Permit		
	Per each sale	Free
Street Opening Permit		\$50.00 plus \$400.00 per 40 sq. ft.
Change of Service		
	Residential Permit	\$100.00
	Commercial & Industrial Permit	\$400.00
Meter Testing		
	Meter Base Change Permit	\$60.00
Conditional Use Permit Application		
	Residential Use	\$500.00 plus associated costs in excess of this amount
	Commercial Use	\$1,500.00 plus associated costs in excess of this amount
Sidewalk Permit		
	Per 50'	\$45.00
Zoning Ordinance Book		\$45.00
Zoning Map		\$5.00
Subdivision Ordinance Book		\$45.00
Comprehensive Plan		\$45.00
Storm water Ordinance		\$45.00
Water, Sewer & Highway Bid Specifications		\$100.00
Subdivision		
	Two Lots – Each	\$200.00
	Each Additional Lot	\$100.00
Site Plan Review		
	Actual cost of production	\$50.00 plus actual cost of review fees
Zoning Hearing Board Fees		
	Residential & Non-Profit	\$500.00
	Commercial & Industrial	\$1,500.00
	Cancellation-less than 48 hr notice	\$300.00
Fire Inspection License Fee		
	Small Business (up to 1,500 sf)	\$25.00
	Medium Business (1,500sf – 10,000sf)	\$40.00
	Large Business (10,000sf +)	\$150.00

Apartment Building (under 50 units)	\$100.00
Hotel/Motel	\$150.00
Professional Building	\$35.00
Movie Theatre	\$50.00
Hospital & Nursing Home	\$150.00
School	\$100.00
Day Care Center	\$35.00
Church	\$0.00
Emergency Services Facility	\$0.00
Residential Rental Dwelling Unit License Fee	
	\$40.00
Commercial Business/Property Inspection License Fee	
Small Business (up to 1,500 sf)	\$40.00
Medium Business/Property (1,500sf - 10,000 sf)	\$70.00
Large Business/Property (10,000 sf - 50,000 sf)	\$100.00
X-Large Business/Property (over 50,000 sf)	\$150.00
Hotel/Motel	\$150.00
Professional	\$40.00
Theater	\$50.00
Hospital, Nursing Home	\$150.00
School	\$100.00
Day Care Center	\$40.00
Church	\$40.00
Emergency Services Facilities	\$0.00

Administration	
Return Check	
Per Incidence	\$25.00 plus bank fee
Late Fee	
Per Month - Admin Fee	\$25.00
Per Month – Interest	1.25%
Utility Payment Certification	\$20.00
Deed Registration	\$10.00
Utility History Report	
Per Year, Account or Utility	cost of copies
Less than one year	cost of copies
Copies	
Each - double sided	\$0.25

Lien Fee	
Placement and Removal	Actual Court Filing Fee, Legal Fee to File and Satisfy, Court Satisfaction Fee, and 6% Interest per year.
Postage	Actual cost per USPS
Swimming Pool	
Pool Fees – Early	
Family	
Resident	\$170.00
Non-Resident	\$242.00
Adult	
Resident	\$70.00
Non-Resident	\$95.00
Child (18 or under) or Senior Citizen	
Resident	\$65.00
Non-Resident	\$80.00
Pool Fees – Regular	
Family	
Resident	\$175.00
Non-Resident	\$247.00
Adult	
Resident	\$75.00
Non-Resident	\$100.00
Child (18 or under) or Senior Citizen	
Resident	\$70.00
Non-Resident	\$85.00
Daily Fees	
Adult	\$10.00
Children & Senior Citizen	\$8.00
Senior Not Swimming	\$1.00
Twilight	
After 6p	\$2.00
Swimming Lessons	
Per Person/Per Session	\$34.00
Diving Lessons	
Per Person/Per Session	\$42.00
Pool Rental	
Refundable Reservation Deposit	\$100.00
½ Pool – Wading Area – 4'	\$350.00
Full Pool – Wading Area – 6'	\$500.00
Parks & Recreation	

Park Pavilion		
	Resident	\$50.00
	Non-Resident	\$75.00
KIDS Program		
	Non-Resident – Per Family	\$100.00
Band Shell Rental		
	Resident & Non-Resident	\$100.00 plus labor & material
Electric Department		
Security Deposit		
	Returned Interest on Deposit	Avg. T-bill rate for Sept, Oct & Nov.
	Regular (non-electric heat unit)	\$125.00
	Electric Heated Unit	\$250.00
Temporary Electric		
	Every 100' of pole	\$500.00
	Pole	\$300.00
Area Lighting		
	Installation of Pole – 30'	\$540.00
	Installation of Pole – 40'	\$640.00
	Flood Lighting Rental	\$225.00
	400 Watt Fixture Rental	\$190.00
	175 Watt Fixture Rental	\$110.00
Meter Testing		
	Single Phase	\$50.00
	Three Phase	\$100.00
Reconnection Fee		
	7a - 4p	Up to \$50.00
	After 4p	Up to \$250.00
	Weekends and Holidays	Up to \$250.00
Electric Public Services		
	Laborer Services per Hour	Actual Rate plus Benefits
	Material	Actual Cost plus 10% handling fee
Water Department		
Security Deposit		
	Returned Interest on Deposit	Avg. T-bill rate for Sept, Oct & Nov.
	Water Only	\$35.00

