

HATFIELD BOROUGH COUNCIL
WORKSHOP / REGULAR MEETING
June 13, 2018
MINUTES

SWEARING IN
COUNCILMEMBER LAWRENCE G. STEVENS

MAYOR ROBERT L. KALER, III PRESIDING

7:30PM: Swearing in of Councilmember Lawrence G. Stevens

Mayor, Robert L. Kaler II opened with the Swearing In of
Councilmember Lawrence G. Stevens

CALL TO ORDER AND ROLL CALL:

- (X) John H. Weierman, President
- () Kenneth V. Farrall
- (X) Jason Ferguson
- (X) John Kroesser
- (X) Lawrence G. Stevens

- (X) Mayor, Robert L. Kaler III

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

1. APPROVAL OF MEETING AGENDA:

Motion: A motion was made by Councilmember Ferguson to Approve the Workshop / Regular Meeting Agenda of June 13, 2018 with additions. The motion was seconded by Councilmember Kroesser and unanimously approved with a vote of 4-0.

2. Public Hearing on Ordinance No. 531 Amending Chapter 27 in the Borough of Hatfield's Code of Ordinances Regarding the Sale and Storage of Fireworks.

Ordinance 531
PROCEEDINGS

PRESIDENT JOHN WEIERMAN: We now have a public hearing regarding Ordinance No. 531 Amending Chapter 27 in the Borough of Hatfield's Code of Ordinances Regarding the Sale and Storage of Fireworks.

PRESIDENT JOHN WEIERMAN: At this time, I would like to call the public hearing to order.

SOLICITOR HARPER: There are a few exhibits to mark. Exhibit B1 is Ordinance No. 531. Exhibit B2 is a copy of the legal notice to the North Penn Reporter of tonight's hearing; because this is a land use Ordinance it appeared twice in the North Penn Reporter.

SOLICITOR HARPER: The reason for this Ordinance is because under the municipal planning code every local government must provide in its zoning code a place for the sale and or storage of fireworks. Solicitor Harper stated that the Borough is quite limited where this use would be allowed and the applicant must come and request a condition use hearing for conditions you would put on the sale and approval. Per this Ordinance the sale and storage of fireworks are limited to the Commercial C District. Solicitor Harper added that this Ordinance is based from the new fireworks laws in the Commonwealth.

PRESIDENT JOHN WEIERMAN: Are there any questions from the Public in attendance at this time?

PRESIDENT JOHN WEIERMAN: No questions were raised.

PRESIDENT JOHN WEIERMAN: Are there any questions Borough Council or the Mayor at this time?

COUNCILMEMBER KROESSER: Asked about setting fireworks off in the Borough.

MANAGER MICHAEL J. DEFINIS: Stated that there is nowhere in the Borough you can set fireworks off but this Ordinance would permit you to sell them per the conditions listed in the Ordinance.

MANAGER MICHAEL J. DEFINIS: Mentioned at the PSAB Conference the topic of a fireworks Ordinance was mentioned and a large majority of members did not even know that a new fireworks law has been created in the Commonwealth nor have had the discussion of a fireworks Ordinance in their Borough.

PRESIDENT JOHN WEIERMAN: If there are no further comments or questions on this Ordinance I would like to call the hearing to a close.

This public hearing is closed. (at 7:46 PM the hearing was closed)

3. APPROVAL OF THE MINUTES:

Motion to Approve the Minutes of May 2, 2018 Workshop Meeting & May 16, 2018 Regular Meeting.

Motion: A motion was made by Councilmember Kroesser to Approve the Minutes of May 2, 2018 Workshop Meeting and the May 18, 2018 Regular Meeting. The motion was seconded by Councilmember Ferguson and unanimously approved with a vote of 4-0.

4. PUBLIC INPUT: President Weierman asked if there was any Public Input. The media was not present.

Anne Clayton from 67 E. School Street addressed Council this evening with a concern from the Snyder home located at 62 E. School Street and their property containing an apiary of beehives, up to fifteen beehives, in a residential neighborhood. Ms. Clayton handed out to Council and Mayor Kaler a packet of information summarizing her questions and concerns identifying the harvesting of bees, location of E. School Street for Zoning, amount of school aged children in the area, notifying first responders, activity of bees in the neighborhood, swarming of bees, residents in the area who are allergic, are bees considered livestock, and the Department of Agriculture's findings who were at the property on Friday, June 8, 2018. Ms. Clayton went on to address what being a good neighbor and beekeeper means from the handouts from the Department of Agriculture and some issues she believes are not being taken into consideration by the owner such as public outreach and education and checking for confined animals. Ms. Clayton concluded with asking Council if this agricultural use was allowed, if this pose a public safety issue and does this degrade the property value of the surrounding homes?

