

HATFIELD BOROUGH COUNCIL
REGULAR MEETING
September 19, 2018

MINUTES

CALL TO ORDER AND ROLL CALL:

- (X) John H. Weierman, President
 - (X) Kenneth V. Farrall
 - (X) Jason Ferguson
 - (X) John Kroesser
 - (X) Lawrence G. Stevens
- (X) Mayor, Robert L. Kaler III

The record shows that five 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.

MAYOR OF THE YEAR RECOGNITION
Mayor Robert L. Kaler III
PENNSYLVANIA STATE MAYORS ASSOCIATION
Jim Nowak, President
Mayor Moss

Jim Nowak, President of the Pennsylvania State Mayor's Association presented Mayor Robert L. Kaler III with the Pennsylvania State Mayor's Association Mayor of the Year Award for 2018.

1. APPROVAL OF MEETING AGENDA:

Motion: A motion was made by Councilmember Farrall to Approve the Regular Meeting Agenda of September 19, 2018 with additions. The motion was seconded by Councilmember Kroesser and unanimously approved with a vote of 5-0.

2. APPROVAL OF THE MINUTES:

Motion to Approve the Minutes of the August 15, 2018 Workshop / Regular Meeting.

Motion: A motion was made by Councilmember Farrall to Approve the Minutes of the August 15, 2018 Workshop / Regular Meeting. The motion was seconded by Councilmember Kroesser and unanimously approved with a vote of 5-0.

3. PUBLIC INPUT: President Weierman asked if there was any Public Input.
No Public Input.
Media Not Present.

4. ANNOUNCEMENTS: Manager DeFinis made the following announcements:

- Next Month's Council Meetings are October 3rd Workshop & October 17th Regular Meeting @ 7:30PM at the HVFC
- HMHS Meeting is September 25, 2018 @ 7:00PM at the HVFC
- HERC is scheduled to meet September 26th @ 8:00AM at the HVFC
- The Planning Commission is scheduled to meet October 1st @ 7:00PM at the HVFC
- The Borough Offices will be Closed on Monday, October 8th in Observance of the Columbus Day Holiday
- HVFC Open House is scheduled for Wednesday, October 10th @ 7:00PM
-

5. Public Hearing on Ordinance No. 533 Regarding Beekeeping in the Borough of Hatfield Amending Chapter 2 (Animals) of the Code of Ordinances.

Ordinance 533 PROCEEDINGS

PRESIDENT JOHN WEIERMAN: We now have a public hearing regarding Ordinance No. 533 Regarding Beekeeping in the Borough of Hatfield Amending Chapter 2 (Animals) of the Code of Ordinances

PRESIDENT JOHN WEIERMAN: At this time, I would like to call the public hearing to order as Solicitor Harper will be chairing this meeting.

SOLICITOR HARPER: I am the Borough Solicitor; the Borough Lawyer and I will be conducting the hearing this evening. We are taping the proceedings so when you come up to the table during the time of public comment and question, please state your name and address very clearly and slowly so it can be documented in the minutes and then say or ask any comment or questions you may have.

SOLICITOR HARPER: There are a few exhibits to mark. Exhibit B1 is Ordinance No. 533 an Ordinance for the Borough of Hatfield Amending Chapter 2 of the Code of Ordinances and providing for definition for keeping bees in the Borough. B2 is the notice that was advertised in the North Penn Reporter. B3 is a copy of the actual newspaper

clipping. B4 is a copy of the letter written to the Law Library of Montgomery County where the full Ordinance was sent. Also, I would like to ask the Borough Manager to confirm that a copy of the full Ordinance was available for inspection at the Borough Office.

MANAGER MICHAEL J. DEFINIS: Yes, it was and still is.

SOLICITOR HARPER: The purpose of the hearing is to solicit the opinions from the members of the public as well as Borough Council regarding this Ordinance. Is it the request of Borough Council to hear from the public first?

PRESIDENT JOHN WEIERMAN: Yes.

SOLICITOR HARPER: If you would like to speak, please raise your hand and you will be able to address Council.

KEITH SNYDER: My name is Keith Snyder and I live at 62 E. School Street, Hatfield. I am concerned about the Ordinance. I am a second-generation beekeeper, my father kept bees at the residence I am currently at since the early 80's and I am continuing to do the same. I am a member of the State and also Montgomery County Beekeeper's Association. I am curious why there is a proposed Ordinance. I have been inspected by the State and they found nothing wrong, with a clean bill of health and I practice the Best Management Practices.

SOLICITOR HARPER: Have you read over the proposed Ordinance?

KEITH SNYDER: No, I mean Yes, Yes, I have I am sorry I was confusing this with something else.

SOLICITOR HARPER: Do you have an opinion or question on the proposed Ordinance?

KEITH SNYDER: Yes, I don't understand why there is all of a sudden, an Ordinance concerning bees and why this is categorized under animals when bees are an insect and pollinator which are endangered.

SOLICITOR HARPER: I can address those questions for you. Since I am the Solicitor and attend the meetings I can tell you that we have had some concerns from neighbors about bees on East School Street. I do not know if they were your bees but we did receive complaints. It was asked if it was lawful to keep bees in the Borough, and it is and this Ordinance still allows it to be under certain circumstances, under certain conditions. It is under Animals as we don't have a section dealing with insects. We have a chapter dealing with police, zoning, animals so it is contained in that chapter as opposed to anywhere else. Any other questions?

