

HATFIELD BOROUGH COUNCIL

WORKSHOP MEETING

March 2, 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 WORKSHOP MEETING

March 2, 2022

AGENDA

CALL TO ORDER / ROLL CALL

1. APPROVAL OF MEETING AGENDA:

Motion: To Approve the Agenda of the March 2, 2022 Workshop Meeting

2. PUBLIC INPUT:

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

3. ANNOUNCEMENTS:

- Next Council Meeting March 16, 2022, Regular Meeting @ 7:30PM in Council Chambers
- HEROC is Scheduled to Meet Wednesday, March 23rd @ 8:00AM in Council Chambers
- Next Planning Commission Meeting is Scheduled for April 4, 2022, @ 7:00PM in Council Chambers
- HMHS is Scheduled to Meet Tuesday, March 22, 2022 @ 7:00PM at the HVFC

4. REPORTS FROM STANDING COMMITTEES AND MAYOR:

- Budget, Finance, and Labor Committee Report
- Planning, Building, and Zoning Committee Report
- Public Safety Committee Report
- Public Works & Property and Equipment Committee Report
- Utilities Committee Report
- Hatfield Economic Revitalization Outreach Committee Report
- Dual Action Committee Report
- Mayor Mary Anne Girard Report

5. REPORTS AND CORRESPONDENCE:

Monthly Investment Report

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

Monthly EIT / LST Report
Monthly YTD Report
Police Department Report
Fire Department Report
EMS 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:

7. NEW BUSINESS / DISCUSSION ITEMS:

- A. Hatfield American Legion Memorial Day Parade Request
- B. Resolution 2022-04 Memorial Day Parade
- C. Retain Special Consortium Counsel to Negotiate Comcast Franchise Renewal Agreement

8. OLD BUSINESS:

- A. Ordinance 545 Outdoor Dining Core Commercial District

9. ACTION ITEMS:

10. MOTION to ADJOURN:

Executive Session: Personnel, Litigation, Real Estate

2. PUBLIC INPUT:

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

3. ANNOUNCEMENTS:

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**4. REPORTS FROM STANDING COMMITTEES
AND MAYOR:**

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

**4. REPORTS FROM STANDING COMMITTEES
AND MAYOR:**

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

**4. REPORTS FROM STANDING COMMITTEES
AND MAYOR:**

Public Safety Committee Report

- For northbound traffic, 93.25 % (or 2,736) of the vehicles monitored were travelling at 30 mph or below; 6.51% of vehicles (191) were between 31-40 mph; and only 7 vehicles (0.24%) were in excess of 41 mph.
- For southbound traffic, 86.80% (or 2,368) of the vehicles monitored were travelling at 30 mph or below, 12.76 % of the vehicles (348) were between 31-40 mph, and 11 vehicles (0.40%) were in excess of 41 mph.
- The speed percentiles calculated show that a majority of the vehicles utilizing Edgewood Drive do so at a reasonable and prudent speed. The V85 is a widely used traffic statistical metric widely defined as “the speed at or below which 85% of all vehicles are observed to travel under free-flowing conditions past a nominated point.” The V85 for northbound traffic was 26 mph and for southbound traffic the V85 was 28 mph, both well below the enforceable limit that HTPD could utilize for traffic stops.

**4. REPORTS FROM STANDING COMMITTEES
AND MAYOR:**

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

**4. REPORTS FROM STANDING COMMITTEES
AND MAYOR:**

Utilities Committee Report

4. REPORTS FROM STANDING COMMITTEES
AND MAYOR

**Hatfield Economic Revitalization Outreach
Committee Report**

**4. REPORTS FROM STANDING COMMITTEES
AND MAYOR:**

Dual Action Committee Report

**4. REPORTS FROM STANDING COMMITTEES
AND MAYOR:**

Mayor Mary Anne Girard Report

**In order to better serve you, stop by and
MEET WITH
MAYOR GIRARD!**

**Questions? Concerns? Ideas?
Feel free to just stop by and say hello!**



OPEN OFFICE HOURS:

**1st & 3rd Thursday of the Month– 4:30-6:00 pm
2nd & 4th Wednesday of the Month– 10:30-1:30 pm**

**Hatfield Municipal Complex
401 South Main Street**

magirard@hatfieldborough.com

215-855-0781 x 113

5. REPORTS AND CORRESPONDENCE:

Monthly Investment Report

**HATFIELD BOROUGH
CASH ACCOUNTS
December 31, 2021**

OPERATING ACCOUNT	BANK BALANCE	AMOUNT
01 - GENERAL		
Bank Balance	\$106,918.25	
O/S CHECKS		(\$36,792.69)
DIT		0.00
		(\$36,792.69)
07- ELECTRIC		
Bank Balance	\$480,453.81	
O/S CHECKS		\$0.00
DIT		4,055.74
		\$4,055.74
08 - SEWER		
Bank Balance	\$160,022.17	
O/S CHECKS		\$0.00
DIT		\$7,657.75
		\$7,657.75
	\$747,394.23	\$7,657.75
Bank Balance		\$747,394.23
Book Balance		\$722,315.03
18 - CAPITAL PROJECTS SINKING		
		\$109,662.01
35 - HIGHWAY AID		
		\$279,352.70
HARLEYSVILLE SAVINGS BANK		
Priority Business Savings		\$22,071.79
Priority Business Savings (Loans)		\$964,324.00
TOTAL OF ACCOUNTS		
		\$2,097,725.53
ESSA		
Checking account		\$35,264.41
KEY PRIVATE INVESTMENTS		
1131 CAPITAL RESERVE MANAGED		\$487,692.39
1132 SEWER CAPITAL RESERVE MANAGED		873,504.60
1133 SEWER MANAGED		538,310.13
1134 ELECTRIC FUND MANAGED		962,880.41
		\$2,862,387.53
TOTAL OF TD BANK, HSB, ESSA & KEY PRIVATE BANK INVESTMENTS		
		\$4,995,377.47

**Hatfield Borough Total Income & Disbursements
YEAR 2022**

	<u>Gain/(Loss)</u>	<u>Income</u>	<u>Disbursements</u>	<u>Fees</u>	<u>Total Disbursements</u>	<u>Difference Income/Disbursements</u>
Capital Reserve	(\$6,599.55)	\$407.28	(\$133.08)	(\$274.20)	(\$407.28)	\$0.00
Sewer Capital Reserve	(8,041.70)	569.86	(569.86)	(490.09)	(1,059.95)	(\$490.09)
Sewer Managed	(5,022.85)	350.16	(350.16)	(302.66)	(652.82)	(\$302.66)
Electric	(8,693.81)	570.07	(507.07)	(541.36)	(1,048.43)	(\$478.36)
Total	(\$28,357.91)	\$1,897.37	(\$1,560.17)	(\$1,608.31)	(\$3,168.48)	(\$1,271.11)

HATFIELD BOROUGH CAPITAL RESERVE INVESTMENT ACCOUNT SUMMARY

YEAR 2022

2022	Capital Reserve	+/-	% Change	Income	Disbursements	Fees	Total Disbursements	Difference Income/Disbursements
Beginning Balance	\$487,692.39							
January	\$481,092.84	(\$6,599.55)	-1.35%	\$407.28	(\$133.08)	(\$274.20)	(\$407.28)	\$0.00
February								\$0.00
March								\$0.00
April								\$0.00
May								\$0.00
June								\$0.00
July								\$0.00
August								\$0.00
September								\$0.00
October								\$0.00
November								\$0.00
December								\$0.00
		-\$6,599.55		\$407.28	(\$133.08)	(\$274.20)	(\$407.28)	\$0.00

HATFIELD BOROUGH SEWER CAPITAL RESERVE INVESTMENT ACCOUNT SUMMARY

YEAR 2022

2022	Sewer Capital	+/-	% Change	Income	Disbursements	Fees	Total Disbursements	Difference Income/Disbursements
Beginning Balance	\$873,459.25							
January	\$865,417.55	(\$8,041.70)	-0.92%	\$569.86	(\$569.86)	(\$490.09)	(\$1,059.95)	(\$490.09)
February								\$0.00
March								\$0.00
April								\$0.00
May								\$0.00
June								\$0.00
July								\$0.00
August								\$0.00
September								\$0.00
October								\$0.00
November								\$0.00
December								\$0.00
		(\$8,041.70)	-0.92%	\$569.86	(\$569.86)	(\$490.09)	(\$1,059.95)	(\$490.09)

HATFIELD BOROUGH SEWER INVESTMENT ACCOUNT SUMMARY

YEAR 2022

2022	Sewer Managed	+/-	% Change	Income	Disbursements	Fees	Total Disbursements	Difference Income/Disbursements
Beginning Balance	\$538,310.13							
January	\$533,287.28	(\$5,022.85)	-0.93%	\$350.16	(\$350.16)	(\$302.66)	(\$652.82)	(\$302.66)
February								\$0.00
March								\$0.00
April								\$0.00
May								\$0.00
June								\$0.00
July								\$0.00
August								\$0.00
September								\$0.00
October								\$0.00
November								\$0.00
December								\$0.00
TOTALS		-\$5,022.85	-0.93%	\$350.16	(350.16)	(302.66)	(652.82)	(302.66)

HATFIELD BOROUGH ELECTRIC INVESTMENT ACCOUNT SUMMARY

YEAR 2022

2022	Electric	+/-	% Change	Income	Disbursements	Fees	Total Disbursements	Difference Income/Disbursements
Beginning Balance	\$962,880.41							
January	\$954,186.60	(\$8,693.81)	-0.90%	\$570.07	(\$507.07)	(\$541.36)	(\$1,048.43)	(\$478.36)
February								\$0.00
March								\$0.00
April								\$0.00
May								\$0.00
June								\$0.00
July								\$0.00
August								\$0.00
September								\$0.00
October								\$0.00
November								\$0.00
December								\$0.00
TOTALS		-\$8,693.81		\$570.07	(\$507.07)	(\$541.36)	(\$1,048.43)	(\$478.36)

5. REPORTS AND CORRESPONDENCE:

Monthly EIT / LST Report

HATFIELD BOROUGH
 Berkheimer Comparative
 2016-2021 Earned Income Tax

(Report as of 2/25/2022)

