

A regular meeting of the Borough Council of Quakertown was held September 7, 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 August 3, 2022 and Work Session Minutes of June 27, 2022 & July 25, 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:

August 5, 2022	-	\$ 114,161.79
August 12, 2022	-	858,841.30
August 18, 2022	-	18,910.41
August 22, 2022	-	1,526,418.45

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

Visitors wishing to speak:

Attorney Taylor Speer of Fox Rothschild, LLP on behalf of Quaker Color, 200 S. Ambler Street would like to speak regarding Proposed Ordinance 1237, avoided electric costs.

PLANNING & ZONING COMMITTEE

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

REVENUE & FINANCE COMMITTEE

Vice President Roberts stated that there are not any items for action under the Revenue & Finance Committee.

HEALTH, SAFETY & WELFARE COMMITTEE

RESOLVED, That, Ordinance 1239, an Ordinance amending Chapter 15, "Motor Vehicles and Traffic" of the Borough of Quakertown Code of Ordinances by providing definitions for a battery electric vehicle, electric vehicle, electric vehicle charging station, and hybrid electric vehicle; and by prohibiting the parking of non-electric or non-charging vehicles in spaces designated as electric vehicle charging stations and prescribing penalties for violations thereof. Motion of Councilman Johnson, seconded by Vice President Roberts. A roll call vote was taken and the Ordinance has been adopted.

PUBLIC UTILITIES COMMITTEE

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 vote was taken and the motion was unanimously approved. Councilman Propst abstained as he is employed by Quaker Color who is a party involved in this action.

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

Councilman Wilsey indicated that Attorney Speer could speak at this time. Attorney Speer stated he is an energy lawyer with the law firm Fox Rothschild, LLP based out of the Greenville, South Carolina office, joined by his law partner out of the Pennsylvania office in Warrington representing Quaker Color and also in attendance is Kevin Wright. Attorney Speer was present to recommend Council not pass Ordinance 1237, stating it is bad for Quaker Color and also the Borough and is unlawful. Attorney Speer stated this Ordinance discourages development of these important projects and asked to continue to work together on this issue with the Borough's Solicitor.

Manager McElree explained the Borough formed an Energy Committee in 2018 to gather information to determine what possibilities there was in the future with different energy projects and programs which the Borough could engage in. A letter and invitation was sent to a number of industrial customers in the Borough and a number of industrial customers in the Borough attended which included a power point presentation solely aimed at projects that the Borough could consider in the future that would be Borough owned and operated by using resources from industrial customers and their properties. The Borough is a small town with no open spaces that can be developed, so in order to look at potential future projects for the Borough generating its own electricity, the Borough has to look at viable ways to do so. Kevin Wright is a committee member and suggested the possibility of engaging in a relationship with some of the industrial customers that have large roof space and also the possibility that the Borough could maybe install CHP generation near industrial sites that we could then use the heat or cooling capabilities from the CHP projects which gives added benefit for industrial customers. The committee was not soliciting industrial customers to be self generated projects but to engage in generation projects which the Borough would own and operate but would benefit some of our industrial customers not only through increased resources and reduced energy prices from the Borough generating its own energy but also the possibility of revenue for rent of their roof tops and maybe some part of their parcel of property.

Councilman Wilsey stated the Borough has very good Council on energy matters and they have indicated that this is a good Ordinance. Solicitor Nelson stated Ordinance 1237 was written by both the Borough's outside Council from Washington who are energy attorneys and himself. Solicitor Nelson mentioned that an Ordinance would not be put forth which he or the Borough's lawyers do not believe fully complies with the law and he respectfully disagrees with the concerns that have been raised tonight and he still recommends that this is a good and proper Ordinance.

Attorney Speer requested that his letter which he sent to Solicitor Nelson be part of the record. Solicitor Nelson stated Borough Council did receive a copy of that letter.

A roll call vote was taken and the Ordinance has been adopted.

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.

