

HATFIELD BOROUGH COUNCIL

REGULAR MEETING

March 16, 2022



JASON FERGUSON, PRESIDENT
RICHARD GIRARD, VICE PRESIDENT
JAMES FAGAN, COUNCILMEMBER
MICHELLE KROESSER, COUNCILMEMBER
LAWRENCE G. STEVENS, COUNCILMEMBER
MARY ANNE GIRARD, MAYOR

JAIME E. SNYDER, BOROUGH MANAGER
CATHERINE M. HARPER, BOROUGH SOLICITOR



Borough of Hatfield

Montgomery County, Pennsylvania

BOROUGH COUNCIL REGULAR MEETING

March 16, 2022

AGENDA

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

INVOCATION

1. APPROVAL OF MEETING AGENDA:

Motion to Approve the Agenda of the March 16, 2022 Regular Meeting

2. APPROVAL OF THE MINUTES:

Motion to Approve the Minutes of the February 2, 2022 Workshop & February 16, 2022 Regular Meetings

3. PUBLIC INPUT:

Please rise, state your name and address and the reason for addressing Council

4. ANNOUNCEMENTS:

- HEROC is Scheduled to Meet Wednesday, March 23, 2022 @ 8:00AM in Council Chambers
- Next Planning Commission Meeting is Scheduled for April 4, 2022 @ 7:00PM in Council Chambers
- Next Borough Council Meetings are the April 6, 2022 Workshop Meeting & April 20, 2022 Regular Meeting both at 7:30PM in Council Chambers
- HMHS is Scheduled to Meet Tuesday, March 22, 2022 @ 7:00PM at the HVFC
- MCBA Reorganization Meeting will be held March 24, 2022 @ 7:00PM via ZOOM

5. PUBLIC HEARING: Ordinance No. 545 Amending Chapter 27 Zoning in the Code of Ordinances Revising and Restating the Core Commercial

401 S. Main Street
P.O. Box 190
Hatfield, PA 19440

Phone:
215-855-0781

Fax:
215-855-2075

Email:
admin@
hatfieldborough.com

Website:
www.hatfieldborough.com

District Regulations to Permit Outdoor Dining with Live Entertainment by Conditional Use

6. NEW BUSINESS / DISCUSSION ITEMS:

A. Advertising 2022 Rodway Resurfacing Project

7. OLD BUSINESS:

A. Resolution 2022-04 Hatfield Memorial Day Parade Road Closure

B. Retain Special Consortium Counsel to Negotiate Comcast Franchise Renewal Agreement

8. ACTION ITEMS:

A. Motion to Consider Ordinance No. 545 Amending Chapter 27 Zoning in the Code of Ordinances Revising and Reinstating the Core Commercial District Regulations to Permit Outdoor Dining with Live Entertainment by Conditional Use

B. Motion to Consider Resolution 2022-04 Authorizing the Closure of Certain Borough Roads for the Hatfield American Legion Memorial Day Parade

C. Motion to Consider Retaining the Cohen Law Group to Represent the Borough of Hatfield to Negotiate the Comcast Franchise Agreement and Authorize Borough Manager, Jaime E. Snyder, to Sign the Engagement Letter

D. Motion to Consider Advertising the 2022 Borough of Hatfield Roadway Resurfacing Project

9. Motion to Approve Payment of the Bills

10. MOTION to ADJOURN: EXECUTIVE SESSION

2. APPROVAL OF THE MINUTES:

**Motion to Approve the Minutes of the
February 2, 2022 Workshop &
February 16, 2022 Regular Meetings**

HATFIELD BOROUGH COUNCIL
REGULAR MEETING
February 2, 2022

MINUTES

THIS MEETING WAS HELD IN-PERSON
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
- (X) James Fagan
- (X) Michelle Kroesser
- (X) Lawrence G. Stevens

- (X) Mayor Mary Anne Girard

The record shows that five 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, Public Works Director; Stephen S. Fickert, Jr. and Public Information Coordinator; Lindsay Hellmann.

1. APPROVAL OF MEETING AGENDA:

Motion: A motion was made by Councilmember Stevens to Approve the Workshop Meeting Agenda of February 2, 2022. The motion was seconded by Councilmember Girard.

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

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

3. ANNOUNCEMENTS: Manager Snyder made the following announcements:

- Next Council Meeting February 16, 2022, Regular Meeting @ 7:20PM in Council Chambers
- HERC is scheduled to Meet Wednesday, February 23rd @ 8:00AM VIA ZOOM Registration is Required
- Next Planning Commission Meeting is Scheduled for February 28, 2022, @ 7:00PM in Council Chambers

4. REPORTS FROM STANDING COMMITTEES AND MAYOR:

- **Budget, Finance, and Labor Committee Report**

President Ferguson stated that since it is the beginning of the year there is not much to discuss in regards to Budget Labor and Finance. Covid Protocols has been the Committee's topic of discussion.

- **Planning, Building, and Zoning Committee Report**

Council Member Stevens informed Council that the main topic that had been discussed was the feral cat ordinance and outdoor dining and live entertained ordinances. The committee recommended some changes to the ordinances and the solicitor will have another draft for Council to review.

- **Public Safety Committee Report**

Councilmember Kroesser stated that the Public Safety Committee met and there currently are setting up meetings for the Committee to meet with the police fire departments and EMS and have a tour of the facilities.

- **Public Works & Property and Equipment Committee Report**

Councilmember Fagan stated that the Committee met on January 26, 2022 and the main item of discussion was the Heather Meadows and whether the area around the pond would be mowed and maintained regularly. Some people would like to see it maintained regularly and others would like to see it kept natural. There were several reasons that led to it being left naturally, which were ecological, safety reasons. Public Works did advise that if Committee did decide to keep natural, to not change the decision mid-season because it will be difficult to cut and maintain after it has grown. The Committee recommended that they let the area grow naturally and not be regularly maintained. Manager Snyder stated that the Committee was looking for any input from Council and their recommendation. After Council discussed they decided that the area around the pond at Heather Meadows will grow naturally with periodically maintained. Manager Snyder stated that a woman from the Borough has organized a trash clean up that does include this area of the Borough. The event is usually held in April and the Borough provides the gloves and trash bags for the collection; the next day Public Works picks up all the debris that is collected.

The Committee also discussed if a guide rail should be placed on Poplar Street where trees were cut down. A discussion was also held on upgrading the camera system that is in the Borough, due to low video quality.

- **Utilities Committee Report**

Councilmember Girard stated that the Committee met and discussed payment of bills and the AMI System has been improved. The Comcast Franchise Agreement is currently under review.

- **Hatfield Economic Revitalization Committee Report**

Councilmember Girard stated that the Borough is going to celebrate Earth Day on April 23, 2022. Founders Day will be celebrating has been scheduled for October 29, 2022.

- **Dual Action Committee Report**
President Ferguson stated that there is nothing to report for the Dual Action Committee since they have not met yet.
- **Mayor Mary Anne Girard Report**
Mayor Girard reported that she attended a meeting for the Northern Montgomery County Recycling Committee for a reorganizational meeting. Right now they are working on the 2020 Recycling Grant.

5. REPORTS AND CORRESPONDENCE

Manager Snyder and President Ferguson updated and answered questions regarding the Reports and Correspondence. Lieutenant Robertson answered questions regarding the Police Report.

- Monthly Investments Report
- Monthly EIT/LST Report
- Monthly YTD Report
- Police Department Report
- Fire Department Report
- Public Works Department Report
- Engineering Report
- Zoning Officer, Building Code, Property Maintenance Report
- Fire Marshal / Fire Safety Inspection Report
- Pool Advisory Report

6. MANAGERS REPORT

1. Land Use & Development Updates

- A. 371 Edgewood (formerly 122 ½ Towamencin Ave.) Demolition Completed / Driveway Permit Approved
- B. Edinburgh Square Subdivision: Building Permits Issued
- C. Bennett's Court L.D.: Revised Preliminary Plan to Re-Submitted
- D. 43 Roosevelt L.D.: Final Plan Approved / Working on Developers Agreement
- E. 127 Penn Avenue: Sketch Plan Submitted- Project on Hold
- F. SEPTA Property: Long Term Lease being developed
- G. North Penn Industrial Center (52/60 Market Street): Sketch Plan Submitted for discussion. Application for Land Development has not been submitted- No Action Required

2. Utility Billing Update:

Staff continues to monitor Electric & Sewer Past Due accounts. Working with the Utilities Department on a schedule for past-due notices and shut-off schedule for the next several months.

Email billing is available for Electric & Sewer Accounts. Please contact Utilities Department if you are interested in signing up.

The Electric Customer Portal has been updated. The Portal was restructured with customer input to make it more user-friendly. An updated user guide is available when opening the portal to assist with re-registration. The portal can be accessed from the Borough Website.

<https://hatf-pa0web.amppartners.org/index/php>

Please register exactly as it appears on your current billing. Example SMITH, JOHN E.

Recently the Utility Department was made aware of some issues with the real-time data being uploaded to the system. The Department is monitoring the system daily and working with AMP and IPKeys on a solution.

3. 2021 Outstanding Project Updates

A. The East Lincoln Avenue Bridge Replacement Project is completed, minus the restoration work under the maintenance bond. Payment Application No. 6 and 7 were approved at the January 19, 2022, Regular Meeting. The proves has been started to submit all paperwork for the grant reimbursement.

B. The Orchard Forest Way CDBG Sanitary Sewer Project is nearing substantial completion. Restoration work is still needed along with a punch list of items.

C. CMAQ Grant (Synchronization of Signals) is waiting on the final connection of communication / fiber for the Borough and the Township and set up of the system on the PennDOT server.

4. 2022 Project Updates

A. 2022 ADA Ramp & Curb & Ramp Project bid package, advertising

B. 2022 Roadway Resurfacing Project-bid package, scheduling

C. W. Broad Street, E. Broad Street N. Market Storm and Sanitary Sewer Grant Project- finishing up survey, bid package.

5. PMEA Update0 January Newsletter- attached

6. AMP Pennsylvania R.I.C.E. BTM Peaking Project Update

A new fiber line is being run for the project from the AMP Site to the BTM Generator Connection. AMP is still working with PPL on a final punch list of items including testing. The final installation of the Generator is scheduled to be complete to capture the reporting for PPL by the end of February. AMP is still hoping to meet the end of February deadline previously communicated to the Borough.

7. AMI Update

The AMI system is 100% installed. Utility Billing Department is working with AMP to get the last meter integrated into the system.

8. Public Information Officer Update attached

9. Items of Interest

- A. PSAB Conference Registration
- B. NextEra Conference Attendance
- C. APPA Conference Attendance
- D. FEMA / PEMA Ida Reimbursement

7. NEW BUSINESS / DISCUSSION ITEMS

A. Resolution 2022-02 Transfer of Funds East Lincoln Avenue Bridge Inspection

Manager Snyder explained that this transfer of funds is on for consideration tonight to pay for the bridge inspections.

B. COR No. 1 Hatfield Vol. Fire Co. Flasher

Manager Snyder explained that the pole that it was determined that where the pole was going to be placed was where the underground utilities are. This change order request allows the pole to go from 25 feet to 30 feet and is on for consideration tonight.

C. 2022 ADA and Curb Ramp Project Advertisement to Bid

Manager Snyder stated that this is on for consideration tonight.

D. HERC Appointment

Manager Snyder stated that Robert Weimer is interested in serving on the HERC committee and is on for consideration tonight.

E. Resolution 2022-03 Berkheimer Point of Contact

Manager Snyder explained that since the manager retired, she needed to update the contact for Berkheimer. This resolution lists position titles that are allowed to receive the information so that way if there is a change a new resolution does not have to be passed. This is on for consideration tonight.

8. OLD BUSINESS:

A. Feral Cat Ordinance No. 543

Manager Snyder stated that the draft ordinance was advertised in the paper and is on for public hearing at the next Borough Council meeting on February 16, 2022.

B. Ordinance No. 544 Hatfield Economic Revitalization Outreach Committee (HEROC) Ordinance

Manager Snyder stated that the draft ordinance was advertised in the paper and is on for public hearing at the next Borough Council meeting on February 16, 2022.

9. ACTION ITEMS:

A. Motion to Consider Resolution 2022-02 Transfer of Funds for the E. Lincoln Avenue Bridge Project Inspection in the Amount of \$10,896.25 (ten thousand eight hundred ninety-six dollars and twenty-five cents)

Motion: A motion was made by Councilmember Girard to Approve Resolution 2022-02 Transfer of Funds for the E. Lincoln Avenue Bridge Project Inspection in the Amount of \$10,896.25 (ten thousand eight hundred ninety-six dollars and twenty-five cents). The motion was seconded by Councilmember Stevens.

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 5-0.

B. Motion to Consider COR No. 1 for the Hatfield Vol. Fire Co. Flasher in the Amount of \$4,287.00 (four thousand two hundred eighty-seven dollars) to Charles A. Higgins for a Total Contracted Amount off \$65,338.40 (sixty-five thousand three hundred thirty-eight dollars and forty cents)

Motion: A motion was made by Councilmember Stevens to Approve COR No. 1 for the Hatfield Vol. Fire Co. Flasher in the Amount of \$4,287.00 (four thousand two hundred eighty-seven dollars) to Charles A. Higgins for a Total Contracted Amount off \$65,338.40 (sixty-five thousand three hundred thirty-eight dollars and forty cents). The motion was seconded by Councilmember Fagan.

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 5-0.

C. Motion to Consider Advertising the 2022 ADA and Curb Ramp Project Bid Specifications.

Motion: A motion was made by Councilmember Stevens to Approve Advertising the 2022 ADA and Curb Ramp Project Bid Specifications. 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 5-0.

