

A regular meeting of the Borough Council of Quakertown was held November 3, 2021, 7:30 p.m.

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

RESOLVED, That, the Council Minutes for October 6, 2021 and Work Session for August 23, 2021 be approved as written. Motion of Councilman Propst, seconded by Councilwoman Wear. A roll call vote was taken and the motion was unanimously carried. Councilman Jonathan Sell, absent.

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

October	1, 2021	-	\$	192,400.51
October	8, 2021	-		101,998.97
October	13, 2021	-		867,916.95
October	22, 2021	-		15,253.31
October	27, 2021	-		838,853.40

Motion of Councilman Johnson, seconded by Councilman Propst. A roll call vote was taken and the motion was unanimously carried. Vice President Roberts, abstained from voting as purchases were made from the Friendly Book Store. Councilman Jonathan Sell, 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. Councilman Jonathan Sell, absent.

President Rosenberger announced the passing of Arlene Price. Arlene was a longtime resident of Quakertown and served on the Borough's Civil Service Board for many years and was instrumental in the selection of many of the Borough's Police Officers. Council would like to express their gratitude for Arlene's dedicated service to the Borough and sends deepest sympathies to her family.

Visitors wishing to speak:

Dan Scotchlas, 11 Chestnut Street wished to speak regarding flooding.

Lee Minster, 203 Erie Avenue would like to address traffic on Route 212 and parking issues at the corner of Erie and Hellertown Avenue.

Robert Williams, 201 S. 10<sup>th</sup> Street would like to address the vehicle accidents at the intersection at 9<sup>th</sup> Street and Park Avenue.

Charlotte Goepfert, 721 E. Broad Street wished to speak regarding flooding.

### **PLANNING & ZONING COMMITTEE**

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

## **REVENUE & FINANCE COMMITTEE**

RESOLVED, That, the following Resolution 106-21, Cowan Associates, Inc. 2022 fee schedule for engineering services, be adopted:

### **RESOLUTION 106-21**

WHEREAS, the Borough has received a 2022 fee schedule dated October 8, 2021 for Cowan Associates, Inc.'s engineering services although Cowan Associates, Inc. is not exclusive to the engineering services for the Borough.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown wishes to accept the attached 2022 fee schedule for engineering services provided by Cowan Associates.

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

RESOLVED, That, the following Resolution 109-21, accepting bid and awarding contract to Blooming Glen Contractors for paving of public parking lot, be adopted:

### **RESOLUTION 109-21 ACCEPTING BID AND AWARDING CONTRACT TO BLOOMING GLEN CONTRACTORS, INC.**

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of Blooming Glen Contractors, Inc. of Perkasio, Pennsylvania, in the amount of \$66,820.00 for paving of the public parking lot adjacent to the train station (behind Willies Plumbing building) as per bid opened November 3, 2021, is hereby accepted. The contract is awarded to Blooming Glen Contractors, Inc. The Borough Manager is hereby authorized to execute the said contract on behalf of the Borough of Quakertown.

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

Solicitor William Oetinger explained in order for any cable company to extend service into any community, they are required to execute a Franchise Agreement with that governing body. Those Agreements usually last ten years. The Borough's Agreement with Comcast is overdue to be renewed. These Agreements are highly technical, this current Agreement being over twenty pages long. The changes from the 2008 Agreement are modifications to requirements of properties to be served, example if a property is extremely remote which would require Comcast to lay out an abundant amount of line to get to that property, Comcast may not be required to serve that property. Another change is the requirement that the Borough notify Comcast whenever land development goes in so utility lines can be buried. Another change is that this new Agreement allows the Borough to notify and remove delinquent Comcast wires which are hanging down creating an eyesore.

A public hearing is required meaning anyone in the public can speak to Council to give an idea of their service they have experienced with Comcast over the past years, the second part is where Borough Council will consider the Ordinance which incorporates the Agreement.

Solicitor Oetinger opened the hearing asking the public if there were any comments on the existing Comcast service in Quakertown Borough. There were no comments. Solicitor Oetinger closed the hearing. Solicitor Oetinger stated this public hearing was advertised per state law.

RESOLVED, That, reading of Ordinance 1234, renewing the Comcast Cable Franchise Agreement, be waived. Motion of Vice President Roberts, seconded by Councilman Propst. A roll call vote was taken and the motion was carried. Councilman Jonathan Sell, absent.

