

A regular meeting of the Borough Council was held September 5, 2007, 7:30 p.m.

The following members and officers were present: President Dennis A. Hailman, Vice President L. James Roberts, Councilmembers Donald Rosenberger, Elfriede Werner, Daniel Williams, David Wilsey, 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 August 1, 2007, be approved as written. Motion of Councilman Rosenberger, 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 Councilman Rosenberger, seconded by Councilman Roberts. 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.

CHECKS #

56198 — 56454

\$1,793,346.31

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

Treasurer's Report
July 31, 2007

Fund	Beginning <u>Balance</u>	<u>Revenue</u>	<u>Expenditures</u>	Ending <u>Balance</u>
Electric Fund	\$1,313,348.31	\$1,601,021.43	\$1,233,939.79	\$1,680,429.95
Water	1,291,881.98	139,138.85	178,005.49	1,253,015.34
Sewer	1,302,235.15	142,391.45	118,244.37	1,326,382.23
General	19,471.70	518,875.16	485,465.51	52,881.35
Payroll	8,781.67	665,638.36	660,237.57	14,182.46
Restricted Funds	2,686,180.27	637,606.90	363,682.70	2,960,104.47
Sinking Fund	<u>199,005.06</u>	<u>699.73</u>	<u>57,703.85</u>	<u>142,000.94</u>
Total Available Funds	\$6,820,904.14	\$3,705,371.88	\$3,097,279.28	\$7,428,996.74

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

Visitors:-

Diane Nolan, 76 Dewsbury Lane, indicated she would like to speak regarding the proposed electric rate increase and asked whether or not the Borough's budget could be

placed on the website. H. C. Dewey, 117 Washington Court, indicated he would like to speak regarding the proposed electric rate increase. Steve Biddle, 130 S. Main Street, indicated he wished to speak with regard to the Elm Street Subdivision, Community Development Block Grant and the power contract. Merv Afflerbach, 112 Front Street, indicated he would like to speak regarding the water and sewer billing and changing of the zoning of one parcel. Jean Lachman, 205 Washington Court, indicated she would also like to speak regarding the proposed electric rate increase. Ron Meyers, 105 Madison Court, also indicated he would like to speak on the proposed electric rate increase.

President Haliman:

On tonight's Agenda, we have a public hearing scheduled on the Community Development Block Grant. I will turn this over to the Revenue & Finance Committee.

Councilman Roberts:

The hearing is now in session. We will take input from the community. Once the hearing is closed, Council will take action. This has been advertised. Is anyone present this evening to discuss this grant?

Steven Biddle:

How much is budgeted for this?

Councilman Roberts:

\$104,000 in round figures.

Steven Biddle:

I come here with no particular favorite suggestion. In the past, the money went to street paving. I don't think that is a bad cause, because you need to maintain the streets. However, I think it would be more effective to put some or all this money to budgets in areas where there is a public voluntary matching type of contribution — maybe in park development; in the Historical Society; in Quakertown Alive, where some of this money could go to kind of a challenged situation. That's how the private sector could be encouraged to raise matching funds.

Councilman Roberts:

We are taking suggestions at this time. The Borough Manager will comment on the eligibility for the use of the funds.

Manager McElree:

We attended a meeting/seminar on CDBG Grants in Hilltown Township. We looked at some of those issues and some of the suggestions. In previous conversations that I've had with Quakertown Alive, regarding the possibility of taking that CDBG money

and doing something creative where we could do a matching grant type program using that money as the Borough's portion and have the property owner add matching money to that project, particularly for sidewalks or things of that nature. We brought that to the attention of the employees that are in charge of the CDBG money. They told us they didn't feel it would meet the criteria. However, they will look into it and we are waiting for a call back from Carol, who heads that office. We are waiting to see what would qualify for the grant. We do know one of the strong points that we need to look at is low-to-moderate income properties and that's really the basis for this money. I think that's why they are not sure this would be applicable to the grant and we are waiting to hear about that. Certainly, if it's an allowable program, that would be something Council may want to consider.

