

A regular meeting of the Borough Council of Quakertown was held July 10, 2019, 7:30 p.m.

The following members and officers were present: President Donald Rosenberger, Vice President James Roberts, Councilmembers Douglas Propst, Michael Johnson, David Wilsey, Jonathan Sell, Mae Wear, Solicitor Peter Nelson, Manager Scott C. McElree, Asst. Borough Secretary Kris Barndt. The Junior Councilmembers were absent.

RESOLVED, That, the Minutes of June 5, 2019, be approved as written. Motion of Vice President Roberts, seconded by Councilman Sell. A roll call vote was taken and the motion was unanimously carried.

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

May 24, 2019	\$ 12,062.35
May 30, 2019	16,759.37
June 7, 2019	620,266.53
June 14, 2019	29,565.73
June 19, 2019	532,197.32
June 28, 2019	87,620.29
June 28, 2019	237,541.58

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

There were no visitors that wished to speak.

HEALTH, SAFETY & WELFARE COMMITTEE

Councilman Johnson stated that there are not any items under the Health, Safety & Welfare Committee.

PUBLIC UTILITIES COMMITTEE

Councilman Wilsey stated that there are not any items under the Public Utilities Committee.

PUBLIC WORKS COMMITTEE

Councilwoman Wear stated that there are not any items under the Public Works Committee.

PARKS & RECREATION COMMITTEE

Councilman Propst indicated Jack Schick could speak regarding his event request.

Mr. Schick stated he is the President of the Quakertown Historical Society and that the Historic Society has received a Pennsylvania Museum and Historical Commission Historic Marker for the Richard Moore house and its underground railroad activities on South Main Street. There is an event scheduled for September 14, 2019 which will have a representative from the Museum Commission and a variety of other speakers attending. Many community organizations will be participating. The Historic Society is asking for the Borough's help with the installation of the marker and closure of Main Street during the event between Edgemont Avenue and Tenth Street. The dedication will be at 1:00 pm, so they would like the road closed from about 12:30 pm to 2:30 pm.

RESOLVED, That, the following Resolution 67-19, approving the Historical Society's request to hold Richard Moore Historical Marker Dedication Ceremony, be adopted:

RESOLUTION 67-19

WHEREAS, the Historical Society has been awarded a Historical Marker by the Pennsylvania Historical and Museum Commission to commemorate the Underground Railroad activities of the 19th Century Quakertown teacher and businessman Richard Moore; and

WHEREAS, the Quakertown Historical Society has requested to hold a Marker Dedication ceremony at the Richard Moore property located at 401 S. Main Street on September 14, 2019 from 8:00 am to 5:00 pm. The Historical Society wishes to use the Borough's parcels at S. Main Street and Moore's Court to hold the event, use of the band shell, use of barricades for traffic control, permission to close S. Main Street and use of the Borough's portable billboard/speed trailers to assist with traffic direction.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of the Historical Society to hold the Richard Moore Marker Dedication Ceremony on September 14, 2019 from 8:00 am to 5:00 pm and will assist with the band shell, barricades and billboard/speed trailers.

Motion of Councilman Propst, seconded by Vice President Roberts. A roll call vote was taken and the motion was unanimously carried.

President Rosenberger temporarily adjourned the Council meeting at 7:40 pm to open the Conditional Use Hearing for 1409 W. Broad Street. All members of Council were present.

There were no visitors wishing to speak at the hearing.

President Rosenberger reopened the Council meeting at 7:54 pm. Full transcript is on file in the administrative office.

PLANNING & ZONING COMMITTEE

RESOLVED, That, the following Resolution 71-19, approving additional twelve units at the previous Ribbon Factory at 1409 W. Broad Street, be adopted:

RESOLUTION 71-19

WHEREAS, 1409 West Broad, LLC., of New York, submitted a conditional use application for renovations including the addition of twelve additional units of the previous Ribbon Factory at 1409 W. Broad Street, Tax Map Parcels 35-002-042; and

WHEREAS, plans were approved by the Planning Commission on June 13, 2019; and

WHEREAS, 1409 West Broad, LLC is requesting a Conditional Use from Chapter 27 of the Borough's Codified Ordinances for this use within the Neighborhood Commercial Zoning District and the Pedestrian Oriented Mixed-Use Overlay District.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the Conditional Use of Parcel 35-002-042 for the additional twelve units.

