

BEFORE

NEW HOPE BOROUGH COUNCIL

In Re: Regular Meeting

- - - -

TUESDAY, FEBRUARY 18, 2020

- - - -

A public meeting was held at the Borough Municipal Building, 125 New Street, New Hope, Pennsylvania 18938, commencing at 7:00 p.m. on the day and date above set forth, before Tara Wilson, Professional Reporter and Notary Public in and for the Commonwealth of Pennsylvania.

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DOYLESTOWN, PENNSYLVANIA 18901

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1 BOROUGH COUNCIL:

2 Connie Gering, President

3 Dan Dougherty, Vice-President

4 Tina Leifer Rettig, President Pro Tem

5 Laurie McHugh

6 Ken Maisel

7 Peter Meyer

8 Louise Feder

9 EJ Lee, Borough Manager

10 David Sander, Esquire, Solicitor

11

12 ALSO PRESENT:

13

14 Karen MacNair, Gilmore & Associates

15 Tracy Tackett, Borough Zoning Officer

16 Chief Michael Cummings

17 New Hope Police Department

18

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8 PC - P. Meyer) 55-57

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1 MS. GERING: I'd like to call the

2 meeting to order. Please stand up for the pledge

3 of allegiance.

4 (Pledge of Allegiance was recited.)

5 MS. GERING: Take roll call, please.

6 MS. LEE: Taking roll. Vice-President

7 Dougherty?

8 MR. DOUGHERTY: Here.

9 MS. LEE: Ms. Rettig?

10 MS. RETTIG: Here.

11 MS. LEE: Ms. Feder?

12 MS. FEDER: Here.

13 MS. LEE: Ms. McHugh?

14 MS. McHUGH: Here.

15 MS. LEE: Mr. Maisel?

16 MR. MAISEL: Here.

17 MS. LEE: Mr. Meyer?

18 MR. MEYER: Here.

19 MS. LEE: Council President Gering.

20 MS. GERING: Here.

21 MS. LEE: Mayor Keller is not in

22 attendance. Also we have from staff, Chief

23 Cummings, our zoning officer Tracy Tackett and

24 our borough engineer from Gilmore & Associates

25 Karen MacNair. We also have our preservation

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1 consultant Bob Wise and 16 members in the
2 audience.
3 MS. GERING: Thank you.
4 The mayor is on vacation, so can I have
5 the chief to do his report?
6 CHIEF CUMMINGS: Sure. There are two
7 things tonight. The first being, Plumstead
8 Township is requesting our assistance with the
9 fire police, the Eagle Fire Company, to assist at
10 a 5K race, which benefits the fire department up
11 in Plumsteadville. The purpose of this is so
12 that they are covered. Because it's not a fire
13 ground incident, it's something extra, we have to
14 authorize by council for them to go there in
15 order to be covered by workman's compensation.
16 I had contacted the fire police captain
17 a number of times, so I don't if they are
18 actually going to participate, but they need
19 permission if they do decide to participate.
20 MS. GERING: Thank you.
21 Can I have a motion to authorize the
22 New Hope Eagle Fire Company and Police to assist
23 Plumsteadville Township for a special event
24 scheduled for March 21st?
25 MS. McHUGH: I'll make that motion.

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1 MR. MEYER: Second.
2 MS. GERING: Any discussion from
3 council?
4 Any questions from the public?
5 All in favor?
6 COUNCIL MEMBERS: Aye.
7 Thank you.
8 Next, Chief, about the part-time
9 officer.
10 CHIEF CUMMINGS: Yes. There's been a
11 lot of discussion of council about part-time
12 officers and the authorized number. And I just
13 wanted to explain that the total number of hours
14 it averages it out for you is about 5,000 hours
15 for part-time police. And sometimes we have
16 three officers that can work a lot of officers
17 and sometimes we get five officers. Some can
18 work some hours, some have full-time jobs, but
19 we're at the point we're at a constantly hiring
20 cycle and I would like to increase the numbers of
21 part-time officers up to eight but not to exceed
22 the 5,000 hours that we normally work.
23 MS. GERING: Do I have a motion to
24 authorize the chief to hire and attain up to
25 eight part-time officers during the 2020 calendar

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1 year at an hourly rate of twenty-three fifty
2 effective March 1st?
3 MR. DOUGHERTY: I'll make that motion.
4 MS. McHUGH: I'll second.
5 MS. RETTIG: I'll second.
6 MS. GERING: Any discussion?
7 MR. MAISEL: Just a clarification, is
8 the 5,000 hours for the last 10 months of the
9 year or is it prorated?
10 MR. DOUGHERTY: In prior years --
11 MR. MAISEL: It's prorated?
12 MR. DOUGHERTY: -- it's been between
13 4600 and 5,000 for the whole year, I believe.
14 CHIEF CUMMINGS: It is we've already
15 started the year and those hours are being
16 consumed.
17 MR. MAISEL: I gotcha, I gotcha. Okay.
18 All right. Thank you.
19 MS. GERING: Any questions?
20 Any questions from the public?
21 All in favor?
22 COUNCIL MEMBERS: Aye.
23 MS. GERING: Thank you, Chief.
24 We had executive session tonight
25 dealing with personnel issues.

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1 Next we have a motion for approval for
2 the Bridge Street project for a rebid.
3 EJ?
4 MS. LEE: Sure. And actually our
5 engineer is also here to provide background, but
6 if you all recall back in -- back about two years
7 ago, the borough was awarded a grant from the
8 Pennsylvania Department of Community and Economic
9 Development for a Bridge Street improvement
10 project in the amount of \$92,980. And since then
11 the borough and the borough engineer have been
12 working diligently to put together the adequate
13 plans to get PennDOT approval and also to get the
14 bid documents together to be able to bid out the
15 project for the construction of the improvement
16 of Bridge Street.
17 The first time the borough went out for
18 bid was back in July 2019 and the bid results
19 came in slightly higher than what was
20 anticipated, so the borough rejected all the bids
21 back then and rebid everything this past January,
22 where the base bid actually came in about \$9,000
23 less than what came back in July. Our borough
24 engineer has provided the results of those bids
25 and has recommended the lowest bidder of Ettore

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1 Ventresca, with a lowest bid of \$123,735 for the
2 base bid.

3 The bid did give you two alternate
4 options. One was a red color treatment of the
5 cement pavement as part of that improvement
6 sidewalk. And then the second part was a red
7 treatment with stamped brick imprinted just so
8 that it looks a little more consistent with the
9 brick sidewalks that are throughout the borough
10 for a more historic look. Obviously, the
11 alternate one for just the red dye, as well as
12 alternate two for the red dye and the brick
13 imprint is a little bit more. And those bid
14 prices are also available in front of you and I
15 can actually put that on the screen for everyone
16 else as well.

17 So you can see where the bid prices
18 have come in for the two lowest bid prices for
19 both base bid alternate and alternate two as
20 projected on the screen. And the sample of what
21 the fake brick with the red dye is, is also on
22 screen for everyone to review.

23 MS. GERING: Do I have a motion to
24 award the Bridge Street project to Ettore,
25 Ventresca & Son at the lowest bid price of one

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1 MR. DOUGHERTY: So we had questions at
2 the work session. I think we -- one of the que
3 -- there were two questions that I recall. One
4 from Mr. Maisel concerning the distance between
5 these bids, the low bid here, which I understand
6 we're legally required to accept. But the
7 distance between that bid and sort of the center
8 of the pack on the other bids, it seemed to be
9 pretty far. So the question that was raised at
10 the time was how certain are we of the
11 comparableness, specifically surrounding the
12 fence, I believe, which was a major piece of the
13 thing that the low bid here, which is
14 substantially lower -- so this was a search thing
15 that we -- I think had asked --

16 MS. LEE: Yes.
17 MR. DOUGHERTY: -- someone to research
18 and gain some answers on that.

19 MR. MAISEL: It's included -- it is
20 included as to the spec that was adhered to by
21 everybody who bid on it. So we're assuming that
22 everyone was quoting, at least from the documents
23 that we got --

24 MR. DOUGHERTY: Right.
25 MR. MAISEL: -- reflect that they were

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1 twenty-three seven thirty-five?
2 MR. MEYER: So moved.
3 MS. GERING: And second?
4 MS. RETTIG: I'll second that.
5 MS. LEE: So if I could get
6 clarification are we only approving for the base
7 bid and not the alternate one and alternate two,
8 correct?

9 MS. GERING: What was --
10 MS. McHUGH: I'm sorry repeat that.
11 MS. LEE: So the three options before
12 you is the base bid for one twenty-three seven
13 thirty-five.

14 MS. McHUGH: Right.
15 MS. LEE: And the base bid in alternate
16 one, which is red color treatment of the cement
17 at one twenty-eight one ninety. And then the
18 base bid with alternate two, which is the red
19 color treatment and the brick imprint, which is
20 what it looks like here is projected on the
21 screen. And those were the three options for
22 what the bid results brung.

23 MR. DOUGHERTY: Is there -- the
24 motion's on the floor, so it's discussion time?
25 MS. GERING: Yes, it's discussion now.

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1 all the same.
2 MR. DOUGHERTY: And so we wanted to --
3 MR. MAISEL: Confirmation.
4 MR. DOUGHERTY: -- get confirmation of
5 that, I believe because we -- they all got the
6 proposal, but we were assuming.

7 MS. MacNAIR: Right. That's correct.
8 Everybody bids on the same project manual, same
9 bid documents, so there's a detail of the plans
10 and there's technical specifications for the
11 fence and that's what they would be bidding on
12 and everybody has the same exact information.

13 MR. MAISEL: I mean, what stuck out was
14 the differential. It looked it could not even be
15 a margin compared to what JJ was quoting on this
16 versus somebody else. It just seemed like it was
17 impossible, but it doesn't matter as long as it's
18 been confirmed then --

19 MS. MacNAIR: Right. They have to
20 construct what is in the project manual or the
21 other option is the borough can end up pulling
22 their bond to make somebody else do it. So the
23 borough will get the fence that is in the bid
24 documents.

25 MR. MAISEL: And I think there was one

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1 other thing that we brought up also at the
2 workshop was one of the bigger differentials was
3 removal of the pillars. And they were doing that
4 for an exceedingly low price compared to others,
5 but again, they're buying into it, they have to
6 be demolished and that's what comes with it.

7 MS. MacNAIR: And that's also -- I know
8 we have detailed in the plans because that was a
9 very specific item, it's not a standard item, so
10 we had the details for the specific pillars that
11 are on site. So again, everybody had the same
12 exact information. I think difference is you're
13 seeing, you know, contractors put their risk and
14 their profit in any different items so I think
15 they just assigned it somewhere else than maybe
16 that the other contractors did.

17 MR. DOUGHERTY: The other question that
18 was out there raised at the work session was that
19 it was from a member of the public basically our
20 decision point here is to go with the first row,
21 second row or third row and we had asked if there
22 was a way to have our engineers give us feedback
23 or advice as to how viable the stamped concrete
24 and the stained -- I'm sorry, tinted concrete was
25 because we had some concerns here on council that

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1 choose to award the dye, just be aware that
2 you're going to have to do the maintenance in
3 this area that is going to be above what you
4 would have for a regular concrete sidewalk.

5 MS. RETTIG: Would that be the same
6 with the stamping as well? Because a lot of, you
7 know, given that's a main street, it would wear
8 down quicker because it's stamped?

9 MS. MacNAIR: The stamping I'm not sure
10 you'd really see wearing with it. Again, with
11 the road salts you might have some additional
12 wear because if it gets in that crack it can open
13 it up a little further. I don't think you're
14 going to see any faster deterioration of the
15 concrete itself because of the stamping. I think
16 it's more of the maintenance would be with the
17 dye, but both options have the dye because to get
18 the stamping in, you need that dye because it's
19 part of the releasing agent for the stamp itself.

20 MR. DOUGHERTY: So you can't -- these
21 options have tinting and -- the first one's
22 tinting only and the second option is tinting and
23 stamping combined?

24 MS. MacNAIR: Right.

25 MR. DOUGHERTY: So both of two options

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1 over time the tinted, especially on the tinted
2 side, that it tends to fade and it starts to look
3 sterile. So could you comment on that as to --
4 so we can get into one of these rows, right now
5 we don't have --

6 MS. MacNAIR: Sure. So I did -- we --
7 we've used this on other projects and I think we
8 have one that's about 10 years old, but it's not
9 along a public road and it gets maintained
10 because it's on private property. So to keep it
11 looking like it does, you're going to have to
12 maintain it, so that's an additional cost. Not
13 just the additional cost you have to put it in,
14 but then there will be additional ongoing
15 maintenance cost if you would decide to dye it to
16 keep it looking like it would be in that picture.
17 So there would be additional cost.