D. Motion to Consider Appointing Robert Weimer to the Hatfield Economic Revitalization Committee (HERC) to fill the Vacant Term Expiring December 21, 2024.

Motion: A motion was made by Councilmember Girard to Appoint Robert Weimer to the Hatfield Economic Revitalization Committee (HERC) to fill the Vacant Term Expiring December 21, 2024. The motion was seconded by Councilmember Fagan.

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 5-0.

E. Motion to Consider Resolution 2022-03 Appointing the Borough Manager / Secretary and the Borough Treasurer the Point of Contacts for Confidential Tax Information though Berkheimer.

Motion: A motion was made by Councilmember Stevens to Approve Resolution 2022-03 Appointing the Borough Manager / Secretary and the Borough Treasurer the Point of Contacts for Confidential Tax Information through Berkheimer. The motion was seconded by Councilmember Girard.

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 5-0.

10. MOTION TO ADJOURN:

Motion: A motion was made by Councilmember Kroesser to adjourn the Regular Meeting of February 2, 2022. The motion was seconded by Councilmember Fagan and unanimously approved with a vote of 5-0. The meeting was adjourned at 8:42 PM.

Executive Session Personnel, Litigation and Real Estate

Respectfully Submitted,
Kathryn Vlahos
Assistant to the Manager

HATFIELD BOROUGH COUNCIL
REGULAR MEETING
February 16, 2022

MINUTES

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

CALL TO ORDER AND ROLL CALL:

- () Jason Ferguson, President
- (X) Richard Girard, Vice President
- (X) 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, Public Works Director; Stephen S. Fickert, Jr. and Assistant to the Manager; Kathryn Vlahos.

1. APPROVAL OF MEETING AGENDA:

Motion: A motion was made by Councilmember Stevens to Approve the Regular Meeting Agenda of February 16, 2022. The motion was seconded by Councilmember Kroesser.

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

2. APPROVAL OF THE MINUTES:

Motion to Approve the Minutes of the January 3, 2022 Reorganization / Workshop Meeting and the January 19, 2022 Regular Meetings.

Motion: A motion was made by Councilmember Kroesser to Approve the Minutes of the January 3, 2022 Reorganization / Workshop Meeting and the January 19, 2022 Regular Meeting. The motion was seconded by Councilmember Fagan and unanimously approved with a vote of 4-0.

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

Robert Morton 408 Koffel Road, addressed Council asked why his electricity bill was so high. He stated that PP&L is across the street and the Borough will not allow him to change providers. Mr. Morton also stated that he is all electric. Solicitor Harper stated that his real estate taxes are lower due to the Borough having its own electricity. She also commented that the rates are competitive with other electricity providers. Mr. Morton commented that he would like to get Solar and the Borough will not allow him to.

Justin Long 151 E Vine Street, addressed Council looking for any additional information in regards to his house and the debris and water that collects from the creek. Vice President Girard stated that he is going to talk to President Ferguson and see what the outcome was when he went out to Mr. Long's property. Manager Snyder introduced herself to Mr. Long and gave him her business card so that he can get her his contact information. She will look into what was discussed before with the Engineer, Solicitor and Councilmember Ferguson to see what the Borough can do to help Mr. Long. Mr. Long would also like to know more information about the wall that is behind his house and who is responsible for it.

4. ANNOUNCEMENTS: Vice President Girard made the following announcements:

- HERC Is Scheduled to Meet Wednesday, February 23, 2022 @ 8:00 AM via ZOOM Registration is Required.
- Next Planning Commission Meeting is Scheduled for February 28, 2022 @ 7:00 PM in Council Chambers
- Next Borough Council Meetings are the March 2, 2022 Workshop Meeting and March 16, 2022 Regular Meeting both at 7:30 PM in Council Chambers

5. PUBLIC HEARING:

Ordinance No. 543 Amending Chapter 2 (Animals) in the Code of Ordinances to Regulate the Keeping and Feeding of Feral Cats

Ordinance 543
PROCEEDINGS

VICE PRESIDENT GIRARD: We will now have a Public Hearing for Ordinance No. 543 feeding of feral cats which was duly advertised.

SOLICITOR HARPER: This ordinance was advertised in the North Penn Reporter and the affidavit of publication was not in the packet but we will get that. It was advertised for the hearing tonight and we have been talking about the feral cat's ordinance for months. It is ordinance 543 in the packet. Basically, what this does is add a section to the animals' sections of the code book that defines it as a nuisance, if someone feeds six or

more feral cats at one time in one location. The idea of the ordinance is to have a very clear set of circumstances for violation so that it would be easy enough for a code enforcement officer to see the problem and issue a code violation notice that carries a fine with it. Cat owners are given the responsibility of not allowing their cats outside unless they are nurtured or spade, immunized against rabies in compliance with the state law and identify by means of a collar or something as means of belonging to someone. This is the basic sum of the ordinance. The first thing would be questions by Borough Council. Hearing none would like to open up for public comment or questions at this time.

RUSSEL SNYDER 24 South Wayne Ave: he has been to Borough Council numerous times for this problem. The cats are running wild in the neighborhood. His friend has pictures of his car cover being destroyed. His property is being destroyed and there is nothing in the ordinance about that. The cats are not contained and they live in Mr. Blakley's garage full of junk. The doors are open and the windows are out and he sees them running around. Who is responsible for the cats that are running around? Is there anyone right now that is responsible for them, do you have a name?

SOLICITOR HARPER: NO, that is why Borough Council is considering an ordinance that will make the code officer responsible if there are six or more cats. One thing that Borough is looking at is the number of cats that cause a nuisance.

RUSSEL SNYDER: ONE CAT CONSTITUTES A NUISANCE IF IT IS DESTROYING YOUR PROPERTY. Certain members of the council know Mr. Fox wrote a letter about how he loves these cats. Ok so is he going to be responsible for them?

SOLICITOR HARPER: Let me explain the ordinance again, the borough council has explored whether or not the state police or Hatfield township police could provide an animal control ordinance and there were none who were willing and able to do that. The borough does have a code enforcement officer who checks things such as building code violation and things like that. By defining feral cats as a nuisance, the thought was that our own code enforcement officer gets a complaint from a resident. The idea was if they define six cats as a nuisance and they got a complaint the code officer could go out and count six cats and file a violation on the person that is harboring them. Right now, there is nothing in the code that will allow for them to be cited for having any cats. And we wanted to distinguish between wild cats that are running around and procreating and being fed and people who like cats and keep them as pets. They keep them with shots and in their homes, and if they allow them outside, they have to be neutered, have their shots and a collar. If someone has a complaint, they call the code officer and tell him the address and that they 6 cats running around. Then he would go out and see it with his own eyes and file a citation and unless the cat owner or the owner of the property can take an appeal to the district couth then the code officer has to be able to prove that there is a nuisance. This ordinance will allow him to say that I counted six or seven cats and the ordinance defines that as a nuisance.

RUSSEL SNYDER: I dare anyone in the room to go inside that garage and check out those cats.

SOLICITOR HARPER: The code officer does not have the ability to go into the garage. Nor would he have the ability to go into your house if you keep a cat as a pet. He does not have that ability.

RUSSEL SNYDER: This is the second car cover that I have purchased, is the owner of the cat going to pay for a new car cover. I get a little upset about this because it is property that is being destroyed. We have pictures here if you would like to see the damage.

SOLICITOR HARPER: Borough Council can take pictures if they would like for evidence.

VICE PRESIDENT GIRARD: What I would suggest Sir if this ordinance goes through in the future that number one you speak with your neighbor about the situation.

RUSSEL SNYDER: I am not going to do that.

VICE PRESIDENT GIRARD: This is just a suggestion to speak with your neighbor about the situation and tell him that there is now an ordinance in the Borough.

RUSSEL SNYDER: That property has been a mess for over thirty-five years, and you think these people are going to change if I talk to them.

MAYOR GIRARD: These pictures there are more than six cats, and this would be considered evidence. This is something that you can show to the code enforcement officer.

RUSSEL SNYDER: I have a fenced in yard, those cats climb over the fence. I chase them out, and they come back over.

VICE PRESIDENT GIRARD: What I am saying is that it is a procedure that you need to go through and talk to him and he may say that he does know anything about it.

RUSSEL SNYDER: I am not going to do that and I don't have to do that. The Borough should have control over these things and take care of them.

VICE PRESIDENT GIRARD: That is what we are trying to do here unless someone calls and says that there is a problem here.

RUSSEL SNYDER: I have for the last two years.

VICE PRESIDENT GIRARD: Right now, there is no ordinance in effect right now, do you want to tell us at the end of the meeting if this gets passed then we can look into it. Right now, there doesn't exist anything.

SOLICITOR HARPER: I just want to state for the record that Borough Council has reviewed twelve pictures of feral cats 117 West Lincoln. In addition, that Borough Council saw the pictures, I would like to mark as Borough 1 the newspaper notice that the Borough advertised. Desimone 1 will be the pictures of the cats. This ordinance will be on for an action item this evening if anyone would like to stick around.

This Public Hearing is closed. (At closed at 8:10 PM)

6. PUBLIC HEARING

Ordinance No. 544 Amending Chapter 1 (Administration and Government) in the Code of Ordinances to Revise Part 4

Ordinance 544 PROCEEDINGS

VICE PRESIDENT GIRARD: We will now have a Public Hearing on Ordinance 544 Amending Chapter 1 (Administration and Government) in the Code of Ordinances to Revise Park 4 Communications and Committees Relating to the Hatfield Economic Revitalization Committee.

SOLICITOR HARPER: The full ordinance ran in North Penn Reporter News Paper that can be marked as Borough 2. In your packets, you have a copy of the ordinance. Basically, this is a rewrite of the HERC Ordinance. One of the things that this ordinance will do is change the name and add outreach to reflect the new philosophy of Hatfield Borough Economic Revitalization Committee will work with more outreach. The other thing that the ordinance does is subtly changed its purpose a little bit, it always responsible for trying to enhance the historical, cultural, residential and commercial attributes of Hatfield Borough. But the purpose clause has been changed to emphasize communication and working with local businesses to do that. In addition, the membership of the committee up to 15 members appointed by the Borough Council and they don't have to live here if they have a connection to the community. Have a business here or special knowledge of the area, they don't have to be residents. We also changed the fact that Borough Council President appoints the chair and the vice-chair. They are the main changes and everything else will pretty much stay the same. It will have its own account where you can raise money too.

VICE PRESIDENT GIRARD: Does this also work in conjunction with working with the county and other local organizations to help economically for the borough with grants and other things.

SOLICITOR HARPER: I think it always had that ability and they should recognize that. Its their job to take such actions and programs and events, it does not say anywhere that they can work with the county by I don't see why they can't.

VICE PRESIDENT GIRARD: If there are no other questions or comments on this Ordinance, I would like to close the hearing.

This Public Hearing is closed. (At 8:14 PM the hearing was closed)

7. NEW BUSINESS / DISCUSSION ITEMS:

A. Outdoor Dining and Live Entertainment Ordinance

Solicitor Harper stated that in the packet is a draft ordinance that she took and rewrote certain sections. The bid issue was raised by the gentleman who owns Hattricks. This ordinance will make outdoor dining a use by right. Section 27-09 Outdoor Dining by condition use. Solicitor Harper explained that conditional use means it's allowed just with conditions. The proposal is that outdoor dining with live entertainment has to be up to the council. The Core Commercial District also has people that live in it which is why they might want to put conditions on it. Solicitor Harper stated that this was just a proposal, it is for Council to look at and comment on. Council discussed looking into putting a decimal level into the ordinance for the noise.

B. Guide Rail on Poplar Street

Manager Snyder explained that during the Public Works Committee meeting the members discussed the possibility of putting a guide rail on Poplar Street. There was not a guide rail before, there were trees that were taken down. Once the trees were taken down it alerted the Borough of safety concerns when they were working on the East Lincoln Ave Bridge. The Public Works Director Stephen Fickert received quotes to put up a guide rail. One quote is from Long Fence for \$9,990.00 the second quote is from Collision which is for \$9,900.00. Manager Snyder noted that one is \$90 less they do require engineered plans to put the guide rail in and Long Fence does not. Long Fence stated that they will hold the price until the end of the week. In the packet is Ordinance 539 which is the borrowed funds, in this ordinance, we borrow funds for projects. The Bridge came in under budget and there is \$10,000 in Borrowed Funds to put the guide rail up. If Council would like to move further with this project there will be a resolution at the Regular March Meeting to move the money into the general fund. It would not come out of the 2022 Budget it would come out of the borrowed funds that the borough already has sitting in Harleysville Bank.

8. OLD BUSINESS:

None.

9. ACTION ITEMS:

A. Motion to Consider Ordinance No. 543 Amending Chapter 2 (Animals) in the Code of Ordinances to Regulate the Keeping and Feeding of Animals

Motion: A motion was made by Councilmember Stevens to Approve Ordinance No. 543 Amending Chapter 2 (Animals) in the Code of Ordinances to Regulate the Keeping and Feeding of Animals The motion was seconded by Councilmember Fagan.

Vice President Girard 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.

B. Motion to Consider Ordinance No. 544 Amending Chapter 1 (Administration and Government) in the Code of Ordinances to Revise Part 4 Commissions and Committees Relating to the Hatfield Economic Revitalization Committee.

Motion: A motion was made by Councilmember Stevens to Approve Ordinance No. 544 Amending Chapter 1 (Administration and Government) in the Code of Ordinances to Revise Part 4 Commissions and Committees Relating to the Hatfield Economic Revitalization Committee. The motion was seconded by Councilmember Kroesser.

Vice President Girard 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.

C. Motion to Consider Advertising Ordinance No. 545 Outdoor Dining in the Core Commercial District

Motion: A motion was made by Councilmember Stevens to Approve Advertising Ordinance No. 545 Outdoor Dining in the Core Commercial District. The motion was seconded by Councilmember Kroesser.

