

**May 3, 2006**

A regular meeting of the Borough Council was held May 3, 2006, 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 Wilsey, David Zaiser, Solicitor Charles Fonzone, Manager David L. Woglom and Asst. Borough Secretary Phyllis R. Ewing.

RESOLVED, That, the Minutes of April 5, 2006, be approved as written. Motion of Councilman Roberts, seconded by Councilman Williams. A roll call vote was taken and the motion was unanimously carried.

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 Councilman Williams. A roll call vote was taken and the motion was unanimously carried.

CHECKS #

52608 — 52832

\$1,891,882.02

RESOLVED, That, the Treasurer's Report for April 2006 be received and spread on the minutes. Motion of Councilman Roberts, seconded by Councilman Wilsey. A roll call vote was taken and the motion was unanimously carried.

Treasurer's Report April 30, 2006
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Fund	Savings/Checking	PLGIT	CD	Total
Electric Fund	\$ 860,626.10	\$ 4,876.27	\$ 785,000.00	\$1,650,502.37
Water	602,441.65	4,503.46	250,000.00	856,945.11
Sewer	496,337.36	3,981.16	250,000.00	750,318.52
General	123,455.92	2,036.30		125,492.22
Payroll	200.00			200.00
Payroll Withholding	14,490.85			14,490.85
Debt Service Reserve		1,931.62		1,931.62
Fire Equipment		24,611.53		24,611.53
Recreation Fund	22,437.06			22,437.06
PA Motor License	1,320.55	584.66		1,905.21

Sinking Fund	493,391.53	3,608.37	300,000.00	796,999.90
1999-01 Equipment Replacement	303,596.34			303,596.34
Totals	<b>\$2,918,297.36</b>	<b>\$ 46,133.37</b>	<b>\$1,585,000.00</b>	<b>\$4,549,430.73</b>

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

Visitors:

Steve Biddle indicated he wishes to speak with regard to Quakertown Alive!'s Tree Vitalize Grant.

Frank Bankard and Lou Agre of the International Union of Operating Engineers.

Bob McMMain – 6 Tierney Court; Emanuele Quinci, 3 Tierney Court; Carol Richards, Plymouth Court; Steve Holmes, 315 Hickory Drive; Colleen White, 6 Dewsbury Lane; Michael Haywood, 13 Tierney Court; Elaine Barglik, 17 Dewsbury Lane; Harvey Ritter, 21 Dewsbury Lane; Andrea Bean, 317 Hickory Drive; and Louis Gregory, 103 Madison Court indicated they wished to speak with regard to the proposed No Parking Ordinance. President Hallman told the property owners that they will be given an opportunity to speak when the proposed No Parking Ordinance comes up on the Agenda.

President Hallman welcomed Scout Troop 16 from Zion Hill, who were also in the audience.

President Hallman announced an executive session will follow tonight's meeting in order for Council to consult with their Labor Attorney on pending litigation and on matters relating to labor relations. Council will return to adjourn the meeting following the executive session.

#### HEALTH, SAFETY & WELFARE COMMITTEE

RESOLVED, That, Council approve the curb cut request of William Samph, the owner of 44 South Twelfth Street. Motion of Councilwoman Werner, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried.

Councilwoman Werner indicated that the property owners may speak at this time with regard to Ordinance 1120 creating no parking zones.

With regard to the Hickory Drive portion of the no parking ordinance, the following points were made by the residents in that area:

There currently isn't sufficient parking in the area.

The amount of traffic using Hickory Drive is the problem. Hickory Drive is being used as a by-pass to circumvent the Route 663 and 309 intersection.

They feel more stop signs are needed and perhaps speed bumps or humps.

To get onto Hickory, you have to nose your car's front end all the way out, making for a dangerous situation.

Mr. Holmes pointed out that he is having problems getting his mail. When cars are parked at the curb where his mail box is located, the mailman won't deliver their mail. He, as well as two other property owners, have a motor route and the mailman feels it is too dangerous to stop the vehicle and get out to deliver the mail due to the heavy volume of traffic.

President Hallman stated that with regard to the post office box issue, the Post Office has been contacted and requested to put those three properties on a walking route rather than a motor route. We are waiting for an answer from the Post Office.