Month	2022	2021	2020	2019	2018	2017	Month	2022	2021	2020	2019	2018	2017
January	349.65	897.63	1,605.42	973.81	1,305.76	245.81	July		1,314.93	744.95	2,462.73	1,973.92	518.12
	874.13	1,174.92	868.35	815.69	592.07	1,782.61			3,976.44	1,223.01	2,481.10	644.89	1,456.59
	800.44	1,119.74	998.92	914.12	1,125.14	651.26			2,035.02	634.31	805.36	1,323.77	1,559.70
	1,248.17	516.76	2,805.81	722.35	1,090.52	2,653.00			1,205.94	2,200.77	1,689.60	604.96	1,296.24
	2,798.24	2,033.58	1,700.01	1,293.40	2,436.46	1,433.06				1,050.49	886.99	3,058.34	1,579.16
	1,308.02	637.60	1,175.67	1,251.89	1,968.25	1,385.23				1,067.68	678.38	1,488.77	1,178.56
	1,028.54		1,753.74	702.34						2,380.30	1,251.28		1,487.87
	3,445.15			1164.51						2,707.21			3,171.78
	2,941.43			3245.28						2,733.27			
	1,295.00									620.75			
										1,381.49			
Month Total	16,088.77	6,380.23	10,907.92	11,083.39	8,518.20	8,150.97	Month Total	-	8,532.33	16,744.23	10,255.44	9,094.65	12,248.02
YTD Total	16,088.77	6,380.23	10,907.92	11,083.39	8,518.20	8,150.97	YTD Total	85,236.83	235,461.52	230,792.09	231,307.96	224,674.16	228,040.81
February	1,896.88	1,015.31	2,618.99	5,353.21	761.04	2,254.27	August		558.35	4,689.38	5,185.15	800.24	2,078.40
	3,389.65	1,404.67	1,154.47	10,607.93	1,935.45	2,844.99			1,052.73	3,713.54	715.54	2,944.87	1,605.57
	2,253.01	3,413.92	6,737.26	4,967.27	951.90	3,275.29			2,072.03	943.13	1,004.48	1,593.23	2,585.83
	7,894.07	6,497.09	2,195.49	9,525.63	2,202.98	2,830.90			3,129.20	2,366.86	2,024.31	2,452.77	5,237.07
	3,450.18	2,685.50	1,739.30	7,476.14	4,089.83	595.93			3,391.96	3,342.63	3,236.05	2,983.92	9,656.89
	7,284.23	5,027.63	6,758.94	4,242.59	5,829.73	5,070.53			974.10	4,374.60	2,802.73	1,721.57	4,782.38
	6,401.96	12,077.62	5,019.71	5,744.09	5,627.93	3,367.39			3,656.99	4,402.94	9,448.79	3,287.03	4,088.36
	3,938.27	7,563.81	8,048.59	5,982.69	2,705.79	5,727.74			9,490.48	9,414.71	4,396.99	3,918.13	4,160.35
	9,162.41	12,150.83	5,962.24	4,466.18	5,767.75	8,219.66			4,257.91	6,009.96	2,023.85	7,931.75	4,036.30
	5,285.32	6,064.53	626.35	3,705.99	4,625.01	6,321.31			2,301.14	3,748.13	1,227.10	5,778.05	1,765.43
	2,990.39	4,692.13	3,399.64	3,383.48	3,007.26	2,469.57			3,039.24	4,924.28	4,730.84	4,209.91	3,428.67
	1,792.57	3,249.18	2,867.27	5,083.00	5,548.80	2,853.17			9,084.47	5,107.35	9,964.78	5,835.90	4,526.17
	6,598.77	3,987.61	6,582.96	2,401.37	2,356.02	6,521.76			6,918.54	6,633.39	12,334.88	3,485.34	5,462.31
	6,810.35	8,765.07	5,083.15	1,406.49	2,329.15	2,376.46			6,723.87	6,603.46	4,071.89	5,736.19	2,297.85
		2,068.74	12,700.19		2,302.49	5,301.07			5,651.24	8,446.28	4,674.67	5,294.07	3,535.73
		2,455.14	4,639.66		5,741.68	3,650.83			2,964.63	2,726.28	3,347.94	10,119.90	2,517.07
					2,938.40	3,211.46			10,120.00		5,911.40	6,949.50	2,496.35
					7,832.19						2,123.39	1,829.36	3,282.11
Month Total	69,148.06	83,118.78	76,134.21	74,346.06	66,553.40	66,892.33	Month Total	-	75,386.88	77,446.92	79,224.78	76,871.73	67,542.84
YTD Total	85,236.83	89,499.01	87,042.13	85,429.45	75,071.60	75,043.30	YTD Total	85,236.83	310,848.40	308,239.01	310,532.74	301,545.89	295,583.65
March		1,405.81	495.61	1,100.74	4,889.69	4,397.45	September		985.69	772.18	466.77	188.66	2,713.87
		2,778.22	712.45	338.84	470.52	1,198.08			5,439.47	5,186.01	2,067.30	870.99	1,383.60
		6,670.97	4,732.80	949.19	2,662.29	963.81			4,890.58	4,827.34	3,894.70	5,016.64	999.58
		2,530.21	4,074.50	9,631.68	3,309.44	647.44			2,727.80	2,168.47	2,679.82	5,218.07	969.65
		786.63	2,324.82	5,753.80	3,267.60	738.96				712.23	4,281.46	4,416.91	4,254.94
		1,241.80	1,067.87	1,558.27	7,571.44	2,025.84				2,332.14	2,529.21	853.66	2,092.45
		3,221.94	2,413.31	603.40	1,082.75	3,644.41						887.17	2,736.15
		1,440.49	1,989.90		573.60	3,886.47							1,904.52
		684.16	788.00		595.31	4,517.33							1,968.33
		969.07	2,306.85		1,347.03	915.06							
					768.52	606.13							
Month Total	-	21,729.30	20,906.11	19,935.92	26,538.19	23,540.98	Month Total	-	14,043.54	15,998.37	15,919.26	17,452.10	19,023.09

HATFIELD BOROUGH
Berkheimer Comparative
2016-2021 Earned Income Tax

(Report as of 2/25/2022)

Month	2022	2021	2020	2019	2018	2017	Month	2022	2021	2020	2019	2018	2017
YTD Total	85,236.83	111,228.31	107,948.24	105,365.37	101,609.79	98,584.28	YTD Total	85,236.83	324,891.94	324,237.38	326,452.00	318,997.99	314,606.74
April		536.24	1,027.46	1,031.04	1,338.50	558.79	October		2,377.93	609.87	2,348.14	904.13	329.69
		806.74	723.41	1,847.21	912.30	632.62			538.51	1,738.74	261.22	1,298.78	1,184.44
		1,055.19	740.23	722.22	512.40	1,002.59			713.11	759.95	523.41	507.60	533.14
		1,634.74	2,858.30	2,373.57	537.87	1,897.36			1,485.07	2,555.52	1,716.83	2,112.50	863.47
		2,774.38	1,355.13	933.47	2,859.64	1,764.81			1,613.33	1,133.62	2,523.08	501.20	620.96
		2,051.28	4,655.27	594.25	3,930.29	3,981.60			1,191.30			1,083.69	1,301.82
		868.91		1,000.01		2,064.33			2,265.95			2,521.28	832.93
		1,148.07		1,372.78		1,416.28			2,332.25				2,120.74
				4,087.56		2,344.64			3,735.80				
						566.28							
Month Total	-	10,875.55	11,359.80	13,962.11	10,091.00	16,229.30	Month Total	-	16,253.25	6,797.70	7,372.68	8,929.18	7,787.19
YTD Total	85,236.83	122,103.86	119,308.04	119,327.48	111,700.79	114,813.58	YTD Total	85,236.83	341,145.19	331,035.08	333,824.68	327,927.17	322,393.93
May		1,188.18	1,911.19	2,763.50	2,063.67	2,005.43	November		1,336.32	2,777.41	1,569.44	4,903.59	1,768.92
		3,580.10	2,579.52	7,579.38	2,437.85	2,109.65			2,617.40	1,732.81	2,268.14	1,625.24	1,737.62
		2,678.53	2,859.13	1,763.69	4,620.35	2,423.11			2,526.80	874.72	818.68	3,145.82	2,667.23
		4,367.02	2,845.53	2,027.48	1,778.76	1,382.77			2,168.99	4,203.85	2,397.84	3,656.73	3,281.28
		2,494.40	5,645.72	4,147.01	3,357.84	5,056.97			3,060.98	6,702.32	4,520.15	4,768.69	6,268.07
		6,748.51	18,479.47	7,949.59	1,226.35	729.16			2,349.77	7,316.81	3,334.51	7,437.73	2,217.37
		6,484.23	7,738.65	8,653.93	3,876.62	3,937.87			4,210.67	4,442.98	3,381.56	10,469.84	3,185.12
		5,750.03	3,788.42	4,299.39	1,262.14	1,727.57			5,545.46	10,961.95	2,643.88	9,624.91	3,675.75
		4,046.08	2,642.49	3,555.35	5,090.04	3,435.49			3,304.73	4,260.51	7,852.77	5,206.41	10,095.62
		5,506.50	8,941.10	6,754.05	5,949.56	4,578.07			15,209.01	9,768.05	4,072.46	3,705.72	12,228.45
		3,706.88	7,561.21	12,334.81	7,191.94	5,156.64			8,007.43	4,132.62	10,653.14	3,977.15	4,714.78
		3,567.78	2,400.69	5,969.28	8,073.18	5,319.41			2,132.28	2,736.33	2,409.28	3,144.20	4,704.94
		2,235.76	5,726.76	4,123.29	8,706.53	2,826.37			7,163.09	2,172.42	6,616.07	5,863.74	1,858.50
		7,804.52		11,393.38	1,883.10	3,340.12			3,819.24	7,410.22	4,281.24	2,708.89	3,594.22
		4,180.55			3,029.22	6,176.53			3,303.78	5,745.19	3,932.62	2,800.94	3,091.83
		2,707.44			2,291.71	1,914.90			6,288.34		10,793.56	1,395.09	1,862.68
		1,524.99			4,593.12	6,182.51					2,496.96		
		13,490.65			4,876.07	4,548.79							
		2,709.41				13,473.36							
						5,197.01							
Month Total	-	84,771.56	73,119.88	83,314.13	72,308.05	81,521.73	Month Total	-	73,044.29	75,238.19	74,042.30	74,434.69	66,952.38
YTD Total	85,236.83	206,875.42	192,427.92	202,641.61	184,008.84	196,335.31	YTD Total	85,236.83	414,189.48	406,273.27	407,866.98	402,361.86	389,346.31
June		1,854.95	3,220.50	2,713.22	10,891.42	502.71	December		1,050.17	410.13	2,714.23	3,352.11	2,451.21
		719.21	577.58	1,216.36	2,456.00	626.15			1,162.50	1,005.12	4,944.30	1,486.54	1,810.39
		938.37	590.96	3,154.10	943.66	910.73			623.74	2,575.16	3,451.39	3,390.81	803.03
		6,367.26	3,746.29	3,972.34	1,977.77	614.98			549.87	6,791.38	3,114.23	4,611.90	801.02
		4,549.27	4,143.04	3,190.49	5,675.44	5,826.90			6,957.47	4,079.92	658.42	1,867.02	1,778.84
		3,905.34	3,179.13	726.06	1,490.64	4,996.09			4,385.64	3,129.30	1,843.41	2,310.93	3,516.86
		1,122.69	2,157.65	3,438.34	2,388.63	3,421.25			1,974.99	1,123.08			5,665.69
		596.68	3,345.94		882.36	846.73			1,126.54				2,105.04
			658.85		4,864.75	1,711.94							1,040.59
													179.14
Month Total	-	20,053.77	21,619.94	18,410.91	31,570.67	19,457.48	Month Total	-	17,830.92	19,114.09	16,725.98	17,019.31	20,151.81
YTD Total	85,236.83	226,929.19	214,047.86	221,052.52	215,579.51	215,792.79	Grand Total	85,236.83	432,020.40	425,387.36	424,592.96	419,381.17	409,498.12

