

HATFIELD BOROUGH COUNCIL  
REGULAR MEETING  
March 15, 2017

MINUTES

CALL TO ORDER AND ROLL CALL:

- (X) John H. Weierman, President
  - (X) Kenneth V. Farrall
  - (X) Stephen E. Keib
  - ( ) John Kroesser - arrived at 8:09PM
  - (X) Lawrence G. Stevens
- (X) Mayor, Robert L. Kaler III

The record shows that four members of Council were present at roll call, as well as, Mayor Robert L Kaler III, Solicitor Catherine M. Harper; Timoney Knox LLP, Borough Manager Michael J. DeFinis and Assistant Secretary Jaime E. Snyder. Councilmember Kroesser arrived at 8:09PM.

1. APPROVAL OF MEETING AGENDA:

Motion: A motion was made by Councilmember Keib to Approve the Regular Meeting Agenda of March 15, 2017 with additions. The motion was seconded by Councilmember Farrall and unanimously approved with a vote of 4-0.

2. APPROVAL OF THE MINUTES:

Motion to Approve the Minutes of the February 1<sup>st</sup> Workshop Meeting and the February 15, 2017 Regular Meeting.

Motion: A motion was made by Councilmember Farrall to Approve the Minutes of the February 1, 2017 Workshop Meeting and the February 15, 2017. The motion was seconded by Councilmember Keib and unanimously approved with a vote of 4-0.

3. PUBLIC INPUT: President Weierman asked if there was any Public Input.  
Media Not Present.  
No Public Input.

#### 4. CONDITIONAL USE HEARING:

Hatfield Volunteer Fire Company Request to Install a Double Sided Institutional Illuminated Business Electronic LED Sign.

The Conditional Use Hearing for the Hatfield Vol. Fire Company was called to order.

Solicitor Harper stated that this was a hearing where we will listen to evidence on what the Hatfield Vol. Fire Co. plans to do about their proposed sign and after their presentation Council will be allowed to ask questions and later this evening Council may choose to take action but they do not have to as they have forty-five days to do so.

Solicitor Harper stated that she wanted to mark some exhibits to attach to the hearing minutes. Solicitor Harper marked Exhibit A1 as copy of the Fire Company's Application for the sign Exhibit B1 is the legal notice submitted to the North Penn Reporter regarding the hearing this evening, Exhibit A2A and B2B are copies of the legal notice that was placed in the North Penn Reporter.

Solicitor Harper went on to mention that in the packets Council has a copy of all the Exhibits just marked and Solicitor Harper moved to the swearing in of Bill Seasholtz who will be speaking on behalf of the Hatfield Vol. Fire Co. this evening.

Mr. Seasholtz thanked Council and Mayor Kaler for letting them present the sign information this evening. Mr. Seasholtz stated that the Fire Company would like to install an electronic LED sign right where the current one exists keeping it approximately the same size as it is currently which is listed in the application. Mr. Seasholtz added that the Fire Company has attached a list of draft guidelines that they will follow for the use of the sign.

Solicitor Harper stated that we will call the draft guidelines as Exhibit A2 when referring to them in the hearing.

Mr. Seasholtz stated that the main use for this sign will be to recruit Volunteer Fire Fighters as there has been a decline in recent years. Mr. Seasholtz added that they will use the sign to advertise major events for local municipalities as well as Amber Alerts or emergency notifications, and road closures or power outages. Mr. Seasholtz stated that this sign will be controlled by a cell phone app that the firefighters will have access to.

President Weierman asked about the power source for the sign and Mr. Seasholtz stated that it is electric and will continue to be electric with generation backup capabilities.

President Weierman asked about sign animation and Mr. Seasholtz replied that there will be no animation on the sign.

Solicitor Harper informed Council that the Ordinance states that there are no illuminating pictures and that the sign must be dimmed from 12:00pm through 6:00am but the guidelines submitted from the Fire Company state that they are willing to dim the sign.