Doug Mohr, Quakertown Alive:

I didn't have much time to consider alternatives since we discussed the last proposal. If the grant money is only applicable to certain places, maybe it would be in the Borough's best interest to identify some areas that are low income. Because we've been using the money to pave the streets around the Borough, maybe we could identify some well-traveled areas — such as between the schools and the park system or in the park system, and take a look at the sidewalks in those areas and use the money along that realm. If they allowed the Borough to use the money to do the streets all over the Borough, pretty much some of the places of use have probably not been what meets their criteria so much.

Councilman Roberts:

It does meet their criteria because everyone can travel on the streets.

Doug Mohr, Quakertown Alive:

That's what I'm saying if we have that as a perimeter to use, we could then do sidewalks. Sidewalks along certain areas that would increase the safety for pedestrians and children.

President Hallman:

Sidewalks belong to the property owners.

Doug Mohr, Quakertown Alive:

I understand that.

President Hallman:

The only ones we could do would be the ones that belong to the Borough, I believe.

Councilman Roberts:

We're hearing that, that is a recommendation.

Scott Soost, Quakertown Alive:

I seem to remember that Richland Township used CDBG money to do their sidewalk up to the Police station. I don't think that was all Township owned property.

President Haliman:

That may or may not be. My understanding has been that it is not to be used for private property.

Councilman Roberts:

Are there any other suggestions? (No response.) The hearing portion is closed.

Councilman Roberts requested that this Borough Council meeting be adjourned to the Work Session, September 24, 2007, for Council's decision on the usage of the grant money since we are awaiting word from the County. Councilmembers voiced no objection.

PLANNING & ZONING COMMITTEE

Councilman Wilsey indicated that Mr. Biddle could speak at this time. Mr. Biddle stated that the Planning Commission had reviewed the 40 Elm Street subdivision plan in detail over two meetings and recommends approval.

RESOLVED, That, the following Resolution 42-07, concerning a proposed subdivision at 40 Elm Street, be adopted:

RESOLUTION NO. 42-07

WHEREAS, CDES Investment Properties, LLC owners of tax parcel 35-009-198-001, have filed a subdivision plan for 40 Elm Street; and

NOW, THEREFORE BE IT RESOLVED by Borough Council of the Borough of Quakertown that the plan dated June 11, 2007 is approved in accordance with the Order entered by the Zoning Hearing Board, granting relief from Section 308(6) of the Zoning Ordinance as to minimum lot size.

The plan must be recorded in Bucks County within ninety (90) days.

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

RESOLVED, That, Council grants a waiver of the subdivision section requiring a 50 foot right of way to permit the existing 47 feet, by eliminating the additional 1.5 foot otherwise required for Tax Parcel 35-009-198-001. Motion of Councilman Wilsey, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried.

Mr. Merv Afflerbach, 112 Front Street, questioned a zoning change from light industrial to town center and stated that he feels that would be spot zoning. President Hailman indicated that the zoning change will be discussed at the next Work Session on September 24. Mr. Afflerbach was told that he can attend the next Work Session for the discussion.

REVENUE & FINANCE COMMITTEE

Councilman Roberts made the following announcement: The Borough's Minimum Municipal Obligation (MMO) for 2008 is \$274,564 in the Non-Uniform Pension Plan and \$320,583 in the Police Pension Plan.

RESOLVED, That the following Resolution 40-07 adopting the purchasing manual, be adopted:

RESOLUTION NO. 40-07

WHEREAS, the Borough has prepared a Quakertown Borough Purchasing Policy Manual setting purchasing limits with regard to quotes and bidding;

NOW, THEREFORE, BE IT RESOLVED, That, the Borough Council of the Borough of Quakertown does hereby adopt the new Purchasing Policy Manual entitled "Quakertown Borough Purchasing Policy Manual 2007".

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

RESOLVED, That, the following Resolution 41-07 authorizing the purchase of software be adopted:

RESOLUTION NO. 41-07

WHEREAS, the Borough has received a proposal from Dallas Data Systems for a Caselle Finance Software and Services package; and

WHEREAS, the software and permits costing \$72,995.00 has been researched and recommended by the Borough Finance Director;

NOW, THEREFORE, BE IT RESOLVED, That, the Borough Council of Quakertown, Pennsylvania, authorizes the purchase of the Financial Software as proposed by Finance Director Julie Dechnik in her memorandum to the Borough Manager, dated August 23, 2007.

