

A regular meeting of the Borough Council was held May 2, 2007, 7:30 p.m.

The following members and officers were present: President Dennis A. Hallman, Vice President L. James Roberts, Councilmembers Donald Rosenberger, Elfriede Werner, Daniel Williams, David Wilsey, David Zaiser, Solicitor Charles Fonzone, Manager Scott C. McElree and Recording Secretary Kris La Cava.

RESOLVED, That, the Minutes of April 4, 2007, be approved as written. Motion of Councilman Zaiser, seconded by Councilwoman Werner. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the financial reports be approved and vouchers drawn in payment of the bills listed thereon be ratified. Motion of Councilwoman Werner, seconded by Councilman Zaiser. A roll call vote was taken and the motion was unanimously carried.

CHECKS #

55384 – 55599

\$1,534,294.07

RESOLVED, That, the Treasurer's Report for April, 2007 be received and spread on the minutes. Motion of Councilman Rosenberger, seconded by Councilwoman Werner. A roll call vote was taken and the motion was unanimously carried.

| Treasurer's Report April 30, 2007 | | | | |
|--------------------------------------|-----------------------|-----------------------|---------------------|-----------------------|
| Fund | Savings/Checking | PLGIT | CD | Total |
| Electric Fund | \$ 865,408.14 | \$ 305,500.59 | \$560,000.00 | \$1,730,908.73 |
| Water | 421,225.53 | 605,490.30 | 250,000.00 | 1,276,715.83 |
| Sewer | 603,717.55 | 604,945.08 | 140,000.00 | 1,348,662.63 |
| General | 164,402.39 | 2,140.82 | | 166,543.21 |
| Payroll | 200.00 | | | 200.00 |
| Payroll Withholding | 14,941.74 | | | 14,941.74 |
| Debt Service Reserve | | 2,029.00 | | 2,029.00 |
| Fire Equipment | | 25,910.59 | | 25,910.59 |
| Recreation Fund | 23,499.21 | | | 23,499.21 |
| PA Motor License | 19,053.11 | 612.29 | | 19,665.40 |
| Sinking Fund | 475,143.90 | 3,792.52 | | 478,936.42 |
| 1999-01 Equipment Replacement | 124,717.31 | | | 124,717.31 |
| Totals | \$2,712,308.88 | \$1,550,421.19 | \$950,000.00 | \$5,212,730.07 |

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

Visitors:

Richard Hobbs, 58 N. 9th Street asked if a four way stop could be placed at the intersection of 9th & Mill Streets to slow the cars speeding along that area. Mr. Hobbs has been parking his vehicle on the sidewalk so that it does not get hit, and just recently was ticketed for doing so. Mr. Hobbs feels that the four way stop at 4th & Mill Streets is working well but it is located in the business area and feels that for safety issues one should be placed at 9th Street, which is located more in the residential area of Mill Street. Borough Manager McElree stated a criteria by Penn Dot for multi-way stops is site difference. The roadway elevation at the train tracks decreases the site distance at 4th & Mill Streets so, therefore, qualifies under Penn Dot rules. Borough Manager McElree mentioned he spoke to Traffic Planning, Inc. and they agreed at this time 9th & Mill Streets does not qualify. Mr. Hobbs stated in that case, something else should be done like possibly place more speed bumps along Mill Street. President Hallman stated Council is looking throughout Quakertown Borough to determine other areas where traffic needs to be slowed down and mentioned one of those areas is on Mill Street. President Hallman also mentioned the placement of a speed bump is a very good possibility to slow traffic down before traffic approaches 9th Street, but a four way stop cannot be placed there. Borough Manager McElree added that 9th & Mill Streets is listed first on the Traffic Common Study Plan that is being completed.