Solicitor Harper stated that the Borough does not permit farming and addressed what the Ordinance considers farm animals; including but not limited to pigs, hogs, horses, cows, chickens, ducks and sheep are not permitted but it would be superceded by state laws to allow for some agriculture use.

Solicitor Harper asked if Ms. Clayton has spoken to the neighbor and suggested that Ms. Clayton speak to her neighbor about the practices of being a good neighbor and bee keeper that she shared with Council this evening and the concerns that the neighborhood is feeling with the number of bees located on the property. Solicitor Harper stated that this is not a clear violation of the Ordinance.

A discussion ensued about the use of the beehives and Councilmember Kroesser asked if Ms. Clayton thought a business was being run on the property and Ms. Clayton suggested that she is not aware if there is or is not a business associated with the beehives.

Manager DeFinis stated that he will contact the Department of Agriculture and request information about the findings, if any exist, from the visit to the property on June 8, 2018.

Solicitor Harper stated that we will have the Borough Manager follow up with the Department of Agriculture to see if there is a danger or if the bees are not being taken care of properly. Solicitor Harper added that there are a few issues here. One which Councilmember Kroesser was asking about Commercial activity at the property and also if the bees are being treated badly or if they are treating the residents badly which is the issue you are concerned about.

President Weierman stated that we are looking for a solution and some type of recourse as the last thing we would want would be to have children and residents stung or injured by these bees. President Weierman stated that we will have some replies for you to your concerns.

Ms. Clayton thanked Council and Mayor Kaler for listening to her this evening.

5. ANNOUNCEMENTS: Manager DeFinis made the following announcements.

- Next Council meeting July 18, 2018 Workshop / Regular Meeting @ 7:30PM at the HVFC
- Founder's Day is Monday, June 18th at 5:00PM @ Centennial Park
- Officer William Chapman Community Night Out is Friday, June 22nd at 6:30PM @ Centennial Park
- HERC is scheduled to meet @ 8:00AM Wednesday, June 27, 2018 at the HVFC
- The next Planning Commission Meeting is scheduled for July 2, 2018 @ 7:00PM at the HVFC
- The Borough Office will be closed on Wednesday, July 4th in observance of the 4th of July Holiday

6. Edinburgh Square Subdivision Phase I Final Plan Approval Resolution 2018-18

Manager DeFinis stated that in your packets is Resolution 2018-18 authorizing final approval for Phase I only of the Edinburgh Square Subdivision. Manager DeFinis added that the Solicitor drafted this Resolution based off of the preliminary approval Resolution 2018-16 as well as the input from the Engineer of the final Phase I plan. Manager DeFinis stated that the Chairman of the Planning, Building and Zoning Committee asked several questions which were addressed by the Solicitor and Engineer and the responses were satisfactory to him and recommends not making any changes to Resolution 2018-18 as presented.

Chad Camburn, Bursich Associates, the Borough Engineer was present at the meeting and went over the final Phase I plans and approval with Borough Council. Mr. Camburn mentioned the phasing and that this was development on lot-1 only and that lot-2, lot-3,

and lot-4 are all non-building lots. Mr. Camburn added that Phase I approval would contain the demolition and the reseeded and stabilization of the property.

Solicitor Harper added that it is conditioned upon the items listed in the Engineer's review letter. Mr. Camburn mentioned that most of the notes made were additions or adjustments on the final recorded plans.

Councilmember Kroesser asked if we have heard any responses or communication from the developer, Mr. Caracausa.

Manager DeFinis informed Council that the developer has not made any contact with the Borough except to acknowledge a violation letter for property maintenance. Manager DeFinis added that this resolution addresses all conditions in Resolution 2018-16 for preliminary approval.

Steve Bowers, 510 W. Vine Street asked if Council would be approving final development on Phase I this evening and it was stated that it was on the Agenda for consideration. Mr. Bowers asked about the maintenance agreement and it was stated by Manager DeFinis that the developer has thirty days to provide a schedule from preliminary approval. Manager DeFinis added that he will have the Zoning Officer / Property Maintenance request a schedule of maintenance from the developer next week if it is not received. Manager DeFinis also stated that he will follow up on the letter he requested to be sent to the developer about securing the property from wildlife and rodents.

7. REPORTS FROM STANDING COMMITTEES AND MAYOR:

President Weierman stated that there is an update to the Committees and they are now as follows:

Budget, Finance & Labor (BFL)

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| Chair | John H. Weierman |
| Member | Kenneth V. Farrall |

Public Safety (PUBS)

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| Chair | John Kroesser |
| Member | Jason Ferguson |

Property and Equipment (P&E)

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| Chair | Lawrence G. Stevens |
| Member | John Kroesser |

Public Works (PWRK)

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| Chair | Jason Ferguson |
| Member | Lawrence G. Stevens |

Planning, Building & Zoning (P/B/Z)

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| Chair | Kenneth V. Farrall |
| Member | John Kroesser |

Utilities (UTIL)

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|--------|--------------------|
| Chair | Kenneth V. Farrall |
| Member | Jason Ferguson |

Manager DeFinis informed Council that the meeting this evening was to inform the residents of E. School Street of the sewer work and lateral repair that will be taking place. Manager DeFinis added that seven residents agreed to have their laterals televised and Manager DeFinis stated that he will contact the rest of the residents to see if they would like to participate. Manager DeFinis stated that Bucks County Water & Sewer are interested in the televising project and have given a proposal.

