

A regular meeting of the Borough Council was held November 2, 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 October 5, 2011, be approved as written. Motion of Councilman Rosenberger, seconded by Councilman Johnson. A roll call vote was taken and the motion was unanimously carried.

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

October 7, 2011	–	\$773,636.07
October 14, 2011	–	671,018.29
October 21, 2011	–	256,637.99
October 26, 2011	–	222,996.86
October 26, 2011	–	1,457.36
October 28, 2011	–	11,780.00

Motion of Councilman Rosenberger, seconded by Councilman Scholl..

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 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.

Visitors:

The following residents indicated that they wished to speak with regard to flooding issues:

Mr. & Mrs. Roger Mack, 408 Cedar Crest Drive;
Mr. & Mrs. James Stoneback, 400 Cedar Crest Drive;
Bruce Hornberger, regarding 127 S. Fifth Street, the Atrium building;
Jennifer Krout 631 E. Broad Street; and
Mr. & Mrs. William Groner, 705 E. Broad Street

President Roberts stated that they may speak during the Public Works Committee portion of the agenda.

Christopher Goolsby, 141 S. Main Street, Apartment 3, also indicated that he wished to speak with regard to the park system. President Roberts stated that he may speak during the Parks & Recreation Committee portion of the agenda.

PLANNING & ZONING COMMITTEE

RESOLVED, That, the following Resolution 105-11, Enforcement/Penalty Provisions to Codes, be adopted:

RESOLUTION NO. 105-11

WHEREAS, the Borough on October 1, 2003, adopted the “2009 Property Maintenance Code”, the “2009 International Residential Code” the “2009 International Building Code”, the “2009 International Fire Code”, the “2009 International Mechanical Code”, the “2009 International Plumbing Code”, the “2009 International Fuel Gas Code”, the “2009 International Existing Building Code”, and the “Pennsylvania Uniform Construction Code”; and

WHEREAS, there is a need to add language regarding violation and penalty provisions in the enforcement of the adopted Codes.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown directs the Borough Manager to have prepared and advertise an Ordinance to add language regarding violation and penalty provisions in the enforcement of the adopted Codes.

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

RESOLVED, That, the following Resolution 104-11, Morning Star Land Development Waivers, be adopted:

RESOLUTION 104-11

WHEREAS, Morning Star Fellowship Church requested waivers for the development of their land at 429 South Ninth Street, Quakertown, Pennsylvania (Tax Map Parcel No. 35-7-6-4) land development plan dated 8/24/11 and 10/3/11; and

WHEREAS, Morning Star has requested the following waivers to the requirements of the Quakertown Borough Subdivision and Land Development Ordinance

and the Quakertown Borough Stormwater Ordinance:

1. Section 506.5.D - A waiver from requiring all storm sewer lines to be placed within a 15' wide easement since the proposed storm sewers are primarily located on private property and will be maintained by the property owner.
2. Section 506.1.A - A waiver from cartway widening to both South Ninth Street and South Main Street. South Ninth Street is in good condition as a thirty-six (36) feet wide paved cartway with curbs, sidewalks, and on-street parking on both sides of the street. South Main Street is in good condition as a thirty-six (36) feet wide paved cartway with curbs and sidewalks on both sides of the street and on-street parking on the east side of the street. The property frontage is approximately seven hundred and eighty-six feet (786'); approximately five hundred feet (500') along South Ninth Street and approximately two hundred and eighty-six feet (286') along South Main Street. Both roads are already thirty-six (36) feet wide, just short of the required width. Also, all the surrounding properties are already developed, so it is very unlikely that any contiguous sections of either road would be widened to match in the future.
3. Section 831.2A(9) - a waiver from requiring a 15' wide access easement around all stormwater BMP's that would provide ingress to and egress from a public right-of-way since the BMP's will be maintained by the property owner.
4. Section 836 - waiver from requiring easements to be provided around all stormwater control facilities since the stormwater control facilities will be maintained by the owner.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Quakertown that the plan dated 8/24/11 and 10/3/11, including the above waivers be approved. The plan must be recorded in Bucks County within ninety (90) days.

Motion of Councilman Scholl, seconded by Councilman Erwin.

Councilman Rosenberger asked when the waivers would expire?: Manager McElree indicated that they expire when the permit expires.