KEITH SNYDER: No, that is it for me.

SOLICITOR HARPER: Gentleman in the back, please approach and state your name and address.

VINCENT ALOYO: My name is Vincent Aloyo my address is 736 Cathcart Road, Bluebell PA. I am a certified master beekeeper, the PA Representative to the Eastern Agricultural Society, I sit on the PA Apiary Advisory Board and I also assisted in creating the Pollinator Protection Plan. I have over 50 years of experience keeping bees and I did look over the Ordinance. There are several items that I disagree with. I would like to hand out a copy of this information sheet which shows the difference between a Yellow Jacket and a Honey Bee since a lot of people are confused.

SOLICITOR HARPER: We are going to mark this handout as ALOYO1 so it becomes an official part of the hearing and we will mark the Helping Honey Bees Brochure ALOYO2.

VINCENT ALOYO: Thank you. Pollinators are very important, they are in danger as we use too many pesticides. What we try to do is promote the pollinators. In the past there have been wild hives in trees but due to changes, this has decreased. We need to encourage Beekeepers to maintain beehives to encourage pollination that used to be available in the wild. With the pests and diseases around now, it is hard to keep Honey Bees alive. Statically over the past years, nationwide 30-40% of managed Honey Bee colonies are dying every year. There are several articles in the proposed Ordinance which I disagree with, such as unlimited access to beekeepers' properties, as police can not come into your house without a search warrant, so you may want to rethink that. The other thing is that there is a list of the diseases in the Ordinance, but there is only one that is relevant and reportable. The other diseases are like colds and the flu which are curable. The whole list is not necessary. I passed out the Yellow Jackets and the Honey Bee's brochure; the Yellow Jackets are yellow and black and can be quite aggressive and are meat eaters but Honey Bees are strict vegetarians.

MAYOR ROBERT L. KALER: Does the Honey Bee attract other types of bees?

VINCENT ALOYO: The Yellow Jacket does like to attack the Honey Bee hive but I can not think of any other example. Can you elaborate on the question?

MAYOR ROBERT L. KALER: I am worried about other bees being attracted to the Honey Bee colonies and people getting attacked or stung by those other types of bees which are attracted to the Honey Bee hive.

VINCENT ALOYO: The only I can think of would be the Yellow Jacket, as this time of year they can try and get into the hives for honey, that is the only thing I can think of.

PRESIDENT JOHN WEIERMAN: What happens to the bees over the winter?

VINCENT ALOYO: During the winter the Honey Bee's continue to make honey as they are not like the Yellow Jackets and other types of bees that hibernate. Honey Bees do not

hibernate. Any time that the temperature gets above 50 degrees and sunny they will be out looking for flowers to pollinate.

PRESIDENT JOHN WEIERMAN: You stated Blue Bell earlier, what municipality do you reside in?

VINCENT ALOYO: Whitpain, about a half mile from the Montgomery County Community College.

PRESIDENT JOHN WEIERMAN: Have you visited the property on East School Street?

VINCENT ALOYO: Yes, I happen to go there twenty years ago and I just went there this evening.

PRESIDENT JOHN WEIERMAN: Can you offer any opinion on the number of hives relevant to the property size?

VINCENT ALOYO: I think it is important to know the difference between the number of hives and colonies. Beekeepers are sloppy with their speech; a colony is a living unit of bees and a hive is the number of boxes. You can have full size colonies, which is true in May, and what Mr. Snyder currently has are nuclear colonies which are known to be half sized units. When you think about the hives you need to realize that is just the stack of boxes. When you are thinking about regulating the number of bees that is a different story due to the weather since not every bee that goes into winter will survive. In the Spring a colony have 10,000 bees but if life is really good in May they could have five times that much.

SOLICITOR HARPER: The Ordinance suggests two hives per 2,000 square feet. Should the Borough Ordinance be regulating hives or colonies and what is the appropriate number for the small lot size in the Borough.

VINCENT ALOYO: I was up at Mr. Snyder's property and he has done an excellent job regulating them, as bees, just like humans, protect their home. Once they leave their home to visit flowers, they don't care about the human. The point they might interact would be if they flew in your hair or something similar. If you read the Best Management Practices put out by the State Apiary Advisory Board, you create a barrier to have them fly out of the hive above head height. Mr. Snyder currently has done this. Next time you are out you should touch a flower that a bee is pollinating, as it is not going to sting you, instead it is going to fly away to another flower. Of course, if you step on a Honey Bee that is another story but they are out to collect the nectar and pollen.

SOLICITOR HARPER: The current proposed Ordinance does have a fly away barrier included. I believe Council's question is where the properties are tight and close together, such as in a Borough, how many hives is the right number. This Ordinance suggests two hives per every 2,000 square feet. Say the average Borough lot is 6,000 to 7,000 square feet, what is the appropriate number?

