

A regular meeting of the Borough Council of Quakertown was held June 2, 2021, 7:30 p.m.

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

RESOLVED, That, the Council Minutes of May 5, 2021 & Work Session Minutes of April 26, 2021 be approved as written. 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 check registers be approved for payment:

April	30, 2021	\$	28,322.46
May	7, 2021		226,288.01
May	14, 2021		483,463.99
May	21, 2021		21,127.91
May	25, 2021		264,470.36

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

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.

Visitors:

Stephen Biddle, 130 S. Main Street, would like to speak regarding a future car show which is scheduled to take place in the Borough.

A zoom presentation was held with various representatives from Myrtha Pools USA to review their proposal for the Borough public pool. The pool is eighteen years old and Myrtha Pools originally built it. Their proposal is to completely rehabilitate the pool, putting it in like-new condition. The Borough has asked Myrtha Pools to take a look at expanding the facility and incorporate potentially other bodies of water and other water features, which is currently in the planning phase. This work is proposed to be completed in conjunction with the renovations of the existing pool. Myrtha would plan to start working on the pool rehabilitation within the next two months, as soon as they would get approval from the Borough. The additional expansion would have to go through the design permitting process.

President Rosenberger asked if the rehabilitation were to begin in August when could the Borough open the pool next year. Myrtha stated the Borough asked for two separate schedules, one being for the remediation of the existing pool which they are ready to start but need thirty days lead time to get materials and labor. That work can be started and finished in one month. The expansion of the facility is more time consuming because of the design and permitting process. The Borough has asked for both processes to run in parallel and both projects to be completed in order to open up the facility combined and finished for Memorial Day 2022.

President Rosenberger asked what the length and coverage of the warranty would be. Myrtha's representative explained the structural warranty on the existing steel currently in the pool is still intact which has a twenty five year warranty from the date of the installation which was eighteen years ago. Myrtha will re-extend that warranty for an additional ten years. All of the new components that will be installed such as pvc finishes, markings and coping will be a day one new ten year warranty.

Manager McElree asked what the life expectancy of the pool would be. Myrtha replied in an outdoor environment that is high UV, which Quakertown falls under that category, the pvc components should last another twenty to thirty years from the day it is completed. This range depends on the water chemistry. The structural steel will never change.

President Rosenberger asked if the supply chain is doing okay in the pool industry. Myrtha answered yes, they have resources being the largest pool manufacturer in the world. The only exception would be if the Borough were to select specific toy equipment or specific accessories which are uncommon.

Manager McElree mentioned if Council indicates that the Manager should move forward, the Borough's Solicitor and Myrtha are presently working on the completing the contract such as prevailing wages, this would be brought back to the Work Session as a possible action item in July. A meeting is scheduled this week to discuss the expansion project such as a baby pool, a new slide, a climbing wall and splash pad. Manager McElree believes he will be prepared to bring that to the Work Session as well and possibly Myrtha can start on the project in August and parallel that work to get it completed by next season.

Councilman Wilsey mentioned on hot days there is not enough shade and suggested serious consideration for shade structures.

President Rosenberger asked if a contract with Myrtha would be ready this month then this current meeting could be adjourned to the June's Work Session so that item can be voted on and the project could get started. Solicitor Nelson explained tonight Council could pass a motion advising Myrtha to move ahead pending the finalization of the contract that will be approved at the June Work Session giving Myrtha their lead time to get started.

Manager McElree stated the quotation to rehabilitate the pool is \$300,000.00 which does not include the prevailing wage or some of the cost of the bonds.