18 And my other concern would be with it
19 being right next to a road, you have the road
20 salts that are going to get on it quite
21 frequently. This other example that we have that
22 has been being look good, there's not road salts
23 that are getting on it, so that you're going to
24 be having an additional maintenance that the
25 other project doesn't that we have. So if you do

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1 have tinting in them?

2 MS. MacNAIR: Yes. So the first one is
3 just the red. The second one is the red and the
4 gray that you see there. So the gray is the
5 releasing agent for that stamp.

6 MR. DOUGHERTY: Okay. Thank you.

7 MS. MacNAIR: So that the gray is
8 intended to give more of a worn look.

9 MR. DOUGHERTY: Thank you.

10 MS. GERING: Any other questions from
11 council?

12 MR. MAISEL: I'm just going to look for
13 some guidance, you know, in terms of a vote here.
14 I mean, a few thousands while it's not nothing,
15 this becomes like an aesthetic thing, you know.
16 Do you want -- if you can pull the picture up
17 again, this is showing up on my screen a little
18 bit -- that doesn't like look a natural color to
19 me, it doesn't anything natural about that. It
20 looks like a fake color. And I don't know if
21 that's a good, you know, a good way of looking at
22 it, but from an aesthetic standpoint, it looks
23 fake. So I'm --

24 MS. MacNAIR: I do think that red color
25 on the TV is a little bit brighter than it looks

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1 like on my computer screen, I think.
 2 MS. McHUGH: We kind of thought that,
 3 but then we compared to his and mine, EJ's and
 4 the TVs screen and they all look weird.
 5 MS. MacNAIR: In the picture that I
 6 sent from my e-mail and I -- but it's like more
 7 of a maroon. It's not quite maroon, but it's a
 8 little darker and not as bright of a red for
 9 sure.
 10 MR. MAISEL: It's just not a natural
 11 color. I mean, you can't pretend that this -- so
 12 you either go in one direction, take a shot and
 13 say that looks great or you just don't fake it
 14 and go with something that is clearly not what
 15 you're pretending to make it.
 16 MS. MacNAIR: Um-hmm.
 17 MR. MAISEL: So that's the only caution
 18 that I -- you know, as we consider this -- this
 19 vote.
 20 MS. McHUGH: Yeah, I agree. I don't
 21 have any problem spending the extra funds to make
 22 it look nice, I but I don't want to spend the
 23 funds and have it look tacky.
 24 MR. MEYER: To which I would add the
 25 fact that we're not just spending the funds in

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1 it goes from 40 to \$96,000. At some point, it's
 2 -- you're talking it's actually beyond what we
 3 had expected when this was approved initially a
 4 long time ago. So I'm leaning toward --
 5 MS. GERING: The base bid?
 6 MR. DOUGHERTY: -- the base bid, yes.
 7 MS. GERING: All right. So we have a
 8 motion for the base bid?
 9 Before we take a vote here, any
 10 questions from the public?
 11 Mr. Duffy. Please identify yourself
 12 for the lovely lady here.
 13 ED DUFFY: Ed Duffy, New Hope, 23
 14 Arden.
 15 Good to see everybody. Do you -- what
 16 is the color, the base color going to be? We've
 17 seen what the upgrade looks like, what does the
 18 base look like? Do we know?
 19 MS. MacNAIR: The base color is that
 20 red color that's behind --
 21 ED DUFFY: Like a reddish?
 22 MS. MacNAIR: Yes.
 23 ED DUFFY: Okay. Okay. With that, I
 24 would assume you guys haven't seen the final
 25 contract, did you, right? You guys are just

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1 the initial contract, but we also will be
 2 incurring the maintenance cost as well. And if
 3 we are not maintaining it appropriately, then
 4 it's going to look even worse.
 5 As far as I'm concerned by the way,
 6 given the request that was made for the provision
 7 that the -- that I -- the motion that I moved, I
 8 thought I was moving acceptance of the base bid
 9 not the other two pieces.
 10 MR. SANDER: That's the motion that's
 11 on the table.
 12 MS. GERING: Yes. The motion on the
 13 table is for the base bid.
 14 MR. MAISEL: I thought that was a
 15 starting point.
 16 MR. DOUGHERTY: Just from a cost
 17 perspective originally this was going to be
 18 \$132,000 roughly, 40,000 from the borough and
 19 92,000 from the grant. We think the grant's
 20 still going to come in at the 92,000, but this
 21 project even with the base bid, is not going to
 22 be \$132,000, it's going to be \$176,000. So our
 23 cost is gone from \$40,000 to \$84,000 with the
 24 base bid. If we were to get the stamped and the
 25 tinted, it goes from 40 -- not from 40 to 84, but

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1 putting the pieces together with the contractor?
 2 MS. MacNAIR: I don't understand the
 3 question.
 4 ED DUFFY: For their review, they got
 5 to see the final contract, I would think.
 6 MS. MacNAIR: So after a project gets
 7 awarded, we send the agreement to the contractor
 8 for signature. There is a copy of the agreement
 9 in with the bid documents. So they do have a
 10 copy of the agreement, it's just completely
 11 unsigned at this point.
 12 ED DUFFY: Does that include -- the
 13 language include a locked-in number or can they
 14 say, whoops, we need some more money?
 15 MS. MacNAIR: They can't say whoops,
 16 they need more money unless there's a change, a
 17 material change.
 18 ED DUFFY: Well, projects like that are
 19 famous for change orders. I mean, we experienced
 20 that up at the school.
 21 MS. McHUGH: Well, the change orders
 22 would have to come before council for approval.
 23 ED DUFFY: Nothing you can do about
 24 that, huh?
 25 MS. MacNAIR: Right. A change order

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1 for that would come before council for approval.
 2 MR. SANDER: That's correct.
 3 MS. LEE: So what's being authorized is
 4 the price that they submitted as their bid.
 5 That's all they're authorized to do. Any changes
 6 from that, would have to come back from council
 7 for further authorization.
 8 ED DUFFY: Okay. Thank you.
 9 MS. GERING: Thank you.
 10 Any other questions? Yes, the
 11 gentleman in the back.
 12 MS. MacNAIR: Sorry. I would like to
 13 make one clarification. I said the base color, I
 14 don't mean the base bid color, the base bid color
 15 is just the concrete. The base red color would
 16 be alternate one.
 17 MS. LEE: Yes.
 18 MS. GERING: The gentleman in the back.
 19 Please identify yourself.
 20 PHIL CARUSO: Phil Caruso 57 Buttonwood
 21 Street, New Hope. When working contractors you
 22 always try to get best price, delivered on time
 23 with the best quality as well as workmanship. So
 24 it sounds like you focused a lot on price and the
 25 question is, is there a time that this project is

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1 MR. DOUGHERTY: The click of the
 2 123,000 --
 3 If I get this wrong, please jump in.
 4 -- is the amount that is going to say
 5 on the check that we had this contractor.
 6 They're going to get \$123,000 to do this job.
 7 Is that a fair statement?
 8 MS. MacNAIR: That's correct.
 9 MR. DOUGHERTY: That's how much is on
 10 the check. We spent \$5,368 to apply for the
 11 \$92,000 grant that we're going to get. We have
 12 also spent, probably in addition to the regular
 13 40,000 that was buried in the, what was going to
 14 132 a while back, remember?
 15 STEVEN COPPENS: Yes.
 16 MR. DOUGHERTY: We've also spent a
 17 great deal of time and money analyzing tinting
 18 concrete and stamping concrete and talking about
 19 pillars and changing pillars. So we -- that's
 20 where we got to 176,000 that we are, if we go
 21 with the lowest bid.
 22 STEVEN COPPENS: Thank you, appreciate
 23 that.
 24 From what I see here, the price goes
 25 from 123 to 130 -- I can't see, 135 or 138, it's

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1 going to start? When is that? And what is the
 2 total time for completion and did all of the bids
 3 bring that in at the same time or was that even a
 4 consideration?
 5 MS. MacNAIR: So I'll let the solicitor
 6 handle the requirement with the lowest
 7 responsible responsive contractor and their
 8 required to receive the award. But as far as the
 9 time of the contract, they all did have to bid on
 10 the same amount of time -- they were all afforded
 11 the same amount of time in the contract to
 12 complete the work.
 13 PHIL CARUSO: Thank you.
 14 MS. GERING: Thank you.
 15 Any other questions? Yes, Steve.
 16 STEVEN COPPENS: Thank you. Steven
 17 Coppens. I own 12, 14, 16, 18 and 20, which is
 18 probably about 80 feet of frontage my property
 19 along where this project's taking place. I have
 20 a couple questions. First, Mr. Dougherty asked
 21 -- mentioned \$176,000 for something. I thought
 22 that says 123, so what is that difference?
 23 MS. GERING: Do you want to, Dan --
 24 MR. DOUGHERTY: I can describe --
 25 MS. GERING: Yeah, can you please?

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1 like a \$15,000 difference between the base bid
 2 and the alternate two, which includes stamping
 3 and color. I'm a little bit confusing on the
 4 color of the concrete. Is it going to be regular
 5 concrete or is it going to be red and then if we
 6 want to upgrade, then it's redder and gray with
 7 stamping?
 8 MS. LEE: The base bid is regular gray
 9 concrete. Alternate one is red and alternate two
 10 is red with stamping.
 11 STEVEN COPPENS: Okay. And then that's
 12 going to increase the 176 -- or 176 to 192?
 13 MR. DOUGHERTY: It will go up by
 14 12,000, I think that's a buck twenty-eight, but
 15 just off the top of my head. The difference
 16 between 123 and the base bid and 135, I'm just
 17 saying that's about 12,000, 12,000 and 176 is a
 18 buck eighty-eight.
 19 STEVEN COPPENS: The fence, how high is
 20 the fence? I remember that being part of some of
 21 the discussions. Because if that's along the
 22 bridge that goes the canal is 42 plus or minus,
 23 the fence that goes over the bridge to
 24 Lambertville is 42 plus or minus, but I remember
 25 hearing 5 feet along that particular project.

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1 And I also recall being at some meeting
2 somewhere, I don't know if it was HARB or
3 planning or something about the property adjacent
4 to the library where they were limited to a 42
5 inch fence.

6 MS. GERING: Well, you're in the wrong
7 side, we're talking on Bridge Street right now.
8 Karen is getting you the answer.

9 STEVEN COPPENS: Yeah, I know I'm
10 saying that's where I'm getting the 42.

11 MS. GERING: All right.

12 MS. MacNAIR: We have on the plans it's
13 a four foot minimum and that's because it has to
14 meet the guide rail standards of the
15 International Building Code for fall projection
16 of the beam on top of the wall. So it's a four
17 foot minimum height fence.

18 STEVEN COPPENS: Okay. Thank you for
19 that.

20 And I just want to reiterate comments
21 that I made at the work session that the borough
22 has authorized thousands and thousands of dollars
23 for projects -- I know council president wasn't
24 at the last work session -- for various items
25 totaling over \$50,000 and I think that if we can

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1 that is so I can't -- whether or not it's being
2 maintained or if it's costing money to maintain
3 that, I do not know. I don't know. This was --
4 we basically looked at the financials of this.

5 Steve, to your point that's why we
6 brought this tinting and stamping up, you know,
7 we are respectful of your input here. We are
8 very -- I thought you had good suggestions that
9 evening, that's why we're -- we brought it to
10 light again. How other stamped concrete is
11 around the borough, I don't know the answer. I
12 don't know if anybody else does.

13 MS. GERING: Any other questions from
14 the public?

15 All right. We're going to take a vote.
16 I'm sorry. Pam.

17 PAMELA KERR: Pamela Kerr, North Main
18 Street. Are the stone pillars staying up, I
19 haven't seen the --

20 MS. MacNAIR: Those will be removed
21 prior to this project.

22 PAMELA KERR: So the fence is just
23 metal?

24 MS. MacNAIR: It's an aluminum fence,
25 yes.

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1 make sidewalks with color and stamped, it's worth
2 the money because it's a gateway to New Hope.

