

A regular meeting of the Borough Council of Quakertown was held July 5, 2023, 7:30 p.m.

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

RESOLVED, That, the Council Minutes of June 7, 2023 and Work Session Minutes of May 22, 2023 be approved as written. Motion of Vice President Roberts, seconded by Councilman Sell. A roll call vote was taken and the motion was unanimously passed. Councilman Wilsey, absent.

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

June	9,	2023	\$	60,595.62
June	15,	2023		23,450.35
June	22,	2023		570,183.40
June	27,	2023		1,829,453.44

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

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

Visitors:

David Dizenzo, 125 S. Main Street, would like to speak under the Parks & Recreation Committee.

David Davies, 207 Washington Court, would like to speak regarding traffic.

PLANNING & ZONING COMMITTEE

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

REVENUE & FINANCE COMMITTEE

RESOLVED, That, the following Resolution 59-23, amendment to the Sterling Act, be adopted:

RESOLUTION 59-23

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF QUAKERTOWN, BUCKS COUNTY, PENNSYLVANIA REQUESTING AN AMENDMENT TO THE STERLING ACT TO REQUIRE THAT UP TO ONE PERCENT (1%) OF EARNED INCOME BY NON-RESIDENTS TO THE CITY OF PHILADELPHIA AND COLLECTED UNDER THE REQUIREMENTS OF THE PHILADELPHIA WAGE TAX BE REMITTED TO THE MUNICIPALITY IN WHICH THE TAXPAYER RESIDES.

WHEREAS, Quakertown Borough, Bucks County, Pennsylvania has enacted an Earned Income Tax of one (1%) percent in accordance with the Pennsylvania Local Tax Enabling Act; and

WHEREAS, Quakertown Borough relies on the revenue generated by the EIT to provide essential services to its residents and taxpayers, including emergency services that protect the health, safety, and welfare of the community; and

WHEREAS, the City of Philadelphia, pursuant to the Sterling Act of 1932, enacted an Earned Income Tax, also known as a Wage Tax, on both residents of the City, and on non-residents that work in the City; and

WHEREAS, in 1932, the Counties surrounding Philadelphia consisted mainly of farmland with few local government services; and

WHEREAS, in 1932, the Act made sense because residents in the adjacent Counties visited the City on a regular basis to shop, dine, and avail themselves of businesses and services not available in the adjacent Counties, and

WHEREAS, the Sterling Act was only intended to be in effect for a period of one (1) year; and

WHEREAS, over 88 Quakertown Borough residents pay Earned Income Tax to the City of Philadelphia at the current non-resident rate of 3.448%; and

WHEREAS, the Sterling Act, unlike the Local Tax Enabling Act, does not require Philadelphia to remit any portion of its Earned Income Tax revenue to the municipality in which the non-resident taxpayer resides, even though the non-resident's home municipality has enacted its own Earned Income Tax; and

WHEREAS, Quakertown Borough, under the provisions of the Sterling Act, is not entitled to any remittance from the City of Philadelphia on the non-resident Earned Income Tax paid by its residents to the City, including the one percent (1%) Earned Income Tax levied by the Borough on its residents; and

WHEREAS, Quakertown Borough residents who do not work in the City of Philadelphia bear a higher tax burden to support local services because of the inequities caused by the provisions of the Sterling Act; and

WHEREAS, the inequities created by Sterling Act deprive Quakertown Borough of annual Earned Income Tax revenue in excess of \$21,500.00 that could be used to provide essential local government services including police, fire and emergency medical services; and

WHEREAS, SB 671 was passed by the Pennsylvania Senate on May 3, 2023; and

WHEREAS, Quakertown Borough requests that the Pennsylvania House introduce a companion bill to be voted on by the Pennsylvania House of Representatives; and

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Quakertown to formally request the Governor of the Commonwealth of Pennsylvania and the Senators and Representatives of the General Assembly of Pennsylvania to amend the Sterling Act and require that an amount of up to one (1%) percent of the earned income paid by non-residents to the City Philadelphia, and collected under the requirements of the Philadelphia Wage Tax, be collected from the municipality in which the taxpayer resides if that municipality has enacted an earned income tax.

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

RESOLVED, That, the following Resolution 63-23, authorizing civil litigation against Quakertown Outdoor, be adopted:

RESOLUTION 63 - 23

A RESOLUTION OF BOROUGH COUNCIL OF QUAKERTOWN BOROUGH, BUCKS COUNTY, PENNSYLVANIA, AUTHORIZING CIVIL LITIGATION AGAINST QUAKERTOWN OUTDOOR CONCERNING BREACHES OF THE MONUMENT DISPLAY OPERATING AGREEMENT.

