

New Hope Borough

June 16, 2020

Council Meeting

Minutes

Council President Gering called the meeting to order at 7:04 PM held via teleconference.

Present: Council Members, Connie Gering, Dan Dougherty, Tina Rettig, Laurie McHugh, Ken Maisel, Louise Feder, Peter Meyer. Also present were Mayor Keller, Borough Solicitor David Truelove, Chief Cummings, Borough Engineer Karen McNair, Borough Treasurer Christine Szabo, Zoning Officer Tracy Tackett and Borough Manager Peter Gray.

Executive Session Announcement

Ms. Gering announced there was an executive session to discuss a personnel issue and a matter of future litigation.

Consider Final Land Development for 385 West Bridge Street – Gateway to New Hope, LLC

Ms. Gering called for a motion to approve the Land Development. Mr. Dougherty made the motion, seconded by Mr. Maisel. Ms. Gering asked if anyone was in attendance representing the development. Mr. Justin Geonnetti, good evening everyone, Mr. Murphy is tied up at another meeting and will be on in less than 5 minutes. Mr. Truelove discussed some of the conditions of the project including items from the April 13, 2020 letter from Karen McNair, followed by a Zoning Hearing Board hearing and decision with several variances on about June 4, 2020 and the Planning Commission made some recommendations. We just received a letter yesterday from DEP indicating no planning modules were required. Ms. McNair indicated all waiver requests were identified in the waiver request letter, with an update on June 11, 2020. Mr. Dougherty Dave, the letter I have is from Tracy, is that the letter you are referring to? Mr. Truelove no this is a letter from Ms. McNair on April 13 and Ms. Tackett did a summary following the engineers report, Zoning Hearing Board and Planning Commission, so that is probably the most up to date summary. There were also concerns about ensuring the traffic was going to be going in a certain pattern. As a further condition of approval, applicant has submitted a valet parking route which is made part of this approval, applicant agrees to enter into a declaration of restrictions requiring use of a valet route which runs with the property in perpetuity and will include provisions for Borough enforcement in the event of violation regarding the use of said approved valet route. The valet route will be appended to the final approval. Mr. Geonnetti this was well summarized. We talked about reversing the flow of traffic on site. We discussed at the Planning Commission about having cars pull out further away from the intersection. We had a meeting with PennDOT on site and they require us to do the opposite. Because of site distance and the lower driveway, they want us to have traffic exit out of the driveway closest to the intersection for safety reasons. They also want the driveways to be one way. Mr. Meyer the entrance would be further away from the traffic light and the exit would be closer to the traffic light? Mr. Geonnetti correct. Ms. Rettig the one at top will be the in and the one at the bottom will be the out. Mr. Geonnetti opposite. The one closest to the intersection of Sugan Road will be the exit from the site, the one closest to the southern part of the site will be the entrance. PennDOT is requiring us to have one way in and one way out. Mr. Dougherty so the one closest to Sugan will be the exit? Mr. Geonnetti correct. It can be confusing. Other than that, we will be addressing all the comments in Karen's letter, complying with the requirements and unless there are any questions from Council, I don't think we have much more to add. Ms. Tackett Justin, can you address the woodland and trees? You were going to provide an arborist report as there are several trees that are 15" or greater and we haven't seen anything. Mr. Geonnetti correct, we will be providing that. The guy was on site today, we will be providing a letter and it will address all the comments and concerns you have. That is a condition of approval. Ms. Tackett one of the items I had noted in my summary memo is some trees on site are 15" or greater, and I noted we needed an arborist report and we are still awaiting that. Ms. Gering I have a question. One of the questions discussed before was, what kind of penalties are set in there in the event in the future whoever is running the

