

A regular meeting of the Borough Council of Quakertown was held September 4, 2024, 7:30 p.m.

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

RESOLVED, That, the Council Minutes of August 7, 2024 and July 9, 2024 and Work Session minutes of July 22, 2024 be approved as written. Motion of Vice President Roberts, seconded by Councilwoman Wear. A roll call vote was taken and the motion was unanimously carried.

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

August	2, 2024	\$	565.51
August	5, 2024		1,150.00
August	16, 2024		170,881.50
August	22, 2024		815,453.82
August	29, 2024		1,742,108.44

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 Statements, Police Department, Zoning Administrator and Building Inspector reports be received and filed. Motion of Councilman Wilsey, seconded by Councilman Sell. A roll call vote was taken and the motion was unanimously carried.

Visitors:

No visitors wished to speak regarding any agenda items.

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 78-24, amending the 2024 Fee Schedule to include parking violation fees for the Loading & Unloading Zone and the Special Event Parking Zone, be adopted:

RESOLUTION 78-24

WHEREAS, Resolution 1-24 was adopted on January 2, 2024, and established the fees associated with Borough services for the year 2024; and

WHEREAS, the Borough wishes to include the following fees:

Police Department –

Parking Tickets:

Loading & Unloading Zone Violation	\$ 15.00
Special Event Parking Violation	\$ 25.00

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Quakertown amends the 2024 Fee Schedule to reflect the above listed changes.

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

RESOLVED, That, the following Resolution 77-24, Civil Service changes regarding General Qualifications-All Applicants and Written Examination; Passing Grade, be adopted:

RESOLUTION 77-24

WHEREAS, Borough Council has previously established Rules and Regulations of the Civil Service Commission of the Borough of Quakertown; and

WHEREAS Borough Council wishes to make changes regarding General Qualifications-All Applicants and Written Examination; Passing Grade for the Police Officer testing process.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Quakertown that the Rules and Regulations of the Quakertown Civil Service Commission be amended to read as follows:

Section 305. General Qualifications - All Applicants.

(b) Applicants shall have graduated from an accredited high school or have a General Equivalency Diploma (GED). Additionally, all Applicants shall possess, at a minimum, an associate's degree from a nationally accredited college or university, or thirty (30) or more credits toward a bachelor's degree from a nationally accredited college or university and continues to matriculate toward a bachelor's degree in a field related to law enforcement after employment, or consideration may be given for one of the following waivers during the selection process:

- (1). At least three years of active military duty and an honorable discharge.
- (2). Pennsylvania Act 120 or the equivalent and at least two (2) years of full-time police experience.

Section 504. Written Examination: Passing Grade.

On the designated date, the Commission or its designated agent, shall administer a written examination to all Applicants who passed the fitness & agility examination given as part of this testing cycle, The written examination shall produce a numerical grade on a scale between zero (0) and one hundred (100). At a minimum, the Applicants with the top ten (10) scores and who have achieved a grade of seventy (70.0) percent or greater on the written examination, shall be considered to have passed the written examination. At its discretion, the Commission may consider, in rank order, additional Applicants who achieved a grade of (70.0) percent, but ranked outside of the top ten, as having passed the written examination. Those Applicants who have passed the written examination shall be eligible to continue in the testing process. Applicants scoring less than seventy percent (70.0) percent shall be rejected.

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

PUBLIC UTILITIES COMMITTEE

RESOLVED, That, the following Resolution 81-24, joining the Pennsylvania Municipal Power Agency (PMPA), be adopted:

RESOLUTION 81-24

A RESOLUTION OF THE BOROUGH OF QUAKERTOWN,
BUCKS COUNTY, PENNSYLVANIA, SEEKING MEMBERSHIP
IN AND APPOINTING A BOROUGH REPRESENTATIVE
AND A DIRECTOR TO THE PENNSYLVANIA MUNICIPAL
POWER AGENCY.

WHEREAS, the Pennsylvania Municipal Power Agency ("PMPA") is a municipal power agency organized and existing under the laws of the Commonwealth of Pennsylvania, pursuant to Chapter 24A of the Borough Code, 8 Pa. C.S. §24A01, *et seq*; and

WHEREAS, the original Borough members of PMPA entered into an Agency Agreement dated August 1, 2008 (the "Agency Agreement") to establish PMPA in accordance with 8 Pa. C.S. §24A04; and

WHEREAS, the Borough of Quakertown (the "Borough") wishes to be admitted as a member of PMPA; and

WHEREAS, PMPA may admit the Borough to membership in accordance with Article II of the Bylaws of PMPA; and

WHEREAS, in the event the Borough is accepted for membership pursuant to action by the Board of Directors of PMPA, the Borough will be authorized to appoint a Borough representative and Director to PMPA.

NOW. THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Quakertown, Bucks County, Pennsylvania, as follows:

1. **Recitals.** The introductory recitals above are incorporated herein by reference.

2. **Membership.**

- A. The Borough hereby submits its application for membership in PMPA and affirms that it meets the same eligibility requirements for membership as the original members of PMPA and such other requirements as are established by the Board of Directors.
- B. The Borough affirms that it has owned for at least ten (10) years a system or facilities for the generation, transmission, or distribution of electric power and energy.
- C. The Borough agrees to be bound by the provisions of the PMPA Agency Agreement and Bylaws and authorizes and directs proper officers of the Borough to execute the PMPA Agency Agreement.
- D. The Borough acknowledges that if the Board of Directors approves the Borough's application for membership, the Borough shall have the same rights and duties as the original PMPA members. The Borough authorizes the payment of the initial membership fee to PMPA in the amount of \$2,775.00.

