

A regular meeting of the Borough Council of Quakertown was held September 6, 2023, 7:30 p.m.

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

Vice President Roberts read Resolution 114-10 passed by Council December 1, 2010, which established the criteria for being a candidate of the William Peischel Excellence in Citizenship Award. Afterwards Vice President Roberts read Resolution 65-23, which was passed by Council on August 2, 2023.

**RESOLUTION 65-23**

WHEREAS, the Borough Council of Quakertown, Pennsylvania, desires from time-to-time to award a resident of Quakertown Borough who through volunteer service has demonstrated an extraordinary commitment to the civic betterment of the Quakertown community.

NOW, THEREFORE, BE IT RESOLVED, That the Borough Council of the Borough of Quakertown, publicly honor and present Jann Paulovitz with the William Peischel Excellence in Citizenship Award for her many years of unselfish contribution to the Quakertown community.

Vice President Roberts read a short outline of Jann Paulovitz's involvement within the Borough and afterwards presented the William Peichel Excellence In Citizenship Award to Jann's husband Tom and members of her family. Tom Paulovitz, Jr. gave an acceptance speech for the award for his mother.

RESOLVED, That, the Council Minutes of August 2, 2023 be approved as written. Motion of Vice President Roberts, seconded by Councilman Johnson. A roll call vote was taken and the motion was unanimously carried. Councilwoman Wear and Councilman Wilsey, absent.

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

August	4, 2023	\$ 202,400.24
August	10, 2023	30,505.56
August	16, 2023	638,108.20
August	25, 2023	26,148.65
August	31, 2023	729,409.40

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

Visitors:

David Drenzo, 125 S. Main Street, would like to speak regarding the electronic billboard.

**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 73-23, award bid for Investment, Custodial & Administrative Services for the Non-Uniform Pension, be adopted:

RESOLUTION 73-23

WHEREAS, the Borough Administration has deemed it wise to change the management of our funds known as "the Borough's Non-Uniform Defined Contribution Pension Plan (401A)", which are currently administered by "Mission Square"; and

WHEREAS, the Borough advertised for the bidding of a qualified fund Administrator, only bid which was opened July 28, 2023, the results of which indicated that "Univest's Girard Pension Services, LLC is the successful bidder, now there be it.

RESOLVED, that the Borough Council of the Borough of Quakertown authorizes the Borough Manager to proceed with the engagement of "Girard Pension Services, LLC" to be the Administrator of these pension funds for our Non-Uniform Defined Contribution Plan.

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

Vice President Roberts read the Minimal Municipal Obligations (MMO) for 2024.

Police Pension Plan:	\$606,850.00
Non-Uniform Plan:	\$ 70,325.00
Money Purchase Plan: (401A)	<u>\$256,256.00</u>
	\$933,431.00 will be budgeted for 2024

Vice President Roberts indicated that Mr. Direnzo could speak at this time.

David Direnzo suggested the Borough take a look at the language in the contract for the Catalyst Outdoor Billboard and see if there is a component about Catalyst beautifying the location around the billboard to get a reduced rate. Solicitor Nelson believes there is not an out clause for Catalyst. Manager McElree added that the billboard in this case is located on private property, not Borough property which the company pays rent to.

Vice President Roberts explained the Borough received information from Christina Landis from the Quakertown Historical Society regarding consideration in financially supporting a project they are undertaking with the Lower Macungie Historical Society to produce a film about the Fries Rebellion. President Rosenberger would like to get more information about the movies content and questioned what would happen if funds are given upfront and the movie does not get completed. This item will be further discussed at a later date.

A motion was made to amend the September 6, 2023 Council Agenda to include item #4 under the Revenue & Finance Committee, Discussing (PFAS)-polyfluoroalkyl substance potential litigation. Motion made by Vice President Roberts, seconded by Councilman Propst. A roll call vote was taken and the motion was unanimously carried. Councilwoman Wear and Councilman Wilsey, absent.

Solicitor Nelson gave an explanation about a worldwide civil suit concerning (PFAS) – polyfluoroalkyl substances. PFAS is found in fire fighting foam and common items such as Scotch Guard. What has been discovered over the years is that these chemicals are carcinogenic in small amounts, they do not break down in the environment and last forever, they build up through the food chain and they are causing a lot of issues. Regulatory agencies are now starting to put forth limits on them and starting to mandate the removal of

these chemicals from public water systems. A lot of municipalities filed suit against the companies that make these chemicals. During the process of this suit, it has come out that these companies knew decades ago of these problems and hide that information. Now there is litigation based out of Federal Court in South Carolina that is involving all municipal water systems against these chemical companies and these companies have been putting forth proposals to settle these claims. The Borough has been informed to join this litigation which has very little risk. The Borough would be left out of the settlement if we choose not to join. Solicitor Nelson recommends the Borough be made a party in regards to its water and sewer system.

