

HATFIELD BOROUGH COUNCIL
REGULAR MEETING
February 16, 2022

MINUTES

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

CALL TO ORDER AND ROLL CALL:

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

- (X) Mayor Mary Anne Girard

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

1. APPROVAL OF MEETING AGENDA:

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

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

2. APPROVAL OF THE MINUTES:

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

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

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

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

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

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

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

5. PUBLIC HEARING:

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

Ordinance 543
PROCEEDINGS

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

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

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

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

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

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

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

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

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

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

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

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

RUSSEL SNYDER: I am not going to do that.

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

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

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

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

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

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

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

RUSSEL SNYDER: I have for the last two years.

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

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

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

6. PUBLIC HEARING

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

Ordinance 544 PROCEEDINGS

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

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

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

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

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

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

7. NEW BUSINESS / DISCUSSION ITEMS:

A. Outdoor Dining and Live Entertainment Ordinance

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

B. Guide Rail on Poplar Street

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

8. OLD BUSINESS:

None.

9. ACTION ITEMS:

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

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

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

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

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

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

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

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

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

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

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

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

10. MOTION TO APPROVE PAYMENT OF THE BILLS:

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

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

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

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

12. MOTION TO ADJOURN:

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

Executive Session Personnel, Litigation and Real Estate

Respectfully Submitted,
Kathryn Vlahos
Assistant to the Manager