Vice President Girard 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:

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

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

Vice President Girard 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.

12. MOTION TO ADJOURN:

Motion: A motion was made by Councilmember Stevens to adjourn the Regular Meeting of February 16, 2022. The motion was seconded by Councilmember Fagan and unanimously approved with a vote of 4-0. The meeting was adjourned at 8:43 PM.

Executive Session Personnel, Litigation and Real Estate

Respectfully Submitted,
Kathryn Vlahos
Assistant to the Manager

3. PUBLIC INPUT:

**Please rise, state your name and
address and the reason for addressing
Council**

4. ANNOUNCEMENTS:

- **HEROC is Scheduled to Meet Wednesday, March 23, 2022 @ 8:00AM via ZOOM Registration is Required**
- **Next Planning Commission Meeting is Scheduled for April 4, 2022 @ 7:00PM in Council Chambers**
- **Next Borough Council Meetings are the April 6, 2022 Workshop Meeting & April 20, 2022 Regular Meeting both at 7:30PM in Council Chambers**
- **HMHS is Scheduled to Meet Tuesday, March 22, 2022 @ 7:00PM at the HVFC**
- **MCBA Reorganization Meeting will be held March 24, 2022 @ 7:00PM via ZOOM**

5. PUBLIC HEARING:

**Ordinance No. 545 Amending Chapter 27
Zoning in the Code of Ordinances
Revising and Restating the Core
Commercial District Regulations to Permit
Outdoor Dining with Live Entertainment by
Conditional Use**

NOTICE

NOTICE IS HEREBY GIVEN THAT HATFIELD BOROUGH COUNCIL WILL HOLD A HEARING AND THEREAFTER CONSIDER THE ADOPTION OF AN ORDINANCE OF HATFIELD BOROUGH, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA, REVISING AND RESTATING PART 21, CORE COMMERCIAL DISTRICT OF THE ZONING ORDINANCE, CHAPTER 27, TO REVISE AND ADD REGULATIONS REGARDING OUTDOOR DINING AND TO PERMIT LIVE ENTERTAINMENT WITH OUTDOOR DINING BY CONDITIONAL USE UNDER CERTAIN CONDITIONS AND WITH CERTAIN REGULATIONS, AND PROVIDING FOR AN EFFECTIVE DATE AT A PUBLIC MEETING TO BE HELD ON WEDNESDAY, MARCH 16, 2022 AT 7:30 PM AT THE HATFIELD MUNICIPAL BUILDING AT 401 SOUTH MAIN STREET IN HATFIELD, PA. A SUMMARY OF THE ORDINANCE FOLLOWS. THE FULL TEXT MAY BE EXAMINED DURING BUSINESS HOURS AT THE BOROUGH OFFICES, LOCATED AT 401 SOUTH MAIN STREET IN THE BOROUGH OR AT THE OFFICE OF THE REPORTER NEWSPAPER AT 307 DERSTINE AVE., LANSDALE, PA 19446, AS WELL AS AT THE MONTGOMERY COUNTY LAW LIBRARY AT THE MONTGOMERY COUNTY COURTHOUSE, LOWER LEVEL, NORRISTOWN, PA 19404-0311. INTERESTED PARTIES ARE WELCOME TO ATTEND AND BE HEARD. THOSE REQUIRING SPECIAL ACCOMMODATIONS SHOULD CONTACT THE BOROUGH MANAGER JAIME SNYDER IN ADVANCE OF THE HEARING.

The purpose of the Ordinance is to update and revise the Borough's Zoning Code for the Core Commercial District to permit outdoor dining in the zone under certain conditions and regulations and to permit the addition of live entertainment by conditional use decision in certain cases. The draft Ordinance provides for outdoor dining connected to a tavern or restaurant as a by right use under certain conditions and permits outdoor dining that encroaches on a public sidewalk or outdoor dining accompanied by live entertainment or live music until 11 PM and with the sound not to exceed 70 decibels at the nearest residential property by conditional use decision; and provides an effective date, severability clause and a repealer clause, specifically saving those parts of the zoning ordinance that are not inconsistent with the Core Commercial District Zoning Regulations in the Hatfield Borough Code of Ordinances.

CATHERINE M. "KATE"
HARPER, ESQ.
HATFIELD BOROUGH
SOLICITOR

LAN: Mar. 1, 10. a-1

TUESDAY, MARCH 1, 2022

LEGAL NOTICES

NOTICE

NOTICE IS HEREBY GIVEN THAT HATFIELD BOROUGH COUNCIL WILL HOLD A HEARING AND THEREAFTER CONSIDER THE ADOPTION OF AN ORDINANCE OF HATFIELD BOROUGH, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA, REVISING AND RESTATING PART 21, CORE COMMERCIAL DISTRICT OF THE ZONING ORDINANCE, CHAPTER 27, TO REVISE AND ADD REGULATIONS REGARDING OUTDOOR DINING AND TO PERMIT LIVE ENTERTAINMENT WITH OUTDOOR DINING BY CONDITIONAL USE UNDER CERTAIN CONDITIONS AND WITH CERTAIN REGULATIONS, AND PROVIDING FOR AN EFFECTIVE DATE AT A PUBLIC MEETING TO BE HELD ON WEDNESDAY, MARCH 16, 2022 AT 7:30 PM AT THE HATFIELD MUNICIPAL BUILDING AT 401 SOUTH MAIN STREET IN HATFIELD, PA. A SUMMARY OF THE ORDINANCE FOLLOWS. THE FULL TEXT MAY BE EXAMINED DURING BUSINESS HOURS AT THE BOROUGH OFFICES, LOCATED AT 401 SOUTH MAIN STREET IN THE BOROUGH OR AT THE OFFICE OF THE REPORTER NEWSPAPER AT 307 DERSTINE AVE., LANSDALE, PA 19446, AS WELL AS AT THE MONTGOMERY COUNTY LAW LIBRARY AT THE MONTGOMERY COUNTY COURTHOUSE, LOWER LEVEL, NORRISTOWN, PA 19404-0311. INTERESTED PARTIES ARE WELCOME TO ATTEND AND BE HEARD. THOSE REQUIRING SPECIAL ACCOMMODA-

LEGAL NOTICES

TIONS SHOULD CONTACT THE BOROUGH MANAGER JAIME SNYDER IN ADVANCE OF THE HEARING.

The purpose of the Ordinance is to update and revise the Borough's Zoning Code for the Core Commercial District to permit outdoor dining in the zone under certain conditions and regulations and to permit the addition of live entertainment by conditional use decision in certain cases. The draft Ordinance provides for outdoor dining connected to a tavern or restaurant as a by right use under certain conditions and permits outdoor dining that encroaches on a public sidewalk or outdoor dining accompanied by live entertainment or live music until 11 PM and with the sound not to exceed 70 decibels at the nearest residential property by conditional use decision; and provides an effective date, severability clause and a repealer clause, specifically saving those parts of the zoning ordinance that are not inconsistent with the Core Commercial District Zoning Regulations in the Hatfield Borough Code of Ordinances.

CATHERINE M. "KATE"
HARPER, ESQ.
HATFIELD BOROUGH
SOLICITOR

LAN: Mar. 1, 15. a-1

**HATFIELD BOROUGH
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. _____**

**AN ORDINANCE OF THE BOROUGH OF HATFIELD, MONTGOMERY COUNTY,
PENNSYLVANIA, AMENDING CHAPTER 27 ZONING OF THE CODE OF
ORDINANCES OF THE BOROUGH OF HATFIELD, MONTGOMERY COUNTY,
PENNSYLVANIA REVISING AND RESTATING THE CORE COMMERCIAL DISTRICT
REGULATIONS TO PERMIT OUTDOOR DINING AND WITH LIVE
ENTERTAINMENT BY CONDITIONAL USE**

WHEREAS, the Borough of Hatfield, Montgomery County, Pennsylvania (hereinafter "Borough") is a municipality organized and existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, Borough Council enacted a Zoning Code with Core Commercial District Zoning pursuant to the Pennsylvania Municipalities Planning Code in 1991 and last revised the chapter in 2010 and now desires to amend the regulations again to permit outdoor dining as a use by right under certain conditions and to permit live entertainment by conditional use with the outdoor dining, and

WHEREAS, the Borough Council desires to add regulations regarding outdoor dining and then to revise and restate the Core Commercial District regulations,

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Borough Council of Hatfield Borough, Montgomery County, Pennsylvania, as follows:

SECTION 1. Part 21, Core Commercial District, of Chapter 27 Zoning is amended and revised and restated as stated in the attached exhibit A.

SECTION 2. Severability. In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not prevent, preclude, or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

SECTION 3. Repealer. All ordinances or parts of ordinances inconsistent herewith are in conflict with any of the specific terms enacted hereby to the extent of said inconsistencies or conflicts, are hereby repealed.

SECTION 4. This Ordinance shall take effect as provided by law.

ORDAINED AND ENACTED by the Borough Council of HATFIELD BOROUGH on this

_____ day of _____, 2022 with _____ Council Members

_____ voting "aye" and _____ voting
"nay."

Attest:

HATFIELD BOROUGH

Jaime E. Snyder, Secretary

By: _____
Jason Ferguson, Council President

Approved by the Mayor:

Mary Anne Girard

Date: _____

§ 27-2101. Statement of Intent. [Ord. 353, 6/19/1991; as added by Ord. 430, 7/17/2002, § XI; and as revised by Ord. 495, 12/15/2010, § 1]

1. The Borough intends these regulations:
 - A. To strengthen the Borough's core as a center of commercial activity.
 - B. To provide for a mix of retail, service, office, institutional, commercial and residential uses that will be compatible with historic buildings and nearby homes.
 - C. To encourage the reuse of older buildings, as opposed to the conversion of the Core Commercial area into an auto-dependent, pedestrian-unfriendly commercial strip.
 - D. To prohibit more intense commercial uses (such as auto repair, gasoline sales and auto sales) that are most likely to cause demolition of historic buildings and to create conflicts with other uses.
 - E. To promote a pedestrian-friendly environment.
 - F. To discourage blight, and overcrowding.
 - G. To foster a sense of place and community.

§ 27-2102. Permitted by Right Uses. [Ord. 353, 6/19/1991; as added by Ord. 430, 7/17/2002, § XI; and as revised by Ord. 495, 12/15/2010, § 1]

1. The following shall be permitted by right uses in the CC District, provided they do not include activity that is specifically prohibited by § 27-2106:
 - A Multi-family dwellings, in combination with allowed commercial uses, provided such residential uses shall only be allowed in the CC District if located above an allowed principal commercial use that shall occupy the entire floor that is closest to the street level floor at the front of the lot. These dwellings may be leased, or be owned in a condominium form of ownership provided there is compliance with applicable state law.
 - (1) Efficiency units are not permitted. Each permitted multi-family dwelling unit shall have the following minimum leasable floor area:
 - (a) One or two bedroom unit: 750 square feet.
 - (b) Three or more bedroom unit: 900 square feet.
 - (2) If the multi-family dwellings will be within building space constructed after the enactment of this CC district zoning regulation, then a minimum lot area of 2,000 square feet shall be required for each new dwelling unit. This minimum lot area shall be reduced to 1,200 square feet per dwelling unit for senior housing units. Senior housing units shall be permanently restricted by deed and by lease to occupancy by persons age 55 and older

and their spouses, in accordance with federal law.

- (a) No specific minimum lot area per dwelling unit shall be required for dwelling units within building space that existed prior to the enactment of the CC district.
- B Offices.
 - C Public parks and playgrounds.
 - D Trade or hobby school.
 - E Community center building, library or municipal building.
 - F Business services, such as photocopy or custom print shop.
 - G Membership club which shall be limited to meeting facilities and associated recreational facilities.
 - H Governmental offices and municipal uses, but not including a correctional facility nor a facility housing persons classified as juvenile delinquents.
 - I Child or adult day care centers. See § 27-905.
 - J Fire, police or ambulance station.
 - K Retail store, which may include sales or rental, but not including drive-through facilities or adult uses.
 - L Barber shop, beauty shop, tailor, nail service, dry cleaning pickup and delivery (not involving on-site use of hazardous substances), ear-piercing, massage therapy by a massage therapist certified by a recognized professional organization, or similar personal service uses, other than specifically prohibited uses.
 - M Taverns and restaurants, (without drive-through facilities) which may include outdoor cafes as long as the outdoor cafe use is not located on a public sidewalk without conditional use approval under §2109 and so long as the outdoor cafe meets each of the following requirements:
 - (1) Low level recorded music will be permitted if the sound cannot be heard beyond the property line unless conditional use approval for live entertainment is obtained under §2109.
 - (2) Outdoor dining must be associated with and connected to a tavern or restaurant that prepares and serves food.
 - (3) Outdoor dining shall be permitted year round. Outdoor heating must be approved by the Borough Fire Marshal.
 - (4) Outdoor dining shall be limited to the regularly posted hours of operation not to exceed 11:00 p.m.
 - (5) Outdoor furnishings shall be limited to a maitre d' stand, tables, chairs

and umbrellas. Outdoor bars are not permitted without conditional use approval under § 2109. Outdoor furnishings shall be stored inside for seasonal closures.

