

A regular meeting of the Borough Council was held ,December 7, 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 November 2 and 28, 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:

November 4, 2011	–	\$ 155,844.79
November 10, 2011	–	64,415.42
November 18, 2011	–	642,633.90
November 23, 2011	–	30,533.16
November 30, 2011	–	217,358.82
December 2, 2011	–	166,563.46

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

RESOLVED, That, the Financial Statement, Police Department, Zoning Administrator, Building Inspector and 2010 year end Financial Statements be received and filed. Motion of Councilman Williams, seconded by Councilman Johnson. A roll call vote was taken and the motion was unanimously carried.

Visitor:

Atty. Krista Harper indicated that she wished to speak regarding the sewer moratorium. President Roberts stated that she could speak during the Public Utilities Committee portion of the agenda.

Carson Freeman of Telford, Pennsylvania, indicated that he wished to speak regarding a question on the budget. President Roberts stated that he could speak during the Revenue & Finance Committee portion of the agenda.

Manager McElree swore in new Fire Policeman Matthew Tartaglia of 1438 Schoolhouse Road, Perkasio into office.

## **PLANNING & ZONING COMMITTEE**

RESOLVED, That, reading of Ordinance 1186, enforcement/penalty provision to Codes, be waived. Motion of Councilman Scholl, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, Ordinance 1186, amending certain provisions of the Code of Ordinances of the Borough of Quakertown, Chapter 5, Sections 106, 107 and 108, adding language regarding violation and penalty provisions in the enforcement of adopted codes, be passed finally.. Motion of Councilman Scholl, seconded by Councilwoman Scarborough. A roll call vote was taken and the motion was unanimously carried.

### **REVENUE & FINANCE COMMITTEE**

Councilman Rosenberger told Mr. Freeman that he could speak at this time.

Mr. Freeman asked whether the Borough is able to finance the water treatment project for the three wells, recognizing that there is a difference of several hundred thousand dollars between the amount budgeted and the low bid amount, which was received a couple of weeks ago? Councilman Rosenberger stated that yes the Borough is able to finance the project, there is approximately six million dollars in reserve and there is a million, five hundred in the proceeds from the bond issue and we are hopeful to rebid the job and see what the revised bids come in at. Mr. Freeman asked since the second bids were taken a couple of weeks ago, will there be a third? Manager McElree stated that he does not wish to comment on that at this time, the bidding process has not been completed.

RESOLVED, That, the following Resolution 112-11, adopting the 2012 budget, be adopted.

#### **RESOLUTION NO. 112-11**

WHEREAS, the Borough Council of the Borough of Quakertown has reviewed and held public meetings on the consideration of the proposed 2012 Budget.

NOW, THEREFORE, BE IT RESOLVED, That, the 2012 Budget be adopted as presented.

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

Councilman Rosenberger read Ordinance 1187 in full.

RESOLVED, That, Ordinance 1187, an Ordinance of the Borough of Quakertown, Commonwealth of Pennsylvania, fixing the tax rate on real estate within the Borough for the

fiscal year 2012, be passed finally. Motion of Councilman Rosenberger, seconded by Councilman Williams. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the following Resolution 113-11, regarding the proposals for audit services from Hutchinson, Gillahan and Freeh, be adopted:

RESOLUTION NO. 113-11

RESOLVED, That, the Borough Council of Quakertown, Pennsylvania, appoints the firm of Hutchinson, Gillahan & Freeh of Quakertown, Pennsylvania, to perform the 2011 annual audits of the Borough financial statements (not including the pensions), the Real Estate Tax Collector, and for the Quakertown Area Industrial & Commercial Development Authority as detailed in the Hutchinson, Gillahan & Freeh engagement letters dated November 1, 2011.

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

RESOLVED, That, the following Resolution 115-11, funding for Quakertown Alive! Streetscape Program, be adopted:

RESOLUTION NO. 115-11

WHEREAS, the Borough of Quakertown is desirous of obtaining funds from the Pennsylvania Department of Community and Economic Development in the amount of \$173,423 for the Quakertown Alive! Streetscape Program.

NOW, BE IT RESOLVED by the Borough Council of the Borough of Quakertown to file this resolution with the Pennsylvania Department of Community and Economic Development to apply for a total funding of \$173,423; and

BE IT FURTHER RESOLVED that the Borough of Quakertown and Quakertown Alive! will assume the provision of the full, local share of project costs, and they will reimburse the Commonwealth of Pennsylvania for the State's share of any expenditures found by the Department to be ineligible.