RESOLVED, That, the following Resolution 73-21, authorization for the Borough Manager and Solicitor to proceed with negotiations with Myrtha Pools USA for the pool project, be adopted:

#### RESOLUTION 73-21

WHEREAS, Borough Council has determined and has financially provided for the construction improvements and other enhancements of our public swimming pool; and

WHEREAS, it is the intent of the Council to proceed as quickly and efficiently as possible to reasonably assure that the construction project be completed in time for opening of the 2022 summer season; and

WHEREAS, it is apparent to Borough Council and Administration that consideration of a construction quote and proposal from Myrtha Pools USA, Inc. (the company who has previously done major construction to the pool in 2003), is in the best interest of Quakertown Borough; then be it

RESOLVED, that the Borough Manager and Solicitor are authorized to proceed with the necessary contractual negotiations with Myrtha Pools USA, Inc. thus reflecting the intention of Borough Council to proceed with construction of the swimming pool as per the quote offered by Myrtha, which is not to exceed \$350,000.00, and further

RESOLVED, that the Borough Manager and Solicitor are also authorized to postpone any immediate action with the Myrtha Pools USA, Inc. should desired terms not be attained.

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

Councilman Wilsey agrees it is uncomfortable for Council to have a pool that is closed and totally inactive.

Councilwoman Wear also expressed the sooner the project can start it will save money because of the rise in building supplies.

### **PARKS & RECREATION COMMITTEE**

RESOLVED, That, the following Resolution 65-21, Jeff Johnston's request to use the amphitheater for a concert to benefit the food pantry, be adopted:

#### **RESOLUTION 65-21**

WHEREAS, Jeffrey Johnston of Quakertown has requested to use the Univest Performance Center for a free concert to benefit the food pantry on Friday, June 18, 2021 from 2:00 pm to 10:00 pm.

BE IT RESOLVED, That, the Council of the Borough of Quakertown grants Jeffrey Johnston's request for use of the Univest Performance Center on June 18, 2021, pending the Governor's restrictions at that specified date and that the Borough is an additional insured on his 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 69-21, Quakertown Fire Department's request to hold a carnival, be adopted:

#### **RESOLUTION 69-21**

WHEREAS, a request was received from the Quakertown Fire Department to use the stoned parking lot and skate pond area of Memorial Park for the Fire Department Carnival to be held July 31, 2021 through August 7, 2021 and use of the Borough's band shell and dunk tank for this event; and

WHEREAS, fireworks would be held on Friday, August 6, 2021 following Borough codes and proper permits are obtained.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of the Quakertown Fire Department to use Memorial Park for a carnival and the use of the band shell and dunk tank, fees waived as per adopted Resolution 19-06 for certain civic or charitable events, and also to hold fireworks provided that the Borough is added as 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.

Councilman Propst announced the Action Skate Park's ribbon cutting will be June 11<sup>th</sup>.

### **PLANNING & ZONING COMMITTEE**

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

**REVENUE & FINANCE COMMITTEE**

RESOLVED, That, the following Resolution 66-21, adding Digital Sign fees to the 2021 Fee Schedule, be adopted:

RESOLUTION 66-21

WHEREAS, Resolution 8-21 was adopted on January 6, 2021, and established the fees associated with Borough services for the year 2021; and

WHEREAS, the Borough wishes to add the following fees:

<u>Digital Sign Fees:</u>		<u>Advertising Time Period:</u>
Park at 4 <sup>th</sup>	\$ 100.00	1 week before event
Route 309/ North & South Bound	\$ 100.00	1 day
	\$ 300.00	1 week
	\$ 275.00	2 weeks/per week
	\$ 250.00	3 weeks/per week
	\$ 225.00	4 weeks/per week

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Quakertown wishes to amend the 2021 Fee Schedule to reflect the above listed fees.

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 Resolution 67-21, adding Failure to Reinstate Trash Services Fee to the 2021 Fee Schedule, be adopted:

RESOLUTION 67-21

WHEREAS, Resolution 8-21 was adopted on January 6, 2021, and established the fees associated with Borough services for the year 2021; and

WHEREAS, the Borough wishes to add the following fee pertaining to our new trash/recycling services:

<u>Seasonal Customer Penalty:</u>	
Failure to Reinstate Services	\$ 50.00

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Quakertown wishes to amend the 2021 Fee Schedule to reflect the above listed fees.