- (6) Planters, posts with ropes, iron fencing, or other removable enclosures are encouraged and shall be used as a way of defining the area occupied as outdoor dining.
 - (7) Trash cans shall be provided for in the outdoor dining area and trash shall be continually cleaned by restaurant staff.
 - (8) Signage shall comply with Part 11, "Signs."
 - (9) Outdoor dining shall not impede pedestrian safety and flow.
 - (10) The lighting and noise associated with the outdoor dining shall not disturb the right of quiet enjoyment of the neighboring properties. Lights such as flood lights and spot lights are not permitted to shine off the property into or onto neighboring properties.
 - (11) Except as specifically modified herein, or allowed by conditional use under §2109, the applicant shall comply with all other existing Borough zoning ordinances as applicable.
- N Exercise clubs or dance studios.
- O State licensed nursing home or personal care/assisted living facilities.
- P Financial institutions (such as banks), provided that any drive-through facilities shall be allowed only by conditional use and only if the applicant proves that the facilities are designed in a manner that will not conflict with pedestrian traffic along the sidewalks of Main Street, Broad Street and Lincoln Avenue.
- Q Funeral home, not including a crematorium.
- R Bed and breakfast facilities. See § 27-904, Subsection 4.
- S Repair of household appliances and similar items.
- T Movie theater or live entertainment theater, not including an adult live entertainment use. See "Adult Uses," § 27-1806, Subsection 1A.
- U Places of worship (such as churches), which may include accessory child day care, Sunday school rooms and one dwelling unit for a religious leader and his/her family.
- V Microbrewery and associated tavern.
- W Art gallery, museum or custom crafts studio.
- X Indoor or outdoor farmer's markets of agricultural products.
- Y Liquor store or winery.

- Z Dwelling conversions are permitted. However, the existing first floor principal commercial use in the CC District shall not be converted into a residential dwelling use. One existing dwelling unit in the CC District shall not be converted into two or more dwelling units.
- AA An off-site catering business, either as a principal use or as an accessory to another use permitted in the district, provided that space is designated for loading and unloading on site (inside or outside) in addition to any parking required under Part 10, Off-Street Parking Standards. [Added by Ord. 506, 3/20/2013]
- BB Medical marijuana dispensary in accordance with the requirements of § 27-910. [Added by Ord. No. 528, 6/21/2017]

§ 27-2103. Accessory Uses. [Ord. 353, 6/19/1991; as added by Ord. 430, 7/17/2002, § XI; and as revised by Ord. 495, 12/15/2010, § 1]

1. Uses that are customarily incidental to an allowed use. See § 27-903.
2. Private garages and parking areas.
3. Home occupation. See § 27-904.
4. Communications antenna extending a maximum of 25 feet from an existing nonresidential building or structure, but not including a freestanding telecommunications tower.
5. Storage as accessory to an allowed principal use.
6. As an accessory to a permitted use in the Core Commercial District, special outdoor events utilizing public rights of way by permit of Borough Council; Council may attach such reasonable conditions to the permit as needed for the public health, safety and welfare as a result of the event.

§ 27-2105. Special Exception Uses. [Ord. 353, 6/19/1991; as added by Ord. 430, 7/17/2002, § XI; and as revised by Ord. 495, 12/15/2010, § 1]

Parking structures of two or more levels may be permitted by special exception. The structure shall meet applicable building dimensional requirements. The ground floor of the structure on the street of maximum frontage shall be an allowed commercial or services type use such as retail, personal services, office, permitted under § 27-2102, as well as the entrance to the parking structure. An architectural sketch and a description of the exterior building materials shall be submitted to the Zoning Hearing Board with the special exception application.

§ 27-2106. Specifically Prohibited Uses. [Ord. 353, 6/19/1991; as added by Ord. 430, 7/17/2002, § XI; and as revised by Ord. 495, 12/15/2010, § 1]

1. If a use is not listed as allowed in the zoning district, that use shall be considered to be prohibited, unless specifically stated otherwise. In any case, the following uses shall be specifically prohibited in the CC District:
 - A. Motor vehicle sales, sales of gasoline, repair of motor vehicles, car wash, sale of manufactured/mobile homes for off site placement.
 - B. Adult bookstore, adult movie theater, massage parlor or adult live entertainment use.
 - C. Restaurant with drive-through facilities.
 - D. Uses open to the public, customers, members or patrons between the hours of 2:00 a.m. and 5:00 a.m.
 - E. Warehousing, distribution or truck terminal uses as the principal use of the lot.
 - F. Wholesale sales uses that are not open to the public.
 - G. Crematorium.
 - H. Outdoor storage or display or parking of trucks or construction equipment as the principal use of the lot.
 - I. Self-storage units.
 - J. Mobile/manufactured home parks.
 - K. Treatment center.
 - L. Prison or correctional facility.
 - M. Junkyard.
 - N. Tattoo or body piercing establishment (other than ear-piercing).
 - O. Pawn shop.
 - P. Boarding or rooming house.
 - Q. Outdoor flea markets, which shall not prohibit accessory sidewalk sales by permanent businesses and which shall not prohibit farmers markets.

§ 27-2107. Multiple Uses on a Lot. [Ord. 353, 6/19/1991; as added by Ord. 430, 7/17/2002, § XI; and as revised by Ord. 495, 12/15/2010, § 1]

A lot in the CC District may include multiple allowed uses, provided that the requirements for each use are met.

§ 27-2108. Dimensional and Design Requirements Within the CC District. [Ord. 353, 6/19/1991; as added by Ord. 430, 7/17/2002, § XI; and as revised by Ord. 495, 12/15/2010, § 1]

1. The following requirements shall apply:
 - A. Minimum lot area: 5,000 square feet.
 - B. Minimum lot width: 30 feet.
 - C. Maximum building coverage of lot: 75%.
 - D. Maximum impervious coverage of lot: 90%.
 - E. Maximum building height: four stories or 40 feet, whichever is more restrictive. A maximum height of four stories or 60 feet, whichever is more restrictive, shall be permitted if the applicant provides evidence acceptable to the Borough Fire Marshall that there will be adequate provisions for outside access and adequate fire protection measures to allow the taller height. Any new principal building shall have the appearance of a pitched, peaked, gable or mansard roof or a decorative cornice when viewed from Main or Broad Streets, utilizing features as shown in the Central Business District Design Guidelines.
 - F. Minimum side yard setback. An aggregate of 12 feet, but no less than two feet per side, except three feet along an abutting lot that is primarily occupied by a business use. No side yard is required for a building that existed prior to the adoption of this chapter without a conforming side yard.
 - G. Minimum rear yard setback: 15 feet.
 - H. Front yard depth, calculated in accordance with § 27-805: five feet minimum, 10 feet maximum and no new off-street parking spaces on the lot shall be placed between the principal building and the street.
 - I. Parking setback. If an off-street parking area of four or more new parking spaces is proposed adjacent to Main or Broad Streets or Lincoln Avenue, it shall be separated from the street cartway, right-of-way or existing sidewalk (whichever places the parking further away from the street) by a planting area with a minimum width of five feet. There shall be a minimum of one tree per 30 linear feet of frontage. Such planting area shall include a mix of low level plantings and deciduous shade trees, with sufficient clearance vertical between them to allow views into the parking area for security purposes.
 - J. Outdoor storage and fencing. No commercial items shall be stored outdoors

between the hours of 9:00 p.m. and 6:00 a.m. within 25 feet from the rights-of-way of Main or Broad Streets or Lincoln Avenue, except as part of approved outdoor dining facilities. No chain link fencing shall be allowed within 25 feet from the rights-of-way of Main or Broad Streets or Lincoln Avenue. No fencing located within 15 feet from the rights-of-way of Main or Broad Streets or Lincoln Avenue shall have a height greater than four feet.

- K. Any principal commercial building shall have a primary pedestrian entrance and windows along Main, Broad, Lincoln or Market Streets if the building is adjacent to such streets. If desired for security purposes, the windows may be display windows or have curtains in front of an interior wall, without the windows opening directly to the inside of the building.
 - L. If a new principal building is constructed adjacent to Broad Street, Market Street or Lincoln Avenue, it shall have two or more above ground stories. If this height is not feasible, then the building shall be constructed with an appearance of having two or more above ground stories, utilizing features as shown in the Central Business Design Guidelines.
 - M. If a new principal building is constructed that has sides visible on [to] Broad, Main or Market Streets and/or Lincoln Avenue, then all such sides shall have an exterior finish that resembles a front facade finish. For example, the building facade visible from each such street shall utilize features shown in the Central Business Design Guidelines.
2. Pedestrian and/or bicycle connections between public streets, sidewalks, businesses and the Liberty Bell Trail are required where feasible as determined by Borough Council.
 3. Off-Street Parking in the Core Commercial District.
 - A. Optional Fee-in-lieu of Parking.
 - (1) As a conditional use, provided other sufficient parking facilities are available, the Borough Council may permit the reduction of required on-site off street parking requirements in the CC District if the land development applicant commits to pay a fee-in-lieu of providing a certain number of required off-street parking spaces. This provision shall only be available if the applicant proves they cannot meet the parking requirements on their lot.
 - (2) For each required off-street parking space that is waived, a fee shall be required of \$5,000, or such amount as modified by later resolution of Borough Council.
 - (3) All such fees shall be paid to the Borough or an Authority authorized by the Borough to receive such fees. All such fees shall be accounted for separately. All such fees shall only be used for the creation of additional on-street or off street public parking and for streetscape improvements to serve the surrounding area. Such fees may also be used for the payment

of debt for improvements to increase the amount of public parking or for the acquisition of land for public parking. Such fees may also be used to lease privately owned parking for public use.

- (4) The fee shall be a one-time payment for each use on a property in lieu of providing parking for that use. The reduction of the required number of parking spaces shall continue with the land over time, regardless of ownership of the property, provided the use does not change.
 - (5) An application for a fee in lieu of parking shall be reviewed by the Borough Planning Commission prior to an approval by the Borough Council.
 - (6) No more than 50% of the required off-street parking spaces shall be waived under this section. See also § 27-1004, which allows off-site parking.
4. Hatfield Borough Central Business District Design Guidelines shall be used in the Central Business District. The Central Business District is generally defined as the areas fronting on: Main Street; Market Street; Lincoln Avenue East of Main Street and Broad Street, and situated in the following zoning districts: CC Core Commercial; C Commercial; and R-3 Residential.
 5. Business and property owners undertaking exterior renovations to existing properties which require a building permit, and other applicants who make a land development or subdivision application for a new building, addition to an existing building, or renovations to an existing building, shall comply with the design guidelines contained in Part 24, "Design Guidelines in the Central Business District."

§ 27-2109. Outdoor Dining Options by Conditional Use. [Ord. 474, 10/21/2009, § 2; as amended by Ord. 495, 12/15/2010]

1. Outdoor dining at restaurants and cafes with outdoor table service is permitted only by conditional use and only in the Core Commercial District if the use includes an outdoor bar, live entertainment or live music, or encroaches on a public right of way or sidewalk.
2. In considering an application for conditional use, the Borough Council shall consider and generally implement the following guidelines:
 - A. The level of noise associated with the outdoor dining shall not disturb the right of quiet enjoyment of the neighboring properties, therefore, sound amplified by speakers or other electric means will not be permitted after 11:00 p.m. Low level music from stereo will be permitted if it does not disturb neighboring properties.
 - B. Outdoor dining or an outdoor bar must be associated with and adjoining/connected to a restaurant or tavern that already prepares and serves food.
 - C. Outdoor dining shall be permitted year round.

- D. Outdoor dining with an outdoor bar or live entertainment or live music shall be limited to the regularly posted hours of operation not to exceed 11:00 p.m. Under no circumstances may the sound at the nearest residential property exceed 70 decibals.
- E. Outdoor furnishings shall be limited to tables, chairs and umbrellas. The furnishings shall be weather resistant and stored inside when not in use for seasonal closures.
- F. Planters, posts with ropes, iron fencing, or other removable enclosures are encouraged and shall be used as a way of defining the area occupied as outdoor seating.
- G. Refuse facilities shall be provided in the outdoor dining area and trash shall be continually cleaned by restaurant staff.
- H. Advertising and promotional features shall be limited to umbrellas and canopies except for signage permitted by Borough Code.
- I. Outdoor dining shall not impede pedestrian safety and flow.
- J. The lighting associated with the outdoor dining shall not disturb the right of quiet enjoyment of the neighboring properties. Lights such as flood lights and spot lights are not be permitted to shine off the property into or onto neighboring properties.
- K. Open flames or external heating devices are permitted if approved by the Fire Marshall.
- L. The applicant shall comply with all other existing Borough zoning ordinances as applicable.

§ 27-2101. Statement of Intent. [Ord. 353, 6/19/1991; as added by Ord. 430, 7/17/2002, § XI; and as revised by Ord. 495, 12/15/2010, § 1]

1. The Borough intends these regulations:
 - A. To strengthen the Borough's core as a center of commercial activity.
 - B. To provide for a mix of retail, service, office, institutional, commercial and residential uses that will be compatible with historic buildings and nearby homes.
 - C. To encourage the reuse of older buildings, as opposed to the conversion of the Core Commercial area into an auto-dependent, pedestrian-unfriendly commercial strip.
 - D. To prohibit more intense commercial uses (such as auto repair, gasoline sales and auto sales) that are most likely to cause demolition of historic buildings and to create conflicts with other uses.
 - E. To promote a pedestrian-friendly environment.
 - F. To discourage blight, and overcrowding.
 - G. To foster a sense of place and community.

§ 27-2102. Permitted by Right Uses. [Ord. 353, 6/19/1991; as added by Ord. 430, 7/17/2002, § XI; and as revised by Ord. 495, 12/15/2010, § 1]

1. The following shall be permitted by right uses in the CC District, provided they do not include activity that is specifically prohibited by § 27-2106:
 - A. Multi-family dwellings, in combination with allowed commercial uses, provided such residential uses shall only be allowed in the CC District if located above an allowed principal commercial use that shall occupy the entire floor that is closest to the street level floor at the front of the lot. These dwellings may be leased, or be owned in a condominium form of ownership provided there is compliance with applicable state law.
 - (1) Efficiency units are not permitted. Each permitted multi-family dwelling unit shall have the following minimum leasable floor area:
 - (a) One or two bedroom unit: 750 square feet.
 - (b) Three or more bedroom unit: 900 square feet.
 - (2) If the multi-family dwellings will be within building space constructed after the enactment of this CC district zoning regulation, then a minimum lot area of 2,000 square feet shall be required for each new dwelling unit. This minimum lot area shall be reduced to 1,200 square feet per dwelling unit for senior housing units. Senior housing units shall be permanently restricted by deed and by lease to occupancy by persons age 55 and older

and their spouses, in accordance with federal law.

