

A regular meeting of the Borough Council of Quakertown was held July 3, 2024, 7:33 p.m.

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

RESOLVED, That, the Council Minutes of June 5, 2024 and the Work Session minutes of May 20, 2024 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. Councilman Sell absent.

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

June	7, 2024	\$ 21,337.37
June	12, 2024	14,124.53
June	18, 2024	534,556.19
June	26, 2024	3,834.34
June	28, 2024	2,172,458.73

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

RESOLVED, That, the Financial Statements, 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. Councilman Sell absent.

Visitors:

Kate Wilhelm, 534 W. Broad Street, would like to speak regarding First Fridays downtown.

Ann Volmer, 500 W. Broad Street, would like to speak regarding her First Friday's application.

Courtney Burns from the Parks & Recreation Department was present to go over sponsorship opportunities for the new baseball stadium. A packet was created to hand out to people interested, showing various levels of sponsor opportunities. These packets will be available at tomorrow's stadium ribbon cutting.

PARKS & RECREATION COMMITTEE

RESOLVED, That, the following Resolution 55-24, Maura Shuttleworth of Feline Frenzy Cat Rescue's request to use the Univest Performance Center for a fundraising concert, be adopted:

RESOLUTION 55-24

WHEREAS, Maura Shuttleworth of Feline Frenzy Cat Rescue, North Wales, PA has requested to hold a fundraising concert at the Univest Performance Center on Saturday, September 28, 2024 from 3:00 pm to 9:00 pm.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of Maura Shuttleworth for a fundraising concert to benefit cat rescues on June 29, 2024, 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. Councilman Sell absent.

RESOLVED, That, the following Resolution 57-24, award bid for the Cedar Grove Park Paving Project to Bray Brothers, Inc., be adopted:

RESOLUTION 57-24

RESOLVED, by the Council of the Borough of Quakertown, That, the bid for the Cedar Grove Park paving project to include a new walking path, driveway, parking lots and basketball court per the park project plan be accepted and awarded to Bray Brothers, Inc. of Fallsington, Pennsylvania, in the amount of \$87,280.00 in accordance with the bids opened May 21, 2024. The Borough Manager is hereby authorized to execute the said contract 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 Sell absent.

RESOLVED, That, the following Resolution 61-24, naming the baseball stadium's Press Box after Donald J. Shaw, be adopted:

RESOLUTION 61-24

WHEREAS, the Borough Council of Quakertown desires to name the newly constructed Press Box in the newly constructed baseball stadium in Memorial Park; and

WHEREAS, the Shaw Foundation, named in memory after Quakertown athlete Donald J. Shaw, has donated \$20,000.00 for the Press Box to be named in Donald Shaw's memory; and

WHEREAS, Donald J. Shaw was a resident of Quakertown who graduated in the class of 1983 and was a youth athlete in multiple sports who especially excelled in High School baseball and Quakertown Legion baseball.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Quakertown that the Press Box in the baseball stadium be named after Donald J. Shaw.

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

RESOLVED, That, the following Resolution 63-24, recognizing July as Park & Recreation month, be adopted:

DESIGNATION OF JULY AS PARK AND RECREATION MONTH

RESOLUTION 63-24

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including the Borough of Quakertown; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and improve the mental and emotional health of all citizens; and

WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, the Borough of Quakertown recognizes the benefits derived from parks and recreation resources.

NOW THEREFORE, BE IT RESOLVED BY the Council of the Borough of Quakertown that July is recognized as Park and Recreation Month in the Borough of Quakertown.

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

PLANNING & ZONING COMMITTEE

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

REVENUE & FINANCE COMMITTEE

A proposed Freight House Sublease Agreement was discussed. Vice President Roberts questioned the amount of money to be escrowed/or letter of credit since that item is left blank in the Agreement. Solicitor Nelson stated Mr. Wilhelm has that figure for roof replacement and it will be filled in before the Sublease is given to the Tenant. Mr. Wilhelm replied that the estimated amount for a new roof is \$250,000. Exhibit #B is the Project Plan Outline which the Tenant will be using to satisfy the items which need to be completed. Solicitor Nelson mentioned the other empty blanks such as the Commencement Date in the Sublease will be filled in after a discussion with the Tenant. Council authorizes Manager McElree to negotiate with the Tenant the amount of letter of credit, rent and the execution date. If any of these items are unreasonable the Borough Manager will not sign the Sublease. If these items differ from the general understanding, then this Agreement will be brought back to Council.