RESOLVED, That, Ordinance 1234, an Ordinance authorizing execution of a Cable Franchise Agreement between the Borough and Comcast of Southeast Pennsylvania, LLC., be passed finally. Motion of Vice President Roberts, seconded by Councilman Wilsey A roll call vote was taken and the motion was unanimously carried. Councilman Jonathan Sell, absent.

### **HEALTH, SAFETY & WELFARE COMMITTEE**

Councilman Johnson indicated that Lee Minster could speak at this time. Mr. Minster stated on Route 212 there are a tremendous amounts of trucks traveling on that road, mostly being refrigerated trucks which he is guessing are going to the Cold Storage Facility. Mr. Minster said when the Cold Storage Facility was built it was mentioned that the trucks were going to travel on Route 309 and he is guessing their GPS is telling them to go Route 212. Mr. Minster is asking the Borough to find out if the trucks are going to the Cold Storage Facility and maybe that company can address the problem and direct the trucks to Route 309.

Councilman Johnson answered if the trucks are coming from the Doylestown area they should be turning on 4<sup>th</sup> Street to Mill Street.

Manager McElree mentioned there is a landfill which is currently active creating an increase in truck traffic. The Borough prohibited truck traffic on Ambler Street because of the landfill trucks which would push traffic another place. The appropriate truck route is Broad Street, to 4<sup>th</sup> Street, Mill Street to Hellertown Avenue. Manager McElree stated he would have the police officers pay more attention to that area and mention this to Cold Storage for their assistance to educate the truck drivers. This could also be a GPS issue.

Mr. Minister also mentioned at the corner of Erie Avenue and Hellertown Avenue, across from the band building, people park too close to the corner and makes it very difficult for cars to come out from Erie Avenue. Mr. Minster suggested putting a yellow zone so vehicles are not parked so close to the curb. Manager McElree stated that intersection will be looked at for site distance and see how to make it safer.

Councilman Johnson suggested maybe to make Erie Avenue one way.

Councilman Johnson indicated that Robert Williams could speak at this time. Mr. Williams is concerned about the intersection at 9<sup>th</sup> Street and Park Avenue with people running through the stop signs and getting hit. Mr. Williams said he feels there are unusual amounts of accidents there compared to the other intersections and suggested a four way stop sign may be a solution. Mr. Williams feels the reason for more accidents at that site is because 9<sup>th</sup> Street connections to Route 309 and Old Bethlehem Pike which have higher speed limits.

Councilman Johnson suggested installing an oversized stop sign there to draw more attention. Manager McElree also suggested painting the word STOP on the street.

Councilman Johnson indicated Daniel Scotchlas could speak at this time. Mr. Scotchlas asked if the storm water pipes have been surveyed since the flooding. Manager McElree replied the comment made by a resident at the previous meeting regarding a large pipe being replaced with three smaller pipes is inaccurate and said the Borough went back to review their engineering plans and they met all the engineering criteria to replace that pipe.

Mr. Scotchlas added that the bus loop in the back of Richland Elementary School off of Chestnut Street is never used. That is 28,000 square feet of pavement which floods out and sends the water to Chestnut Street and contributes to the flooding. In a rain storm the water treacherously runs down Chestnut Street and has no where to go. Mr. Scotchlas suggested the Borough possibly offer some type of incentive for residents to replace their concrete sidewalks with permeable pavers to help with drainage.

Mr. Scotchlas said the lot adjacent to the sewer plant, 733 E. Broad Street, seems abandoned since it burned down and the foundation is just a big hole in the ground. Mr. Scotchlas was questioning if the Borough could acquire that property somehow and to possibly install some type of engineering device like a large sump pump station or a big retention basin. Mr. Scotchlas asked the status of PEMA and FEMA. Code Officer Wilhelm stated both agencies are overwhelmed and still are accepting applications for anyone who had flood damage. Once all applications are in the agencies are supposed to start talking about the mitigation process. Manager McElree asked Mr. Scotchlas if he could meet with him sometime to have a further conversation regarding flooding solutions.

Councilman Johnson indicated Charlotte Goepfert could speak at this time. Ms. Goepfert asked Council for any ideas as to helping her block with flooding. Ms. Goepfert asked with regards to the Trolley Barn public parking lot which is approved to be paved, where will that water be going. Manager McElree replied that all new storm water drainage and new inlets have been installed over the last six months before the paving is to be done. Ms. Goepfert feels the Borough asking residents to put their leaves in the street is a bad idea because the leaves get into the storm drains. Councilman Johnson stated the hose from the truck cannot reach resident's yards and the leaves can be bagged and taken to the sewer plant. Manager McElree said there is a reoccurring maintenance schedule for cleaning the storm drains and water retention basins, as well as, when a storm is forecasted.