3 Plus one of my other questions is, did
4 anybody look at the stamped concrete at the canal
5 bridge there on West Bridge Street? And is that
6 -- has that been -- has that stamping need to be
7 maintained if and if so, what are the costs for
8 maintaining it and stamped concrete that we're
9 doing on this new project? I'm done.

10 MS. GERING: Thank you.

11 STEVEN COPPENS: I'd like an answer.

12 MS. GERING: Oh, you would like an
13 answer.

14 STEVEN COPPENS: Yeah.

15 MS. GERING: Oh, I'm sorry. Well, I'm
16 going let Dan take care of this, I wasn't at the
17 work session when this was discussed
18 unfortunately.

19 MR. DOUGHERTY: Well, my initial -- the
20 first part was the one -- there's apparently
21 stamped concrete over near the bridge is what I'm
22 hearing.

23 STEVEN COPPENS: On the canal bridge.

24 MR. DOUGHERTY: On the canal bridge.
25 I'm not -- I don't have -- I don't know where

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1 PAMELA KERR: Thank you.

2 MS. GERING: All right. The motion on
3 the table is to take the basic bid.

4 All in favor?

5 COUNCIL MEMBERS: Aye.

6 MS. GERING: Opposed? All right.
7 Motion passes.

8 We have a request for the Bucks County
9 Visitor's Bureau for a banner for restaurant
10 week.

11 Can I have a motion for approval?

12 MR. MAISEL: Make that motion.

13 MS. GERING: Second?

14 MS. McHUGH: I'll second.

15 MS. GERING: Any discussion from
16 council?

17 Any questions from the public?

18 All in favor?

19 COUNCIL MEMBERS: Aye.

20 MS. GERING: All right. EJ, you're
21 going to take the next one.

22 MS. LEE: Yes. Yeah. So right now on
23 the agenda is a motion for authorization for an
24 agreement for professional consulting services
25 for the evaluation of the public works

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1 department. Our public works department has --
 2 they -- it's a four man full-time and one
 3 part-time department that expends \$513,477 of our
 4 entire budget, which approx --
 5 MS. GERING: Thousand.
 6 MS. LEE: Thousand dollars of our
 7 budget which is approximately 25 percent of the
 8 borough's entire budget. The public works
 9 department currently is probably looking at some
 10 transition in the next several years that the
 11 borough has not quite planned accordingly over
 12 time. And so upon discussion internally, as well
 13 as with council, it was determined that perhaps
 14 an outside company to come and do an evaluation
 15 of what the best way is to move forward with the
 16 department with respect to future succession
 17 planning, utilization of current resources and
 18 how to best plan in next year, five years, ten
 19 years down the line.
 20 So before -- I have before you, we
 21 actually obtained two different proposals from
 22 two different companies. One was a little bit
 23 more local in the State of Pennsylvania, another
 24 one was a more national firm. The price
 25 difference between the two were pretty

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1 MS. GERING: And second?
 2 MR. MEYER: I'll second.
 3 MS. GERING: Any questions from
 4 council?
 5 Any from the public?
 6 All in favor?
 7 COUNCIL MEMBERS: Aye.
 8 MS. GERING: In the past, the Eagle
 9 Volunteer Company volunteers are given a grant
 10 each year, so it's in the amount of \$4,000. And
 11 we did this last year and we have -- the motion's
 12 going to be to do the same thing this year.
 13 So do I have a motion to adopt
 14 Resolution 2020-8 to authorize a total of 4,000
 15 for the New Hope Eagle Fire Company for the eight
 16 eligible volunteers?
 17 And this each volunteer will \$500 for
 18 the year.
 19 MS. MacNAIR: I'll make that motion.
 20 MS. GERING: Can I have a second?
 21 MS. RETTIG: I'll second it.
 22 MS. GERING: Any questions from
 23 council?
 24 Any questions from the public?
 25 All in favor?

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1 significant. The local state firm was a little
 2 bit more reasonable in pricing for what it is
 3 that we need and they're also much more familiar
 4 with state regulations and how municipalities in
 5 the State of Pennsylvania operate. And so it is
 6 my recommendation to award the agreement to the
 7 consulting firm Dailey Operation Consulting,
 8 which is based out -- in Cranberry, Pennsylvania
 9 for a cost not to exceed \$7,500.
 10 MS. GERING: Can I have a motion for
 11 approval?
 12 MR. MEYER: Move.
 13 MS. GERING: Second?
 14 MR. MAISEL: Second.
 15 MS. GERING: Any questions from
 16 council?
 17 Any questions from the public?
 18 All in favor?
 19 COUNCIL MEMBERS: Aye.
 20 MS. GERING: Opposed?
 21 Motion passes.
 22 I'd like a motion to appoint John Hover
 23 as a regular member of the zoning hearing board.
 24 Can I have a motion?
 25 MR. DOUGHERTY: I'll make that motion.

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1 COUNCIL MEMBERS: Aye.
 2 MS. GERING: Can I motion to release
 3 escrow money for 39 New Street? They've
 4 completed the final subdivision.
 5 How much is being released? I didn't
 6 see that.
 7 MS. LEE: Karen, do you have the
 8 escrow, I don't --
 9 MS. MacNAIR: It's \$20,000.
 10 MS. LEE: It's for a subdivision that
 11 was authorized and completed more recently. The
 12 engineer has done their final inspection and the
 13 applicant has requested their release of the
 14 escrow for \$20,000 total.
 15 MS. GERING: Thank you. Can we have
 16 that motion?
 17 MR. MAISEL: I'll make that motion.
 18 MS. GERING: Can I have a second?
 19 MS. FEDER: Second.
 20 MS. GERING: Any Questions?
 21 All in favor?
 22 COUNCIL MEMBERS: Aye.
 23 Next we have a certificate of
 24 appropriateness for 102A Main -- South Main
 25 Street for a new sign.

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1 MS. LEE: So this was -- this is for a
 2 new sign done at 102 South Main. There is
 3 currently an existing sign on site right now,
 4 which is -- looks like that. The applicant
 5 appeared before the HARB at their January -- or
 6 their February meeting and the proposed new sign
 7 will look like that. And it will fit into the
 8 existing sign post that's already there. It will
 9 actually fill the whole entire sign, so that
 10 there's no gaps around it. But this is the
 11 proposal that the HARB reviewed and made a
 12 recommendation for a certificate of
 13 appropriateness.

14 MS. GERING: Can I have a motion for
 15 approval?

16 MR. MAISEL: Make that motion.

17 MS. GERING: Second?

18 MS. FEDER: Second.

19 MS. GERING: Any questions from
 20 council?

21 Any from the public?

22 All in favor?

23 COUNCIL MEMBERS: Aye.

24 MS. GERING: Next is a certificate of
 25 appropriateness for 9 South Main Street, which is

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1 scheduled for the March planning commission
 2 meeting, which is March 2nd, I believe, it's a
 3 Monday, at seven o'clock.

4 MS. GERING: Can I have a motion for
 5 approval?

6 Council? We have to have a motion so
 7 we can have a discussion.

8 MS. McHUGH: I'll make the motion.

9 MS. GERING: Second?

10 MS. FEDER: I'll second.

11 MS. GERING: All right. Discussion
 12 from council? Questions?

13 MR. DOUGHERTY: I have a technical
 14 question concerning -- we have a great deal of
 15 material before us including which I don't know
 16 -- I'm pretty sure, I was reading this over the
 17 weekend. There's stuff in here with the interior
 18 layouts of rooms. There's also charts in here,
 19 extraneous stuff, but what's not here, which
 20 we've asked for many times in the past, is how
 21 this structure will look compared to its
 22 surroundings.

23 We've -- I think we've -- if you go
 24 through the minutes. I don't know if you were
 25 specifically one of folks from Ralph Fey's

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1 the Mansion Inn for construction of an addition,
 2 renovation of the rear cottage and other
 3 upgrades.

4 Is anyone here for the Mansion? Come
 5 on up.

6 MARK BAKER: Mark Baker from Ralph Fey
 7 Architects.

8 MS. GERING: Thank you.

9 MS. LEE: So just to give a quick
 10 background on this application, the applicant
 11 submitted a HARB application for the construction
 12 of an addition and renovation of a rear cottage,
 13 as well as upgrades to the conservancy, as you
 14 can see on the plan in front of you. The
 15 application was reviewed by borough council at
 16 the December 2019 workshop and again at the
 17 January 7th HARB workshop, where they received a
 18 recommendation for a certificate of
 19 appropriateness for council's consideration
 20 tonight.

21 As a side note also, please note that
 22 this applicant has also submitted a land
 23 development for this project, which is currently
 24 under review by both our zoning officer, as well
 25 as our engineering. And it is tentatively

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1 Architects that's been here when we've asked
 2 this, but this is probably, I'm guessing, third
 3 or fourth or fifth time this has come up. And
 4 when we look at -- so, for example, the picture
 5 that's right there, Marsha Brown's is ghosted,
 6 the building on the right is gho -- is not even
 7 present. So one of the things that I'm having a
 8 prob -- I have a hard time sort of judging the
 9 HARB as -- COA aspects of this is, how does this
 10 look relative to the space that it's going to
 11 exist in? And we've asked for this many times
 12 and I don't know why it's -- we don't get it.

13 Do you have any comments about that?

14 MARK BAKER: So my comment would be
 15 that the Marsha Brown's, the buildings that are
 16 next to it are also there in profile. Marsha
 17 Brown's has a little detail on the drawings. The
 18 HARB certificate of appropriateness does not
 19 judge the neighboring buildings, so we wouldn't
 20 want to put the exact rendering of the elevation
 21 of Marsha Brown's on there.

22 And when we presented, we actually do
 23 have photos of the streetscape with the buildings
 24 next to it. We have been to four meetings that I
 25 have personally been to for this building.

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1 MR. DOUGHERTY: Which meetings are
 2 they, I'm sorry.
 3 MARK BAKER: Historic architecture
 4 board. We've been to -- in front of the HARB
 5 four times.
 6 MR. DOUGHERTY: You've been in front of
 7 the HARB --
 8 MARK BAKER: Four times.
 9 MR. DOUGHERTY: -- four times?
 10 MARK BAKER: Yes. Previously when
 11 there was a HARB board twice, then when there was
 12 no HARB board, it was borough council, and then
 13 once again in January when it was the new
 14 rendition of the HARB board.
 15 MR. DOUGHERTY: So I guess my question
 16 is for our historic architectural consultant, if
 17 you will. Does the context of the building that
 18 its surroundings and its environment, have
 19 anything to do with the certificate of
 20 appropriateness?
 21 BOB WISE: I think the bottom line of a
 22 certificate of appropriateness is what you can
 23 see from the public right-of-way. And so
 24 technically, that is the way you are to look at a
 25 proposal. And with this particular building,

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1 MR. DOUGHERTY: That would be the --
 2 that would be the Marsha Brown's that would be on
 3 the bottom image closer to us.
 4 BOB WISE: Towards the right.
 5 MR. DOUGHERTY: So to see much of that,
 6 you'd actually have to get between Marsha Brown's
 7 and that building.
 8 BOB WISE: Well, that's correct.
 9 MR. DOUGHERTY: This is not a public
 10 way, correct?
 11 BOB WISE: Well, we're also --
 12 MR. DOUGHERTY: So meanwhile -- and
 13 plus you'd be staring into the first floor window
 14 if you were in there. So the public right-of-way
 15 is probably on Ferry Street, right?
 16 BOB WISE: That would be the most
 17 unobstructed view.
 18 MR. DOUGHERTY: From that -- which is
 19 the majority of the addition here. I mean, the
 20 vast majority of what's happening here is a 50,
 21 60, 80 foot length addition going on the back end
 22 of the Mansion. So the only way to see that is
 23 from off to the left or perhaps from the canal,
 24 which I think is a right-of-way too. Correct?
 25 BOB WISE: That's probably the best --

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1 this plan, the view from the public right-of-way
 2 from various public rights-of-way are -- is very
 3 much obstructed by other buildings.
 4 MR. DOUGHERTY: You see, that's
 5 interesting because when I look at the existing
 6 -- the expansion of the Logan Inn now from the
 7 public right-of-way, which I believe is Ferry
 8 Street, the canal -- actually the bridge on Ferry
 9 Street, one looks directly at the back end of
 10 that mansion while standing on that right-of-way,
 11 and I don't see any imagery here of what that
 12 building's going to look like from that public
 13 right-of-way.
 14 BOB WISE: Yeah, I can't -- I can't
 15 disagree that that would certainly help show --
 16 MR. DOUGHERTY: That is a public --
 17 BOB WISE: -- this.
 18 MR. DOUGHERTY: Whereas the side view
 19 here would be if one were standing somewhere, I
 20 guess, in between the two buildings and inside
 21 the parking lot, which is not part of the public
 22 way whatsoever. So that is -- there's a building
 23 right here on the bottom image, there's a
 24 building right there, right?
 25 BOB WISE: Yes.

