

HATFIELD BOROUGH COUNCIL  
WORKSHOP / REGULAR MEETING

July 18, 2018

MINUTES

CALL TO ORDER AND ROLL CALL:

(X) John H. Weierman, President

( ) Kenneth V. Farrall

(X) Jason Ferguson

(X) John Kroesser

(X) Lawrence G. Stevens

( ) Mayor, Robert L. Kaler III

The record shows that four members of Council were present at roll call, as well as, 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 Kroesser to Approve the Workshop / Regular Meeting Agenda of July 18, 2018 with additions. The motion was seconded by Councilmember Ferguson and unanimously approved with a vote of 4-0.

2. APPROVAL OF THE MINUTES:

Motion to Approve the Minutes of the June 13, 2018 Workshop / Regular Meeting.

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

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

Matthew Scrolla, 68 E. School Street addressed Borough Council and spoke about a neighbor with an abundant number of bees on their property which is making it hard for him and his family to utilize their own property. Mr. Scrolla stated that his wife is allergic to bees and is unable to use the backyard and there are numerous young children in the

neighborhood. Mr. Scrolla was wondering if there was an Ordinance regulating bees in the Borough, if this issue was looked at, as he believes it was, and what the outcome was. Mr. Scrolla added that he is not against the ability to have the bees he is just concerned with the number of bees and hives located on the property and would like some type of regulation regarding the amount.

President Weierman stated that this was a concern addressed at the June 13, 2018 Council Meeting and that Council has not convened since that date. President Weierman turned the floor over to Manager DeFinis for an update.

Manager DeFinis informed the residents that the day following the meeting he contacted the Department of Agriculture and at that time they reviewed the report that was completed by the person who visited the property the previous Friday. It was stated in the report; the bees are well kept and everything seems to be in order. Manager DeFinis added that he informed the Department of Agriculture that the Borough is concerned with the volume of bee hives on the property and they stated they would look into it further. Manager DeFinis stated that the Borough does not have an Ordinance regulating bee hives and that they are controlled by the Department of Agriculture in Pennsylvania.

President Weierman stated that the Borough will reach out and follow up with the Department of Agriculture and Solicitor Harper stated that she will look into drafting an Ordinance. It was discussed if this would be a zoning issue, land use or a police power issue. Solicitor Harper added that if they are listed as agricultural use, the Borough might have troubling limiting them since there is a right to farm law in Pennsylvania.

It was questioned by President Weierman if the property would be grandfathered in as they established this prior to any Ordinance. Solicitor Harper stated it would depend on the type of Ordinance land use or police power and she will look into it.

David Ardelean, 57 E. School Street expressed his concern for the volume of bees because his family is allergic and questioned the agricultural title for bees.

Solicitor Harper informed the residents that the Pennsylvania right to farm law would supersede some Borough Ordinances if bees were deemed as agriculture and the Borough will check on that. Solicitor Harper asked the residents if a business was being conducted at the residence as another Borough Ordinance could pertain to this issue and the residents were unaware if there was a business located at the residence.

Ann Clayton, 67 E. School street expressed her concern on this issue and asked for clarification on the zoning uses. Solicitor Harper explained the non-conforming use issue to Ms. Clayton.

Christine Gornick, 63 E. School Street spoke to Council about her concerns with the volume of bees on the property.

David Ardelean, 57 E. School Street also addressed his concern of the cross-walk location on N. Main Street. He stated that the cross-walk was previously located at E. School Street and he heard it was not going to be repainted and questioned why it seems to be removed and relocated at N. Main and W. School Street. Mr. Ardelean expressed the difficulty of crossing N. Main Street at the cross-walk on N. Main and W. School Street because of the site lines for cars driving on N. Main Street and he believes it is dangerous to cross at that location.

Manager DeFinis informed Mr. Ardelean that the previous cross-walk located on N. Main Street and E. School Street was directly crossing into a private driveway and after the Borough completed the handicap ramps on N. Main Street, the Borough Traffic Engineer recommended the relocation of the sidewalk to a public street instead of a private driveway.

A discussion ensued amongst Council about the relocation of the cross-walk at E. School Street and President Weierman stated that we will have the committee take a closer look at this issue.

David Ardelean, 57 E. School Street informed Council that he was unable to make the meeting regarding the E. School Street Sanitary Sewer Project but that he is personally choosing not to take part in the lateral replacement and questioned what would happen if an issue would arise in the future since he has had no issues in the past.

Solicitor Harper stated that he would need to come back to the Borough if something did arise in the future and try and prove that it was due to this project.

The residents of E. School Street thanked Borough Council for their time this evening.

