

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

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

RESOLVED, That, the Council Minutes of July 3, 2024 and the Work Session minutes of June 24, 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. Councilwoman Wear, absent.

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

July	2,	2024	\$ 1,097,807.41
July	9,	2024	15,744.91
July	17,	2024	656,416.37
July	26,	2024	4,038.29
August	1,	2024	991,075.46

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

Visitors:

No visitors wished to speak regarding any agenda items.

PLANNING & ZONING COMMITTEE

RESOLVED, That, the reading of Ordinance #1242, an Ordinance amending Chapter 27, to decrease the Zoning Hearing Board from five (5) members to three (3) members; to decrease the term length of members from five (5) to three (3) years; to permit appointment of alternate Zoning Hearing Board Members; and to set forth when an alternate member shall be designated to act as a voting member, be waived. Motion of Councilman Sell, seconded by Councilman Propst. A roll call vote was taken and the motion was unanimously carried. Councilwoman Wear, absent.

RESOLVED, That, Ordinance #1242, an Ordinance amending the Quakertown Borough Zoning Code of Article I, Chapter 27, Part 7, Section 704 (1), Appointment, of the Quakertown Borough Zoning Code and Article II, Chapter 27, Part 7, Section 704 (4), Organization, of the Quakertown Borough Zoning Code, be adopted. This Ordinance shall become effective *five* (5) days after enactment. Motion of Councilman Sell, seconded by Vice President Roberts. A roll call vote was taken and the motion was unanimously carried. Councilwoman Wear, absent.

RESOLVED, That, the following Resolution 71-24, land development plans for 103 Quaker Safety, LLC's property at 103 S. Main Street, be adopted:

RESOLUTIONNO. 71-24

A RESOLUTION OF QUAKERTOWN BOROUGH COUNCIL GRANTING FINAL LAND DEVELOPMENT APPROVAL TO I03 QUAKER SAFETY, LLC FOR THE LAND DEVELOPMENT PLANS FOR QUAKER SAFETY APARTMENT CONVERSION, PREPARED BY HORIZON ENGINEERING, DATED MAY I, 2024, CONSISTING OF 5 SHEETS, WHICH PROPOSE TO REDEVELOP AN EXISTING INDUSTRIAL BUILDING INTO 23 APARTMENTS.

WHEREAS, the Zoning Hearing Board of the Borough of Quakertown ("ZHB") held a hearing on September 7, 2023 for 103 Quaker Safety, LLC ("Applicant") concerning the property located at I03 South Main Street, also denoted as Tax Map Parcel #35-004-260 ("Property"), regarding Applicant's request for various variances to convert the existing industrial building ("Building") on the Property into apartments ("Project"); which variance application was conditionally approved by the ZHB on October 18, 2023; and

WHEREAS, the Borough Council of the Borough of Quakertown ("Council") held a Conditional Use Hearing on November I, 2023 for Applicant concerning the Property, to allow the demolition of a portion of the Building for the Project; which conditional use application was conditionally approved by Council at its regular December 6, 2023 meeting; and

WHEREAS, a condition of the above conditional use approval was Applicant shall file for land development approval for the Project; and

WHEREAS, Applicant has submitted an application for final land development approval for the Project, specifically to convert the Building into twenty-three (23) apartments; and

WHEREAS, the current iteration of the Project is reflected on a plan entitled "Land Development Plans for Quaker Safety Apartment Conversion", prepared by Horizon Engineering, dated May I, 2024, consisting of five (5) sheets ("Plan"); and

WHEREAS, the Quakertown Borough Planning Commission reviewed the Plan at its July 11, 2024 meeting, and having found it to be in substantial compliance with the requirements of the Borough Zoning Ordinance, the Borough Subdivision and Land Development Ordinance, and other applicable Borough regulations recommended that final approval be granted.

NOW, THEREFORE, BE IT ADOPTED AND RESOLVED, that the Quakertown Borough Council hereby grants final land development approval to the Project subject to Applicant's compliance with the following conditions:

- I, Applicant shall comply with all the requirements and recommendations of the Cowan Associates, Inc. Review Letter of June 7, 2024. A true and correct copy of this letter is attached hereto and incorporated herein. (Borough Code §22-403, §22-404, §22-501, §22-601)
2. Applicant shall comply with all the conditions of approval set forth in the Decision of the Quakertown Borough Zoning Hearing Board dated October 18, 2023. A true and correct copy of this Decision is attached hereto and incorporated herein.
3. Applicant shall comply with all the conditions of approval set forth in the Adjudication of the Quakertown Borough Council dated December 6, 2023. A true and correct copy of this Adjudication is attached hereto and incorporated herein.