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1 MR. DOUGHERTY: Those two areas.
 2 BOB WISE: -- place to see it.
 3 MR. DOUGHERTY: But the -- I don't see
 4 it, so that's -- that's my concern. I don't see
 5 what this looks like.
 6 MARK BAKER: I would like to address
 7 your comment directly by saying that as a result
 8 of your question of what it will look like from
 9 all sides, we actually produced renderings and
 10 images of all sides. So the original
 11 presentation was merely the front and the side
 12 that you would if you're standing, let's say, in
 13 the Logan Inn parking lot or on Bridge Street
 14 there looking directly across behind -- the fence
 15 behind Marsha Brown's; but if the fence wasn't
 16 there, you could see that.
 17 So those were the two original images
 18 we have presented. We also finally did a rear
 19 elevation and the opposite side, which you won't
 20 even actually see the opposite side because the
 21 buildings along Bridge Street are so close to the
 22 property line. So in this site plan, we tried
 23 also to give you a better color rendition of the
 24 layout of the land. So you can actually see
 25 where Marsha's is and how long it is in context

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1 to that.

2 We did not include the other buildings

3 at this time on the site plan from that side of

4 the street because from that street, you're

5 looking through buildings to see it.

6 MR. DOUGHERTY: I'm looking at the

7 materials that we were provided here and I don't

8 see the application. And the materials that were

9 provided are with that?

10 MARK BAKER: There were two submissions

11 to -- for this actual -- for the January meeting.

12 One was a package of plans and one was a package

13 of materials. So if you have the materials

14 package, there's also a plan package that goes

15 with that.

16 MS. McHUGH: Can you hold that sheet up

17 so I can see it?

18 MARK BAKER: I apologize for not

19 bringing larger copies.

20 MR. DOUGHERTY: That's a bird's-eye --

21 MR. MEYER: No, that's not what we're

22 talk --

23 MR. DOUGHERTY: That's a bird's-eye

24 view.

25 MR. MEYER: That's not the relevant

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1 and the elevations and what they will look like

2 four times to hinge on a single spot image

3 looking at the back of the building.

4 MS. RETTIG: But correct me if I'm

5 wrong, please. I believe we have in the past

6 asked for a 3D model to see how the building

7 would look in relation to the other buildings on

8 the street from the river, from the canal, from

9 the bridge, so that we can get a very good idea

10 of what we were talking about scalewise and how

11 everything would look in relationship. So if

12 we've asked for it before and I know it can be

13 done, why hasn't it been shown to us?

14 MARK BAKER: So I will speak to your

15 question. As the person at Ralph Fey Architects,

16 who is responsible for almost all of the Landmark

17 projects, you have asked for 3D renditions of

18 buildings that we have presented in other

19 situations, the Mansion Inn has not been one.

20 The Mansion Inn has had -- has been under review

21 for at least two years now that I've been working

22 on it and a 3D model has not been a part of the

23 request for the review. Is it something that we

24 can do, we are fully capable of doing a 3D model.

25 It has not come up and it has not been asked for

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1 question. You have --

2 MARK BAKER: So if you were asking for

3 photos from the canal of this what you see, we

4 did not at any time present that. We instead

5 presented all of the elevations of the image.

6 MR. DOUGHERTY: So from -- I'm sorry.

7 So from the Ferry Street canal bridge, for

8 example, looking through the parking lot, the --

9 what that -- what the additional structure will

10 look like, those imageries of that? From that

11 perspective.

12 MARK BAKER: We did not -- we did -- so

13 we did not do this in 3D models. So we do not

14 have an image that shows you standing on the

15 canal -- the bridge over the canal looking at the

16 Mansion; however, this has come up before. I

17 will agree. And I believe I would even say that

18 the historic reviewer has also commented that

19 the view of it from there, amongst the trees --

20 MR. DOUGHERTY: Is the only on that

21 really matters.

22 MARK BAKER: -- and the fences and all

23 of the things in between, is pretty minimal. It

24 doesn't mean it's not a valuable view; however,

25 we have been through HARB and addressed this view

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1 for the Mansion. And if it had been, I would

2 have been the one to be there to make that

3 happen.

4 So I will say that at least to my

5 knowledge, and I've been at all the meetings, a

6 3D of the Mansion Inn has not been requested.

7 MR. MEYER: I am looking for an image

8 of this project from Ferry Street, anywhere on

9 Ferry Street, which is a public right-of-way,

10 which has a parking lot behind the Logan Inn,

11 which will permit a view of this addition and I

12 don't have it in your submission.

13 MARK BAKER: Correct. It has not been

14 presented.

15 MR. MEYER: Thank you. All right. I

16 am a little bit confused about why it is that in

17 the absence of that information, HARB actually

18 provided a recommendation for a certificate of

19 approval because it doesn't make sense to me that

20 we don't know what this thing is going to look

21 like with that partial -- partially obscured by

22 where Marsha Brown's is and whatever vegetation

23 may be on the side there in -- along Ferry next

24 to the parking lot that is there now or may or

25 may not obscure the view. Certainly it's not

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1 going to obscure the view opposite the entry into
2 that parking lot. And, you know, that's --
3 that's part of what becomes an object of interest
4 especially with regard to how this is going to
5 change what we see or don't see. And it may be
6 preferable not to see it of the back of the
7 buildings that were already there fronting on
8 Bridge Street.

9 MARK BAKER: I think I need to offense
10 to your last comment about wishing to not see it.
11 Again, I would say this is the fourth time this
12 has been in front of HARB and they have
13 recommended a certificate of appropriateness.
14 HARB and planning commission dictated partially
15 how the building started to look, including
16 removal of French balconies, French door
17 balconies, less windows, let's see view of the
18 other side of the building. So HARB may have
19 viewed it as flat images, which is what you have
20 here. You see flat the images. You will never
21 see the building like that.

22 So what we did is, we gave you a bigger
23 picture of the building with all sides of all
24 what it will look like, even color renderings of
25 what it may look like plus full materials and

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1 correct me, my understanding is you hadn't gone
2 to planning yet?

3 MARK BAKER: We had gone to planning
4 commission, we had.

5 MS. GERING: And you got approval for
6 the whole project?

7 MARK BAKER: Planning commission
8 actually issued a -- or zoning hearing board, I
9 apologize, zoning hearing board issued their
10 decision.

11 MS. GERING: So I guess my other
12 concern is, you've gone and gotten HARB approval
13 for appropriateness, but you haven't gone to the
14 planning commission yet to get their opinion --

15 MARK BAKER: That's correct.

16 MS. GERING: -- because then if they
17 don't agree with what you're doing here, you're
18 going to end up going right back to HARB.

19 MARK BAKER: Absolutely correct, we are
20 aware of this and we have spoken extensively with
21 EJ about this whole process.

22 MS. GERING: I personally have a
23 problem that you're jumping the gun here. I
24 think you should go to planning commission and
25 that's just one voice on this council, and then

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1 everything that goes along with that. Whereas
2 when you see it from Ferry Street, you will see
3 it through trees on the corner from the height.
4 We also provided heights to ensure that it is not
5 larger than the existing Mansion. We have
6 changed the roof lines. We have made all
7 significant alterations according to planning
8 commission's desires. The cottage in the rear
9 used to be a completely new building with a much
10 larger footprint and many more rooms in it and
11 has it turned back to what is existing a
12 renovated much more attractive version of what is
13 there currently, which is just kind of a shed.

14 Also, the presentation that you have in
15 front of you, the actual packets that you have in
16 front you, have been pulled through four meetings
17 of presentations. So I do know that we produced
18 an image that showed Marsha Brown's if you were
19 standing on the other side of Marsha Brown's, how
20 much of the Mansion you would see that's not in
21 this because we wanted to give you the whole
22 picture. So that is how I would address that.

23 MS. GERING: I have a quick question
24 for you, you keep mentioning that you were into
25 the planning commission for this project please,

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1 come back and see if it's appropriate for you to
2 get this HARB appropriateness. Because with the
3 changes that the planning commission can make,
4 you're going to be starting from scratch.

5 MARK BAKER: Fully aware of that.
6 Again, I will say that I've spoken extensively
7 with EJ about the possibilities of proceeding
8 with HARB before planning or planning before
9 HARB. Planning will not issue their final
10 decision without a HARB certificate of
11 appropriateness, so it's kind of we ended up, we
12 would pursue HARB --

13 MS. GERING: I beg your pardon. I
14 don't think that's appropriate. I think planning
15 commission issues their opinion and then you go
16 to HARB. I don't think it's HARB approves it and
17 then planning gives you their blessing.

18 MARK BAKER: I would really like to
19 defer to EJ in our conversations about this.

20 MS. LEE: So what we had discussed is
21 that for a land development application, the
22 planning component and the HARB would have to
23 work together. So in the beginning when it was
24 requested that you wanted to pursue -- or not you
25 directly, the applicant requested to pursue a

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1 HARB certificate of appropriateness, we had
 2 advised that you hold off, both the zoning
 3 officer and I, had advised that they hold off on
 4 the HARB component until we get the planning
 5 commission component. But it was at the request
 6 of the applicant to move forward with the HARB,
 7 recognizing that you may have to get HARB
 8 certificate of appropriateness modified if the
 9 planning commission were to come back and request
 10 changes on what was submitted as part of the land
 11 development plan.

12 And this is where the two review
 13 processes do have to work together so that you
 14 don't have to go back and forth and make
 15 modifications based on the two body's
 16 recommendations. You did undergo the HARB review
 17 and you are seeking a certificate of
 18 appropriateness, which is what council today is
 19 entertaining and considering, but there is the
 20 other component of a planning commission review
 21 that council also has to wait to hear what they
 22 have to say with respect to this application.

23 MR. SANDER: I would submit that -- if
 24 I may, Madam President. I would submit that the
 25 planning commission is reviewing the plans and

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1 MR. DOUGHERTY: Do we have that --
 2 technical question --

3 MS. GERING: Can we do that?

4 MR. SANDER: Yes.

5 MR. DOUGHERTY: -- to our solicitor, do
 6 we have -- does this council have -- would we
 7 vote to table? Is there a -- there's a motion on
 8 the floor --

9 MR. SANDER: Correct.

10 MR. DOUGHERTY: -- so that's part one.

11 So you'd to phrase -- I mean, you'd have to tell
 12 us how to go about it, but does council have the
 13 sort of the legislative authority to table its
 14 review of this certificate of appropriateness?

15 And what does that mean as far as timing and all
 16 that kind of stuff relative to our responsibility
 17 to reply in a timely manner?

18 MR. SANDER: Well, yes. The answer's
 19 yes that council has the opportunity to -- or the
 20 authority to table the motion that's on the
 21 floor. It requires a motion and a second to
 22 table. And when a matter is tabled, it is placed
 23 on the next agenda of the body so that it doesn't
 24 get lost in the shuffle and then it comes back
 25 before you.

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1 the planning commission will ultimately make a
 2 recommendation to council regarding the --
 3 whether they feel that the plan should be
 4 approved or denied or approved with conditions,
 5 et cetera. And I don't think that the HARB
 6 certificate of appropriateness is reviewed by the
 7 planning commission. So that the planning
 8 commission has a job to do and when you go to the
 9 planning commission, they will review your plans
 10 and make a recommendation to council.

11 If I was the planning commission in
 12 this case, realizing that you also need a
 13 certificate of appropriateness, I would make my
 14 recommendation to council conditioned on you
 15 obtaining your certificate of appropriateness
 16 from council. It sounds to me like council wants
 17 to wait to hear what the planning commission's
 18 comments are going to be and what the breadth of
 19 their review and scope of their review will be
 20 before they commit to the certificate of
 21 appropriateness.

22 MS. GERING: So, council, we have a
 23 choice. We could table the certificate of
 24 appropriateness till this applicant goes to the
 25 planning commission, is that --

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1 MS. McHUGH: Okay.

2 MS. GERING: All right. So, council,
 3 can we have a motion to table the certificate of
 4 appropriateness till the next council meeting?