President Hallman suggested that perhaps the Hickory Drive portion of the ordinance should be stricken until Council could look into other options for that area.

Ms. Richards of 207 Plymouth Court indicated that their main problem is going around vehicles that are parked on Heller Road. She indicated that she and her neighbors on Plymouth Court, who couldn't attend tonight's meeting, are all in favor of the no-parking on Heller Road.

Louis Gregory of 103 Madison Court, indicated that he is an officer in the Independence Place Association and that they sent out a letter to their members and over 90% of the responses were in favor of no parking, as proposed, for Independence Place.

By common consent, Councilwoman Werner read Ordinance 1120 in full excluding the Hickory Drive portion of the proposed no-parking ordinance.

RESOLVED, That, Ordinance 1120, an amendment to the Code of Ordinances of the Borough of Quakertown, Chapter 15, Section 402, creating no parking along the north side of Independence Place and along the east side of Heller Road be passed finally.

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

RESOLVED, That, reading of Ordinance 1116, concerning the establishment of a curfew in the Borough, be waived. Motion of Councilwoman Werner, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried.

Kelly Kapla of 157 Forsythia Court, stated that she is not in favor of the curfew ordinance because she feels it is not fair to penalize everyone for the actions of a few. She questions how the ordinance will be enforced and indicated that there currently is a loitering law.

A resident of Independence Place indicated that he and his neighbors are in favor of the curfew ordinance because they have major problems due to young people hanging out, urinating on the lawns and throwing trash.

RESOLVED, That, Ordinance 1116, an amendment to the Code of Ordinances of the Borough of Quakertown, Chapter VI, adding Sections 401 – 411 regulating the presence and conduct of minors on streets and other public places; defining duties of parents or others in charge of minors; providing for penalties for violation thereof, be passed finally. Motion of Councilwoman Werner, seconded by Councilman Wilsey. A roll call vote was taken on the adoption of Ordinance 1116 with the following Councilmembers voting in favor: Roberts, Rosenberger, Werner, Wilsey, Zaiser and Hallman; and the following Councilmember voting against: Williams. President Hallman indicated that the vote on the first reading of Ordinance 1116 was not unanimous and, therefore, does not pass. Ordinance 1116 will again be considered for adoption at the next regular meeting of Council.

RESOLVED, That, the reading of Ordinance 1118, concerning the regulation of sexual offenders in the Borough, be waived. Motion of Councilwoman Werner, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried.

Nancy Roberts, 529 Juniper Street, questioned whether the Ordinance only applied to residents or if it would apply to someone being involved with children's sports in the Borough. Solicitor Fonzone answered that it applies to residents.

Paul Hartley, 109 Braithwaite Lane, requested that Ordinance 1118 be read in full. Solicitor Fonzone read Ordinance 1118 in full.

RESOLVED, That, an amendment to the Code of Ordinances of the Borough of Quakertown, Chapter vi, adding Sections 501 - 505 creating "sex offender residency

prohibition, findings and intent, penalties and exceptions” providing for severability and an effective date, be passed finally. Motion of Councilwoman Werner, seconded by Councilman Roberts.

President Hallman asked what would happen if a sexual offender is already living in the Borough and wants to purchase and move into a different house in the Borough? Solicitor Fonzone indicated that he believes it would be feasible to say that would be a violation; but if you want to impose the Ordinance, that would be a decision the District Justice would have to make.

A roll call vote was taken on the adoption of Ordinance 1118 and the motion was unanimously carried.

Councilwoman Werner reported that the Police Negotiating Committee has come to a tentative agreement, and made the following motion:

RESOLVED, That, the Borough Manager have the Quakertown Police Department contract typed for Council’s consideration at the next regular meeting in June. Motion of Councilwoman Werner, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried.