4. Applicant shall construct all public improvements shown on the Plan, including, but not limited to, water and sewer facilities, stormwater facilities, street trees, roadway widening, installation of curbs and sidewalks, and roadway milling and overlay; or else, install partial improvements as approved by the Borough. (Borough Code §22-302, §22-405.3, §22-501, §22-601, §22-602, §22-604, §22-606)
5. Applicant shall obtain all required approvals from various agencies having jurisdiction over the Project, including, but not limited to: Pennsylvania Department of Environmental Protection ("DEP") NPDES Permit, DEP Sewage Facilities Planning Module, Bucks County Health Department, Bucks County Conservation District E & S Permit, and Pennsylvania Department of Transportation Highway Occupancy Permit.
6. Applicant shall provide written verification of approval from the Borough Sanitation Department as to the provision of public sanitary sewer service to the Property. (Borough Code §22-605)
7. Applicant shall provide written verification of approval from the Borough Water Department as to the provision of public water service to the Property, including fire protection. (Borough Code §22-605)
8. Applicant shall submit to the Borough's designated engineer for review all necessary legal descriptions and construction cost estimates of the site improvements. (Borough Code §22-406, §22-606)
9. If necessary, Applicant shall execute Development and Financial Security Agreements and all other development documents (including all necessary agreements, easements, deeds of dedication and declarations), all in a form and manner to be approved by the Borough Solicitor; Applicant shall post sufficient financial security in a form acceptable to the Borough; Applicant shall provide proof of sufficient insurance coverage to the Borough. (Borough Code §22-406)
10. If necessary, Applicant shall execute all deeds of dedication, legal descriptions of rights-of-way, access easement descriptions, lot descriptions, notes, etc., all in a form and manner to be approved by the Borough Solicitor. Descriptions for those areas of land specified on the Plans for dedication to the Borough shall be submitted to the Borough's designated engineer in a form suitable to that engineer. These deeds shall be accompanied by title insurance to the benefit of the Borough indicating that title to these areas is free and clear of all liens, encumbrances and restrictions that could adversely affect the use of these dedicated for roadways and other proper purposes. (Borough Code §22-406)
11. Applicant shall pay all appropriate fees applicable to this Project including all outstanding bills from the Borough's professional consultants. (Borough Code §22-702)
12. All documentation shall be executed prior to recording of Record Plans.
13. Applicant and its professionals shall execute, notarize, and seal the Final Record Plan.
14. Applicant shall comply with all other applicable Borough, County, State, and Federal rules, regulations, codes, ordinances, and statutes.

BE IT FURTHER RESOLVED, in response to Applicant's written request, Borough Council hereby grants waivers to the following sections of Chapter 22 of the Borough Code (Subdivision and Land Development). The grant of these waivers is conditioned upon Applicant meeting the following requirements, where noted:

- a. Section §506.I -Allowing the right of way of Juniper Street in certain locations to be as narrow as twenty-two (22) feet half width.
- b. Section §506.4.J - Granting a partial waiver to the required seventy-five (75) foot clear sight triangle at the intersection of Juniper and South Main Streets.
- c. Section §821.1.A - From providing the required Stormwater Management Site Plan.

BE IT FINALLY RESOLVED, that the conditions of approval have been made known to Applicant, and this final plan approval is to be deemed expressly contingent upon Applicant's explicit or implicit acceptance of the said conditions.

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

REVENUE & FINANCE COMMITTEE

RESOLVED, That, the following Resolution 67-24, Quakertown Alive!s DCED \$50,000.00 Streetscapes Grant Application, be adopted:

RESOLUTION 67-24

WHEREAS, the Borough of Quakertown is desirous of obtaining funds from the Pennsylvania Department of Community and Economic Development (DCED) in the amount of \$50,000.00 for the 2025 Quakertown Alive! Streetscape Program.

NOW, BE IT RESOLVED by the Borough Council of the Borough of Quakertown to file this Resolution with the (DCED) grant application applying for total funding of \$50,000 to be submitted by Quakertown Alive! and with the Borough to match \$50,000.00.

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

HEALTH, SAFETY & WELFARE COMMITTEE

RESOLVED, That, the following Resolution 66-24, Trinity Lutheran Church's request to close Erie Avenue for a Peach Festival, be adopted:

RESOLUTION 66-24

WHEREAS, a request was received from Trinity Lutheran Church to close Erie Avenue for their annual Peach Festival on August 10, 2024.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Quakertown grants the request of Trinity Lutheran Church to close Erie Avenue from Hellertown Avenue to the entrance of the church parking lot on Saturday, August 10, 2024 from 5:00 p.m. to 9:00 p.m. for their Peach Festival.

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

RESOLVED, That, the following Resolution 68-24, James Scollon's request to close S. 2nd Street and hold a block party, be adopted:

RESOLUTION NO. 68-24

WHEREAS, a request was received from James Scallon, 139 S. 2nd Street to hold a block party on S. 2nd Street on August 2, 2024, from 4:00 p.m. to 11:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of James Scallon to hold a block party and to have S. Second Street closed.