- (a) No specific minimum lot area per dwelling unit shall be required for dwelling units within building space that existed prior to the enactment of the CC district.

- B Offices.
- C Public parks and playgrounds.
- D Trade or hobby school.
- E Community center building, library or municipal building.
- F Business services, such as photocopy or custom print shop.
- G Membership club which shall be limited to meeting facilities and associated recreational facilities.
- H Governmental offices and municipal uses, but not including a correctional facility nor a facility housing persons classified as juvenile delinquents.
- I Child or adult day care centers. See § 27-905.
- J Fire, police or ambulance station.
- K Retail store, which may include sales or rental, but not including drive-through facilities or adult uses.
- L Barber shop, beauty shop, tailor, nail service, dry cleaning pickup and delivery (not involving on-site use of hazardous substances), ear-piercing, massage therapy by a massage therapist certified by a recognized professional organization, or similar personal service uses, other than specifically prohibited uses.
- M Taverns and restaurants, (without drive-through facilities) which may include outdoor cafes as long as the outdoor cafe use is not located on a public sidewalk without conditional use approval under §2109 and so long as the outdoor cafe meets each of the following requirements:
 - (1) Low level recorded music will be permitted if the sound cannot be heard beyond the property line unless conditional use approval for live entertainment is obtained under §2109.
 - (2) Outdoor dining must be associated with and connected to a tavern or restaurant that prepares and serves food.
 - (3) Outdoor dining shall be permitted year round. Outdoor heating must be approved by the Borough Fire Marshal.
 - (4) Outdoor dining shall be limited to the regularly posted hours of operation not to exceed 11:00 p.m.
 - (5) Outdoor furnishings shall be limited to a maitre d' stand, tables, chairs

and umbrellas. Outdoor bars are not permitted **without conditional use approval under § 2109**. Outdoor furnishings shall be stored inside for seasonal closures.

- (6) Planters, posts with ropes, iron fencing, or other removable enclosures are encouraged and shall be used as a way of defining the area occupied as outdoor dining.
 - (7) ~~Refuse facilities~~ **Trash cans** shall be provided **for** in the outdoor dining area and trash shall be continually cleaned by restaurant staff.
 - (8) Signage shall comply with Part 11, "Signs."
 - (9) Outdoor dining shall not impede pedestrian safety and flow.
 - (10) The lighting **and noise** associated with the outdoor dining shall not disturb the right of quiet enjoyment of the neighboring properties. Lights such as flood lights and spot lights are not permitted to shine off the property into or onto neighboring properties.
 - (11) Except as specifically modified herein, **or allowed by conditional use under §2109**, the applicant shall comply with all other existing Borough zoning ordinances as applicable.
- N Exercise clubs or dance studios.
 - O State licensed nursing home or personal care/assisted living facilities.
 - P Financial institutions (such as banks), provided that any drive-through facilities shall be allowed only by conditional use and only if the applicant proves that the facilities are designed in a manner that will not conflict with pedestrian traffic along the sidewalks of Main Street, Broad Street and Lincoln Avenue.
 - Q Funeral home, not including a crematorium.
 - R Bed and breakfast facilities. See § 27-904, Subsection 4.
 - S Repair of household appliances and similar items.
 - T Movie theater or live entertainment theater, not including an adult live entertainment use. See "Adult Uses," § 27-1806, Subsection 1A.
 - U Places of worship (such as churches), which may include accessory child day care, Sunday school rooms and one dwelling unit for a religious leader and his/her family.
 - V Microbrewery and associated tavern.
 - W Art gallery, museum or custom crafts studio.
 - X Indoor or outdoor farmer's markets of agricultural products.
 - Y Liquor store or winery.

Z Dwelling conversions are permitted. However, the existing first floor principal commercial use in the CC District shall not be converted into a residential dwelling use. One existing dwelling unit in the CC District shall not be converted into two or more dwelling units.

AA An off-site catering business, either as a principal use or as an accessory to another use permitted in the district, provided that space is designated for loading and unloading on site (inside or outside) in addition to any parking required under Part 10, Off-Street Parking Standards. [Added by Ord. 506, 3/20/2013]

BB Medical marijuana dispensary in accordance with the requirements of § 27-910. [Added by Ord. No. 528, 6/21/2017]

§ 27-2103. Accessory Uses. [Ord. 353, 6/19/1991; as added by Ord. 430, 7/17/2002, § XI; and as revised by Ord. 495, 12/15/2010, § 1]

1. Uses that are customarily incidental to an allowed use. See § 27-903.
2. Private garages and parking areas.
3. Home occupation. See § 27-904.
4. Communications antenna extending a maximum of 25 feet from an existing nonresidential building or structure, but not including a freestanding telecommunications tower.
5. Storage as accessory to an allowed principal use.
6. As an accessory to a permitted use in the Core Commercial District, special outdoor events utilizing public rights of way by permit of Borough Council; Council may attach such reasonable conditions to the permit as needed for the public health, safety and welfare as a result of the event.

~~§ 27-2104. Conditional Uses. [Ord. 353, 6/19/1991; as added by Ord. 430, 7/17/2002, § XI; and as revised by Ord. 495, 12/15/2010, § 1]~~

~~Drive-through facilities for banks in accordance with § 27-2102, Subsection 1P, and outdoor cafes that utilize any portion of a public sidewalk may be permitted as a conditional use as long as the outdoor cafes meet the requirements under § 27-2102, Subsection 1M, and can be accomplished without impeding pedestrian traffic or negatively affecting public safety, and subject to such other reasonable conditions as may be imposed by Borough Council, after a hearing.~~

§ 27-2105. Special Exception Uses. [Ord. 353, 6/19/1991; as added by Ord. 430, 7/17/2002, § XI; and as revised by Ord. 495, 12/15/2010, § 1]

Parking structures of two or more levels may be permitted by special exception. The structure shall meet applicable building dimensional requirements. The ground floor of the structure on the street of maximum frontage shall be an allowed commercial or services type use such as retail, personal services, office, permitted under § 27-2102, as well as the entrance to the parking structure. An architectural sketch and a description of the exterior building materials shall be submitted to the Zoning Hearing Board with the special exception application.

§ 27-2106. Specifically Prohibited Uses. [Ord. 353, 6/19/1991; as added by Ord. 430, 7/17/2002, § XI; and as revised by Ord. 495, 12/15/2010, § 1]

1. If a use is not listed as allowed in the zoning district, that use shall be considered to be prohibited, unless specifically stated otherwise. In any case, the following uses shall be specifically prohibited in the CC District:
 - A. Motor vehicle sales, sales of gasoline, repair of motor vehicles, car wash, sale of manufactured/mobile homes for off site placement.
 - B. Adult bookstore, adult movie theater, massage parlor or adult live entertainment use.
 - C. Restaurant with drive-through facilities.
 - D. Uses open to the public, customers, members or patrons between the hours of 2:00 a.m. and 5:00 a.m.
 - E. Warehousing, distribution or truck terminal uses as the principal use of the lot.
 - F. Wholesale sales uses that are not open to the public.
 - G. Crematorium.
 - H. Outdoor storage or display or parking of trucks or construction equipment as the principal use of the lot.
 - I. Self-storage units.
 - J. Mobile/manufactured home parks.
 - K. Treatment center.
 - L. Prison or correctional facility.
 - M. Junkyard.
 - N. Tattoo or body piercing establishment (other than ear-piercing).
 - O. Pawn shop.
 - P. Boarding or rooming house.
 - Q. Outdoor flea markets, which shall not prohibit accessory sidewalk sales by permanent businesses and which shall not prohibit farmers markets.

§ 27-2107. Multiple Uses on a Lot. [Ord. 353, 6/19/1991; as added by Ord. 430, 7/17/2002, § XI; and as revised by Ord. 495, 12/15/2010, § 1]

A lot in the CC District may include multiple allowed uses, provided that the requirements for each use are met.

§ 27-2108. Dimensional and Design Requirements Within the CC District. [Ord. 353, 6/19/1991; as added by Ord. 430, 7/17/2002, § XI; and as revised by Ord. 495, 12/15/2010, § 1]

1. The following requirements shall apply:
 - A. Minimum lot area: 5,000 square feet.
 - B. Minimum lot width: 30 feet.
 - C. Maximum building coverage of lot: 75%.
 - D. Maximum impervious coverage of lot: 90%.
 - E. Maximum building height: four stories or 40 feet, whichever is more restrictive. A maximum height of four stories or 60 feet, whichever is more restrictive, shall be permitted if the applicant provides evidence acceptable to the Borough Fire Marshall that there will be adequate provisions for outside access and adequate fire protection measures to allow the taller height. Any new principal building shall have the appearance of a pitched, peaked, gable or mansard roof or a decorative cornice when viewed from Main or Broad Streets, utilizing features as shown in the Central Business District Design Guidelines.
 - F. Minimum side yard setback. An aggregate of 12 feet, but no less than two feet per side, except three feet along an abutting lot that is primarily occupied by a business use. No side yard is required for a building that existed prior to the adoption of this chapter without a conforming side yard.
 - G. Minimum rear yard setback: 15 feet.
 - H. Front yard depth, calculated in accordance with § 27-805: five feet minimum, 10 feet maximum and no new off-street parking spaces on the lot shall be placed between the principal building and the street.
 - I. Parking setback. If an off-street parking area of four or more new parking spaces is proposed adjacent to Main or Broad Streets or Lincoln Avenue, it shall be separated from the street cartway, right-of-way or existing sidewalk (whichever places the parking further away from the street) by a planting area with a minimum width of five feet. There shall be a minimum of one tree per 30 linear feet of frontage. Such planting area shall include a mix of low level plantings and deciduous shade trees, with sufficient clearance vertical between them to allow views into the parking area for security purposes.
 - J. Outdoor storage and fencing. No commercial items shall be stored outdoors

between the hours of 9:00 p.m. and 6:00 a.m. within 25 feet from the rights-of-way of Main or Broad Streets or Lincoln Avenue, except as part of approved outdoor dining facilities. No chain link fencing shall be allowed within 25 feet from the rights-of-way of Main or Broad Streets or Lincoln Avenue. No fencing located within 15 feet from the rights-of-way of Main or Broad Streets or Lincoln Avenue shall have a height greater than four feet.

- K. Any principal commercial building shall have a primary pedestrian entrance and windows along Main, Broad, Lincoln or Market Streets if the building is adjacent to such streets. If desired for security purposes, the windows may be display windows or have curtains in front of an interior wall, without the windows opening directly to the inside of the building.
 - L. If a new principal building is constructed adjacent to Broad Street, Market Street or Lincoln Avenue, it shall have two or more above ground stories. If this height is not feasible, then the building shall be constructed with an appearance of having two or more above ground stories, utilizing features as shown in the Central Business Design Guidelines.
 - M. If a new principal building is constructed that has sides visible on [to] Broad, Main or Market Streets and/or Lincoln Avenue, then all such sides shall have an exterior finish that resembles a front facade finish. For example, the building facade visible from each such street shall utilize features shown in the Central Business Design Guidelines.
2. Pedestrian and/or bicycle connections between public streets, sidewalks, businesses and the Liberty Bell Trail are required where feasible as determined by Borough Council.
 3. Off-Street Parking in the Core Commercial District.
 - A. Optional Fee-in-lieu of Parking.
 - (1) As a conditional use, provided other sufficient parking facilities are available, the Borough Council may permit the reduction of required on-site off street parking requirements in the CC District if the land development applicant commits to pay a fee-in-lieu of providing a certain number of required off-street parking spaces. This provision shall only be available if the applicant proves they cannot meet the parking requirements on their lot.
 - (2) For each required off-street parking space that is waived, a fee shall be required of \$5,000, or such amount as modified by later resolution of Borough Council.
 - (3) All such fees shall be paid to the Borough or an Authority authorized by the Borough to receive such fees. All such fees shall be accounted for separately. All such fees shall only be used for the creation of additional on-street or off street public parking and for streetscape improvements to serve the surrounding area. Such fees may also be used for the payment

of debt for improvements to increase the amount of public parking or for the acquisition of land for public parking. Such fees may also be used to lease privately owned parking for public use.

- (4) The fee shall be a one-time payment for each use on a property in lieu of providing parking for that use. The reduction of the required number of parking spaces shall continue with the land over time, regardless of ownership of the property, provided the use does not change.
 - (5) An application for a fee in lieu of parking shall be reviewed by the Borough Planning Commission prior to an approval by the Borough Council.
 - (6) No more than 50% of the required off-street parking spaces shall be waived under this section. See also § 27-1004, which allows off-site parking.
4. Hatfield Borough Central Business District Design Guidelines shall be used in the Central Business District. The Central Business District is generally defined as the areas fronting on: Main Street; Market Street; Lincoln Avenue East of Main Street and Broad Street, and situated in the following zoning districts: CC Core Commercial; C Commercial; and R-3 Residential.
 5. Business and property owners undertaking exterior renovations to existing properties which require a building permit, and other applicants who make a land development or subdivision application for a new building, addition to an existing building, or renovations to an existing building, shall comply with the design guidelines contained in Part 24, "Design Guidelines in the Central Business District."