#### PLANNING & ZONING COMMITTEE

Resolved, That, the following Resolution 27-06 concerning the Sheppleman subdivision on Mill Street, be adopted:

#### RESOLUTION 27-06

WHEREAS, Paul and Deborah Sheppleman, owners of tax parcel 35-9-15, have filed a minor subdivision plan for land on the north side of Mill Street to the west of Hellertown Avenue; and

WHEREAS, the Quakertown Planning Commission has recommended conditional approval, and the Bucks County Planning Commission has reviewed and recommended approval of the plan dated March 16, 2006;and

WHEREAS, the plan meets all requirements of the Borough’s Zoning and Land Development/Subdivision ordinances.

NOW, THEREFORE BE IT RESOLVED by Borough Council of the Borough of Quakertown that the minor subdivision plan of Deborah and Paul Sheppleman

dated March 16, 2006 is approved subject to the final approval of the Borough Engineer, and amendment of the final plan as follows:

1. The proposed driveway entrance is to be widened to 22 feet in accordance with Chapter 22, section 507(2) of the Code of Ordinances of the Borough;
2. The property line on lot #2 is to be changed to meet the 50 foot frontage requirement of the minimum lot width in accordance with Chapter 22, section 307(6) of the Code of Ordinances of the Borough;
3. The plan is to add an access easement for the adjoining Hellertown Avenue properties, granting them legal access to continue to use the driveway for access to the rear of their properties;
4. All comments of Borough Engineer Cowan Associates' April 4, 2006 letter are to be complied with;
5. All comments of the Bucks County Planning Commission's March 29, 2006 letter are to be complied with.

The plan must be recorded in Bucks County within ninety (90) days.

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

Steve Biddle stated that he would be happy to answer any questions regarding the planting of the street trees. The Borough would provide the Public Works equipment, help to plant the larger trees, and cut any sidewalks that need to be cut. Mr. Biddle introduced Carol Vybiral, she is the coordinator of this committee.

RESOLVED, That, Council grants the request of Quakertown Alive! to agree to assist them with the planting of any street trees acquired from Quakertown Alive's application for a Tree Vitalize grant from the state. Motion of Councilman Wilsey, seconded by Councilman Williams. A roll call vote was taken and the motion was unanimously carried.

President Hallman announced the appointment of Edward A. Scholl of 130 South Eighth Street to fill the unexpired term of Brad Hinderliter, which term shall expire December 31, 2008.

RESOLVED, That, President Hallman's appointment of Edward A. Scholl be ratified. Motion of Councilman Roberts, seconded by Councilwoman Werner. A roll call vote was taken and the motion was unanimously carried.

## REVENUE & FINANCE COMMITTEE

Councilman Roberts announced that at the last Council meeting, as listed in the minutes, Borough Council was interested in getting a listing of firms that, and quoting from the minutes "... do these types of audits, contact those firms and request price quotations for an audit of the Borough's operating procedures and proceed from there." The meaning and intent of that motion, took its form when the President of Council called for an executive session of council. The meeting was duly noted in the newspapers that Borough Council would meet on April 19 at 7:00 p.m in a special executive session for the purpose of discussing and evaluating the operational procedures of the Borough Manager. Council held that meeting and as a result of that meeting Council will be interviewing various firms that do that type of work. Borough Council will meet in executive session with several of the firms to discuss and choose one that will be operable for the Borough. Council will go in executive session those nights and interview so that the process can go on to accomplish that which the motion called for.

RESOLVED, That, the following Resolution 26-06 concerning Quakertown Alive's request to sponsor an application to DCED be adopted:

### RESOLUTION NO. 26-06

WHEREAS, the Borough of Quakertown is desirous of obtaining funds from the Pennsylvania Department of Community and Economic Development's Downtown Reinvestment Grant in the amount of \$30,000 for use in downtown facade improvements.

NOW, BE IT RESOLVED by the Borough Council of the Borough of Quakertown to file this resolution with the Pennsylvania Department of Community and Economic Development to apply for a total of \$30,000; and

BE IT FURTHER RESOLVED. That the Borough of Quakertown and Quakertown Alive will assume the provision of the full, local share of project costs, and that Quakertown Alive will reimburse the Commonwealth of Pennsylvania for the State's share of any expenditures found by the Department to be ineligible.

