

A regular meeting of the Borough Council was held July 3, 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 Zaiser, Solicitor Charles Fonzone, Manager Scott C. McElree and Asst. Borough Secretary Phyllis R. Ewing.

RESOLVED, That, the Minutes of June 6, 2007, be approved as written. Motion of Councilman Roberts, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried (Councilman Wilsey — absent).

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 Councilwoman Werner (Councilman Wilsey — absent).

Councilman Zaiser stated that he understands the check made out to the International Union of Operating Engineers, but questioned where in the Treasurer's Report does it indicate that the employees pay? He was told that it would be included under payroll withholding.

A roll call vote was taken and the motion carried with the following Councilmembers voting in favor: Roberts, Rosenberger, Werner, Zaiser and Hallman; Councilman Williams abstained (Councilman Wilsey — absent).

CHECKS #

55917 — 56101

\$1,345,234.33

RESOLVED, That, the Treasurer's Report for June 2007 be received and spread on the minutes. Motion of Councilman Roberts, seconded by Councilwoman Werner. A roll call vote was taken and the motion was unanimously carried (Councilman Wilsey — absent).

Treasurer's Report June 30, 2007

Fund	Savings/Checking	PLGIT	CD	Total
Electric Fund	\$ 703,025.59	\$ 305,352.05	\$560,000.00	\$1,568,557.64
Water	487,716.77	605,520.19	250,000.00	1,343,236.96
Sewer	589,626.61	604,972.10	140,000.00	1,334,598.71
General	7,510.26	2,169.24		9,679.50

Payroll	200.00			200.00
Payroll Withholding	8,406.77			8,406.77
Debt Service Reserve		2,045.75		2,045.75
Fire Equipment		26,115.13		26,115.13
Recreation Fund	23,683.06			23,683.06
PA Motor License	177,533.95	614.84		178,148.79
Skate Park	23,288.72			23,288.72
Sinking Fund	18,072.69	3,805.56		21,878.25
1999-01 Equipment Replacement	126,121.77			126,121.77
Totals	\$2,165,186.19	\$1,550,774.86	\$950,000.00	\$4,665,961.05

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

Visitors:

Nancy Roberts indicated that she is proud of the way the fire companies responded to the fire and the way the community bonded in light of the recent fire at the Quakertown Senior Center.

Dennis Fedorowitz stated that he wished to speak with regard to the Fourth Street fire. President Hallman indicated that he could speak during the Health, Safety & Welfare portion of the Agenda.

President Hallman welcomed Phyllis Ewing back to Council Chambers following an operation and thanked Kris LaCava for very ably filling-in during her absence.

President Hallman announced that on Friday, June 29th, a fire was reported at the Quakertown Senior Center on Fourth Street. The Quakertown Fire Department immediately began an aggressive attack on the fire. During the next eight hours, a total of 52 fire companies responded to assist in the fire fighting operations and fire police assistance. These companies represented Bucks, Montgomery, Lehigh and Northampton Counties. 27 fire company tanker trucks were used to supplement the 1.2 million gallons of water used to extinguish the fire. Three fire personnel were injured, treated and released during the incident.

On behalf of Council, President Hallman expressed Council's gratitude and appreciation to the Quakertown Fire Department, all of the other responding Fire

Departments; as well as, EMS personnel, police officers, fire police, ladies auxiliary and the Borough employees of the Electric, Water and Public Works Department. Council also thanked the Richland and Milford Township Water Departments for supplying water to the tanker trucks. Council also appreciated the cooperation and support of Borough residents and businesses. During the incident Boyer's Market supplied water and refreshments for the fire-fighters and Dominick's Restaurant supplied pizzas. Trinity Lutheran Church extended the use of their facilities on Hellertown Avenue to the Seniors.

PLANNING & ZONING COMMITTEE

In Councilman Wilsey's absence, President Hallman indicated that there aren't any items for consideration under the Planning & Zoning Committee.

REVENUE & FINANCE COMMITTEE

RESOLVED, That, the following Resolution 22-07 appointing a Junior Councilmember be adopted:

RESOLUTION NO. 22-07
Junior Council Member Katelynn Klinkert

Whereas, the Borough of Quakertown wishes to comply with all the requirements of Resolution 20-07.

NOW, THEREFORE, IT IS RESOLVED, That Borough Council hereby appoints Katelynn Lee Klinkert as the Junior Council Member for the period of June 2007 through June 2008.

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

President Hallman administered the Oath of Office to Katelynn Klinkert.

