

A regular meeting of the Borough Council of Quakertown was held May 3, 2023, 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, Borough Manager Scott McElree and Asst. Borough Secretary Kris Barndt.

Borough Council recognized three outstanding Quakertown High School wrestlers, lead by head coach Kurt Handel, for their excelled achievement this year at the 2022 PIAA States.

RESOLVED, That, the following Resolution 51-23, recognition of the Quakertown Community High School Wrestlers, be adopted:

RESOLUTION 51-23

WHEREAS, Quakertown High School has developed an outstanding wrestling program under a dedicated coaching staff led since 2001 by head coach, Kurt Handel; and

WHEREAS, under the leadership of Coach Handel various members of the wrestling teams have excelled not only in Quakertown Panther wrestling team conquests, but also have excelled in outstanding academic achievements; and

WHEREAS, sophomore Collin Gaj captured the gold medal in defeating the reigning 2022 PIAA state champion in the 145 lb. class and thus capped his season with a 49 win – 0 loss record to become the 4th wrestling gold medalist in the history of the Quakertown wrestling program which began in 1969; and

WHEREAS, Caroline Hattala, a freshman who had only been wrestling for ten months for the girls wrestling team, which itself is a more recent addition to the catalog of Quakertown High School sports activities, having won her 190 lb. class and thus achieved in winning the 5th gold medal to be brought back to Quakertown; and

WHEREAS, Mason Ziegler, a junior has also greatly distinguished himself by reaching the finals in the 121 lb. class and fought well and earned a silver medal, now therefore, be it

RESOLVED, by the Borough Council of the Borough of Quakertown that we extol the great successes of Coach Kurt Handel and his staff for contributing the mentoring and training necessary to gain the victories for these fine student athletes, and further

RESOLVED, that we heartily congratulate Collin Gaj, Caroline Hattala, and Mason Ziegler for their crowning achievements in the PIAA wrestling program and for their places in the annals of great Quakertown Panther athletes, and further, we wish them even greater successes in their athletic pursuits here at Quakertown High School and wherever their outstanding talents and abilities will take them.

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

RESOLVED, That, the Council Minutes of April 5, 2023 and Work Session Minutes of March 27, 2023 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:

April	5, 2023	\$ 193,723.82
April	14, 2023	203,697.49
April	21, 2023	616,342.02
April	27, 2023	406,751.99

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

RESOLVED, That, the Financial Statements, 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:

David Lewis, Quakertown Train Station, wanted to speak regarding the request of Last Chance Ranch's 5K.

Breanna Yosmanovich, 217 Franklin Street, wanted to speak regarding the Ordinance on having chickens in the Borough.

Timothy Ritter, 26 N. Penrose, wanted to speak regarding the new sewer treatment discharge limits.

PLANNING & ZONING COMMITTEE

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

REVENUE & FINANCE COMMITTEE

RESOLVED, That, the following Resolution 44-23, auction of Borough equipment, vehicles and miscellaneous items, be adopted:

RESOLUTION 44-23

WHEREAS, the Borough has equipment, vehicles and miscellaneous items which are readied for disposition; and

WHEREAS, the Pennsylvania Borough Code, Section 1201,2a provides rules to sell property through the bidding or auction process.

NOW, THEREFORE BE IT RESOLVED that the Council of the Borough of Quakertown permits the auction of the attached listed inventory scheduled for May 12, 2023 through Richland Auction Hall, Quakertown, PA.

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

HEALTH, SAFETY & WELFARE COMMITTEE

Councilman Johnson indicated that Ms. Yosmanovich could speak at this time. Ms. Yosmanovich stated she received a violation for having chickens on her property. The Borough Ordinance allows for chickens if your property has 100 feet between where the chickens are housed and the end of your property line, which she does not have. She has a six foot high fence around her yard and the four chickens are hens so they don't crow. Ms. Yosmanovich is asking if she could keep the four chickens which they currently have for their children's pets until they pass away. She stated none of her neighbors have complained to her about having chickens but apparently a call was placed to the Code Office. The Code Officer told her she could apply for a variance or get rid of the chickens. Ms. Yosmanovich thanked Mr. Wilhelm for the information.