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

RESOLVED, That, the following Resolution 108-11, setting Council and Work Session meeting dates for 2012, be adopted:

RESOLUTION NO. 108-11

RESOLVED, That, the Council of the Borough of Quakertown will conduct a reorganizational and regular meeting on Tuesday, January 3, and regular meetings on the following dates: Wednesdays, February 1, March 7, April 4, May 2, June 6, August 1, September 5, October 3, November 7 and December 5, 2012, and Thursday, July 5, 2012. The meetings will be held in Council Chambers on the second floor of Borough Hall, commencing at 7:30 p.m. on said dates; and

BE IT FURTHER RESOLVED, That, the Council of the Borough of Quakertown will hold Work Sessions on the following dates: Monday, January 23, February 27, March 26, April 23, May 21, June 25, July 23, August 27, September 24, October 22 and November 26, 2012 . The meetings will be held in Council Chambers on the second floor of Borough Hall commencing at 7:30 p.m. on said dates.

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

RESOLVED, That, the following Resolution 114-11, tax deductible funding sources, be adopted:

#### RESOLUTION NO. 114-11

WHEREAS, the Borough of Quakertown seeks to continue projects that preserve open space and provide for community parks and recreation; and

WHEREAS, these projects have been identified as the Krupp Property Project and the Main Street Park Project; and

WHEREAS, the Borough of Quakertown has appointed steering committees for park projects that are engaged in actively pursuing funding opportunities; and

WHEREAS, the Borough of Quakertown will solicit and accept donated funds for the purpose of using such donated funds to plan, construct, maintain, and support the park projects for public use; and

WHEREAS, the Borough of Quakertown understands that the IRS Code, section 170, c,1 permits public tax deductible donations to municipalities to be used for public purposes.

NOW, THEREFORE, BE IT RESOLVED, That:

1. The Borough Council of the Borough of Quakertown directs the Borough Manager to establish and maintain separate accounts that are restricted for the specific purpose of funding any and all required costs to plan, construct, maintain, or support the Krupp Property Park Project; and

2. The Borough Council of the Borough of Quakertown directs the Borough Manager to establish and maintain separate accounts that are restricted for the specific purpose of funding any and all required costs to plan, construct, maintain, or support the Main Street Park project.

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

### **HEALTH, SAFETY & WELFARE COMMITTEE**

Councilman Johnson stated that there aren't any items for action under the Health, Safety & Welfare Committee.

### **PUBLIC UTILITIES COMMITTEE**

RESOLVED, That, reading of Ordinance 1185, proposed changes to the Wastewater Ordinance, be waived. Motion of Councilwoman Scarborough, seconded by Councilman Williams. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, Ordinance 1185, amending certain provisions of the Code of Ordinances of the Borough of Quakertown, Chapter 18, Sections 301, 302, 304 and 305 establishing rules and regulations for a Wastewater Industrial Pretreatment Program, be passed finally. Motion of Councilwoman Scarborough, seconded Councilman Erwin. A roll call vote was taken and the motion was unanimously carried.

Councilwoman Scarborough told Atty. Christa Harper that she could speak at this time.

Atty. Harper, an attorney in Doylestown, asked Council to consider giving an exception to the sewer moratorium for the Richland Green Project. Atty. Harper explained the hardship the moratorium has placed on her clients with regard to this project. President Roberts explained that a decision will not be made by Council this evening. Atty. Harper told Council that they have 12 units remaining, which represents roughly 3.6 million dollars and further explained how that money is spent. Atty. Harper pointed out that these units would only use 3,000 gallons of sewer that they are asking to be excepted. President Roberts thanked Atty. Harper for her time and indicated that the Borough Manager, Solicitor and Engineer are in meetings with the people responsible for some of the action that has to be taken on this. President Roberts stated that there will be more information available at the Council Work Session in January.

### **PUBLIC WORKS COMMITTEE**

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

## **PARKS & RECREATION COMMITTEE**

RESOLVED, That, the following Resolution 116-11, Freedom Conference to use the baseball stadium, be adopted:

### **RESOLUTION NO. 116-11**

WHEREAS, a request was received from the Freedom Conference to use the baseball stadium May 4 - 6, 2012.

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 4 - 6, 2012, provided that there aren't any conflicts with the Quakertown Stadium Athletic Association and that the Freedom Conference agrees to enter into an agreement to be determined by the Borough Solicitor and approved by Borough Council for the purpose of alleviating and/or limiting liability to the Borough of Quakertown.

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 117-11, Relay for Life event, be adopted:

### **RESOLUTION NO. 117-11**

WHEREAS, a request was received from the Relay for Life to use Memorial Park for their annual event.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of Relay for Life to use Memorial Park for their event on May 5 - 6, 2012, to rent the bandshell, and that Relay for Life agrees to enter into an agreement to be determined by the Borough Solicitor and approved by Borough Council for the purpose of alleviating and/or limiting liability to the Borough of Quakertown.

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

President Roberts, on behalf of Council, thanked Councilwoman Scarborough for the time she served as Councilwoman.

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

**BOROUGH OF QUAKERTOWN**

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L. James Roberts, Jr.  
President of Council

Attest:

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Phyllis R. Ewing  
Asst. Borough Secretary