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 68-21, Police Department's request to destroy old Police Department records, be adopted:

### RESOLUTION 68-21 DISPOSITION OF MUNICIPAL RECORDS

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 December 16, 2008, 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:

- Month End UCR 2017 & 2018.
- Incident's 2003: 0001-3570.
- Offences: 84-1037 – 84-1170.

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 have evidence on file.

1-03-0051	1-03-0143	1-03-0159	1-03-0259	1-03-0273	1-03-0365
1-03-0459	1-03-0523	1-03-0580	1-03-0696	1-03-1012	1-03-1178
1-03-1213	1-03-1273	1-03-1367	1-03-1398	1-03-1419	1-03-1500
1-03-1525	1-03-1532	1-03-1535	1-03-1575	1-03-1576	1-03-1615
1-03-1621	1-03-1673	1-03-1678	1-03-1707	1-03-1730	1-03-1817
1-03-2143	1-03-2180	1-03-2308	1-03-2397	1-03-2401	1-03-2407
1-03-2412	1-03-2461	1-03-2501	1-03-2529	1-03-2540	1-03-2625
1-03-2667	1-03-2702	1-03-2709	1-03-2757	1-03-2791	1-03-2862
1-03-2896	1-03-3000	1-03-3024	1-03-3067	1-03-3280	1-03-3342
1-03-3460	1-03-3475				

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

Councilman Johnson indicated that Mr. Biddle could speak at this time. Mr. Biddle said the Quakertown Historical Society may be holding a 2<sup>nd</sup> annual car show and is concerned there might be a conflict with a car show which Ed Scholl will be holding. Manager McElree replied that Ed Scholl has been made aware of the possibility of the Historical Society's show and would reach out to them.

Resolved, That, reading of Ordinance 1232, regulating smoking and vaping in various areas of the Borough and revising prohibited activities on Borough property, be waived. Motion of Councilman Johnson, seconded by Councilman Propst. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, Ordinance 1232, amendment to Chapter 6 and Chapter 16 of the Quakertown Borough Code, be passed:

**ORDINANCE #1232**

**AN ORDINANCE AMENDING CHAPTER 6 OF THE QUAKERTOWN BOROUGH CODE PROHIBITING SMOKING AND VAPING IN VARIOUS AREAS OF THE BOROUGH; AND AMENDING CHAPTER 16 OF THE QUAKERTOWN BOROUGH CODE REVISING PROHIBITED ACTIVITIES ON BOROUGH PROPERTY.**

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

RESOLVED, That the following Resolution 70-21, Ed Scholl's request to hold a car show downtown, be adopted:

**RESOLUTION 70-21**

WHEREAS, a request was received from Edward Scholl of the Plaza Knights Car Club, Quakertown, PA to hold a car show event to benefit various cancer charities on Sunday, September 26, 2021 from 9:00 am to 2:00 pm and requesting the closure of Broad Street from 4<sup>th</sup> Street to Hellertown Avenue, Branch Street and parts of Front Street, 3<sup>rd</sup> Street and 2<sup>nd</sup> Street.

NOW, THEREFORE, BE IT RESOLVED That the Council of the Borough of Quakertown grants the request of Edward Scholl to close the above stated streets for a car show provided pending Governor restrictions at that time, approval is received from PennDOT to close Broad Street and they add the Borough as an additional insured on their insurance.

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 72-21, recognition of Childhood Cancer Awareness the month of September, be adopted:

**National Childhood Cancer Awareness Month  
RESOLUTION 72-21**

WHEREAS, although cancer in children is rare, it is the leading cause of death by disease past infancy among children in the United States; and

WHEREAS, in 2021 it is estimated that 15,590 children and adolescents ages 0 to 19 will be diagnosed with cancer and 1,780 will die of the disease in the United States; and

WHEREAS, the causes of childhood cancer are largely unknown, research has advanced its successful treatment and improved the quality of life for children coping with cancer and the side-effects

of treatment, although five year survival rates have increased dramatically for some forms of childhood cancer, one out of eight children diagnosed with cancer does not survive; and