RESOLVED, That, the following Resolution 35-23, Bucks County Department of Health's request to treat mosquitos on Borough property, be adopted:

RESOLUTION 35-23

WHEREAS, the Council of the Borough of Quakertown is willing to aid in the reduction of the spread of the West Nile Virus.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants permission to the Bucks County Department of Health allowing a mosquito treatment program by dusting impacted water basins and implementing mosquito traps.

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

Manager McElree stated if the Department of Health sends out a follow up report on their findings, Council will get a copy.

RESOLVED, That, the following Resolution 36-23, McCool's request to hold an Oktoberfest and car show, be adopted:

RESOLUTION 36-23

WHEREAS, a request was received from Jan Hensch to hold an event to include an Oktoberfest at McCool's and car show which will be on South Main Street on Saturday, September 30, 2023 from 9:00 am to 5:00 pm, rain date October 1, 2023 and to have South Main Street closed from Broad Street to Park Avenue.

NOW, THEREFORE, BE IT RESOLVED That the Council of the Borough of Quakertown grants the request of Jann Hensch to hold an Oktoberfest and car show and the closing of South Main Street from Broad Street to Park Avenue on September 30, 2023 provided that the Borough is added as an additional insured on their insurance.

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

RESOLVED, That, the following Resolution 37-23, McCool's request to hold a car show, be adopted:

RESOLUTION 37-23

WHEREAS, a request was received from Jan Hensch to hold a car show on McCool's property and South Main Street on Saturday, October 14, 2023 from 9:00 am to 5:00 pm, rain date October 15, 2023 and to have South Main Street closed from Broad Street to Park Avenue.

NOW, THEREFORE, BE IT RESOLVED That the Council of the Borough of Quakertown grants the request of Jann Hensch to hold a car show and the closing of South Main Street from Broad Street to Park Avenue on October 15, 2023 provided that the Borough is added as an additional insured on their insurance.

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

Councilman Johnson indicated that David Lewis could speak at this time. Mr. Lewis was present representing the Train Station and he stated that there will be a birthday party held at the Train Station the same day as Last Chance Ranch's request to hold a 5K which is planned to start at the Trolley Barn. The Train Station volunteers

are concerned about parking especially since Fredericks has just moved close by. Manager McElree said the Borough would get in touch with the event organizer and have them reach out to the Train Station to express their concerns. Manager McElree suggested that signage be used for the 5K event for parking at the Freight Station.

RESOLVED, That, the following Resolution 38-23, Last Chance Ranch's request to hold a Pints For Pups 5K Beer Run, be adopted:

RESOLUTION 38-23

WHEREAS, Last Chance Ranch has applied for a public gathering permit to conduct a Pints For Pups 5K Beer Walk/Run starting at 2 Rivers Brewing at the Trolley Barn, running through various streets in town per the attached sheet on Saturday, August 19, 2023 beginning at 11:00 am; and

WHEREAS, Last Chance Ranch is responsible for providing volunteers at the street crossings.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the public gathering permit request of Last Chance Ranch for their Pints For Pups 5K event on August 19, 2023, provided that the Borough is 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 39-23, Ed Scholl's request to hold a Pints For Pups 5K Beer Run, be adopted:

RESOLUTION 39-23

WHEREAS, a request was received from Edward Scholl of Quakertown, PA to hold a car show downtown for Cars for a Cause on Sunday, September 17, 2023 from 6:30 am to 2:00 pm and requests the closure of Broad Street from 4th Street to Hellertown Avenue, Branch Street and parts of Front Street, 3rd Street and 2nd 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 the Borough receives approval from PennDOT to close Broad Street and that the Borough is added as an additional insured on their insurance.

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 41-23, recognition of National Police Appreciation Week, be adopted:

National Police Appreciation Week RESOLUTION 41-23

WHEREAS, the health and safety of the citizens of the Borough of Quakertown, Pennsylvania, is important to the happiness, prosperity and well-being of our Borough's families and community; and

WHEREAS, the Borough of Quakertown, Pennsylvania, is the proud home of dedicated police officers who put their lives on the line to keep our community safe; and

WHEREAS, these officers stand as leaders and teachers, educating the community about the importance of public safety; and

WHEREAS, the Borough of Quakertown, Pennsylvania, appreciates the extraordinary efforts and sacrifices made by the officers and their family members on a daily basis in order to protect our schools, workplaces, roadways and homes; and

WHEREAS, National Police Appreciation Week is an opportunity to show our support for law enforcement.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Quakertown, along with the Congress and the President of the United States designates May 15, 2023 as National Police Officers Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes, and designate the week of May 15-21, 2023 as Police Appreciation Week.