RESOLVED, That, the following Resolution 59-24, accepting the Freight House Sublease Agreement, be adopted:

RESOLUTION 59-24

WHEREAS, the termination of the previous Freight House Sublease Agreement for the premises located at 19 Front Street between the Borough and QT Freight House, LLC (Ian Jeffery) was reached April 3, 2024, Resolution #36-24; and

WHEREAS, the Council of the Borough of Quakertown wishes to negotiate a new Freight House Sublease Agreement between the Borough and Christopher LaBonge.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown looks favorably on the proposed Freight House Sublease Agreement with Christopher LaBonge and authorizes the Borough Manager to execute said agreement on behalf of the Borough.

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

HEALTH, SAFETY & WELFARE COMMITTEE

Councilman Johnson indicated that Ann Vollmer could speak. Ms. Vollmer recently moved her business to 500 W. Broad Street and is looking to create a First Fridays event which will bring people downtown. She feels this would be good for the community to have businesses come with their produce and goods to run specials and promotions. Broad Street would not be closed but she is requesting 5th Street from Broad Street to Juniper Street be closed. Ms. Vollmer said she spoke to several businesses downtown and they are happy to participate. Councilman Johnson questioned closing 5th Street at 3:00 pm which could create issues with vehicles trying to get out of parking lots off of 5th Street after their work. Ms. Vollmer answered most of those parking lots have exit access to the alleys. Councilman Johnson also mentioned that 5th Street is an access way to the High School which has football games Friday nights, although there are other ways to get there but can create traffic issues. Manager McElree asked Ms. Vollmer if she would consider moving the event to Third Street and maybe include the triangle lot because 5th Street is more of a thoroughfare between Broad Street, Juniper Street and the High School or does she want it on 5th Street because her business is there. Ms. Vollmer feels walking across Broad Street could be dangerous if it were held in the triangle and Third Street. Regarding alcohol vendors, Solicitor Nelson said the vendors selling the alcohol need the appropriate license from the Liquor Control Board and the Borough has a separate law regarding open containers restricting people to walk around town with open alcohol. Ms. Vollmer would have to get the Borough to waive the open container law to allow people to buy it and then drink it outside. Manager McElree added the vendors selling alcohol would also have to have insurance, as well as Ms. Vollmer holding the event. Quakertown Alive! stated they will help promote this event if approved.

Councilman Johnson indicated that Kate Wilhelm could speak. Mrs. Wilhelm has concerns regarding traffic safety on First Fridays if they were to be approved. She feels limited access to Apple Alley would impact the safety for her employees, guests and third party delivery drivers going to and from Ritas since she prefers her employees not to turn on Broad Street. Mrs. Wilhelm would prefer First Fridays be held on Third Street since there is a crosswalk at that location.

RESOLVED, That, the following Resolution 56-24, disposition of old Police Department Administrative Records, be adopted:

RESOLUTION 56-24 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 amended 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 records listed in the attached memorandums dated April 5, 2024, May 3, 2024 and June 7, 2024 from the Police Department.

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

RESOLVED, That, the following Resolution 62-24, Ann Vollmer of Nefarious Eats request to hold first Friday Feast events August- November 2024, be adopted:

RESOLUTION 62-24

WHEREAS, a request was received from Ann Vollmer of Nefarious Eats, 500 W. Broad Street for permission to close 5th Street from W. Broad Street to Juniper Street starting at 3:00 pm to hold a First Friday Feast event the first Friday of August, September, October and November from 5:00 pm to 8:00 pm; and

WHEREAS, local businesses are encouraged to stay open Friday evenings and food trucks, local producers, artisans and musicians gather together to encourage people to come downtown to patronize businesses; and

WHEREAS, Quakertown Alive! supports Ms. Vollmer's efforts for the First Friday events starting in August through November and will help promote that event.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown, grants the request of Ann Vollmer to hold First Fridays from August through November from 5:00 pm to 8:00 pm and closure of 5th Street from 3:00 pm to 8:30 pm provided the Borough is added as an additional insured on her insurance.

Motion of Councilman Johnson. There was not a second motion. Resolution 62-24 was not approved.

Manager McElree said he would meet with Ms. Vollmer next week if she would like to work out a different plan and bring it back to Council with revisions.