HATFIELD BOROUGH
Berkheimer Comparative
2015 - 2021 LST TAX

(Report as of 2/25/2022)

Month	2022	2021	2020	2019	2018	2017	Month	2022	2021	2020	2019	2018	2017
January	332.14	93.44	168.99	33.72	15.58	56.20	July						
					508.63				377.25	27.49	524.30	259.31	76.64
									632.68	593.29		727.57	607.02
									910.77				
Month Total	332.14	93.44	168.99	33.72	524.21	56.20	Month Total	-	1,920.70	620.78	524.30	986.88	683.66
YTD Total	332.14	93.44	168.99	33.72	524.21	56.20	YTD Total	9,666.84	21,978.62	19,393.79	20,939.03	20,771.05	18,298.78
February	1,403.93	436.37	350.79	576.73	672.03	468.04	August		615.85	15.72	988.39	1,021.80	445.60
	600.29	1,364.20	900.92	748.10				582.08	1,073.14	681.02			
	794.83	4,918.01	500.10	995.27	1,668.98	1,330.23		4,919.27	6,412.04	1,285.27	700.94	1,127.18	
	5,118.23	1,371.18	611.10	653.32	2,770.93	696.91		1,707.15	774.35	6,305.29	2,969.69	1,063.01	
	1,417.42	865.50	1,042.25	2,319.88	2,590.00					567.04	2,500.79	2,549.94	
		528.58	4,235.56	2,607.58	254.47						2,480.47	2,285.24	
Month Total	9,334.70	9,483.84	7,640.72	7,900.88	7,956.41	2,495.18	Month Total	-	7,824.35	8,275.25	9,827.01	9,673.69	1,771.63
YTD Total	9,666.84	9,577.28	7,809.71	7,934.60	8,480.62	2,551.38	YTD Total	9,666.84	29,802.97	27,669.04	30,766.04	30,444.74	9,242.60
March		714.70	1,676.03	2,341.35	763.13	1,261.86	September		792.30	463.51	315.28	376.14	214.19
				25.47	81.55	840.11			285.87				431.32
						2,619.22							
						1,419.36							
Month Total	-	714.70	1,676.03	2,366.82	844.68	6,140.55	Month Total	-	1,078.17	463.51	315.28	376.14	645.51
YTD Total	9,666.84	10,291.98	9,485.74	10,301.42	9,325.30	8,691.93	YTD Total	9,666.84	30,881.14	28,132.55	31,081.32	30,820.88	28,186.89
April			60.43	196.71	352.66	240.48	October		311.77	146.06	63.69	330.79	
				509.66	584.34	847.76			734.10	634.69		556.04	
										53.07			
Month Total	-	-	60.43	706.37	937.00	1,088.24	Month Total	-	1,045.87	833.82	63.69	886.83	0.00
YTD Total	9,666.84	10,291.98	9,546.17	11,007.79	10,262.30	9,780.17	YTD Total	9,666.84	31,927.01	28,966.37	31,145.01	31,707.71	28,186.89
May		460.51	402.30	905.86	1,173.10	51.09	November		919.18	1,607.87	964.30	1,036.52	1,038.18
		1,692.90	1,275.28	375.32	1,797.10	1,280.28		818.70	1,716.84	955.64	1,201.68	556.11	
		517.49	521.37	752.26	2,818.16	1,661.39		1,731.16	4,065.74	4,150.70	2,863.12	1,048.94	
		5,320.14	3,739.00	2,351.25	1,540.23	2,587.86		4,311.42	827.46	962.79	1,440.98	1,023.72	
		715.32	2,047.16	2,961.22	566.94					1,791.10		1,364.69	
		7.86	575.37	669.24						200.36		2,586.01	
			107.68	683.76								1,676.30	
Month Total	-	8,714.22	8,668.16	8,698.91	7,895.53	5,580.62	Month Total	-	7,780.46	8,217.91	9,024.89	6,542.30	9,293.95
YTD Total	9,666.84	19,006.20	18,214.33	19,706.70	18,157.83	15,360.79	YTD Total	9,666.84	39,707.47	37,184.28	40,169.90	38,250.01	37,480.84
June		536.24	558.68	77.62	1,626.34	1,529.82	December		1,677.02	13.76		474.53	97.30
		515.48		630.41		209.35			26.53				
						515.16			585.76				
Month Total	-	1,051.72	558.68	708.03	1,626.34	2,254.33	Month Total	-	2,289.31	13.76	0.00	474.53	97.30
YTD Total	9,666.84	20,057.92	18,773.01	20,414.73	19,784.17	17,615.12	Grand Total	9,666.84	41,996.78	37,198.04	40,169.90	38,724.54	37,578.14

5. REPORTS AND CORRESPONDENCE:

Monthly YTD Report

**Combination of Funds 2022
YTD as of February 25.2022**

	Revenues	Expenses
January	\$393,834.39	\$545,824.64
February	555,741.81	529,583.77
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		
Total	\$949,576.20	\$1,075,408.41

5. REPORTS AND CORRESPONDENCE:

Police Department Report

**The Hatfield Police Department's
monthly report to the
Council of the Borough of Hatfield**



February 25, 2022

Submitted by Lt. Jane E. Robertson

Hatfield Police Report for Borough Council

1/26/2022 through 2/24/2022



Hiring Update: A conditional offer of employment has been accepted by one of the top candidates for the position of probationary police officer and she will be undergoing both her physical and psychological examinations over the next two weeks as required by the state. Upon successful completion of these requirements, a hire date will be set.



Edgewood Drive traffic study: The Edgewood Drive traffic study was completed and the results forwarded to Manager Snyder.



Burglary: On February 21, officers responded to the 200 block of South Wayne Avenue for a report of a theft from a residential garage. The victim advised he had stored his electric bicycle in the garage where he had left it to charge since about 4 p.m. the day before. The loss is estimated at \$1,500 and the investigation is ongoing.

Disorderly Conduct: On February 14 at about 4:15 p.m., a Pennfield student walking home from his borough school bus stop advised that he observed a gray or black vehicle with two teenagers inside point "toy guns" out the window in his direction. The student ran home and the vehicle was last seen southbound on South Main Street. The student advised he had heard "clicking sounds" but that he was not hit by anything. The vehicle description was similar to an incident in the township within that time frame where a BB gun had been shot from a vehicle at a pedestrian.

Public Intoxication: On January 29 at about 5:40 p.m., officers responded to Vinny's Pizzarama on West Broad Street for a report of a male who appeared to be intoxicated. Upon arrival, officers found the male at a table inside and he appeared to be asleep. He had reportedly come in to the restaurant and advised staff he had an order but could not remember what it was. The male then

walked outside, tried to get into someone else's vehicle, then returned to the restaurant and went to the table. After several minutes of attempting to rouse the person, an ambulance was called. A subsequent PBT reading found a BAC level of .40. The male was transported to the hospital due to his high level of intoxication. A non-traffic citation for public drunkenness was sent via mail.

Public Intoxication: On January 28 at about midnight, officers responded to the area of Union Street and North Maple Avenue for a report of an intoxicated male walking in and out of traffic, screaming and flailing his arms. Officers found the male in the westbound lane of Union Street, hunched over and screaming at the ground. Officers were able to pull him out of the street as traffic was approaching. A non-traffic citation for public drunkenness was issued and he was released to a sober party.

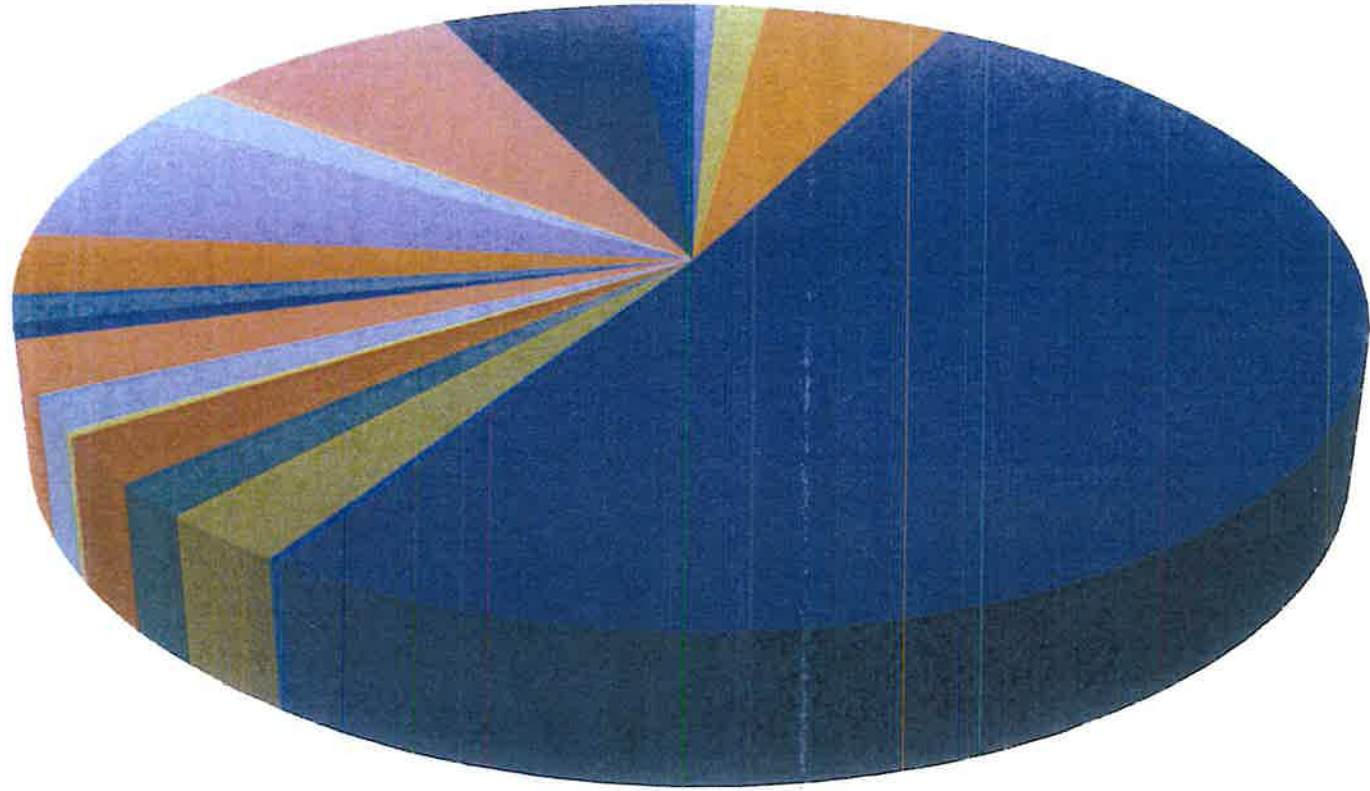
Theft: On February 9 at about 10:30 a.m., officers took a report of a theft at a West Broad Street business. A registration plate had been stolen off of a business truck. There are currently no suspects.

