

A regular meeting of the Borough Council was held April 6, 2011, 7:30 p.m.

The following members and officers were present: President L. James Roberts, Vice President Rosenberger (8:05 p.m.), Councilmembers David Erwin, Michael Johnson, Michelle Scarborough, Edward Scholl and Daniel Williams, Solicitor Charles Fonzone, Manager Scott C. McElree and Asst. Borough Secretary Phyllis R. Ewing.

RESOLVED, That, the Minutes of March 2, 2011, be approved as written. Motion of Councilman Erwin, seconded by Councilman Williams. A roll call vote was taken and the motion was unanimously carried (Councilman Rosenberger absent).

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

March 4, 2011 –	\$	85,993.59
March 11, 2011	–	782,182.47
March 18, 2011	–	28,484.93
March 25, 2011	–	9,316.16
March 31, 2011	–	250,977.40
April 1, 2011	–	10,008.46

Motion of Councilman Erwin, seconded by Councilman Johnson. A roll call vote was taken and the motion was unanimously carried (Councilman Rosenberger absent).

RESOLVED, That, the Financial Statement, Police Department, Zoning Administrator and Building Inspector reports be received and filed. Motion of Councilman Williams, seconded by Councilwoman Scarborough. A roll call vote was taken and the motion was unanimously carried (Councilman Rosenberger absent).

At 7:30 p.m., President Roberts stated that tonight's meeting has been advertised for a public hearing for the purpose of considering the approval of a proposed tax-exempt qualified Note to be issued by West End Fire Company No. 2.

President Roberts asked if there was anyone present wishing to comment or ask questions on this tax-exempt Note? There was no response.

President Roberts indicated that West End Fire Company #2 is going to build onto their building and are applying for a Note in the amount of \$550,000 from the Quakertown National Bank. The Bank could give a discounted interest rate to the Fire Company if the municipality holds a public hearing, which is the reason for tonight's hearing.

There being no further comments or questions, at 7:35 p.m., President Roberts declared the public hearing portion of tonight's meeting closed.

RESOLVED, That, the following Resolution 46-11, considering the approval of a proposed tax-exempt qualified Note, be adopted:

RESOLUTION NO. 46-11

WHEREAS, in order for a bond of a volunteer fire company to qualify for tax exemption, there must be public approval of the bond under I.R.C. Section 147(f); and

WHEREAS, a bond will satisfy the public approval requirement if it is approved by the governmental unit on behalf of which the bond is to be issued, in this case the Borough of Quakertown; and

WHEREAS, an issue shall be treated as having been approved by any governmental unit if such issue is approved by the applicable elected representative of such governmental unit after a public hearing following reasonable public notice.

NOW, THEREFORE, BE IT RESOLVED, That, approval is given for the \$550,000.00 financing of an addition/improvement to be made at 1319 Park Avenue, Quakertown, PA 18951, Tax Parcel No. 35-004-050 for the West End Fire Company No. 2, following a public hearing held at Borough Hall, 35 North Third Street, Quakertown, PA 18951 on April 6, 2011 at 7:30 p.m., and is solely for the purposes of satisfying the requirements of Section 147(f) of the Internal Revenue Code.

Motion of President Roberts, seconded by Councilman Scholl. A roll call vote was taken and the motion was unanimously carried (Councilman Rosenberger absent).

On behalf of Council, Councilman Scholl presented a framed copy of Resolution 114-10, "William Peischel Excellence in Citizenship Award", to Mrs. Janice Peischel and family. The first award went to the Peischel family in honor of Mr. William Peischel. The award, in the future, shall be presented in honor or memory of a Borough of Quakertown resident who is chosen by Quakertown Borough Council and whose contribution is in conformity with the purpose of the award.

Lee Rush of the Upper Bucks Communities Healthy Youth Coalition stated that the Quakertown Police Department is the first force in the County to have a permanent drop box for unwanted, unused or expired prescription drugs and presented Council with a \$500 check to help defray the cost of the take back box.