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

RESOLVED, That, the following Resolution 28-06 concerning wages for the summer employees, be adopted:

RESOLUTION NO. 28-06

WHEREAS, Borough Council wishes to establish the wages for summer employees in the Swimming Pool, KIDS Program and Public Works Department;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Quakertown that the wages for summer employees shall be as follows:

Swimming Pool		
Manager	\$	14.42/hour
Assistant Manager		11.25/hour
Snack Stand Manager		10.75/hour
Head Guard		10.50/hour
1 <sup>st</sup> year Guard/Front Desk		8.75/hour
2 <sup>nd</sup> year Guard/Front Desk		9.25/hour
Guard/Front Desk (3 or more years)		9.75/hour
1 <sup>st</sup> Year Snack Stand		6.75/hour
2 <sup>nd</sup> Year Snack Stand		7.00/hour
Snack Stand (3 or more years)		7.50/hour
Kids Program		
Director	\$	12.00/hour
1 <sup>st</sup> year Counselor		8.25/hour
2 <sup>nd</sup> year Counselor		8.75/hour
Counselor (3 or more years)		9.25/hour
Public Works		
Deborah Williams (6 years)	\$	10.00/hour
Rob Neiman (5 years)		10.00/hour
Justin Christman		9.25/hour
New		9.00/hour

Motion of Councilman Roberts, seconded by Councilman Zaiser.

Councilman Williams indicated that he will abstain from discussion or voting on this Resolution since his daughter is listed. He also pointed out that his daughter has worked for the Borough for seven years and he's been on Council for 4-1/2 years.

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

RESOLVED, That, the following Resolution 29-06 concerning the appointment of a Chief Administrative Officer for the Borough's pension plans be adopted:



RESOLUTION NO. 29-06

Whereas, the Municipal Pension Plan Funding Standard and Recovery Act (Act 205 of 1984) requires that pension reports be prepared under the supervision and the direction of the Chief Administrative Officer of the Municipality and,

Whereas, the Borough of Quakertown wishes to comply with all the requirements of said Act,

Now Therefore, it is resolved that Borough Council hereby appoints the Borough Manager as the Chief Administrative Officer of its Police and Non-Uniformed Pension Plans.

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

Regarding the request from Vincent Randazzo, a public hearing will be advertised to hear his request for a transfer of a liquor license to Dominick's Restaurant. The hearing will be held on May 24, 2006 at 7:30 p.m. at an adjourned session of Council.

Mr. Bankard asked that Council recognize the International Union of Operating Engineers since there is a showing of strong interest among the workers.

RESOLVED, That, Council recognizes the International Union of Operating Engineers. Motion of Councilman Zaiser, seconded by Councilman Wilsey.

Councilman Wilsey indicated that his second is an endorsement of working with the employees rather than against them. Councilman Wilsey noted that he is not sure it is good for employees to unionize and is not endorsing the union.

RESOLVED, That, the motion to recognize the International Union of Operating Engineers be tabled. Motion of Councilman Roberts, seconded by Councilman Rosenberger.

Under discussion, Councilman Roberts pointed out that Council could go into executive session tonight to discuss these matters and upon returning to the meeting, he will lift the motion from the table.

A roll call vote was taken on the motion to table and the motion carried by majority vote with the following Councilmembers voting in favor: Roberts, Rosenberger, Werner, Williams and Hallman; and the following Councilmembers voting against: Wilsey and Zaiser.

RESOLVED, That, Council grant the request of the Relay for Life organization to waive the bandshell fee for their event on May 6 - 7. Motion of Councilman Roberts,

seconded by Councilman Rosenberger. A roll call vote was taken and the motion carried with the following Councilmembers voting in favor: Roberts, Rosenberger, Werner, Wilsey, Zaiser and Hallman; and the following Councilmember abstaining: Williams (daughter-in-law associated with Relay for Life).

Councilman Roberts stated that the next item on the agenda is the request from the Quakertown Music Promotor's organization and suggested that Council discuss this further at the adjourned Council meeting or at a Work Session.

PUBLIC UTILITIES COMMITTEE

RESOLVED, That, the following Resolution 32-06 awarding the bid for trimming of trees, be adopted:

RESOLUTION NO. 32-06  
ACCEPTING BID AND AWARDING CONTRACT TO  
JAFLO, INC.