4. ANNOUNCEMENTS: Manager DeFinis made the following announcements.

- Next Council Meeting August 15, 2018 Workshop / Regular Meeting @ 7:30PM at the HVFC
- HERC is scheduled to meet @ 8:00AM Wednesday, July 25, 2018 at the HVFC
- The next Planning Commission Meeting is scheduled for August 6, 2018 @ 7:00PM at the HVFC
- The Borough Office will be closed from 8-9AM on Tuesday, August 7, 2018 for staff training

5. Public Hearing on Ordinance No. 532 Authorizing the Modification of the ESSA Bank & Trust Loan Proceeds Draw Schedule

PRESIDENT JOHN WEIERMAN: We now have a public hearing regarding Ordinance No. 532 Authorizing the Modification of the ESSA Bank & Trust Loan Proceeds Draw Schedule

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

SOLICITOR HARPER: This public hearing is regarding the note that Borough Council borrowed to pay for the new municipal building. Solicitor Harper stated that you may recall the Borough went out to bid and the initial bids came back higher than expected so all bids were rejected and went out for bid a second time after a modification / redesign of the building. A price that was then acceptable to the Borough was received. Solicitor Harper added that the only problem is the initial loan with ESSA Bank has the draw down period on the money ending in May 2018. Solicitor Harper stated that since this was brought to our attention we needed to do a bit of renegotiating with the bank and since this is a tax-exempt bond, the bond lawyer needed to get involved. Solicitor Harper stated that as a result you see Ordinance 532 which would extend the note to the year 2020 which should be plenty of time to get the building complete and the money drawn down.

SOLICITOR HARPER: There are a few exhibits to mark. Exhibit B1 is Ordinance No. 532. Solicitor Harper stated that the one in the packets is slightly revised. The bank wanted to have added language in Section 4 Repealer reading: Notwithstanding the immediately preceding sentence, except as amended hereby, the ordinance enacted by the Council on April 20, 2016 authorizing the issuance of the 2016 Note shall remain in full force and effect. Exhibit B2 is a copy of the legal notice to the North Penn Reporter of tonight's hearing advertised on July 13, 2018. Exhibit B3 is notice of action of the Ordinance which will be public if you choose to adopt this ordinance this evening which would let the public know you were borrowing money but in truth you are not borrowing anymore money you are just extending the payout schedule.

PRESIDENT JOHN WEIERMAN: The payment period is not an extension of the repayment schedule just the draw down time for construction costs. This does not change any of the previously agreed upon payment schedule.

SOLICITOR HARPER: The Borough is not incurring anymore liability.

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

PRESIDENT JOHN WEIERMAN: No questions were raised.

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

PRESIDENT JOHN WEIERMAN: No questions were raised.

This public hearing is closed. (at 8:24 PM the hearing was closed)

#### 6. Mallie Financial Report Year End December 31, 2017 Prepared by Mallie Auditing Firm

Ed Furman from Mallie, LLP addressed Borough Council this evening and thanked them for the Borough's cooperation with the financial audit. Mr. Furman stated that Mallie was issuing an unmodified audit opinion on the financial report for the Borough year end 2017 which means that the Borough has an extremely strong balance sheet in all accounts and is in good financial standing. Mr. Furman detailed the government wide financial statements, the general fund, the electric fund, the sewer fund and addressed the pension liability in which the Borough is funded at 85% which is well above the target area.

Mr. Furman highlighted the importance of Borough's ability to sell electric and how much of an asset it is to have an electric fund and the ability to transfer the money from that electric fund to the general fund.

President Weierman informed Mr. Furman that Borough Council is appreciative of all the time spent on preparing this audit and also thanked the Borough staff for their preparation and cooperation.

#### 7. REPORTS FROM STANDING COMMITTEES AND MAYOR:

##### 8. MUNICIPAL COMPLEX UPDATE:

###### A. Clerk of the Works Municipal Complex Update

President Weierman highlighted the Clerk of the Works Report.

Manager DeFinis added that the additional report located at your places highlights the slab being poured for the municipal building.

##### 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 Agreement in Progress

## 2. Utility Billing Update:

- A. Staff continues to monitor past due Electric & Sewer accounts. Electric Sewer disconnects are scheduled for July 23, 2018.
- 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 MuniPAY, Electric, Sewer and Real Estate Tax payments system. The number of users to the system continues to grow with every billing cycle.
- D. The Utility Billing Coordinator has experienced several problems with the Meter Reading Handled device. David and I are reviewing our options.

## 3. 2018 Project Updates:

- A. The East School Street CDBG Grant Application has been awarded; Notice of award letter issued.
- B. Towamencin Avenue Reconstruction Phase II Bid has been awarded; Notice of award letter issued

## 4. Items of Interest:

- A. NPWA Financial Statement is available for review in the Borough Office
- B. Liquid Fuels Audit / Examination Engagement Letter
- C. Senator Greenleaf letter Opposing HB 2030
- D. Hometown Connections Inc. Investment
- E. NPSD Assessed Valuation for 2018-2019
- F. Abramsom Cancer Center Gift acknowledgement
- G. Maple Avenue Area Property Development

## 10. NEW BUSINESS / DISCUSSION ITEMS:

- A. Fee Schedule Update Resolution

Manger DeFinis stated that after a couple months of collecting data this is the proposed fee schedule.

Assistant Manager Jaime Snyder stated that Councilmember Stevens sent in some suggestions on pricing along with review from the Code Department but the proposed increases are still lower than surrounding municipalities.

