

A regular meeting of the Borough Council was held June 1, 2011, 7:30 p.m.

The following members and officers were present: President L. James Roberts, Vice President Donald Rosenberger, 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 May 4, 2011, be approved as written. Motion of Councilman Rosenberger, seconded by Councilwoman Scarborough. A roll call vote was taken and the motion was unanimously carried.

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

May 6, 2011	–	\$ 4,805.55
May 13, 2011	–	740,303.15
May 19, 2011	–	2,634.73
May 20, 2011	–	5,932.08
May 25, 2011	–	235,642.03
May 26, 2011	–	43,634.87

Motion of Councilman Rosenberger, seconded by Councilman Johnson.

President Roberts stated that he will abstain from voting as a purchase was made from the Friendly Book Store.

A roll call vote was taken and the motion carried with the following Councilmembers voting in favor: Erwin, Johnson, Rosenberger, Scarborough, Scholl, and Williams. President Roberts abstained.

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

Manager McElree swore in new Fire Police person William G. Johnson of 120 Redwood Drive, Quakertown, into office.

HEALTH, SAFETY & WELFARE COMMITTEE

RESOLVED, That, the following Resolution 66-11, Lieutenant's position and labor agreement, be adopted:

RESOLUTION NO. 66-11

WHEREAS, Sergeant Donald G. Bender, Jr. has participated in the required non-

competitive civil service process; and

WHEREAS, Borough Council has received a letter from the Civil Service Commission recommending Sergeant Bender to the position of Lieutenant of Police.

NOW, THEREFORE, BE IT RESOLVED, That, Council appoints Donald G. Bender, Jr. as a Lieutenant in the Quakertown Police Department.

BE IT FURTHER, RESOLVED, That, Council approves and authorizes the President of Council to sign the Terms of Employment, for Donald G. Bender, Jr., dated June 1, 2011, for his appointment to Lieutenant.

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

President Roberts commented on Lieutenant Bender's history of employment with the Borough.

Manager/Chief McElree pinned the Lieutenant's shield on Lieutenant Bender's uniform..

President Roberts thanked the Quakertown Police Officers and other area Officers for attending tonight's meeting.

RESOLVED, That, the following Resolution 65-11, Quakertown Alive's request to hold a reception in the Broad Street Triangle, be adopted:

RESOLUTION NO. 65-11

WHEREAS, a request was received from Quakertown Alive to use the triangle, located between Fourth and Third Streets on Broad Street, for a Reception.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of Quakertown Alive to use the triangle for a Reception on June 15, 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.

PLANNING & ZONING COMMITTEE

RESOLVED, That, the following Resolution 67-11, permission to construct a bridge

spanning Beaver Run Creek, be adopted:

RESOLUTION NO. 67-11

WHEREAS, a request was made to grant permission for the construction of a bridge spanning Beaver Run Creek connecting a pedestrian walkway in Quakertown Borough.

NOW, THEREFORE, BE IT RESOLVED, That the request for the construction of the bridge be granted.

Motion of Councilman Scholl, seconded by Councilman Johnson. A roll call vote was taken and the motion was defeated with the following Councilmembers voting in favor: Johnson and Rosenberger; and the following Councilmembers voting against: Erwin, Scarborough, Scholl, Williams and Roberts.

REVENUE & FINANCE COMMITTEE

Councilman Rosenberger stated that there aren't any items for action under the Revenue & Finance Committee.

PUBLIC UTILITIES COMMITTEE

RESOLVED, That, the following Resolution 40-11, EDI Landfill Project, be adopted:

RESOLUTION NO. 40-11

TO APPROVE THE FORM AND AUTHORIZE THE EXECUTION OF AN EDI LANDFILL ENERGY SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC. AND TAKING OF OTHER ACTIONS IN CONNECTION THEREWITH REGARDING LANDFILL ENERGY PURCHASES

WHEREAS, the Borough of Quakertown, Pennsylvania ("Municipality") owns and operates an electric utility system for the sale of electric capacity and associated energy for the benefit of the citizens and taxpayers; and

WHEREAS, in order to satisfy the electric capacity and energy requirements of its electric utility system, Municipality has heretofore purchased, or desires to purchase in the future, economical, reliable and environmentally sound capacity and energy and related services from, or arranged by, American Municipal Power, Inc. ("AMP"), of which Municipality is a member; and

WHEREAS, AMP is an Ohio nonprofit corporation, organized to own and operate facilities, or to provide otherwise, for the generation, transmission or distribution

of electric capacity and energy, or any combination thereof, and to furnish technical services on a cooperative, nonprofit basis, for the mutual benefit of AMP members (“Members”), such Members, including Municipality, being political subdivisions that operate municipal electric utility systems in Ohio, Kentucky, Michigan, Pennsylvania, Virginia and West Virginia; and

WHEREAS, Municipality, acting individually and through AMP with other political subdivisions of this and other states that own and operate electric utility systems, jointly, endeavors to arrange for reliable, environmentally sound and reasonably priced supplies of electric capacity and energy and related services for ultimate delivery to its customers; and