Motion of Councilman Roberts, seconded by Councilman Rosenberger. A roll call vote was

taken and the motion was unanimously carried.

RESOLVED, That, reading of Ordinance 1132 amending the Administrative Code be waived. Motion of Councilman Roberts, seconded by Councilman Zaiser. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, Ordinance 1132 an Ordinance amending the Administrative Code of the Borough of Quakertown, establishing departments, department heads, and subordinate personnel, be passed finally. Motion of Councilman Roberts, seconded by Councilman Wilsey. A roll call vote was taken and the motion was unanimously carried.

HEALTH, SAFETY & WELFARE COMMITTEE

RESOLVED, That, Council grants the request for a curb cut at Morning Star Church, 429 S. Ninth Street. Motion of Councilwoman Werner, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, Council authorizes the Borough Manager to start the selection process for the Lieutenant's position in the Quakertown Police Department. Motion of Councilwoman Werner, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, Council grants the request to close North Penrose Street between Tohickon and Highland Avenues for a block party on September 8, with a rain date of September 9. Motion of Councilwoman Werner, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, Council grant the request for a public gathering permit for Quakertown Alive!'s Autumn Festival on October 6, with Broad Street closing from 7 a.m. to 6 p.m. Motion of Councilwoman Werner, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, Council grants the request of the Coopersburg HOG Group to engage in a HOG Toy Run on Saturday, October 13. Motion of Councilwoman Werner, seconded by Councilman Williams. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, Council grants the request to hold a block party at Braithwaite Lane on September 22. Motion of Councilwoman Werner, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried.

PUBLIC UTILITIES COMMITTEE

RESOLVED, That, Council grants the request of Richland Township for a water

connection for the Veteran's Park Project. Motion of Councilman Rosenberger, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried.

Councilman Rosenberger indicated that the next item on the agenda is consideration of the new contracts with AMP Ohio and he highlighted what the contract entails.

President Hallman pointed out that Council had previously voted on the awarding of the AMP Ohio contracts, but due to a human error in that the public was not invited to comment at that time, it is again being discussed and considered tonight. President Hallman indicated that the previous vote and motion is rescinded.

Diane Nolan, 76 Dewsbury Lane; H. C. Dewey, 117 Washington Court; Steve Biddle, 130 S. Main Street; Jean Lachman, 205 Washington Court; Ron Meyers, 105 Madison Court and Cheryl Labs, 207 Washington Court expressed the following concerns to Council:

The past increase in 2004 was a burden to the homeowners. Another increase will put a tremendous strain on the residents.

Senior citizens on fixed incomes cannot afford another increase.

Many days in the winter, the heat is not turned on since they can't afford to pay the utility bill.

Increases should be based on usage, not on what the charges are in the area.

Rates should be based on day time and night time usage.

Some people won't be able to pay another increase.

Residents in the Independence Place Association all-electric homes feel that there is some problem with the electric bills in their development and asked that the meters be checked.

Mrs. Labs told Council that after adding propane gas to their all-electric home, they were told by the Borough that they have to pay higher electric rates. Manager McElree explained that there is a special rate for all-electric usage and once you supplement with another source, the house is no longer all-electric.

President Hallman pointed out that Council's job is to get the best and lowest rates for the Quakertown residents.

Manager McElree indicated that there are programs for people to receive aid for

example for heating systems, etc. Councilman Rosenberger indicated that a discussion on options for the electric usage concerns at the Independence Place Association neighborhood will be placed on the next Work Session Agenda.

Manager McElree explained the difference between the two contracts — one is for non-pool power, which will be offered at a fixed rate for each year of the contract, and the other is pool power, which would fluctuate with the given market price. Manager McElree further explained that non-pool power is the type of power used on a normal day-to-day basis and the pool power is the consumption of additional power due to uncontrollable circumstances such as an abnormally hot summer or an unusually cold winter.

