

A regular meeting of the Borough Council of Quakertown was held August 4, 2021, 7:29 p.m.

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

RESOLVED, That, the following Resolution 86-21, approval of Patrick McTear as Probationary Police Officer, be adopted:

RESOLUTION 86-21

WHEREAS, on April 7, 2021 Borough Council authorized the Borough Manager to proceed with the selection process for the hiring of police officers; and

WHEREAS, Patrick McTear successfully completed the process for the position of Probationary Police Officer.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Quakertown, Pennsylvania, That, effective August 4, 2021, Patrick McTear is appointed as a Probationary Officer in the Quakertown Police Department.

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

RESOLVED, That, the following Resolution 87-21, approval of Vincent Tenaglia as Probationary Police Officer, be adopted:

RESOLUTION 87-21

WHEREAS, on April 7, 2021 Borough Council authorized the Borough Manager to proceed with the selection process for the hiring of police officers; and

WHEREAS, Vincent Tenaglia successfully completed the process for the position of Probationary Police Officer.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Quakertown, Pennsylvania, That, effective August 4, 2021, Vincent Tenaglia is appointed as a Probationary Officer in the Quakertown Police Department.

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

Councilman Johnson read a brief biography of Patrick McTear and Vincent Tenaglia. District Justice Lisa Gaier swore in both Probationary Police Officers McTear and Tenaglia.

RESOLVED, That, the Council Minutes for June 2, 2021 and Work Session Minutes of June 28, 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. Councilwoman Wear, absent.

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

July	2, 2021	-	\$	191,419.72
July	6, 2021	-		1,000.00
July	9, 2021	-		22,785.00
July	15, 2021	-		783,678.26
July	23, 2021	-		58,967.76
July	28, 2021	-		15,277.29
July	29, 2021	-		385,203.49

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 abstained from voting as purchases were made from the Friendly Book Store.

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

Visitors:

Lisa Gaier indicated she would like to speak regarding utilities.

PLANNING & ZONING COMMITTEE

RESOLVED, That, the following Resolution 88-21, John Schlupp’s request for a lot line adjustment at 122 E. Broad Street, be adopted:

RESOLUTION 88-21

WHEREAS, the Quakertown Planning Commission and the Bucks County Planning Commission have reviewed and recommended approval for a waiver of the plan dated March 31, 2021 and review letter dated May 24, 2021 regarding John Schlupp’s lot-line adjustment at 122 E. Broad Street moving 1,170 square feet from tax parcel #35-008-330 and adding to tax parcel #35-008-325, with the following waiver:

1. Waiver of the Borough’s Subdivision and Land Development Ordinance requirement in Section 5061.A requiring street cartways to be widened according to the standards contained in Section 501.1:

506 Street Design – 1. Widths. Minimum widths for each type of public street shall be as follows:

<u>Type of Street</u>	<u>Right-of-Way-Width</u>
Collector Street	60 feet
Local Street	50 feet

- A. Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be required to meet the above standards.
- B. Additional right-of-way and cartway widths may be required by the Borough to promote public safety and convenience when special conditions require it, and to provide parking space in areas of intensive use.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Quakertown that the plan dated March 31, 2021 for John Schlupp's lot-line adjustment be approved including the above waiver. The plan must be recorded in Bucks County within ninety (90) days.

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

REVENUE & FINANCE COMMITTEE

RESOLVED, That, the following Resolution 89-21, an amendment to the 2021 Fee Schedule pertaining to permissible attorney fees for services in connection with the collection of accounts, be adopted:

RESOLUTION 89-21

A RESOLUTION OF QUAKERTOWN BOROUGH ADOPTING A SCHEDULE OF ATTORNEY FEES TO BE CHARGED TO DELINQUENT PROPERTY OWNERS FOR LEGAL SERVICES REQUIRED TO COLLECT DELINQUENT MUNICIPAL CLAIMS AND ESTABLISHING A RATE OF INTEREST TO BE CHARGED AGAINST ALL UNPAID MUNICIPAL CLAIMS PURSUANT TO ACT 1 OF 1996.