A motion was made to direct the Borough Solicitor to proceed with contacting Dilworth Paxson about signing Quakertown Borough as a client of that firm in regards to the PFAS litigation. Motion made by Vice President Roberts, seconded by Councilman Johnson. A roll call vote was taken and the motion was unanimously carried. Councilwoman Wear and Councilman Wilsey, absent.

### **HEALTH, SAFETY & WELFARE COMMITTEE**

RESOLVED, That, the following Resolution 70-23, setting Trick or Treat time, be adopted:

#### **RESOLUTION 70-23**

RESOLVED, That, the Council of the Borough of Quakertown establishes Trick-or-Treat night on October 31, 2023, from 6:00 pm to 9:00 pm in the Borough of Quakertown.

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

RESOLVED, That, the following Resolution 75-23, accepting agreement with ParkMobile for parking system, be adopted:

#### **RESOLUTION 75-23**

WHEREAS, the Borough's current parking meter system has fallen short of its expectations since its inception; and

WHEREAS, Borough Council would like to replace this inadequate metered system with a "smart" meter solution, a physical meter-less system that is widely used throughout the region; and

WHEREAS, the Borough has received a proposed Service Agreement with ParkMobile for an initial term of 3 years beginning on the effective date with an automatic renewal for additional successive one year terms unless terminated by either party, for services including the ParkMobile Application, the Platform and all other services provided by ParkMobile.

NOW THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown accepts the Agreement with ParkMobile and directs the Borough Manager to execute the said Agreement on behalf of the Borough of Quakertown.

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

Councilman Johnson’s concern was for those people who do not have smart phones. ParkMobile has agreed with the Borough Manager to do what they can to make this system work for the Borough.

RESOLVED, That Ordinance 1243, an Ordinance of Quakertown Borough amending Part 5, “False Alarms From Businesses” of Chapter 13, “Licenses, Permits and General Business Regulations” of the Quakertown Borough Code of Ordinances, be passed. Motion of Councilman Johnson, seconded by Councilman Propst. Councilwoman Wear and Councilman Wilsey, absent.

**PUBLIC UTILITIES COMMITTEE**

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

**PUBLIC WORKS COMMITTEE**

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

**PARKS & RECREATION COMMITTEE**

RESOLVED, That, the following Resolution 71-23, Quakertown Midget Football Association’s request to name the football field after Phil Woods, be adopted:

RESOLUTION 71-23

WHEREAS, a request from the Quakertown Midget Football Association was received for Council’s consideration in naming the youth football field in recognition of Phil Woods who was their dedicated field manager for approximately twenty eight years; and

WHEREAS, under the Borough’s Naming Rights Policy this request meets all the criteria specified in sections IV, General and Honorary Naming Rights subsections.

NOW, THEREFORE, BE IT RESOLVED, That, the Council of the Borough of Quakertown approves the naming of the Quakertown Midget Football Association’s football field after Phil Woods.

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

RESOLVED, That, the following Resolution 74-23, WaWa’s request to hold an employee event “Breath for Kathy” in Memorial Park, be adopted:

RESOLUTION 74-23

WHEREAS, Taylor Caporizzo from WaWa, Inc., has requested to use a pavilion in Memorial Park, some field area near the softball field for a moon bounce and friendly game competitions and use of the walking trail around the soccer and football fields for a fundraising event “Fight Hard, Breathe Easy” on September 30, 2023 from 9:00 am to 1:00 pm.

BE IT RESOLVED, That, the Council of the Borough of Quakertown grants WaWa's request to hold their fundraiser in Memorial Park and use of the walking trail on September 30, 2023 from 9:00 am to 1:00 pm provided the Borough is added as an additional insured on their insurance.

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

Councilman Propst mentioned prior to the meeting tonight the Volunteer Appreciation Dinner was held in Park at 4<sup>th</sup>. The Borough had approximately 221 volunteers this year which helped in different events. Councilman Propst announced events to take place this weekend.

President Rosenberger declared the meeting adjourned at 8:25 p.m.

BOROUGH OF QUAKERTOWN

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Donald E. Rosenberger  
President of Council

Attest:

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Scott C. McElree  
Borough Secretary