Councilman Rosenberger stated that some of this increase will be absorbed in the Borough budget and it will have to be determined by Council, through careful analysis, how much of the increase will be passed on to the consumers. Councilman Rosenberger told the residents that the 30% increase should not be construed by them as the amount their bill will go up.

Manager McElree pointed out that the software package approved tonight will enable the bills to be much more comprehensive.

Councilman Zaiser stated that perhaps at a Work Session Council should discuss having an Energy and Environment Committee because options need to be looked into for the next 5 to 10 years.

RESOLVED, That, the following Resolution 44-07 regarding the two new contracts with AMP Ohio be adopted:

RESOLUTION NO. 44-07

RESOLVED, That, the proper Borough officials be authorized to sign contracts C-3-2007-5536 and C-3-2007-5546 with Amp Ohio for the Boroughs electric power from January 1, 2008 through December 31, 2012.

Motion of Councilman Rosenberger, seconded by Councilman Roberts. A roll call vote was taken and the motion carried by majority vote with the following Councilmembers voting in favor: Roberts, Rosenberger, Werner, Williams, Wilsey and Hallman; and the following Councilmember voting against: Zaiser.

Mr. Afflerbach, 112 Front Street, told Council of the problem he is having with getting correct water bills. He indicated that he never use more than the minimum in water and for electric he doesn't use more than 800 kw. He indicated that he received a bill for \$4,906 in June, \$7,724 in July and \$1,397 in September. Manager McElree assured Mr. Afflerbach that this will be straightened out.

PUBLIC WORKS COMMITTEE

RESOLVED, That, the following Resolution 43-07 regarding the option of years 2 and 3 of the lawn care outsourcing contract, be adopted:

RESOLUTION NO. 43-07 ACCEPTING BID AND AWARDING CONTRACT TO RAHN-LAWN & LANDSCAPE, INC.

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of Rahn-Lawn & Landscape, Inc. of Quakertown, Pennsylvania, in the amount of \$80,482.14 for the lawn maintenance in 2008 and \$82,896.60 for lawn maintenance in 2009 as per bid opened January 18, 2007, is hereby accepted. The contract is awarded to Rahn-Lawn & Landscape, Inc. The Borough Manager is hereby authorized to execute the said contract on behalf of the Borough of Quakertown.

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

PARKS & RECREATION COMMITTEE

RESOLVED, That, Council grants the request for a public gathering permit for the Crossroads Pregnancy Care Walk for Life starting and ending in Memorial Park. Motion of Councilman Williams, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried.

Councilman Williams told Council that Relay for Life dedicated a tree of life, near the Soccer fields, to cancer survivors in the name of Sarah Parvin, a 12 year old girl from the Quakertown area that died from ovarian cancer.

Councilman Williams asked about progress regarding the wall at the train station. Public Works Superintendent Murgia stated that approximately a week and a half ago, Dick Mindler brought in the prints and elevations, but the crew hasn't started the project yet.

Manager McElree publicly thanked the Public Works crew for their hard work in not losing any operational time due to the Public Works building fire.

RESOLVED, That, the following Resolution 52-07 authorizing the President of Council to appoint a Committee be adopted:

RESOLUTION NO. 52-07

RESOLVED, That, the President of Council be authorized to appoint a

committee for the purpose of integrating the various views expressed by various interests in the community in order to present Borough Council with possible legislation relative to a Landlord/Tenant Ordinance; and

BE IT FURTHER RESOLVED, That, the size and composition of the Committee be set at the President's discretion.

Motion of Councilman Roberts, seconded by Councilman Rosenberger.

Councilman Roberts indicated that the President will announce the appointments possibly at the next Work Session.

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

At 9:40 p.m., President Hallman declared the meeting adjourned to September 24, 2007 for a continuation of the public hearing on the use of Community Development Funds and any other matters that may come before Council.

BOROUGH OF QUAKERTOWN

Dennis A. Hallman
President of Council

Attest:

Phyllis R. Ewing
Asst. Borough Secretary

September 24, 2007

An adjourned meeting of the Borough Council was held on September 24, 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 and David Zaiser, Junior Councilperson Katelynn Klinkert, Solicitor Charles Fonzone and Manager Scott McElree.

President Hallman:

I will turn the public hearing over to Councilman Roberts.