VINCE ALOYO: I would like to pass out the Philadelphia Resolution stating that they are a bee friendly city and I was regional inspector and I inspected in Philadelphia and there are many areas in Philadelphia which are tight if not tighter than the Borough. It is very difficult to answer the number of how many as it depends on the area; are there flowers and water nearby? If there are resources near by you can have more colonies but if there not then it would be appropriate to keep fewer colonies. When we worked on this for Best Management Practices we struggled to come up with a number and it was decided that it is impossible to come up with a number because it really depends on the exact situation that the bees are in. I believe Mr. Snyder's property is very close to a creek so that is an available resource. In Philadelphia there are a lot of people who would have bee hives on top of their roofs. I can not answer that question I am sorry.

COUNCILMEMBER JASON FERGUSON: It sounds like the standard number for the hives should be based on the forging opportunities for the hives not necessarily based on population.

VINCE ALOYO: Both factors must be taken into consideration. In the Best Management Practices, we outline suggestions on how to work with the neighbors. Bees are like people and there are some that are friendly and some are not. We recommend highly to work with the neighbors. If you would get hive that was aggressive due to genetics, the suggestion would be for both the beekeeper and the public to go in there and kill off the queen and put a new queen with different genetics. We recommend to work hard not to let the bees swarm, which can be hard since it is a reproductive act of the bees. This could also mean generating another hive for the colony, which would be splitting the existing colony into two so it believes it has already swarmed. We recommend not to open or work your hives when your neighbor would be having a party or a picnic outside; to be courteous. Most of the time you can but just to be safe you shouldn't. I can't recall all the recommendations in the Best Management Practices but we have a number of items we do recommend to allow you to have hives close to a neighbor and not disturb the rights of the neighbor.

COUNCILMEMBER JASON FERGUSON: What is the definition of overly aggressive? How do you define aggressive? As part of the reason we are addressing this is resident complaints of swarms.

VINCE ALOYO: Swarms are not aggressive. Bees defend their nest, colonies that are swarming, are moving from one nest to another. In that swarm configuration they are very gentle. What do I mean by aggressive? When I work bees, I wear a veil but no gloves. When I get close up the hives they settle back down and in. If bees from the hives would follow me, or sting me on the back that is an aggressive hive. Getting stung on the fingers would not be aggressive.

COUNCILMEMBER JASON FERGUSON: One of the neighbors complained about their bird feeders, now the bees have encroached onto the neighbor's property off the beekeeper's property. What is supposed to be done now?

VINCE ALOYO: It would be unusual for a Honey Bee to go to a bird feeder, maybe in the very early spring, but this is still unusual and have nothing to do with the bird feeder as there is no honey or pollen there. I have received a call about Bumble Bee's moving into a bird feeder and creating a home from it, but that is a different story. If a neighbor of mine stated that they believe my bees are doing XYZ, I would go look as a courtesy.

COUNCILMEMBER JASON FERGUSON: On Mr. Snyder's property, how many hives and how many colonies are located on the property? Mr. Snyder can answer that question.

KEITH SNYDER: Right now, there are presently fourteen hives and fifteen boxes as you are supposed to keep a swarm box on hand.

COUNCILMEMBER JASON FERGUSON: How many did you have previously?

KEITH SNYDER: We started with two and then last year went to six. We went into the winter with eight hives and came out of the winter with seven, as one starved out. Then we caught five swarms in the back yard and then we also found out we have queen cells in the hives which need to be split. The thing is you can never keep the number where you want as it is always changing due to different circumstances.

SOLICITOR HARPER: Were the swarms that you caught from your yard or from someone else's?

KEITH SNYDER: That I can not answer as they all did not happen when I was there. I also know there are wild hives out on Bergey Road, which is not that far from my property as bees can travel three to five miles.

COUNCILMEMBER JASON FERGUSON: Correct me if I am wrong in the last year you went from two hives to fourteen hives?

KEITH SNYDER: Over a three-year span. I know where I am at now, I can't and don't want anymore but my neighbor has already offered to let me keep some hives on her property if needed due to the Ordinance. I have not moved any hives to her property yet due to respect of the young kids that run down the alley. This is why I am involved with the Montgomery County Beekeeper's program to get genetics from Northern bees who are not aggressive.

COUNCILMEMBER JASON FERGUSON: What do you do with the honey that is produced from the hives?

KEITH SNYDER: We gift it within the family I don't have any interest in selling it as once you do you enter the risk of people getting sick or being allergic. My interest is in working with Montgomery County for genetic research. I also work at Morris Arboretum

where we have around twenty-four hives and they are also involved in Montgomery County.

COUNCILMEMBER JASON FERGUSON: Is it your plan to keep expanding your hives?

KEITH SNYDER: No, I am working on a few remote locations and working with my neighbor. At this point I have not been approached by any neighbor about the bees. I found out through the inspection process which led to a phone call to the Borough Manager.

SOLICITOR HARPER: Some of your neighbors have been to public meetings.

KEITH SNYDER: We were at the meeting dealing with the pipe installation on East School Street.

SOLICITOR HARPER: These were advertised public meetings.

KEITH SNYDER: Yes, I know but if I would have been contacted by the neighbors previously I could have addressed their concerns. This was all done behind my back without any knowledge of any issues.

