

HATFIELD BOROUGH COUNCIL  
REGULAR MEETING  
May 17, 2023

MINUTES

THIS MEETING WAS HELD IN-PERSON & LIVE STREAMED  
BOROUGH HALL 401 S. MAIN STREET, HATFIELD  
THIS MEETING WAS RECORDED

CALL TO ORDER AND ROLL CALL:

- (X) Jason Ferguson, President
- (X) Richard Girard, Vice President
- ( ) James Fagan
- (X) Michelle Kroesser
- (X) Lawrence G. Stevens
  
- (X) Mayor Mary Anne Girard

The record shows that four members of the Council were present at roll call, as well as, Mayor; Mary Anne Girard, Solicitor; Catherine M. “Kate” Harper; Timoney Knox LLP, Borough Manager; Jaime E. Snyder, and Assistant to the Manager; Kathryn Vlahos

1. APPROVAL OF MEETING AGENDA:

Motion: A motion was made by Councilmember Kroesser to Approve the Regular Meeting Agenda of May 17, 2023. The motion was seconded by Councilmember Stevens.

The motion was approved unanimously with a vote of 4-0.

2. APPROVAL OF THE MINUTES:

Motion to Approve the Minutes of the April 19, 2023 Regular Meeting.

Motion: A motion was made by Councilmember Girard to Approve the Minutes of the April 19, 2023 Regular Meeting. The motion was seconded by Councilmember Kroesser and unanimously approved with a vote of 4-0.

3. PUBLIC INPUT: President Ferguson asked if there was any Public Input. No Media Present. No Public Input.

4. ANNOUNCEMENTS:

- Next Council Meeting June 14, 2023 Workshop / Regular Meeting @ 7:00PM in Council Chambers
- HEROC is Scheduled to Meet Wednesday, May 24, 2023 @ 8:00AM in Council Chambers
- ZHB is Scheduled to Meet Wednesday, May 31, 2023 @ 7:00PM in Council Chambers
- HMHS is Scheduled to Meet Tuesday, May 23, 2023 @ 7:00PM at the HVFC
- Next Planning Commission Meeting is Scheduled for June 12, 2023 @ 7:00PM in Council Chambers
- The Borough Offices will be closed Monday, May 29<sup>th</sup> in Observance of the Memorial Day Holiday

5. Public Hearing for Ordinance No. 550 Chickens: Amending Chapter 2 & Chapter 27

**ORDINANCE NO. 550  
PROCEEDINGS**

PRESIDENT JASON FERGUSON: We will now have a Public Hearing for Ordinance No. 550 Chickens, Amending Chapter 2 & Chapter 27. This hearing was duly advertised.

SOLICITOR CATHERINE HARPER: I would like to open the hearing on the Ordinance regarding chickens, I am going to give a brief explanation in legal terms because the committee worked really hard on this and they might have things that want to add to it. Currently, the Borough Ordinance prohibits the keeping of livestock and farm animals in the borough. However, that would prohibit poultry chickens, what this new ordinance does is leaves that section in there but it says but except as permitted below for chickens. Then when you get to the part about chickens which is below, the committee did a really good job setting forth where, when and how you can have chickens in the borough. They are limited in the numbers, where they can be and they have to be kept in an enclosure, secured fenced in areas and there is a number of things that they have to do. It also outlaws public slaughter of chickens. The committee also requested that this be allowed only in the Residential Districts, R1, R2 and R3. This was advertised as an amendment to the zoning ordinance in addition to the fact that it is part of your general ordinance. The ordinance does two things, it adds the permitted used to the R1, R2 and R3 districts if you want to have chickens at your house and then it tells you how to have to raise them. That is the basic outline from a legal point of view of the ordinance that is being previewed this evening.

PRESIDENT JASON FERGUSON: Madam Solicitor can you go through what the R1, R2 and R3 mean?

SOLICITOR CATHERINE HARPER: Those are residential districts in the Borough, for example R1, R2 and R3 is actually most of the Borough. You have other districts that is not part of this, this could be an overlay. The idea is not to have them running around Main Street or Broad Street, the chickens get loose. The idea is if people want to have them as a pet or a hobby or something that they want to do on their residential properties that are in a residentially zoned district. The ordinance does require a permit, so if anyone is listening and they want to have chickens they have to come into the Borough and apply for a permit. When they apply for the permit the zoning officer will check the zoning map to make sure they are in the right district. You also have to have some training with chickens, you have to take a course or know what you are doing some other way. They are live animals and not all of us grew up with chickens at home so you need to know that before you take on to have chickens. I don't know if the committee wanted to add anything to this or not.

COUNCILMEMBER LAWRENCE STEVENS: It has been the last couple of years that there has been a growing interest expressed in having chickens and this ordinance while allowing chickens also hopefully does not create any problems with neighbors as well. We think this is a good compromise to allowing chickens without disturbing neighbors.

SOLICITOR CATHERINE HARPER: Right, I should have said that the ordinance does not allow roosters. In general, when chickens disturb neighbors, it is because the roosters make too much noise too early in the morning.

COUNCILMEMBER MICHELLE KROESSER: Correct, I just think that this was a nice project to work with you with. I mean we went through a lot of different ordinances and I think that we picked the best for Hatfield Borough.