Activity in brief

Between 1/26/2022 and 2/24/2022

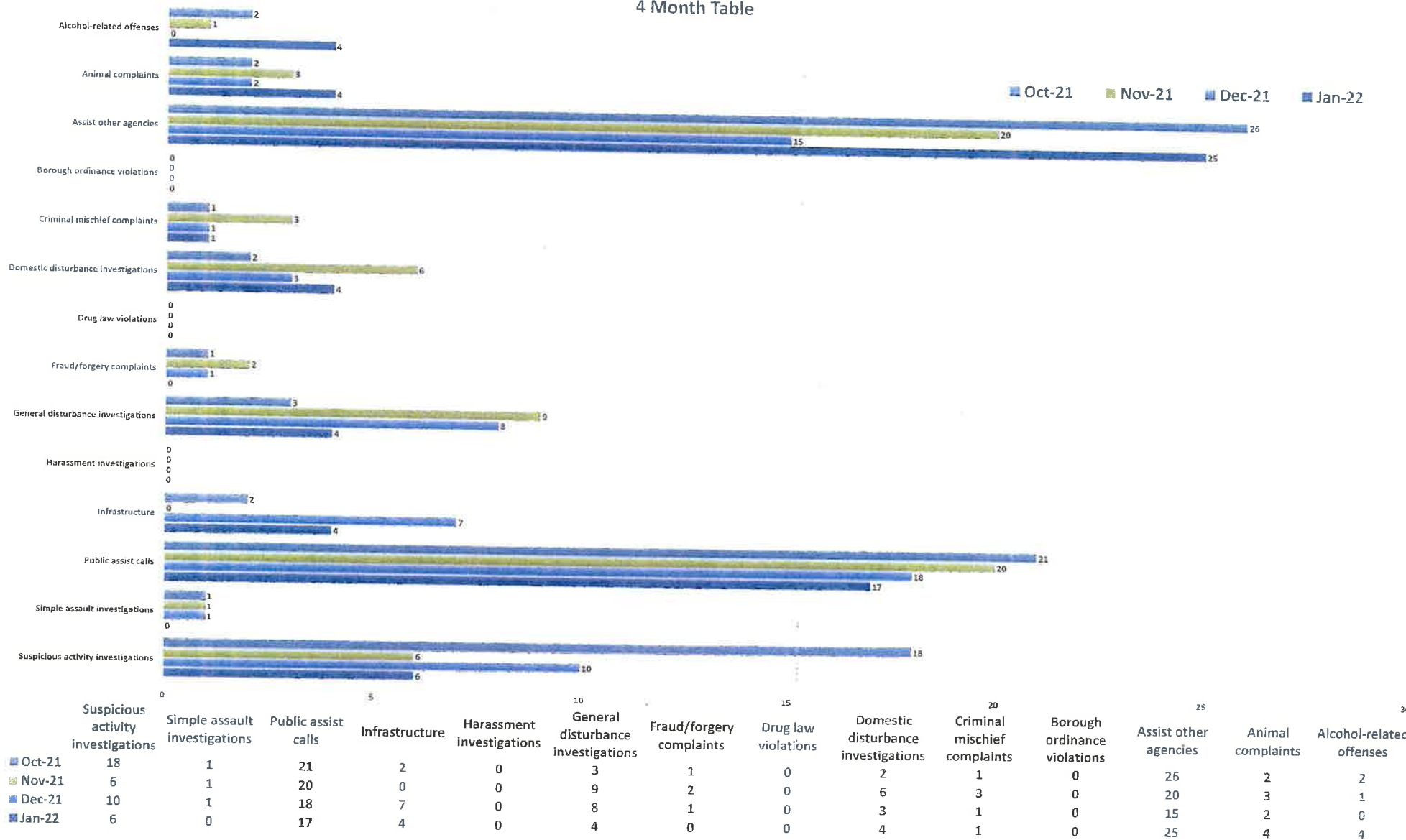
- 378 agency cases originated in Hatfield Borough
- 25 traffic stops were conducted
- 75 incidents were handled in the Borough's core district
- 176 Borough patrols were conducted
- 24 selective enforcements were conducted
- 9 traffic citations were issued
- 19 traffic warnings were issued
- 6 crashes were investigated
- 13 building overnight checks ("NightEyes") were completed

January 26, 2022 through February 24, 2022 activity overview

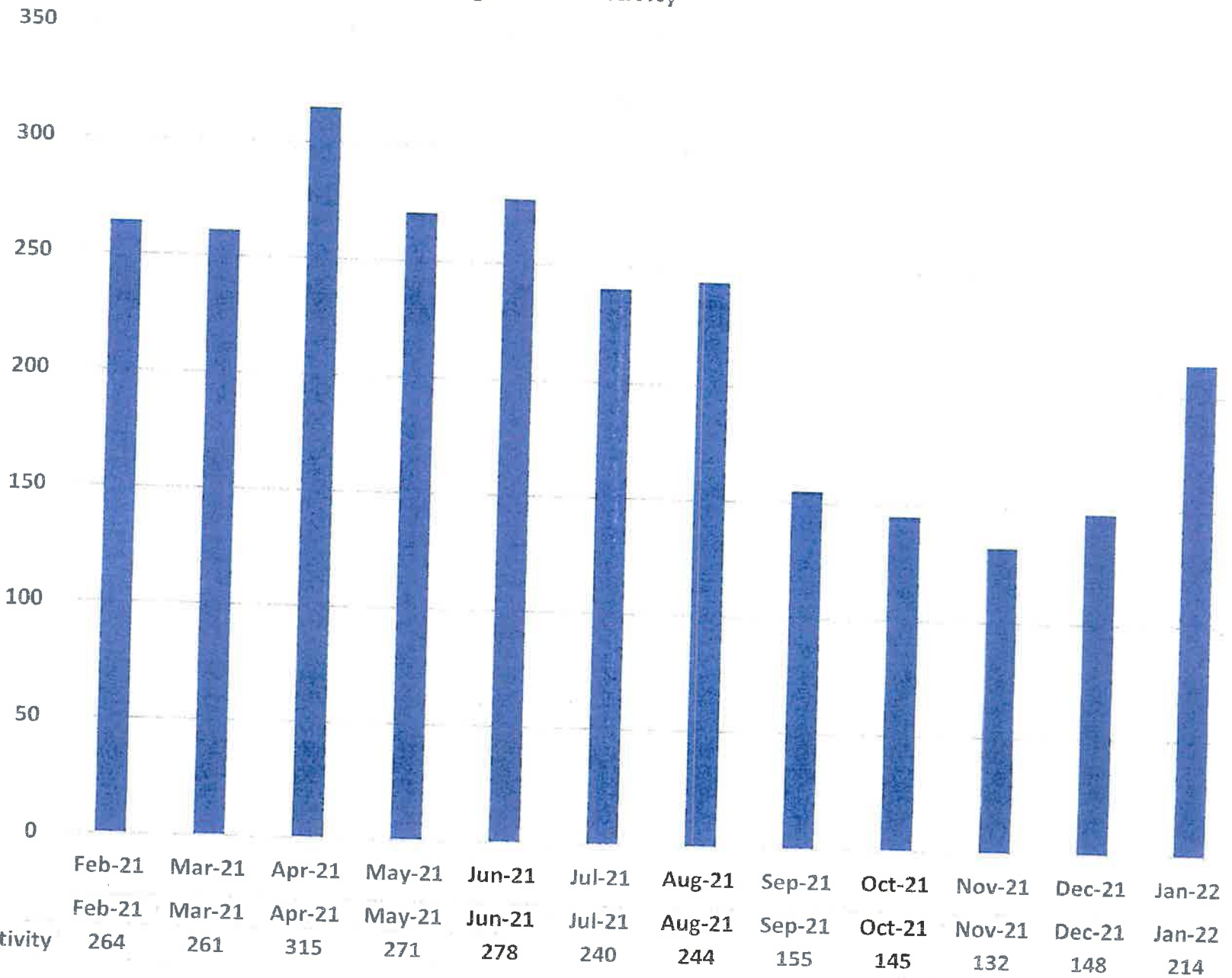


- | | | | |
|---|------------------------------------|-------------------------------------|---|
| ■ Aggravated assault investigations - 0 | ■ Alcohol-related offenses - 2 | ■ Animal complaints - 5 | ■ Arson investigations - 0 |
| ■ Assist other agencies - 18 | ■ Borough ordinance violations - 0 | ■ Borough Patrol activity - 176 | ■ Burglary investigations - 1 |
| ■ Citations issued - 9 | ■ Crashes - 6 | ■ Criminal mischief complaints - 2 | ■ Domestic disturbance investigations - 6 |
| ■ Drug law violation investigations - 0 | ■ DUI arrests - 0 | ■ Fraud/forgery complaints - 1 | ■ General disturbance investigations - 6 |
| ■ Harassment/threats investigations - 0 | ■ Infrastructure - 9 | ■ Motor vehicle complaints - 3 | ■ Motor vehicle theft reports - 0 |
| ■ Murder investigations - 0 | ■ Parking enforcement - 5 | ■ Public assist calls - 11 | ■ Robbery investigations - 0 |
| ■ Selective enforcements - 24 | ■ Sex offense investigations - 0 | ■ Simple assault investigations - 0 | ■ Suspicious activity investigations - 7 |
| ■ Theft reports - 2 | ■ Traffic stops - 25 | ■ Traffic warnings - 19 | ■ Truck route enforcement - 6 |

