

A regular meeting of the Borough Council was held February 7, 2008, 7:30 p.m.

The following members and officers were present: President L. James Roberts, Vice President Donald Rosenberger, Councilmembers Michael Johnson, Michelle Scarborough, Edward Scholl and David Zaiser, Junior Councilperson Katelynn Klinkert, Solicitor Charles Fonzone, Manager Scott C. McElree and Asst. Borough Secretary Phyllis R. Ewing.

RESOLVED, That, the Minutes of January 7, 2008, be approved as written. Motion of Councilman Rosenberger, seconded by Councilman Johnson. A roll call vote was taken and the motion was unanimously carried (Councilman Williams — absent).

President Roberts pointed out that in the past, the checks were approved after they were signed and dispersed, and now the checks will be considered for approval prior to payment.

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

Jan. 21, 2008	– \$ 19,813.69
Jan. 22, 2008	– \$ 6,419.80
Jan. 25, 2008	– \$ 1,542.42
Jan. 29, 2008	– \$ 1,416.48
Feb. 1, 2008	– \$ 2,790.24
Feb. 7, 2008	– \$853,176.99

Motion of Councilman Rosenberger, seconded by Councilwoman Scarborough.

President Roberts indicated that he will abstain from voting on this motion due to Friendly Book Sales being listed for payment.

A roll call vote was taken and the motion was carried with the following Councilmembers voting in favor: Johnson, Rosenberger, Scarborough, Scholl and Zaiser; and the following Councilmember abstaining: Roberts (Councilman Williams — absent).

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

Visitors:

Eric Brannaka, 1121 Park Avenue, indicated that on December 23, 2007, there was a rain storm and the drain on the north side of Park Avenue was clogged, which caused flooding for west bound traffic on Park Avenue. Mr. Brannaka stated that he has been dealing with this issue for many years. President Roberts told Mr. Brannaka that he could speak during the Public Works portion of the agenda.

Justice of the Peace C. Robert Roth administered the Oath of Office to new Police Officers Christopher Grill and Cassie Zliceski.

Lieutenant Gaumer gave a brief personal history of each of the new officers and Manager/Chief McElree pinned the shield on each of the new officers. President Roberts pointed out that Cassie Zliceski is the first female police officer in the history of the Borough.

President Roberts announced that pursuant to the Sunshine Act, Council will meet in Executive Session following tonight's meeting in regard to a matter involving the potential discipline of an employee.

PLANNING & ZONING COMMITTEE

RESOLVED, That, the following Resolution 21-08, appointing the law office of Charles J. Fonzone in the matter of Dr. Robert A. Rush, be adopted:

RESOLUTION NO. 21-08

**A RESOLUTION APPOINTING THE LAW OFFICE OF
CHARLES J. FONZONE TO INTERVENE IN THE MATTER
OF ROBERT A. RUSH, D.C. VS. QUAKERTOWN BOROUGH
ZONING HEARING BOARD IN THE COURT OF COMMON
PLEAS OF BUCKS COUNTY**

WHEREAS, on November 8, 2007, the Borough of Quakertown Zoning Hearing Board held a public hearing upon the application of Robert A. Rush, D.C.; and

WHEREAS, such application was denied; and

WHEREAS, Robert A. Rush, D.C. has appealed such denial to the Court of Common Pleas of Bucks County; and

WHEREAS, the Borough of Quakertown, in order to fully protect its appellant rights wishes to intervene in support of the Quakertown Borough Zoning Hearing Board.

NOW, THEREFORE, BE IT RESOLVED, That the Council of the Borough of Quakertown does hereby authorize the law firm of Charles J. Fonzone, Esquire to intervene and pursue this matter to its conclusion.

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

REVENUE & FINANCE COMMITTEE

RESOLVED, That, the following Resolution 9-08, appropriating \$500 to VFW Post 11322, be adopted:

RESOLUTION NO. 9-08

WHEREAS, a request for financial support was received from John Rivers Memorial VFW Post 11322.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown will appropriate \$500 for the year 2008, to be used in the payment of rent where such organization has its regular meetings.

