

A regular meeting of the Borough Council of Quakertown was held June 3, 2020, 7:30 p.m. Due to the Covid-19 epidemic, the public was instructed to wait downstairs in the Borough Hall lobby. An audio feed of the live meeting was placed in the lobby for the public to listen to the entire meeting. Doug Wilhelm, Code Officer managed the lobby area and confirmed the meeting was audible.

The following members and officers were present: President Donald Rosenberger, Vice President James Roberts, Councilmembers Douglas Propst, Michael Johnson, Jonathan Sell, David Wilsey, Manager Scott C. McElree and Asst. Borough Secretary Kris Barndt. Councilwoman Mae Wear, Solicitor Peter Nelson and Junior Councilmembers Amanda Banes and Mason Smith were absent. If any visitors wanted to speak, they were able to go upstairs one at a time and kept at doorway with a podium and microphone for comment.

RESOLVED, That, Council minutes of May 6, 2020 and continued minutes of May 20, 2020 be approved as written. Motion of Vice President Roberts, seconded by Councilman Johnson. A roll call vote was taken and the motion was unanimously carried. Councilwoman Wear absent.

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

April	24, 2020	\$	113,155.46
May	1, 2020		21,054.61
May	8, 2020		164,629.95
May	15, 2020		427,142.23
May	22, 2020		49,086.95
May	28, 2020		263,973.86

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

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

Visitors:

There were no visitors wanting to speak on any agenda items.

PLANNING & ZONING COMMITTEE

RESOLVED, That, the following Resolution 50-20, Outdoor Sales of Food and Merchandise During the Covid-19 Pandemic, be adopted:

RESOLUTION 50-20

A RESOLUTION OF THE BOROUGH COUNCIL OF QUAKERTOWN BOROUGH ESTABLISHING GUIDELINES AND POLICIES FOR OUTDOOR SALES OF FOOD AND MERCHANDISE DURING THE COVID-19 PANDEMIC

WHEREAS, Governor Wolf issued a Proclamation of Disaster Emergency on March 6, 2020, authorizing political subdivisions to act as necessary within the powers conferred by the Proclamation of Disaster Emergency to meet the exigencies of the emergency; and

WHEREAS, on May 1, 2020, the Governor's Office presented a plan entitled Process to Reopen Pennsylvania which will ease social gathering restrictions in phases based upon public health indicators while requiring ongoing compliance with Centers for Disease Control and Pennsylvania Department of Health guidance for social distancing and workplace safety; and

WHEREAS, federal and state health and regulatory agencies have called for the implementation of safety measures, such as increased workplace ventilation, increased physical distance between employees and customers, and alteration of hours based on building size and number of employees; and

WHEREAS, such safety measures would be advanced and made more effective by the temporary allowance of outdoor dining and outdoor commercial activity provided such dining and activity occurs consistent with all other state and federal statutes, regulations, and orders.

NOW THEREFORE, BE IT RESOLVED, that the Borough Council of Quakertown Borough hereby establishes the following guidelines and policies for outdoor dining and the outdoor sale of merchandise for a period of ninety (90) days in areas of properties where such activities might otherwise be prohibited by existing Borough ordinances and regulations:

1. A business or organization seeking to use outdoor space to conduct commercial activity and/or dining shall be responsible for compliance with all county, state, and federal ordinances, statutes, rules, regulations, and orders, including, but not limited to, those concerning the COVID-19 Pandemic and requirements relating to outdoor dining. In particular, the attached Guidelines concerning outdoor dining and retail distributed by the Bucks County Department of Health shall be fully complied with.
2. A business or organization seeking to use outdoor space to conduct commercial activity and/or dining shall be responsible for obtaining permission from the landlord or owner of the property.
3. If a business or organization uses part of a sidewalk, the business/organization shall allow sufficient space for pedestrians and handicapped individuals to traverse the sidewalk providing a pathway width of at least 6 feet.