WHEREAS, Quakertown Borough (hereinafter referred to as "Borough") is required from time to time to enforce collection of delinquent accounts; and

WHEREAS, the expense of such enforcement and the record keeping and other services related to the collection, filing, satisfaction, assignment and revival of real estate tax liens when absorbed by the Borough would constitute a further demand on the Borough's resources; and

WHEREAS, pursuant to the Municipal Claims Act, 53 P.S. §7106, which authorizes a municipality to assess and collect reasonable attorney fees for the filing and execution of municipal claims, Quakertown Borough Council hereby enacts the following schedule of attorney's fees to be assessed for collection of municipal claims and liens; and

WHEREAS, Borough has reviewed the subject of attorney fees for collection matters and has determined that the fees set forth in this schedule hereby adopted are reasonable in amount for the services herein described; and

WHEREAS, pursuant to the Municipal Claims Act, 53 P.S. §7143, which authorizes a municipality is entitled to determine a rate of interest assessed against any municipal claim, Quakertown Borough Council hereby establishes the following interest rate on unpaid municipal claims and liens.

NOW, THEREFORE, this 4th day of August, 2021, it is hereby RESOLVED by Quakertown Borough as follows:

§1. Establishment of Attorney's Fees.

Any property owner in the Borough who has not paid promptly any municipal charge owing to the Borough for which the property becomes charged or assessed pursuant to the Municipal Claims Act 53 P.S. §7101 et. seq., shall also include an amount sufficient to compensate the Borough for its reasonable attorney's fees incurred in the collection of such delinquent charges in accordance with the Borough's schedule of attorney's fees attached hereto and incorporated herein as Appendix "A".

§2. Notice Requirements.

At least thirty (30) days prior to assessing or imposing attorney's fees in connection with the collection of a delinquent account, including municipal liens, the Borough shall, by United States Certified Mail, Return Receipt Requested, postage prepaid, mail to the owner of the property being so assessed, a notice that includes the following:

1. A statement of the Borough's intent to impose or assess attorney's fees within thirty (30) days of mailing the notice; and
2. The manner in which the imposition or assessment of attorney's fees may be avoided by payment of the delinquent account.

§3. Establishment of Interest Rates.

Pursuant to the authority set forth in the Municipal Claims Act, 53 P.S. §7101 et. seq., the Borough hereby establishes an interest rate of 10% per annum assessable against all municipal claims from the date of the completion of the work after it is filed as a lien, and on claims for:

- Taxes
- Water Rates or Rents
- Electric Rates or Rents
- Sewer Rates or Rents; or
- Trash Rents or Rates

from the date of the filing of the lien therefore. The interest collectible on any municipal claim arising out of a municipal project for which the Borough issued bonds to finance, however, shall be the rate of interest of the bond issue for the project or 12% per annum, whichever is less.

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

HEALTH, SAFETY & WELFARE COMMITTEE

RESOLVED, That, the following Resolution 82-21, Police Department's request to destroy old Police Department records, be adopted:

RESOLUTION 82-21
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:

- Incident's 2004: 0001-8478
- Offences:

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.

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

RESOLVED, That, the following Resolution 83-21, Police Department's request to destroy old evidence/recovered property for 2007-2013 and several items from 2019, be adopted:

RESOLUTION 83-21

WHEREAS, evidence/property have accumulated in the Police Department evidence storage facility collected from years of police operations some of which was evidence and some was recovered lost or stolen property; and

WHEREAS, the Quakertown Police Department will follow appropriate protocol by burning the drugs and drug paraphernalia on the itemized list and memo dated July 14, 2021 from cases dated 2007 – 2013 and several cases from 2019.

NOW, THEREFORE, BE IT RESOLVED, That, the Borough Council of Quakertown Pennsylvania directs the Quakertown Police Department to appropriately dispose of the evidence/property attached.

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

RESOLVED, That, the following Resolution 84-21, Police Department's request to send police evidence/recovered property from 2019-2021 cases to auction at Richland Auction in Springtown, PA be adopted:

RESOLUTION 84-21

WHEREAS, every year the Quakertown Police Department obtains a number of bicycles/scooters that cannot be identified and returned to owners; and

WHEREAS, there are 20 bicycles/scooters accumulated from years 2019 through 2021 which Richland Auction Hall is willing to auction with the Borough receiving 80% of the sale proceeds; and

WHEREAS, the Police Department also has accumulated various tools and items from case #C-19-04969 which Richland Auction Hall will auction the time of the bicycles/scooters.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown authorizes the Quakertown Police Department to release the bicycles/scooters to the Richland Auction Hall.