RESOLVED, That, the following Resolution 71-22, opposing sale of Bucks County Water & Sewer Authority's Sewer Assets to Aqua PA, be adopted:

RESOLUTION 71-22

RESOLUTION OPPOSING THE SALE OF THE BUCKS COUNTY
WATER AND SEWER AUTHORITY'S SEWER ASSETS TO
AQUA PENNSYLVANIA

WHEREAS, the Bucks County Water and Sewer Authority (BCWSA) provides services to about 100,000 households, nearly one third of the County population, in 31 municipalities and is the largest single provider of water and sewer services in the County; and

WHEREAS, since its creation BCWSA has provided good, cost effective and well-managed sanitary sewer services to its customers; and

WHEREAS, BCWSA is considering an offer from Aqua to purchase its sewer assets for \$1.1 billion dollars; and

WHEREAS, Aqua's rates are set through ratemaking procedures before the Pennsylvania Public Utility Commission and Aqua has a history of increasing its sewer rates substantially, including those municipalities which sold their private wastewater systems to Aqua including Limerick Township whose rate increased 82%, East Bradford Township whose rates increased 64%, Cheltenham Township whose rates increased 65%, East Norriton Township whose rates increased 57% and New Garden Township whose rates increased 53%; and

WHEREAS, at a time when costs are increasing for all Bucks County residents, through not fault of our local elected officials, residents can scarcely afford an increase in sewer fees; and

WHEREAS, the Borough of Quakertown Council believes it is unconscionable for BCWSA to sell its sewer assets to Aqua as the long term financial impacts that major increases in sewer rates will have on the residents and businesses being served and on Bucks County in general; and

WHEREAS, Wastewater services such as those provided by BCWSA are essential to protecting the environment and it is imperative that those services be provided at cost effective and reasonable fee structures; and

WHEREAS, privatization of BCWSA's sewer assts ultimately results in negative impacts for local municipalities and their residents.

NOW, THEREFORE, be it resolved that the Borough of Quakertown Council is opposed to the sale of BCWSA's sewer assets to Aqua Pennsylvania and implores BCWSA to abandon negotiation with Aqua and to continue to operate as an independent, nonprofit agency.

FURTHER, the Borough of Quakertown Council respectfully implores the County Commissioners to take all reasonable and necessary steps to compel BCWSA to abandon its negotiations and to continue operating as an independent, nonprofit agency, as intended when it was created in 1962 by the Bucks County Commissioners. If there is no other recourse, we believe the County should disband the BCWSA and take over the sewer assets and operation of the sewer system until a public entity is found to sell the system to.

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 reading of Ordinance 1238, updating the MS4 Stormwater Management Ordinance, be waived. Motion of Councilwoman Wear, seconded by Vice President Roberts. A roll call vote was taken and the motion was unanimously carried.

Solicitor Nelson stated the Borough is a MS4 municipality which falls under the regulations set forth by both the Pennsylvania DEP, as well as, the EPA concerning stormwater, clean streams and making sure as much as possible that our stormwater system does not add to the pollution of local streams. The permits are reviewed every five years and as part of the permit cycle DEP has set forth a requirement that every MS4 municipality in the state adopt updates to their Stormwater Ordinance. This Ordinance needs to be in place by the end of September.

RESOLVED, That, Ordinance 1238, an Ordinance amending the Quakertown Borough Code by adding a new Chapter 21A Stormwater Management and repealing in full Part 8, Stormwater Management of Chapter 22, Subdivision and Land Development be passed. Motion of Councilwoman Wear, seconded by Vice President Roberts. A roll call vote was taken and the Ordinance is unanimously adopted.

PARKS & RECREATION COMMITTEE

RESOLVED, That, the following Resolution 70-22, United Friends School's request to use the Park @ 4th for a fall festival and 5K event, be adopted:

RESOLUTION 70-22

WHEREAS, United Friends School has applied for a public gathering permit to conduct a fall festival and 5K event through the Park @ 4th.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the public gathering permit request of the United Friends School for their festival and 5K event on November 5, 2022, from 9:00 am to 1:00 pm in accordance to any COVID-19 restrictions at that specific time and also that the Borough is an additional insured on their insurance.

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

A volunteer dinner was held tonight to show appreciation for those who help with Borough events throughout the year.

Councilwoman Wear pointed out that some of the Quakertown Train Station volunteers were present at the meeting tonight and thanked them for an outstanding job that they do for the train station.

Manager McElree mentioned that the Borough is still working with Septa on the lease for the Train Station which will be expiring soon. Manager McElree agreed the volunteers at the Train Station do a great job being a necessary establishment for events to be held which is booked through 2023.

President Rosenberger declared the meeting adjourned at 8:20 p.m.

BOROUGH OF QUAKERTOWN

Donald E. Rosenberger
President of Council

Attest:

Scott C. McElree
Borough Secretary