4. If a business or organization uses spaces in a parking lot, the business/organization shall provide safe separation between its employees/customers and vehicles by the placement of physical barriers visible to drivers such as barricades, walls, or large planters. No handicapped parking area shall be used to conduct outdoor commercial activity or dining.
5. A business or organization seeking to use outdoor space to conduct commercial activity and/or dining shall abide by the nuisance provisions and regulations set forth in the Borough Code.
6. A business or organization seeking to use outdoor space to conduct commercial activity and/or dining shall apply for and receive a permit for such activity/dining from the Borough prior to establishing this use upon the proposed outdoor space. Along with a completed application prepared upon the appropriate Borough form, the applicant shall provide a site plan showing the location of the outdoor space proposed to be used for this activity/dining and compliance with the requirements of this Resolution. If necessary, proof of permission from the landlord or owner of the property shall also be submitted. No fee shall be charged for this permit.
7. This Resolution and its authorization to conduct commercial activity and/or dining in outdoor spaces shall automatically expire ninety (90) days after its effective date. All permits issued under this Resolution shall expire at that time also.

OUTDOOR RETAIL TENT GUIDELINES

- Municipalities must approve the plans/location first.
- 25 person capacity including employees.
- Social distancing must be adhered to.
- All persons including employees must wear masks.
- All sides of the tents must remain up so air can pass through the tent.
- Considerations for pedestrian traffic must be evaluated to ensure social distancing.

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

Manager McElree mentioned this Resolution falls under the Zoning Code and would be enforced by the Zoning Department.

REVENUE & FINANCE COMMITTEE

Vice President Roberts stated that there are not any items under the Revenue & Finance Committee.

HEALTH, SAFETY & WELFARE COMMITTEE

The proposed Noise Ordinance with an added measured decibel component amending Chapter 10 of the Borough Code to create a new Part 4, prohibiting the use of a loudspeaker or other form of sound amplification by Pennsylvania Liquor Control Board licensees was discussed. Councilman Johnson suggested the specified time should be increased to 10:00 am from 9:00 am Monday through Friday.

Manager McElree mentioned this Ordinance covers the PMOU (Pedestrian Oriented Mixed Use Overlay) zone and that the Park at 4th will be added to it.

If this Ordinance is acceptable with Council, it will be advertised and after approval a public hearing will be scheduled with the Liquor Control Board. Manager McElree added this Ordinance would take issues out of the Liquor Control Board's hands and place it with the Police Department. Manager/Chief McElree also suggested to take the Maximum Permitted Decibels (as measured in Continuous Slow Meter Response) table out of the Ordinance and he would create a Police Policy.

ORDINANCE 1228

AN ORDINANCE AMENDING CHAPTER 10 OF THE QUAKERTOWN BOROUGH CODE TO CREATE A NEW PART 4 PROHIBITING THE USE OF A LOUDSPEAKER OR OTHER FORM OF SOUND AMPLIFICATION BY PENNSYLVANIA LIQUOR CONTROL BOARD LICENSEES UNLESS OTHERWISE EXEMPTED.

Upon review and recommendation of the Borough Solicitor and Staff, the following Ordinance Amendment is hereby **ENACTED** and **ORDAINED** by the Quakertown Borough Council, as follows:

ARTICLE I NOISE REGULATIONS

Chapter 10 of the Quakertown Borough Code shall be amended to create a new Part 4 called which shall read as follows:

Part 4 Noise Regulations for Alcohol Serving Establishments

§401 Unlawful Amplification.

A Pennsylvania Liquor Control Board ("**LCB**") Licensee may not use or permit to be used inside or outside of the licensed premises a speaker, loudspeaker, megaphone, amplifier, musical instrument, or any similar device, whereby the sound from such device exceeds 40 Decibels as measured in continuous slow meter response at the boundary line of the Licensee's property.

§402 Exemption.

Any LCB Licensee that is located in an area which is subject to an exemption from the LCB's regulation of amplified sound being heard off the licensed premises shall be exempt from compliance with Section §10-401 until the expiration of the LCB's order granting the exemption. A map of the Borough showing such currently exempted areas is on file at the Quakertown Borough Hall.

§403 Prohibitions for Exempt Licensees.

No LCB Licensee exempt from §10-401 under the terms of §10-402 shall create or permit the creation of any noise or sound nor operate nor cause the operation of any source of noise or sound on property owned, leased, occupied or otherwise controlled by such Licensee which causes the sound level, when measured at or beyond the boundaries of such property, to exceed the maximum permitted decibels specified below during the days and times indicated.