Solicitor Harper asked about the dimensions of the sign and reviewed it as 14 inches by 84 inches for the base but the rest of the sign will say Hatfield Volunteer Fire Company which is existing and won't change on top of the new electronic LED sign of about 19.3 square feet for a total sign area of about 24 square feet for the dimensions of the sign.

Councilmember Farrall asked about the reduction of the illumination of 75% in the late evening and added that for a previous business owner inquiring a sign we suggested that turn that sign completely off during 11:00pm through 6:00am and from 8:00pm through 11:00pm and 6:00am through 7:00am light must be reduced by 75%. Councilmember Farrall added that this condition was set for a business that is located on the same street with the same residents and we need to consider applications that may also come in for the future.

Solicitor Harper stated that the Fire Company is asking for the sign to be on twenty four hours a day seven days a week with a 75% reduced illumination from 12:00pm through 7:00am.

Councilmember Farrall asked about Borough event advertising and Mr. Seasholtz answered yes as well as for Hatfield Township.

Councilmember Farrall stated that with the previous business owners application there was a condition that the Police be able to have the sign turned off if needed at any time, is this possible?

Mr. Seasholtz stated that a Volunteer Fire Fighter could have access to turn off the sign if they were contacted by the Police that the sign needed to be turned off.

Solicitor Harper stated that if concerns would arise if something that was posted on the sign that would affect the health, safety and welfare of the Borough would you be willing to an agreement to mediate that dispute with the Borough.

Mr. Seasholtz stated that we have to be aware and advised of who puts what up on the sign (taste and tone) and we would be willing to comply with the above condition but would appreciate a phone call if something would arise.

Mr. Farrall spoke to Council and asked if we let them have the sign on all the time with dim restrictions or make them turn it off?

President Weierman stated he was uncomfortable with 12:00pm for the 75% reduction in illumination and added that he would feel more comfortable with 11:00pm.

Mr. Seasholtz stated that 11:00pm till 6:00am dimmed to 75% illumination would be agreed on by the firehouse.

Mr. Seasholtz asked about any permit fees and President Weierman stated that there would be no fees but you must apply for the permit.

Mr. Seasholtz asked about permit inspections for the sign.

Solicitor Harper stated that the Fire Company should apply for the permit and Borough Council has stated that they will wave all fees for the application and then the Zoning Officer will schedule any inspections if any are needed. Solicitor Harper added that if the permit would need an electric application as well for the sign, which those fees would also be waived by Borough Council.

Mr. Seasholtz thanked Council for their time and appreciation for all the support they provide the Fire Company.

Solicitor Harper stated that the Conditional Use Hearing is now closed with a note to the Fire Company that this is on the Agenda for discussion and possible action item later this evening. Solicitor Harper added that Council does receive forty-five days to review if they choose to do so.

5. ANNOUNCEMENTS: Manager DeFinis made the following announcements:

- Next month's Council Meetings April 5, 2017 Workshop & April 19, 2017 Regular Meeting @ 7:30PM at the HVFC
- HERC is scheduled to meet March 22<sup>nd</sup> @ 8:00AM at the HVFC
- The Planning Commission is scheduled to meet April 3, 2017 @ 7:00PM at the HVFC

6. OLD BUSINESS:

A. Review Bids for the Borough Municipal Complex for Action

Councilmember Farrall stated that we opened bids on February 22, 2017 in which we had eight bidders for the project and the lowest bidder \$3,943,000.00 with an alternate however this along with all other bids came in higher than expected. Councilmember Farrall stated that the architects have be advised to look at this project and incorporate reductions that can be worked into the plan or look into a new concept to get the building into the targeted price range. Councilmember Farrall stated that it is his recommendation with the Budget, Finance and Labor Committee reviewing based on finances to reject all bids for the municipal complex project at this time.