RESOLVED, That, the reading of Ordinance #1245, an Ordinance amending Part 5, "False Alarms from Businesses" of Chapter 13, "Licenses, Permits and General Business Regulations" of the Quakertown Borough Code of Ordinances, be waived. Motion of Councilman Johnson, seconded by Councilman Propst. A roll call vote was taken and the motion was unanimously carried. Councilman Sell absent.

RESOLVED, That, Ordinance #1245, an Ordinance which categorizes false alarms, the penalties for false alarms and false fire alarms, waiver of penalty under certain circumstances, billing for penalties and collection, provision of false alarm service, system installation or maintenance, system testing, school district exemption, borough non-liability, definition of "false alarm" and violations and penalties, be adopted. Motion of Councilman Johnson, seconded by Vice President Roberts. A roll call vote was taken and the motion was unanimously carried. Councilman Sell absent.

PUBLIC UTILITIES COMMITTEE

RESOLVED, That, the following Resolution 60-24, accepting the Comcast Pole Attachment Agreement, be adopted:

RESOLUTION 60-24

WHEREAS, a Comcast Pole Attachment Agreement has been reached after several years of negotiating between the Borough and Comcast of Southeastern, Pennsylvania which includes attaching, erecting and installing aerial cables, wires and/or associated equipment on utility poles in Quakertown Borough; and

WHEREAS, for the term of this Agreement Comcast shall pay an annual rent of \$30,000.00 covering the then-current year commencing on January 1 and concluding on December 31, which rent shall be payable annually on or before the last day of February each year during which this Agreement remains in effect; and

WHEREAS, the rent shall increase each year by the same percentage change in the CPI-U from January 1 to November 30 of the year prior to the billing year; and

WHEREAS, the term of this Agreement shall commence as of the effective date and run to November 3, 2031, unless earlier terminated in accordance with this Agreement.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown accepts the proposed Comcast Pole Attachment Agreement and authorizes the Borough Manager to execute said Agreement on behalf of the Borough.

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

A Power Purchase and Sale Agreement, Interconnection Agreement and affiliated Guaranty Agreements between McAdoo Power & Light Co. and the Borough were presented to Council. These Agreements were finalized today after approximately two years of negotiations. Solicitor Nelson explained Quaker Color has installed a solar power plant to help power their facility, as well as, a cogeneration heat and power plant. These two power plants are going to produce more electricity than their facility needs and Quaker Color is under federal law, and classified as a "qualifying facility" meaning they have the legal right to sell power back to Quakertown Borough since the Borough is the power provider in this area. The Borough is legally obligated to purchase that power from them. There are two main Agreements and two Guarantees. The Power Purchase and Sale Agreement covers the purchasing of the power and how much the Borough will pay for the power. The Interconnection Agreement covers Quaker Color connecting to the Borough's electric facilities. The Guarantees are to cover if something where to go wrong and the power company does not have the assets to cover any damage which they cause. Their main company McAdoo which oversees Quaker Color is signing the Guarantees. President Rosenberger stated there is a lot of information here to review.

President Rosenberger would like to adjourn this meeting to Tuesday, July 9, 2024 at 6:16 pm and vote on this item so Council has more time to read through this material. The Borough will post this special meeting.

PUBLIC WORKS COMMITTEE

RESOLVED, That, the following Resolution 58-24, award bid for the 2024 Road Paving Projects to Harris Blacktopping, Inc., be adopted:

RESOLUTION 58-24

RESOLVED, by the Council of the Borough of Quakertown, That, the bid for the 2024 Road Resurfacing project to include Brookfield Circle, Live Oak Drive, S. 2nd Street from Broad to Juniper Streets and Main Street from Mill Road to 9th Street, be accepted and awarded to Harris Blacktopping, Inc. of Washington Crossing, Pennsylvania, in the amount of \$379,280.00 in accordance with the bids opened May 21, 2024. The Borough Manager is hereby authorized to execute the said contract 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. Councilman Sell absent.

Councilwoman Wear was not able to attend the Public Works Appreciation Picnic but wanted to thank everyone in the Public Works Department for the outstanding job they have done throughout the year.

President Rosenberger announced this meeting is adjourned until Tuesday, July 9, 2024 at 6:15 pm to vote on the McAdoo Power & Light Co. Agreement.

President Rosenberger concluded the meeting at 9:22 p.m.

BOROUGH OF QUAKERTOWN

Donald E. Rosenberger
President of Council

Attest:

Scott C. McElree
Borough Secretary