

A regular meeting of the Borough Council of Quakertown was held August 3, 2022, 7:30 p.m.

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

RESOLVED, That, the Council Minutes of July 6, 2022 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:

July	1, 2022	-	\$	202,166.45
July	8, 2022	-		38,835.24
July	15, 2022	-		483,078.90
July	20, 2022	-		600,999.57
July	26, 2022	-		167,189.58
July	27, 2022	-		364,443.50

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 Vice President Roberts. A roll call vote was taken and the motion was unanimously carried.

Visitors wishing to speak:

Kevin Wright, 28 N. Ambler Street would like to speak regarding Proposed Ordinance 1237, avoided electric costs.

President Rosenberger recessed the meeting at 7:35 pm to begin the Quakertown Area Industrial & Commercial Development Authority meeting which was advertised. The Council meeting was reopened at 7:37 pm.

### **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 63-22, adding Fuel Surcharge to the 2022 Fee Schedule, be adopted:

#### RESOLUTION 63-22

WHEREAS, Resolution 6-22 was adopted on January 3, 2022, and established the fees associated with Borough services for the year 2022; and

WHEREAS, the Borough wishes to add a Fuel Surcharge fee in the amount of \$25.00 per vehicle per event for any of the special services the Borough is required to provide and for which the

Borough must create an invoice.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Quakertown wishes to amend the 2022 Fee Schedule to reflect the above listed fee.

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

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

Councilman Johnson stated that there are not any items for action under the Health, Safety & Welfare Committee.

### **PUBLIC UTILITIES COMMITTEE**

RESOLVED, That, the following Resolution 66-22, award bid for the S. Hellertown Avenue Storm Sewer Replacement Project to Twining Construction Co., be adopted:

#### **RESOLUTION 66-22**

RESOLVED, by the Council of the Borough of Quakertown, That, the bid submitted by Twining Construction Co., Inc. of Richboro, PA to replace the storm water extension along the railroad, also known as, "the South Hellertown Storm Sewer Replacement Project" in the amount of \$508,788.50, per bids opened June 22, 2022, is hereby accepted.

The Borough Manager is hereby authorized to execute the necessary 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.

RESOLVED, That, the following Resolution 67-22, Anaergia Pre-Purchase Agreement for Sewer Plant Upgrade Project, be adopted:

#### **RESOLUTION 67-22**

BE IT RESOLVED, by authority of the Borough Council of the Borough of Quakertown that the Borough Manager be authorized and directed to sign the Anaergia Cogeneration Equipment Prepurchase Agreement dated July 19, 2022 in the amount of \$13,631,258 for the Borough's future Waste Water Treatment Plant upgrade.

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

Councilman Wilsey indicated that Mr. Wright could speak at this time. Mr. Wright made several remarks regarding proposed Ordinance 1237 referring to definitions and challenges with calculations. Mr. Wright suggested revising several sections in the Ordinance before it is passed.

RESOLVED, That the reading of Ordinance 1237, establishing avoided electric costs, be waived. Motion of Councilman Wilsey, seconded by Vice President Roberts. A roll call was taken and the motion was unanimously passed.

RESOLVED, That, Ordinance 1237, an Ordinance of the Borough of Quakertown, Bucks County Pennsylvania revising the rules governing cogeneration and small power production facilities operating in the Borough, establishing updated avoided cost rates, and addressing related matters be passed. Motion of Councilman Wilsey, seconded by Vice President Roberts.

Councilman Wilsey stated in view of advice from Mr. Wright, he suggested to get further clarification on some of the items mentioned. Councilwoman Wear also agreed with getting clarification.

Manager McElree replied that Mr. Wright represents Quaker Color who is interested in pursuing becoming a qualified facility. Solicitor Nelson stated this Ordinance has been reviewed by not only his office but also the Borough's attorneys who deal with energy issues and it has been gone over multiple times and believes it correctly complies with the local, state and federal law.

A roll call vote was taken with 5 yeses, 1 no, Councilman Wilsey and 1 abstaining, Councilman Propst. President Rosenberger tabled Ordinance 1237 until the next Council meeting of September 7, 2022.

Councilman Propst stated that he will be abstaining from voting on this Ordinance as he is employed by a company who is in the process of opening a qualifying facility.

### **PUBLIC WORKS COMMITTEE**

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

### **PARKS & RECREATION COMMITTEE**

RESOLVED, That, the following Resolution 64-22, Crossfit Q's request to use the amphitheater for classes, be adopted:

#### **RESOLUTION 64-22**

WHEREAS, a request was received from Michael Mangiaruga of Crossfit Q, to use the amphitheater from July 9, 2022 – August 9, 2022; and

WHEREAS, a Service Agreement has been signed with an agreed compensation of \$850.00 and insurance has been received.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown, grants the request of Crossfit Q to use the amphitheater from July 9, 2022-August 9, 2022.