President Weierman reviewed the bids with Council and stated that with the finances and loan amounts we are not comfortable moving forward with these numbers.

Solicitor Harper stated the Borough Council has options at this time. Solicitor Harper added that you can reject all bids at the action portion of the meeting or if you decide to

go forward with the lowest bid you can award the bid tonight, but you do not have to as you still have time to review.

#### B. PIRHL / BIBLICAL SCHOOL OF THEOLOGY Zoning Hearing Application

Manager DeFinis stated that this Zoning Hearing is scheduled for April 12, 2017.

Solicitor Harper stated that Borough Council can wait to see what happens at the ZHB, take a position for or against the application or place conditions and this can be done by letter or by sending the Solicitor as representation.

President Weierman stated that we would want to address the usage of the utilities (electric and sewer) at the property location and servicing them from the Borough.

Manager DeFinis stated that currently the Borough supplies the entire property with electric and whatever the Borough serviced prior to deregulation the Borough gets to keep so we will get to continue to service the entire property.

Solicitor Harper asked about sewer capacity and Manager DeFinis stated he has been in contact with Bursich and the Borough would be able to supply the property at our max capacity.

Solicitor Harper stated that PIRHL is going to meet with the Hatfield Borough and Hatfield Township Zoning Board as the property is located in both municipalities and would be going from a tax exempt property to a taxable property.

Manager DeFinis stated that the applicant would like to have a joint Planning Commission meeting between the Borough and the Township but would know that each entity would be acting on their own.

A discussion ensued amongst council about the electric, sewer and taxes pertaining to Hatfield Borough as well as the application variance for the height of the applicants proposed building.

Councilmember Farrall stated that the Planning, Building and Zoning Committee has met with the applicant and it was discussed that the proposed building would be moved. Councilmember Farrall asked for revised plans to be placed on the next Agenda to be reviewed and discussed prior to the ZHB Meeting on April 12<sup>th</sup> as well as confirmation that the applicant has spoken to the little league about parking.

#### C. Verizon Negotiations

Manager DeFinis informed Council that we are in the process of meeting with Verizon to address the build out of the Borough and negotiation of items such as pole replacement and abandoned connections.

## 7. NEW BUSINESS:

### A. Ordinance # 528 Discussion Amending the Zoning Ordinance and General Ordinances Regarding Medical Marijuana

Solicitor Harper stated that the State of Pennsylvania has legalized medical marijuana. Solicitor Harper mentioned that the Borough is very small and that it is difficult to decide where to allow it. Solicitor Harper added that we have mentioned placing it in an industrial zone but in larger municipalities' grower processor is placed in the industrial zone but the dispensary is placed in the commercial zone which is a more visible location.

Solicitor Harper went on to discuss this draft of the Ordinance which proposes that both the grower processor and the dispensary be placed in the industrial zone due to the size of the Borough. Solicitor Harper added that if you have no specific zoning placement for medical marijuana the grower processor can be placed in any industrial district and the dispensary can be placed in any commercial district.

Solicitor Harper stated that she added a police powers portion which is designed to address the health, safety and welfare of the citizens rather than zoning. Solicitor Harper added that the Ordinance states you cannot set up grower processor facility unless you are licensed by the state and penalties will occur if you do this without the correct permits. Solicitor Harper mentioned that the second part of the Ordinance addresses the locations, in the industrial district and limitations such as distance of 1,000 feet from schools, daycare facilities, churches, synagogue, mosques and temples. Solicitor Harper states that the state law had the restriction on schools and daycares but she added for the Borough Ordinance churches, synagogue, mosques and temples.

Solicitor Harper went on to discuss the restriction differences between the grower processor and dispensary and that the grower processor would be restricted to 500 feet in some situations.

A discussion ensued amongst Council about the restrictions listed in the draft Ordinance and the difference between a grower processor and dispensary. Council also discussed the recent inquiries that the Borough has received and the tax format for these facilities.