Call for Service Activities & Trends 4 Month Table

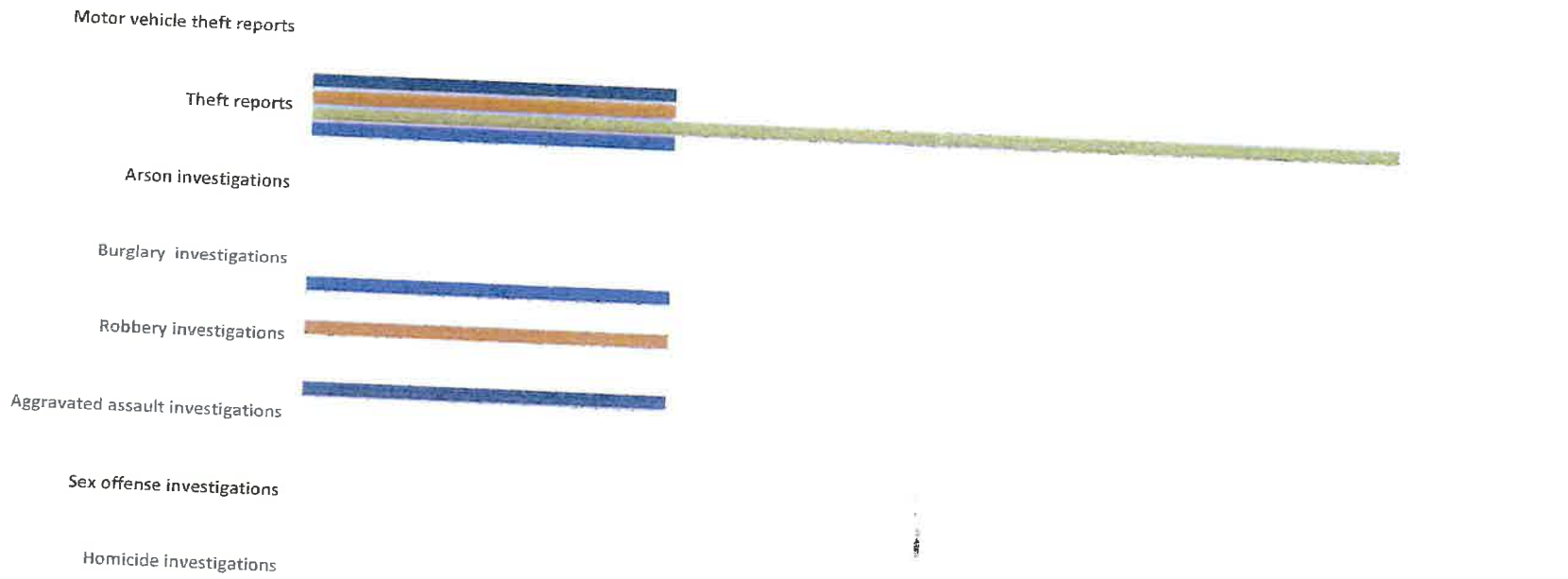


Borough Patrol activity



Part 1 Offenses

■ Oct-21 ■ Nov-21
■ Dec-21 ■ Jan-22



	Homicide investigations	Sex offense investigations	Aggravated assault investigations	Robbery investigations	Burglary investigations	Arson investigations	Theft reports	Motor vehicle theft reports
■ Oct-21	0	0	1	0	0	0	1	0
■ Nov-21	0	0	0	1	0	0	1	0
■ Dec-21	0	0	0	0	0	0	3	0
■ Jan-22	0	0	0	0	1	0	1	0

5. REPORTS AND CORRESPONDENCE:

Fire Department Report

5. REPORTS AND CORRESPONDENCE:

EMS Report

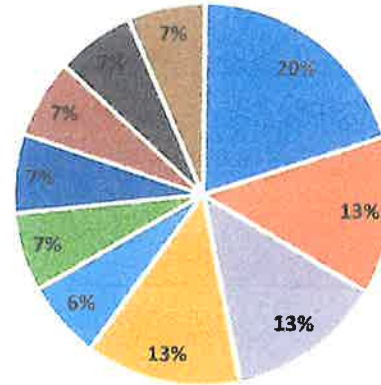
Monthly EMS Service Report | January 2022

VMSC

Call Types

Type of Call	Count
No Other Appropriate Choice	3
Falls	2
Sick Person	2
Medical Alarm	2
Stroke/CVA	1
Psychiatric Problem/Abnormal Behavior	1
Traffic Accident	1
Altered Mental Status	1
Breathing Problem	1
Abdominal Pain/Problems	1
(blank)	
Grand Total	15

- No Other Appropriate Choice
- Falls
- Sick Person
- Medical Alarm
- Stroke/CVA
- Psychiatric Problem/Abnormal Behavior/Suicide Attempt
- Traffic Accident
- Altered Mental Status
- Breathing Problem
- Abdominal Pain/Problems
- (blank)



Disposition of Call	Count
Transported No Lights/Siren	9
Transported Lights/Siren	2
Cancelled on Scene/No Patient Found	2
Cancelled (No Patient Contact)	1
Patient Evaluated, No Treatment/Transf	1
(blank)	
Grand Total	15

Area Call Times (in seconds)

Average Out of Shute Time: 00:57
Average To Scene Time: 08:27

Destination Hospital	Count
Abington Health Lansdale Hospital	9
Doylestown Hospital	1
Grand View Hospital	1
(blank)	
Grand Total	15



5. REPORTS AND CORRESPONDENCE:

Public Works Department Report

Stephen S. Fickert Jr

Public Works Director/Report for February, 2022

Tuesday, February 1, 2022

- Cleaned trucks from snow storm
 - Checked bolts
 - Washed out undercarriage
 - Dumped out extra salt
 - Greased all fittings
- Cleared snow from storm sewer inlets
- Fixed street signs at various locations

Wednesday, February 2, 2022

- Worked with Eddies Electric fixing street lights
- Grinded concrete by the back ramp at the administration building
- Cleared snow from storm sewer inlets

Thursday, February 3, 2022

- Took loads of sweeper debris to Britton Industries
- Started building a new chipping box for 57-3

Friday, February 4, 2022

- Continued taking loads of sweeper debris to Britton Industries
- Continued building new chipper box for 57-3

Saturday, February 5, 2022

Sunday, February 6, 2022

Monday, February 7, 2022

- Collected trash from parks & buildings
- Finished clearing brush from ROW at E School & Forest Way
- Emptied left over salt from 57-3

Tuesday, February 8, 2022

- Pressure washed 57-3 from salt residue
- Chipped branches from scout cabin property
- Hauled woodchips to Clarkes Landscaping
- Moved furniture from Manager's office for Municibid sale

Wednesday, February 9, 2022

- Thorough cleaning of the PW shop
- Installed AED's in PW shop and 57-6
- Hauled stone to stock pile at PW shop

Thursday, February 10, 2022

- Hauled stone to stock pile at PW shop
- Cleaned up washed out stone from alleys
- Marked out sidewalk rejections along Poplar St
- Responded to Electrical Problem
 - See Outage report for 2-10-2022

Friday, February 11, 2022

- Ed off
- Spread milling at the scout cabin
- Located underground utilities at the office for the As-Built's drawing's
- Loaded 57-3 with salt

Saturday, February 12, 2022

Sunday, February 13, 2022

- Jack salting the roads at 5:30 AM

Monday, February 14, 2022

- Collected trash from parks & buildings
- Services 57-10 & 57-9
- Took rubber goods to Eldon Electric for testing
- Started painting the sign for the historic jail.

Tuesday, February 15, 2022

- Cleaned inlets and cross pipes from debris
- Finished servicing 57-9
- Continued painting sign for the historic jail
- Worked with Carr & Duff
- Fixed street signs at various locations

Wednesday, February 16, 2022

- Installed house service at 44 Lambert St
- Took 57-9 to Plasterer Equipment to repair a hydraulic leak
- Picked up cold patch & filled holes in roads
- Safety meeting through AMP

Thursday, February 17, 2022

- Fixed street signs at various locations
- Took 57-3 to Kalers Motors to repair and air leak
- Continued building new chipper box for 57-3

Friday, February 18, 2022

- Cleaned storm sewer inlets
- Cleared debris from roads from high winds
- Cleaned & organized Electric Building
- Picked up 57-3 from Kalers Motors
- James off ½ day
- Transferred the title for the old F-350 Utility Body. Truck sold for \$30,100 on Municibid.

Saturday, February 19, 2022

Sunday, February 20, 2022

Monday, February 21, 2022

- Cleaned up fallen sticks from Borough owned property
- Installed a salt spreader on 57-3
- Collected trash from parks & buildings
- Responded to power outage, See attached Outage Report

Tuesday, February 22, 2022

- Cleaned up debris from electrical outage
- 57-9 was dropped off from Plasterer Equipment
- Worked with NPWA doing sewer shut offs
- Marked PA 1 Calls

Wednesday, February 23, 2022

- Started cleaning out storm sewer inlet boxes

Thursday, February 24, 2022

- Continued cleaning out storm sewer inlet boxes
- Loaded 57-4 with salt

Friday, February 25, 2022

- Ed was called in to salt the roads at 12:00 AM
- Salted borough owned sidewalks
- Emptied left over salt from 57-4
- Pressure washed and cleaned 57-4
- Responded to an electric problem
 - See outage report for 2-25-2022

Saturday, February 26, 2022

Sunday, February 27, 2022

Monday, February 28, 2022

- Received transformers for stock
- Continued cleaning out storm sewer inlet boxes

Hatfield Borough Council

From: Stephen S. Fickert

Subject: Work accomplished during the month of February, 2022

Parks Maintenance - Trash was collected at parks & buildings as needed. Replaced pieces on the split rail fence at Centennial Park. Chipped branches at the scout cabin. Trimmed low hanging branches in different parks.

Electrical Work - Worked with Eddies Electric fixing street lights and installing a new electrical service for the new house being built at 44 Lambert St. Worked with Carr & Duff finishing the install of the recloser for the Behind the Meter project. Carr & Duff came in for power outage on Monday, February 21. See attached outage report. Worked with Eddie's Electric fixing a house service at 161 W School St & 36 Maple Ave. See attached outage reports.

Equipment Maintenance - Greased & power washed equipment as needed. The old Ford F-350 Utility Body Truck sold on Municibid for \$30,100. The old paint sprayer sold on Municibid for \$450.00. Took 57-9 to Plasterer to repair a hydraulic hose.

Street Maintenance - Inlets were cleaned as needed. Marked out PA-1 calls. Replaced/fixed street signs as needed. The sanitary sewer replacement project along Orchard Lane and Forest Way has been completed and waiting till the spring for the completion of the punch list items. Salted and plowed roads and sidewalks as needed. Finished clearing brush along a Right-of-Way at E School St & Forest Ave. Hauled and stock piled stone. Cleaned out inlet boxes for our annual MS-4 credits.

Building Maintenance - Grinded down a tripping hazard at the back ramp at the administration building. Purchased and installed AED's in the Public Works Shop. Worked on locating the underground utilities for the Borough Hall As-Built drawing's.

DATE: 2-10-2022

POWER OFF: 2:25PM

POWER ON: 4:02PM

PROPERTIES AFFECTED: 161 W School St

EMPLOYEES RESPONDING: Steve & James

CONTRACTOR CALLED: Eddie's Electric

TIME: 2:52PM

ARRIVED: 3:35PM

CAUSE OF OUTAGE: A connection from the utility side to the customer side failed and caused the customer to have half power.

REPAIRS MADE: Re-tapped the line that had failed. Customer was told they need to replace their attachment point.