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of JAFLO, Inc. of Orefield, Pennsylvania, in the amount of \$10,500.00 for trimming of trees around the edge of Cedar Grove Park as per bid opened April 27, 2006, is hereby accepted. The contract is awarded to JAFLO, Inc. The Borough Manager is hereby authorized to execute the said contract on behalf of the Borough of Quakertown.

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

PUBLIC WORKS COMMITTEE

RESOLVED, That, the following Resolution 30-06 awarding the bid for superpave asphalt be adopted:

RESOLUTION NO. 30-06  
ACCEPTING BID AND AWARDING CONTRACT TO  
COOPERSBURG ASPHALT

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of Coopersburg Asphalt of Coopersburg, Pennsylvania, for the following:

	Borough Pick-Up	Delivered
SuperpaveHMA, 9.5mm fine graded	\$41.00/ton	\$45.34
SuperpaveHMA, 9.5mm wearing course	\$41.00/ton	\$45.34
SuperpaveHMA, 9.5mm fine graded	\$41.00/ton	\$45.34

SuperpaveHMA, 19mm binder course	\$38.50/ton	\$42.84
SuperpaveHMA, 19mm base course	\$36.00/ton	\$40.34

The contract is awarded in accordance with bids opened April 28, 2006. The Borough Manager is hereby authorized to execute the said contract 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.

RESOLVED, That, the following Resolution 31-06 awarding the bid for street resurfacing be adopted:

RESOLUTION NO. 31-06  
ACCEPTING BID AND AWARDING CONTRACT TO  
BLOOMING GLEN CONTRACTORS, INC.

RESOLVED, by the Council of the Borough of Quakertown, That, the bid of Blooming Glen Contractors, Inc. of Blooming Glen, Pennsylvania, in the amount of \$160,786.60 for street resurfacing as per bid opened April 25, 2006, is hereby accepted. The contract is awarded to Blooming Glen Contractors, Inc. The Borough Manager is hereby authorized to execute the said contract 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.

PARKS & RECREATION COMMITTEE

RESOLVED, That, Council grants the request of the Pennsylvania Interscholastic Athletic Association to use Memorial Park Stadium on May 30 and June 5. Motion of Councilman Williams, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, Council grants the request of the Quakertown Youth Baseball organization to conduct a fund-raising dance on one of the Little League baseball fields and a fund-raising pool party in the swimming pool complex at a fee of \$500, with the condition that the organization provide all liability insurance necessary to hold the Borough harmless. Motion of Councilman Williams, seconded by Councilwoman Werner.

President Hallman asked whether the \$500 is the cost of life guards? Manager Woglom indicated that it is an estimate of the cost to have the pool open that day.

President Hallman asked what other cost is involved? Manager Woglom indicated that the cost includes pool chemicals and the cost for additional cleaning.

A roll call vote was taken on the above motion and the motion was unanimously carried.

RESOLVED, That, Council grants the request of the Faith Covenant Church to conduct a church service in Memorial Park on June 11, July 16 and August 20. Motion of Councilman Williams, seconded by Councilman Wilsey. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, Council grants the request of the Quakertown Music Promotor's Association to conduct their annual Awards Ceremony in Memorial Park on May 30, 2006. Motion of Councilman Williams, seconded by Councilman Roberts. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, Council grants the request of the Quakertown American Legion to conduct Community Day on July 4, 2006. Motion of Councilman Williams, seconded by Councilwoman Werner. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, Council grants the request of the American Legion to conduct the Memorial Day Service in Memorial Park on May 29. Motion of Councilman Williams, seconded by Councilman Wilsey. A roll call vote was taken and the motion was unanimously carried.

President Hallman announced that due to the Holiday, the Work Session has been rescheduled for Wednesday, May 24, 2006.

At 9:13 p.m., Council went into Executive Session.

At 10:00 p.m., the Council meeting was called back in session.

Councilman Roberts indicated that there's information that Council would like their Labor Attorney to share because it's information Council has to go on in order to proceed with decisions and voting. Councilman Roberts asked Mr. Rudolf to share the advice he gave to Council.