SOLICITOR HARPER: They were concerned due to allergies and the children playing in the alley way near your property. They felt unsafe and asked Borough Council to look into it.

VINCE ALOYO: How does this Ordinance help the kids and the alley?

SOLICITOR HARPER: It would make sure anyone who kept bees was in accordance with State law, which Mr. Snyder is, that there would be the fly away zone that Mr. Snyder has and there wouldn't be too many hives on the size lots that the Borough has.

VINCE ALOYO: If he moves them into the neighbor's wouldn't the it put the hives closer to the alley way in which the children play?

SOLICITOR HARPER: Yes, but if the Borough passes the Ordinance everyone would be limited by that.

KEITH SNYDER: I don't want to have to spread them to all my neighbors, I would like to keep them in my yard.

COUNCILMEMBER KENNETH FARRALL: How big is your property?

GWENDOLYN SNYDER: Gwendolyn Snyder 62 E. School Street Hatfield. 8,750 Square feet.

CHRISTOPHER PIZZINO: Christopher Pizzano 111 Thomas Penn Avenue Hatfield, PA. I have a question for Mr. ALOYO what percentage of bees would be out gathering vs. the percentage on the inside of the hive.

VINCIENT ALOYO: Maybe 1/3 around 20,000 bees depending on the time of year.

CHRISTOPHER PIZZINO: I am a beekeeper, registered with State as well as with Montgomery County and I currently have three hives and hope to have more on a 20,000 square foot property. My neighbor across the street has one or two hives as well.

SOLICITOR HARPER: These lots are much larger then the ones we are talking about.

CHRISTOPHER PIZZINO: Yes, correct but my concern is not the hives. I don't understand how someone can send anyone on or in my property at anytime without a warrant. Again, if a Police man comes in, he would need probable cause. My other concern is since I was reading the Ordinance yesterday I spoke to my wife about walking next to a property with ground wasps which are aggressive, what happens if they get stung by those and not the Honey Bee's they keep and next thing you know the Borough is coming in taking the bees because they think it was my bees that stung them not the ground wasps.

SOLICITOR HARPER: This Ordinance would not apply to you because you live in Hatfield Township.

CHRISTOPHER PIZZINO: I understand that but either does Mr. Aloyo but first Hatfield Borough then the Township then Lower Gwynedd this is how it starts. I am finding this is just a lack of education. I am a beekeeper who is actually allergic to bees and I can sit directly next to my hives and record them going in. They have no interest at all in humans. My wife, is a teacher down at Penn Academy, they also keep hives there. Kids are coming up and working the hives, with and without gear. I just think this is about education.

SOLICITOR HARPER: This Ordinance does not take away the right to keep bees it would just limit it and the ways in which you are allowed to keep them.

CHRISTOPHER PIZZINO: I understand but it also allows you to go onto a property without warning or notice.

SOLICITOR HARPER: This only applies for people who apply for a permit, similar like a building permit, the building inspector can come on your property in accordance with your building permit.

CHRISTOPHER PIZZINO: I just think this is over reaching as beekeeping has been going on thousands of years.

SOLICITOR HARPER: I just want to assure you that this Ordinance does not prohibit beekeeping on the contrary it permits beekeeping under certain circumstances.

CHRISTOPHER PIZZINO: I understand, I just believe some of the materials listed in the Ordinance are an over step. My neighbors love that I do this and it is very educational. Our bees are dying, almost 50% reduction and 1/3 of everything we eat has honey in it. All my neighbors love the pollination and my fear is taking this away is a problem.

PRESIDENT JOHN WEIERMAN: You just answered one of my questions in how does this benefit the Borough of Hatfield.

CHRISTOPHER PIZZINO: There is a lot we as beekeepers can also do to relax the bees such as using smoke while working them or working with Montgomery County on genetically modifying them. This is something that is really needed.

COUNCILMEMBER KENNETH FARRALL: Is this a regulated activity?

CHRISTOPHER PIZZINO: The PA state law says you must register your bee hives with them. It is \$10.00 fee every two years. Usually what they do is send you a questionnaire about your hives, diseases, loss of colonies, etc.

VINCE ALOYO: Montgomery County has a program where if you have disease you can take your hives to be gamma radiated to eliminate disease.

SOLICITOR HARPER: This Ordinance does say you must comply with state law.

VINCE ALOYO: Who is going to certify the courses in the Ordinance as there is no such thing as a certified course.

COUNCILMEMBER FERGUSON: How many people in the audience live in the Borough? Basically, six or seven.

COUNCILMEMBER KENNETH FARRALL: Mr. Snyder you said you had an inspection done.

KEITH SNYDER: Yes, a state inspection.

COUNCILMEMBER KENNETH FARRALL: You pay your money and how often do they come out to inspect the hives?

KEITH SNYDER: Usually once a year.

VINCENT ALOYO: We have a representative from the Sate if she could address that question.

