

A regular meeting of the Borough Council was held June 6, 2012, 7:30 p.m.

The following members and officers were present: President L. James Roberts, Vice President Donald Rosenberger, Councilmembers David Erwin, Douglas Propst, Edward Scholl and Daniel Williams, Solicitor Charles Fonzone, Manager Scott C. McElree and Asst. Borough Secretary Phyllis R. Ewing.

President Roberts announced that a public hearing was advertised for the purpose of considering the approval of a proposed tax exempt qualified Note to be issued by West End Fire Company No. 2.

Mr. Paul Dotzman, Vice President of Commercial Lending of QNB Bank, stated that the Fire Company had approached QNB for financing for their Rescue Truck and QNB has approved the financing. A public hearing and approval by the governmental unit is required to qualify for tax exemption.

President Roberts asked if anyone present would like to comment on this matter. There was no response.

RESOLVED, That, the following Resolution 57-12, considering the approval of a proposed tax-exempt qualified Note to be issued by West End Fire Company No.22, be adopted:

#### RESOLUTION NO. 57-12

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 \$730,000.00 financing of a Pierce Arrow XT Heavy Duty Rescue Truck, which will operate out of the West End Fire Company No. 2 at 1319 Park Avenue, Quakertown, PA 18951, following a public hearing held at Borough Hall, 35 North Third Street, Quakertown, PA 18951 on June 6, 2012 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 Councilman Rosenberger, seconded by Councilman Scholl. A roll call vote was taken and the motion was unanimously carried (Councilman Johnson absent).

At 7:35 p.m., President Roberts declared the public hearing portion of the meeting adjourned.

RESOLVED, That, the Minutes of May 2 and 21, 2012, be approved as written. Motion of Councilman Rosenberger, seconded by Councilman Erwin. A roll call vote was taken and the motion was unanimously carried (Councilman Johnson absent).

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

|              |   |              |
|--------------|---|--------------|
| May 4, 2012  | – | \$ 79,979.63 |
| May 11, 2012 | – | 18,142.48    |
| May 18, 2012 | – | 713,675.01   |
| May 25, 2012 | – | 94,587.43    |
| May 31, 2012 | – | 399,523.42   |
| June 1, 2012 | – | 7,504.82     |

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

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

Visitors:

Merv Afflerbach and Gerald Lerch, Front Street, indicated they wished to speak regarding the pedestrian overlay. President Roberts stated that they may speak under the Planning & Zoning Committee.

Ralph Moyer, 207 Juniper Street, indicated that he wished to speak regarding water/sewer billing. President Roberts stated that he may speak under the Public Utilities Committee portion of the agenda.

Michele Majoros, 410 S. Tenth Street, indicated that she wished to speak regarding vacant buildings in town. President Roberts stated that she may speak during the Planning & Zoning Committee.

### **PLANNING & ZONING COMMITTEE**

Mr. Afflerbach asked Council to explain the Pedestrian Overlay Ordinance.

Councilman Scholl stated that there really isn't anything to explain because Council is considering obtaining help from the Bucks County Planning Commission to help prepare an

Ordinance, so currently there isn't any Ordinance.

President Roberts pointed out if the Resolution is adopted tonight, the County will work on an Ordinance, which could take months, and when that comes back from the County, Council will discuss and review the Ordinance and that is the time when public input will be taken.

Mr. Afflerbach stated that they are concerned that their use, auto sales and service, might be prohibited by the new Ordinance. President Roberts stated that their use would be grandfathered as long as it does not remain vacant for a year.

Manager McElree pointed out that at sometime within the next few months there will be a public meeting held with the County and the property owners in the overlay district will be notified of the meeting.

Ms. Majoros stated that there are a lot of vacant buildings, such as the old YMCA building, in the Borough and asked Council to consider a building for use by the senior citizens. Manager McElree stated that at the present time the Borough does not own any buildings that could be used for that purpose. Manager McElree pointed out that the building would need to be ADA compliant. The Borough is continuing its support to the Senior Center, currently allocating \$700.00 per month towards their expenses.

RESOLVED, That, the following Resolution 58-12, Bucks County Planning Commission Proposal on a Pedestrian Overlay Ordinance, be adopted:

#### RESOLUTION NO. 58-12

WHEREAS, Borough Council is desirous of obtaining services from Bucks County Planning Commission with respect to developing a comprehensive Ordinance pertaining to the Pedestrian-Oriented, Mixed Use Overlay District that would include uses and design features; and

WHEREAS, a proposal for such purpose has been received from the Bucks County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED, That the Council of the Borough of Quakertown authorizes the proper Borough officials to sign the Planning Services Agreement, Contract Number B35-01-12, by and between the County of Bucks and the Quakertown Borough Council.

