

**HATFIELD TOWNSHIP BOARD OF COMMISSIONERS  
WORKSHOP MEETING MINUTES  
MARCH 14, 2007  
7:30 PM**

**I. CALL TO ORDER**

Commissioner President Scott Brown called the Hatfield Township Board of Commissioner's March 14, 2007 meeting to order at 7:30 p.m.

**II. ROLL CALL**

Commissioner Brown asked Ms. Shafkowitz to call the roll. Present at the meeting were Commissioner President Scott Brown, Commissioner Vice-President Gerald Andris, Commissioner Jim O'Byrne, Commissioner Charles Sisian and Commissioner John Thinnis. Also in attendance were Township Manager Stephanie Teoli Shafkowitz, Solicitor Joseph Kuhls, Township Planner Ken Amey, Engineer Joseph Nolan, Chief of Police Mark Toomey and Assistant to the Manager Melissa Shafer.

**III. PLEDGE OF ALLEGIANCE**

Commissioner O'Byrne led the recitation of the Pledge of Allegiance.

**IV. CITIZEN'S COMMENTS**

Tom Landauer of Cowpath Road said that he believes that it is important to televise board meetings, and that it is necessary in improving the level of open government.

**V. SPECIAL ITEMS**

**1. Presentation of Township Logo and Aquatics Center Logo**

Pam Learned, President of Wordwork Communications, unveiled the new Hatfield Township and Hatfield Aquatic Center logos. Travel coffee mugs with the new logo were distributed to the Commissioners members of the audience.

**2. Volunteer Fire Department Quarterly Reports**

▪ **Hatfield Volunteer Fire Company**

Bob Kaler IV reviewed the January Report for the Board. Mr. Kaler reported that both the Hatfield and Colmar Fire Companies had responded to the LansBowl Fire that morning.

▪ **Colmar Volunteer Fire Company**

Chief Mike Hagan reported that the volunteers were taking training classes through the Bucks County Fire School, and participating in a water rescue course.

President Bill Marshall reported that they have recruited 10 new members. Also, they have received 3 FEMA grants, one being a joint grant with Hatfield for new turnout gear.

**VI. COMMITTEE REPORTS**

**A. Planning and Zoning Committee**

1. Planning Commission Meeting Minutes – *February 20, 2007*

Commissioner Brown entered the February 20, 2007 Planning Commission Meeting Minutes into the record.

2. Saligman Preliminary/Final Land Development, North Penn Road, Zoned LI

Jim Garrity represented the applicant. He reported that the Zoning Hearing Board has granted the applicant a zoning change. Mr. Garrity asked for the Board's approval at the March 28 Action Meeting.

3. Site Development/Houston Equities Preliminary/Final Land Development, Cowpath Road, Zoned SC

Rob McNelly reported that the plans have been modified to reflect the last review letter.

Commissioner Sisian asked if the applicant was going to erect a fence along the border with the Tarrington Development, as per the homeowner's request.

Mr. McNelly responded that the applicant entered into an agreement with the homeowners association to erect and fence and do the landscaping. The homeowner's association requested that the fence be erected at a point behind the supermarket during Phase 6. However, at the last Planning Commission Meeting, there was a group of residents who requested the fence in a different place.

Commissioner Brown asked if the fence would eliminate foot traffic between the Giant and Tarrington. Mr. McNelly said that it would.

Commissioner Thinnes noted that the shopping center is long overdue and would like to see the process continue to move along smoothly.

Commissioner Andris asked if the maintenance of the fence and the striping of the parking lot into the deed restrictions. Mr. Kuhls said that can be done. Mr. McNelly said that he would add it to the plan.

Bill Anlauf of Tarrington Way reported that every resident that attended the Planning Commission Meeting agreed that the fence would be put on the curb line of the shopping center property during Phase 7.

Mr. Kuhls said that the applicant should make an agreement with the official representative of the homeowners association.

John Weiskopf of 1576 Tarrington Way said that if the 6-foot fence is erected during Phase 6, it isn't going to help, since the area selected for the fence is lower than where the Giant sits.

Mr. Kuhls stated that the applicant is under no obligation to construct a fence. The township has persuaded the applicant to erect a fence and the applicant has proved a willingness to solve this problem.

Mr. Kuhls encouraged the homeowners association to reconvene and provide an official position to the township regarding the fence location.

Mr. McNelly said that they would agree to either fence location the homeowner's association agrees upon on.

**B. Public Works Committee**

1. 2007 Road Improvement Program Bid Discussion

Ms. Shafkowitz reported that the bids were out and would be opened on March 20. The bids would then be on the agenda for the Board's consideration at the March 28 Action Meeting.