Day of the Week	Time	Maximum Permitted Decibels (As measured in Continuous Slow Meter Response)
Monday – Thursday	Between 12 A.M. (Midnight) and 9 A.M. & Between 11 P.M. and 12 A.M. (Midnight)	50 Decibels
Monday – Thursday	Between 9 A.M. and 11 P.M.	75 Decibels
Friday	Between 12 A.M. (Midnight) and 9 A.M.	50 Decibels
Friday	Between 9 A.M. and 12 A.M. (Midnight)	75 Decibels
Saturday and Federal Holidays	Between 12 A.M. (Midnight) and 10 A.M.	50 Decibels
Saturday and Federal Holidays	Between 10 A.M. and 12 A.M. (Midnight)	75 Decibels
Sunday	Between 12 A.M. (Midnight) and 10 A.M. & Between 11 P.M. and 12 A.M. (Midnight)	50 Decibels
Sunday	Between 10 A.M. and 11 P.M.	75 Decibels

§404 Enforcement.

The Quakertown Borough Police Department and the Quakertown Borough Code Enforcement Officer are hereby authorized to enforce the provisions of this Part 4.

§405 Penalties.

Any LCB Licensee which shall violate any provision of this Part 4 shall be guilty of a summary offense and, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000.00. Each day in which a violation occurs shall constitute a separate penalty.

Councilman Johnson mentioned Junior Councilperson Amanda Banes has aged out of the Junior Council Program and when the Covid-19 restrictions allows a larger assembly of people, she will be recognized at an upcoming Council meeting.

PUBLIC UTILITIES COMMITTEE

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

PUBLIC WORKS COMMITTEE

President Rosenberger stated that there are not any items under the Public Works Committee.

Councilman Johnson asked if there is a list of locations for the Hero Flags hanging on the poles so people can find the ones they purchased. Manager McElree stated he would look into it.

PARKS & RECREATION COMMITTEE

RESOLVED, That, the following Resolution 47-20, accepting the proposed design concept for the Panther Playground renovation, be adopted:

RESOLUTION 47-20

WHEREAS, at a Borough Council meeting on May 20, 2020, Matt Burns, a representative of Kompan, Inc. made a presentation to Council explaining the features and proposed concept design of a new "Panther Playground"; and;

WHEREAS, Borough Council considers the basic design, features and location of the proposed playground to be generally within the expectation of Council; and

WHEREAS, Council wants representatives of our Administration to make several on-site inspections of Kompan facilities already in use in order to ascertain the durability of color and other features of Kompan equipment; and

WHEREAS, the funding of this project is to be augmented by grants, donations or other financing sources; and

WHEREAS, Council wants this playground project to move forward, therefore be it.

NOW THEREFORE BE IT RESOLVED, That the Borough Council of the Borough of Quakertown, with certain conditions to be met, deems the proposal from Kompan, Inc. now numbered SP73691, to be favorable for further consideration and discussion.

BE IT FURTHER RESOLVED, That, Council directs the Borough Manager to acquire factual reports on the several Kompan facilities to be inspected by our representatives and that the Manager also provides a comprehensive plan for the financing of this Panther Playground project.

AND BE IT FURTHER RESOLVED, That, the Borough Manager undertake a study in which the costs of the project can be reduced by various means.

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

Councilman Wilsey feels there is a necessity for fencing around the playground. President Rosenberger stated he would like a comprehensive cost estimate to include fencing and landscaping. Manager McElree replied there will be a report of the longevity of the playground equipment included with a final design with the entire site plan including fencing, accessways, lighting and also a complete cost analysis

RESOLVED, That, the following Resolution 48-20, recognizing July as Parks & Recreation month, be adopted:

RESOLUTION 48-20

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including the Borough of Quakertown; and

WHEREAS, our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and improve the mental and emotional health of all citizens; and

WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, the Borough of Quakertown recognizes the benefits derived from parks and recreation resources.