Atty. Rudolf stated that his advice to Council is that the motion should not be voted on. What happens in these proceedings, where there's an attempt to organize some portion of the work force, is that there is a petition prepared for representation, the Union prepares it and they designate the bargaining unit. At this time, there is no such petition, there is no designation of the bargaining unit. Council is being asked to recognize a union to serve as the collective bargaining representative on behalf of a group of employees, but that group of

employees has not been identified. There has not been, by this local of the Operating Engineers, a designation of the proposed bargaining unit. As far as the Borough knows there has only been a letter that contained names of certain employees saying they want the Operating Engineers to represent them. That is not the process. The second issue is that it seems to him that because of the one year bar regarding elections that the Operating Engineers is trying to jump the gun and get in ahead of other unions. There might be another union interested and they may be following the rules of one year from the June 14, 2005 election. Other unions could also get on a ballot to have employees vote. Council doesn't really know what they would be voting for and Mr. Rudolf suggests that it is premature to vote on representing any union at this time until the Borough has a specific designation of a proposed bargaining unit.

Mr. Agre indicated that it would be the exact same unit that was designated a year ago. He indicated that they have spoken to the Teamsters and they have no interest. The Pennsylvania Labor Relations Board indicated that there is no bar that says you can't recognize the union before the year is up. Mr. Agre stated that, in his opinion, a majority of the employees of this Borough want to be represented by Operating Engineers Local 542.

Mr. Rudolf pointed out that Borough Council has never seen a completed representation petition.

Mr. Bankard indicated that the petition can't be filed until May 15.

Mr. Rudolf stated that the Borough doesn't have anything in writing from the union that designates the bargaining unit.

Mr. Agre stated that it is the exact same unit as that authorized by the Labor Relations Board a year ago.

Mr. Rudolf strongly urged Council not to vote until a representation petition is received designating the bargaining unit.

RESOLVED, That, the motion regarding the recognition of the International Union of Operating Engineers be lifted off the table. Motion of Councilman Roberts, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried.

Councilman Zaiser indicated that on the advice of Counsel and the fact that a representation petition has not been received, he is withdrawing his motion to recognize the International Union of Operating Engineers. Councilman Wilsey indicated that he withdraws his second of the motion.

At 10:12 p.m., President Hallman adjourned the meeting to May 24, 2006 at 7:30 p.m. to hold a public hearing on Vincent Randazzo's request for the transfer of a liquor license and any other matters that may come before Council.

BOROUGH OF QUAKERTOWN

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Dennis A. Hallman  
President of Council

Attest:

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Phyllis R. Ewing  
Asst. Borough Secretary

**May 24, 2006**

An adjourned meeting of the Borough Council was held May 24, 2006, at 7:30 p.m., to hold a public hearing on Vincent Randazzo's request for the transfer of a liquor license and any other matters that may come before Council.

The following members and officers were present: President Dennis A. Hallman, Vice President L. James Roberts, Councilmembers Donald Rosenberger, Elfriede Werner, Daniel Williams, David Wilsey, David Zaiser, Solicitor Charles Fonzone and Manager David L. Woglom.

President Hallman indicated that the first order of business is the public hearing on Vincent Randazzo's request and turned the meeting over to Councilman Roberts.

Councilman Roberts indicated that a public hearing has been advertised on Mr. Randazzo's request and asked that Solicitor Fonzone conduct the public hearing.

Also in attendance with regard to the public hearing were: Atty. Michael Fina and his client Vincent Randazzo, and Stephen Biddle of 103 South Main Street.

Solicitor Fonzone:

This is a request to transfer liquor license #R 18679 from Bill's Tavern at 1441 South West End Boulevard, Richland Township, to Dominick's at 327 West Broad Street, Quakertown Borough. There's been a letter sent to the Borough by Attorney Fina and I would mark that Exhibit #1, it is dated April 13, 2006. This will be an inter-municipal transfer pursuant to 47 P.S. §4-461(b.3). Borough Council must approve the request unless you find the transfer would adversely affect the welfare, health, peace and morals of the municipality or its residents.

Attorney Fina could you have your client directly speak as to where the license will be transferred to?