KAREN ROCCASECCA: Karen Roccasecca I work at the PA Department of Agriculture in Harrisburg and we have over 5,000 registered beekeepers in PA. PA is kind of unique that the beekeepers work together very well as well as work with their neighbors, local government and state. They try and cooperate with everyone. The goal of myself and the seven inspectors is to enforce the PA Bee Law. The main rule is to regulate against disease and send inspectors out, usually every other year, but with only seven inspectors and over 5,000 beekeepers sometimes it is longer. We also inspect every year if they would like to sell or give the nucleus colonies away or sell honey. We are trying to help keep the bees in PA healthy. Bees help increase not only the quantity of fruits and vegetables but the quality. PA is very diverse in agriculture and pollinators are important. A backyard beekeepers hives would amount to saving \$1,500 of pollination services, which is all free. I did want to mention that yes bees will sting but that is not their main goal. There are three types of bees that live in the hives; the queen which stays in the hive mostly, the worker bees, the female bees, they will sting if feel threatened but they do die so they are no interested in stinging and the drone, the male honey bee which is only good for one purpose. It is very difficult to determine the number of hives for the yard as with Mr. Snyder's yard he has a lot of trees and flowers, it is kept nicely as his neighbors' yards but they are wider open than Mr. Snyder's. We would prefer to see hives in a yard like Mr. Snyder's instead of a wide-open yard. We do not have a mandatory compliance at the State so we use the Best Management Practices. The Ordinances I sent as a reference took some of the past president's advice but also added in their own, so some of the added items are not the views we may want at the state. I also wanted to share that some major cities have a bee friendly program which can benefit the bees as well as other pollinators. I know now there are a lot less insects from when I was growing up and this is a concern. Do you have any questions about what the state is doing?

SOLICITOR HARPER: No, the Ordinance states that the person should follow what the state is doing.

KAREN ROCCASECCA: We try very hard to work with local governments and work with everyone.

MARK ANTUNES: Mark Antunes the immediate past President of the Montgomery County Beekeepers Association. I was president for six years and am speaking tonight in the absence of our current president.

SOLICITOR HARPER: What is your address Mr. Antunes?

MARK ANTUNES: 932 Callowhill Road Perkasie PA 18944 but in reality, I am in Hilltown Township just a few miles from here. First, I would like to thank everyone here who is working for the government. You are the unsung heroes and you get to work for everyday folks. This is real government and real concern as opposed to this freak show going on in Washington right now. We have real people, with real concerns and I want to thank you for addressing them. Is anyone here a fireman? Thank you. I am and have been an instructor for beekeeping at Montgomery County Beekeeping for over a decade and

also been an instructor in other counties and have taught at the state level and other meetings. With this said, beekeeping has become an item of major concern for some of the population and this is due to the importation of the Africanized Honey Bee into Brazil that has migrated North in Central America and now the South West United States. It is a game changer for beekeepers in the United States. What we all suffer from is the sensation by the media by quote on quote killer bees. No beekeeper in this area, is going to intentionally bring in any bees that are Africanized. I myself, have worked numerous types of bees; free bees to me are a great thing. The public is exposed to a hypersensitive reaction to bees. You commented that the bees were swarming at the neighbor's property, I have gotten ten calls the past week to help out neighbors but have learned how to drill down to the root and receive pictures and locations and out of these ten calls not one was for Honey Bees. Not all bees are Honey Bee's. As far as swarming, the swarm is moving to a new location and they are very gentle in this state. I recently went to gather a swarm and all I was wearing differently was a ball cap, no vail, no gloves, I got a cardboard box and put the tree limb into the box and let it sit for twenty minutes; it was fine. Honey Bees are not a threat to the human population. When bees leave a hive they are forging, going grocery shopping, they are looking for nectar, etc. The fear is overstated to the reality of Honey Bees. I would like to add that it is actually 15% of Honey Bees that leave the hive, not 20% as previously stated. The point is that this has come up in numerous communities, we have seen this happen in other parts of Montgomery County and typically it is all due to the lack of knowledge. I have all my neighbors compliment my bees and how they are happy how well their gardens and flowers are growing due to the bees. So, it is not something we have to worry about being stung or attacked.

SOLICITOR HARPER: How large is your property?

MARK ANTUNES: 17.35 acers. I have eighty colonies on this property and eight throughout Montgomery and Bucks County. I have a wide variety of experience as I have some colonies in tight and others in no so tight spaces. The bottom line is that the Ordinance is addressing somethings that are very important like Best Management Practices. Mr. Snyder got seven out of eight hives to make it through winter, that doesn't happen out of sheer luck, that is truly using Best Management Practices.

SOLICITOR HARPER: It is 9:00PM, please try and limit your testimony a little bit as other still want to address the board.

MARK ANTUNES: Ok, understood. If you are looking for a number, it is tough, the problem most beekeepers are having is they are losing half their colonies every winter. So, if you have four going into winter and only come out with two, and one of those two may not be any good, so you saying two per every 2,000 square feet may be to low to make beekeeping survival for most beekeepers. I would suggest increasing the number of allowable hives, maybe to three. I would also suggest defining the nucleus colonies from full blown colonies. They come in different sizes, I would suggest looking into this. Also, the Montgomery County Beekeepers Society is more than willing to work with you. If any of you want to come out in next February for classes, you are welcome to come to attend as this is a complex subject. Any questions you might have for me?

COUNCILMEMBER JASON FERGUSON: How would you manage the different types of hives you suggested?

MARK ANTUNES: What you are looking for is a definitive number.