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

**REVENUE & FINANCE COMMITTEE**

RESOLVED, That, the following Resolution 51-12, change to the fee schedule to add Pawn Broker fee, be adopted:

**RESOLUTION NO. 51-12**

WHEREAS, Resolution 3-12 was adopted on January 3, 2012 and established the fees associated with Borough services; and

WHEREAS, the Borough wishes to add an additional fee for Pawn Brokers.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Quakertown that the fee schedule be amended to add the following:

PAWN BROKER

|                    |          |
|--------------------|----------|
| Permit Application | \$500.00 |
| Investigation      | 250.00   |
| Annual Permit Fee  | 250.00   |

BE IT FURTHER RESOLVED, That, Pawn Shops existing prior to the date of adoption of this Resolution are excluded from the Permit Application and Investigation fees.

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

RESOLVED, That, the following Resolution 52-12, change to the fee schedule to add Debt Collection fee, be adopted:

**RESOLUTION NO. 52-12**

WHEREAS, Resolution 3-12 was adopted on January 3, 2012 and established the fees associated with Borough services; and

WHEREAS, the Borough wishes to add an additional fee for collecting outstanding utility debts.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Quakertown that the fee schedule be amended to add the following:

|                 |                      |
|-----------------|----------------------|
| DEBT COLLECTION | \$100.00 per account |
|-----------------|----------------------|

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

RESOLVED, That, the following Resolution 59-12, accepting resignation of Water Department Superintendent, be adopted:

**RESOLUTION NO. 59-12**

WHEREAS, a letter of intent to resign was received from Michael E. Brzezicki, Quakertown Water Department Superintendent.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown sorrowfully accepts the resignation of Michael E. Brzezicki, effective June 8, 2012. Members of Council are grateful for his years of dedicated service and wishes him success in future endeavors.

BE IT FURTHER RESOLVED, That, the Council of the Borough of Quakertown authorizes the Borough Manager to sign the prepared Michael Brzezicki retirement document dated March 15, 2012.

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

**HEALTH, SAFETY & WELFARE COMMITTEE**

In Councilman Johnson's absence, Councilman Propst chaired the Health, Safety & Welfare Committee portion of the agenda.

RESOLVED, That, the following Resolution 56-12, request of Mike Pancione regarding a Toy Run, be adopted:

**RESOLUTION NO. 56-12**

WHEREAS, a request was received from Mike Pancione to engage in a BCC&Y Toy Run.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown, grants the request of Mike Pancione to engage in a BCC&Y Toy Run on Saturday, October 13, 2012, 11:00 a.m., provided the proper route is followed: Main Street to 9<sup>th</sup> Street, 9<sup>th</sup> Street to West Broad Street, then east on Broad Street and head out of town.

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

## **PUBLIC UTILITIES COMMITTEE**

Mr. Moyer was told that he could address Council at this time. Mr. Moyer questioned the high debt service fee he had to pay due to a leaking toilet. Councilman Erwin explained that the debt service fee is based on consumption. Manager McElree stated that he will look at the account history and if it is something obvious, the Borough will make an adjustment.

RESOLVED, That, the following Resolution 54-12, proposed pole attachment agreement with Sunesys, be adopted:

### **RESOLUTION NO. 54-12**

WHEREAS, a pole license agreement has been prepared between the Borough of Quakertown and Sunesys, LLC , which will allow the attachment of fiber optics to Borough poles.

NOW, THEREFORE, BE IT RESOLVED, That the Council of the Borough of Quakertown authorizes the proper Borough official to sign the Pole Attachment License Agreement between Quakertown Borough and Sunesys, LLC.

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

Councilman Erwin stated that the Borough received a “Caring Community Award” from the Bucks County Intermediate Unit for unselfish commitment to students of the Bucks County IU. A hearing impaired, blind student worked for the Borough twice a week shredding documents. Councilman Erwin thanked the Borough Manager and staff.

## **PUBLIC WORKS COMMITTEE**

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

## **PARKS & RECREATION COMMITTEE**

RESOLVED, That, the following Resolution 55-12, Richland Area Softball Association's request to use Memorial Park for a Softball Tournament, be adopted:

### **RESOLUTION NO. 55-12**

WHEREAS, a request was received from RASA Softball to use the softball field in Memorial Park.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of RASA Softball to use the softball field in Memorial Park for the 2012 season provided that they add the Borough as an additional insured to their insurance.

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

President Roberts declared the meeting adjourned at 8:20 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