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 65-22, Univest Financial Corporation's request to use the parking lot at the Univest Performance Center for a United Way "Stuff the Bus" project, be adopted:

#### **RESOLUTION 65-22**

WHEREAS, Betsy Roush of Univest Financial Corporation has requested use of the parking lot at the Univest Performance Center on August 18, 2022 from 8:00 am to 12:00 pm for a United Way of Bucks County Stuff the Bus project; and

WHEREAS, this project distributes school supplies for school children through donations.

NOW THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants use of the parking lot to Univest Financial Corporation on August 18, 2022 for their project.

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

RESOLVED, That, the following Resolution 68-22, Quakertown Youth Baseball's request to use the amphitheater to hold a benefit concert, be adopted:

#### RESOLUTION 68-22

WHEREAS, a request was received from Michael Arcieri of the Quakertown Youth Baseball Association to use the amphitheater for a concert event at the Univest Performance Center; and

WHEREAS, Mr. Arcieri will be required to submit a parking and security plan because of the large amount of expecting attendees for the Borough to review.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown, grants the request of the Quakertown Youth Baseball Association to use the amphitheater on Saturday, October 22, 2022 from 6:00 pm to 10:00 pm provided parking and security plans are submitted to the Borough, that they add the Borough as an additional insured on their insurance and are in accordance to any CDC guidelines at that specific time.

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

RESOLVED, That, the following Resolution 69-22, amending the park rules and regulations established under Chapter 16 of the Quakertown Borough Code, be adopted:

#### RESOLUTION NO. 69 - 22

A RESOLUTION OF THE BOROUGH COUNCIL OF QUAKERTOWN BOROUGH AMENDING THE PARK RULES AND REGULATIONS ESTABLISHED UNDER CHAPTER 16 OF THE QUAKERTOWN BOROUGH CODE.

**WHEREAS**, the Borough of Quakertown has adopted rules and regulations under Chapter 16 of the Quakertown Borough Code concerning the use of and activities conducted within the Borough's parks, lands, and facilities, as well as, the conduct of visitors to these areas; and

**WHEREAS**, Section 16-104 of the Quakertown Borough Code provides for the amendment of these Park Rules and Regulations by resolution; and

**WHEREAS**, based upon the recommendations of the Borough Staff, Borough Council has determined that these Park Rules and Regulations need to be amended to address certain issues the Borough is experiencing with the use of it's parks, lands, and facilities.

**NOW THEREFORE, BE IT RESOLVED**, that the following rules and regulations applicable to the Borough's parks, lands, and facilities set forth in Section 16-101 of the Quakertown Borough Code ("[t]he following activities are prohibited on or in all Borough of Quakertown municipal parks, lands, and facilities:") are hereby amended as follows:

1. Existing Subsection 16-101.M shall be amended to read as follows:

M. The walking, running, letting loose, or otherwise displaying or exercising dogs or other animals, unless on a leash held by a person; allowing or bringing dogs or other pets into QuiNB's Playground located in Memorial Park; and walking, running, letting loose, or otherwise allowing dogs or other pets upon any athletic field. Owners of dogs or other pets running loose or otherwise violating these requirements are responsible for payment of the fine for such violation.

2. Existing Subsection 16-101.R shall be amended to read as follows:

R. Entering the Quakertown Community Pool without a proper pool pass or payment of the proper fee. Any child under the age of two (2) years old or wearing a diaper, is only allowed to be in the baby pool or the splash pad and must wear a swim diaper while in the pool or playing on the splash pad.

3. Existing Subsection 16-101.T shall be amended to read as follows:

T. Congregating, gathering, or remaining in or near the Memorial Park picnic pavilions between the hours of 9:30 p.m. and 6:00 a.m.; congregating, gathering, remaining, or using any part of QuiNB's Playground in Memorial Park between dusk and dawn; congregating, gathering or remaining in any other portion of Memorial Park between the hours of 11:00 p.m. and 6:00 a.m., unless involved in an organized, Borough-approved event, such as Community Day or a game in the baseball stadium; or congregating, gathering or remaining anywhere in Cedar Grove Park or Main Street Park between sundown and 6:00 a.m.

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

Councilman Propst announced that National Night Out was a great event distributing ice cream to children. The Fireman's Carnival is running this week.

Manager McElree mentioned at the Public Works' appreciation luncheon on August 3<sup>rd</sup>, a park bench was purchased by the Borough employees and was donated in memory of Joey Murgia, Jr. who was the son of the Borough's Director of Services, Joe Murgia, Sr. Joey worked part time for several years for the Borough and passed away at a young age last year. The bench is placed in the new QuiNB playground.

President Rosenberger declared the meeting adjourned at 8:23 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