Mayor Kaler informed Council and Manager DeFinis that he performed a wedding at the Hatfield Auto Museum.

8. MUNICIPAL COMPLEX UPDATE:

A. Dedication Plaque for the Municipal Complex

Assistant Manager Jaime Snyder shared with Council the ideas for the dedication plaque for the new Municipal Complex. A discussion ensued amongst Council about the design and wording on the plaque.

B. Clerk of the Works Municipal Complex Update

President Weierman stated in your packets was the updated version of the Municipal Complex Update. A discussion ensued amongst Council about the update.

9. MANAGERS REPORT:

General Report and Project Updates. Manager DeFinis reviewed the Reports and made the following announcements:

1. Land Use & Development Updates:

- A. St. Mary St. Kyrillos Coptic Church / Use Under Review
- B. GLC (Grace Lutheran Church) / Construction Complete
- C. Gambone/Snyder Townhomes / Project near Completion
- D. Hatfield Auto Museum / Nothing New
- E. Crystal Rose Catering / Nothing New
- F. Hattricks / Waiver of LD Request Granted / Bar enclosure installed under a building permit / Flea Market Approved
- G. 122 ½ Towamencin Ave. / Access to Property / Nothing New
- H. PIRHL - Biblical Seminary Project / Zoning Application Time Extension
- I. Salter's Woodburners Improvements
- J. Edinburgh Square Subdivision / Caracausa Development

2. Utility Billing Update:

- A. Staff continues to monitor past due Electric & Sewer accounts. No disconnects are scheduled at this time.

B. Email Billing available for Electric & Sewer Accounts. I encourage all account holders to take advantage of the cost-effective billing delivery opportunity.

C. Borough staff is working through minor glitches with the online MunicIPAY, Electric, Sewer and Real Estate Tax payments system. The number of users to the system continues to grow with every billing cycle.

3. 2018 Project Updates:

A. The East School Street CDBG Grant Application has been awarded, see notice to proceed to be issued after final review.

B. Towamencin Avenue Reconstruction Phase II Bid has been awarded, see notice to proceed to be issued after final review.

4. Items of Interest:

A. Teamsters Thank You

B. Tax Collector Payments

C. Delaware Valley Health Trust 2018 Annual Report

D. East School Street Lateral Repair Letter

E. NPWA Construction Letters

F. DVHT Response Letter

Manager DeFinis reviewed what happened at PSAB and Harrisburg with Borough Council and Mayor Kaler regarding the legislation surrounding municipal owned electric.

President Weierman also added that the Borough received awards for our website and newsletter.

10. NEW BUSINESS / DISCUSSION ITEMS:

A. Resolution 2018-19 Recognizing Dale Moyer's 60 Years of Business

President Weierman stated that this Resolution is to honor Mr. Moyer.

Mayor Kaler mentioned that Casey's is celebrating their thirty years in business and asked Council to consider passing a Resolution in their honor.

B. Resolution Updating the Borough Fee Schedule

President Weierman stated that we are looking to update the fee schedule and Manager DeFinis added that we have had input from the Solicitor, Engineer and Code Department.

Assistant Manager Jaime Snyder stated that in your packets is a comparison of what Brad in the Code Department did vs. surrounding municipalities. Ms. Snyder also mentioned that the Public Works call out for electrical and or sewer emergencies would be added to the fee schedule as well.

Solicitor Harper stated that just so Borough Council is aware, a fee schedule is supposed to reflect the true cost of what it is relevant to how much time it takes for the Borough to review, authorize permits or inspect.

C. 2017 Yearend Annual Financial Report Draft

President Weierman went over the 2017 Financial Draft Report with Borough Council. Manager DeFinis stated that he had to update a few documents and then the final draft will be issued.

Solicitor Harper stated that she addressed a question with Manager DeFinis regarding the transfer or lack thereof of electric funds which makes it look like the Borough is negative. Manager DeFinis replied that we wrote the electric check out of the general fund for 2017 as the new separate accounts for electric and sewer were not created until 2018.

A short discussion ensued regarding this issue.

Solicitor Harper also mentioned that the Borough is in good standing in the Pension Fund in the budget.

D. MONTCO 2040 Grant Update

President Weierman stated that the Borough did not receive the MONTCO 2040 Grant for the reconfiguration of the N. Market, E. Broad and E. Lincoln Avenue intersection.