COUNCILMEMBER RICHARD GIRARD: I just have one question and that is the price of eggs has dropped and looking down the road in the event that things go south again and prices start rising we may be approached for variances to say hey I know you only allow x number of chickens but would it be possible for where we live to get another half a dozen. What do we have to do to consider a variance like that, would it be similar to a zoning variance or how would we get around that? Would we refuse outright or we would have to review if someone protest?

SOLICITOR CATHERINE HARPER: that is a very good question, and here is the good news, because we added it to the zoning ordinance and the language is specific it says "keeping of domesticated chickens in accordance with Section 2-101.3 in R1, R2 and R3 we converted it to a zoning ordinance. So that means normally when we police our ordinance someone will come in here and as you to amend the ordinance because you don't have the power to grant variance to some and not others. When it is a zoning ordinance, they go to the zoning hearing board and they convince the zoning hearing board that whatever they are asking for is reasonable and doesn't change the character of the neighborhood which is one if the standard that the zoning hearing applies then they can get it on an individual basis. Each zoning case is individual, so that problem would be the zoning hearing boards problem. I actually think we just lucked out in that, we were not going to originally put it in zoning

districts we were just going to allow it anywhere and by added it to the zoning ordinance we have provided the path for getting a variance.

COUNCILMEMBER LAWRENCE STEVENS: in the future council an also amend the ordinance such as the number of chickens permitted. We can see how this version pans out and if there are no problems with what we have now then it could be increased sometime in the near future to allow people to have more chickens.

SOLICITOR CATHERINE HARPER: That's right if you get a lot of requests for variance for more chickens then you can change the ordinance to meet their request. On the other hand, we have not heard a word about the beekeeping ordinance since you passed it. That was controversial. I am supposed to ask for public comment but there is no public here, that would be commenting. Did we receive any written comments?

MANAGER JAIME E. SNYDER: No, we did not.

SOLICITOR CATHERINE HARPER: It was advertised twice in the newspaper because it is a zoning ordinance. A regular ordinance only has to get advertised once for seven days. We did advertise this one twice since it is a land use zoning ordinance governed by the municipal planning code and so we should make the proof of publication a part of the record but attaching it to the minutes. That is all that you have to do on the hearing unless council has questions or would like to comment.

This Public hearing is closed. (At 7:18 the hearing was closed)

## 6. REPORTS AND CORRESPONDENCE:

### A. Monthly YTD Report

Manager Snyder stated that the report was in Councils packet for April.

## 7. NEW BUSINESS / DISCUSSION ITEMS:

### A. Comcast Franchise Agreement

Solicitor Harper explained that along with other municipalities, a deal was made with Comcast. In Hatfield and we get paid for pole attachment and she does not want the borough to take action until the pole attachment is added.

## 8. OLD BUSINESS:

### A. SEPTA Lease Agreement

Manager Snyder stated that the Septa Lease Agreement that is in the packet is the same agreement that was in the workshop packet. She reached out to Septa asking for a clean lease with the adjustments that were asked for before. She is just waiting for them to send her a clean copy of the agreement so that we can consider signing it.

B. Ordinance No. 551 Regulating the Use of Consumer and Display Fireworks

Solicitor Harper explained that after the committee meet, they decided that it was almost impossible to find a place 300 feet from an occupied structure in Hatfield Borough so it would be better if projecting fireworks were prohibited in the Borough. This is on for consideration for advertisement tonight.

9. ACTION ITEMS:

A. Motion to Consider Ordinance No. 550 Amending Chapter 2 (Animals) and Chapter 27 (Zoning) of the Code of Ordinances of the Borough of Hatfield Providing Conditions for the Keeping of Chickens

Motion: A motion was made by Councilmember Stevens to Approve Ordinance No. 550 Amending Chapter 2 (Animals) and Chapter 27 (Zoning) of the Code of Ordinances of the Borough of Hatfield Providing Conditions for the Keeping of Chickens The motion was seconded by Councilmember Kroesser.

President Ferguson asked if there were any comments or questions. There were no comments or questions.

The motion was approved with a vote of 3-1 in favor.

B. Motion to Consider Advertising Ordinance No. 551 Regulating the Use of Consumer and Display Fireworks for a Public Hearing to be Held June 14<sup>th</sup> at 7:00PM

Motion: A motion was made by Councilmember Kroesser to Approve Advertising Ordinance No. 551 Regulating the Use of Consumer and Display Fireworks for a Public Hearing to be Held June 14<sup>th</sup> at 7:00PM. The motion was seconded by Councilmember Kroesser.

President Ferguson asked if there were any comments or questions. There were no comments or questions.

The motion was approved unanimously with a vote of 4-0.

10. Motion to Approve Payment of the Bills

President Ferguson and Manager Snyder reviewed and answered questions regarding the bill list.

Motion: A motion was made by Councilmember Girard to Approve the payment of the bills. The motion was seconded by Councilmember Kroesser.

President Ferguson asked if there were any comments or questions. There were no comments or questions.

The motion was approved unanimously with a vote of 4-0.

10. MOTION to ADJOURN: EXECUTIVE SESSION

Motion: A motion was made by Councilmember Kroesser to adjourn the Regular Meeting of May 17, 2023. The motion was seconded by Councilmember Girard and unanimously approved with a vote of 4-0. The meeting was adjourned at 7:37 PM.

*Executive Session Personnel, Litigation and Real Estate*

Respectfully Submitted,  
Kathryn Vlahos  
Assistant to the Manager