

A regular meeting of the Borough Council of Quakertown was held December 7, 2022, 7:30 p.m.

The following members and officers were present: President Donald Rosenberger, Vice President L. James Roberts, Councilmembers Jonathan Sell, Michael Johnson, Mae Wear, Douglas Propst, David Wilsey, Solicitor Peter Nelson, Manager Scott C. McElree, Asst. Borough Secretary Kris Barndt.

Members of Quakertown Alive! were present to deliver two checks to the Borough. One was a \$300.00 donation for Shop With A Cop and the other was a check from the 50/50 raffles from the summer concert series in the amount of \$4,700.00. Jann Paulovitz mentioned Quakertown Alive! will be holding the Pumpkin Ball in April, 2023 at the Pearl Buck House and the Brewfest in August, 2023. Jann thanked Council for their support and her volunteers.

Robert Cormack, member of the Bucks County Economic Development Corporation and also represents the Quakertown Area Industrial Development Authority, was present to give a check to the Borough in the amount of \$23,268.95 from a project which settled in Bristol Township for the amount of 7.9 million dollars. Mr. Cormack stated the check represents a 30% closing fee from that settlement.

RESOLVED, That, the Council Minutes of November 2, 2022 and Work Session Minutes of October 24, 2022 be approved as written. Motion of Vice President Roberts, seconded by Councilman Sell. A roll call vote was taken and the motion was unanimously carried.

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

October	28, 2022	-	\$	17,422.91
November	4, 2022	-		35,183.11
November	11, 2022	-		28,848.19
November	17, 2022	-		713,062.98
November	22, 2022	-		3,142.94
November	30, 2022	-		65,797.65
December	1, 2022	-		864,173.21

Motion of Councilman Propst, seconded by Councilman Johnson. A roll call vote was taken and the motion was unanimously carried. Vice President Roberts, abstained.

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

No visitors wished to speak on agenda items.

Ken Carr mentioned that the red light at Park Avenue & 7th Street is staying on red. Manager McElree said he would put a call in to get it fixed.

Councilman Wilsey stated he feels the No Turn On Red going westbound on Park Avenue at Main Street should be eliminated since the site distance is over a block long.

PLANNING & ZONING COMMITTEE

Councilman Sell stated that there are not any items for action under the Planning & Zoning Committee.

REVENUE & FINANCE COMMITTEE

RESOLVED, That, the following Resolution 84-22, Cowan Associates, Inc. engineering services 2023 fee schedule, be adopted:

RESOLUTION 84-22

WHEREAS, the Borough has received a 2023 fee schedule dated October 24, 2022 for Cowan Associates, Inc.'s engineering services although Cowan Associates, Inc. is not exclusive to the engineering services for the Borough.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown wishes to accept the attached 2023 fee schedule for engineering services provided by Cowan Associates.

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

RESOLVED, That, the following Resolution 89-22, approving the 2023 Budget, be adopted:

RESOLUTION 89-22

WHEREAS, the Borough Council of the Borough of Quakertown has reviewed and held a public meeting on the consideration of the proposed 2023 Budget.

NOW, THEREFORE, BE IT RESOLVED, That, the 2023 Budget be adopted as presented.

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

RESOLVED, That the reading of Ordinance 1240, establishing the tax rate on real estate within the Borough for the fiscal year 2023 be waived. Motion of Vice President Roberts, seconded by Councilman Johnson. A roll call vote was taken and the motion was unanimously passed to waive the reading. Motion by Vice President Roberts, seconded by Councilman Sell for Ordinance 1240 to be passed finally. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the following Resolution 88-22, Act 57 of 2022- Effect of Failure to Receive Tax Notice, be adopted:

RESOLUTION NO. 88-22

A RESOLUTION OF BOROUGH COUNCIL OF QUAKERTOWN BOROUGH, BUCKS COUNTY, PENNSYLVANIA, REQUIRING THE ELECTED TAX COLLECTOR TO WAIVE ADDITIONAL CHARGES FOR REAL ESTATE TAXES WHERE NOTICE OF THE REAL ESTATE TAXES WAS NOT RECEIVED FOLLOWING THE TRANSFER OF REAL PROPERTY

WHEREAS, Pennsylvania Act 57 of 2022 ("Act") requires municipalities to adopt a resolution or ordinance requiring their respective elected tax collectors to waive additional charges for real estate taxes under certain circumstances beginning in the first tax year after the effective date of the Act; and

WHEREAS, Quakertown Borough Council, by Resolution, hereby requires the Borough Tax Collector to waive Additional Charges for real estate taxes following the transfer of real property where such taxes were not received.