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

RESOLVED, That, the following Resolution 90-21, Lions Club's request to hold the annual Halloween Parade, be adopted:

RESOLUTION 90-21

WHEREAS, a request was received from the Quakertown Lions Club, for the annual Quakertown Halloween Parade, to waive the fee for the use of the bandshell and to approve the closing of the streets for the parade route. The requested street closings are:

Juniper Street from 4th Street to 11th Street,
Eleventh Street between Juniper and Broad Street,
W. Broad Street from Main Street to Front Street
3rd Street between Broad and Juniper
Fifth, Sixth and Seventh Streets between Broad and Park Avenue; and

WHEREAS, Council, in the adoption of Resolution 19-06, reserved the right to waive these fees for certain civic or charitable events which they deem beneficial to the betterment of the community.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of the Quakertown Lions Club Halloween Parade to close Borough streets and waive the fee for the use of the bandshell for their event on October 17, 2021, from 2:00 pm to 6:00 pm with the rain date of October 24, 2021.

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

RESOLVED, That, the following Resolution 91-21, setting the date and time for trick or treating, be adopted:

RESOLUTION 91-21

RESOLVED, That, the Council of the Borough of Quakertown establishes October 31, 2021, 5:00 pm to 8:00 pm as Trick-or-Treat night in the Borough of Quakertown.

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

Councilman Johnson mentioned last night was National Night Out. Police Officers drove around to different locations in the Borough to greet residents and handed out ice cream and candy. This event seemed to be received very well.

PUBLIC UTILITIES COMMITTEE

Councilman Wilsey indicated that Mrs. Gaier could speak at this time. Mrs. Gaier stated in last weeks awful storm when the electric went out, the Borough had power back running amazingly fast and her neighborhood was very thrilled.

RESOLVED, That, the following Resolution 85-21, purchase of Hellertown Borough's 2009 Freightliner trash truck, be adopted:

RESOLUTION 85-21

RESOLVED, by the Council of the Borough of Quakertown, That, the Borough purchases from Hellertown Borough their 2009 Freightliner, Model M2 trash truck for the amount of \$12,000.00 and authorizes the Borough Manager to execute the said documents 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. Councilwoman Wear, absent.

Manager McElree mentioned this truck will go into the fleet as a backup truck and has a feature which will enable picking up small dumpsters if the Borough chooses to get into commercial pickups.

PUBLIC WORKS COMMITTEE

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

PARKS & RECREATION COMMITTEE

Councilman Propst stated that there are not any items for action under the Parks & Recreation Committee.

Councilman Propst announced there are several concerts coming up in the next few weeks and the carnival is going on right now with fireworks on August 6, 2021. The Brewfest will be held on August 21, 2021.

RESOLVED, That, the following Resolution 92-21, Junior Council Person Mason Smith's participation, be adopted:

RESOLUTION 92-21

WHEREAS, the Borough of Quakertown participates in and endorses the Pennsylvania State Association of Borough's Junior Council Person (JCP) Program; and

WHEREAS, The Junior Council Person Program provides youth in the community with an opportunity to get engaged in borough government and develop leadership skills, and also allows borough officials to serve as mentors to students who will be future leaders in their communities.

NOW THEREFORE BE IT RESOLVED, that, the Council of the Borough of Quakertown recognizes Mason Smith for his participation in the Borough of Quakertown Junior Council Person Program and acknowledges his dedication and efforts in learning about municipal government and the development of government leadership skills.

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

Vice President Roberts announced Mason Smith was sworn in as Junior Council Person in November 2018 and will be attending Shippensburg for Political Science.

President Rosenberger declared the meeting adjourned at 7:55 p.m.

BOROUGH OF QUAKERTOWN

Donald E. Rosenberger
President of Council

Attest:

Scott C. McElree
Borough Secretary