3. **Appointment.** In the event the Borough's membership in PMPA is approved, the Borough hereby appoints the following Borough representative and as Director of PMPA (Note: the Representative and Director are usually the same person.)

- A. Borough Representative: Scott C. McElree is hereby appointed as Borough representative to PMPA to serve in accordance with the Agency Agreement and the Bylaws of PMPA.
- B. Director: Scott C. McElree is hereby appointed as a member of the Board of Directors of PMPA to serve in accordance with the Agency Agreement and the Bylaws of PMPA.
- C. Alternate Director: Robert O'Donnell is hereby appointed as an alternate member of the Board of Directors of PMPA to perform the duties of the Director in the absence of the Director. (Not required to appoint an Alternate Director.)

4. **Effective Date.** This Resolution shall become effective immediately.

5. **Severability.** If any sentence, clause, section, or part of this Resolution is for any reason found unconstitutional, illegal, or invalid such unconstitutionally, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof.

6. **Repealer.** All other Resolutions or parts of Resolutions inconsistent herewith are hereby repealed.

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

RESOLVED, That, the following Resolution 79-24, accept and award bid for electrical work for the Anaerobic Digestion & Co-Generation Project to Garden Spot Electric Inc. of Manheim, be adopted:

RESOLUTION 79-24

RESOLVED, by the Council of the Borough of Quakertown, That, the bid for the electrical work for the Anerobic Digestion and Co-Generation Facility Project at the Wastewater Plant, be accepted and awarded to Garden Spot Electric, Inc. of Manheim, Pennsylvania, for the amount of \$7,397,000.00 in accordance with the bids opened June 19, 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 Councilman Johnson. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the following Resolution 82-24, change order for a cost reduction of \$387,500.00 for electrical work by Garden Spot Electric, Inc. for the Anaerobic Digestion & Co-Generation Facility Project, be adopted:

RESOLUTION 82-24

WHEREAS, the Borough has accepted and awarded a bid for electrical work for the Anaerobic Digestion & Co-Generation Facility Project to Garden Spot Electric, Inc. of Manheim for the amount of \$7,397,000.00; and

WHEREAS, a proposed Change Order (#1) dated August 19, 2024, modifying several items from the original bid from Garden Spot Electric, Inc. has been received for reduction of \$387,500.00; and

WHEREAS, the modifications proposed are:

1. Replacing Trenwa and wireway systems for concrete encased duct banks.
2. Rigid Aluminum conduit system in lieu of PVC conduit system.
3. Relocate disconnects outside of classified area for outdoor tanks.
4. Substitute Nema 3R panel and transformer in lieu of mini power centers.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown accepts Garden Spot Electric, Inc.'s Change Order (#1) for a reduction of \$387,500.00 and authorizes the Borough Manager to execute the said Change Order on behalf of the Borough of Quakertown.

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

RESOLVED, That, the following Resolution 83-24, consider rejecting Worth Construction, Inc's bid for structural and mechanical work for the Anaerobic Digestion & Co-Generation Facility Project, be adopted:

RESOLUTION 83-24

RESOLVED, by the Council of the Borough of Quakertown, That, the only bid received on June 19, 2024 for structural and mechanical work for the Anaerobic Digestion & Co-Generation Facility Project by Worth & Company, Inc., Pipersville, PA for the amount of \$15,833,490.00, be rejected.

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

RESOLVED, That, the following Resolution 84-24, consider accepting Costar proposal from Worth Construction, Inc. for structural and mechanical work for the Anaerobic Digestion & Co-Generation Facility Project, be adopted:

RESOLUTION 84-24

RESOLVED, by the Council of the Borough of Quakertown, That, the proposal through COSTARS for structural and mechanical work for the Anerobic Digestion and Co-Generation Facility Project at the wastewater plant, be accepted and awarded to Worth & Company, Inc., Pipersville, PA for the amount of \$13,197,240.00. 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.

RESOLVED, That, the following Resolution 80-24, accept and award bid for HVAC work for the Anaerobic Digestion & Co-Generation Facility Project to Worth & Company, Inc., be adopted:

RESOLUTION 80-24

RESOLVED, by the Council of the Borough of Quakertown, That, the proposal through COSTARS for the HVAC work for the Anerobic Digestion and Co-Generation Facility Project at the wastewater plant, be accepted and awarded to Worth & Company, Inc., Pipersville, PA for the amount of \$1,340,000.00. The Borough Manager is hereby authorized to execute the said contract on behalf of the Borough of Quakertown.

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

PUBLIC WORKS COMMITTEE

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

PARKS & RECREATION COMMITTEE

Councilman Propst stated that there are not any items under the Parks & Recreation Committee.

Manager McElree stated Phase II of the park paving project will be completed very soon.

The playground equipment is in place at Cedar Grove Park. There is still several things which need to be completed such as the " Pour and Play" ground covering. A spring opening for the playground is anticipated.

Vice President Roberts said there have been several electric bicycles being ridden on the sidewalks on Broad Street. Manager McElree said the Pennsylvania Legislature is in the process of developing additional legislation to be added into the vehicle code for e-bikes. Presently the e-bikes do not have to be licensed, registered or insured and the driver does not have to be licensed. Solicitor Nelson asked if there is any consideration of regulation of e-bike usage on Borough bike paths. Manager McElree said once the State comes out with legislation that should be discussed.

President Rosenberger concluded the meeting at 7:58 p.m.

BOROUGH OF QUAKERTOWN

Donald E. Rosenberger
President of Council

Attest:

Scott C. McElree
Borough Secretary