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

REVENUE & FINANCE COMMITTEE

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

HEALTH, SAFETY & WELFARE COMMITTEE

RESOLVED, That, the following Resolution 103-11, temporary traffic regulations on Juniper Street alley between Seventh and Eighth Streets, be adopted:

RESOLUTION NO. 103-11

WHEREAS, Chapter 15, Section 105 of the Code of Ordinances of the Borough of Quakertown permits Borough Council to enact temporary, specific traffic and/or parking regulations for up to 90 days; and

WHEREAS, Residents from the 700 block of Juniper Street presented a petition to Borough Council requesting consideration for traffic control of the alleyway behind the even numbered properties on the 700 block of Juniper Street between 7th Street and 8th Street; and

WHEREAS, Borough Council perceives a need for limiting traffic on the aforementioned alleyway to only ingress and egress of properties being served by the alleyway.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Quakertown to restrict thru traffic and erect traffic control signs at the alley access points for up to ninety days at which time the Borough Manager will evaluate the traffic control measures and report back to Council for further consideration.

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

RESOLVED, That, the following Resolution 106-11, Police records destruction, be adopted:

RESOLUTION NO. 106-11

WHEREAS, police records have accumulated in the Police Department; and

WHEREAS, Quakertown Police Department policy dictates that these records meet the guidelines for destruction.

NOW, THEREFORE, BE IT RESOLVED, That, the Borough Council of Quakertown Pennsylvania directs that the following records be purged:

Complaint Offenses - from years 1975, 1976, 1977, 1981 and 1983.

Accidents - from years 2001 through 2005

Daily Police Logs - from years 2004 through 2006

Parking Tickets - from year 2004

Traffic Citations - 2002 - #A7275001-6 through A7275799-6
2003 - #A7275800-0 through A9299600-2 and
#A9299601-3 through A0140000-0
2003 - 2004 - #B80586001-3 through B0587400-2

Police Applicants - from years 1997 through 2001

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

President Roberts thanked the Borough workers, Fire Department, Police Department, and the Manager for their work and dedication during the recent storm, which caused 175 electric calls.

PUBLIC UTILITIES COMMITTEE

RESOLVED, That, the following Resolution 107-11, Waste Water Ordinance changes, be adopted:

RESOLUTION NO. 107-11

WHEREAS, the Borough of Quakertown, hereinafter the Borough, owns and operates a sanitary sewer system providing sewage disposal service to the citizens of Quakertown, the Borough of Richlandtown and Richland Township, including industrial users; and

WHEREAS, the Borough has adopted an Ordinance for the control of certain industrial waste discharges to the sewer system, hereinafter called the Industrial Pretreatment Program, as codified in Chapter 18 of the Borough Code of Ordinances; and

WHEREAS, amendments are necessary to Chapter 18 of the Borough Code, Sections 301, 302, 304 and 305 establishing rules and regulations for a Wastewater Industrial Pretreatment Program.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of

Quakertown directs the Borough Manager to have prepared and advertise an Ordinance to amend Chapter 18 of the Borough Code, Sections 301, 302, 304 and 305 establishing rules and regulations for a Wastewater Industrial Pretreatment Program.

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

RESOLVED, That, the following Resolution 88-11, water service at Quakertown Industrial Commons, Lot #3, be adopted:

RESOLUTION NO. 88-11

WHEREAS, a request for Borough water service at Quakertown Industrial Commons, Lot #3, off of Kelly Road, was received from David Schenk; and

WHEREAS, the property is located in Richland Township and is within the Borough's franchise area; and

WHEREAS, the Borough had agreed to supply water to Quakertown Industrial Commons, Lot #3 in the event the property would be developed.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of David Schenk for water service provided that it does not exceed 16,000 gallons/day. The Borough Manager is directed to make the necessary arrangements.

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

PUBLIC WORKS COMMITTEE

Councilman Erwin stated that the Public Works Department and the Fire Department did a fantastic job during the recent storm.

Councilman Scholl stated that we received a lot of good feedback from the community. Councilwoman Scarborough stated that she also received good feedback.

Manager McElree stated that the Borough has arranged for the cancelled branch drop-off from last Saturday to be held this Saturday and added an additional branch drop-off for the following Saturday. Manager McElree also indicated that arrangements have been made with ChesMont to pick up branches at the curb that are bundled, 48" in length and up to 40 lbs., and will take as many bundles as the residents put out. Manager McElree pointed out that the residents needs to call ChesMont to be put on the list for the pickups.

The residents, with flooding issues, were told that they may speak at this time.

Mr. Mack stated he is concerned with regard to what he read in the paper, that the Borough is going to create a better buffer and spillway at the end of 5th Street. Councilman Erwin explained that this is mainly to clean out the end of the pipes so that the water does flow freely into the creek; not to add more, but to allow it to drain off.