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

RESOLVED, That, the following Resolution 70-19, approving request for sub-division of 324 Forrest Avenue, be adopted:

RESOLUTION 70-19

WHEREAS, John and Barbara Schlupp, owners of tax parcel 35-009-138, have filed a minor subdivision plan for 324 Forrest Avenue; and

WHEREAS, the Quakertown Planning Commission and the Bucks County Planning Commission have reviewed and recommended approval of the plan dated April 18, 2019;

NOW, THEREFORE BE IT RESOLVED by the Council of the Borough of Quakertown that the subdivision plan dated April 18, 2019 is approved with the following requested waivers:

1. Section 504.5 – A waiver is requested from the proposed lot line running Perpendicular to the right of way line. The property lines currently exist.
2. Section 506.1.A - A waiver is requested from widening the existing cartway. This is a minor subdivision and no development is proposed in conjunction with this plan.
3. Section 506.6.B – A waiver is requested from adding sidewalks along Penrose Street. This is a minor subdivision and no development is Proposed in conjunction with this plan.

4. Section 506.6.D – A waiver is requested from adding curbs along Penrose Street. This is a minor subdivision and no development is proposed in conjunction with this plan.
5. Section 507.1 & 2 – A waiver is requested from paving the existing alleyways to 20 feet and adding rights of way. All alleys surrounding the property, as well as, in front of the adjoining lots, are currently stone and adding paving would be inconsistent with the area. There is no proposed development in these locations.

The plan must be recorded in Bucks County within ninety (90) days.

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

REVENUE & FINANCE COMMITTEE

RESOLVED, That, the following Resolution 69-19, establishing an Animal/Services Policy, be adopted:

RESOLUTION 69-19

WHEREAS, the Borough has prepared an Animal/Services Policy established to provide emergency and temporary procedures that all employees, with the exception of police officers and other emergency first responders are required to not enter into any structure or onto any property by where they have reasonable suspicion that any animal who has the potential to cause harm and is not under the direct control of the property owner or designee thereof and/or not secured to the extent the animal can have contact with our employee.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Quakertown does hereby adopt the Animal/Services Policy dated July 3, 2019.

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

RESOLVED, That, the following Resolution 68-19, approving the change of labor attorney fee, be adopted:

RESOLUTION 68-19

RESOLVED, that the Council of the Borough of Quakertown wishes to retain Benjamin Pratt, Labor Attorney, previously with Obermayer,Rebman, Maxwell now with the firm of Kegel, Kelin, Almy & Lord of Lancaster, Pennsylvania.

Motion of Vice President Roberts, seconded by Councilman Propst. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the following Resolution 72-19, approving a project on behalf of the Lifequest obligated group and affiliates for purposes of Section 147 (f) of the Internal Revenue Code of 1986, be adopted:

RESOLUTION 72-19

A RESOLUTION APPROVING A PROJECT ON BEHALF OF THE LIFEQUEST OBLIGATED GROUP AND AFFILIATES FOR PURPOSES OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, on March 1, 2017, the Borough Council of the Borough of Quakertown (the "Borough Council") adopted a resolution approving the issuance of obligations by the Quakertown General Authority (the "Authority") for LifeQuest (the "Corporation") on behalf of itself, Valley Nursing and Rehabilitation Center (doing business as Mosser Nursing Home), TogetherCare, LifeSpan Day Care, LifeQuest Assisted Living Facility and LifeQuest Nursing Center (collectively, the "Obligated Group") of up to \$51,000,000 in aggregate principal amount of bonds designated "*Health Facilities Revenue Obligations, Series 2017 (LifeQuest)*" to finance: (i) the refunding of certain outstanding loans made to the Corporation and certain affiliates in order to finance, in part, the construction, renovation and equipping of certain facilities of the Corporation and certain affiliates; (ii) the construction, renovation and equipping of certain facilities of the Obligated Group; (iii) the financing of reserve funds and capitalized interest; and (iv) the costs of issuance of such obligations; and