5 MS. RETTIG: I'll make that motion.

6 MR. MEYER: Second.

7 MS. GERING: All in favor?

8 COUNCIL MEMBERS: Aye.

9 MS. GERING: Opposed?

10 All right. See you next month.

11 MARK BAKER: Thank you.

12 MS. GERING: Can I have a motion to
 13 approve the meetings from our January 21st and
 14 February 3rd workshop?

15 MR. MEYER: The minutes?

16 MS. GERING: I need a motion --

17 MR. SANDER: Minutes, yeah.

18 MS. GERING: -- for the minutes.

19 MR. MEYER: So moved.

20 MS. GERING: Can I have a second?

21 MS. McHUGH: I'll second.

22 MS. GERING: Any discussion on the
 23 minutes?

24 MS. McHUGH: I thought they were great.

25 MS. GERING: Thank you.

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1 All in favor?
 2 COUNCIL MEMBERS: Aye.
 3 MS. GERING: I need approval for
 4 accounts payable for January 17th in the amount
 5 of 157,904.43 and January 31st payroll in the
 6 amount of \$61,801.47 and \$60,923.92.
 7 Can I have a motion for approval?
 8 MR. DOUGHERTY: I'll make that motion.
 9 MS. GERING: Second?
 10 MR. MEYER: Second.
 11 MS. GERING: All in favor?
 12 COUNCIL MEMBERS: Aye.
 13 MS. GERING: All right. Council
 14 reports. Park and rec, Louise.
 15 MS. FEDER: Yeah. So we had a great
 16 meeting on January 27th. It was a recap of the
 17 acapella event, which was by all accounts a great
 18 success. So we're looking forward to the next
 19 meeting.
 20 MS. GERING: Thank you.
 21 Shade tree.
 22 MS. McHUGH: Nothing to report, but we
 23 do have a meeting tomorrow.
 24 MS. GERING: Finance committee, Dan.
 25 MR. DOUGHERTY: We have a, I think, at

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1 Peter.
 2 MR. MEYER: You're skipping yourself on
 3 zoning hearing board?
 4 MS. GERING: No, I was going to let you
 5 go first.
 6 MR. MEYER: Planning commission did
 7 meet in the beginning of February and our
 8 dominant discussion was with Gateway to New Hope
 9 with regard to its plans for, and they presented
 10 their ideas for what they're going to do what was
 11 the Raven and that property and how they're going
 12 try -- they want to turn into a parking lot with
 13 207 spaces. There were a whole series of issues
 14 that got raised by members of the planning
 15 commission, most notably some questions about the
 16 screening and the entrance and egress and how the
 17 valet parking for Gateway was going to work.
 18 Planning commission raised a whole
 19 series of questions, which may or may not have
 20 been part of the purview of the planning
 21 commission, from a land development point of
 22 view, but certainly from a point of view planning
 23 commission's concerned by traffic and traffic
 24 volume as to how the lot is going to utilized by
 25 Gateway. And we anticipate in getting some

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1 the -- at the prodding of some of our
 2 constituents, and it's good prodding, is that the
 3 -- I just announce that our next finance -- I'm
 4 sorry, our next work session, there will be a
 5 presentation from the finance committee on the --
 6 basically on the year-to-date numbers, as well as
 7 a, sort of a snapshot of the borough's debt --
 8 debts and outstanding debt, debt load and debt
 9 payments. So I think it will give -- it won't be
 10 an exhaustive audit, but it will provide an
 11 insight.
 12 To those who can't get to the work
 13 session, it'll be in the minutes, so if anybody
 14 you can't get here, you can read the minutes, it
 15 will detail. It's something we're trying to do
 16 about once a quarter, give people a lens into the
 17 finances of the borough, so stay tuned.
 18 MS. McHUGH: Financial snapshot.
 19 MR. DOUGHERTY: Yes, a financial
 20 snapshot, that's a perfect description. Thank
 21 you.
 22 MS. GERING: Thank you.
 23 Ken, does HARB have a report?
 24 MR. MAISEL: No report.
 25 MS. GERING: Planning commission,

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1 further responses from Gateway our next meeting.
 2 I believe that that was our major
 3 presentation. I keep looking over here to make
 4 sure that I have my facts correct.
 5 Have I left anything out, Tracy?
 6 MS. TACKETT: I think that was the
 7 primary discussion item. We did start to talk
 8 about kind of valet parking standards in our
 9 zoning ordinance and maybe thinking about ways to
 10 tighten then up. And county staff was going to
 11 work on that and come back to the planning
 12 commission.
 13 MR. MEYER: And we are anticipating
 14 continuing that discussion at our next meeting.
 15 We did by the way have somebody from the staff of
 16 the county planning commission at our meeting so
 17 they understand what the problems are that we're
 18 confronting and the issues that we are trying to
 19 address.
 20 MS. GERING: Thank you. Zoning there's
 21 no report on the zoning.
 22 Next 73 West Mechanic Street, that
 23 application's been tabled till next month.
 24 So next on the list is 274 South River
 25 Road.

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1 Mr. Murphy, I think that's yours.
 2 MR. ED MURPHY: Good evening. This one
 3 involves the pending application to the zoning
 4 hearing board for the proposed wall mounted sign
 5 along -- on the facade of the River House. Your
 6 ordinance has various limitations on the size
 7 that it can be. The application that's, I just
 8 learned today, is going to be in front of your
 9 zoning hearing board in mid-March, contemplates a
 10 size of 111 square feet across, which is a 200
 11 linear foot front of the building. It would be
 12 set back no less than 80 and closer to a hundred
 13 feet back from the River Road right-of-way. We
 14 brought a representative sample of what that
 15 sign's going to look like.
 16 And the reason that we are over the
 17 size limitation is because of the, what I call,
 18 the river swoosh, but other people may have other
 19 ideas for it, but it's designed to be
 20 representative of the Delaware River. The size
 21 of the letters meet your ordinance but including
 22 this, which your ordinance does require you to
 23 include, put us over, so --
 24 MR. DOUGHERTY: I'm sorry. The sign
 25 itself meets the ordinance, so all the brown part

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1 MR. DOUGHERTY: Twenty, roughly. I'm
 2 not going to hold you to -- so it's about 20 feet
 3 and looks like four, five deep.
 4 MR. ED MURPHY: Twenty feet on a two
 5 hundred linear foot building, right.
 6 MR. MAISEL: The extended amount of
 7 size it is the equivalent of twice the size of
 8 the -- right? I mean, the river, that similarly
 9 is actually taking up twice, an equal amount as
 10 does the signage is that correct?
 11 MR. ED MURPHY: Almost double or triple
 12 the size of the sign? So that's what's being
 13 proposed.
 14 ED DUFFY: Can you turn around so the
 15 public can see? Thank you. That's going to be
 16 20 foot long.
 17 MR. ED MURPHY: Excuse me?
 18 MR. MEYER: That's going to be 20 feet
 19 long.
 20 MR. ED MURPHY: Yes.
 21 MS. LEE: So you can see this is part
 22 of what was submitted, the sign would go right
 23 here on this building. And the dimensions of the
 24 sign are right here.
 25 MR. MAISEL: Is the river backlit on

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1 is okay?
 2 MR. ED MURPHY: The letters.
 3 MR. DOUGHERTY: The letters are okay.
 4 MR. ED MURPHY: The letter's are okay.
 5 This is over.
 6 MR. DOUGHERTY: And so the brown part
 7 is actually just the building, is that true?
 8 MR. ED MURPHY: Yes, that was on this.
 9 MR. DOUGHERTY: So those are all
 10 affixed to the building.
 11 MR. ED MURPHY: And halo lit. We
 12 haven't yet gone to HARB, we still have to do
 13 that. That has yet -- we don't there till after
 14 we see zoning.
 15 MR. DOUGHERTY: And from that edge to
 16 that edge on the building is -- in the location,
 17 is how many feet?
 18 MR. ED MURPHY: No, square feet, 111
 19 square feet.
 20 MR. DOUGHERTY: Okay. From that edge
 21 to that edge is about how wide, is it? I would
 22 imagine it's --
 23 MR. ED MURPHY: Jennifer Stark is
 24 architect and owner's rep, dimension of the --
 25 JENNIFER STARK: Twenty feet.

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1 there too? The river is backlit as well.
 2 MR. ED MURPHY: Yes.
 3 MS. LEE: That's the first sign, right?
 4 MR. ED MURPHY: The other one is a one
 5 square foot sign identifying where the parking
 6 would be. Our sign is 1 point --
 7 Is it 09 -- 1.09?
 8 MR. DOUGHERTY: But we can't --
 9 MR. ED MURPHY: .09 de minimus request
 10 for relief for that, yes.
 11 MS. LEE: And that's also backlit?
 12 MR. ED MURPHY: It is. And that's
 13 right here --
 14 MS. LEE: So that would go right here?
 15 MR. ED MURPHY: -- at the pillar at the
 16 bottom. As you would enter the lower level for
 17 parking.
 18 MS. LEE: And it's a round sign -- I'm
 19 sorry, the computer's very slow.
 20 MR. ED MURPHY: It just says, "Valet".
 21 MS. LEE: It just says, valet.
 22 MR. ED MURPHY: Yes.
 23 MR. DOUGHERTY: So from what we're
 24 hearing here is that the total square footage, if
 25 you will, square inches, which translates to

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1 square foot because it is so large, is twice as
 2 large as what is permitted under the zoning code,
 3 and that's the variance you're asking to --
 4 MR. ED MURPHY: Your ordinance allows
 5 you to have 30 square feet.
 6 MR. DOUGHERTY: So say a sign that
 7 would be three foot tall, ten feet wide? This is
 8 problem three feet tall, twenty feet wide.
 9 MR. MEYER: Five feet tall.
 10 MR. ED MURPHY: Something like that,
 11 yeah.
 12 MR. DOUGHERTY: Just to put round
 13 numbers on it and I'm not holding you to --
 14 MR. ED MURPHY: At 30 square feet, we
 15 would -- if it was only 30 square foot and we
 16 only had the letters, we wouldn't need relief.
 17 It is the river symbol that is creating the need
 18 for the zoning relief. This part.
 19 MR. DOUGHERTY: I mean, you can
 20 understand that we have people asking for signs
 21 all the time.
 22 MR. ED MURPHY: Um-hmm.
 23 MR. DOUGHERTY: Usually they're not
 24 three feet by twenty feet long --
 25 MR. ED MURPHY: There's are the only

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1 because the building is so long that you need to
 2 identify it from River Road, but if you can
 3 already see the --
 4 MR. ED MURPHY: It's part of the whole
 5 brand of the River House at Odette's is to
 6 include the river, which it's an integral part so
 7 that's why we think it's critical to the brand
 8 and the design, the look --
 9 MS. FEDER: The icon is the river.
 10 MR. DOUGHERTY: My reaction is, it's
 11 already by far the largest building in our 1.4
 12 square mile town by a factor. And by the virtue
 13 that it's already the largest building, then
 14 using that as the justification to also get the
 15 largest sign, that today is lit this way, but,
 16 you know, once it's a sign, then it becomes -- it
 17 could be a different type of sign and it's just
 18 going to be probably -- it's a slippery slope, so
 19 that -- I mean, I -- you're asking us for our, I
 20 guess, you're asking us to be neutral or approve
 21 it or against it.
 22 MR. ED MURPHY: Yeah.
 23 MR. DOUGHERTY: That's our three
 24 choices. And I think the feedback you're going
 25 to get --

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1 two of the buildings that are 200 feet long.
 2 MR. DOUGHERTY: -- they're usually two
 3 feet by four feet long and we tell them, can you
 4 get it smaller.
 5 MR. ED MURPHY: Right.
 6 MR. DOUGHERTY: So that's I think our
 7 -- that's sort of what we're feeling here.
 8 Does anybody have anything else?
 9 MR. MEYER: The dimensionality --
 10 MR. ED MURPHY: You got to remember
 11 that we're putting it on a 200 foot wide
 12 building.
 13 MR. MAISEL: I understand that's a
 14 really valid point, we're not used to it.
 15 MR. ED MURPHY: And it's 80 to a
 16 hundred feet setting back from River Road.
 17 MS. FEDER: So my question would be
 18 then, since you can fit the guidelines with the
 19 lettering why is the river symbol so --
 20 MR. ED MURPHY: It's part of the --
 21 MS. FEDER: -- instrumental that you're
 22 going for a variance? Where you could, in
 23 theory, easily identify the building with the
 24 appropriate sized lettering. I don't think -- I
 25 mean, you're talking about the variance being

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1 Do other -- how do --
 2 MS. GERING: Well, my concern, Ed, it's
 3 going to be a lit sign, so it's going to be a
 4 billboard on the side of the building and that
 5 gives me a pause. And since we have requests
 6 constantly for signage in this town, I hate to
 7 see a precedent being established where we have
 8 huge lit up signs all over town. Even though
 9 your building is large.
 10 MR. ED MURPHY: Right.
 11 MS. GERING: And that's just me --
 12 MR. ED MURPHY: It is to be halo lit.
 13 MS. RETTIG: You said that you don't
 14 need a variance for just the wording.
 15 MR. ED MURPHY: Right.
 16 MS. RETTIG: Is there a way to keep
 17 your brand and just shrink the river?
 18 MR. ED MURPHY: I'm sure there is a way
 19 to do all of that. Whether it's effective when
 20 you're putting it where we want to put it on a
 21 building to a point where you can't see it, I
 22 don't know. Obviously that's matter of style and
 23 taste that everybody can agree or disagree about.
 24 MS. McHUGH: I don't know. I think
 25 it's a very tasteful sign. I like it. I like

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1 the river on it. I agree that that is a major
2 part of your brand. And I don't see a problem
3 with being halo lit from the back. It is off the
4 road, it's the beginning of New Hope when you
5 come in. It's a grand building, they should have
6 a sign that doesn't -- isn't dwarfed by the
7 building.