REVENUE & FINANCE COMMITTEE

RESOLVED, That, the following Resolution 17-07, authorizing Scott C. McElree, Borough Manager to act as Plan Coordinator in dealing with the ICMA Retirement Corporation be adopted:

RESOLUTION NO. 17-07

RESOLVED, That, the Council of the Borough of Quakertown authorizes Scott C. McElree, Borough Manager to act as its "Plan Coordinator", in dealing with the ICMA Retirement Corporation for the Borough of Quakertown, Bucks County, Pennsylvania.

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

RESOLVED, That, Council authorize President Hallman to sign the work agreement between the Borough of Quakertown and Julie Dechnik for the position of Finance Director. Motion of Councilman Roberts, seconded by Councilman Wilsey. A roll call vote was taken and the motion was unanimously carried.

Councilman Roberts thanked Frank Bankard, the negotiator for Local 542C Operating Engineers for the calm way the union contract was worked out and also Joel Barras, the Borough's negotiator for his negotiations for the Borough.

RESOLVED, That, the proper Borough Officials be authorized to sign the Collective Bargaining Agreement between the Borough and the Local 542C of the International Association of Operating Engineers AFL CIO. Motion of Councilman Roberts, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried.

Mr. Bankard thanked Council for ratifying the agreement and stated Mr. Barras did an excellent job and stated in the end he felt everyone gained respect for each other.

President Hallman announced that an executive session was held prior to tonight's Council meeting with the Borough's labor attorney relating to the negotiation of the Collective Bargaining Agreement.

PLANNING & ZONING COMMITTEE

Ken Fretz was present to explain the background pertaining to the electronic message signs which Lockridge Outdoor Advertising was denied by the Zoning Hearing Board. Mr. Fretz stated Lockridge Outdoor Advertising requested putting up three 220 square feet electronic message boards along Route 309 at three different locations. Mr. Fretz explained he denied them because they did not meet property dimensions nor did they meet the proper criteria for any off premises signage. Mr. Fretz stated Lockridge Outdoor Advertising is appealing the Zoning Hearing Board's decision and now the Borough has to decide if they want to get involved with the appeal process and fight against the erection of the signs.

Charles Fonzone explained that Borough Council can intervene and ask the court to be part of the appeal process. If the court were to reverse the opinion of the Zoning Hearing Board and Council had not intervened, the case is over because the Zoning Hearing Board does not have the standing to go to the appellant court, but Borough Council would. Councilman Wilsey felt that Council should protect the Borough's interest. Councilman Rosenberger asked Mr. Fretz specifically where the proposed signs would be located. Mr. Fretz replied the locations would be at Scheetz Rentals, Designer's Choice Cabinets (in front of the West End Car Wash) and the Tai Show.

Councilman Rosenberger mentioned that Doylestown Township had recently designated a specific area for electronic signs. Mr. Fretz mentioned that other municipalities do not provide any locations for electronic message board off premise advertising or billboards alone and that Quakertown's ordinance does but does not make it very possible.

RESOLVED, That, Borough Council authorize Fonzone & Ashley's office to intervene in the appeal of Lockridge Outdoor Advertising LLC from the decision of the Zoning Hearing Board on behalf of the Borough. Motion of Councilman Wilsey, seconded by Councilman Zaiser. A roll call vote was taken and the motion was unanimously carried.

HEALTH, SAFETY & WELFARE COMMITTEE

RESOLVED, That, Council grants the request of the Quakertown Lions Club to hold the annual Halloween Parade on October 21, 2007 starting at 2:00 p.m. with a rain date of October 28, 2007. Motion of Councilwoman Werner, seconded by Councilman Williams. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That Council adopts the revised Civil Service Code. Motion of Councilwoman Werner, seconded by Councilman Williams.

Councilman Roberts verified that the changes for the Civil Service Code were in italic on the memorandum dated April 25, 2007 from Borough Manager McElree to Council. Councilman Roberts also questioned where the information for the regulations come from. Borough Manager McElree stated that the code comes from Reed Smith.