	Water and Sewer	\$80.00
Meter Testing		
	5/8" or 3/4" meter	\$10.00
	3/4" + meter	\$20.00
Fire Hydrant Flow Testing		
		\$200.00
Connection Permit		
	Residential	Actual Rate plus Benefits and Materials
	Commercial	Actual Rate plus Benefits and Materials
Water Tapping Fee		
	Residential	\$0.00
	Commercial	\$0.00
Construction		
	6 months	\$150.00
Reconnection Fee		
	In-Town	
	7a - 3p	\$50.00
	After 3p	\$250.00
	Weekends and Holidays	\$250.00
	Out-of-Town	
	7a - 4p	\$35.00
	After 4p	\$40.00
Water Public Services		
	Laborer Services per Hour	Actual Rate plus Benefits
	Material	Actual Cost plus 10% handling fee
Sewer Department		
Security Deposit		
	Sewer only	\$40.00
	Water & Sewer	\$80.00
Permit and Inspection Fee		
	6 months	\$75.00
Sewer Tapping Fee		
	Per Equivalent Dwelling Unit (EDU)	\$6,824.40
Connection Permit		
	Residential	Actual Rate plus Benefits and Materials
	Commercial	Actual Rate plus Benefits and Materials

Construction		
6 months		\$150.00
Sewer Disposal Fees		
Holding Tank Waste per 500 Gallons		\$12.50
Industrial Pretreatment Program		
Annual Inspection Fee		\$400.00
Sampling Fee		\$200.00
Analysis Fee		\$150.00 plus Actual Laboratory Expenses
Sewer Public Services		
Laborer Services per Hour		Actual Rate plus Benefits
Material		Actual Cost plus 10% handling fee
Police Department		
Impound Lot Fee		
Release vehicle during off hours (5p-8a)		\$35.00
Storage - Per day or any part of a day		\$40.00
Kennel Fee		
Per day or any part of a day		\$25.00
Burglar Alarm		
First 2 False Alarms in any Calendar Year		\$0.00
Third		\$50.00
Fourth		\$100.00
Fifth +		\$200.00
Fire Alarm		
First 2 False Alarms in any Calendar Year		\$0.00
Third		\$50.00
Fourth		\$100.00
Fifth +		\$200.00
Reports		
Accident Report		\$15.00
Police Report		\$15.00
Photographs		\$20.00 print - \$40.00 CD
Fingerprinting		
Non-Resident		\$20.00
Police Services		
Officer & Vehicle/per hour		\$280.00

Highway Department		
Municipal Waste License Fee		
Annual Fee		\$100.00
Branch Pick-up		
Unbundled to Curb/Alley		\$50.00
Highway Public Services		
Laborer Services per Hour		Actual Rate plus Benefits
Material		Actual Cost plus 10% handling fee
Equipment Rental		
Street Sweeper		\$100.00/hr.
Trailer		\$40.00/hr.
Air Compressor		\$50.00/hr.
Chipper		\$70.00/hr.
Roller		\$70.00/hr.
Pickup Truck		\$70.00/hr.
Dump Truck		\$85.00/hr.
Utility Truck		\$85.00/hr.
Backhoe		\$95.00/hr.
Sewer TV Truck – 3 hour minimum call		\$300.00/hr.
Sewer Flush Truck – 3 hour minimum call		\$300.00/hr.
Bucket Truck		\$120.00/hr.
Auger Truck		\$120.00/hr.

All Ordinances or Resolutions inconsistent herewith are hereby repealed.

Motion of Councilman Rosenberger, seconded by Councilwoman Scarborough.

Councilman Rosenberger outlined the changes and additions from the previous year's fee schedule. Councilman Rosenberger pointed out that the fee schedule does not change the alternative energy connection, Borough Administration continues to study that and it will be picked up at some point later in the year. Councilman Rosenberger stated that the budget also indicated a debt fee for water and sewer bills, this will probably be discussed in the January Work Session.

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

RESOLVED, That, the following Resolution 1-10, establishing that employee contributions are not necessary for the uniform pension plan:

RESOLUTION NO. 1-10

A RESOLUTION ELIMINATING POLICE OFFICERS' CONTRIBUTIONS TO THE POLICE PENSION PLAN FOR THE YEAR 2010.

WHEREAS, Act 600 previously provided for the elimination of members contributions if certain criteria were met, and

WHEREAS, Act 30 amended Act 600 by eliminating certain criteria for the elimination of contributions;

WHEREAS, the only criteria for the elimination of contributions according to Act 30 is:

Any reduction or elimination of contributions shall be authorized on an annual basis by resolution or ordinance, and;

WHEREAS, Quakertown Borough has reviewed this amendment and criteria and unanimously approves the elimination of members' contributions by the Police Pension Plan members for the year 2010.