NOW THEREFORE, BE IT RESOLVED BY the Council of the Borough of Quakertown that July is recognized as Park and Recreation Month in the Borough of Quakertown.

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

Vice President Roberts made a motion to lift from the table Resolution 45-20, relocating the ice skating rink, from May 20, 2020's continued Council meeting, seconded by President Rosenberger. A roll call vote was taken and the motion was unanimously carried. Councilwoman Wear absent.

Councilman Propst stated Joe Murgia of Public Works is working on negotiations for a donation of materials to install an inline skating rink in the Main Street Action Park which would start as a roller/inline hockey area, from the paving company who is currently doing the Borough's street paving project. If Council is in acceptance with the inline skating rink concept at the Main Street Park, that would give time to address the issues and get costs for the issues at the current ice skating pond at 4th Street.

Below is tabled Resolution 45-20 from the continued meeting on May 20, 2020.

RESOLUTION 45-20

WHEREAS, for years the Borough of Quakertown has offered an area located in Memorial Park for ice skating during winter months; and

WHEREAS, the Borough has the opportunity to facilitate the relocation for wintertime ice skating to a more beneficial area at Main Street Action Park.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown does hereby authorize the Borough Manager to proceed with the plans to relocate the ice skating area to the Main Street Action Park.

Councilman Propst made a substitute motion, seconded by Vice President Roberts to modify Resolution 45-20 as follows:

RESOLVED, That, the following Resolution 45-20, installing an inline skating area in the Main Street Action Park, be adopted:

RESOLUTION 45-20

WHEREAS, the opportunity has been presented to the Borough of Quakertown to build a paved inline skating rink at the Main Street Action Park; and

WHEREAS, the cost of the inline skating rink will be covered by vendor donations and the use of Borough labor and equipment.

NOWHEREFORE, BE IT RESOLVED, that, the Council of the Borough of Quakertown does hereby authorize the Borough Manager to proceed with the plans to build the inline skating rink at the Main Street Action Park.

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

President Rosenberger questioned if this paved inline rink can also be doubled for a frozen hockey/skating rink in the winter and then in summer used to play street hockey or inline skate on it. Councilman Propst replied yes and has heard there is an interest in an inline rink since the new skateboard park is being constructed.

This modified resolution will not change anything at the icing skating pond on 4th Street and those issues will be dealt with separately in the future.

RESOLVED, That, the following Resolution 49-20, Miss Cindy's School of Dance request for use of the amphitheater, be adopted:

RESOLUTION 49-20

WHEREAS, Cindy Johnston of Miss Cindy's School of Dance has requested to use the Univest Performance Center and trailer for her school's dance recitals on Thursday, July 23, Friday, July 24 & Saturday, July 25 (rain dates August 6,7 & 8, 2020) from 8:00 am to 9:00 pm with shows being from 3:00 pm to 8:00 pm provided the Governor's conditions and executive orders are permissible at these dates. A cleaning fee of \$75.00 will be charged for the trailer in addition to the rental fee for the amphitheater.

BE IT RESOLVED, That, the Council of the Borough of Quakertown grants Cindy Johnston's request for use of the Univest Performance Center and trailer on July 23, 24 & 25 with the above rain dates pending the Governor's restrictions at the specified dates and that the Borough is an additional insured on the insurance.

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

Councilman Propst announced the Parks & Recreation Department has a plan to open the pool June 27, 2020 under the state COVID guidelines. There was a pool survey sent out to get various feedback if residents would like the pool open with restrictions. Council received a diagram of the

pool layout allowing 6 feet distance between social squares in the grassy area along with the membership and daily pass pricing. Solicitor Nelson will work on a disclaimer to be signed by patrons of the pool.

Motion of Vice President Roberts, seconded by Councilman Propst to authorize the Borough Manager to develop plans for the possible opening of the pool on June 27, 2020 under specific rules developed for Covid-19 and to allow the modification of the existing fee schedule. A roll call vote was taken and the motion was unanimously carried. Councilwoman Wear absent.

President Rosenberger declared the meeting adjourned at 9:15 p.m.

BOROUGH OF QUAKERTOWN

Donald E. Rosenberger
President of Council

Attest:

Scott C. McElree
Borough Secretary