

A regular meeting of the Borough Council of Quakertown was held November 4, 2020, 7:35 p.m.

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

RESOLVED, That, Council minutes of October 7, 2020 and the Work Session Minutes of September 28, 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.

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

October	2, 2020	\$ 921,521.22
October	9, 2020	146,208.51
October	15, 2020	489,457.64
October	23, 2020	24,457.31
October	29, 2020	208,334.76

Motion of Councilman Propst, seconded by Councilman Sell. 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 wanting to speak on any agenda items.

President Rosenberger temporarily adjourned the Council meeting at 7:40 pm to open the Conditional Use Hearing for the property at 25 S. Second Street, owner Elan Shirman. The Conditional Use Hearing was properly advertised.

All members of Council were present. Solicitor Nelson conducted the hearing.

President Rosenberger re-opened the Council meeting at 8:06 pm.

Full transcript is on file in the administrative office.

### **PLANNING & ZONING COMMITTEE**

Councilman Sell made a motion to accept Elan Shirman's Conditional Use for 25 S. Second Street with the provision that the applicant develops the property in conformance with the evidence which was presented tonight. Motion seconded by Councilman Propst. A roll vote was taken and the motion was unanimously carried.

Solicitor Nelson will compose the Decision and Order which Council will vote on next month.

Councilman Sell stated that there are not any items under the Planning & Zoning Committee.

**REVENUE & FINANCE COMMITTEE**

RESOLVED, That, the following Resolution 77-20, change of the sewer tapping fee (EDU), be adopted:

RESOLUTION 77-20

WHEREAS, the Borough of Quakertown has experienced costs for providing and processing the wastewater utility; and

WHEREAS, from time to time the Borough of Quakertown re-evaluates the tapping fee (EDU).

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Quakertown hereby adopts the below calculated tapping fee (EDU) as provided by SC Engineers, Inc.

**TAPPING FEE CALCULATION SUMMARY**

<b>Description</b>	<b>Eligible</b>	<b>Tapping Fee</b>		<b>Basis</b>
	<b>2020</b>	<b>(\$/gpd) <sup>(1)</sup></b>	<b>(\$/EDU) <sup>(2)</sup></b>	
	<b>Cost</b>			
<b>1 CAPACITY PORTION</b>				
Wastewater Treatment Plant (WWTP)				
Existing Facilities	\$46,137,000	\$12.01	\$2,879	2008 calcs. updated
Plant Expansion	\$10,000,000	\$2.60	\$624	Future facilities
Interceptor Sewers	\$3,323,500	\$0.87	\$207	Replacement cost
<b>Total: Capacity Portion</b>	<b>\$59,460,500</b>	<b>\$15.48</b>	<b>\$3,710</b>	
<b>2 COLLECTION PORTION</b>				
Quakertown Collector Sewer System	\$44,860,000	\$11.68	\$2,799	2008 calcs. updated
<b>TOTAL</b>	<b>\$104,320,500</b>	<b>\$27.17</b>	<b>\$6,509</b>	

**Notes:**

(1) Capacity of WWTP is based on 3.84 mgd Avg. Annual capacity in NPDES permit.

(2) Unit wastewater flow is set at 240 gpd/EDU, based on the following:

Average Household Size is 2.66 persons/household for Bucks County, according to 2010 Census and unit wastewater flow of 90 gal/person/day.

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

RESOLVED, That, the following Resolution 78-20, change of the sewer tapping fee (EDU), amending the 2020 Fee Schedule be adopted:

#### RESOLUTION 78-20

WHEREAS, Resolution 1-20 was adopted on January 6, 2020, and established the fees associated with Borough services for the year 2020; and

WHEREAS, the Borough wishes to amend the following fee:

*Sewer Department* – Sewer Tapping Fee:

Per Equivalent Dwelling Unit (EDU) Fee:           \$ 6,509.00

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Quakertown wishes to amend the 2020 Fee Schedule to reflect the above listed fee.

Motion of Vice President Roberts, 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 69-20, dispose of listed Police Department documents, be adopted:

#### BOROUGH OF QUAKERTOWN DISPOSITION OF MUNICIPAL RECORDS RESOLUTION 69-20

WHEREAS, the Borough of Quakertown declares its intent to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual approved July 16, 1993, and;

WHEREAS, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Quakertown, Bucks County, Pennsylvania, in accordance with the above cited Municipal Records Manual, hereby authorizes the disposition of the following public records:

#### Police Department

- Dispositions-2012-2013
  - Right to Know Forms: 2015-2017
  - Phone Logs: 8/10/17-5/23/2018
  - Offenses-1984: 641-940, 941-1036
  - Incident Property Logs-2000
- Incidents-2000: I-00-0001-I-00-7050, Incidents-2002: 1-02-0002-1-02-1162. Not including the following due to either containing death, overdose, missing person investigation or if it pertains to certain criminal cases (murder, rape) in an outside jurisdiction. In addition, cases are held if we still have evidence on file.