### B. Resolution 2017-03 CDBG Application Discussion

Manager DeFinis stated that we are applying for a CDBG Grant and this Resolution needs to be included in the application.

### C. Resolution 2017-04 Hatfield Volunteer Fire Company Conditional Use Request

Council discussed the draft Resolution presented by the Solicitor.

Councilmember Farrall stated that he would like to see the Resolution address the dimming of the sign from 11:00pm through 6:00am, allowing Police to request the sign be turned off under certain circumstances, agreement from the applicant to any mediation with the Borough, and the applicant agrees that the Borough could use the sign for community events and that all fees for permits would be waived by Borough Council but the applicant must still apply for any permits.

Councilmember Farrall stated it should reference their conditions presented at their testimony dated March 15, 2017 titled draft of the electronic sign guidelines.

Solicitor Harper stated that she will address the changes and additions to the Resolution.

#### D. Montgomery County Borough's Association Letter

Manager DeFinis stated that this letter states that the MCBA is their as a support mechanism and encourages attendance at the meetings.

#### E. Duncannon Borough

Manager DeFinis stated that the Borough of Duncannon is looking at the possibility to merge with the surrounding Township and get out of the electric business.

#### F. Community Awareness Night

Manager DeFinis stated this is a letter from Chief Tierney about the event and the ability for businesses to set up tables at the event which will be held in June.

#### G. Snow Emergency Declarations

Manager DeFinis informed Council of all the snow and emergency declarations that took place which allow the Borough to qualify for FEMA funding.

### 8. ACTION ITEMS:

#### A. Motion to Take Action on Bids Received for the New Municipal Complex

Motion:	A motion was made by Councilmember Farrall to accept the recommendation of the BFL Committee to reject all the bids for the Municipal Complex
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Project. The motion was seconded by Councilmember Keib.

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

The motion was approved unanimously with a vote of 5-0.

B. Motion to TABLE Advertising Ordinance # 528 Discussion Amending the Zoning Ordinance and General Ordinances Regarding Medical Marijuana.

Motion: A motion was made by Councilmember Farrall to TABLE Advertising Ordinance # 528 Discussion Amending the Zoning Ordinance and General Ordinances Regarding Medical Marijuana. The motion was seconded by Councilmember Keib.

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

The motion was approved unanimously with a vote of 5-0.

C. Motion to Approve Resolution 2017-03 Regarding the CDBG (Community Development Block Grant) Application

Motion: A motion was made by Councilmember Keib to Approve Resolution 2017-03 Regarding the CDBG (Community Development Block Grant) Application. The motion was seconded by Councilmember Farrall.

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

The motion was approved unanimously with a vote of 5-0.

D. Motion to Approve Resolution 2017-04 Regarding the Hatfield Volunteer Fire Company Double Sided Institutional Illuminated Business Electric LED Sign as Revised

Motion: A motion was made by Councilmember Keib to Approve Resolution 2017-04 Regarding the



Hatfield Volunteer Fire Company Double Sided Institutional Illuminated Business Electric LED Sign as Revised. The motion was seconded by Councilmember Farrall.

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

The motion was approved unanimously with a vote of 5-0.

9. MOTION TO APPROVE PAYMENT OF THE BILLS:

President Weierman and Manager DeFinis reviewed and answered questions regarding the bill list.

Motion: A motion was made by Councilmember Keib to approve payment of the bills. The motion was seconded by Councilmember Stevens.

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

The motion was approved with a vote of 4-0-1. Councilmember Farrall both abstained from the vote.

10. ADJOURNMENT:

Motion: A motion was made by Councilmember Keib to adjourn the Regular Meeting of March 15, 2017. The motion was seconded by Councilmember Farrall and unanimously approved with a vote of 5-0. The meeting was adjourned at 8:54PM.

*Executive Session Litigation and Personnel*

Respectfully Submitted,  
Jaime E. Snyder  
Assistant Secretary