NOW, THEREFORE, be it hereby *RESOLVED* that

1. The Tax Collector shall waive Additional Charges for real estate taxes in the then current tax year, if the taxpayer does all of the following:
 - A. Provides a waiver request of Additional Charges to the Tax Collector in possession of the claim within twelve (12) months of a Qualifying Event;
 - B. Attests that a notice of taxes owned was not received;
 - C. Provides the Tax Collector in possession of the claim with any one of the following:
 - i. A copy of the deed showing the date of real property transfer; or
 - ii. A copy of the title following the acquisition of a mobile or manufactured home subject to taxation as real estate showing the date of issuance or a copy of an executed lease agreement between the owner of a mobile or manufactured home and the owner of a parcel of land on which the mobile or manufactured home will be situated showing the date the lease commences; and
 - D. Pays the face value amount of the tax notice for the real estate tax with the waiver request.
2. A form providing for the waiver of Additional Charges will be made available from the Tax Collector and at Quakertown Borough Hall.
3. The taxpayer granted a waiver and paying real estate tax as provided in this Resolution shall not be subject to an action at law or in equity for an Additional Charge, and any claim existing or lien filed for an Additional Charge shall be deemed satisfied.
4. The Tax Collector accepting a waiver and payment in good faith in accordance with this Resolution and the Act shall not be personally liable for any amount due or arising from the real estate tax that is subject in the waiver.
5. As used in this Resolution, the following words and phrases shall have the following meanings given to them unless the context clearly indicates otherwise:

ADDITIONAL CHARGE – Any interest, fee, penalty, or charge accruing to and in excess of the face amount of the real estate tax as provided in the real estate tax notice.

QUALIFYING EVENT – For the purposes of real property, the date of transfer of ownership. For the purposes of manufactured or mobile homes, the date of transfer of ownership or the date a lease agreement commences for the original location or relocation of a mobile or manufactured home on a parcel of land not owned by the owner of the mobile or manufactured home. The term does not include the renewal of a lease for the same location.

TAX COLLECTOR – A tax collector as defined in Section 2 of the Local Tax Collection Law (72 P.S. §5511.1, *et seq.*); a delinquent tax collector as provided in Section 26.1 of the Local Tax Collection Law; the County Tax Claim Bureau or an alternative collector of taxes as provided in the Real Estate Tax Sale Law (72 P.S. §5860.101, *et seq.*); an employee, agent, or assignee authorized to collect the tax; a purchaser of claim for the tax; or any other person authorized by law or contract to secure collection of, or take any action at law or in equity against, the person or property of the taxpayer for the real estate tax or amounts, liens, or claims derived from said tax.

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

Vice President Roberts read the recalculated 2023 MMO information for each pension plan for 2023.

Police Pension Plan	- \$611,271.00
Non-Uniform Plan	- \$136,719.00
Money Purchase Plan (401A)	- \$225,992.00

HEALTH, SAFETY & WELFARE COMMITTEE

RESOLVED, That, the following Resolution 86-22, Police Department’s accumulated bicycles and miscellaneous inventory to be auctioned, be adopted:

RESOLUTION 86-22

WHEREAS, every year the Quakertown Police Department obtains a number of bicycles that cannot be identified and returned to owners; and

WHEREAS, there are 13 bicycles accumulated from years 2021 through 2022 which Richland Auction Hall is willing to auction with the Borough receiving 75% of the sale proceeds; and

WHEREAS, the Police Department also has accumulated miscellaneous inventory including sporting equipment, tools, clothing, watches and electronics from various cases through 2007-2019 which Richland Auction Hall will auction the time of the bicycles.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown authorizes the Quakertown Police Department to release the bicycles and miscellaneous inventory listed in the letter dated October 26, 2022 to Richland Auction Hall.