Councilman Roberts turned the floor over to Manager McElree with regard to the hiring of a Fire Marshal. Manager McElree stated that Council, for the past few months, has been discussing the hiring of a Fire Marshal as a permanent position in conjunction with the inspector for the Landlord/Tenant Ordinance, if Council adopts the Ordinance, and combining the two positions. Manager McElree indicated that he consulted with Shelly of the Pennsylvania State Association of Boroughs and researched the Codification and found that everything the Borough needs to comply with in regards to a Fire Marshal is being done. He also consulted with Ken Fretz regarding the current Fire Marshal program. The Borough is in compliance with the International Building Codes requirements with the use

of George Banas, former Code Enforcement Officer for the Borough, who is certified for fire inspections because he is grandfathered into the certification program until 2009, and periodically use Fred Guent, the former Fire Marshal. Code Enforcement Officer Ken Fretz explained the current program whereby schools and hospitals are regularly inspected. Council will determine in the future whether they wish to create a full-time Fire Marshal position or a combined position with the inspections for the Landlord/Tenant Ordinance.

Councilman Roberts stated that it is his understanding that a Fire Marshall inspection would not have prevented the fire at the Senior Center since they do not inspect roof, ceiling or air conditioning wiring. Manager McElree pointed out that a cause of the fire has not been determined at this time. Manager McElree also pointed out that everyone in the building was able to get out of the building safely and the fire alarms activated properly.

Councilman Zaiser stated that the Landlord/Tenant Ordinance has been discussed for a year and needs to be addressed at the next Work Session.

President Hallman allowed reporter Richard Woldow to speak with regard to this issue since he wrote a story in the Free Press regarding the lack of a Fire Marshal. Mr. Woldow indicated that up to 2005 a fire inspection certificate had been issued and it is not being done now, which means less is being done at this point in time.

Doug Mohr, Lying Around Books, indicated that when the Fire Marshal inspected his store – he made sure the emergency lights worked, the emergency exits were accessible and that there were fire extinguishers.

Councilman Roberts indicated that the next item on the Agenda, outsourcing payroll services, had been discussed at the Work Session and stated that this issue does not require a vote. He pointed out that outsourcing will provide labor and cost savings. He indicated that Finance Director Julie Dechnik had obtained three quotations in which ADP came in the middle as far as cost, but the services that they provide are even more comprehensive than required. A contract will be signed with ADP for the payroll at a cost of \$9,354 per year.

RESOLVED, That, the following Resolution 29-07 regarding a tax exoneration letter of \$207.94 underpayment to the Borough, be adopted:

RESOLUTION NO. 29-07

WHEREAS, in November and December, 2006, Countrywide Mortgage Company made payments to the Real Estate Tax collector without consideration to penalty for late payment; and

WHEREAS, the Tax Collector has granted the mortgage company relief from the penalty and accepted the payments at the discount amount;

NOW, THEREFORE, BE IT RESOLVED, That Council authorizes the Borough Manager to prepare a letter of exoneration granting relief from payment of the \$207.94 (two hundred seven dollars and ninety-four cents) underpayment to the Borough.

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

RESOLVED, That, the following Resolution 28-07 reflecting new billing rates be adopted:

RESOLUTION NO. 28-07

WHEREAS, the Borough of Quakertown provides services and/or repairs to needed public services; and

WHEREAS, Borough Council wishes to establish proper billing unit-prices for the services;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Quakertown, That, the following unit prices will be used for billing purposes:

	Hourly Regular Rate	Hourly Overtime Rate
Supervisor	\$56.50	\$84.75
Water Department employee	39.50	59.25
Sewer Department employee	40.25	60.37
Electric Department employee	56.00	84.00
Public Works Department employee	39.50	59.25
Police Sergeant	72.50	108.75
Police Corporal	70.50	105.75
Police Officer	66.25	99.37

EQUIPMENT

	Cost per Hour
Backhoe	\$ 75.00
Dump Truck	60.00
Air Compressor	30.00
Sweeper	80.00

Electric Bucket Truck	110.00
Electric Auger Truck	110.00
Chipper	50.00
Pickup Truck	50.00
Roller	50.00
Sewer TV Truck	250.00 (Minimum 3 hour call)
Sewer Flush Truck	250.00 (Minimum 3 hour call)

MATERIAL

According to actual cost.

Any Resolution or portion thereof previously adopted which is in conflict with any portion of this Resolution is hereby repealed.

Motion of Councilman Roberts, seconded by Councilman Rosenberger.