Solicitor Harper stated that the fee should have to do with the work issued to complete the permit. Solicitor Harper noted that the fee for the fireworks inspection seemed low.

A conversation regarding the cost of labor to complete the inspection ensued amongst Council and it was decided that \$75.00 would be an appropriate charge plus the conditional use charge.

#### B. Municipal Service Team Handbook

Manager DeFinis informed Council of the last updated changes to the handbook such as the discharge and or suspension policy. A discussion ensued amongst Council and Solicitor Harper about the updated changes and the Pennsylvania at-will policy.

#### C. SEPTA Licensing & Sublicensing Agreement

Manager DeFinis informed Council that this is not the lease agreement that was spoken about previously with SEPTA. Manager DeFinis stated that this is the step that is going to happen before the lease agreement since the owner and previous owner have an agreement based on the lease not changing and now the lease is going to change and there is a dispute between the two parties. Manager DeFinis stated that this license agreement would allow the Borough to move forward now with the new owner and a notice be sent to the previous owner that the lease is being terminated within sixty days and then at that point the Borough would enter into a sublicense agreement with SEPTA till the lease agreement is secured.

Manager DeFinis addressed Resolution 2018-22 regarding SEPTA. A discussion ensued amongst Council about the dates and the rate for rent.

#### D. Towamencin Avenue Phase I Payment Request No. 3

Manager DeFinis informed Council that Phase I payment recommendation No. 3 is for the amount of \$58,785.55 in which the Engineer signed off on.

#### E. Municipal Complex Payment Request No. 3

Manager DeFinis informed Council that payment recommendation No. 3 is for the amount of \$189,360.00 approved by the Architect and Clerk of the Works.

#### F. Casey's Thirtieth Anniversary

President Weierman state that this Resolution is to honor Casey's Saloon & Eatery for 30 years of business in Hatfield Borough.

## G. Multimodal Grant Resolution

Manager DeFinis informed Borough Council that this grant is from the Commonwealth Financing Authority and it is for handicap ramps, intersection improvements and LED lights.

## 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 Ordinance No. 532 Authorizing the Modification of the ESSA Bank & Trust Loan Proceeds Draw Schedule

Motion: A motion was made by Councilmember Kroesser to Approve Ordinance No. 532 Authorizing the Modification of the ESSA Bank & Trust Loan Proceeds Draw Schedule. The motion was seconded by Councilmember Stevens.

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

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

### B. Motion to Consider Resolution 2018-20 Updating the Borough of Hatfield Fee Schedule

Motion: A motion was made by Councilmember Kroesser to Approve 2018-20 Updating the Borough of Hatfield Fee Schedule with additions. The motion was seconded by Councilmember Stevens.

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

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

C. Motion to Consider Resolution 2018-21 Updating the Borough of Hatfield Municipal Service Team Handbook

Motion: A motion was made by Councilmember Ferguson to Approve Resolution 2018-21 Updating the Borough of Hatfield Municipal Service Team Handbook. 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 Consider Resolution 2018-22 Authorizing the SEPTA Licensing & Sublicensing Agreement

Motion: A motion was made by Councilmember Stevens to Approve Resolution 2018-22 Authorizing the SEPTA Licensing & Sublicensing Agreement. 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 approved with a vote of 3-0-1. President Weierman abstained from the vote.

E. Motion to Consider Towamencin Avenue Phase I Application for Payment No. 3 to Olivieri and Associates Inc. in the amount of \$58,785.55

Motion: A motion was made by Councilmember Kroesser to Approve Towamencin Avenue Phase I Application for Payment No. 3 to Olivieri and Associates Inc. in the amount of \$58,785.55. 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 \$189,360.00

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 \$189,360.00 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. There were no comments or questions.

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

G. Motion to Consider Resolution 2018-23 Honoring Casey's Saloon & Eatery for Thirty Years of Service in the Borough of Hatfield

Motion: A motion was made by Councilmember Kroesser to Approve Resolution 2018-23 Honoring Casey's Saloon & Eatery for Thirty Years of Service in the Borough of Hatfield. The motion was seconded by Councilmember Stevens.

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

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

H. Motion to Consider Resolution 2018-24 for a Multimodal Transportation Grant from the Department of Community & Economic Development

Motion: A motion was made by Councilmember Kroesser to Approve Resolution 2018-24 for a Multimodal Transportation Grant from the Department of Community & Economic. The motion was seconded by Councilmember Stevens.

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

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

I. Motion to Consider Salter's Annual Egg Fest Request in Memorial Park on September 15, 2018 from 10:00AM to 3:00PM.

Motion: A motion was made by Councilmember Kroesser to Approve Salter's Annual Egg Fest Request in Memorial Park on September 15, 2018 from 10:00AM to 3:00PM. The motion was seconded by Councilmember Stevens.

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

The motion was 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 Stevens.

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 July 18, 2018. The motion was seconded by Councilmember Stevens and unanimously approved with a vote of 4-0. The meeting adjourned at 9:33PM.

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

Respectfully Submitted,  
Jaime E. Snyder  
Assistant Manager