NOW, THEREFORE, BE IT RESOLVED, that, Quakertown Borough does hereby ratify and affirm the elimination of members' contributions to the Police Pension Plan by its members for the year 2010.

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

RESOLVED, That, the Borough Manager be directed to advertise a proposed Ordinance for a 401(a) pension plan for the next regular meeting of Council. Motion of Councilman Rosenberger, seconded by Councilman Scholl. A roll call vote was taken and the motion was unanimously carried.

Councilman Rosenberger stated that at the January Work Session a proposed debt service for the water/sewer and electric as well as potential changes in the electric rate will be discussed.

HEALTH, SAFETY & WELFARE COMMITTEE

RESOLVED, THAT, THE FOLLOWING Resolution 2-10, appointing Fire Police for 2010, be adopted:

RESOLUTION NO. 2-10

WHEREAS, the Quakertown Fire Department has nominated several individuals to serve as Fire Police for the Quakertown Fire Department; and

WHEREAS, Act 122 of 1980 (P.L. 5580, No. 122) requires that Quakertown Borough Council appoint these individuals as Fire Policemen and state the scope of their responsibilities.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Quakertown to appoint the following individuals as Fire Policemen for the Quakertown Fire Department and the Borough of Quakertown for 2010:

1. Christopher Erwin, 247 Richlandtown Pike, Quakertown, PA 18951
2. David Erwin, 545 S. Main Street, Quakertown, PA 18951
3. Donald Wenhold, 152 Redwood Drive, Quakertown, PA 18951
4. Ryan Williams, 2 Naylor Court, Quakertown, PA 18951
5. Roland Biello, 22 S. Main Street, Quakertown, PA 18951
6. David Zaiser, 415 Erie Avenue, Quakertown, PA 18951
7. Matthew Pearson, 129 E. Broad Street, Quakertown, PA 18951
8. Lindsay Bowers, 328 Park Avenue, Quakertown, PA 18951

AND BE IT FURTHER RESOLVED, by the Borough Council that these Fire Policemen are authorized to participate in or provide the duty as prescribed in Act 122 of 1980 in the following situations:

1. Any time the Quakertown Fire Department is dispatched for a fire or rescue call within the region that the Quakertown Fire Department is a first responder;
2. Any time the Quakertown Fire Department responds to a mutual aid call;
3. Any emergency service directly authorized by the Quakertown Department Fire Chief (or, in his absence, the Deputy Chief);
4. Any training courses approved by the Quakertown Fire Department Chief;
5. The following annual events: (a) Quakertown Memorial Day Parade; (b) Quakertown Community Day; (c) Quakertown 4th of July Fire Works; (d) Quakertown Halloween Parade; (e) all Fire Police district meetings and training courses; (f) the Bucks County Firemen's Parade; (g) the Perkasie Community Day Festival; (h) the annual Air Show; (i) the March of Dimes Walk-a-thon; (j) Crop Walk; (k) Fire Company Carnivals -- Dublin, Milford, Sellersville and Trumbauersville; (l) Sellersville Memorial Day Parade; (m) Quakertown Historical Society Market Day;

(n) East Rockhill Township Community Day; (o) Christmas Parades—Perkasie and Dublin; (p) any funeral in Bucks County for a municipal or county official, any law enforcement officer and any fireman or fire police officer; and, any other regional Fire Company request if approved by the Fire Chief and the Borough Manager; and

6. Any other event if approved by Quakertown Borough Council.

The Fire Policemen shall not be used or participate in any other event without the approval of Quakertown Borough Council. No other individuals shall be authorized to act as Fire Policemen.

Motion of Councilman Johnson, seconded by Councilman Rosenberger. 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 6-10 amending fuel depot upgrade, be adopted:

RESOLUTION NO. 6-10 ACCEPTING BID AND AWARDING CONTRACT TO FERGUSON & MCCANN, INC.

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of Ferguson & McCann, Inc. of Aston, Pennsylvania, in the amount of \$39,356.00 for fuel pump upgrade as per bid opened November 24, 2009, is hereby accepted. The contract is awarded to Ferguson & McCann, Inc. 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.

Councilman Erwin pointed out that Bucks County Water & Sewer Authority has agreed to pay up to \$38,000 for the fuel pump upgrade. Councilman Erwin stated that the fuel distribution system is used by the Borough, the Fire Department, St. Luke's Ambulance Service and Bucks County Water and Sewer will also fuel their vehicles at this location.

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

PARKS & RECREATION COMMITTEE

Councilman Williams indicated that there aren't any items for action under the Parks & Recreation Committee.

Manager McElree stated that the Boy Scout Venture Crew 185 is present in the audience tonight, participating in earning their Civic Duty Badge.

President Roberts declared the meeting adjourned at 8:15 p.m.

BOROUGH OF QUAKERTOWN

L. James Roberts, Jr.
President of Council

Attest:

Phyllis R. Ewing
Asst. Borough Secretary