Councilman Rosenberger questioned whether there is a minimum billing; such as if they work 1 hour and 20 minutes, would that be billed as 2 hours? Manager McElree indicated it would be billed as 1 hour and 20 minutes. Manager McElree pointed out that, according to the union contract, other than normal working hours, for the bandshell would be at a 4 hour minimum.

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

RESOLVED, That, the following Resolution 31-07 regarding the Keystone Municipal Services report be adopted:

RESOLUTION NO. 31-07

WHEREAS, the Keystone Municipal Services Internal Management Activities Final Report, dated June 4, 2007, has been received;

NOW, THEREFORE, BE IT RESOLVED, That, Council concurs with the findings of this report.

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

HEALTH, SAFETY & WELFARE COMMITTEE

RESOLVED, That, Council grants the curb cut request of Gene H. Lego for 133 Hickory Drive. Motion of Councilwoman Werner, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried (Councilman Wilsey — absent).

RESOLVED, That, Council approves the street closures that includes: Eighth Street from Juniper Street to Park Avenue, S. Twelfth Street from Broad Street to Juniper Street, and Fourth Street from the entrance to the Shopping Center to Erie Avenue and the use of the skating pond parking lot for National Night Out to be held August 7. Motion of Councilwoman Werner, seconded by Councilman Zaiser. A roll call vote was taken and the motion was unanimously carried (Councilman Wilsey — absent).

Councilman Roberts expressed appreciation for all the effort Councilman Zaiser has put into the National Night Out.

RESOLVED, That, Council establishes October 31 from 6 to 9 p.m. as Trick or Treat Night. Motion of Councilwoman Werner, seconded by Councilman Zaiser. A roll call vote was taken and the motion was unanimously carried (Councilman Wilsey — absent).

Dennis Fedorowitz was told he could speak at this time. Mr. Fedorowitz expressed his views on what he felt was poor handling of the Senior Citizen building fire. Council President Hallman reiterated Council's feelings that the firefighters did an excellent job.

PUBLIC UTILITIES COMMITTEE

Councilman Rosenberger removed the item dealing with the request of Sellersville Borough to borrow pipe from the Agenda as a vote is not necessary on this item.

RESOLVED, That, the following Resolution 32-07 state piggy-back purchase of gasoline and ultra low-sulfur diesel fuel, be adopted:

RESOLUTION NO. 32-07

WHEREAS, the state has obtained bid prices on no-lead gasoline (effective through September 30, 2007) and ultra low-sulfur diesel (effective through August 31, 2007) through their low-bidder Farm & Home Oil Company;

NOW, THEREFORE, BE IT RESOLVED, That, the Borough of Quakertown will piggy-back on the current state bids for no-lead gasoline and ultra low-sulfur diesel.

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

PUBLIC WORKS COMMITTEE

RESOLVED, That, the following Resolution 25-07 awarding the Road Material bid be adopted:

25-07

ACCEPTING BIDS AND AWARDING CONTRACTS

RESOLVED, by the Council of the Borough of Quakertown, That, the following bids for road materials be accepted and contracts awarded to:

Naceville Materials of Sellersville, PA for:

- #10 screenings @ \$7.41/ton delivered
- #8 washed, crushed stone @ \$14.76/ton delivered
- #57 washed, crushed stone @ \$12.41/ton delivered
- 2-A modified @ \$10.91/ton delivered
- 3-A modified @ \$11.16/ton delivered
- 2B 3/4 clean @ \$13.01/ton delivered

H & K Materials, Inc. of Chalfont, PA for:

- #8 washed, crushed stone @ \$10.50/ton Borough pick-up
- #57 washed, crushed stone @ \$9.10/ton Borough pick-up
- #3 crushed stone @ \$8.35/ton Borough pick-up or \$12.95/ton delivered
- 2-A modified @ \$7.20/ton Borough pick-up
- 3-A modified @ \$7.40/ton Borough pick-up
- R-5 shot rock @ \$14.00/ton Borough pick-up or \$23.20/ton delivered
- R-6 shot rock @ \$20.00/ton Borough pick-up or \$29.20/ton delivered
- 2B 3/4 clean @ \$9.10/ton Borough pick-up

Hanson Aggregates BMC, Inc. Of Penns Park, PA for:

- R-4 shot rock @ \$11.70/ton Borough pick-up or \$17.20/ton delivered
- 1/4 inch anti-skid @ \$10.35 ton Borough pick-up or \$14.85/ton delivered

The contracts are awarded in accordance with bids opened April 19, 2007. The Borough Manager is hereby authorized to execute the said contracts on behalf of the Borough of Quakertown.