Scott Brown asked that the staff work with Emert Recycling to keep Richmond Road clean.

**C. Parks and Recreation Committee**

1. Parks and Recreation Board Meeting Minutes – *February 5, 2007*

Commissioner O'Byrne entered the February 5, 2007 Parks and Recreation Board Meeting Minutes into the record.

Commissioner President Brown noted that the Parks and Recreation Board was unable to achieve a quorum at its last meeting. Mr. Brown also noted light attendance in recent months. He urged the Commissioners to contact their appointees to the Parks and Recreation Board regarding their continued interest in serving.

2. Pool Advisory Board Meeting Minutes – *February 6, 2007*  
*February 20, 2007*

Commissioner O’Byrne entered the February 6 and February 20, 2007 Pool Advisory Board Meeting Minutes into the record.

**D. Public Safety Committee**

1. Monthly Report of Police Activities – *February 2007*

Commissioner Sisian entered the February 2007 Monthly Report of Police Activities into the record.

**E. Finance Committee**

**F. North Penn Water Authority**

1. North Penn Water Authority Meeting Minutes – *January 23, 2007*

Commissioner Brown entered the January 31, 2007 North Penn Water Authority Meeting Minutes into the record.

**G. Hatfield Township Municipal Authority**

1. Hatfield Township Municipal Authority Meeting Minutes – *January 9, 2006*

Commissioner Brown entered the January 9, 2006 Hatfield Township Municipal Authority Meeting Minutes into the record.

2. Hatfield Township Municipal Authority Monthly Budget Report – *January 2006*

Commissioner Brown entered the January 2006 Hatfield Township Municipal Authority Monthly Budget Report into the record.

3. Hatfield Township Municipal Authority 2007-2008 Budget

Commissioner Brown entered the Hatfield Township Municipal Authority 2007-2008 Budget into the record. Mr. Brown reported that this item

would be considered for the Board's adoption at the March 28 Action Meeting.

## **VII. TOWNSHIP STAFF REPORTS**

### **A. Township Manager's Report**

1. 2007 Project List

Stephanie Teoli Shafkowitz reported that the 2007 Project List was distributed to the Commissioners and available for the public.

2. Walnut Street Traffic Calming Pilot Project

Ms. Shafkowitz reported that the staff has met with McMahon Associates and has asked them to include pedestrian access in the traffic calming plan. She said that letters would be sent to the residents, inviting them to the April 11 Workshop Meeting where this would be an agenda item for discussion.

3. Traffic Signal Survey

Ms. Shafkowitz reported that McMahon Associates is also completing a traffic signal survey. They will be looking at each of the township traffic lights and making sure that they work according to PennDOT permit and making recommendations for improvements.

4. Single Hauler Trash Collection Survey

Melissa Shafer provided an update on the Single Trash Hauler Collection Survey. She reported that 84 percent of the survey respondents were in favor of the single hauler trash collection system. Ms. Shafer reported that the study incorporating these results is being completed by Gannett Fleming and would be ready this summer.

5. Recording and Broadcasting Public Meetings

Ms. Shafkowitz presented a PowerPoint presentation regarding the options with televising board meetings. She reported that seven municipalities out of 36 municipalities in the Montgomery County Consortium currently televise their meetings, and three of that seven have live broadcasts. One municipality, Upper Merion, even web-streams the meetings on their website.

She reviewed the cost options of hiring a consultant vs. outfitting the public meeting room with cameras and related video equipment. Ms.

Shafkowitz also outlined several issues that would need to be met, such as forming an agreement with Hatfield Borough and Comcast to utilize HTV to televise the meetings.

Commissioner Thinnes asked if there was any data available concerning viewer rates of government channels. Ms. Shafkowitz said that there was none that the staff could find.

Commissioner Sisian said that it's not about the number of people who watch, it's about providing open government.

Commissioner O'Byrne said that he doesn't believe that televising meetings means open government. Mr. O'Byrne stated that the township already provides open government with the newsletter and the website.

Steve Morris of \_\_\_\_\_ advocated in favor of televising meetings. He reported that he believes that the township should utilize the website prior to negotiating the cable franchise agreement.

Commissioner Brown directed the staff to further investigate the feasibility of getting over the two hurdles with Hatfield Borough and Comcast. The issue can then be debated at a later meeting.

**B. Solicitor's Report**

1. Recycling Ordinance Update – Northern Montgomery County Recycling Commission

Joe Kuhls explained that the Northern Montgomery County Recycling Commission (NMCRC) has proposed amendments to the recycling ordinance that their member municipalities had originally adopted. The main amendment would allow the NMCRC to fine haulers directly if they were caught commingling regular trash with recyclables.