PLANNING & ZONING COMMITTEE

RESOLVED, That, the following Resolution 50-11, YMCA's land development application for conditional use, be adopted:

RESOLUTION NO. 50-11

RESOLVED, That, the following waivers requested by the Upper Bucks YMCA from Quakertown Borough Council relative to their parking lot expansion be granted.

- (1) Subdivision Ordinance Section 506.5.d - Requiring that all storm sewer lines be placed in a 15' wide easement.
- (2) Subdivision Ordinance Section 506.1.a - Requiring a minimum cartway width for all roads which would require Fairview Avenue to be widened.
- (3) Subdivision Section 506.6.b - Requiring sidewalks to be provided along Fairview Avenue.
- (4) Subdivision Section 506.6.d - Requiring curbing along Fairview Avenue.

NOW, THEREFORE, BE IT FURTHER RESOLVED, That, the waivers are granted contingent upon the following conditions:

- (1) The Upper Bucks YMCA shall pay all costs for the relocation and restoration of electric service, by pole or otherwise, to the garage of Loretta Brugger.
- (2) Applicant shall comply with all recommendations of the Borough Engineer and/or Borough Council made as a result of the land development process.

Motion of Councilman Scholl, seconded by Councilman Johnson. A roll call vote was taken and the motion was unanimously carried (Councilman Rosenberger absent).

REVENUE & FINANCE COMMITTEE

RESOLVED, That, the following Resolution 29-11, Upper Bucks Forum on Aging's request for the Borough to co-sponsor an event, be adopted:

RESOLUTION 29-11

WHEREAS, a request was received regarding the posting of the Upper Bucks Forum on Aging to be held May 6, 2011 at Benner Hall in Richlandtown, Pennsylvania; on the Borough website and bulletin boards; and

WHEREAS, the Borough Council supports the concept of the event and encourages the Borough's residents to participate and make an effort to attend.

NOW, THEREFORE, BE IT RESOLVED, That, the Borough Council of the Borough of Quakertown grants the request for the posting of the Upper Bucks Forum on Aging event on the Borough website and bulletin boards.

Motion of Councilwoman Scarborough, seconded by Councilman Williams. A roll call vote was

taken and the motion was unanimously carried (Councilman Rosenberger absent).

RESOLVED, That, the following Resolution 47-11, authorizing the President of Council to sign a General Release of Claims, be adopted:

RESOLUTION NO. 47-11

WHEREAS, the Borough of Quakertown was party to a contract signed by representatives of the Republican National Committee on October 27, 2008; and

WHEREAS, the Republican National Committee had failed to respond to invoices, under the terms of the contract, presented to them by the Borough; and

WHEREAS, the Republican National Committee has now agreed to satisfy the invoice owed to the Borough of Quakertown.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown authorizes the President of Council, L. James Roberts, Jr., to sign the General Release of All Claims thereby releasing the Republican National Committee and Show Call, Inc.

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

HEALTH, SAFETY & WELFARE COMMITTEE

RESOLVED, That, the following Resolution 30-11, YMCA's request to hold a Cinco de Mayo 5K run on Borough streets, be adopted:

RESOLUTION NO. 30-11

WHEREAS, a request was received from the YMCA to conduct a Cinco de Mayo run on Borough streets.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of the YMCA to hold a Cinco de Mayo run on Borough Streets on May 4, 2011, provided they add the Borough as an additional insured on the insurance.

Motion of Councilman Johnson, seconded by Councilwoman Scarborough. A roll call vote was taken and the motion was unanimously carried (Councilman Rosenberger absent).

Councilman Rosenberger present at 8:05 p.m.