ADDITIONAL NOTES: _____

DATE: 2-21-2022

POWER OFF: 3:11PM

POWER ON: See Below

PROPERTIES AFFECTED: All of Hatfield Borough, all three circuits

EMPLOYEES RESPONDING: Ed, Derik, James, Jack, & Steve

CONTRACTOR CALLED: Carr & Duff

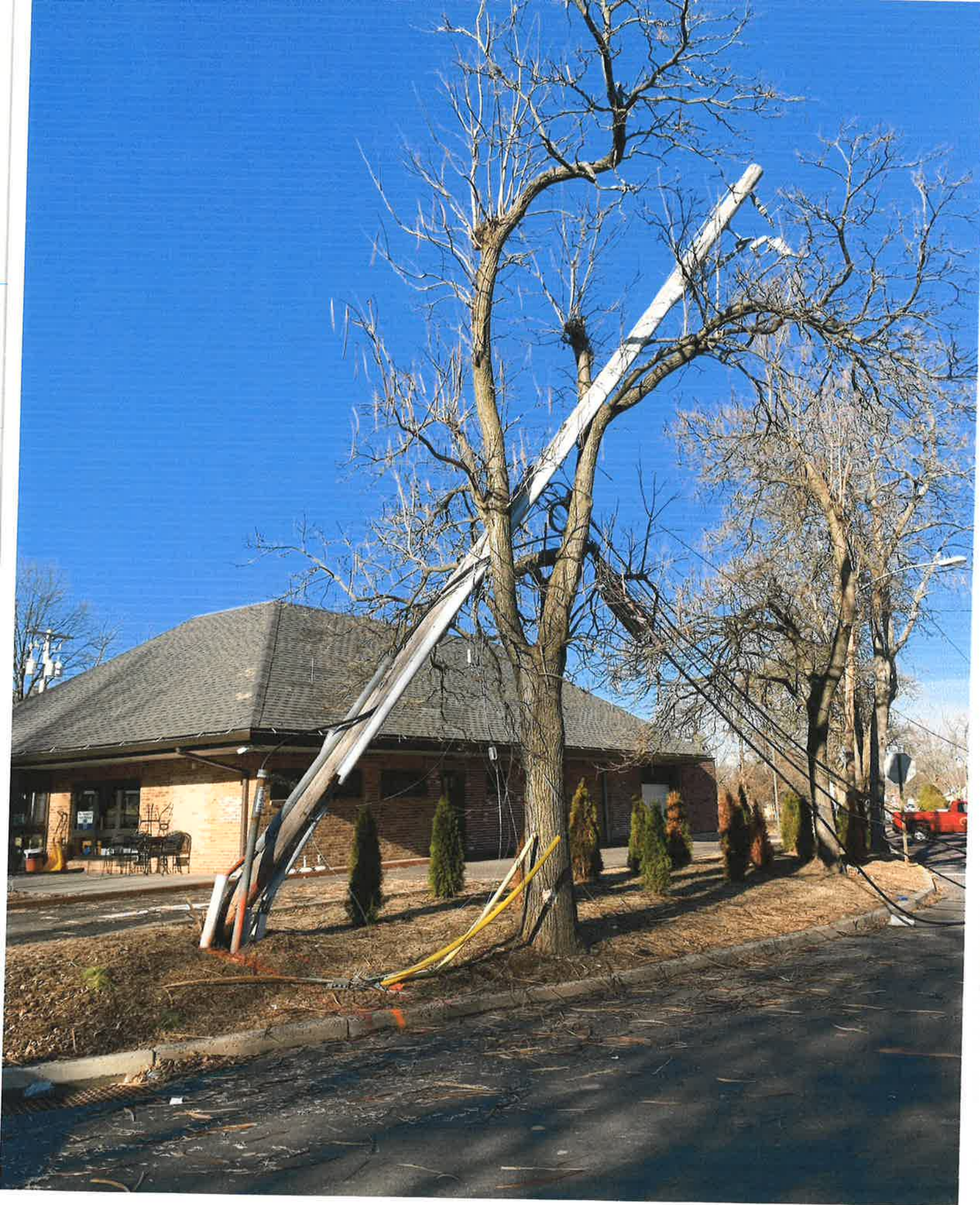
TIME: 3:23PM

ARRIVED: 3:47PM

CAUSE OF OUTAGE: Tractor trailer turned around using W Broad (Little Broad) to Towamencin Ave to get back out to W Broad (Forty Foot). He took down a utility pole on the corner of Little Broad and Towamencin Ave. The primary came in contact with the neutral wire and sent a fault to PP&L. PP&L shut down service to Hatfield Borough.

REPAIRS MADE: Once the Chestnut & Main St Circuits were confirmed to have no faults, PP&L was called to re-energize power to Hatfield Borough. The Vine St Circuit remained open. Installed a fuse two poles down from the broken pole. Once the fuse was installed, the majority of the Vine St circuit was re-energized leaving only the residents on Larkspur Lane and Raintree Circle out of power. Carr & Duff installed a new utility pole and then re-energized the residents along Larkspur Lane and Raintree Circle. Carr & Duff also had to test the underground primary wire that went from the pole that was hit to feed the residents along Larkspur Lane and Raintree Circle.

ADDITIONAL NOTES: Chestnut Street & Main Street Circuits were energized around 4:50PM. The Vine Street Circuit was re-energized with the exception of residents along Raintree Circle & Larkspur Lane around 5:55 PM. The residents along Raintree Circle & Larkspur Lane were re-energized around 11:30 PM



DATE: 2/25/2022

POWER OFF: N/A

POWER ON: N/A

PROPERTIES AFFECTED: 36 Maple Ave

EMPLOYEES RESPONDING: Ed, James, & Steve

CONTRACTOR CALLED: Eddie's Electric

TIME: 11:21AM

ARRIVED: 12:55PM

CAUSE OF OUTAGE: A dead pine tree from the above-mentioned property fell over and knocked the service wire off the house. The tree most likely fell over from the weight of the accumulated ice.

REPAIRS MADE: Cut back the fallen pine tree and re-attached the service cable to the house. The homeowner will receive a letter informing them they need to replace their service cable and weather head.



5. REPORTS AND CORRESPONDENCE:

Engineering Report



BURSICH
ASSOCIATES



Memorandum

Date: February 23, 2022

To: Ms. Jaime Snyder, Manager, Hatfield Borough

pc: Ms. Katie Vlahos, Assistant to the Manager, Hatfield Borough
Mr. Steve Fickert, Public Works Director, Hatfield Borough
Ms. Kate Harper, Borough Solicitor
Hatfield Borough Council

From: Chad E. Camburn, P.E.

Subject: March 2022 Engineering Report
Bursich Project No. HAT-01/065075

The following is a highlighted list of recent activities for the Borough Council Meeting:

CAPITAL IMPROVEMENT PROJECTS:

- **Orchard Lane and Forest Way Sanitary Sewer Replacement**
The project includes the replacement of the sanitary sewer in Orchard Lane and Forest Way. The Orchard Lane scope received a \$200,000 CDBG grant. DOLI Construction Corporation was awarded the contract with a Base Bid of 322,675.00, and a low total bid including alternates of \$342,050.00. The project must be Substantially Complete by December 31, 2021, and Ready for Final Payment by January 30, 2022.

The sanitary sewer system has been installed and passed pressure and vacuum testing. We are working on issuing a Certificate of Substantial Completion and reconciling the final cost of the contract based on the quantities that have been installed in the field. Additional costs will include the storm pipe replacement, which was determined to be necessary during construction, and reconstruction of the curbing along Forest Way, which was unable to be saved due to the condition of its bedding and proximity to the sewer main. The draft punchlist includes primarily concrete sidewalk repairs and yard restoration. An extension to the Ready for Final Payment deadline will be necessary to allow time for grass to grow and reestablish the yards.

ENGINEERS, LAND SURVEYORS, LANDSCAPE ARCHITECTS



2129 E. High Street | Pottstown, PA 19464
N 40° 14' 40.2" W 075° 36' 09.6"

610.323.4040
www.bursich.com

- **2022 ADA Ramp Replacement Project**

The scope of work includes replacing thirteen ramps along E. School Street, Orchard Lane, Forest Way, and E. Lincoln Ave.; removing two existing ramps and replacing select sidewalk areas along E. Lincoln Ave.; replacing the driveway apron at 11 Market Street; installing new curbing at the intersection of Orchard Lane and Forest Way; and replacing select areas of sidewalk and driveway aprons along Lincoln Ave.

The bid package was advertised for bidding on February 23, 2021. A pre-bid meeting will be held on March 9, and bids will be opened on March 23. The Borough Solicitor is currently preparing temporary construction easement agreements and one permanent right-of-way agreement for the improvements. Construction will take place in Spring-Summer.

- **2022 Roadway Resurfacing Project**

The work includes milling and overlaying Poplar Street and E. Lincoln Avenue, and repairs to Towamencin Avenue.

The project is tentatively scheduled to be advertised in Spring 2022 with a bid opening in Spring-Summer. The schedule is dependent on the ADA Ramp Replacement Project since the ramps along Lincoln Ave. will need to be completed prior to work starting on the repaving.

- **Broad Street Storm Sewer & N. Main Street Storm and Sanitary Sewer Improvements**

The project will replace the entire storm sewer system in West and East Broad Street and North Main Street, 280 LF of deteriorated 30"x52" CMP through private properties, and the entire sanitary sewer system in North Main Street. \$1.09M of the project will be funded with Commonwealth Financing Authority (CFA) Pa Small Water and Sewer and H2O PA grants. The NPWA will replace their water main from Towamencin Ave. to Main Street under the contract with the Borough's work. Once the work in E. Broad Street is complete PennDOT will mill and overlay E. Broad Street. While W. Broad Street is not currently on PennDOT's five-year plan for repaving, the Borough could attempt to have PennDOT add it as the construction scope and schedule develop.

We continue to work on underground utility investigation, design, permitting, and bid package preparation. Public Works staff will televise and locate the six-inch storm pipes to determine whether they are active or can be removed. The NPWA will also locate and mark their main and service locations. This information will determine the final scope and design of the storm sewer system.

SUBDIVISION / LAND DEVELOPMENT / PERMITS:

- **43 Roosevelt Ave. Subdivision/Land Development:**

The project includes the subdivision of the property into four residential lots and development of twin units and underground stormwater management facility. Borough Council approved Resolution No. 2021-13 at its July 21, 2021 meeting, granting Conditional Final Approval.

No Change from Previous Report - Revised design documents were received via email on September 2. We are currently waiting for authorization from the Borough to resume our review once all administrative obligations are met by the applicant.

- **Bennett's Court (Prestige Building Partners Townhomes)**

The application proposes the construction of 18 townhouse units in three buildings taking access off a new cul-de-sac street, partially comprising an area of undedicated E. Broad Street.

No Change from Previous Report - Our latest review was issued on June 4, 2021, and we are currently awaiting revised documents.

- **Edinburgh Square Subdivision (510 Koffel Road):**

The project includes the subdivision and development of the property into four residential lots.

Foundation as-built plans have been approved for all four lots. The contractor is working on the foundation for Lot 2 and the houses on Lots 1, 3, and 4.

MISCELLANEOUS:

- **Sanitary Sewer**

- The annual Chapter 94 Wasteload Management Report has been completed for submission to the HTMA and PaDEP.
- We are reviewing HTMA loading data and a comparison of Borough flows and loadings in comparison to the sewer service agreement.
- In accordance with the PaDEP's request, we are coordinating with the HTMA to evaluate the estimated flow per EDU for new connections to the public sewer system.