8 MS. FEDER: Well, I don't think
9 anyone's arguing that they shouldn't have a sign.
10 The only reason I'm giving pause is that, I think
11 it is a beautiful sign, but I don't see why --
12 and again, I know it's your brand. But to grant
13 a variance for a light up river on the largest
14 building coming into town, I don't think you'll
15 miss the building and I don't think you'll miss
16 the river. And I agree with Connie about the
17 precedent where perhaps your logo can change over
18 the future and then we're looking a preapproved
19 sign that's already had a variance. That's where
20 I'm having pause.

21 MR. MEYER: Well, if I may add, that I
22 think the issue of the -- and when I look at this
23 sign in its current form, the letting is not that
24 intrusive, et cetera, et cetera, but, of course,
25 once we agree to a sign of this size, as I look

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1 it's not in your face and backlit, so it's just
2 softly lit in the back. And it's -- but it's all
3 these other things that we're contemplating. Is
4 it too big? Is it too wide? Is it -- and you
5 can't -- if it were narrow, would it be more --
6 and you're not saying that listen, this has to be
7 the way because there's some kind of empirical
8 evidence that this is what's really necessary
9 from 80 feet away.

10 So we're coming at it from a different
11 standpoint and just one of protection, that's
12 all. And it's not, you know, a vindictive thing,
13 it's a, is this too much and maybe it isn't
14 because of the size of the building.

15 MR. ED MURPHY: I'll go back and see if
16 we can provide a mock-up or something that you
17 can get a better sense of the scale, the light
18 and all that other -- all the other questions and
19 maybe you'll think differently about it.

20 MR. MEYER: But I think that also it
21 may very well be --

22 MR. ED MURPHY: If I can do that, I
23 will try to do that before we do anything else to
24 see if we can address the issues I've heard
25 tonight.

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1 at this thing, you could double the size of the
2 lettering and get rid of the river and have
3 extremely intrusive kind of sign with, you know,
4 lettering half a story tall. And that kind of
5 bothers me once we give you the okay for it.

6 The other question with regard to the
7 lighting. It's one thing to light up River
8 House, it's another thing to light up the River
9 House and the entire swoop of the river, which
10 actually involves more lighting and more actual
11 graphics, if you will, than the letters
12 themselves. So I'm a little bit concerned about
13 that.

14 But I certainly agree with Connie on
15 the question of the precedent on this. Now,
16 there, you know -- I'll leave it at that in terms
17 of my current comment.

18 MS. GERING: Well, I guess we --

19 MR. MAISEL: I just have one more
20 comment.

21 MS. GERING: Go ahead.

22 MR. MAISEL: It's really hard to be
23 like kind of a judge and jury about something
24 like this because the sign might be hardly
25 anything on that structure and where it is and

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1 MR. MEYER: I also think that you might
2 want to consider the way in which you might apply
3 for the variance to impose some conditions on the
4 total size of the lettering so that kind of
5 eventuality that I was describing would no longer
6 be a potential threat.

7 MR. ED MURPHY: Okay.

8 MR. DOUGHERTY: The private club that's
9 going to be part of the complex, if you will --

10 MR. ED MURPHY: Right.

11 MR. DOUGHERTY: -- is it your intent to
12 be back months from now and have another sign?

13 MR. ED MURPHY: No.

14 MR. DOUGHERTY: Is it your intent to
15 add more stuff to that sign?

16 MR. ED MURPHY: No.

17 MR. DOUGHERTY: No?

18 MR. ED MURPHY: No, no, no.

19 MR. DOUGHERTY: So I think, you know,
20 our kind of thing is the river comes off and then
21 there's, you know, the River House Spa, the River
22 Hou -- you know, suddenly it's a list of --

23 MR. ED MURPHY: It is not intended --

24 MR. DOUGHERTY: It becomes less
25 artistic and more like a billboard, that you want

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1 to frame up because of the size.
 2 MR. ED MURPHY: No, it is intended to
 3 be the only wall mounted sign.
 4 MR. MEYER: Well, if I may add to the
 5 question that Dan just asked, what about signage
 6 on the other buildings, the ancillary ones that
 7 we've already discussed with you with regard to
 8 the ones that -- will be used as part of the
 9 operation of the building itself?
 10 MS. GERING: That's not what's on the
 11 table right now. This is just this building.
 12 MR. ED MURPHY: I don't know, Peter, if
 13 there's -- I don't think anything else proposed
 14 for any of the others, but if there are and they
 15 don't comply we'd have to --
 16 MR. MEYER: Well, you'd have to apply
 17 again.
 18 MR. ED MURPHY: I'm not aware.
 19 MR. MEYER: I was just thinking whether
 20 or not you knew anything.
 21 MR. ED MURPHY: I understand.
 22 MS. GERING: All right. So --
 23 MR. MEYER: Because that may be useful
 24 information to do all at once rather than
 25 piecemeal.

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1 so this will be overlooking on the canal, I
 2 gotcha.
 3 MS. GERING: So my understanding is
 4 you'll be back?
 5 MR. ED MURPHY: I will. We'll revisit
 6 it and try to come back a.
 7 MS. LEE: So you'll be granting an
 8 extension for your March 12th hearing?
 9 MR. ED MURPHY: We will have to do
 10 that. I will follow up in writing.
 11 MS. GERING: So don't go too far,
 12 you're still -- you're up 385 West Bridge Street.
 13 ED DUFFY: Any public comment on that?
 14 MS. GERING: No, they're coming back.
 15 You're on, Mr. Murphy.
 16 MR. ED MURPHY: Okay. Well, the second
 17 item scheduled -- unscheduled at the moment for
 18 the zoning hearing board, as I understand it, is
 19 our desire to finish up Phase 1 of the
 20 redevelopment of the Raven property. Phase 1
 21 involves, as the application indicates, the
 22 establishment of a valet parking lot at that
 23 location. The application has been submitted.
 24 It's been the subject of multiple reviews by
 25 Tracy. And the issuance recently of an opinion

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1 MR. ED MURPHY: Right.
 2 MR. MEYER: Because that may be a
 3 question before all of us.
 4 MR. ED MURPHY: Okay. Fair enough.
 5 MR. MAISEL: One last question. We
 6 have a rendering here that it shows from the
 7 rear, is there the same sign on the rear of the
 8 build -- the river basin?
 9 MS. MCHUGH: You're only going to have
 10 the one sign in the front.
 11 MR. MAISEL: From the front on River
 12 Road, not anything on the other side facing the
 13 river?
 14 JENNIFER STARK: Nothing you can see
 15 from the river.
 16 MR. MAISEL: Not that you can see from
 17 the river, because it looks like there's
 18 something there. Oh, you have that one. There's
 19 a sign on the building right there.
 20 MR. ED MURPHY: Yeah, that's the valet,
 21 the 1.09 square foot one.
 22 MR. MAISEL: No, I'm seeing the one on
 23 the red.
 24 MR. ED MURPHY: That's where --
 25 MR. MAISEL: That's the sign that's --

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1 commenting on our ability to rely on certain
 2 existing nonconformities of which there are
 3 numerous. I don't -- I don't want to suggest
 4 that Tracy has a position one way or the other
 5 about the parking lot itself. I think she's
 6 raising the issue to make sure the scope of the
 7 relief that we're asking for is, from her point
 8 of view, complete. I think, but Tracy can talk
 9 to that separately.
 10 But the essence of the application is
 11 we'd like to prepare the site for a parking lot,
 12 install stormwater management controls that here
 13 before never existed. And to, because it is
 14 proposed to be a valet lot, that we get relief to
 15 not meet the typical parking stall size
 16 requirements that a more traditional retail
 17 parking lot would have. There are other items of
 18 zoning relief as well outlined in there.
 19 And as Peter indicated, I thought he
 20 was accurate in terms of the summary of the
 21 comments that we received earlier this month when
 22 we had an informal review of the land development
 23 plan for the parking lot that was pursued
 24 concurrently with the zoning application. As
 25 Peter indicated, we are scheduled to reappear

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1 before your planning commission next month. We
2 presume by then we'll have more -- have a formal
3 review letter from your consultants, which we
4 don't yet have. And we'll pursue concurrently
5 with that, but again, in front of you would be
6 the application for the zoning relief to move
7 forward with the parking lot.

8 And as Peter said, and relevant to
9 this, is a lot of the commentary we received
10 earlier this month at the planning commission
11 focused on the route that vehicles parked at the
12 parking lot would go to get to the River House,
13 whether or not we could minimize trips through
14 the borough by having business invitees or guests
15 at weddings or other events go directly to the
16 Raven parking lot as opposed to driving through
17 town, dropping this car and then coming back.
18 And we indicated that we were going to
19 investigate all those things with the borough
20 staff and the chief and we will do that and we're
21 going to be prepared to come back in March to
22 talk about all of those things, buffering access
23 out the rear, everybody wants to limit access not
24 On old York Road, but limit it to the front,
25 which makes sense. So all those practical

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1 red areas, largely macadam, some buildings, are
2 beyond what today would be the allowable building
3 envelope by your ordinance. And our interest is
4 in maintaining those areas, but we want to modify
5 them to put the stormwater controls in. So, you
6 know, we're sort of caught between do you change
7 them and then lose the protection or do you want
8 to improve the site by providing stormwater
9 controls? We'd like to do that and in an
10 anticipation of the Phase 2 project, which would
11 be, we hope, the construction of the new hotel in
12 the center of that site. It would not be
13 intended to be a parking lot entirely going
14 forward. That is a plan that you have not yet
15 seen, we've publically talked about it and we're
16 in the process of designing it, but it has not
17 been formally submitted. So that's where we are
18 tonight.

19 MS. GERING: Any questions from
20 council?

21 MR. ED MURPHY: One other thing, to
22 address some of Tracy's most recent comments. If
23 -- I don't have a problem, if -- to make sure
24 that we've included all the items of zoning
25 relief has recommended, if we need to modify the

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1 considerations are out there, we're addressing
2 them candidly. We think they're all good ideas.
3 So we're in the process of doing all
4 that. But tonight the question about, again,
5 what position, if any, the borough intends or
6 wants to take with respect to the pending
7 application of the zoning hearing board. And I
8 can go through the items of relief in more
9 detail. Tracy is obviously, I've seen her review
10 comments and I guess the real question is, you
11 know, from our standpoint, we'd like to maximize
12 the number of spaces so we can minimize the
13 number of trips through town. The more spaces we
14 can provide and control access to the River
15 House, the better off we all are. So that's our
16 goal is to do that.
17 The site is largely nonconforming.
18 Tracy's review of the ordinance, I don't
19 necessarily disagree with Tracy. The ordinance
20 has a provision that says the minute you modify
21 an existing nonconformity, you lose the right to
22 rely on it for the future. We have a couple of
23 exhibits, one you have up there, that shows
24 everything in red is an existing nonconformity.
25 And essentially that is the extent to which those

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1 application, it hasn't yet been advertised, we
2 can do it, then advertise it, schedule a hearing
3 sometime in, I presume in March or whenever; but
4 I have no problem doing that, if we're trying to
5 be accurate and address the items that Tracy has
6 raised in the review letter, which is in the
7 ordinance. And we're fine doing that, if that's
8 to make sure it's technically accurate and the
9 scope of relief is technically correct.