RESOLVED, That, the following Resolution 43-11, Fire Department's request for an antenna on water tower, be adopted:

RESOLUTION 43-11

WHEREAS, a request was received from the Quakertown Fire Department to place two radio antennas on the Quakertown Borough water tower, located at Belmont and Erie Avenues, in the Borough of Quakertown; and

WHEREAS, with the utilization of these antennas on the water tower, the Quakertown Fire Department as well as other emergency responders would be better able to receive emergency transmissions on the Fire Department frequency and the emergency radio frequency systems.

NOW, THEREFORE, BE IT RESOLVED, That, the Borough Council of the Borough of Quakertown approves the concept of the Quakertown Fire Department placing two antennas on the Quakertown Borough water tower and directs the Borough Manager to return with and present plans for final approval.

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

RESOLVED, That, the following Resolution 45-11, American Legion request to conduct the Memorial Day Parade on May 31, be adopted:

RESOLUTION NO. 45-11

WHEREAS, a request was received for a public gathering permit from the Quakertown American Legion.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the public gathering permit to the Quakertown American Legion for the Memorial Day Parade to be held on May 30, 2011, and the use of the bandshell provided they add the Borough as an additional insured on the insurance.

NOW, BE IT FURTHER RESOLVED, That, the Borough Council of the Borough of Quakertown waives the fee for the use of the bandshell.

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

RESOLVED, That, the following Resolution 49-11, Bucks County Health Department spraying program, be adopted:

RESOLUTION NO. 49-11

WHEREAS, the Borough Council of the Borough of Quakertown is desirous of helping to reduce 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 to treat Borough properties for mosquito control.

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

PUBLIC UTILITIES COMMITTEE

RESOLVED, That, the following Resolution 38-11, award water main materials bid, be adopted:

RESOLUTION NO. 38-11 ACCEPTING BID AND AWARDING CONTRACT TO FERGUSON WATERWORKS

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of Ferguson Waterworks of Whitehall, Pennsylvania, in the amount of \$21,641.25 for water main replacement materials as per bid opened March 17, 2011, is hereby accepted. The contract is awarded to Ferguson Waterworks. The Borough Manager is hereby authorized to execute the said contract on behalf of the Borough of Quakertown.

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

President Roberts stated that the next item on the agenda, proposed Resolution 40-11, Landfill Gas Generation Project, is deferred and will be placed on the Work Session agenda for April 25th.

RESOLVED, That, the following Resolution 48-11, awarding potassium permanganate be adopted:

RESOLUTION NO. 48-11

WHEREAS, it has recently come to the attention of Borough Council that the bid of Coyne Chemical for Potassium Permanganate did not meet the bid specifications; and

WHEREAS, a bid award was made to Coyne Chemical for Potassium Permanganate through Resolution 23-11.

NOW, THEREFORE, BE IT RESOLVED, That the portion of Resolution 23-11 awarding Potassium Permanganate to Coyne Chemical be rescinded and the remaining

awards on Resolution 23-11 shall not be affected and shall continue in full force and effect

NOW, THEREFORE, BE IT FURTHER RESOLVED, That the bid of Brenntag Northeast, Inc. of Reading, Pennsylvania, in the amount of \$3.11/lb. for potassium permanganate as per bid opened February 15, 2011, is hereby accepted. The contract is awarded to Brenntag Northeast, Inc. The Borough Manager is hereby authorized to execute the said contract on behalf of the Borough of Quakertown.

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

PUBLIC WORKS COMMITTEE

RESOLVED, That, the following Resolution 37-11, award of lawn care and vegetation bids, be adopted:

RESOLUTION NO. 37-11 ACCEPTING BID AND AWARDING CONTRACT TO DEANGELO BROTHERS, INC.

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of DeAngelo Brothers, Inc. of Hazleton, Pennsylvania, in the amount of \$24,580.00/year for lawn care and vegetation control for the years 2011, 2012 and 2013, as per bid opened March 16, 2011, is hereby accepted. The contract is awarded to DeAngelo Brothers, Inc. The Borough Manager is hereby authorized to execute the said contract on behalf of the Borough of Quakertown.