- **MS4 Program**

- We continue to work with the PaDEP and Borough staff to develop a Pollution Reduction Plan, and Operation and Maintenance Manuals for Borough facilities and equipment.

As always, please feel free to contact me at 484-941-0418 or chad.camburn@bursich.com with any questions.

5. REPORTS AND CORRESPONDENCE:

**Zoning Officer, Building Code, Property
Maintenance Report**

Code, Zoning and Fire Safety Report – February

Jamie Snyder's Memorandum List

Items on the list continue to be monitored

Fire Inspections

Written notice has been distributed to business owners. Scheduling is taking place as applications are received.

Resale Inspections (1 Total)

- (1) Use and Occupancy Certification issued
- (0) Conditional Use and Occupancy Certification issued
- (0) Failed Inspections issued

Permits (6 Total Processed)

- (2) Demolition (carport and inground pool)
- (2) Mechanical
- (1) Electrical
- (1) patio and pergola

Notice of Violations (1 Total new)

122 Penn Ave – non-approved rooming house

Open Violations (3)

129 W Lincoln Ave – Shed improperly located in front/side yard (permit was issued). Shed has been relocated and in compliance – NOV CLOSED

60 Towamencin Ave – Impediment of clear sight triangles and operation of an unlicensed business. Extension requested and granted to move trees by April 1, 2022

80 N Market St – Unsafe structure (garage) Permit for demolition has been issued and work is to proceed

Non-Traffic Citations

NONE

Notes:

Submitted by,

Robert J. Heil
Code & Zoning Enforcement

5. REPORTS AND CORRESPONDENCE:

Fire Marshal / Fire Safety Inspection Report

5. REPORTS AND CORRESPONDENCE:

Pool Advisory Report

6. MANAGERS REPORT:



Borough of Hatfield

Montgomery County, Pennsylvania

MANAGER'S REPORT General Report and Projects Update

1. Land Use & Development Updates:

- A. 371 Edgewood Drive (formerly 122 ½ Towamencin Ave.): Demolition Completed / Driveway Permit Being Reviewed
- B. Edinburgh Square Subdivision: Building Permits Issued
- C. Bennetts Court L.D.: Revised Preliminary Plan to be Re-Submitted
- D. 43 Roosevelt L.D.: Final Plan Approved / Working on Developers Agreement
- E. SEPTA Property: Long Term Lease being developed

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 the 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-pa-web.amppartners.org/index.php>

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

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 process has been started to submit all paperwork for the grant reimbursement.
- B. The Orchard Forest Way CDBG Sanitary Sewer Project is nearing substantial completion. Working on final project costs including storm pipe and curb replacement along with punch list items of sidewalk work and yard restoration which will impact final payment.
- 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 - Pre-bid March 9th Bid-opening March 23rd
- B. 2022 Roadway Resurfacing Project - Working on the bid package

401 S. Main Street
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215-855-2075

Email:
admin@
hatfieldborough.com

Website:
www.hatfieldborough.com

- C. W. Broad Street, E. Broad Street, N. Market H2O / PA Small Water Storm and Sanitary Sewer Grant Project - finishing up survey, bid package
 - D. CTP Firehouse Flasher Grant - waiting on final PA One Calls for utility locations and the arrival of ordered materials. COR No. 1 was approved for a 30ft mast arm
 - E. MTF / CTP Crosswalk Grants - waiting on agreements and coordination with Storm and Sanitary H2O / PA Small Water Grant Project
5. **PMEA Update:**
February Newsletter - attached
Training being offered in the East & West for Electric.
6. **AMP Pennsylvania R.I.C.E. BTM Peaking Project Update:**
AMP is still working with PPL on a final punch list of items including testing. The electrical contractor was given the green light by AMP to finish all necessary items.
7. **AMI Update:**
The AMI system is 100% installed and integrated into our system.
8. **Public Information Officer Update:** attached
9. **Items of Interest:**
 - A. PSAB Conference Registration
 - B. NextEra Conference Recap
 - C. APPA Legislative Rally Recap
 - D. ARPA Montgomery County Recovery Funds
<https://www.montcopa.org/3821/Recovery-Office>
 - E. Build Better America Infrastructure Law
https://www.whitehouse.gov/wp-content/uploads/2022/01/BUILDING-A-BETTER-AMERICA_FINAL.pdf

Respectfully Submitted,
Jaime E. Snyder, Borough Manager
March 2, 2022



Save the Date!

PMEA Annual Finance Workshop – June 8, 2022 (online)

PMEA 2022 Annual Conference – September 7 – 9, 2022 @ Penn Stater, State College

The Challenge of Customer Service

By: David Woglom, Lafayette College Meyner Center

The mission of all municipalities is to provide high-quality public services; police, fire, streets, snow removal, parks, utilities, etc. All of these services are provided by people for people. However, sometimes residents can be insatiable in their expectations or perceived needs, and call on municipal personnel to satisfy these needs. Frequently it not so much what we say but how we say it. This lack of understanding will lead to the municipality having a bad reputation with residents who complain that the "people who work in Borough Hall are so unfriendly."

So, what does high-quality customer service sound like and why is there such an increased focus on it today? The first realization we all need to understand is that people's expectations from municipal officials are no different from their expectations from companies in the private sector. For many years now, many private sector companies have been focusing on training their employees on customer service because of competition. It is a simple proposition to understand that if a company wants a potential customer's business, they must treat the potential customer with friendliness and respect. When was the last time you spoke to a marketing representative on the phone who did not provide this kind of service to you, or if someone did not, you probably didn't do business with that company? It is this same expectation that our residents are looking for from municipal officials. They are expecting a smiling face and a pleasant tone to our voice, and a willingness to give them the information they seek.

But sometimes meeting residents' expectations can be difficult and unrealistic. Municipalities are sometimes in the "no" business, particularly on utility billing or zoning issues, and certainly in some police enforcement services. Residents can be insatiable in seeking the answer they want and can be nasty when they do not get the sought-after answer. There may be a certain distrust in government before they even call us. Some residents view government employees as people who consider themselves better than others and have a condescending attitude. The reality is that sometimes the answer to a request has to be "no" and municipal employees need to focus on how they say "no". We are all enforcers of rules, and municipal government is full of red-tape that creates rules that can make it difficult for residents.



So how can managers work with their staff to understand the situation and create a positive environment of customer service? The answer is to start by communicating with our staff and setting our own internal expectations on how to treat residents. Consider the following:

- Meet with your staff regularly to reinforce how difficult and challenging customer service can be, and to reinforce that even in difficult situations, they need to focus on remaining calm, explain their answers, smile when in person, and maintain a positive tone to their voice.
- Remember that 90+% of our calls are positive; it is the remaining 10% that are difficult.
- Be sure that staff members communicate with each other on any unusual or unpleasant conversations that take place.
- Smile and laugh. These two approaches set such a positive tone to anyone we speak to.

Customer Service (continued)

- Create an environment whereby staff knows they need to be friendly to residents whether it is on the phone or in person. Do not shy away from extending conversations on issues that have no relationship to municipal issues, such as the weather, or recent news events.
- Have your staff as informed as they can be on all municipal issues, departments, or upcoming events in the community. Residents frequently view municipal officials as the old-fashioned 411 service and will call with questions that have nothing to do with municipal services. Either knowing the answer to these questions or being able to tell them who they can call is of great help.
- Remember that we need to be problem solvers. A lot of callers will describe some kind of problem that they want/expect us to solve. Be willing to listen and help them with their issues.
- Be patient and tolerant, which sometimes is not easy to do. We are all human beings and sometimes we have "bad days" ourselves.
- Never be condescending, arrogant, or sarcastic to residents. We are not better than them in any way.
- Have empathy to residents' plights. A lot of times, residents' requests come with an explanation of what is wrong in their lives and we need to listen even when they go on and on.
- Remember that sometimes it is not what we say but rather how we say it. Focus with staff on how they deliver the message to residents.
- Be a promotor of the municipality. Be willing to talk about the good things going on in the community and the municipality.
- Do not take difficult conversations personally. Even when we have to tell someone "no" and they are not happy with us, do not take it personally.

Customer service is all about people helping people and in government, helping people understand our government rules and services. Fortunately for us, the majority of our calls and meetings with residents are calm and present no issues. For those difficult situations, take a deep breath, focus on listening to them, be patient and tolerant, and take the time to explain your response. If you treat people as you want to be treated, you will have done all you can to help residents and to promote the municipality as a great place to live, work, and play.

Broadband and Pole Attachments – What Municipalities Need to Know

By: Sam Wiser, Esq., Salzmann Hughes – Solicitors to PMEPA

Driven by the COVID-19 pandemic, millions of American workers and students began working or studying from home, straining the existing internet infrastructure, and demonstrating its inadequacies to support a mass shift to remote activities. Though many people have since returned to in-person work and school, the need for strengthened broadband nevertheless persists, as some businesses and organizations have found that they can effectively operate remotely.

While expansion of broadband internet access has been a significant objective of the Federal and state governments in recent years, the pandemic highlighted the lack of adequate internet access — particularly in rural communities — across the country.

Pennsylvania is no exception. In Pennsylvania, many areas remain unserved or underserved, as revealed by a 2021 report published by the Center for Rural Pennsylvania, a bipartisan legislative agency of the Pennsylvania General Assembly.



According to the report, approximately 29 percent of the state has download speeds of less than 25 Mbps (i.e., considered "unserved"), while only 36 percent of the state has download speeds of 100+ Mbps, or "high-speed broadband service." The remaining 25 to 99 Mbps range qualifies as "underserved." Note that the terms "unserved," "underserved," and "high-speed broadband service" come from Act 96 of 2021, which was enacted to

improve internet access to Pennsylvanians.

The report further revealed that rural counties, primarily located in the northwest, central, and northeast regions of the state, are more likely to be unserved and have significantly fewer users with high-speed broadband service.

However, these areas could potentially see some relief; the pandemic catalyzed the development of various government programs and grants to develop and expand broadband internet. For example, the American Rescue Plan Act allows recipients to use funds for broadband infrastructure, and the Coronavirus Capital Projects Fund was established to modernize infrastructure (including broadband infrastructure) for rural communities.

Pole Attachments (continued)

Note that the Pennsylvania Public Utility Code generally restricts municipalities from providing broadband internet service to the public (see, 66 Pa. C.S. § 3014(h)). Under limited circumstances, a municipality may offer broadband if a local telecommunications company refuses to provide the service after receiving a written request from the municipality. However, the Public Utility Code does *not* preclude municipalities from owning broadband infrastructure and renting capacity to service providers.

The type of technology used may influence the degree to which municipalities can regulate service providers. For example, municipalities should keep in mind that if a service provider packages internet and video products together, the municipality and provider must enter into a franchise agreement, as required by the Communications Act.