WHEREAS, the toll cancer takes on a child and family is unimaginable; a pediatric patient's expectations of a healthy, normal life, education and growth may be put on hold while parents must cope with high treatment costs, stress and the difficulties associated with caring for their family while being with their child for treatment, often having to travel or relocate to do so; and

WHEREAS, these burdens are shared by countless dedicated healthcare professionals, organizations and parent advocacy groups that support patients and families by offering advice, encouragement, hope and financial assistance, and work tirelessly to lift the spirits of children suffering from cancer.

NOW THEREFORE BE IT RESOLVED that the Council of the Borough of Quakertown recognize September as Childhood Cancer Awareness Month and encourages its residents to increase awareness to support the fight against childhood cancer that deeply impacts families in every community across our country.

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

Councilman Johnson mentioned that Childhood Cancer Awareness Month was brought to the Borough by the family of Harrison James Willing who was born October of 2003 and attended the Quakertown Community School District until his death on March 20, 2018. The family is participating in every effort to raise funding for Pediatric Cancer research and treatment and has asked the Borough to assist in bringing Pediatric Cancer, specifically Harrison to the community's attention.

A copy of this Resolution will be presented to Harrison Willing's family.

**PUBLIC UTILITIES COMMITTEE**

RESOLVED, That the following Resolution 72-21, recognition of Childhood Cancer Awareness the month of September, be adopted:

**RESOLUTION 71-21  
ACCEPTING BID AND AWARDING CONTRACT TO  
ASPLUNDH TREE SERVICE**

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of Asplundt Tree Service of Horsham, Pennsylvania, for tree removal, trimming and stump removal is hereby accepted.

Bidded prices for the annual circuit work, priced predicated on the specifications and the sector assigned to the bidded year:

2021	2022	2023	2024	2025
\$68,000	\$49,000	\$48,500	\$44,000	\$69,000

Non-circuit work regarding whole tree removal:

Diameter	2021	2022	2023	2024	2025
6"-10"	\$126.17	\$129.95	\$133.84	\$137.85	\$140.60
11"-15"	\$187.27	\$192.88	\$198.66	\$204.61	\$208.70
16"-20"	\$641.01	\$660.24	\$680.04	\$700.44	\$714.44
21"-25"	\$1011.30	\$1041.64	\$1072.88	\$1105.06	\$1127.16
26"-30"	\$1548.52	\$1595.28	\$1643.13	\$1692.42	\$1726.26

Labor rate and equipment rate per hour for all other services by where an hourly rate is charged:

Description	Rate per Hour	Rate per OT Hour
Foreman	\$55.56	\$74.68
Labor – Trimmer #1	\$48.88	\$65.60
Labor – Trimmer #2	\$39.91	\$53.40
Labor – Trimmer #3	\$38.04	\$50.86
Labor – Ground Worker	\$36.63	\$48.93
Pick Up Truck	\$13.05	N/A
55' Trim Lift	\$18.00	N/A
70' Trim Lift	\$22.00	N/A
Split Dump	\$13.00	N/A
Chipper	\$5.75	N/A
4x4 Tractor	\$30.00	N/A
4x4 Spray Truck	\$24.50	N/A
Stump Grinder	\$10.50	N/A
Power Saw	\$.81	N/A

The contract is awarded to Asplundt Tree Service for years 2021-2025. The Borough Manager is hereby authorized to execute the said contract on behalf of the Borough of Quakertown.

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

**PUBLIC WORKS COMMITTEE**

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

President Rosenberger declared the meeting temporarily adjourned until June 28, 2021 for the purposes of the pool and any other items which may arise at 8:40 p.m.

BOROUGH OF QUAKERTOWN

\_\_\_\_\_  
 Donald E. Rosenberger  
 President of Council

Attest:

\_\_\_\_\_  
 Scott C. McElree  
 Borough Secretary