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

RESOLVED, That, the following Resolution 26-07 awarding Cold Patch be adopted:

26-07

ACCEPTING BIDS AND AWARDING CONTRACTS

RESOLVED, by the Council of the Borough of Quakertown, That, the following bids for road materials be accepted and contract awarded to:

Coopersburg Asphalt of Coopersburg, PA for:
QPR 2000 cold patch @ \$97.00/ton Borough pick-up or \$99.60/ton delivered

The contracts are awarded in accordance with bids opened April 19, 2007. The Borough Manager is hereby authorized to execute the said contracts on behalf of the Borough of Quakertown.

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

RESOLVED, That, the following Resolution 27-07 awarding Superpave bid be adopted:

27-07
RESOLUTION NO.
ACCEPTING BIDS AND AWARDING CONTRACTS

RESOLVED, by the Council of the Borough of Quakertown, That, the following bids for superpave materials be accepted and contract awarded to:

Coopersburg Materials of Coopersburg, PA for:

SuperpaveHMA, 9.5 mm Wearing Course PG 64-22, 0.0 – 0.3 M Esal's, SLR H @ \$46.15/ton Borough pick-up

SuperpaveHMA, 9.5mm Fine Graded PG 64-22, 0.0 – 0.3 M Esal's, SLR H @ \$48.99/ton Borough pick-up

SuperpaveHMA, 9.5 mm Wearing Course PG 64-22, 0.3 – 3.0 M Esal's, SLR H @ \$48.99/ton Borough pick-up

SuperpaveHMA, 9.5mm Fine Graded PG 64-22, 0.3 – 3.0 M Esal's, SLR H @ \$48.99/ton Borough pick-up

SuperpaveHMA, 19mm Binder Course PG 64-22, 0.0 – 0.3 M Esal's, SLR H @ \$42.63/ton Borough pick-up

SuperpaveHMA, 19mm Binder Course PG 64-22, 0.3-3.0 Esal's, SLR H @ \$45.47/ton Borough pick-up

SuperpaveHMA, 25 mm Base Course PG 64-22, 0.0 – 3.0 M Esal's, SLR H @ \$38.95/ton Borough pick-up

SuperpaveHMA, 25 mm Base Course PG 64-22, 0.3 – 3.0 M Esal's, SLR H @ \$41.79/ton Borough pick-up

The contracts are awarded in accordance with bids opened April 19, 2007. The Borough Manager is hereby authorized to execute the said contracts on behalf of the Borough of Quakertown.

Motion of Councilman Zaiser, seconded by Councilwoman Werner.

Under discussion, it was pointed out that the superpave bid was not being awarded to the lowest bidder due to delivery and transportation costs.

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

RESOLVED, That, Council approves a change order in the amount of \$19,523.65 for the street resurfacing program. Motion of Councilman Zaiser, seconded by Councilman Williams.

Councilman Zaiser pointed out that \$132,143.75 was originally approved for the street resurfacing project and the actual cost came out to \$151,667.40 due to additional milling scratch level course material. Councilman Roberts pointed out that this change order reflects back to the awarding Resolution 18-07.

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

PARKS & RECREATION COMMITTEE

RESOLVED, That, Council grants the request of Harvest Community Fellowship to use Memorial Park and the Bandshell on August 25th. Motion of Councilman Williams, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried (Councilman Wilsey — absent).

RESOLVED, That, Council grants the request of Morning Star Fellowship Church to hold a concert of Christian Music in Memorial Park on August 11th. Motion of Councilman Williams, seconded by Councilman Roberts.

President Hallman questioned whether or not they need the bandshell. Manager McElree indicated that they had not indicated whether or not they will need it, but he will check with them.

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

A motion was made by Councilman Williams and seconded by Councilman Rosenberger to adopt Resolution 30-07 setting the bandshell fee.

Under discussion, Councilman Rosenberger pointed out that the Resolution did not allow for the four hour minimum in the union contract on other than normal working hours. Councilman Roberts stated that the Resolution should be discussed further at the next Work Session.

The motion to adopt Resolution 30-07 was withdrawn by Councilman Williams and seconded by Councilman Rosenberger.

Councilman Williams reminded everyone of Community Day in the Park to be held on July 4th.

Councilman Roberts pointed out that last week he attended the PSAB Conference and honors were given to people who served 20 or more years. Since Councilman Hallman was unable to attend the conference, Councilman Roberts presented the award from the PSAB to him.

President Hallman declared the meeting adjourned at 8:50 p.m.

BOROUGH OF QUAKERTOWN

Dennis A. Hallman
President of Council

Attest:

Phyllis R. Ewing
Asst. Borough Secretary