RESOLVED, That, the following Resolution 107-21, update to Bucks County's 2016 Hazard Mitigation Plan, be adopted:

#### RESOLUTION 107-21

#### Bucks County 2021 Hazard Mitigation Plan Update Municipal Adoption Resolution

WHEREAS, the Borough of Quakertown, Bucks County, Pennsylvania is most vulnerable to natural and human-made hazards which may result in loss of life and property, economic hardship, and threats to public health and safety; and

WHEREAS, Section 322 of the Disaster Mitigation Act of 2000 (DMA 2000) requires state and local governments to develop and submit for approval to the President a mitigation plan that outlines processes for identifying their respective natural hazards, risks, and vulnerabilities; and

WHEREAS, the Borough of Quakertown acknowledges the requirements of Section 322 of DMA 2000 to have an approved Hazard Mitigation Plan as a prerequisite to receiving post-disaster Hazard Mitigation Grant Program funds; and

WHEREAS, the Bucks County 2021 Hazard Mitigation Plan Update has been developed by the Bucks County Emergency Management Agency and the Bucks County Planning Commission in cooperation with other county departments, local municipal officials, and the citizens of the Borough of Quakertown; and

WHEREAS, a public involvement process consistent with the requirements of DMA 2000 was conducted to develop the Bucks County 2021 Hazard Mitigation Plan Update; and

WHEREAS, the Bucks County 2021 Hazard Mitigation Plan Update recommends mitigation activities that will reduce losses to life and property affected by both natural and human-made hazards that face the County and its municipal governments.

NOW THEREFORE BE IT RESOLVED by the governing body for the Borough of Quakertown that:

- The Bucks County 2021 Hazard Mitigation Plan Updated is hereby adopted as the official Hazard Mitigation Plan of the County; and
- The respective officials and agencies identified in the implementation strategy of the Bucks County 2021 Hazard Mitigation Plan Update are hereby directed to implement the recommended activities assigned to them.

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

### **PUBLIC UTILITIES COMMITTEE**

RESOLVED, That, reading of Ordinance 1233, updating the previous Solid Waste Ordinance, be waived. Motion of Councilman Wilsey seconded by Vice President Roberts. A roll call vote was taken and the motion was carried. Councilman Jonathan Sell, absent.

RESOLVED, That, Ordinance 1233, amending Chapter 20, Solid Waste of the Borough of Quakertown Code of Ordinances by replacing in its entirety Part 1: Recycling and Trash Disposal with Part 1: Refuse Storage, Collection, and Disposal and Replacing in its entirety Part 2: Waste Collection and Transportation with Part 2: Regulations, Licensing and Reporting; with new Parts 1 and 2 Define Terms, Provide Regulations, Ascribe Penalties for Violations and Otherwise, be finally passed. Motion of Vice President Roberts, seconded by Councilman Wilsey A roll call vote was taken and the motion was unanimously carried. Councilman Jonathan Sell, absent.

RESOLVED, That, the following Resolution 108-21, entering into the Energy Capacity Hedging Program, be adopted:

#### RESOLUTION 108-21

BE IT RESOLVED, by authority of the Borough Council of the Borough of Quakertown, Bucks County, that the Borough Secretary and Manager be authorized and directed to sign the necessary documents to enter into the Energy Capacity Hedging Program which will commence in June 2023.

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

## **PUBLIC WORKS COMMITTEE**

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

## **PARKS & RECREATION COMMITTEE**

Michael Cygan thanked Council for their support for his yearly event.

RESOLVED, That, the following Resolution 105-21, Michael Cygan's request to use the amphitheater and hold Amy's Ride/Walk event, be adopted:

### RESOLUTION 105-21

WHEREAS, a request was received from Michael Cygan of Quakertown, Pennsylvania to hold a bike ride and walk event called Amy's Ride/Walk Against Pancreatic Cancer to benefit pancreatic research and treatment.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of Michael Cygan to hold Amy's Ride/Walk on Saturday, May 21, 2022 rain or shine, from 5:00 a.m. to 4:00 p.m. in the Park at 4<sup>th</sup>. Use of the amphitheater is also requested provided he adds the Borough as an additional insured on their insurance.

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

President Rosenberger announced that there will be an Executive Session immediately following this meeting for the purposes of discussing certain public safety issues if disclosure of the information discussed would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection and will be conferring with the Borough Solicitor regarding such matters.

President Rosenberger declared the meeting adjourned at 9:08 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