COUNCILMEMBER JASON FERGUSON: Ok, how about we word it as a number that is feasible and managed based on the property size in the Borough. Remember, the bees are on the property, we don't let dogs and cats stray around but bees will but there are neighbors to consider.

MARK ANTUNES: If the bees leave and they go up to three for four miles to get the resources they want they are not going to go to the neighbor's property unless there is a source of food or water, they will travel farther. I would set the minimum at three full sized colonies and two or three nucleus colonies. These nucleus colonies are used to replace the larger colonies that may die off during winter months.

COUNCILMEMBER JASON FERGUSON: I have been very impressed with Mr. Snyder's ability to manage the hives but how do you regulate the new beekeeper?

MARK ANTUNES: I think you are in the right direction with the Ordinance making a person take courses.

SOLICITOR HARPER: Obtain certification from the PA Department of Agriculture

MARK ANTUNES: The department does not offer a course. What I would suggest is asking them to take a beekeeping course, such as a Montgomery County Beekeeping Association offers. This would teach the basics of beekeeping. There are also intermediate classes offered. We offer as much as possible to get people up to speed on beekeeping.

SOLICITOR HARPER: Anyone else have any questions for this witness?

GREG LEHMAN: Greg Lehman 234 McKean Road Ambler PA. I am here as I am on the board for the Montgomery County Beekeepers Association, Mark was my mentor as I started about four years ago. A couple things, I want to talk about is in order to have proper hive management, limiting to two hives it contradicts it. It is really impossible to have proper management with two hives for every 2,000 square feet. You need to be able to have back up and also need to be able to separate the hives to avoid swarming.

KEITH SNYDER: In order to avoid swarming you need to separate the hives if needed and limiting to two hives would make this impossible, as there would be nothing that could be done.

SOLICITOR HARPER: You can have two hives per every 2,000 square feet so if your property is 7,400 square feet you can have six.

GREG LEHMAN: To have hive management such as Mr. Snyder's which is very impressive which goes without saying from the beekeeper stand point.

SOLICITOR HARPER: It does need to be said because it was his property that made his neighbors come to borough council to complain.

GREG LEHMAN: There is another thing, we talk about pollination leads to increase biodiversity, soil erosion, soil fertility and water quality. They help correct problems in our environment. There is a big part of it on that side that we need to think about as well. Thank you for your time.

SOLICITOR HARPER: There are some members of Hatfield Borough here, if you would like to speak please raise your hand as I am sure Borough Council would like to hear from the residents.

CARLEY ARDELEAN: Carley Ardelean 57 E. School Street. There have been a couple of swarms on other people's property, the police were called out once about it. They stated that we needed to go to Council as there was nothing they could do about it. I am sorry that I did not talk to the home owners. The truth and the feeling of other residents is the number. The number keeps growing and Mr. Snyder is really good at everything that he does, his garden is beautiful and he is great at beekeeping which is why half of them are not dying off over the winter so the number keeps growing. Fourteen just seems a lot. As part of the Best Management Practices the beekeeper has to decided where the hives goes when it becomes too many, and I don't see this happening. There needs to be somewhere for the overflow to go and keeping a number on it is a good idea. Thank you.

SOLICITOR HARPER: Any questions for this witness? Any other residents of Hatfield Borough that would like to address Council?

GWENDOLYN SNYDER: Gwendolyn Snyder 62 E. School Street. I have one question. The Ordinance that is proposed seems to mirror the Ordinance out in Allegany County that has twice the density population as Hatfield Borough. How is your Ordinance so much like theirs when their population is not like Hatfield Borough?

PRESIDENT JOHN WEIERMAN: We started at one hive, which was what the Ordinance had proposed but we increased it to two hives because we thought that was more reasonable for Hatfield Borough.

SOLICITOR HARPER: This was originally written as one hive and Borough Council changed it to two hives. The lots in the Borough are very small, they are not like Horsham or Hilltown Township. This Ordinance is very similar to other Borough Ordinances with similar size properties.

GWENDOLYN SNYDER: The number of hives isn't relevant to the number of bees in the hive.

PRESIDENT JOHN WEIERMAN: The education from the testimony is very beneficial and give other perspectives.

SOLICITOR HARPER: This Ordinance is not unlike other Borough Ordinances and Borough Council did relax this Ordinance and increase it to two hives.

GWENDOLYN SNYDER: In Plymouth Township they decided to go with No Ordinance after hearing what the beekeepers had to say.

SOLICITOR HARPER: The average lot size in Plymouth Township is probably four times the size it is in the Borough.

GWENDOLYN SNYDER: Bees have been on our property for twenty years and there has never been any problems. Thank you.

PRESIDENT WEIERMAN: It is a two-year permit from the state?

KEITH SNYDER: Yes, \$10 for two years.

COUNCILMEMBER KENNETH FARRALL: Per hive or per property?

KEITH SNYDER: Per Apiary.

COUNCILMEMBER KENNETH FARRALL: You are inspected possible every year?

KEITH SNYDER: There are seven inspectors who get to approximately 50% of the Apiary's every year.

SOLICITOR HARPER: Any other residents from Hatfield Borough that would like to address Borough Council this evening?