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

RESOLVED, That, the following Resolution 62-24, Ann Vollmer of Nefarious Ears request to hold Quakertown Saturday Sunset events September - 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 from 4:00 pm to 9:00 pm to hold a Quakertown Saturday Sunset Social event the first Saturday of September, October and November from 6:00 pm to 8:30 pm; and

WHEREAS, local businesses are encouraged to stay open Saturday evening and food trucks, local producers, artisans and musicians will gather together for the purpose to encourage people to come downtown to patronize businesses; and

WHEREAS, Quakertown Alive! supports Ms. Vollmer's efforts for the Saturday Sunset Social events starting in September through November and will help promote this event.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown, grants the request of Ann Vollmer to hold Saturday Sunset Socials from September through November from 6:00 pm to 8:30 pm and closure of 5th Street from 4:00 pm to 9:00 pm provided the Borough is added as an additional insured on her insurance.

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

Councilman Johnson said the National Night Out ice cream handout around the Borough went well. Manager McElree mentioned he believes approximately 400 treats, which were donated, were handed out

PUBLIC UTILITIES COMMITTEE

RESOLVED, That, the following Resolution 73-24, accept and award bid for the Cedar Grove Distribution Line Upgrade Project to Agostino Utilities, LLC, be adopted:

RESOLUTION 73-24

RESOLVED, by the Council of the Borough of Quakertown, That, the bid for the Cedar Grove Park Distribution Line Upgrade Project which will provide an upgrade to the power distribution line behind Fox Court and also will allow "back feeding" to other sections of the Borough's distribution system in the event of emergencies, be accepted and awarded to Agostino Utilities, LLC, of Schwenksville, Pennsylvania, in the amount of \$35,000.00 in accordance with the bids opened July 30, 2024. The Borough Manager is hereby authorized to execute the said contract 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. Councilwoman Wear, absent.

PUBLIC WORKS COMMITTEE

President Rosenberger stated that there are not any items under the Public Works Committee.

PARK & RECREATION COMMITTEE

RESOLVED, That, the following Resolution 65-24, Kevin Hallman's request to hold a CROP Walk through Park at 4th, be adopted:

RESOLUTION 65-24

WHEREAS, a request was received from Kevin Hallman to hold a Crop Walk through the Park at 4th to raise funds for the hungry on October 6, 2024.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request to Kevin Hallman to hold a Crop Walk on Sunday, October 6, 2024 from 1:00 pm to 4:00 pm in the Park at 4th provided 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 was unanimously carried. Councilwoman Wear absent.

RESOLVED, That, the following Resolution 69-24, Quakertown Midget Football Association's season kickoff event, be adopted:

RESOLUTION 69-24

WHEREAS, Quakertown Midget Football is requesting to hold a season kickoff event to include vendors, contests and raffles at the QFMA field which will also be part of the field naming dedication in memory of Phil Woods on August 11, 2024 with a rain date of August 18, 2024 from 11:00 am to 5:00 pm.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown permits the request of the Quakertown Midget Football Association to hold their season kickoff event at the QMFA fields on August 11, 2024 with their rain date. Their insurance adding the Borough as an additional insured has been received.

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

RESOLVED, That, the following Resolution 72-24, DCNR Lawn To Meadow Conservation Program, be adopted:

RESOLUTION 72-24

WHEREAS, the Borough has been awarded a grant through the Department of Conservation and Natural Resources (DCNR) Lawn Conversion Program; and

WHEREAS, this grant provides assistance to convert mowed lawn areas into native meadows which is beneficial to the Borough by reducing mowing costs, improving water quality, reducing soil erosion and increasing available wildlife habitat, therefore, increasing the biodiversity within the Borough; and

WHEREAS, all costs such as plantings, contractor labor, site preparation and seeding, as well as, contractor maintenance the first year are covered entirely by the Lawn Conversion Program; and

WHEREAS, the sites chosen for the native meadows are 1,2 acres near the Univest Amphitheater and .6 acres near the Community Garden on Main Street.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Quakertown directs the Borough Manager to proceed with the Lawn to Meadow Conservation Program.

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

Manager McElree mentioned there will be an educational plaque installed to identify the plantings.

RESOLVED, That, the following Resolution 70-24, accept and award bid for the paving project at the sports complex in the north section of the parks to Blooming Glen Contractors, be adopted:

RESOLUTION 70-24

RESOLVED, by the Council of the Borough of Quakertown, That, the bid for the Sports Complex Paving in the north section of the Borough's parks, be accepted and awarded to Blooming Glen Contractors, Inc. of Skippack, Pennsylvania, for the amount of \$81,950.00 in accordance with the bids opened July 9, 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. Councilwoman Wear, absent.

Manager McElree stated he is looking to obtain a new Police Officer eligibility list for future hiring.

RESOLVED, That, the following Resolution 74-24, authorizing the Borough Manager to proceed with Police Officer testing, be adopted:

RESOLUTION 74-24

RESOLVED, That, the Council of the Borough of Quakertown directs the Borough Manager to proceed with Police testing to obtain a current civil service eligibility list for entry level Police Officers.

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

President Rosenberger concluded the meeting at 8:03 p.m.

BOROUGH OF QUAKERTOWN

Donald E. Rosenberger
President of Council

Attest:

Scott C. McElree
Borough Secretary