§ 27-2109. Outdoor Dining Options by Conditional Use. [Ord. 474, 10/21/2009, § 2; as amended by Ord. 495, 12/15/2010]

1. Outdoor dining at restaurants and cafes with outdoor table service is permitted only by conditional use and only in the Core Commercial District **if the use includes an outdoor bar, live entertainment or live music, or encroaches on a public right of way or sidewalk.**
2. In considering an application for conditional use, the Borough Council shall consider and generally implement the following guidelines:
 - A. The level of noise associated with the outdoor dining shall not disturb the right of quiet enjoyment of the neighboring properties, therefore, sound amplified by speakers or other electric means will not be permitted **after 11:00 p.m.** ~~Low-level music from stereo will be permitted if it does not disturb neighboring properties.~~
 - B. Outdoor dining **or an outdoor bar** must be associated with and adjoining/connected to a restaurant **or tavern** that already prepares and serves food.
 - C. Outdoor dining shall be permitted year round ~~providing the outdoor temperature is 55° F. or above.~~

- D. Outdoor dining with an outdoor bar or live entertainment or live music shall be limited to the regularly posted hours of operation not to exceed 11:00 p.m. Under no circumstances may the sound at the nearest residential property exceed 70 decibals.
- E. Outdoor furnishings shall be limited to tables, chairs and umbrellas. The furnishings shall be weather resistant and stored inside ~~at the end of the day; during bad weather and~~ when not in use for seasonal closures.
- F. Planters, posts with ropes, iron fencing, or other removable enclosures are encouraged and shall be used as a way of defining the area occupied as outdoor seating.
- G. Refuse facilities shall be provided in the outdoor dining area and trash shall be continually cleaned by restaurant staff.
- H. Advertising and promotional features shall be limited to umbrellas and canopies except for signage permitted by Borough Code.
- I. Outdoor dining shall not impede pedestrian safety and flow.
- J. The lighting associated with the outdoor dining shall not disturb the right of quiet enjoyment of the neighboring properties. Lights such as flood lights and spot lights are not be permitted to shine off the property into or onto neighboring properties.
- K. Open flames or external heating devices are ~~prohibited~~ permitted if approved by the Fire Marshall.
- L. The applicant shall comply with all other existing Borough zoning ordinances as applicable.

6. NEW BUSINESS / DISCUSSION ITEMS:

**A. Advertising 2022 Rodway Resurfacing
Project**

INVITATION TO BID
NOTICE TO CONTRACTORS FOR CONTRACT NO.: HAT 22-02

Online sealed bids for the 2022 Roadway Resurfacing Project in Hatfield Borough, Montgomery County, PA will be received by Hatfield Borough via PennBid™ until 2:00 PM local time, May 11, 2022. The bids will be publicly opened and read aloud at the Hatfield Borough Office, 401 South Main Street, Hatfield, PA 19440 at 2:00 PM local time, May 11, 2022.

The project includes the milling and overlaying of roadways within Hatfield Borough, including associated roadway markings. Project also includes base repair of select portions of the roadway, to be determined after milling, and replacement of sanitary sewer frames and covers.

The contract Documents and solicitation details are available at no cost at PennBid™ – <https://pennbid.procureware.com>.

Each document shall be accompanied by a certified check or bank draft, payable to the order of the Borough of Hatfield, negotiable U.S. Government Bonds (at par value), or a satisfactory Bid Bond executed by the Bidder and an acceptable surety, in an amount equal to ten percent (10%) of the total bid amount. Bids shall remain open for a period of 60 days from the date of Bid opening unless award is delayed by a required approval from a governmental agency, the sale of bonds, or the award of a grant or grants, in which event the Bids shall remain open for a period of 90 days from the date of Bid opening. Bids may not be withdrawn during this period. All Bidders must bid on all items listed on the Bid Form. The successful Bidder shall be required to furnish satisfactory Performance and Payment Bonds in the amount of 100% of the Contract Price and a Maintenance Bond in the amount equal to fifteen (15%) of the Contract amount thereafter required on the specified Bond Forms included in the Contract Documents and Waiver of Lien. A capped fee ranging from 1/6% to a maximum of 1/3% (+ tax) is assessed by PennBid only to vendors who are issued awards. The successful Bidder shall substantially complete the project within 45 calendar days of receipt of Notice to Proceed and shall be ready for final payment within 66 days of receipt of Notice to Proceed.

This contract is subject to the following: the Federal Occupational Safety and Health Act of 1970 (OSHA) conditions; the Pennsylvania Act 229 of 2002; the Pennsylvania One Call Act, also known as the Underground Utility Line Protection Law, Act 287 of 1974, as amended; the Pennsylvania Human Relations Act 222 Conditions; and the non-discrimination in Employment/Contract Compliance Regulations Conditions.

Attention is called to the fact that the project is subject to Prevailing Wage Rates and that not less than the minimum salaries and wages set forth in the Contract Documents must be paid on this project, and that the Contractor must ensure that employees and applicants for employment are not discriminated against because of their race, color, religion, sex or national origin.

Hatfield Borough reserves the right to reduce the scope of this project based upon the availability of funding. The Borough also reserves the right to accept or reject any or all Bids. The Borough also reserves the right, in its sole discretion, to waive bid defects which is deemed most favorable to the Owner, at the time and under the circumstances stipulated.

A Mandatory Pre-Bid meeting will be held on April 27, 2022 at 10:00 AM at the Hatfield Borough Office, 401 South Main Street, Hatfield, PA 19440. The meeting will also be available via Zoom. Login information will be available on PennBid.

Jaime E. Snyder
Hatfield Borough Manager
215-855-0781

7. OLD BUSINESS:

**A. Resolution 2022-04 Hatfield Memorial
Day Parade Road Closure**

BOROUGH OF HATFIELD
MONTGOMERY COUNTY, PENNSYLVANIA
RESOLUTION NO. 2022-04

**A RESOLUTION AUTHORIZING THE CLOSURE OF
CERTAIN ROADS IN THE BOROUGH FOR THE
MEMORIAL DAY PARADE**

WHEREAS, the Borough of Hatfield is aware of the Annual Memorial Day Parade which will occur on May 30, 2022 within Hatfield Borough and Hatfield Township; and

WHEREAS, the Borough of Hatfield recognizes that the Membership, Veterans, American Legion Auxiliary and Son's of the American Legion of Hatfield American Legion Post 933 will begin the ceremony at the Veteran's Memorial Park in the Borough of Hatfield at 9:00 a.m. and culminate at the Hatfield American Legion Post on Koffel Road, Hatfield Township; and

WHEREAS, the Borough of Hatfield is aware of the Memorial Day Parade route and authorizes the closure of certain roads in the Borough for the Memorial Day Parade.

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Borough Council of the Borough of Hatfield, Montgomery County, Pennsylvania, does hereby call upon all citizens of Hatfield Borough to join us and the American Legion in supporting the Memorial Day Parade.

Adopted and Approved by the Borough Council of the Borough of Hatfield, at a duly advertised public meeting held this 16th Day of March, 2022 with ___ Council Members voting "Aye" and ___ Council Members voting "Nay."

RESOLVED AND ENACTED this 16th day of March, 2022

ATTEST

BOROUGH OF HATFIELD

Jaime E. Snyder
Borough Manager / Secretary

Jason Ferguson
Borough Council President

Mary Anne Girard, Mayor

7. OLD BUSINESS:

**B. Retain Special Consortium Counsel to
Negotiate Comcast
Franchise Renewal Agreement**



Borough of Hatfield

Montgomery County, Pennsylvania

March 16, 2022

Daniel S. Cohen
Cohen Law Group
413 South Main Street
Pittsburgh, PA 15215

***RE: Montgomery County Consortium: Engagement for Cable Franchise
Renewal Project with Comcast***

Dear Mr. Cohen:

This is to inform you that the Borough of Hatfield has decided to engage the Cohen Law Group ("CLG") to assist in a franchise fee audit and cable franchise renewal negotiations with Comcast. This engagement is made pursuant to the Proposal to Perform Cable Franchise Renewal Services ("Proposal") submitted to the Borough on December 6, 2021. The proposal includes the scope of services for this project as well as the cost of services on a flat fee basis. We understand that CLG will bill one-third of the fee by invoice upon engagement, one-third at the middle of each project, and one-third upon the conclusion of each project. We further understand that any out-of-pocket expenses will also be invoiced and divided among all participating municipalities.

While the Borough is engaging the Cohen Law Group individually and, upon conclusion of the project, will obtain its own individual franchise agreement with Comcast, we understand that the negotiation with Comcast will be in conjunction with other participating municipalities in Montgomery County. This joint effort will increase the Borough's negotiating leverage and reduce its attorneys' fees. As described in the Proposal, our fee will be discounted based on the number of municipalities that participate. We look forward to working with your firm on these projects and obtaining all of the financial and other cable-related benefits to which we are entitled.

Sincerely yours,

Jaime E. Snyder
Hatfield Borough Manager / Secretary

Date: _____

401 S. Main Street
P.O. Box 190
Hatfield, PA 19440

Phone:
215-855-0781

Fax:
215-855-2075

Email:
admin@
hatfieldborough.com

Website:
www.hatfieldborough.com



PROPOSAL TO PERFORM
CABLE FRANCHISE RENEWAL SERVICES
submitted to the
MONTGOMERY COUNTY CABLE CONSORTIUM

by the

COHEN LAW GROUP

**413 South Main Street
Pittsburgh, PA 15215**

www.cohenlawgroup.org

(412) 447-0130

DECEMBER 6, 2021

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I. INTRODUCTION

The Cohen Law Group (“CLG”) welcomes this opportunity to submit a proposal for legal services to assist the participating municipalities of Montgomery County (“Montgomery County Consortium”) in a franchise fee audit and cable franchise renewal negotiations with Comcast of Pennsylvania (“Comcast”). Based on our records, we believe there are at least 18 municipalities that are eligible for renewal and may be interested in joining together to negotiate with Comcast. They are: Abington Township, Collegeville Borough, Conshohocken Borough, Franconia Township, Hatfield Borough, Hatfield Township, Lansdale Borough, Lower Frederick Township, Lower Moreland Township, Lower Pottsgrove Township, Montgomery Township, Norristown Municipality, Schwenksville Borough, Skippack Township, Towamencin Township, Trappe Borough, Upper Moreland Township, Upper Merion Township and West Norriton Township.

The cable franchise agreements for these municipalities are all set to expire within the next 3 years.¹ As such, now is the time to plan for cable franchise renewal. Franchise renewal is the best opportunity for municipalities to obtain benefits and to assert their legal rights with their cable operator. In addition, a multi-municipal negotiation increases each municipality’s negotiating leverage and, as detailed in Section V below, reduces our attorneys’ fees. Our law firm was privileged to represent many of these municipalities in their last renewal negotiations with Comcast and in the recent renewal negotiations with Verizon. We would welcome the opportunity to represent the Consortium again in the upcoming franchise renewal negotiations with Comcast.

There have been dramatic changes in video technology since the inception of the Consortium’s current franchise agreements, including the enhancement of digital technology,

¹ Our law firm has nearly all of the current Comcast franchise agreements in our possession, because the municipalities provided them to us as part of the recent Verizon cable franchise renewal negotiations.

increased high definition (HD) format, expansion of video-on-demand, and, most important, the emergence of internet-based programming (also referred to as video streaming or “over-the-top” technology). There have also been major changes in the franchise operations of Comcast as well as the federal regulations applicable to cable franchising. The most consequential regulatory development was the Federal Communications Commission’s (“FCC’s”) 2019 Third Report and Order, which made fundamental changes to cable franchising.

As described in this proposal, we recommend that the Consortium: 1) perform a franchise fee audit to ensure that the municipalities have received all the franchise fee revenue to which they are entitled; and 2) negotiate a new franchise agreement that addresses the changes since the last franchise and secures new financial and legal benefits for the municipalities.

CLG is uniquely qualified to represent the Montgomery County Consortium in cable franchise renewal negotiations. For nearly 24 years, our firm has specialized in cable franchise matters on behalf of local governments, and our attorneys have negotiated more franchise agreements than any other law firm in Pennsylvania and surrounding states. We have represented over 500 municipalities in negotiations with their cable companies. With respect to Comcast, our firm has negotiated more agreements with this cable operator than any other. We know Comcast’s negotiators, we know the company’s corporate policies, and we know their negotiating tactics.

The principal of the firm is Dan Cohen. He has assisted local governments in cable, wireless, and broadband issues for over 25 years. He serves as Co-Chair of the Legal Committee of the National Association of Telecommunications Officers and Advisors (“NATOA”), which is the national organization that advocates for local governments in these fields. Mr. Cohen is especially qualified to represent municipalities because he was a municipal official himself. As a member of the Pittsburgh City Council for 12 years prior to founding CLG, he understands the

practical needs and the financial constraints facing municipal officials. In addition, the CLG includes a strong team that includes attorney Phil Fraga, attorney Stacy Browdie, attorney Mike Roberts, attorney Joel Winston, and Office Manager Akila Iyer.

II. POTENTIAL FRANCHISE BENEFITS

There are significant benefits available to municipalities in a cable franchise renewal agreement. The key to receiving these benefits is to know the law and regulations relating to each benefit and to negotiate firmly to obtain them from the cable operator. The following is a list of some of the more important potential benefits:

- 1. Franchise Fee Revenue.** Under federal law, municipalities may assess a franchise fee of up to five percent (5%) of the cable company's "gross revenues" for cable services derived from the municipality. The central subject of negotiation with the cable operator is the specific revenue sources to be included in the definition of "gross revenues." CLG has developed a comprehensive list that now includes 27 cable operator revenue sources to which municipalities may apply the franchise fee. **This list includes several revenue sources that Comcast currently charges but are not in the municipalities' current franchise agreements. The inclusion of these new revenue sources will increase their franchise fee revenue.** Please note that franchise fees are passed through to cable customers as a separate line item on their bills.