10 MR. DOUGHERTY: So along those lines,
11 it's my read of this is that right now Tracy's
12 summary of your application indicated four
13 variances were being requested and then -- but
14 that Tracy feels that -- our zoning officer
15 feels, I'm sorry, our zoning officer feels that
16 there are other variances --

17 MR. ED MURPHY: Yes.

18 MR. DOUGHERTY: -- that need to be
19 requested and that our understanding is that,
20 there was a conflict of opinion as to that. So
21 perhaps just this moment, are you willing to
22 modify the zoning application to include variance
23 requests to reflect our zoning officer's other
24 concerns?

25 MR. ED MURPHY: Yes. If that will help

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1 move this forward, yes, we would if.
 2 MS. TACKETT: So that part's fine.
 3 MR. DOUGHERTY: Well, that's an
 4 improvement -- that's an improvement. I don't
 5 know, there play be other things too, right?
 6 MS. TACKETT: Right. So, you know, so
 7 there's the clarification on the interpretation
 8 of the zoning. And I think, as Ed pointed out,
 9 that can get worked out. I think maybe the
 10 bigger issue that you're looking for from council
 11 is, are they okay with the extent of what you
 12 want to do, right?
 13 MR. ED MURPHY: Yeah.
 14 MS. TACKETT: So, you know, they want
 15 to increase the overall impervious surface --
 16 MR. ED MURPHY: By four percent.
 17 MS. TACKETT: -- by four percent.
 18 What's allowed by-right, though, is 50 percent.
 19 MR. ED MURPHY: Correct.
 20 MS. TACKETT: So the site, I think,
 21 currently has 70 with the Raven, the site had
 22 approximately 73 percent impervious. They would
 23 like to go to up to 79 percent.
 24 MR. ED MURPHY: 74.2 to 79.1 or
 25 whatever the number is.

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1 section to address Tracy's concern, happy to do
 2 it. But Tracy's also right, we would like to
 3 improve the property in accordance with the plan
 4 we submitted to try to maximize the number of
 5 spaces to minimize trips to and from, yes.
 6 MS. TACKETT: So I think some of the
 7 variance requests, so it's impervious surface to
 8 79 percent of the site. The stacking of the
 9 spaces, the reduction of the parking space size.
 10 MR. ED MURPHY: Yep.
 11 MS. TACKETT: And then the setbacks
 12 allowing the --
 13 MR. ED MURPHY: Yes.
 14 MS. TACKETT: -- paved areas to go what
 15 as close as like a foot from the property line in
 16 some areas? Does that sound about right?
 17 UNIDENTIFIED SPEAKER: I believe the
 18 closest is five and a half.
 19 MS. TACKETT: Five and a half, okay.
 20 All right.
 21 JUSTIN: We're calling it an existing
 22 nonconformity, right now I think to the property
 23 line, we're actually improving that, but again,
 24 the nonconformity I guess the issue.
 25 MR. ED MURPHY: I think anybody has

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1 MR. DOUGHERTY: So it's not four, it's
 2 seven percent.
 3 MS. TACKETT: Although I think
 4 technically they were only supposed to have 70
 5 percent per past zoning.
 6 MR. ED MURPHY: There's a lot of things
 7 that exist down there that who knows.
 8 MR. DOUGHERTY: But the underlying
 9 zoning requirement is 50 percent?
 10 MS. TACKETT: That is correct.
 11 MR. ED MURPHY: That is absolutely
 12 correct.
 13 MR. DOUGHERTY: The building is gone,
 14 is that a fair statement, so that the 50 -- I'm
 15 sorry. The existing 74.2, whatever number you
 16 mentioned, that's gone as well. Is that --
 17 you're sort of agreeing that you need to get a
 18 zoning -- a variance for that?
 19 MR. ED MURPHY: I agree that that's
 20 Tracy's interpretation of the ordinance says.
 21 MR. DOUGHERTY: Our zoning officer,
 22 yes.
 23 MR. ED MURPHY: And just to move it on,
 24 if we need to include another paragraph in the
 25 item of relief saying, we need relief from that

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1 issued with our application to say there's a
 2 bunch of existing nonconformities that we're
 3 improving, we're eliminating at the same time.
 4 So the site is wildly nonconforming, no one would
 5 disagree. It's been largely unchecked and
 6 uncontrolled for -- forever. So we're all
 7 wrestling with the same issue and hopefully we
 8 think at the end of the day we're going to make
 9 it a lot better than it is now and once we get to
 10 Phase 2, even better yet.
 11 MS. GERING: I have a question for you.
 12 You're looking to make your parking spots
 13 smaller. And most people now drive these huge
 14 SUVs, how are you planning on piling these cars
 15 in that parking lot?
 16 JUSTIN: Well, I mean, nine by an
 17 eighteen is an approved parking stall size in a
 18 lot of other municipalities, so it is the
 19 acceptable size for SUVs. There's going to be no
 20 self-parking here. It's all gonna be parked by a
 21 valet. So there is no real need, it's gonna be
 22 jockeyed in and out by, for lack of a better
 23 word, professionals, you know, valet drivers are
 24 gonna back the cars out and make sure that they
 25 can get in and out safely.

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1 MS. GERING: So if you're saying 271
 2 parking spots --
 3 MR. ED MURPHY: 7, 207 is what Justin's
 4 plan shows.
 5 MS. GERING: 207. So basically if they
 6 valeted parking, you do it 30 percent more so --
 7 JUSTIN: The slides --
 8 MR. ED MURPHY: Justin's plan shows how
 9 we would valet the parking on the site to get to
 10 207.
 11 JUSTIN: Nine by eighteen is the stall
 12 size. They're all going to be straight and the
 13 valet parker -- the valet's gonna be parking the
 14 cars in the spots as if it were a normal parking
 15 lot.
 16 MR. ED MURPHY: So there's not gonna be
 17 any beyond that because we've already presumed
 18 valet parking.
 19 MS. GERING: So my next question is
 20 since this is at the other entrance of New Hope,
 21 okay, what are you going to do for landscaping
 22 and curb appeal and so forth?
 23 MR. ED MURPHY: Right. At the planning
 24 commission and Peter sort of mentioned it, a lot
 25 of conversation focused on buffering, trying to

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1 it's going to be a blacktop parking lot?
 2 JUSTIN: Correct.
 3 MS. GERING: How are you going to
 4 address all the drainage issue that could affect
 5 the neighbors?
 6 JUSTIN: Well, that's a good question
 7 because as part of this project since we are
 8 proposing to remove and restore, for lack of a
 9 better word, we have to comply with NPDES, which
 10 is a PADEP requirement for stormwater. So we to
 11 manage the stormwater on site. Currently, yeah,
 12 they're overly impervious, but they have
 13 absolutely no stormwater controls. Everything
 14 just flows off, goes into the -- actually a high
 15 quality stream. So we then have to manage the
 16 stormwater, provide water quality, provide it
 17 with grade control and improve the whole site to
 18 today's standards as part of this project.
 19 If we do nothing and we just park on
 20 the existing property, we don't have to do that,
 21 we can use the site as it is and let the
 22 stormwater to continue to run off into the stream
 23 and -- I mean, it needs help and I think as part
 24 of this project that's what we were proposing to
 25 do, meet your standards and meet DEP standards,

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1 shield at night headlights, closing off the
 2 access to Old York Road so that the residential
 3 section behind is not going to be burdened by that,
 4 and putting other either street trees or lower
 5 profile plantings along the perimeter, including
 6 along Bridge Street to address that. And that's
 7 part of the landscaping plan that we'll come back
 8 and talk further about, but that was --
 9 MR. DOUGHERTY: To who? I'm sorry,
 10 you'll go --
 11 MR. ED MURPHY: Planning.
 12 MR. DOUGHERTY: Planning, okay.
 13 MR. ED MURPHY: And then ultimately to
 14 council we'll move through that, but, yeah,
 15 Peter's liaison to the planning commission, but
 16 we talked about those issues earlier this month
 17 at the planning commission.
 18 JUSTIN: At this site presently,
 19 there's paving actually in the right-of-way off
 20 the property. So all the improvements are gonna
 21 be on our property, so we are gonna have the
 22 ability to put landscaping on our property along
 23 Bridge Street.
 24 MS. GERING: I guess my other concern
 25 is, since we're going to have this, I'm guessing

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1 which are much more stringent. So that's an
 2 added component of this project.
 3 MR. DOUGHERTY: But you can understand
 4 that the -- what people -- our constituents
 5 currently saw there prior had a rather large
 6 building and swimming pool outside with cars
 7 surrounding it, okay. So that had no --
 8 apparently did not have adequate storm runoff,
 9 now there's going to be two --
 10 MR. ED MURPHY: None.
 11 MR. DOUGHERTY: Okay. But the water
 12 was going somewhere or people would be flooded
 13 out, so --
 14 MR. ED MURPHY: Correct.
 15 MR. DOUGHERTY: Okay. So that was the
 16 current state. The new state will be 207 cars
 17 parked on what appears to be, I don't know what
 18 kind of acres, coming -- 207 cars coming and
 19 going twice a day. So we can say that, oh, the
 20 stormwater's being handled better, but our
 21 constituents when they say a -- it's going to
 22 look like a new car lot in Flemington where they
 23 store 200 new cars sitting on the very opening of
 24 our town that's where it used to be, a building
 25 with some cars around. So it's very different

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1 and maybe you had lots of bad variances before,
 2 but was -- it won't be this lightning rod that if
 3 it's -- if this isn't done properly, this will be
 4 a humongous eyesore.
 5 JUSTIN: From the stormwater, I an
 6 address the stormwater concern.
 7 MR. DOUGHERTY: Whether the stormwater
 8 is handled properly or not, they're not going to
 9 care.
 10 JUSTIN: The perception of 207 cars, it
 11 seems likes it's a -- it is increasing
 12 impervious. It's a small increase in impervious
 13 and stormwater is treated -- we look at pervious
 14 and impervious surfaces. Obviously, the
 15 impervious is only a small increase, but there is
 16 absolutely no stormwater controls right now.
 17 What I'm saying we're gonna be providing water
 18 quality and grade control and we also get the
 19 added penalty of treating impervious that's on
 20 site now we don't get as much credit for 20
 21 percent of it is grass. DEP is --
 22 MR. MAISEL: They are -- we get what it
 23 is that you're saying, you're not addressing --
 24 JUSTIN: What is the concern?
 25 MS. McHUGH: It's an iconic building

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1 three months.
 2 MR. ED MURPHY: Have you seen us --
 3 MR. DOUGHERTY: And it could stay south
 4 for five years.
 5 MR. ED MURPHY: You haven't seen us
 6 give up once, have you?
 7 MR. DOUGHERTY: All right.
 8 MR. ED MURPHY: We've been diligent in
 9 pursuing all of this.
 10 MR. DOUGHERTY: I guess you're not --
 11 you're not -- you're not hearing me, that's as
 12 simple as that.
 13 MR. ED MURPHY: I'm hearing you, but --
 14 MR. DOUGHERTY: Thank you.
 15 MR. ED MURPHY: -- I'm telling you,
 16 we're not everybody else.
 17 MR. DOUGHERTY: Okay. Thank you.
 18 MS. FEDER: So I would like to go off
 19 of two very good points too. I think because
 20 we're looking at an increase in what was already
 21 a substantial variance of the 50 percent to the
 22 70 what was it 4 -- 74 and then this would be an
 23 increase to 79 point something. The idea that we
 24 would have a parking lot that's almost 80 percent
 25 of the gateway to New Hope as a parking lot, is a

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1 that you took down at the beginning of New Hope
 2 at the gateway to New Hope. You're putting a
 3 parking lot, so you're already fighting an uphill
 4 battle, okay? We want to make sure that it looks
 5 as good as it possibly can look for a parking
 6 lot.
 7 MR. ED MURPHY: We agree. I have no
 8 issue with that and it's an interim until we
 9 submit plans for the hotel and then it will get
 10 better yet, but and a lot of the controls we want
 11 to install now are designed to remain to benefit
 12 the hotel.
 13 MR. DOUGHERTY: But understand, we've
 14 some developments that take -- how long did River
 15 House take to go in? How many years, 15, it was
 16 some huge number?
 17 MR. ED MURPHY: Thirteen.
 18 MR. DOUGHERTY: Thirteen years. So
 19 this is 2020, so 2033 there could be a parking
 20 lot with 207 cars still.
 21 MR. ED MURPHY: I won't live that long.
 22 MR. DOUGHERTY: My point is, saying
 23 that some day it's going to be a beautiful hotel
 24 that's going to be beautifully landscaped, we
 25 both know that the economy could turn south in

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1 pretty exceptional variance and the idea that it
 2 would go that close to the property line is, you
 3 know, it's a lot. So I think to take a look at
 4 this, we actually have to think about how raising
 5 that -- how much -- I understand what you're
 6 saying about the stormwater, but when push comes
 7 to shove, a vast majority of that lot will still
 8 be a parking lot. So that's, I think --
 9 MR. DOUGHERTY: The prior -- yeah, so
 10 built in with the 74 percent, half of that was a
 11 building.
 12 MS. FEDER: Right.
 13 MR. DOUGHERTY: Okay.
 14 MR. ED MURPHY: No, it wasn't.
 15 MR. DOUGHERTY: Some percentage was
 16 coming --
 17 MR. ED MURPHY: It is a small --
 18 MR. DOUGHERTY: Now, it's 80 -- 79
 19 percent is going to be blacktop with wonderful
 20 stormwater and it could be there for anywhere's
 21 from eight months to eighteen years. Your
 22 business is going to do very well there's going
 23 to be 207 cars parked there. That's for
 24 anywheres from eight months to eighteen years.
 25 And I don't hear anything about -- all I hear is,

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1 we're going to take every square inch possible
2 and squeeze down the parking spots and we're
3 going to have the -- the front and/or backends of
4 cars literally facing Bridge Street a foot or two
5 off of -- off of the passing cars, people coming
6 down the hill from the McCaffrey's direction are
7 going to be seeing what looks like a staging area
8 for a very large auto dealer.