Councilman Rosenberger questioned 803 which reads; If, after receiving notice from the commission that the candidate for chief is qualified, the appointing authority votes to bestow civil service status on that person. Councilman Rosenberger felt that that was something Council would not want to do. Borough Manager McElree replied that the wordage is standard language and Council can elect not to do so and that there can be one exemption to the Civil Service.

Joel Barras explained that Borough Council does have the option to bestow civil service upon the chief after he is hired. Borough Council would be the appointing authority. First Council would hire a Chief of Police and then if Council decided to bestow civil service protection on the Chief of Police he would have to go through the process with the Civil Service Commission and then it would go to Borough Council.

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

PUBLIC UTILITIES COMMITTEE

RESOLVED, That, the following Resolution 18-07 awarding the bid to Bracalente Construction for street resurfacing be adopted:

REWSOLUTION NO. 18-07

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of Bracalente Construction, Inc. of Quakertown, Pennsylvania, in the amount of \$132,143.75 as per bid opened April 19, 2007, is hereby accepted. This project is subject to adjustment for bituminous materials. This bid price is based on the asphalt index for April 2007 which is set at \$314.00 per ton of liquid asphalt. 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 Rosenberger, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried.

PUBLIC WORKS COMMITTEE

Councilman Zaiser mentioned that there have been a number of areas in the borough which have been overlooked on the specs for the property and lawn maintenance outsourcing. If these additional areas were to be passed on to the landscaping outsourcing company, there would be an extra cost of \$6,000 - \$8,000. A part time seasonal employee will be hired to take care of the additional areas with the Borough's equipment at a great savings.

RESOLVED, That, Council authorize the approval to hire four full time seasonal employees and one part time seasonal employee to help with lawn maintenance. Motion of Councilman Zaiser, seconded by Councilman Roberts.

Councilman Roberts questioned, although Council votes on the pool labor, did Council in the past regularly approve or vote on the hiring of seasonal part time help. Councilman Roberts suggested that in the future part time seasonal salaries continue to be voted on, but not the quantity of part time seasonal help. President Hallman replied that Council normally votes on the salaries but not the amount of workers hired for seasonal help, including the pool. Since this is an unusual circumstance, a vote will be taken.

Borough Manager McElree clarified that the original memo dated April 16, 2007 pertaining to seasonal help mentioned hiring five seasonal employees; four for the Public Works Department and one for the Sewer Department. The additional memo dated May 1, 2007 to cover the additional lawn cutting areas would be for one additional part time seasonal employee bringing the total to six seasonal employees.

A roll call vote was taken and the motion carried with the following Councilmembers voting in favor: Roberts, Rosenberger, Werner, Wilsey, Zaiser and Hallman and the following Councilmember abstaining: Williams (his daughter is a seasonal employee).

President Hallman commented that the new trees planted throughout the Borough look very nice. Borough Manager McElree stated that the Borough received 49 trees and there are six trees that remain to be planted. Four trees may be planted at the Historical Society property and the two remaining trees should not be a problem to plant elsewhere.

Under discussion it was mentioned that a few very large trees have been taken down recently at various locations including Main Street, East Broad Street and Broad & 6th Streets.

PARKS & RECREATION COMMITTEE

RESOLVED, That, Council grants the request of the YMCA to change Pool Safety Day from June 23, 2007 to June 30, 2007. Motion of Councilman Williams, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That Council grants the request of the Harvest Community

Fellowship to offer tethered hot air-balloon rides during the Relay for Life held May 5, 2007. Motion of Councilman Williams, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried.

Item # 3 on the agenda in reference to the use of fire pits in the park during the overnight hour for the Relay for Life was removed from the agenda by request from the Relay for Life Committee.