- 2. Franchise Fee Accountability.** In addition to franchise fee revenue, it is also essential for municipalities to require franchise fee protection and accountability. In a franchise agreement, these include detailed franchise fee verification reports with each payment, the right to conduct comprehensive franchise fee audits with penalties for underpayments, and protections against franchise fee reduction due to bundled service packages (also referred to as the “triple play” of internet, television, and telephone services).
- 3. Legal Protections of the Rights-of-Way.** Because cable companies place wires and equipment in the public rights-of-way, it is critical that a franchise agreement include legal protections for the municipality. These protections include, but are not limited to, safety standards, repair and restoration of property damage, emergency removal of equipment, indemnification, and full insurance coverage.
- 4. Customer Service Standards.** In a franchise agreement, municipalities may impose customer service standards to which the cable operator must adhere. It is important to include comprehensive and enforceable standards. Examples include refunds for service interruptions, time frames for home visits by technicians, rules for resolving customer billing disputes, privacy standards, and a prohibition against early application of late fees.
- 5. Free Services.** It is common in a franchise agreement for cable companies to provide complimentary cable service to community

facilities, including municipal facilities, schools, and libraries. The major subject of negotiation is the number of community facilities that will receive the service and the level of service received. Please note, however, that this benefit will be impacted by the FCC's Third Report and Order of 2019.

6. **PEG Channels.** Municipalities have a legal right under to dedicated channel space for public, educational and governmental ("PEG") programming. PEG Channels may be used to inform citizens by broadcasting government meetings, public safety alerts, and/or announcements regarding local events. Depending on whether your municipality currently has a PEG channel, the renewal agreement may require key improvements to the channel, such as high definition (HD) format, or it may reserve the right for a future channel.
7. **PEG Cash Grant.** A PEG cash grant will also most likely be available to all participating municipalities, even those that do not currently have an active PEG channel. This would be in the form of Comcast's standard PEG grant based in the number of Comcast subscribers in the municipality. For those municipalities that have an active PEG channel and seek a higher grant to meet their PEG capital needs, CLG would prepare a PEG needs assessment to obtain a higher grant.
8. **Enforcement.** Once the cable operator agrees to provide certain benefits to the municipalities, they must be able to enforce these obligations. This includes strict and practical enforcement tools to

ensure the company's performance of its obligations. These tools may include monetary fines, a substantial performance bond, and the right to revoke the franchise in extreme circumstances.

9. Reporting Requirements. It is helpful to obtain periodic information from the cable operator related to financial and customer service issues. A franchise agreement may require the operator to provide written reports on such matters as franchise fee verification, customer complaints, and construction activity in the public rights-of-way.

10. Length of Term. Because telecommunications technology changes so rapidly, municipalities typically seek a shorter length of franchise term. Cable companies typically seek longer terms to protect their capital investment in the cable system. The difference between these two positions is resolved through negotiation.

III. SCOPE OF SERVICES

The following is the scope of services that the Cohen Law Group will perform if hired to assist the Montgomery County Consortium in cable franchise renewal with Comcast.

A. Preliminary Setting of Priorities

We will first arrange a conference call or virtual meeting with at least one representative from each municipality in the Consortium. During the meeting, we will describe the franchise fee audit and the franchise renewal process, including both the formal and informal processes prescribed by the federal Cable Act. We will inform the officials regarding their legal rights, including the substantive areas in which they have legal authority over the cable operator and those

areas in which their legal authority is limited. We will outline the potential benefits available to the Consortium, as well as solicit the concerns of the officials with respect to Comcast.

Finally, we will provide each municipality with public notice and written talking points for a public hearing on cable franchise renewal. Section 626 includes a “notice and comment” requirement, and we typically recommend that this requirement be satisfied by a public hearing inviting citizen input. During this preliminary phase, we recommend that the municipalities perform a franchise fee audit to determine whether Comcast has been paying them all the franchise fee revenue to which they are entitled. Franchise renewal is the single best time to perform such an audit, because, if underpayments are discovered, the municipalities have greater leverage to collect the underpayments. The scope of services for a franchise fee audit is discussed below.

B. Franchise Fee Audit

CLG conducts franchise fee audits on a regular basis, including many audits of Comcast. In 2018-21, we performed over 100 franchise fee audits and discovered underpayments in approximately 60% of them. Section 626 of the federal Cable Act requires that municipalities, as part of cable franchise renewal, review the cable operator’s past performance and identify their future cable-related needs. A franchise fee audit is a key component of assessing the cable operator’s past performance. It is the best method to hold the operator accountable for past franchise fees and to ensure the municipality receives the future revenues to which it is entitled.

The Cable Act allows municipalities to assess up to five percent 5% of the cable operator’s “gross revenues” for cable services derived from the municipality. “Gross revenues” consists of numerous revenue sources, including both subscriber and non-subscriber revenues, that the cable operator collects from cable customers. We will prepare a written Request for Information and Documents (“RFID”) to Comcast for specific franchise fee information and worksheets relevant

to each municipality. CLG will then undertake the following activities:

- Make a determination of all eligible revenue sources for each municipality based upon the municipality's current definition of "gross revenues." There are currently 27 eligible revenue categories and many sub-categories.
- Review Comcast's supporting documentation for franchise fee revenue, including quarterly spreadsheets, worksheets, and other revenue reports for each municipality.
- Identify the revenue sources that Comcast has included in its franchise fee documentation for each municipality. Determine whether the cable operator has applied the fee to all eligible revenue sources. Identify any revenue sources that the cable operator did not include in calculating "gross revenues".
- Ensure that all eligible revenues recorded in Comcast's financial records are accurately included in the franchise fee payments in accordance with each municipality's franchise agreement.
- Determine whether non-subscriber revenues, such as advertising and home shopping commissions, which are typically recorded on a regional rather than a local basis, have been properly calculated and properly apportioned to each municipality.
- Review certain special revenue sources, such as "trouble call" fees, video downgrade fees, broadcast retransmission fees, franchise fee-on-fees, and others to determine proper inclusion in the determination of franchise fees for the time period under review.
- Ensure that "bundled service" revenues (i.e. revenues applied to cable, internet, and phone services) have been accurately apportioned to cable service, which is the only service that may legally be subject to the franchise fee.
- Obtain a "homes passed list" from Comcast for each municipality to determine whether the cable operator is properly coding all cable customers to the correct municipality. This includes asking each municipality to compare the homes passed database against its residential database for possible errors.
- Re-perform certain cable operator calculations determining franchise fee revenues. These include, but are not limited to, figures underlying amounts reported for certain revenue sources and calculations on specific items comprising general fee categories such as "miscellaneous revenues" and "installation revenues" (which include installation, disconnection, reconnection, relocation and change-in-service fees).
- Ascertain trends of major revenue categories to spot discrepancies and/or inconsistencies in the reporting of revenues over time and making inquiries with the cable operator to explain such discrepancies and/or inconsistencies.

- Report trends in the number of Comcast subscribers in each municipality throughout the period under review.
- Determine whether there are franchise fee underpayments for each municipality for the period under review, the amount of any underpayment, and whether any penalties and/or interest apply in accordance with each municipality's franchise agreement.

We expect to review five (5) years' worth of financial information, which we understand is the period permitted by the current franchise agreements. We will then prepare a written report that summarizes the results of the franchise fee audit, describes the procedural history and areas of inquiry of the audit, and includes charts showing key subscriber and revenue trends.

C. Drafting of Proposed Agreement

After the setting of priorities stage, including the franchise fee audit, is completed, our attorneys will draft a proposed franchise agreement with Comcast that provides the municipalities with all of the benefits and legal protections to which they are entitled under current law and current technology. The agreement will include the results of the setting of priorities stage, as well as our judgment as to the legal provisions that would protect the Consortium's interests and meet its future cable-related needs. We will then submit the agreement to the municipal representatives for informal review and comment before presenting it to representatives of Comcast.

As noted in Section II above, a PEG cash grant from Comcast will most likely be available to all municipalities, even those that do not currently have an active PEG channel. The grant would be Comcast's standard PEG grant based in the number of Comcast subscribers in the municipality. For those municipalities that do have an active PEG channel and seek a higher grant to meet their PEG capital needs, we will work with representatives from those municipalities to prepare a PEG needs assessment report. The report will include a narrative about the current and future programming on the channel and a list of equipment/facility needs for the channel. There would be an additional fee for preparing a PEG needs assessment as detailed in Section V below.

D. Negotiation with Cable Operator

The most important stage in the process is negotiating a master franchise renewal agreement with representatives of Comcast. CLG has negotiated hundreds of agreements with Comcast on behalf of Pennsylvania municipalities. We know Comcast's negotiators assigned to the Consortium from Comcast's Freedom Region. We also know the company's policies as well as Comcast's negotiating tactics.

The working document for these negotiations will be the franchise agreement drafted by CLG and informally approved by the clients. We will preserve the Consortium's legal rights under the formal process, but proceed to negotiate with Comcast under the informal process outlined in the federal Cable Act. The negotiation typically consists of multiple conference call negotiations with representatives of Comcast, status conferences with the clients, multiple revisions of the proposed franchise agreement, redrafting specific franchise agreement provisions, and editing the final draft of the cable franchise agreement.

E. Consideration by the Local Governing Bodies

After tentative agreement with Comcast has been reached on a master franchise agreement, CLG will then customize the agreement for each of the participating municipalities. We will then report to the clients on the substantive provisions of the deal. Specifically, we will present each municipality with its own final cable franchise agreement (and any side agreements) negotiated by the parties. We will also draft an executive summary of the major provisions of the final agreement. Finally, we will draft a recommended short-form ordinance or resolution authorizing approval of the agreement for consideration by the local governing body for each municipality.

IV. PROFESSIONAL BACKGROUND

The Cohen Law Group specializes in representing municipalities in cable, wireless, and broadband matters. Collectively, our attorneys have worked on cable franchise issues on behalf of municipalities for over 60 years. CLG has represented over 500 local governments in six states in negotiations with cable companies. Our firm has negotiated with major national companies as well as smaller regional companies to obtain benefits for our clients. We have negotiated hundreds of franchise agreements with Comcast. CLG's full array of legal services includes the following:

- Drafting cable franchise agreements
- Review of current and proposed franchise agreements/ordinances
- Cable franchise renewal negotiations with cable companies
- Franchise fee audits
- Transfer or sale of cable company ownership or control
- Cable compliance reviews
- Evaluation of public, education and governmental ("PEG") channels
- Development of wireless facilities ordinances and design guidelines
- Negotiation with cellular tower and antenna companies
- Wireless facility litigation
- Drafting of right-of-way ordinances and development of right-of-way fees
- Drafting pole attachment agreements
- Pole attachment negotiations with cable and telephone companies
- Broadband feasibility studies and development of broadband expansion plans

As an active member of the National Association of Telecommunications Officers and Advisors (NATOA) and other professional organizations, CLG stays current with frequent changes in cable, wireless, and broadband law. Dan Cohen served on the NATOA Board of Directors for four years from 2017-21. CLG attorneys have written articles on cable and wireless matters that have been published in the *Pennsylvania Municipal Reporter*, *Pennsylvania Township News*, *Pennsylvania Borough News*, *Public Management Magazine*, and *Government Procurement Magazine*. They are also frequent speakers at municipal conferences.

Prior to providing professional counsel to municipalities on cable and wireless matters, Mr. Cohen served as an elected official on the Pittsburgh City Council for 12 years. He has firsthand knowledge of the challenges and opportunities confronting municipal governments. Mr. Cohen served as Chair of City Council's Cable Television Committee for 10 years and also served on the Mayor's Telecommunications Committee. Mr. Cohen led Pittsburgh's efforts to regulate cable rates, which resulted in a refund ordered by the FCC for all City of Pittsburgh cable customers. Mr. Cohen graduated from Yale University and Stanford Law School.

Attorney Phil Fraga served as assistant general counsel to a major cable company and was counsel for two telecommunications companies prior to joining CLG in 2006. Mr. Fraga has negotiated hundreds of cable franchise agreements with cable providers. He has undergraduate degrees from Bethany College (finance) and Carlow College (accounting), an MBA from the University of Steubenville, and a law degree from the Duquesne University School of Law. In addition to Mr. Cohen and Mr. Fraga, CLG includes attorney Stacy Browdie, attorney Mike Roberts, attorney Joel Winston and Office Manager Akila Iyer.

V. COST OF SERVICES

The following is CLG's cost of services to perform both franchise fee audits and franchise renewal negotiations with Comcast on behalf of the Montgomery County Consortium. We propose to perform these services on a flat fee basis, because our experience with these projects lends predictability to our efforts on behalf of the Consortium. A flat fee also provides "price certainty." As shown below, we offer our services at a discounted rate depending on the number of municipalities that participate. The following are our standard flat fees based on population, followed by our discounted fees to the Consortium.

**FLAT FEE SCHEDULE FOR FRANCHISE FEE AUDIT AND
FRANCHISE RENEWAL NEGOTIATIONS WITH COMCAST***

Standard Single Municipality Fee (by population prior to discount)

< 5,000	\$7,900
5,001 – 10,000	\$8,900
10,001 – 20,000	\$9,900
20,001-30,000	\$10,900
> 30,000	\$11,900

Consortium Discounted Fees (by population and number of participating municipalities)

12+ Municipalities 25% Discount

< 5,000	\$5,925
5,001 – 10,000	\$6,675
10,001 – 20,000	\$7,425
20,001-30,000	\$8,175
> 30,000	\$8,925

8-11 Municipalities 20% Discount

< 5,000	\$6,320
5,001 – 10,000	\$7,120
10,001 – 20,000	\$7,920
20,001-30,000	\$8,720
> 30,000	\$9,520

5-8 Municipalities 15% Discount

< 5,000	\$6,715
5,001 – 10,000	\$7,565
10,001 – 20,000	\$8,415
20,001-30,000	\$9,265
> 30,000	\$10,115

2-5 Municipalities 10% Discount

< 5,000	\$7,110
5,001 – 10,000	\$8,010
10,001 – 20,000	\$8,910
20,001-30,000	\$9,810

> 30,000

\$10,710

*As discussed in Sections II and III above, for those municipalities that have a PEG channel and wish to obtain a PEG grant from Comcast that is higher than the standard grant, an additional \$1,200 will be charged for CLG to obtain the relevant information and prepare a PEG needs assessment report.