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

RESOLVED, That, the following Resolution 5-08, amending the fee schedule, be adopted:

RESOLUTION 5-08

WHEREAS, Resolution 3-08 was adopted on January 7, 2008 and established the fees associated with Borough services; and

WHEREAS, the Borough wishes to add the fees for testing of water meters, sewer security deposit, and weekend/holiday re-connection, to revise the fees for electric meter base change, security deposit regular (non-electric heat unit), and to remove the fees for remote water meters, electric permit replacement or service upgrade, and change of service for residential;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Quakertown that the water meter testing, sewer security deposit fees, and re-connection fee be added to read as follows:

WATER DEPARTMENT

Meter Testing \$10.00

SEWER DEPARTMENT

Security Deposit
Sewer only \$40.00

Water and Sewer \$80.00

ELECTRIC DEPARTMENT & WATER DEPARTMENT

Re-connection Fee
Weekends and Holidays \$250.00

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Borough Council of the Borough of Quakertown that the electric meter base fee and the security deposit fee be revised as follows:

ELECTRIC DEPARTMENT

Meter Testing
Meter Base Change \$ 60.00

Security Deposit
Regular (non-electric heat unit) \$125.00

AND, BE IT FURTHER RESOLVED, That the fee for Water Department remote water meters, Code Department electric permit replacement or service upgrade, and Electric Department change of service for residential be removed.

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

RESOLVED, That, the following Resolution 6-08, non-uniform pension plan contributions, be adopted:

RESOLUTION NO. 6-08

A RESOLUTION ADDING NON-UNIFORM, NON-MANAGERIAL CONTRIBUTIONS TO THE NON-UNIFORM PENSION PLAN FOR THE YEAR 2008.

WHEREAS, Council has deemed contributions to the non-uniform pension plan are required in order to keep the fund actuarially sound;

NOW, THEREFORE, BE IT RESOLVED That, all non-uniform, non-managerial employees will be required to contribute 1% of their annual salary to the Non-Uniform Pension Plan for the year 2008.

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

HEALTH, SAFETY & WELFARE COMMITTEE

RESOLVED, That, the following Resolution 10-08, purchase of Mobile Data Terminals in police car digital cameras, be adopted:

RESOLUTION NO. 10-08

WHEREAS, Police Mobile Data Terminals were requested to be placed in the 2007 budget; and

WHEREAS, a quotation reflecting a cost of \$66,544.05 was received from CDW Government, Inc. of Vernon Hills, Illinois.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown approves the purchase of Police Mobile Data Terminals (MDT's) with interfacing in car digital cameras at a cost of \$66,544.05. Grant funds received in the amount of \$15,000 are to be used towards this purchase.

Motion of Councilman Johnson, seconded by Councilman Rosenberger.

Councilman Rosenberger asked if each car will have the camera? Manager McElree indicated that each marked car will be equipped with one. Councilman Rosenberger asked what happens when a car is replaced? Manager McElree indicated that the cameras aren't transferrable, but the Mobile Data Terminals can be transferred.

A roll call vote was taken and the motion was unanimously carried (Councilman Williams — absent)

RESOLVED, That, the following Resolution 11-08. testing for new police officer candidates, be adopted:

RESOLUTION NO. 11-08

WHEREAS, Council has approved the hiring of a Police Officer in 2008; and

WHEREAS, it has been deemed that a new test would produce a new pool of very qualified candidates.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown approves the advertising and administering of a police selection test for the purpose of developing a new list of police candidates.

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

RESOLVED, That, the following Resolution 7-08 establishing a Youth Aid Panel in Quakertown, be adopted:

RESOLUTION NO. 7-08

A RESOLUTION BY THE COUNCIL OF THE BOROUGH OF
QUAKERTOWN, BUCKS COUNTY, PENNSYLVANIA,
ESTABLISHING A YOUTH AID PANEL IN QUAKERTOWN

WHEREAS, Youth Aid Panels have been established to provide an alternative to the Juvenile Court system in dealing with juvenile first-time summary and misdemeanor offenders, and

WHEREAS, Youth Aid Panels provide a court diversion procedure to youthful offenders who should not be labeled as delinquents; and

WHEREAS, Youth Aid Panels provide an opportunity for an offender to voluntarily appear before a local Youth Aid Panel whose function is that of problem solving rather than a determination of guilt or innocence as in a court of law, and

WHEREAS, the Youth Aid Panel provides a means of satisfying the victims of youthful offenders by providing a means to secure restitution for damages incurred, and

WHEREAS, Youth Aid Panels provide a means of increasing the accountability and responsibility of youth for their actions, and

WHEREAS, the Council of the Borough of Quakertown desires to establish a Youth Aid Panel Program in Quakertown.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Quakertown that a Youth Aid Panel be created in Quakertown in accordance with the guidelines set forth in the publication "Youth Aid Panels of Bucks County".