E. East Lincoln Avenue Bridge Grant

President Weierman stated that the Borough has applied for the DVRPC Retro Bridge Grant for the E. Lincoln Avenue Bridge.

F. ESSA / Loan Draw Period Modification

President Weierman stated that due to the delay in awarding the bid, the original loan documents for the municipal building had an end date of May 2018. We would have had all the monies drawn down by this time but we do not because the project went out to bid a second time. President Weierman added that the bank has requested a loan draw modification to extend the time where the Borough can draw on the loan. President Weierman informed Council that we are working through this process with our Bond Council and ESSA Bank.

Manager DeFinis stated that we are looking to have this process complete and ready for the July 18, 2018 meeting as an Ordinance must be considered and adopted. This requires a public hearing and it must be advertised. President Weierman stated because of those items we are looking to table the motion this evening for the ESSA / Loan Draw Period Modification.

G. Towamencin Avenue Phase I Application for Payment No. 2

Manager DeFinis stated that the Borough Engineer, Chad Camburn suggests that we pay Olivieri & Associates, Inc. in the amount of \$99,540.00 for completed work on Towamencin Avenue.

11. OLD BUSINESS:

A. REPORTS AND CORRESPONDENCE:

President Weierman and Manager DeFinis reviewed, updated and answered questions regarding the Reports and Correspondence. Lt. Robertson from the Hatfield Township Police Department addressed the monthly Police report and answered any questions.

- Monthly Investment Report
- Monthly EIT / LST Report
- Police Department Report
- Fire Department Report
- Public Works Department Report
- Engineering Report
- Fire Marshal & Safety Inspection Report
- Zoning Officer & Building Code Enforcement / Property Maintenance Report

12. ACTION ITEMS:

A. Motion to Consider Resolution 2018-18 Edinburgh Square Subdivision Phase I Final Approval.

Motion: A motion was made by Councilmember Stevens to Approve Resolution 2018-18 Edinburgh Square Subdivision Phase I Final Approval. The motion was seconded by Councilmember Kroesser.

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

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

B. Motion to Consider Ordinance No 531 Amending Chapter 27 in the Borough of Hatfield's Code of Ordinances Regarding the Sale and Storage of Fireworks.

Motion: A motion was made by Councilmember Ferguson to Approve Ordinance No 531 Amending Chapter 27 in the Borough of Hatfield's Code of Ordinances

Regarding the Sale and Storage of Fireworks. The motion was seconded by Councilmember Kroesser.

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

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

C. Motion to Consider Resolution 2018-19 Recognizing Dale Moyer's Sixty Years in Business in the Borough of Hatfield.

Motion: A motion was made by Councilmember Stevens to Approve Resolution 2018-19 Recognizing Dale Moyer's Sixty Years in Business in the Borough of Hatfield. The motion was seconded by Councilmember Kroesser.

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

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

D. Motion to TABLE the ESSA Bank Loan Draw Period Modification.

Motion: A motion was made by Councilmember Kroesser to TABLE the ESSA Bank Loan Draw Period Modification. The motion was seconded by Councilmember Ferguson.

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

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

E. Motion to Consider Payment Request No. 2 for the Towamencin Avenue Phase I Project from Olivieri & Associates, Inc. in the amount of \$99,540.00.

Motion: A motion was made by Councilmember Kroesser to Approve Payment Request No. 2 for the Towamencin Avenue Phase I Project from Olivieri & Associates, Inc. in the amount of \$99,540.00. The motion was seconded by Councilmember Ferguson.

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

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

F. Motion to Consider Payment Request No. 2 for the Municipal Complex to E.R. Stuebner Inc. in the amount of \$461,565.00.

Motion: A motion was made by Councilmember Kroesser to Approve Payment Request No. 2 for the Municipal Complex to E.R. Stuebner Inc. in the amount of \$461,565.00 as approved by the Architect and the Clerk of the Works for the project. The motion was seconded by Councilmember Ferguson.

President Weierman asked if there were any comments or questions.

Manager DeFinis stated that this payment includes movement, mobilization, stabilization, supervision, general conditions, construction facilities, cleanup and waste removal, review costs for structural steel framing and steel joints. Manager DeFinis added that this was signed off by the Architect and the Clerk of the Works for the project.

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

13. MOTION TO APPROVE PAYMENT OF THE BILLS:

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

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

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

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

14. MOTION TO ADJOURN:

Motion:

A motion was made by Councilmember Kroesser to adjourn the meeting of June 13, 2018. The motion was seconded by Councilmember Ferguson and unanimously approved with a vote of 4-0. The meeting adjourned at 9:28PM.

Executive Session: Potential Litigation, Real Estate and Personnel

Respectfully Submitted,
Jaime E. Snyder
Assistant Manager