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

Manager McElree mentioned on May 17, 2023 at 11:30 am a Memorial Program will be held at the Police Statue followed by light refreshments. Councilman Johnson stated so far this year 33 Police Officers have died in the line of duty.

RESOLVED, That, the following Resolution 41-23, Recognition of National Police Appreciation Week, be adopted:

RESOLUTION 49-23

WHEREAS, the Council of the Borough of Quakertown accepts the revised final draft for the Civil Service Rules and Procedures recommended by the Borough Solicitor.

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

PUBLIC UTILITIES COMMITTEE

Councilman Wilsey indicated that Mr. Ritter could speak at this time. Mr. Ritter thanked Lieutenant Bender for escorting local veterans to Bensalem, then to Washington DC for the Tour of Honor. Mr. Ritter asked if the revision of discharge limits is going to reduce the capacity of the sewer plant. Manager McElree answered that these are industrial discharge limits which are mandated through EPA every five years. A residential customer's capacity should not be affected. Solicitor Nelson added that the industrial customer must meet the limits of the EPA and spend the money to comply, this cost is not put on the Borough. Manager McElree mentioned there are plans in place to expand the plant.

RESOLVED, That, Ordinance 1241, an Ordinance amending Chapter 18 of the Quakertown Borough Code, Section 302 to allow for the amendment of types and amounts of prohibited discharge as approved by the United States Environmental Protection Agency, be established through Resolution of Borough Council, be passed. Motion of Councilman Wilsey, seconded by Councilman Propst. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, reading of Resolution 46-23, a Resolution of the Borough Council of Quakertown Borough, Bucks County, Pennsylvania adopting a specific prohibition for the discharge of oil and grease to the Borough's sanitary sewer system and specific pollutant discharge limitation (local limits) pursuant to Section §18-302-3, Specific Pollutant Limitations, of the Quakertown Borough Code, be waived. Motion of Councilman Wilsey, seconded by Councilman Sell. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, Resolution 46-23, establishing the local limits for wastewater collection and treatment for industrial customers in and outside the Borough, in accordance with the United States Environmental Protection Agency, be passed. 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 50-23, award contract to Agostino Utilities, LLC for 15,000 Volt Circuit Breakers and Cable Terminations bid, be adopted:

RESOLUTION 50-23

RESOLVED, by the Council of the Borough of Quakertown, That, the bid submitted by Agostino Utilities LLC, of Schwenksville, PA for Circuit Breakers and Cable Terminations for the amount of \$160,963.44, is hereby accepted.

The Borough Manager is authorized to execute the necessary documents on behalf of the Borough of Quakertown.

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 following Resolution 42-23, recognition of National Public Works Week, be adopted:

**Resolution 42-23
"Connecting the World Through Public Works"**

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the Borough of Quakertown; and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders and children in the Borough of Quakertown to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2023 marks the 63rd annual National Public Works Week sponsored by the American Public Works Association.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Borough of Quakertown to designate the week May 21–27, 2023 as National Public Works Week. Council calls upon all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

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

RESOLVED, That, the following Resolution 45-23, award contract to Naceville Materials, JV for 2023 Road Materials bid, be adopted:

RESOLUTION 45-23

Resolved, by the Council of the Borough of Quakertown, That, the following bids for road materials be accepted and contract awarded to:

Naceville Materials, JV of Doylestown, Pennsylvania for:

<u>Bid Item</u>	<u>2023</u>	
	<u>Pick- up</u>	<u>Delivered</u>
QPR 2000 cold patch	\$150.00 H & K Chalfont	---
#10 screenings	\$ 13.00	\$ 19.10
#8 washed, crushed stone	\$ 24.00 un-washed	\$ 30.10
#57 washed crushed stone	\$ 16.79	\$ 22.89
#3 crushed stone	\$ 15.50	\$ 21.10
2-A modified	\$ 11.00	\$ 17.10
3-A modified	\$ 11.90	\$ 18.00
R-4 shot rock	\$ 19.25	\$ 26.15
¼ inch anti-skid	\$ 21.75	\$ 27.85
2 B ¾ clean	\$ 16.79	\$ 22.89

The contract is awarded in accordance with the bid opened April 13, 2023. The term of the contract is May 1, 2023 to April 30, 2024. The Borough Manager is hereby authorized to execute the said contracts on behalf of the Borough of Quakertown.