Similarly, municipalities are authorized to adopt *reasonable* pole attachment requirements, including make-ready provisions and application fees. These requirements may appear in pole attachment agreements with service providers or in technical standards adopted by resolution or reference in ordinances. The Pennsylvania Public Utility Commission ("PUC") adopted the Federal Communication Commission's ("FCC") pole attachment rules in 2019. The PUC's pole attachment rules, which cover one-touch make ready and over-lashing regulations do not extend to municipal electric poles. The PUC's rationale for adopting the FCC rules is to speed the deployment of broadband infrastructure. The FCC has found that "utilities throughout the country have disparate and inconsistent practices with regard to cost responsibility for pole replacements."¹ Criticism has been levied at municipal electric, with an assertion that "electrical cooperatives and municipal governments charge rates for pole access that are more than double those of private utilities."² The National Rural Electric Cooperative Association ("NRECA") has asserted that lower pole attachment rates is "unlikely to result in expanded rural broadband access" and have further asserted that telecommunication companies receive immense bargain in attaching to existing cooperative poles, as opposed to building and maintaining its own pole infrastructure.³

The infusion of government funds coupled with competition among service providers presents a scenario under which municipal electrics are likely to see an increase in pole attachment requests. Given the scrutiny that municipal electrics face, it is of paramount importance that municipalities establish reasonable and uniform methods of regulating pole attachments. While one barometer of reasonableness is looking to the PUC and FCC regulations, municipalities can establish reasonableness by calculating the cost of addressing pole attachment requests (cost-based pole attachment fees). As pointed out in the referenced NRECA article, maintaining poles and associated rights-of-way is expensive. In developing your pole attachment fees, make sure you have evaluated your costs.

Telecommunications companies seem to have the ear of the legislature, as evidenced by the Small Cell legislation adopted last year (Act 50 of 2021). Also, there seem to be a contingent of legislators who desire to bring municipal electrics under the jurisdiction of the PUC. Establishing uniform and reasonable pole attachment regulations and rates are important to combat further efforts to restrict the operations of municipal electrics. Members should be proactive in reviewing their policies and rates and anticipated increased requests for attachments.

¹ *Declaratory Ruling, In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, at para. 3 (Jan. 19, 2021), available at <https://docs.fcc.gov/public/attachments/DA-21-78A1.pdf>

² See Michelle Connolly, *The Economic Impact of Section 224 Exemption of Municipal and Cooperative Poles* (Jul. 12, 2019), available at <https://www.ncta.com/sites/default/files/2019-07/NCTA%20Mun%20and%20Coop%20Poles%20Connolly%20Paper%20Ex%20Parte%20Final%207-22-19.pdf>

³ See Brian O'Hara, *Rural Electric Cooperatives: Pole Attachment Policies and Issues* (June 2019) available at https://www.cooperative.com/programs-services/government-relations/regulatory-issues/documents/2019_06_05%20nreca%20pole%20attachment%20white%20paper_final.pdf

Meter System Available

Pitcairn Borough in Western Pennsylvania is selling its Radio Frequency Meter system. This system works using a drive-by reading interface from Itron Meter systems. It has both MVRS and the FCS modules for reading. It only has the capabilities of getting reads remotely, no advanced metering options. The borough has approximately 1800 standard 2S meters and approximately 105 polyphase and network meters 12S form. It also has a handheld for the MVRS system and a Panasonic Toughpad for the FCS System and the accompanying interfaces. Please contact: James D. Comunale, Utility Supervisor, at 412-372-6500 ext. 14.

FOR SALE!

Nominations Opening Soon for Public Power Award

PMEA is pleased to announce that nominations for the James J. Havrilla Public Power Service Award will be accepted beginning March 21. Named after James J. Havrilla, a professional engineer who worked with many of the PMEA members, the award is presented to an individual who, throughout his/her career, has consistently demonstrated a commitment to public power. An

(continued on next page)

Public Power Award (continued)

individual elected, appointed, or employed by a PMEA member municipality or a related agency may be nominated by a PMEA member. The winner will be announced at the Annual Conference in September. To learn more about the award, the criteria, and to access the nomination form, please visit <https://www.papublicpower.org/awards>.

Associate Member Spotlight



THE EASTERN SPECIALTY COMPANY

continues to develop state-of-the-art equipment for AMI testing and engineering support as well as meter shop and field services. Visit lescometering.com for more information about our products and services.

Since 1904 TESCO is the trusted source for meter testing equipment and accessories, creates high-quality watt-hour and demand test equipment, desktop meter stations, CT ratio and burden testers, high precision current and voltage transformers and testing equipment, meter qualification boards, meter farms, test switches, safety equipment and more. Pioneering solutions for today and tomorrow, TESCO

We Want to Hear From You

Please share with us your exciting projects and photos for future newsletters. Your submissions should be sent to bosak@papublicpower.org at any time and we will use them in upcoming editions. We also welcome your suggestions for topics of interest for our newsletters.

Pennsylvania Municipal Electric Association

112 Market St., 8th Floor,
Harrisburg, PA 17101
info@papublicpower.org



Borough of Hatfield

Montgomery County, Pennsylvania

MEMORANDUM

Date: February 25, 2022

To: Borough Council

From: Public Information Coordinator Update

Subject: Monthly Update

Public Information Update is as follows:

- Social Media- Numbers are continuing to increase. We will hold another contest within the month.
- Newsletter- The new Borough Informer is in the works. The layout has been completed and interviews are beginning for articles. Borough Council and the Mayor received an e-mail that they will be contacted for a simple interview to be placed in the first issue.
- Earth Day Event- The event will be held at Franconia auto Repair on April 23, 2022 beginning between 8:00 and 9:00 am. A detailed flyer will be included in next month's update.
- Website- We are continually updating the website and find that it is becoming an extremely useful tool in the event of news and power outages. We will continue to encourage residents to sign up for the website and CentraVu portals.
- Sponsorship Packets- These packets will be going out within the next month. Details of events are currently being ironed out and will be included in the packet.
- Business of the Month- I will be connecting with the 4 businesses next week to see if they would like to run any specials. This program will be the second week of the month through the end of the first week of the following month to give the businesses time to pull a special together if they choose to have one.

March 15th to April 15th will include Be Still Nutrition, Best of Times Limo, Divine Beauty Boutique and Hatfield Market.

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Website:
www.hatfieldborough.com

- HEROC- We had a very productive HEROC meeting on Wednesday February 23, 2022.

Thank you for your continued support and please let me know if you have any questions. Have a great week!

Respectfully submitted,

Lindsay Hellmann

Public Information Coordinator



A Salute **TO OUR PAST**

TOGETHER EVERYONE ACHIEVES MORE

PSAB 110th Annual Conference & Exhibition

May 22 - 25, 2022 • Hershey Lodge

For more information about registering for the PSAB Annual Conference, [click here!](#)

Below are some of the highlights of this year's Annual Conference:

Events

7. NEW BUSINESS / DISCUSSION ITEMS:
**A. Hatfield American Legion Memorial Day
Parade Request**



American Legion Hatfield Post 933

2100 Koffel Road, P.O. Box 421
Hatfield, Pa 19440

www.hatfieldpost933.org

Email: Hatfield@Post933.comcastbiz.net

Phone: 215-368-7733

February 16, 2022

Jaime E. Snyder, Borough Manager
Borough of Hatfield
401 S. Main Street
P.O. Box 190
Hatfield, PA 19440

Re: Permits for Memorial Day Parade

Dear Ms. Snyder:

This letter is to serve as our official request for permits to hold the American Legion Post 933 Memorial Day Parade on Monday, May 30, 2022. As in years past, we wish to begin the parade at the Veterans Memorial in Hatfield Borough and follow East Broad Street to West Broad Street to Koffel Road. At the light, turn left onto Koffel Road and continue to the Hatfield American Legion Post in Hatfield Township.

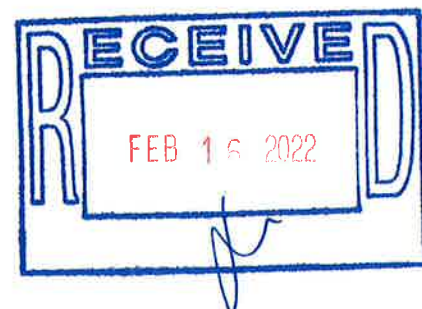
We will start lining up at 8:00 AM and will kick off the parade promptly, following the laying of the wreaths at 9:00 AM at the Veterans Memorial. The parade will conclude at the Hatfield American Legion Post with a brief ceremony, followed by free food and soft drinks for everyone in attendance.

Also, we respectfully request the Borough's assistance in providing the necessary insurance rider(s).

If there are any questions or concerns, please do not hesitate to contact me at (215) 350-5889 or by e-mail to pew051846@gmail.com.

Sincerely,

Preston E. Whitesell
Parade Chairman



7. NEW BUSINESS / DISCUSSION ITEMS:
B. Resolution 2022-04 Memorial Day Parade

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

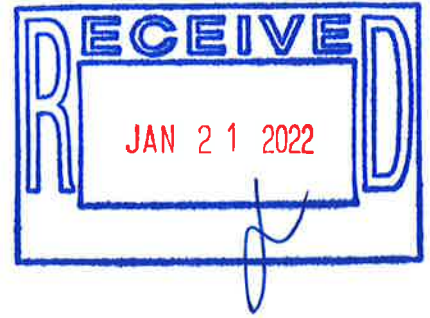
Jaime E. Snyder
Borough Manager / Secretary

Jason Ferguson
Borough Council President

Mary Anne Girard, Mayor

7. NEW BUSINESS / DISCUSSION ITEMS:

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



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.



**Montgomery County Consortium:
List of Municipalities Eligible for Joint Cable Franchise Renewal with Comcast***

1. Abington Township
2. Collegeville Borough
3. Conshohocken Borough
4. Franconia Township
5. Hatfield Borough
6. Hatfield Township
7. Lansdale Borough
8. Lower Frederick Township
9. Lower Moreland Township
10. Lower Pottsgrove Township
11. Montgomery Township
12. Norristown Municipality
13. Schwenksville Borough
14. Skippack Township
15. Towamencin Township
16. Trappe Borough
17. Upper Moreland Township
18. Upper Merion Township
19. West Norriton Township

*Please note that municipalities are classified as "eligible" if they have franchise agreements with Comcast that are either expired or are set to expire within the next three years. This list is derived from the existing records of the Cohen Law Group. Each municipality on the list must be formally confirmed as eligible by Comcast.

_____, 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 _____ 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 Township/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 Township/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/Township'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,

Name: _____

Title: _____

Date: _____

8. OLD BUSINESS:
A. Ordinance 545 Outdoor Dining Core
Commercial District

§ 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.

§ 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.
 - (2) Outdoor dining must be associated with and connected to a 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, 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."

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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.
- 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.
- L. The applicant shall comply with all other existing Borough zoning ordinances as applicable.

9. ACTION ITEMS:

10. MOTION to ADJOURN:

**Executive Session: Personnel, Litigation,
Real Estate**