ERYN RHOADS: Erin Rhoads 52 E. School Street. First of all, thank the Borough for time and consideration you have out into this Ordinance it seems like you have gone to a lot of trouble and time research the Ordinance and listen to the resident's concerns. I would echo the previous comments that our street has a lot of small children on the street playing together, running through yards, and the streets and would like to echo the comments that the only concern is the number of hives be appropriate to the size of the lot. I have lived at my residence for five years and had no previous issues till last summer when we started to notice an increase in the number of bees and last summer we even saw a swarm. My husband and I got pretty close to the swarm to inspect and it appeared to be Honey Bees. Also, this past summer my children were both stung. I am all for beekeeping and the benefits of beekeeping and in no way want to take away a hobby that the Snyder's are passionate about the only concern is keeping the number appropriate in consideration to the other residents in the neighborhood. Thank you.

SOLICITOR HARPER: Any questions for this witness?

KEITH SNYDER: I have a question. When were you children stung?

SOLICITOR HARPER: Your question must be directed to Borough Council.

KEITH SNYDER: I apologize. When was your daughter stung.

ERIN RHOADS: Earlier this summer and one week ago.

KEITH SNYDER: Because Sunday I got a call from a neighbor that lives across from you and wanted me to investigate. I did and found that there were Yellow Jackets. I took care of them the same day and was very happy to do that. As far as the swarm in the trees if I would have known I would have taken care of it. It doesn't mean that it was my swarm, it could have been someone else's. Thank you.

SOLICITOR HARPER: If there are no more residents of the Borough and you have something new to add to the hearing you can address Council.

ERIC CURTIS: Eric Curtis 322 Shear Street Apartment A North Wales PA. I wanted to speak specifically to the Ordinance at hand. From both perspectives, I understand why the Borough would want to introduce the Ordinance. I understand that Mr. Snyder is a very skilled beekeeper but with that in mind you do need create the Ordinance for the average beekeeper. With that in mind, fourteen hives are a lot. We as beekeepers do not want a special case to define the group because we as beekeepers are very holistic and like to help one other out with that said if Mr. Snyder would like to continue to expand his operation we would be willing to help him. Looking specifically at some of the issues and saying that I am in favor of a lot of this specific listed in this Ordinance such as the push for Best Practices. Some issues I have are the management certification, which doesn't exist which was spoken about. I like Marks suggestion of a class but even more just listing having the association of the local beekeeping community could be more beneficial. This Ordinance also lists a fee from the Borough but there is already a bi-annual fee from the state, so I would like to see this match the state and keeping registration with the state as well.

SOLICITOR HARPER: The Ordinance has you register with the state.

ERIC CURTIS: I am just recommending it be bi-annual rather than annual. Hives not being able to be located in the front yard, this is not appropriate depending on location and if you are following Best Management Practices this section is not necessary. Other things I take a note of is the inspection section. I am not opposed to inspections, as they are done by the state, but a very unprecedented level of access to the property and would like to see some reservation of privacy.

SOLICITOR HARPER: Does the state announce the inspection?

ERIC CURTIS: Yes, they will not show up at your property or go through your hives without you present.

SOLICITOR HARPER: If you have more beehives then permitted, and we call you and tell you, wouldn't you be able to change the way you operate?

ERIC CURTIS: I would not think that is a reasonable concern. If someone does register a complaint and then the hives are moved during the night, this would be an obvious abuse case. When the inspection goes further past the Apiary, and addresses sheds, houses, etc. it goes to far and is overstepping bounds. I am not opposed to ensuring that Best Management Practices are being kept, but I do not want anyone to be able to walk onto my property at anytime to check out my operation and hives. Especially, someone with no knowledge or certification, checking out the hives is a concern. Nuisance, seems broadly defined in this Ordinance and being able to destroy hives seems unreasonable. How are we to know if a previous inspection was completed? For some people beekeeping is not a hobby it if a lifestyle and this seems like an unprecedented level of control. We would like to see some restriction; the Borough should be able investigate complains but we would like a state inspector present. Also, the section that addresses multiple bee stings, how can we be assured it was from the Honey Bee's? The section that speaks about Africanized should realize that hives can be aggressive and not be Africanized as this is a genetic trait, this seems over specific. Part of Best Beekeeping Practices addresses how to handle aggressive hives.

COUNCILMEMBER JASON FERGUSON: How do you define what bee is doing what?

ERIC CURTIS: That is the question but the solution of we don't know what bee is doing what and we will just destroy the nearest beehive isn't the greatest solution. In terms of Honey Bees, even if you destroy all the hives in the Borough, you will still have Honey Bees there is a large community near by and they can travel up to five miles. Any other questions? Thank you.

SOLICITOR HARPER: Are there any other witnesses before we conclude this hearing?

GEORGE BAYLOCK: George Baylock 712 E. Hancock Street Lansdale PA. My only comment is to Council, thank you for your time. The one thing I would like to say is my Apiary is in my back yard. I live on a fifth of an acre lot, my back yard is roughly 60 by 30 ft. and would not qualify to keep bees if I live in Hatfield Borough. I currently have three full size hives and nucleus colony. The reason I bring this up is that one of the measures of healthy colonies is their yield. We harvested over 100lbs of honey this year, and this is only our second year. The amount of space the bees need is not really related to the amount of hives it is do they have the right resources available. I support the Ordinance as it uses Best Management Practices, but I think your definition around square footage are perhaps not on the nose. Thank you.