Manager McElree pointed out the following:

- A letter is available to those in attendance tonight and were mailed out to residents in flood-prone areas of the borough.
- The Borough has identified areas of town that require mitigation of storm water issues: Mill Street/Brookfield Circle/Ninth Street; Fifth Street/Fourth Street/parts of Juniper Street near Fifth Street/Cedar Crest Drive; and East Broad Street near Fairview Avenue
- The Borough is working and partnering with two engineering firms – Patrick Cox of Geo Life and Scott McMakin of Cowan Associates.
- The Borough Manager and Borough staff met with Patrick Cox of Geo Life, State Representative Paul Clymer and a representative from Congressman Mike Fitzpatrick's office to discussed how we will move forward with these storm and flooding issues.
- Patrick Cox is preparing a preliminary plan to address all three of the flood-prone areas identified by the Borough.
- The majority of the flood waters comes in from Richland Township impacting both the Licking Run and Beaver Run Creeks.
- The Borough is looking into mitigating this problem and the possibility of obtaining grant money. The Borough is funding the initial engineering phases.
- The Borough and the engineers will be working with Mr. Hornberger's Atrium property on Fifth Street to mitigate those issues that will help with the Fourth Street flooding, Cedar Crest and Park Avenue.
- To help obtain grant money, two public sessions will be scheduled and advertised. Possibly one will be scheduled in November, notices will go out and it will be advertised in the paper. At the session, Mr. Cox will present plans to help mitigate this flooding issue.
- Permits must be obtained through DEP and the Army Corps of Engineers. The

Borough is actively pursuing the fast-track permits from DEP and Congressman Fitzpatrick will assist the Borough in getting the permits from the Army Corps of Engineers fast-track.

Mr. Stoneback expressed concern with regard to the Morning Star land development and stated if there is more water coming from that property, it will come to our property. Mr. Stoneback also commented that the high school is going to be remodeled and he hopes it will not include parking spaces. Manager McElree stated that the Borough required Morning Star to adhere to all the requirements so that there is adequate stormwater retention on that property. Manager McElree indicated that if the high school comes in with plans with more impervious surface, the Borough will be very strict in that.

Councilman Rosenberger questioned whether the Borough has any remedy with regard to the areas outside the Borough that the water is coming from? Manager McElree indicated that he advised Richland that their stormwater is part of the problem and, at this point, Richland is willing to work on this problem with the Borough.

Mr. Hornberger indicated that if he follows the recommendations of his engineer to protect the Atrium parking lot and building, he will have to spend a quarter of a million dollars of his personal money. Mr. Hornberger asked how the DEP was contacted? Manager McElree answered that the Borough meets with DEP. Manager McElree further explained that there is a permit application and the planning process needs to be shown in order to apply for the permits, that is where the Borough is at this point in time. Mr. Hornberger questioned how the grant applications were made? Manager McElree indicated that application has been made for two grants and pre-approval is anticipated by December.

Ms. Kraut showed pictures of her and her neighbor's, who lost their home, property during the recent storms and asked that the Borough take charge of the situation. Ms. Kraut stated that there is raw sewage on her lawn. Ms. Kraut stated that this is an emergency situation and what is needed is an action plan, not studies.

Mr. Groner stated that he doesn't agree that it is all stormwater in those pipes. Mr. Groner stated that he spoke with the Supervisor of the Sewer Department, who indicated that there is probably raw sewage in the basement. Councilman Scholl pointed out that there is a lot of wetland in that area. Manager McElree asked if this is the first time that had occurred? Mr. Groner replied that, with this magnitude, yes. Mgr. McElree pointed out that the Borough will be as aggressive as the law allows with regard to these issues.

PARKS & RECREATION COMMITTEE

Mr. Goolsby was told that he could speak at this time.

Mr. Goolsby asked for benches or picnic tables, at the basketball/volleyball area in Memorial Park and asked that the bathrooms be open. Manager McElree indicated that the

bathrooms are closed between October 15th and November 1st as they need to be winterized. Manager McElree stated that in the wintertime they are closed and a port-a-potty is placed in Memorial Park. Councilman Williams indicated that the possibility of picnic tables will be looked into for that area.

President Roberts declared the meeting adjourned at 8:45 p.m.

BOROUGH OF QUAKERTOWN

L. James Roberts, Jr.
President of Council

Attest:

Phyllis R. Ewing
Asst. Borough Secretary