Motion of Councilman Erwin, seconded by Councilwoman Scarborough.

Manager McElree pointed out that the specs called for a GPS system, which will enable the Borough to review the actual application of the product, its location, spread pattern and time of day.

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

RESOLVED, That, the following Resolution 44-11, award of street resurfacing project, be adopted:

RESOLUTION NO. 44-11 ACCEPTING BID AND AWARDING CONTRACT TO BRACALENTE CONSTRUCTION, INC.

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of Bracalente Construction, Inc. of Northampton, Pennsylvania, in the amount of \$198,860.00 for 2011 street resurfacing as per bid opened March 23, 2011, is hereby accepted. The contract is awarded to Bracalente Construction, Inc.. The Borough Manager is hereby authorized to execute the said contract on behalf of the Borough of Quakertown.

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

PARKS & RECREATION COMMITTEE

RESOLVED, That, the following Resolution 31-11, Mike Schaefer's Gold Glove Baseball Camp on the baseball fields in Memorial Park, be adopted:

RESOLUTION NO. 31-11

WHEREAS, a request was received from Kevin Filoon to use Memorial Park baseball fields for an instructional summer baseball camp.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of Kevin Filoon to conduct a Mike Schaefer's Gold Glove Baseball Camp on the Memorial Park baseball fields from July 6 through July 8, 2011 , 9:00 a.m. to 12:00 p.m., provided they add the Borough as an additional insured on their insurance.

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

RESOLVED, That, the following Resolution 32-11, Sport & Fitness Discovery Camp in grass fields of Memorial Park, be adopted:

RESOLUTION NO. 32-11

WHEREAS, a request was received from Kevin Filoon to hold a Sport & Fitness Discovery Camp in the open field area between the Panther Playground and the baseball stadium in Memorial Park.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of Kevin Filoon to hold a Sport & Fitness Discovery Camp in the open field area between the Panther Playground and the baseball stadium on July 11 - July 29, 2011, from 9:00 a.m. to 12:00 p.m., provided they add the Borough as an additional insured on their insurance.

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

RESOLVED, That, the following Resolution 33-11, Quakertown Youth Baseball's request to engage in a recycling effort in Memorial Park, be adopted:

RESOLUTION NO. 33-11

WHEREAS, a request was received from Quakertown Youth Baseball Association to engage in a recycling effort by placing a container in Memorial Park to collect aluminum cans.

NOW, THEREFORE, BE IT RESOLVED, That, the Borough Council of Quakertown grants the request of the Quakertown Youth Baseball Association to engage in a recycling effort by placing a container in Memorial Park to collect aluminum cans, provided they add the Borough as an additional insured on their insurance.

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

RESOLVED, That, the following Resolution 34-11, East Swamp Church's request to hold a Free Fall event at the Main Street Park, be adopted:

RESOLUTION NO. 34-11

WHEREAS, a request was received from East Swamp Church to use Main Street Park field areas, basketball court, and the Skate Park.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of East Swamp Church to use Main Street Park field areas, basketball court and the Skate Park for an event, which includes: basketball tournament, skateboarding contest, recorded music and free food from 12:00 to 5:00 p.m. on Saturday, September 24, 2011 (rain date October 1, 2011) provided they add the Borough as an additional insured on the insurance.

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

RESOLVED, That, the following Resolution 35-11, East Swamp Church's request to hold an Easter Egg Hunt in Memorial Park, be adopted:

RESOLUTION NO. 35-11

WHEREAS, a request was received from East Swamp Church to use Memorial Park for an Easter Egg Hunt.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of East Swamp Church to use Memorial Park for an Easter

Egg Hunt on April 23, 2011 from 8:00 a.m. - 2:00 p.m., provided they add the Borough as an additional insured on the insurance.