1-00-0075	1-00-4196	1-00-5863	1-00-1545	1-00-4722	1-00-6457
1-00-0313	1-00-4291	1-00-5879	1-00-1643	1-00-4779	1-00-6492
1-00-0352	1-00-4333	1-00-5898	1-00-1819	1-00-4800	1-00-6504
1-00-0462	1-00-4417	1-00-5992	1-00-2415	1-00-4833	1-00-6519
1-00-0805	1-00-4507	1-00-6029	1-00-2442	1-00-4905	1-00-6604
1-00-1021	1-00-4528	1-00-6106	1-00-2475	1-00-4976	1-00-6613
1-00-1052	1-00-4577	1-00-6167	1-00-2520	1-00-4997	1-00-6621
1-00-1277	1-00-4692	1-00-6176	1-00-2579	1-00-5020	1-00-6660
1-00-1504	1-00-4717	1-00-6177	1-00-2725	1-00-5076	1-00-6679
1-00-2759	1-00-5301	1-00-5726	1-00-5837	1-00-6772	1-00-6790
1-00-2783	1-00-5439	1-00-5727	1-00-6965	1-00-6984	1-00-3127
1-00-2891	1-00-5554	1-00-5774	1-00-2921	1-02-0009	1-02-0030
1-02-0055	1-02-0085	1-02-0095	1-02-0198	1-02-0246	1-02-0343
1-02-0419	1-02-0822	1-02-0802	1-02-0820	1-02-0822	1-02-1231

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

RESOLVED, That, the following Resolution 73-20, John Rivers Memorial VFW's request for the Borough to participate in the Witting Tree Program, be adopted:

RESOLUTION 73-20

WHEREAS, a request was received from the John Rivers Memorial VFW Post 11322 for the Borough to participate in a program which will be running from November 7, 2020 through November 11, 2020 called the "Witting Tree" which pertains to a group of concerned veterans and committed citizens called The Compass Circle who are active in supporting veterans who suffer from the wounds of war; and

WHEREAS, the "Witting Tree" identifies a tree in a public setting and the tree is used to display blank dog tags that represent the loss of veterans to suicide.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown permits the John Rivers VFW to participate with the Borough in the Witting Tree program at a predetermined tree on Borough property.

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

RESOLVED, That, the following Resolution 71-20, supporting the Petition for Exemption from the Pennsylvania Liquor Code Section 493(34) and for application of Ordinance No. 1229 in lieu, be adopted:

RESOLUTION 71-20

A RESOLUTION IN SUPPORT OF THE PETITION FOR EXEMPTION FROM PENNSYLVANIA LIQUOR CODE SECTION 493(34) AND FOR APPLICATION OF ORDINANCE NO. 1229 IN LIEU.

WHEREAS, on September 2, 2020, the Borough Council of the Borough of Quakertown ("Borough Council") adopted an Ordinance No. 1229 regulating the noise and sound emanating from Pennsylvania Liquor Control Board licensee properties; AND

WHEREAS, Ordinance No. 1229 reflects the community goals of Quakertown Borough while protecting the health, safety, and welfare of its residents; AND

WHEREAS, Pennsylvania Liquor Code Section 493(34) (47 P.S. §4-493(34)) prohibits Pennsylvania Liquor Control Board (“PLCB”) licensees from allowing amplified music, entertainment, or advertisements to be heard beyond the licensee’s property line; AND

WHEREAS, Quakertown Borough Council finds it is in the best interest of the community that it petition the PLCB for an exemption from Pennsylvania Liquor Code Section 493(34) and, instead, enforce Ordinance No. 1229 in the entirety of Quakertown Borough (“Petition”); AND

WHEREAS, under the provisions of the Pennsylvania Liquor Code, a public hearing will be held within Quakertown Borough on the Petition before a hearing examiner from the PLCB and after public notice; AND

WHEREAS, the Pennsylvania Liquor Control Board will determine whether the granting of the Petition will have an adverse effect on the welfare, health, peace and morals of the residents living in the vicinity of Quakertown Borough as well as whether any conditions should attach to exemption from Pennsylvania Liquor Code Section 493(34).