WHEREAS, Quakertown Borough entered into the Monument Display Operating Agreement with Quakertown Outdoor ("*Agreement*") concerning the erection and operation of a billboard at the northeast corner of West End Boulevard (Rte. 309) and Broad Street (Rte. 313) ("*Billboard*"); and

WHEREAS, under the Agreement Quakertown Outdoor is obligated to post certain escrows with the Borough and to cover any and all legal costs the Borough incurred concerning the Billboard; and

WHEREAS, Quakertown Outdoor has failed to post these required escrows and cover the substantial legal costs incurred by the Borough due to its involvement in an appeal of the permits issued for the Billboard to the Borough Zoning Hearing Board; and

WHEREAS, Quakertown Outdoor has failed to address these breaches of the Agreement after being notified of them in writing by the Borough as required by the Agreement.

NOW, THEREFORE, be it hereby *RESOLVED* that:

- A. The Borough Solicitor is authorized to institute a civil suit against Quakertown Outdoor for Quakertown Outdoor's breaches of the Agreement.
- B. Before filing said civil suit, the Solicitor shall inform Quakertown Outdoor of this Resolution in writing and give Quakertown Outdoor ten (10) days to come into compliance with its obligations under the Agreement.
- C. If Quakertown Outdoor fails to address these breaches of the Agreement within these ten (10) days, the Solicitor shall prepare and file suit against Quakertown Outdoor and fully pursue such action against Quakertown Outdoor until finally resolved.

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

HEALTH, SAFETY & WELFARE COMMITTEE

RESOLVED, That, the following Resolution 60-23, disposition of dated Police Department records, be adopted:

RESOLUTION 60-23
DISPOSITION OF MUNICIPAL RECORDS

WHEREAS, the Borough of Quakertown declares its intent to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual approved December 16, 2008, and;

WHEREAS, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Quakertown, Bucks County, Pennsylvania, in accordance with the above cited Municipal Records Manual, hereby authorizes the disposition of the records listed in the attached memorandum dated May 24, 2023 from the Police Department to include 2014 Payroll Slips, 2016 & 2017 Court Dispositions, various Incidents from 1986-2019 & 1989 Offenses.

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

PUBLIC UTILITIES COMMITTEE

President Rosenberger stated that there are not any items under the Public Utilities Committee.

PUBLIC WORKS COMMITTEE

Councilwoman Wear stated that there are not any items under the Public Works Committee.

PARKS & RECREATION COMMITTEE

Councilman Propst indicated that David Dorenzo could speak at this time. Mr. Dorenzo stated the new pool is great but for next year's budget suggested adding more chairs and chaise lounges. He mentioned there are a lot of out of town people attending and there just isn't enough chairs. Also he added, the men's shower is still not fixed.

Mr. Dorenzo is concerned with the setting off of fireworks near houses. He suggested to prohibit fireworks vendors from setting up in the Borough to sell fireworks.

RESOLVED, That, the following Resolution 61-23, recognition of July as Parks & Recreation month, be adopted:

RESOLUTION 61-23

WHEREAS, parks and recreation is an integral part of communities throughout this country, including the Borough of Quakertown; and

WHEREAS, parks and recreation promotes health and wellness, improving the physical and mental health of people who live near parks; and

WHEREAS, parks and recreation promotes time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders and Alzheimer; and

WHEREAS, parks and recreation encourages physical activities by providing space for popular sports, hiking trails, swimming pools and many other activities designed to promote active lifestyles; and

WHEREAS, parks and recreation programming and education activities, such as out-of-school time programming, youth sports and environmental education are critical to childhood development; and

WHEREAS, parks and recreation is fundamental to the environmental well-being of our community; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the United States House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, the Borough of Quakertown recognizes the benefits derived from parks and recreation resources.

NOW THEREFORE, BE IT RESOLVED BY Borough Council that July is recognized as Park and Recreation Month in the Borough of Quakertown.

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

RESOLVED, That, the following Resolution 62-23, Mease Engineering's proposal for engineering services for Cedar Grove Park land development, be adopted:

RESOLUTION 62-23

WHEREAS, the Borough has received a proposal from Mease Engineering, PC in the amount of \$36,195.00 for engineering and surveying services for a land development plan for Cedar Grove Park.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown accepts Mease Engineering, PC's proposal dated April 21, 2023 in the amount of \$36,195.00 and authorizes the Borough Manager to execute the said proposal on behalf of the Borough of Quakertown.

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

President Rosenberger indicated that David Davies could speak at this time. Mr. Davies suggested installing a Wrong Way sign at Third & West Broad Streets. Mr. Davies mentioned he noticed several vehicles rolling through stop signs specifically at 9th & Juniper Streets and 9th & Main Streets by the Freshman Center. Also Mr. Davies pointed out a streetlight bulb is out in front of Doghouse Gaming on W. Broad Street.

President Rosenberger declared the meeting adjourned at 7:56 p.m.

BOROUGH OF QUAKERTOWN

Donald E. Rosenberger
President of Council

Attest:

Scott C. McElree
Borough Secretary