Vincent Randazzo:

The license will be transferred to 327 West Broad Street, which is currently Dominick's Pizza and Restaurant.

Solicitor Fonzone:

What is the surrounding neighborhood?

Vincent Randazzo:

It's a shopping center with shops, next to me is a bakery and to the left is open space with a Rite-Aid and a grocery store next door.

Solicitor Fozzone:

It's right across the street from us so its obvious to the Councilmembers. For the record, it is completely a shopping center with a parking lot. Is that correct?

Vincent Randazzo:

Correct.

Solicitor Fonzone:

Do you know how many spaces there are in the parking lot?

Vincent Randazzo:

No sir.

Solicitor Fonzone:

With respect to your restaurant, how many seats do you have?

Vincent Randazzo:

We seat 205 people.

Solicitor Fonzone:

The parking lot, in your opinion, is it capable of handling all the parking that is presently needed?

Vincent Randazzo:

Correct, yes.

Solicitor Fonzone:

How about if there are additional customers because of this transfer?

Vincent Randazzo:

There's not going to be additional seating. It should be enough for now and if I do have the liquor license.

Solicitor Fonzone:

With respect to your present hours of operation, what are they?

Vincent Randazzo:

Right now they're 10:00 to 10:00; Friday and Saturday 10:00 to 11:00.

Solicitor Fonzone:

If there was an expansion of those hours, that would comply with the liquor control laws?

Vincent Randazzo:



Correct.

Solicitor Fonzone:

Mr. Biddle, you had a question?

Stephen Biddle:

I would like to know how many licenses we currently have in the Borough and where are they located?

Solicitor Fonzone:

I don't know if they have that information.

Michael Fina, Esq.:

According to form by the Liquor Control Board, we presently have five licenses in Quakertown. I don't know if they are all active and I couldn't tell you where they are.

Solicitor Fonzone:

Any other questions, Mr. Biddle?

Stephen Biddle:

No.

Solicitor Fonzone:

Any members of Council have any questions? (No response.) This hearing will be concluded. You understand that Council can make a decision this evening, if they desire. They have 45 days from the date of your application, which I believe – do you remember the date, Attorney Fina?

Michael Fina, Esq.:

I don't recall, but you did respond to me with a letter verifying dates and your letter dated April 28<sup>th</sup> — 45 days would run to June 1, 2006.

RESOLVED, That, Council grants the request from Vincent Randazzo for an intermunicipal transfer of a liquor license from 1441 S. West End Boulevard, Richland Township, to 327 West Broad Street, Quakertown Borough. Motion of Councilman Roberts, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, Council grants the request of Quakertown Music Promotor's Organization to pay a fee of \$150 for a one time use of the bandshell. Motion of Councilman Roberts, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried.

RESOLVED, That, the Borough Manager be authorized to advertise the proposed Historic Preservation Ordinance for adoption on June 7. Motion of Councilman Wilsey, seconded by Councilman Rosenberger. A roll call vote was taken and the motion was unanimously carried.

Councilwoman Werner indicated that with the project on Broad Street, the traffic has increased at Fourth and Mill Streets creating problems with back-ups and made the following motion:

RESOLVED, That, the following Resolution 33-06, creating temporary traffic regulations, be adopted:

Resolution 33-06

WHEREAS, Chapter 15, section 105 of the Code of Ordinances of the Borough of Quakertown permits Borough Council to enact temporary, specific traffic and/or parking regulations for up to 90 days; and

WHEREAS, the Borough will be closing portions of Broad Street from Main Street to the railroad tracks in 2006 to replace a water line; and

WHEREAS, the Police Chief and Borough Manager are recommending to Borough Council that stop signs be added to westbound and eastbound Mill Street at Fourth Street.

NOW, THEREFORE BE IT RESOLVED by Borough Council of the Borough of Quakertown to place a Stop sign on Mill Street both eastbound at Fourth Street and westbound at Fourth Street for up to ninety days:

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

President Hallman declared the meeting adjourned at 7:50 p.m.

BOROUGH OF QUAKERTOWN

Dennis A. Hallman  
President of Council

Attest:

David L. Woglom  
Borough Secretary