2. 2006 Building Code Adoption Discussion

Mr. Kuhls reported the Board would need to adopt the 2006 Building Code. He explained that the new building codes needed to be adopted every three years.

**C. Building Report**

1. Building Report – *February 2007*

Ken Amey entered the February 2007 Building Report into the record.

**D. Engineer's Report**

1. Escrow Release Report – *February 2007*

Joe Nolan entered the February 2007 Escrow Release Report into the record.

**VIII. OTHER BUSINESS**

1. **Hearing for Text Change to Zoning Ordinance**

*North Penn School District*

Solicitor Joe Kuhls reviewed the hearing process for a text change to the Hatfield Township Zoning Ordinance.

Applicant's representative Joseph Zadlo entered the following exhibits into record:

- 1- Request for a hearing
- 2- Light Industrial Zoning Ordinance with proposed new paragraph regarding educational use with a maximum lot size of four acres
- 3- Planning Commission Meeting Minutes
- 4- Montgomery County Planning Commission Letter
- 5- Real estate listing for 2374 North Penn Road
- 6- Letters to adjacent properties
- 7- Email responding to questions

Mr. Kuhls swore in Joseph Zadlo and Curtis Dietrich, Assistant Superintendent, as expert witnesses.

Mr. Zadlo reviewed the proposed text change.

Commissioner Thinnes asked if this change would affect the entire township. Mr. Kuhls responded that it would.

Commissioner Sisian asked if a zoning variance could be granted from the Zoning Hearing Board instead of a text change.

Mr. Zadlo responded that getting a variance would be difficult because the applicant would not be able to prove hardship.

Kelli Suzuki of Meadow Lane asked the applicant if they would be able to provide assurances that the students at the alternative school would not be trespassing onto the nearby residential property.

Mr. Dietrich spoke to the advantages of locating a school in the Light Industrial District. He reported that alternative school students usually flourish in smaller setting such as the one proposed. He said the school would have ten classrooms, a gym, a cafeteria, and multi-purpose rooms – it would look and feel like a school. He cited school districts such as Council Rock, Colonial, Centennial, and Easton, who have alternative schools in Light Industrial Districts.

In responding to Ms. Suzuki's question, Mr. Dietrich said that the students would be highly supervised at all times, and rarely outside.

Mr. Dietrich said that moving the alternative school is important, because currently, they are utilizing the North Penn Boys and Girls Club in Lansdale, and the space is not suitable for a school.

Commissioner Brown said that if the Board would agree to the text change, then it opens up the township to any applicant who wants a similar usage; it wouldn't just stop at the North Penn School District. Mr. Brown said that he is unsure whether this is a good fit and would like the applicant to consider a zoning variance.

Mr. Zadlo said that while he appreciates the Board's support, he is sure that the Zoning Hearing Board would not grant the applicant the variance. It would only take one person to appeal to ruin the case.

Mr. Zadlo entered exhibit 8 into the record, a draft ordinance.

Mr. Kuhls stated that the ordinance could include limited conditions of the text change, addressing the Board's concern for general applicability. The school would serve no more than 100 students; also, the text change could state that only the public school district for the particular area could operate a school within the LI district.

Commissioner Brown said that he would like to find out from the staff about the un-likelihood of going to the ZHB.

Ms. Suzuki asked the Board to keep in mind that these students have a reason for being in the alternative school and that there is a need to keep other children in the neighborhood safe as well.

Francis Haley of 3160 Cowpath Road said he couldn't see giving up all of the industrial parks to schools.

Attorney Mark Labrum spoke representing the interests of Capital Systems, Inc., the owner of the one of the buildings in the industrial park, and Zog, Inc, their lessee. Mr. Labrum said that there were a number of

concerns raised in the last 48 hours when his clients learned about the proposed direction of this particular lot in the industrial park.

Mr. Labrum reported that Mr. Zadlo only gave notice to the residents on Monday, March 12 at 7:30 pm. Mr. Labrum feels that the North Penn School District is trying to “spot zone.”

Mr. Labrum reported that he is not challenging the school, but the school being in the LI zone. Those entering the industrial park would have no notice that they were entering a school zone. He also pointed out that the building next door to the one proposed as a school operates an environmental waste facility.

Mr. Kuhls recommended that the Board continue this hearing on March 28. Mr. Zadlo said that he would be available to meet with any of the staff between now and then.

## **IX. ADJOURN**

Commissioner O’Byrne made a motion to adjourn the March 14, 2007 Board of Commissioners Meeting. The motion was seconded by Commissioner Thinnes and carried on a 5-0 vote. The meeting was adjourned at 10:30 pm.