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

RESOLVED, That, the following Resolution 36-11, award tennis court repairs bid, be adopted:

RESOLUTION NO. 36-11
ACCEPTING BID AND AWARDING CONTRACT TO
PAVEMENT MAINTENANCE CONTRACTORS

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of Pavement Maintenance Contractors of Bath, Pennsylvania, in the amount of \$14,890.00 for tennis court repair and in the amount of \$2,940.00 for Option 1 as per bid opened March 15, 2011, is hereby accepted. The award of Option 1 is conditional upon determination that the LATEX-ITE coating is required and the contractor performed suitable work. The contract is awarded to Pavement Maintenance Contractors. The Borough Manager is hereby authorized to execute the said contract on behalf of the Borough of Quakertown.

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

RESOLVED, That, the following Resolution 39-11, East Swamp Church's request regarding Main Street Park, be adopted:

RESOLUTION 39-11

WHEREAS, East Swamp Church, by permission of Council has promoted various activities at the Main Street Park for the purpose of providing a nurturing environment for many of the area young people; and

WHEREAS, representatives of East Swamp Church have approached Council seeking permission to expand the nurturing ministry of East Swamp Church by adding other recreational features to the Park; and

WHEREAS, the scope of this undertaking will involve substantial funds and planning, then be it

RESOLVED, That, the Borough Council gives provisional approval to the core concepts presented by East Swamp church on March 28, and encourages the church to do further planning under the following conditions:

- (A) Borough Council shall appoint a sub-committee including some members of East Swamp Church, Borough Council and/or other individuals as deemed appropriate.
- (B) This Ad Hoc Committee shall function under the Parks & Recreation Committee of Borough Council.
- (C) They shall report back to Borough Council from time to time as to their progress and intentions.

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

President Roberts made the following appointments to the Main Street Park Sub-Committee:

Chairman
Daniel Williams, 7 Elm Street, Quakertown, PA 18951

Members
Jon Roth, 1018 Brookfield Circle, Quakertown, PA 18951
Edward Scholl, 130 S. Eighth Street, Quakertown, Pa 18951
Pastor David Kratz, E.Swamp Church, 2405 E. Swamp Road, Quakertown, PA

18951

Cyndi Dumire, 729 Quarry Road, Perkasie, Pa 18944-3211
Scott McElree, Borough of Quakertown, 35 North Third St., Quakertown, PA

18951

Timothy Comfort, 6470 New Street, Center Valley, PA

RESOLVED, That, the appointments to the Main Street Park Sub-Committee made by President Roberts be ratified. Motion of Councilman Rosenberger, seconded by Councilman Johnson. A roll call vote was taken and the motion was carried with the following Councilmembers voting in favor: Erwin, Johnson, Rosenberger, Scarborough, Scholl and Williams; and President Roberts abstained.

RESOLVED, That, the following Resolution 41-11, Mac Tournament request to use Stadium, be adopted:

RESOLUTION NO. 41-11

WHEREAS, a request was received from the Freedom Conference to use the baseball stadium May 6 - 8, 2011.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of the Freedom Conference to use the baseball stadium May 6 - 8,

2011, provided that there aren't any conflicts with the Quakertown Stadium Athletic Association and the Borough is added as an additional insured on their insurance.

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

RESOLVED, That, the following Resolution 42-11, NFL Flag Football use of property adjacent to the Krupp property, be adopted:

RESOLUTION NO. 42-11

WHEREAS, a request was received from the NFL Flag Football League to use the Borough property adjacent to the Krupp property for their flag football league.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of the NFL Flag Football League to use the Borough property adjacent to the Krupp property on May 7 and 8, 2011, provided they add the Borough as an additional insured on their insurance. The approval for May 7 is contingent upon approval of the Quakertown Youth Lacrosse Association.

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

President Roberts declared the meeting adjourned to April 25, 2011, for consideration of a Landfill Gas Generation Project and any other matters that may come before Council.

BOROUGH OF QUAKERTOWN

L. James Roberts, Jr.
President of Council

Attest:

Phyllis R. Ewing
Asst. Borough Secretary