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

RESOLVED, That, the following Resolution 23-08, Pennsylvania Mustang Club to hold a car show, be adopted:

RESOLUTION NO. 23-08

RESOLVED, That, a request was received from the First Pennsylvania Mustang Club to hold a car show on Broad Street from Hellertown Avenue to Fourth Street from 4:00 to 9:00 p.m. on June 28, 2008.

NOW, THEREFORE, BE IT RESOLVED That the Council of the Borough of Quakertown grants the request of the First Pennsylvania Mustang Club provided approval is received from PennDOT to close the roadways.

Motion of Councilman Johnson, seconded by Councilwoman Scarborough.

Under discussion, it was pointed out that Quakertown Alive! is going to encourage many of the businesses to stay open as it is the event's intent to attract people to the downtown areas in the evening and promote business. Manager McElree stated that the parking lot to the shopping center will be open and accessible for business.

A roll call vote was taken and the motion was unanimously carried (Councilman Williams — absent).

PUBLIC UTILITIES COMMITTEE

Councilwoman Scarborough read Ordinance 1141, adding a budget system to owner occupied residential units, in full.

RESOLVED, That, Ordinance 1141, an amendment to the Code of Ordinances of the Borough of Quakertown, Chapter 7, Sections 202, 1(b) and 5 adding a budget plan to residential service rate schedule RG, be passed finally. Motion of Councilwoman Scarborough, seconded by Councilman Rosenberger.

Under discussion, President Roberts asked how the public will be notified. Manager McElree indicated they will be notified by the Borough newsletter and with the new billing system, stuffers will be sent out periodically with information. Councilman Rosenberger asked if the individual owes more than was budgeted, when will that become due? Finance Director Dechnik answered that it will be due on month twelve. Finance Director Dechnik indicated that the billing clerks will make sure to keep on top of this so that the residents aren't hit with a high bill on month twelve. Finance Director Dechnik stated that an information note regarding this will be placed on the April bill.

A roll call vote was taken and the motion was unanimously carried (Councilman Williams — absent).

RESOLVED, That, the following Resolution 8-08, awarding the bid for electric transformers, be adopted:

RESOLUTION NO. 8-08
ACCEPTING BID AND AWARDING CONTRACT TO
T & R ELECTRIC SUPPLY COMPANY

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of T & R Electric Supply Company of Colman, South Dakota, in the amount of \$9,634.00 for a KVA 500 electric transformer and \$16,892.00 for a KVA 1000 electric transformer as per bid opened January 24, 2008, is hereby accepted. The contract is awarded to T & R Electric Supply Company. The Borough Manager is hereby authorized to execute the said contract on behalf of the Borough of Quakertown.

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

PUBLIC WORKS COMMITTEE

Councilman Zaiser indicated that there aren't any items for action or report under the Public Works Committee. Councilman Zaiser told Mr. Brannaka that he could speak at this time.

Mr. Brannaka had taken pictures of the flooding on Park Avenue and presented them to Council. Manager McElree stated that he had the Public Works Superintendent check into this situation. In his discussion with the Public Works Superintendent, it was indicated that a lot of leaves had gathered at the sides of the road and the road is designed with a crown on it, causing the center to be higher and the water to flow onto the sides, which causes some issues with drainage. Manager McElree indicated that he and the Public Works Superintendent will attend the next Council Work Session with recommendations and suggestions. Mr. Brannaka pointed out that he has done everything possible to divert the water. Councilman Zaiser suggested that the Borough Manager and the Public Works Superintendent meet with Mr. Brannaka on this issue. Manager McElree indicated that he will set up the meeting.

PARKS & RECREATION COMMITTEE

In Councilman Williams' absence, Councilman Zaiser chaired the Parks & Recreation Committee portion of the agenda.

Councilman Zaiser announced that a grant in the amount of \$171,000 for breathing apparatus equipment for the Quakertown Fire Department was received with the help of Congressman Murphy's office. On behalf of members of the Fire Department, also present, Chief Doug Wilhelm thanked the Congressman and the Borough for their help in obtaining the grant.

RESOLVED, That, the following Resolution 14-08, proceed with the master plan for the

Krupp site, be adopted:

RESOLUTION NO. 14-08

WHEREAS, the Krupp Site Committee has reported to Council and recommended proceeding with the master plan.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown wishes to proceed with a master plan for the Krupp site provided that at least 50% of the potential cost of \$40-to-\$60,000 is received through outside funding.