WHEREAS, on July 27, 2017, at the request of the Corporation, the Authority issued \$40,260,000 in tax-exempt *Healthcare Facilities Revenue Bonds, Series 2017 (LifeQuest)* (the "Bonds"); and

WHEREAS, a portion of the proceeds of the Bonds was used to finance the costs of the construction, installation and equipping of existing and new facilities and renovations, expansions and improvements to existing and new facilities of LifeQuest Nursing Center and the Corporation, including, Units #6 and C-3 located at 2460 John Fries Highway in Milford Township, Quakertown, Bucks County (the "Units"); and

WHEREAS, the Borough Council has been informed by the Corporation that the Corporation would like to sell the Units to SKAOS, LLC for exclusively cash (the "Disposition Proceeds") and that the Corporation will use the Disposition Proceeds for capital projects in a manner that does not cause the Bonds to meet either the private business tests or the private loan financing test for purposes of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code") (collectively, the "Conveyance"); and

WHEREAS, the Borough Council has been informed by the Corporation that the Corporation intends to use the proceeds of the sale of the Units in a manner in compliance with Sections 1.141-12(a), 1.141-12(e)(1) and 1.141-12(e)(2) of the Treasury Regulations issued by the United States Internal Revenue Service so that the Bonds remain tax-exempt; and

WHEREAS, in accordance with Section 147(f) of the Code and Section 1.141-12(e)(2) of the Treasury Regulations issued by the United States Internal Revenue Service, a joint public hearing will be held on behalf of the Borough of Quakertown by the Authority, after proper advertisement; and

WHEREAS, Section 1.141-12(e)(2) of the Treasury Regulations issued by the United States Internal Revenue Service provides that transactions such as the Conveyance must satisfy Section 147 of the Code in order for the Bonds to remain tax-exempt; and

WHEREAS, Section 147(f) of the Code requires that the applicable elected representative of the governmental unit on behalf of which bonds or notes are issued and of each governmental unit having jurisdiction over the area in which any facility, with respect to which financing is to be provided from the net proceeds of such bonds, is located, approve bonds or notes after a public hearing in order for a private activity bond to be a "qualified bond" under the Code; and

WHEREAS, the Borough Council, as the elected legislative body of the Borough of Quakertown which created the Authority, is the applicable elected representative of the Authority which issued the Bonds.

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

The Conveyance is hereby approved pursuant to the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended; provided, however, that no liability or obligation, financial or otherwise, shall be imposed upon the Borough of Quakertown by virtue of the enactment of this Resolution.

The proper officials of the Borough of Quakertown and the Borough Council are hereby authorized to take such actions as are necessary or appropriate in connection herewith.

The approvals and declarations in this Resolution shall in no way pledge or otherwise obligate the credit or taxing power of the Borough of Quakertown, nor shall the Borough of Quakertown be liable for the payment of principal of or interest or premium, if any, on the Bonds.

All actions taken in conformity with the intents and purposes of this Resolution are ratified, confirmed, and approved in all respects.

This Resolution shall take effect immediately. All prior resolutions or ordinances or portions thereof inconsistent herewith are hereby repealed.

Motion of Vice President Roberts, seconded by Councilman Wilsey. A roll call vote was taken and the motion was unanimously carried.

Councilman Propst announced upcoming events for the month.

President Rosenberger declared the meeting adjourned at 8:14 p.m.

BOROUGH OF QUAKERTOWN

Donald E. Rosenberger
President of Council

Attest:

Scott C. McElree
Borough Secretary