WHEREAS, it is efficient and economical to act jointly in such regard; and

WHEREAS, Municipality has previously entered into a Master Services Agreement with AMP, AMP Contract No. C-12-2004-4119, which contemplates that Municipality shall enter into various schedules for the provision of capacity and associated energy and related services from AMP to Municipality; and

WHEREAS, certain Members, including the Municipality have determined that they can utilize additional sources of reliable and economical landfill gas to energy electric capacity and energy on a long term basis at reasonable costs, and have requested that AMP arrange for the same by developing or otherwise acquiring interests in certain landfill gas to energy facilities (“Landfill Facilities”), and

WHEREAS, in furtherance of this purpose, AMP and Bio Gas Ohio, LLC (“EDI”), have entered into an agreement (the “EDI Landfill Energy Agreement”) under the terms of which AMP is to purchase and EDI is to supply and sell up to 56 MW of capacity and associated energy from landfill energy systems at Landfill Facilities in Oberlin, Port Clinton and Poland, Ohio for a period of ten (10) years; and

WHEREAS, it is necessary and desirable for Municipality to enter into the EDI Landfill Energy Schedule to Municipality’s Master Services Agreement with AMP to provide for an additional source of capacity and energy; and

WHEREAS, Members now have the right, but not the obligation by the enactment of this Resolution to authorize and request AMP to acquire capacity and energy from Landfill Facilities by approval and execution of the EDI Landfill Energy Schedule authorized below; and

WHEREAS, prior to the adoption of this Resolution, AMP has (i) informed the Municipality of the terms of the EDI Landfill Energy Agreement; (ii) provided the Municipality with a copy of the EDI Landfill Energy Agreement; and (iii) offered representatives of the Municipality the opportunity to ask such questions, review data and reports, conduct inspections and otherwise perform such investigations with respect to, as

applicable, the acquisition of capacity and energy and the terms and conditions of the EDI Landfill Energy Schedule authorized below as Municipality deems necessary or appropriate in connection herewith; and

WHEREAS, after due consideration, the Municipality has determined it is reasonable and in its best interests to proceed as authorized herein below and requests and authorizes AMP to acquire capacity and energy from EDI upon those terms and conditions set forth in the EDI Landfill Energy Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF QUAKERTOWN, PENNSYLVANIA:

SECTION 1. That the EDI Landfill Energy Schedule between Municipality and AMP, substantially in the form attached hereto or on file with the Clerk, including Exhibits thereto, are approved, and the Borough Manager of Municipality is hereby authorized to execute and deliver the EDI Landfill Energy Schedule with such changes as the Borough may approve as neither inconsistent with this Resolution nor materially detrimental to the Municipality, his execution of the EDI Landfill Energy Schedule to be conclusive evidence of such approval.

SECTION 2. That the Borough Manager is hereby authorized to (i) acquire under the EDI Landfill Energy Schedule, authorized above, a Contract Amount as defined in that Schedule of up to 3,400 kW without bid, and (ii) make any determinations and approvals required thereunder, if any, as the Borough Manager shall deem necessary and advisable.

SECTION 3. If any section, subsection, paragraph, clause or provision or any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of this Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

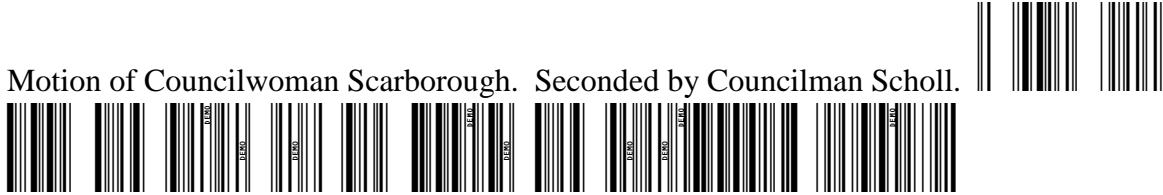
SECTION 4 .That this Resolution shall take effect at the earliest date allowed by law.

SECTION 5 .That the EDI Landfill Energy Schedule requires the Municipality to assume take-and-pay obligations and that the Borough Manager of Municipality is hereby authorized to enter into such take-and-pay arrangement on behalf of Municipality.

SECTION 6 .That any competitive bidding requirement that may be associated with this purchase is hereby waived.

SECTION 7. That it is found and determined that all formal actions of this Council considering and relating to the passage of this Resolution were taken in conformance with applicable open meetings law and that all deliberations of this Council and of any committees that resulted in those formal actions were in compliance with all legal requirements including any applicable open meetings requirements.

Motion of Councilwoman Scarborough. Seconded by Councilman Scholl.



PUBLIC WORKS COMMITTEE

Councilman Erwin stated that there aren't any items for action under the Public Works Committee.

PARKS & RECREATION COMMITTEE

Councilman Williams stated that there aren't any items for action under the Parks & Recreation Committee.

Councilman Rosenberger stated that Council clean-up day had a feasible turnout and that three hours work was performed on Panther Playground. Councilman Rosenberger thanked the Panthers Football Team, their Coach and the other helpers for their contribution.

President Roberts declared the meeting adjourned at 8:10 p.m.

BOROUGH OF QUAKERTOWN

L. James Roberts, Jr.
President of Council

Attest:

Phyllis R. Ewing
Asst. Borough Secretary