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

RESOLVED, That, the following Resolution 48-23, award contract to Blooming Glen Contractors, Inc. for 2023 Paving bid, be adopted:

RESOLUTION 48-23

RESOLVED, by the Council of the Borough of Quakertown, That, the bid submitted by Blooming Glen Contractors, Inc., Perkasio, PA for 2023 Paving in the Borough consisting of the Borough Hall parking lot, a new walking path in Memorial Park and the driveway/parking lot at the Little League/Soccer fields for the amount of \$198,292.00, is hereby accepted.

The Borough Manager is authorized to execute the necessary documents on behalf of the Borough of Quakertown.

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

PARKS & RECREATION COMMITTEE

RESOLVED, That, the following Resolution 40-23, Linda Wenhold’s request to hold a Pennsylvania Patriot Coalition at the Univest Performance Center, be adopted:

RESOLUTION 40-23

WHEREAS, Linda Wenhold of Coopersburg, PA has submitted an event application seeking permission to use the Park at 4th for a Convention of States "Let Freedom Ring/The Constitution Rally on Sunday, July 16, 2023 from 1:00 pm to 5:00 pm; and

WHEREAS, Article V of the U.S. Constitution gives states the power to call a Convention of States to propose amendments and the convention would only allow the states to discuss amendments that, "limit the power and jurisdiction of the federal government, impose fiscal restraints and place term limits on federal officials"; and

WHEREAS, Linda Wenhold's application indicates the purpose of the use of the Park at 4th is educate and help make citizens more aware of the contents of the United States Constitution; and

WHEREAS, Linda Wenhold agrees with the terms and conditions as set forth in the Rental Agreement, Facilities & Fields Use Policy, or any other terms and conditions as set forth by the Borough of Quakertown.

NOW, THEREFORE, BE IT RESOLVED That the Council of the Borough of Quakertown approves Linda Wenhold's event application for the use of the Park at 4th as indicated in the application and that the Borough is added as an additional insured on their insurance.

Motion of Councilman Propst, seconded by Vice President Roberts. A roll call vote was taken and the motion passed with 5 votes in favor and Councilmembers Wear and Wilsey voting against.

RESOLVED, That, the following Resolution 43-23, Artistic Edge Dance Company's request to hold a recital at the Univest Performance Center, be adopted:

RESOLUTION 43-23

WHEREAS, Narissa Wescott of Artistic Edge Dance Company, Douglassville, PA has applied for a public gathering permit to hold a recital at the Univest Performance Center on Saturday, September 23, 2023 from 2:00 pm to 9:00 pm.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the public gathering permit request of Artistic Edge Dance Company for their recital on September 23, 2023, provided 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.

RESOLVED, That, the following Resolution 47-23, award contract to Hollenbach Construction, Inc., for reconstruction of the Memorial Park Baseball Stadium, be adopted:

RESOLUTION 47-23

RESOLVED, by the Council of the Borough of Quakertown, That, the bid submitted by Hollenbach Construction, Inc., Boyertown, PA for reconstruction of the Memorial Park Stadium for the amount of \$1,672,000.00, is hereby accepted.

The Borough Manager is authorized to execute the necessary documents on behalf of the Borough of Quakertown.

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

Councilman Johnson asked if it would be a consideration to sell a piece of the stadium to people if there was an interest in having a piece of the stadium. Manager McElree said the Borough did not put anything in the bid specifications to salvage any of the demolition.

President Rosenberger declared the meeting adjourned at 8:43 p.m.

BOROUGH OF QUAKERTOWN

Donald E. Rosenberger
President of Council

Attest:

Scott C. McElree
Borough Secretary