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Quakertown that it supports the Petition for Exemption from Pennsylvania Liquor Code Section 493(34) substantially in the form attached hereto and incorporated as “*Exhibit 1*”.

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

A motion was made by Councilman Johnson to file the Petition with the Pennsylvania Liquor Control Board, seconded by Councilman Propst. A roll call vote was taken and the motion was unanimously carried.

Councilman Johnson mentioned he received positive feedback for Council starting Halloween earlier this year.

### **PUBLIC UTILITIES COMMITTEE**

RESOLVED, That, the following Resolution 79-20, awarding bid for The Electric Switch Upgrade Project to The Tri-M Group, LLC, be adopted:

#### **RESOLUTION 79-20 ACCEPT BID AND AWARD CONTRACT**

RESOLVED, by the Council of the Borough of Quakertown, That, the following bid be accepted and contract awarded to The Tri-M Group, LLC. of Kennett Square, Pennsylvania for the 2020 Electric Switch Upgrade Project, in the amount of \$112,612.00. The contract is awarded in accordance with bids solicited through Costar and opened on October 23, 2020. The Borough Manager is hereby authorized to execute the said contract on behalf of the Borough of Quakertown.

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

## **PUBLIC WORKS COMMITTEE**

RESOLVED, That, the following Resolution 72-20, awarding bid to Blooming Glen Contractors for the School Alley Reconstruction Project, be adopted:

### **RESOLUTION 72-20**

RESOLVED, by the Council of the Borough of Quakertown, That, the bid for the School Alley Reconstruction Project be accepted and awarded to Blooming Glen Contractors, Inc. of Perkasio, Pennsylvania, in the amount of \$28,998.85 in accordance with the bids opened October 13, 2020. The Borough Manager is hereby authorized to execute the said contract on behalf of the Borough of Quakertown.

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

## **PARKS & RECREATION COMMITTEE**

RESOLVED, That, the following Resolution 75-20, East Swamp Church's request to use the amphitheater for their Christmas Eve service, be adopted:

### **RESOLUTION 75-20**

WHEREAS, Sabina Kineen of East Swamp Church has requested to use the Univest Performance Center for their Christmas Eve service on Thursday, December 24, 2020 provided the Governor's conditions and executive orders are permissible at that date.

BE IT RESOLVED, That, the Council of the Borough of Quakertown grants East Swamp Church's request to use the Univest Performance Center on December 24, 2020 pending the Governor's restrictions and that the Borough is an additional insured on the insurance.

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

RESOLVED, That, the following Resolution 74-20, Diane Medeiros Academy of Dance's request to use the amphitheater for dance recitals, be adopted:

### **RESOLUTION 74-20**

WHEREAS, Christine Grady of Diane Medeiros Academy of Dance has requested to use the Univest Performance Center for her school's dance recitals on Saturday, June 5, Wednesday, June 9, Thursday, June 10 & Saturday, June 12, 2021 (rain dates June 10 & 12, 2021) provided the Governor's conditions and executive orders are permissible at these dates.

BE IT RESOLVED, That, the Council of the Borough of Quakertown grants Christine Grady's request for use of the Univest Performance Center on June 5, 9, 10 & 12, 2021 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 Councilman Sell. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the following Resolution 76-20, a request from Charles Hafler, Jr. of the Banks of Doom band to use the amphitheater for a charity concert, be adopted:

RESOLUTION 76-20

WHEREAS, a request was received from Charles Hafler, Jr., a member of the Banks of Doom Band of Quakertown, to hold a 50<sup>th</sup> Class Reunion followed by a charity concert benefiting "The Drop" at the Univest Performance Center.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown, grants the request of Charles Hafler, member of the Banks of Doom Band, to hold a class reunion followed by a concert on June 19, 2021. The class reunion will be 3:00 pm to 6:00 p.m. and charity concert from 6:00 pm to 9:00 pm pending the Governor's restrictions at that specific date and they add the Borough as an additional insured on their insurance.

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

Councilman Propst mentioned The Trolley Barn will be opening on Friday, November 6, 2020.

President Rosenberger announced that Council will meet in an Executive Session after this Council meeting for the purposes of matters of personnel.

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

BOROUGH OF QUAKERTOWN

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Donald E. Rosenberger  
President of Council

Attest:

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Scott C. McElree  
Borough Secretary