SOLICITOR HARPER: Any other questions or comments? Thank you very much this hearing is concluded.

6. OLD BUSINESS:

A. Committee Meetings Schedule

Manager DeFinis stated if anyone has any times of day that would work best for committee meetings please let him know. Manager DeFinis added that he will get a schedule out by the end of the week.

B. Fall Festival / Car Show Sign Up

President Weierman stated that Lindsay is still looking for Volunteers for the Fall Festival. He added if you are available please sign up to volunteer.

C. Joint Chamber Events

President Weierman stated that there is a list of chamber events and made mention of the legislative joint event with the Chamber of Commerce of Greater Montgomery County at the end of September.

D. Payment Request No. 5 for the Municipal Complex

President Weierman stated that this request is for payment No. 5 for the Municipal Complex in the amount of \$218,583.00. Manager DeFinis added that Assistant Manager, Jaime Snyder is working with the Architect on keeping a spread sheet of the allowance adjustments and change order requests.

E. Clerk of the Works Update

President Weierman went over the Clerk of the Works Report with Borough Council and Mayor Kaler.

F. Caracausa Development

Manager DeFinis stated the letter from the Code Enforcement Officer was in the packets which states that the previous submission from the developer's engineer does not meet the Borough standards for plan submission.

7. NEW BUSINESS:

A. HB 2564 Small Wireless Facilities Deployment Bill

Manager DeFinis informed Council that there has been a lot of discussion around HB 2564 which would strip municipalities of their zoning authority over wireless poles and antennas in the public rights-of-way. Manager DeFinis stated that many organizations that the Borough belongs to such as PSAB, AMP, Cohen Law Group

through the franchise agreement, etc. have been working tirelessly to oppose this bill.

Manager DeFinis outlined the bill and gave a status update as to where this lies within the Capital and that amendments are currently trying to be attached. Manager DeFinis added that there is a Resolution at your places this evening for consideration.

Solicitor Harper added that the Borough is in a different situation from other municipalities as the Borough owns a lot of their own poles.

A discussion ensued amongst Council about HB 2564 and the impact that it would have to the Borough.

8. ACTION ITEMS:

A. Motion to Consider Resolution 2018-17 Recognizing Public Power Week

Motion: A motion was made by Councilmember Farrall to Approve Resolution 2018-27 Recognizing Public Power Week. 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 unanimously with a vote of 5-0.

B. Motion to Consider Resolution 2018-28 Recognizing Fire Prevention Week

Motion: A motion was made by Councilmember Farrall to Approve Resolution 2018-28 Recognizing Fire Prevention Week. 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 approved unanimously with a vote of 5-0.

Due to the extensive Public Hearing Borough Council has decided to TABLE Ordinance NO. 533 for further discussion and review of the Ordinance in light of the Public Comments.

C. Motion to TABLE Ordinance No. 533 Regarding Beekeeping in the Borough of Hatfield Amending Chapter 2 (Animals) of the Code of Ordinances until the October 3, 2018 Workshop Meeting.

Motion: A motion was made by Councilmember Farrall to TABLE Ordinance No. 533 Regarding Beekeeping in the Borough of Hatfield Amending Chapter 2 (Animals) of the Code of Ordinances until the October 3, 2018 Workshop Meeting. 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 approved unanimously with a vote of 5-0.

Councilmember Kroesser left the September 19, 2018 Regular Meeting due to an emergency.

D. Motion to Consider Payment Request No. 5 to E.R. Stuebner for the Municipal Complex in the Amount of \$218,583.00 (two hundred eighteen thousand five hundred eighty-three dollars).

Motion: A motion was made by Councilmember Farrall to Approve Payment Request No. 5 to E.R. Stuebner for the Municipal Complex in the Amount of \$218,583.00 (two hundred eighteen thousand five hundred eighty-three dollars). 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 unanimously with a vote of 4-0.

E. Motion to Consider Appointing Debbie Stevens to the Pool Advisory Board for a Three-Year Term to Expire on December 31, 2021

Motion: A motion was made by Councilmember Farrall to Approve Appointing Debbie Stevens to the Pool Advisory Board for a Three-Year Term to Expire on December 31, 2021. 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. Councilmember Stevens abstained from the vote.

F. Motion to Consider Resolution 2018-29 Opposing HB 2564

Motion: A motion was made by Councilmember Farrall to Approve Resolution 2018-29 Opposing HB 2564. 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 unanimously with a vote of 4-0.

9. 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 Ferguson to approve payment of the bills. The motion was seconded Councilmember Stevens.

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. Councilmember Farrall abstained from the vote.

10. MOTION TO ADJOURN:

Motion: A motion was made by Councilmember Stevens to adjourn the Regular Meeting of September 19, 2018. The motion was seconded by Councilmember Ferguson and unanimously approved with a vote of 4-0. The meeting was adjourned at 10:51PM.

Executive Session Litigation and Personnel

Respectfully Submitted,
Jaime E. Snyder
Assistant Manager