RESOLVED, That Council grants the request of the YMCA for additional days of use of the field in Memorial Park for T-ball on Wednesdays from 5:30 p.m. to 7:30 p.m. and Mondays from 5:30 p.m. to 6:30 p.m. Motion of Councilman Williams, seconded by Councilman Wilsey. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That Council grants the request of Breaking the Cycle to use Memorial Park as a rest stop for their charity bike ride to be held on September 29, 2007 from 9:30 a.m. to 4:00 p.m. Memorial Park will be used as a rest stop, allowing riders to relax and obtain refreshments. Motion of Councilman Williams, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That Council grants the request of the American Legion for use of Memorial Park and use of the band shell on July 4, 2007 for Community Day. Motion of Councilman Williams, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That Council grants the request of the District I Baseball Committee for use of the stadium for playoffs on the dates of May 29, 2007 at 4:00 p.m. (rain date May 30, 2007), May 31, 2007 at 4:00 p.m. (rain date June 1, 2007), June 4, 2007 (rain date June 5, 2007). Motion of Councilman Williams, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That Council grants the request of East Swamp Church to use Cedar Grove Park for drop-in activities on Wednesday evenings from 7:15 p.m. – 8:15 p.m. starting May 23, 2007 and ending August 15, 2007. Motion of Councilman Williams, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried.

Councilman Williams stated that the Quakertown Music Promoters Organization has requested use of the pavilions and the band shell for May 29, 2007. Councilman Williams questioned if they were charged previously for the band shell. Borough Manager McElree replied that he believes Council reduced the fee. Councilman Roberts mentioned this request last year came to Council in the middle of the fee charge changes and they were charged at a reduced fee as a compromise, but in the future they were going to be charged full price because they would be allowed to advertise sponsors to help raise money.

RESOLVED, That Council grants the request of the Quakertown Music Promoters Organization to use the pavilions in Memorial Park along with the use of the band shell on May 29, 2007 from 4:00 p.m. – 10:00 p.m. Motion of Councilman

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

Councilman Williams stated a request came in from the Perkasio Fire Company for use of the Borough's band shell at their parade on June 9, 2007. Borough Manager McElree explained that the Perkasio Fire Company is holding a celebration and parade in Perkasio to house their new 2006 Pierce Aerial tower and would like to obtain permission for the use of the band shell for that day.

Councilman Wilsey questioned if the Borough would take it down and set it up for them. Borough Manager McElree stated that that is correct. Councilman Williams questioned if Perkasio understood a fee would be charged because in the Perkasio Fire Department's letter it stated they would like to borrow the band shell. Borough Manager McElree replied if Council wants to approve their request with a provision that there is a fee charge he would contact Perkasio to see if they would agree to it and if they did not, their request would not be granted.

Councilman Wilsey stated he would also like to see if the band shell is covered under our insurance when leaving the Borough.

Councilman Rosenberger mentioned in this case the Borough should charge the usage fee for the band shell and get reimbursed for the Borough employee's time to move and set it up. Borough Manager McElree replied that that is built into the fee schedule.

RESOLVED, That Council grants the request of the Perkasio Fire Department for the use of the band shell for their parade to be held on June 9, 2007. Motion of Councilman Williams, seconded by Councilman Wilsey. A roll call vote was taken and the motion was unanimously carried.

President Hallman announced that the Relay for Life will be held on May 5, 2007.

Ed Scholl, Co-Chairman of Relay for Life thanked the Borough for their support and mentioned by permitting hot air balloon rides this year it should top the event off. Mr. Scholl also mentioned that Relay for Life has raised over one million dollars in the last seven years.

Borough Manager McElree commended Joel Barras for his union work he provided the Borough. Borough Manager McElree explained that being new to his position and his first time dealing with union issues he has learned a great deal from him.

Councilman Zaiser replied that the worker's feelings and respect for Borough Manager McElree says a lot and has helped contribute to the finalization of the contract.

President Hallman welcomed Julie Dechnik to the Borough.

President Hallman declared the meeting adjourned at 8:30 p.m.

BOROUGH OF QUAKERTOWN

Dennis A. Hallman
President of Council

Attest:

Kris La Cava
Recording Secretary