9 So that's my take on this, and it could
10 be there for 18 years. I don't want to hear that
11 you're going to build a beautiful building,
12 that's --

13 MR. ED MURPHY: Okay.

14 MR. DOUGHERTY: Thank you.

15 MR. MEYER: Listening to my colleagues
16 on council in addition to my colleagues on the
17 planning commission, I would strongly suggest
18 that your -- one of the moves that you make
19 before you start seriously contemplating going to
20 the zoning hearing board is to actually provide
21 an actual plan that contains the specifics of the
22 buffering that is going to be provided here, even
23 if that costs you some of your parking spaces.
24 Because absent that, I don't think you're going
25 to make terribly much progress, that's my

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1 either building, macadam, run down rubble where
2 buildings used to be, yes.

3 MR. MEYER: They constitute the prior
4 nonconformities.

5 MR. ED MURPHY: In our view, yes.

6 MR. MEYER: Is that consistent with the
7 views of our zoning officer that those constitute
8 the prior nonconformities?

9 MS. TACKETT: Well, I think I've made a
10 determination that they've lost most of their
11 prior nonconformities.

12 MR. MEYER: I'm aware of that. What I
13 was going to ask is do we have a reasonable
14 sense, do we have a good sketch, does that exist
15 of what they have lost in the way of those
16 existing nonconformities? Does that constitute
17 all of that?

18 MS. TACKETT: I'm not sure that it
19 does. I think this is sort of the predemolition
20 scope of nonconformities.

21 Is that right?

22 MR. ED MURPHY: Yeah. I mean, that is
23 designed to represent what it looked like before
24 we started to do work.

25 MS. TACKETT: Right.

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1 personal opinion and it certainly is not an
2 expression of the opinion of my colleagues on
3 council.

4 MR. ED MURPHY: Okay.

5 MS. GERING: I'd also like to see a
6 larger buffer zone from the homes on Old York
7 Road, because that's going to be a real
8 intrusion. And it's not just the fact there's
9 going to be drain issues, I think it's going to
10 be fumes from the cars and the noise and
11 everything else that's going to be -- and I'm not
12 quite sure how many homes are back there, but I
13 know there's residences back there. So I'd like
14 to see a larger buffer zone and how you're going
15 to deal with that.

16 MR. ED MURPHY: Okay.

17 MS. GERING: Anyone else from council?

18 MR. MEYER: Yeah. Quick question with
19 regard to what I'm looking at up there. That's
20 your map of what you say are the existing
21 nonconformities, correct?

22 MR. ED MURPHY: In pink.

23 MR. MEYER: Pardon?

24 MR. ED MURPHY: The pink colored area
25 represents what's out there today in terms of

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1 MR. ED MURPHY: And there's all of that
2 is --

3 MS. TACKETT: So that's what it was
4 when all the buildings were in place?

5 MR. MEYER: Right. But that means that
6 the nonconformities facing, for example, West
7 Bridge Street, are nonconformities that have not
8 been -- have they in fact been lost or is it the
9 ones that are the nonconformities associated with
10 the building that's been struck that is lost?

11 MS. TACKETT: They haven't updated this
12 since they've done the demo work, so originally I
13 thought they had taken everything off the site,
14 but then they came back and they clarified that
15 there is still paving on the site. So to be
16 honest with you, I don't know the precise
17 boundary of the paving that's still there that
18 they intend to keep. Because there's dirt and
19 rubble everywhere so it's really hard to tell if
20 there's still paving under some of that or not.

21 MR. MEYER: Okay. Thank you.

22 MS. TACKETT: Does that answer your
23 question?

24 MR. MEYER: Yes.

25 MS. TACKETT: Okay.

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1 MS. GERING: Any other questions from
 2 council?
 3 I guess we'll see you next month.
 4 MR. ED MURPHY: Okay. Thank you, guys.
 5 MS. GERING: Thank you.
 6 Do we have a manager's report?
 7 MS. LEE: I have nothing to report.
 8 MS. GERING: Solicitor's report?
 9 MR. SANDER: No separate report, Madam
 10 President.
 11 MS. GERING: Public comment?
 12 Yes, Stan.
 13 STAN MARCUS: My name is Stan Marcus.
 14 I'm a Solebury resident, I live at 2 Devonshire
 15 Drive, New Hope, Pennsylvania 18938. I'm a
 16 taxpayer in the New Hope-Solebury School District
 17 and a past New Hope-Solebury school director.
 18 Last month I addressed the borough
 19 council and made a request that the borough
 20 return to the school district the difference
 21 between the \$270,000 paid by the school district
 22 for construction permits and inspections related
 23 to the revitalization project, and the amount
 24 actually spent by the borough to cover some 90
 25 hours of inspection. When asked about this

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1 future does not change the past. So I repeat my
 2 request, give back the money.
 3 Thank you.
 4 MS. GERING: Thank you.
 5 Any other public comments?
 6 Yes.
 7 NANCY BUCHLER: Good evening.
 8 MS. GERING: Could you identify,
 9 please?
 10 NANCY BUCHLER: Nancy Buchler, long
 11 time resident of New Hope.
 12 MS. GERING: Can you give us your
 13 address, please?
 14 NANCY BUCHLER: It's 1 Marshall Drive
 15 in New Hope.
 16 MS. GERING: Where is Marshall, is that
 17 Solebury Township?
 18 NANCY BUCHLER: Solebury.
 19 MS. GERING: Okay. Thank you.
 20 NANCY BUCHLER: So I and many of the
 21 community members would like to know what the
 22 borough is willing and planning to do to work
 23 with the New Hope-Solebury School District
 24 regarding the extreme permit fees that were paid
 25 on their construction project. Is there any plan

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1 issue, the borough issued the following
 2 statement:
 3 The borough is working with the school
 4 direct and the board to a more collaborative
 5 relationship for the future. We hope to meet
 6 with the school district early this year to
 7 discuss opportunities for collaborative efforts
 8 between the district and the borough. Now I know
 9 what that means. We're keeping the money, but
 10 might play nice in the future. But playing nice
 11 in the future does not fix the past. And so to
 12 that, I want to reiterate my request, give back
 13 the money.
 14 Last month I referenced an applicable
 15 Supreme Court precedent Skepton versus Borough of
 16 Wilson, 755 A.2d 1267. It has been applicable to
 17 construction projects generally, not just school
 18 districts, since the year 2000. The borough long
 19 ago adjusted the way it conducts its business. I
 20 don't know if the borough council members at the
 21 time knew about the Skepton case, you do now.
 22 I do know that the school district
 23 knows about the Skepton case and will be careful
 24 to demand refunds in connection with future
 25 construction projects, but an careful eye to the

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1 or any --
 2 MS. GERING: No comment.
 3 NANCY BUCHLER: Okay.
 4 MS. GERING: Thank you. Anyone else?
 5 Steve.
 6 STEVEN COPPENS: Steven Coppens.
 7 Looking at this agenda, you have at the bottom of
 8 the page on the back of page 1, upcoming public
 9 meetings. Great idea. Thank you very much.
 10 MS. GERING: Thank you.
 11 Any other comments?
 12 ALISON KINGSLEY: Alison Kingsley, 156
 13 South Main Street. As a former council
 14 president, as a borough resident, I was not aware
 15 while I was council president, nor do I believe
 16 you or anyone else who previously served on the
 17 council in the past was aware of the state
 18 statute that requires or gives the opportunity to
 19 an applicant to request number one an accounting
 20 and number two, a refund of any fees that were
 21 not specifically spent on the actual inspection
 22 item or the licensing in relation to any of the
 23 construction projects or an administrative fee.
 24 So now that the borough is aware of
 25 that, I think it is morally and ethically

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1 incumbent upon council to look at a couple of
2 things. Number one, I think that any application
3 that comes in from a contractor needs to
4 specifically state that the people have the
5 ability to apply within the three-year time frame
6 to have a refund or first an accounting and then
7 a refund of any fees that were not specifically
8 used in conjunction with that inspection on the
9 project.

10 Secondly, I believe that the money
11 should not go into the general fund. I know as
12 council president and served on the finance
13 committee for two years and in fact, was
14 responsible for starting the finance committee
15 for the borough, one of the items that we always
16 looked at as a revenue source was permits fees.
17 That money should not be considered permit fee,
18 that money should go into an escrow account the
19 same way that construction escrows for the
20 engineer go into a separate account. That
21 account is not part of the general fund and we've
22 been using it for the general fund, and I think
23 that needs to stop.

24 And the third thing, is that line item
25 that's put in there as revenue, it needs to come

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1 happening to the borough budget, but it begs the
2 question of legally, how is the fee in lieu of
3 for parking considered? Is that a permit fee?
4 'Cause what we're doing is, we're basically
5 saying to somebody who comes in and asks for a
6 variance for parking, they either get a variance
7 or they don't get a variance. And we say, oh,
8 well, give us \$5,000 a spot now, I always thought
9 it was bad when it was one, now we're at 5. So
10 now you're going to give the borough \$5,000 for a
11 service i.e., parking that they're never going to
12 get. I question whether that's going to even be
13 considered legal if somebody brings a major
14 challenge.

15 Thank you.
16 MS. GERING: Any other comments?
17 Can I have a motion for adjournment?
18 MR. MEYER: So moved.
19 MS. GERING: Thank you, everybody.
20 (Meeting concluded at 8:45 p.m.)
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1 out of the budget as a line item for revenue. My
2 fear is, that if you look at the size -- and by
3 the way, every contractor in this borough is now
4 fully aware that that law exists, and technically
5 they all have the right to come in and ask for an
6 accounting and for a refund of any inspection
7 that hasn't been done.

8 So bottom line is, if you look at the
9 size of the projects that are out there, the
10 school construction front was 28 million. We've
11 got Odette's, that's got to be 25, you've the
12 Mansion, that's another 40. This number is huge.
13 If all of these contractors come back and submit
14 to you for an accounting with the number of hours
15 of inspection, our budget is going to be
16 dramatically impacted. And I think that the
17 finance committee needs to take a serious look at
18 that and council needs to reconsider how they are
19 handling this. And making no comment, I don't
20 believe is an option. This is taxpayer money
21 that's not only New Hope taxpayers, it's Solebury
22 taxpayers and you need to really take a careful
23 look at this.

24 Finally, it also begs the question not
25 only are we going have to look at what's

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4 **CERTIFICATE**
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8 I hereby certify that the proceedings
9 and evidence are contained fully and accurately,
10 to the best of my ability, in the notes taken by
11 me at the meeting in the above matter; and that
12 the foregoing is a true and correct transcript of
13 the same.
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TARA WILSON, C.R.

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