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

PUBLIC UTILITIES COMMITTEE

RESOLVED, That, the following Resolution 90-22, H2O PA Grant from the Commonwealth Financing Authority for the Wastewater Treatment Plant upgrade, be adopted:

RESOLUTION 90-22

Be it RESOLVED, that the Borough of Quakertown of Bucks County hereby requests an H2O PA Grant of \$19,155,294 from the Commonwealth Financing Authority to be used for the upgrade of the Wastewater Treatment Plant with the addition of an Anaerobic Digestion System and Co-Generation.

Be it FURTHER RESOLVED, that the Applicant does hereby designate Donald Rosenberger, President of Council and Scott C. McElree, Borough Secretary as the official(s) to execute all documents and agreements between the Borough of Quakertown and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

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

PUBLIC WORKS COMMITTEE

RESOLVED, That, the following Resolution 83-22, participation and contribution for the Household Hazardous Waste Collection Program, be adopted:

RESOLUTION 83-22

WHEREAS, the Household Hazardous Waste Collection/Recycling program is among the most popular service that the County of Bucks and other municipalities offer to residents; and

WHEREAS, due to the success of the program, the Bucks County Planning Commission (BCPC) is continuing the program for another four-year period covering years 2022-2025 with BCPC and the Pennsylvania Department of Environmental Protection committing funds and they are also requesting a commitment on the part of each municipality in Bucks County; and

WHEREAS, Quakertown Borough's portion of the household hazardous waste disposal costs would be \$1,429.97 year 2022, \$1,500.59 year 2023, \$1,765.40 for years 2024 and 2025.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown agrees to participate in the Household Hazardous Waste Collection/Recycling program with the listed yearly contributions for years 2022-2025 and authorizes the Borough Manager to sign the Municipal Commitment Form.

Motion of Councilwoman Wear, seconded by Councilman Sell. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the following Resolution 91-22, award bid for soil removal at Wastewater Treatment Plant to Bluestone Environmental, Inc. be adopted:

RESOLUTION 91-22

ACCEPTING BID AND AWARDING CONTRACT TO
BLUESTONE ENVIRONMENTAL, INC.

RESOLVED, by the Council of the Borough of Quakertown, That, the bid submitted by Bluestone Environmental, Inc. of Honesdale, Pennsylvania, for removal of all soil at the Wastewater Treatment Plant in the amount of \$359,682.00, per bid opened November 9, 2022, is hereby accepted. The contract is awarded to Bluestone Environmental, Inc. The Borough Manager is hereby authorized to execute the said contract on behalf of the Borough of Quakertown.

Motion of Councilwoman Wear, seconded by Vice President Roberts. A roll call vote was taken and the motion was unanimously carried.

PARKS & RECREATION COMMITTEE

RESOLVED, That, the following Resolution 85-22, Michael Cygan's request to hold Amy's Ride/Run/Walk 2023, be adopted:

RESOLUTION 85-22

WHEREAS, a request was received from Michael Cygan of Quakertown, PA to hold a bike ride and walk event called Amy's Ride/Run/Walk 2023 Against Pancreatic Cancer on Saturday, May 20, 2023 from 6:00 am to 2:00 pm.

NOW, THEREFORE BE IT RESOLVED, That, the Council of the Borough of Quakertown grants the request of Michael Cygan to hold Amy's Ride/Run/Walk on Saturday, May 20, 2023 rain or shine, starting at 6:00 a.m. in the Park at 4th and ending at 2:00 p.m. provided he adds the Borough as an additional insured on their insurance.

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

Manager McElree announced Shop With A Cop will be on December 15, 2022 with approximately 270 children participating.

Effective January 3, 2023 Borough Hall hours will be 8:00 am to 4:30 pm.

President Rosenberger declared the meeting adjourned at 8:16 p.m.

BOROUGH OF QUAKERTOWN

Donald E. Rosenberger
President of Council

Attest:

Scott C. McElree
Borough Secretary