Motion of Councilman Zaiser, seconded by Councilman Rosenberger.

Councilman Zaiser proposed an amendment to the motion that \$20,000 from the 2008 Budget for the Park Fund and \$10,000 from the Sesquicentennial Committee be allocated to the potential cost of the Master Plan. The amending motion died for lack of a second.

A roll call vote was taken on the adoption of Resolution 14-08 as originally stated and the motion carried by majority vote with the following Councilmembers voting in favor: Johnson, Rosenberger, Scarborough, Scholl and Roberts; and the following Councilmember voting against: Zaiser (Councilman Williams — absent).

RESOLVED, That, the following Resolution 15-08, Borough Manager to enter into agreement with CMX for developing the master plan for the Krupp site, be adopted:

RESOLUTION NO. 15-08

WHEREAS, the Council of the Borough of Quakertown has indicated a desire to proceed with the master plan for the Krupp site.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown approves the Borough Manager to enter into an agreement with CMX for the purpose of developing a master plan for the Krupp site provided that at least 50% of the potential cost of \$40-to-\$60,000 is received through outside funding.

Motion of Councilman Zaiser, seconded by Councilwoman Scarborough. A roll call vote was taken and the motion carried by majority vote with the following Councilmembers voting in favor: Johnson, Rosenberger, Scarborough, Scholl and Roberts; and the following Councilmember voting against: Zaiser (Councilman Williams — absent).

RESOLVED, That, the following Resolution 12-08, request of Relay for Life to use bandshell, be adopted:

RESOLUTION NO. 12-08

WHEREAS, a request was received from the Relay for Life to use the bandshell with extensions for their event.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of Relay for Life to use the bandshell for their event on May 3 - 4, 2008.

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

RESOLVED, That, the following Resolution 13-08, request to waive bandshell fee for Relay for Life, be adopted:

RESOLUTION NO. 13-08

WHEREAS, a request was received from the Relay for Life to waive the fee for the use of the bandshell; and

WHEREAS, Council, in the adoption of Resolution 19-06, reserved the right to waive these fees for certain civic or charitable events which they deem beneficial to the betterment of the community.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of Relay for Life to waive the fee for the use of the bandshell for their event on May 3 - 4, 2008.

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

RESOLVED, That, the following Resolution 16-08, request of NFL Flag Football League to use sports fields, be adopted:

RESOLUTION NO. 16-08

WHEREAS, a request was received from the NFL Football League to use Borough fields for youths ages 5 to 14 to play flag football.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of the NFL Flag Football League to use the soccer fields in Memorial Park for their 2008 spring season.

Motion of Councilman Zaiser, seconded by Councilwoman Scarborough. A roll call vote was

taken and the motion was unanimously carried (Councilman Williams — absent).

RESOLVED, That, the following Resolution 17-08, setting the swimming pool rates, be adopted:

RESOLUTION 17-08

BE IT RESOLVED, That, swimming pool season tickets may be purchased in Borough Hall during regular business hours starting Monday, May 5, 2008, and ending Friday, June 6, 2008, at the following rates:

	RESIDENTS	NON-RESIDENTS
Family	\$170.00	\$242.00
Adult	70.00	95.00
Child (under 19 yrs.) or Sr. Citizen	65.00	80.00

After June 6, Season Tickets may be purchased during regular business hours at the following rates:

	RESIDENTS	NON-RESIDENTS
Family	\$175.00	\$247.00
Adult	75.00	100.00
Child (under 19 yrs.) or Sr. Citizen	70.00	85.00

Daily tickets may be purchased at the pool at the following rates:

	ADULTS	CHILDREN OR SENIOR CITIZEN
Daily	\$10.00	\$8.00
Twilight (all days) after 6:00 p.m.	2.00	2.00

1. A senior citizen is a person who is at least 62 years old.
2. All swim team members must possess either (a) A season pass; or (b) A special pass @ \$20.00 (for swim team use only).
3. An adult pass is required for every person age 19 and over.

Swimming Pool Lessons	\$34.00/person/session
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Diving Lessons	\$42.00/person/session
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Motion of Councilman Zaiser, seconded by Councilman Scholl. A roll call vote was taken and the motion was unanimously carried (Councilman Williams — absent).