The flat fee amounts above do not include the highly unlikely possibility of services requested outside the scope of services in this proposal. In the event of such extraordinary development, CLG will contact each applicable municipality to discuss such developments prior to rendering services related to such developments. If such services are authorized, CLG would charge a fee of \$300 per hour (\$150 per hour for travel).

The flat fee also does not include expenses, such as any travel, postage and copying expenses, which are kept to a minimum and divided among all municipalities. It is not expected that we will need to travel for this project. Please note that our normal billing policy is to bill one-third of the fee for each project at the commencement of the project, one-third at the middle of each project, and one-third at the conclusion of each project. Thank you for the opportunity to submit this proposal.

8. ACTION ITEMS:

- A. Motion to Consider Ordinance No. 545 Amending Chapter 27 Zoning in the Code of Ordinances Revising and Restating the Core Commercial District Regulations to Permit Outdoor Dining with Live Entertainment by Conditional Use**

8. ACTION ITEMS:

B. Motion to Consider Resolution 2022-04 Authorizing the Closure of Certain Borough Roads for the Hatfield American Legion Memorial Day Parade

8. ACTION ITEMS:

C. Motion to Consider Retaining the Cohen Law Group to Represent the Borough of Hatfield to Negotiate the Comcast Franchise Agreement and Authorize Borough Manager, Jaime E. Snyder, to Sign the Engagement Letter

8. ACTION ITEMS:

**D. Motion to Consider Advertising the
2022 Borough of Hatfield Roadway
Resurfacing Project**

**9. Motion to Approve Payment of the
Bills**

ADDITIONS TO THE MARCH 2022 BILL LIST:

21 st CENTURY MEDIA - LEGAL ADVERTISING	\$1,798.62
CARR & DUFF - REPLACE UTILITY POLE - ACCIDENT	\$18,428.10
EDDIE'S ELECTRIC - REPAIR SERVICE	\$474.78
H & K MATERIALS	\$55.04
HI NOTE PARTY - FACEPAINTER & BALLOON ARTIST	\$200.00
MCMAHON - LINCOLN AVE BRIDGE	\$1,760.00
PSAB - TRAINING SEMINAR	\$125.00
RICHTER DRAFTING - OFFICE SUPPLIES	\$195.94
RICHTER DRAFTING - OFFICE SUPPLIES	\$55.65
TD CARD SERVICES - MICROSOFT SUBSCRIPTION	\$114.48
TRIAD TRUCK EQUIPMENT - PARTS.....	\$218.00

TOTAL ADDED TO BILL LIST \$23,425.61

REVISED BILL LIST TOTAL \$196,183.13

Column1	Column2	Column3	Column4	Column5	Column6
MARCH 2022 ACCOUNTS PAYABLE BILL LIST					
VENDOR BILL LIST					
	ITEM DESCRIPTION	AMOUNT PAID	DATE PROCESSED	TOTAL PAID	CHECK NO.
TD BANK					
RESERVE ACCOUNT	POSTAGE FOR POSTAGE MACHINE	\$3,000.00	2/18/2022	\$3,000.00	26687
PA ONE CALL	MONTHLY ACTIVITY CHARGE	\$21.96	2/22/2022	\$21.96	26688
MG TRUST	REMAINING MMO AMOUNT	\$905.96	2/23/2022	\$905.96	26690
THE MILLER FINANCIAL GROUP	TAX COLLECTOR BOND	\$174.00	2/28/2022	\$174.00	26691
PA STATE ASSOCIATION OF BORO'S	WEBINAR FOR PW DIR	\$100.00	3/2/2022	\$100.00	26692
THE HARTFORD	AD&D LIFE STD & LTD INSURANCE	\$633.79	3/2/2022	\$633.79	26693
COMCAST	401 S MAIN ST INTERNET SERVICE	\$108.35	3/10/2022	\$108.35	26695
HATFIELD BOROUGH ELECTRIC	615 DAIN AVE	\$256.46	3/10/2022	\$256.46	26696
NORTH PENN WATER AUTHORITY	WATER SERVICES	\$106.50	3/10/2022	\$106.50	26697
WELLS FARGO	SERIES 2003 B NOTE, 2020/2021 A/B NOTES	\$4,398.07	2/25/2022	\$4,398.07	ACH
21ST CENTURY MEDIA	LEGAL ADVERTISING	\$1,798.62			
ALLEGHENY ELECTRIC COOP	FEBRUARY MONTHLY ELECTRIC SALES	\$3,792.67			
AMP, INC.	PMPM FEB CHARGES/VERIZON WIRELESS	\$1,398.38			
AT&T MOBILITY	CELL PHONES FOR PW & ASSIST/MGR	\$642.29			
DANIEL BEARDSLEY	EQUIPMENT MAINTENANCE	\$171.10			
BURSICH ASSOCIATES	ENGINEERING - GENERAL	\$3,755.00			
BURSICH ASSOCIATES	ENGINEERING - MS4 MONITORING	\$3,129.00			
BURSICH ASSOCIATES	ENGINEERING - 2022 ROADWAY RESURF	\$70.00			
BURSICH ASSOCIATES	BROAD ST STORM SEWER REPLACEMENT	\$2,717.50			
BURSICH ASSOCIATES	ORCHARD LN/FOREST WAY SEWER REPLACE	\$4,837.00			
BURSICH ASSOCIATES	ADA ENGINEERING - RAMPS 2022	\$9,406.25			
C&S LAWN & LANDSCAPING	STREAM CLEAN OUT ON TOWAMENCIN	\$1,900.00			
CANON COPIER	COPIER LEASE	\$488.00			
CARR & DUFF	REPAIR UTILITY POLE ACCIDENT	\$18,428.10			
CLEMENS UNIFORMS, MATS & MORE	MATS FOR HALL WAYS	\$75.20			
CODE INSPECTIONS	BLDG CODE FIRE & ZONING SERVICES SEPT	\$2,755.00			
COMCAST	16 CHERRY ST	\$113.05			
DELAWARE VALLEY HEALTH INS	HEALTH INSURANCE FOR EMPLOYEES	\$15,334.76			
EDDIES ELECTRIC	HOOKUP HOUSE SERVICE	\$226.20			
EDDIES ELECTRIC	REPAIR DROP SERVICE/REMOVE TREES	\$226.20			
EDDIES ELECTRIC	REPAIR DROP SERVICE/REMOVE TREES	\$474.78			
ELDON ELECTRIC	ELECTRICAL GOODS TESTING	\$1,054.00			
ESTABLISHED TRAFFIC CONTRIL	SIGNS	\$222.80			
FIRE PROTECTION	BUILDING MAINTENANCE	\$475.00			
FS SOLUTIONS	ANNUAL SUBSCRIPTION FEE	\$65.45			
GEORGE'S TOOL RENTAL	EQUIPMENT PURCHASE	\$69.00			
KIM GOMEZ	CLEANING SERVICES FOR FEBRUARY	\$500.00			
GUARDIAN	COUNCIL LIFE INSURANCE	\$19.85			
H&K MATRIALS	JADE DRIVE	\$894.85			
H&K MATRIALS	JADE DRIVE	\$44.80			
H&K MATRIALS	GREEN PATCH	\$55.04			
H&K MATRIALS	STREET MATERIALS	\$55.04			
MOHAMMAD HAQUE/TAX COLLECTOR	BOROUGH TAXES	\$740.00			
HATFIELD TOWNSHIP	JANUARY POLICE SERVICES	\$77,083.33			
HI NOTE PARTY	DEPOSIT FOR EVENTS	\$200.00			
INDIAN VALLEY CHAMBER OF COM	SPONSORSHIP	\$250.00			
KALER MOTOR CO	VEHICLE MAINTENANCE 2015 DUMP TRUCK	\$378.66			
LOWES	SMALL TOOLS	\$146.30			
LOWES	CHIPPING BOX	\$260.86			
LOWES	SEWER REPAIRS	\$39.90			
LOWES	OPERATING SUPPLIES	\$54.06			
LOWES	OPERATING SUPPLIES	\$105.95			
LOWES	OPERATING SUPPLIES	\$31.42			
LOWES	BLDG MAINTENANCE	\$51.67			
LOWES	OPERATING SUPPLIES	\$23.38			
LOWES	OPERATING SUPPLIES	\$14.18			
LOWES	OPERATING SUPPLIES	\$22.24			
LOWES	OPERATING SUPPLIES	\$254.88			
MAILLIE	2020 AUDIT	\$3,600.00			
MCAHON	NP INDUSTRIAL CENTER	\$175.00			

Column1	Column2	Column3	Column4	Column5	Column6
MARCH 2022 ACCOUNTS PAYABLE BILL LIST					
VENDOR BILL LIST					
	ITEM DESCRIPTION	AMOUNT PAID	DATE PROCESSED	TOTAL PAID	CHECK NO.
MCAHON	HATFIELD FIRE CO FLASHER	\$362.50			
MCAHON	HATFIELD FIRE CO FLASHER	\$1,507.50			
MCAHON	LINCOLN AVE BRIDGE	\$1,760.00			
MEA	LAND RECORD SYSTEM	\$187.00			
MORTON SALT	ROAD SALT	\$4,083.10			
NAPA AUTO	VEHICLE & EQUIPMENT PARTS	\$27.00			
NETWORK CONCEPTS	MANAGED IT SERVICES	\$485.00			
NETWORK CONCEPTS	MANAGED IT SERVICES	\$23.75			
NETWORK CONCEPTS	MANAGED IT SERVICES	\$23.75			
PA STATE ASSOCIATION OF BORO'S	ELECTED OFFICIALS PROGRAM RENEWAL	\$25.00			
PA STATE ASSOCIATION OF BORO'S	TRAINING SEMINAR	\$125.00			
PITNEY BOWES	POSTAGE MACHINE LEASE	\$387.00			
PLASTERER EQUIPMENT	EQUIPMENT MAINTENANCE	\$780.07			
PLASTERER EQUIPMENT	EQUIPMENT MAINTENANCE	\$957.96			
PSAB	PSAB CONFERENCE REG - SNYDER	\$250.00			
PSAB	PW WEBINARS	\$100.00			
RED KNIGHT	PLAN PRINTING	\$56.80			
REPORTER	SUBSCRIPTION	\$421.00			
RICHTER DRAFTING	OFFICE SUPPLIES	\$159.18			
RICHTER DRAFTING	OFFICE SUPPLIES	\$195.94			
RICHTER DRAFTING	OFFICE SUPPLIES	\$55.65			
SOUTHEASTERN TRANSFORMERS	TRANSFORMERS	\$3,390.64			
SWIP	HATFIELD VFD WC	\$2,758.00			
TD BANK CARD	MAYOR SIGN	\$55.53			
TD BANK CARD	ZOOM MEETING	\$15.89			
TD BANK CARD	CHARGER FOR IPHONE	\$12.71			
TD BANK CARD	BLDG MAINTENANCE	\$1,254.02			
TD BANK CARD	ITEMS FOR PW	\$90.99			
TD BANK CARD	PSAB CONFERENCE - SNYDER	\$5.00			
TD BANK CARD	RECORD CHECK FOR EMC	\$22.00			
TD BANK CARD	REGISTRATION FOR ANNUAL MEETING	\$90.00			
TD BANK CARD	POSTAGE	\$5.95			
TD BANK CARD	SHIRT FOR COUNCIL MEMORIAL DAY	\$44.99			
TD BANK CARD	SHIRT FOR COUNCIL MEMORIAL DAY	\$54.45			
TD BANK CARD	BUILDING MAINTENANCE	\$29.77			
TD BANK CARD	MICROSOFT SUBSCRIPTION	\$114.48			
TEAMSTERS LOCAL 830	SCHOLARSHIP SPONSORSHIP	\$175.00			
TEAMSTERS LOCAL 830	EMPLOYEE BENEFITS	\$416.00			
TIMONEY KNOX	LEGAL SERVICES - GENERAL	\$1,036.00			
TIMONEY KNOX	LEGAL SERVICES - ORDINANCES	\$473.00			
TIMONEY KNOX	LEGAL SERVICES - OPEN RECORDS	\$42.00			
TIMONEY KNOX	LEGAL SERVICES - CARACAUSA AGREEMENT	\$28.00			
TIMONEY KNOX	LEGAL SERVICES - ABP INVESTMENTS	\$28.00			
TRIAD TRUCK EQUIPMENT	PARTS FOR TRUCK	\$218.00			
TURTLE & HUGHES	SYSTEM MAINTENANCE	\$1,680.50			
TURTLE & HUGHES	SYSTEM MAINTENANCE	\$336.00			
UTILITY ENGINEERS	FUSE CORDINATION/RICE PROJ/TRANSFORMER	\$2,380.60			
VERIZON	TELEPHONE SERVICES	\$224.75			
WHITETAIL DISPOSAL	WASTE DISPOSAL	\$158.91			
ZULTYS	TELEPHONE SERVICES	\$482.83			
SECURITY DEPOSITS:					
	STEVEN NYIEN/TERESA LIN	\$254.07			
		\$196,183.13			

**10. MOTION to ADJOURN:
EXECUTIVE SESSION**