Councilman Roberts:

The reason we adjourned to this meeting was due to issues raised in discussion and the Borough Manager was asked to check on a few projects that either he and/or Joe Murgia had in mind to use this money in accordance with the requirements for the Grant. Would the Borough Manager like to answer that.

Manager McElree:

First I'd like to defer to Mr. Murgia who can explain a little bit about these projects to Council.

Mr. Murgia (Public Works Director):

Project #1, according to the memo I sent out, was the lowering of the Fourth Street pond and Project #2 resurfacing and milling of Independence Court. Independence Court, on the west side of town, is probably the last street we have on that area that we haven't touched that connects all of the Independence Court and Madison Court. Independence Court and Madison Court are all the Borough owns in that stretch, all the others are owned by the Association. They take care of their own property. It does need milling and overlay \$104,000 limits how much work can be done in the Borough. Every complaint we had over the years was the lowering of the Fourth Street pond. We have standing water there, kids play there and the KIDS Program is held there. It is important to lower the pond to try and get the water out. I ran the calculations for the two projects: lowering the Fourth Street pond estimating that it should come in at about \$30,000. I have to put a new end wall in there with a gate valve. In past years, we did the storm line going up Fourth Street and I took into consideration that some day we might want to lower that so I put a stub in that we can connect to, so that we can actually drop that pond without a problem and can drain that pond correctly. Project 2 the resurfacing of Independence Place — that takes place from 309 down to Madison Court, the curb line mill is 1-1/2 to zero and I estimate that will come in about roughly 3,400 square yards and should come in at \$39,000. Estimating engineering fees, probably about \$10,000. The Engineers really won't need to do that much work on the streets. I could probably put it together without utilizing the Engineers too much. I also

allotted the use of in-house forces. We will be doing a lot of the work ourselves, except for the overlay — as the project is too big and we don't have the equipment. We will do the infrastructure work to get the project correct and make sure there is proper drainage. Basically I come up with almost the whole \$104,000 for those two project areas.

Councilman Zaiser:

With regard to Project #1, the skating pond area — how far would you come out and would it affect the parking?

Mr. Murgia:

It won't affect the parking. About 7 years ago, I'm guessing, we had a topo done of that area, I think I can dig it out of my files. There is a very nimble pitch from the edge of the stone lot right now to the end wall, but I had that pipe lowered when we put Fourth Street in, almost two feet, — so we can drop that whole plot without affecting any of the parking or stone area up there.

Councilman Zaiser:

You will be tapering it deeper?

Mr. Murgia:

Yes, but we won't be tapering it deeper by the stone area, we'll take it from that point and graduate it down to the end wall.

Councilman Roberts:

Any questions of the Manager or Mr. Murgia?

Councilman Zaiser:

We have other storm water problems in the Borough and from what I understand this grant money can only be used in certain sections of the Borough. Am I correct?

Mr. Murgia:

The grant money can be used in low-to-moderate income families. If you go off the map, we were given, it's pretty much covers the whole Borough as long as you follow the guidelines. \$104,000 limits how much work you can do. We have two years to complete the project. It would have to be two applications for the two different locations.

Councilman Roberts:

This is 2008s allotment and you have 2008 and 2009 to spend it, is that correct?

Mr. Murgia:

That's how it works.

Councilman Roberts:

You receive what you spend, whatever you use of the grant amount you get. If it comes in

at \$100,000, you don't receive the \$4,000.

Councilman Roberts:

We had a public hearing with the public input. Is there any public comment on this issue? (No response.)

RESOLVED, That, the following Resolution 50-07, regarding Community Development Block Grant funds be adopted:

RESOLUTION 50-07

RESOLVED, That, the Community Development Block Grant funds for 2008 be spent on the Fourth Street Pond Project at a projected cost of \$30,000, the milling and resurfacing of Independence Place from 309 to Madison Court at a projected cost of \$39,000, and the projected cost of \$35,000 for engineering and in-house labor.

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

President Hallman declared the meeting of Council adjourned.

BOROUGH OF QUAKERTOWN

Dennis A. Hallman
President of Council

Attest:

Scott C. McElree
Borough Secretary