

BOROUGH OF NEW BRITAIN
BUCKS COUNTY, PENNSYLVANIA
RESOLUTION NO. _____

A RESOLUTION OF THE BOROUGH OF NEW BRITAIN, BUCKS COUNTY, PENNSYLVANIA, AUTHORIZING A PETITION TO THE COURT OF COMMON PLEAS OF BUCKS COUNTY TO SET THE TAX MILLAGE FOR GENERAL BOROUGH PURPOSES AT 35 MILLS FOR FISCAL YEAR 2025; DETAILING THE NEED TO EXCEED THE STATUTORY MAXIMUM 30 MILLS FOR GENERAL BOROUGH PURPOSES FOR FISCAL YEAR 2025; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Borough of New Britain is organized and operates under the Pennsylvania Borough Code, 8 Pa.C.S. § 101, *et seq.*

WHEREAS, pursuant to section 1310 of the Borough Code, 8 Pa.C.S. § 1310, the Borough Council for the Borough of New Britain ("Borough Council") must adopt the Borough's budget for fiscal year 2025 by December 31, 2024.

WHEREAS, on even date herewith Borough Council adopted the budget for fiscal year 2025 for the Borough (the "2025 Budget") and an ordinance levying the taxes on real estate in the Borough for fiscal year 2025 (the "2025 Tax Ordinance").

WHEREAS, pursuant to section 1302(a) of the Borough Code, the maximum tax levy that may be imposed for general Borough purposes is 30 mills, unless:

...the council by majority action, upon due cause shown by resolution, petitions the court of common pleas, in which case the court may order a rate of not more than five mills additional to be levied...

8 Pa.C.S. § 1302(a).

WHEREAS, the 2025 Budget and the 2025 Tax Ordinance contemplate and impose a tax rate for general Borough purposes of 35 mills.

WHEREAS, at the statutory maximum millage rate of 30 mills, the Borough would have a deficit in the general fund for fiscal year 2025 in the amount of approximately \$175,080.00.

WHEREAS, a tax levy for the general fund of an additional 5 mills above the statutory maximum rate of 30 mills, 35 mills total, for general Borough purposes would allow the Borough to balance the 2025 Budget and avoid operating a deficit.

WHEREAS, the Borough has eliminated expenditures in every possible way in order to balance the general fund. However, as a result of increases in expenditures, including specifically those relating to contractual obligations of the Borough, the Borough will be operating at a deficit in the general fund if it does not levy and collect a tax exceeding 30 mills for general purposes. For example, over 50% of the Borough's budget is dedicated to funding its obligations to the Central Bucks Regional Police Force under the governing intergovernmental agreement and cooperative bargaining agreement.

WHEREAS, the Borough has a significantly aged housing stock, with relatively low turnover in same. As a result, real estate assessments in the Borough are particularly low, and a mill in the Borough is worth less than a mill in other boroughs with new housing stock and higher turnover. The Borough has taken steps to encourage redevelopment, including the adoption of zoning amendments in pursuit thereof.

NOW THEREFORE, it is hereby **RESOLVED** by the Borough Council of the Borough of New Britain as follows:

Section 1.

The background section hereto is incorporated as a material part of this resolution as if fully set forth. The 2025 Budget and 2025 Tax Ordinance are attached hereto as exhibit "A" and exhibit "B" respectively, and are also incorporated as a material part of this resolution as if fully set forth.

Section 2.

The Borough Council of the Borough of New Britain hereby determines that there is due cause for exceeding the statutory maximum tax millage for general Borough purposes, and specifically to set a millage of 35 mills for general Borough purposes instead of the maximum permitted 30 mills. Exceeding the maximum permitted tax millage for general Borough purposes is necessary for the reasons set forth in the background section hereof.

Section 3.

The Borough Council of the Borough of New Britain hereby authorizes its Borough Solicitor and Borough Manager to petition the Bucks County Court of Common Pleas to exceed the statutory maximum 30 mills for general fund purposes for a rate of 35 mills for general purposes, in accordance with section 1302(a), 8 Pa.C.S. § 1302(a), of the Borough Code. The Borough Solicitor and Borough Manager are authorized to take such action and sign such documents on behalf of the Borough as necessary to effectuate the petition.

Section 4. Savings Clause.

If any portion, part or provision of this Resolution should be declared by a court of competent jurisdiction to be invalid, unconstitutional, illegal or unenforceable, the Borough Council of the Borough of New Britain hereby declares its intent that this Resolution shall have been adopted without regard to such unconstitutional, illegal, invalid or unenforceable portion thereof.

Section 5. Effective Date.

This resolution shall become effective at the earliest time permitted under Pennsylvania law.

RESOLVED and **ADOPTED** by the Borough Council of the Borough of New Britain this _____ day of _____, 2024.

Thomas Price, Borough Council President

John Wolff, Borough Secretary

Examined and approved by me this _____
day of _____, 2024

James D. Donovan, Mayor