parking lot decides to coming thru downtown or Riverwoods and Village 2 instead of the designated route. Mr. Geonnetti we are going to make sure our guys go the correct route in the event they do not, they are ok with penalties being assessed. Mr. Truelove that is the one paragraph I read into the meeting records with the approval letters and other stuff including Ms. McNair's report, Ms. Tackett's summary memo, Planning Commission and Zoning Hearing Board. There is a paragraph set aside specifically for that purpose. As Mr. Geonnotti said, there is a designated route that was presented to Council and Planning Commission that appeared to be the one that was accepted. Any deviation from that will result in some type of penalty. A separate agreement will be drafted that includes that and will be part of the record and will put everyone on notice. Mr. Dougherty I guess Connie's question was, how specific can the penalties be in the document? We want something more definitive. Mr. Truelove right. I haven't specified it yet because I am not sure what it would look like, at least conceptually. I guess if there is a way to monitor the number of trips or violations that deviate from the route, there would be a progressive increase in the amount of penalties and assess it at a certain time. The developer would need to agree to pay that. There would need to be an incremental monitoring time, whether it is monthly, bimonthly, whatever that is. Have a schedule with the costs. Ms. Gering Dave, that does not work for me and I will tell you why. This town has a history of Council making approvals, move forward a year or two they forget what we approve. I would like to see, the first time the violate, they get a fine. The second time, we shut them down. I don't know if that's what we can do. Mr. Dougherty some of this stuff is downstream. This has nothing to do with the applicant. I am more concerned about Council approved 12 outdoor seats and then a year and a half later there are 42 outdoor seats and everyone says that was not what was meant. We want it as specific as possible. Mr. Geonnetti these are going to be professional drivers who will be sure to follow the route as they do not want to get penalized. I think it is going to be an easier route to go. Ms. Feder I agree with Connie and Dan, as this is not about the applicant. I drove the route again today to look at it. I have a few spots for pedestrian safety at Ferry and Bridge and at New Street. I completely understand they are professional drivers, but in terms of speeding and getting close to pedestrians especially on a crowded weekend if there is an event, there are people eager to get to their event. I am concerned about the volume of trips and violations outside of leaving the route. Mr. Meyer the route no longer includes New Street. Ms. Feder the route I am seeing in the packet is the one on Ferry and New. Mr. Geonnetti that is the return route. Mr. Meyer the route out is by way of Windy Bush onto Sugan. Mr. Geonnetti leaving Riverhouse going back to the Raven parking lot, they will exit onto River Road, turn onto Windy Bush onto Aquetong, Sugan and West Bridge Street. Leaving from the Raven parking lot it will go thru West Bridge Street to Ferry and New Street and back to the Riverhouse. This was the route discussed with the Police Chief. Mr. Dougherty can you repeat, from the parking lot. Mr. Geonnotti Bridge Street to Ferry Street to Stockton Street to Mechanic to New Street and back to River Road is the route leaving the Raven to the River House. Mr. Dougherty so that is half of the trips? I can't agree with Louise any more. It drives past the library which has a tremendous amount of children there on a Saturday. It is a curve and I don't care how professional there are, going down Ferry and the New Street is narrow street. 2 cars have a hard time getting past each other. I think it is a recipe for disaster. Ms. Rettig I remember at our last meeting discussing this that New Street should be taken off. I drive and walk on New Street constantly. If a car is parked on the street and a car is coming at you, you can barely squeeze two cars. Personally if New Street is being proposed, I am opposed to this. Mr. Geonnetti, forgive me for not knowing more about this, we did discuss this at the Planning Commission, an easier route is Windy Bush, where they will not want to drive thru town. Ms. Feder what is to prevent using Windy Bush and Sugan both ways. Mr. Geonnetti we did discuss with the Chief was to do 2 trips separate ways, for the majority of the trips they will used Windy Bush/Sugan Road. Ms. Feder what I am saying is eliminate driving thru town. Ms. Gering that was my understanding at the last Council meeting, you would not be coming thru town. Mr. Geonnetti Mr. Murphy should be signing on soon and he can discuss that. Maybe we can hit some of the other topics and come back to this? Mr. Murphy had the meeting with the Chief. Ms. Gering lets go down the list. Mr. Dougherty Tracy, are there requirements to empty out the number of individuals within a set period of time at an event? Ms. Tackett I believe Karen can speak to it a bit more. I believe they need to show the capability of moving everybody from an event to the parking lot in 30 minutes. It doesn't mean they have to be shoved out the door just that they have the capacity in their vans to move the people in the time necessary. Mr. Dougherty how would 2 or 3 vans be able to moved 225 people from a site and get them to where they need to be? Is there a requirement? Ms. McNair the requirement from the River House approval needs to show they can move the people off the River House site in 30 minutes. By proposing this valet site, that

condition shows they are not arriving at the River House. The concern was the backing up of traffic on South Main Street. With a separate lot, that would not occur. Mr. Dougherty that issue with the 30 minutes has gone away? Ms. McNair yes they are addressing that comment and it is going away. Mr. Dougherty and that is what I needed to hear. As long as we are not doing something unconsciously, I am ok, thank you. Ms. Gering Dave I have a question for you. I know you put something in the agreements in reference to the route and stipulation. How strongly can we be on this in what we expect? Mr. Truelove I believe the more specific we are, the better. If they agree to the conditions. The conditions set forth in Ms. McNair's letter and Ms. Tackett's memo, are fairly commonplace. I think the biggest issue, is the parking route. If the Council believes the one route is to be to and from and the next issue is what are the violations. Then we can probably get to the approval tonight. One, lets establish the route, using the red pattern? Then, what do the violations look like? How do you monitor that? It is a new challenge, but it doesn't mean we can't come up with a solution. Mr. Murphy did say something to the effect they modify the route to and from using the Windy Bush/Sugan options. If acceptable to Council, what are the violations and remedy? How do we assess that? Ms. Gering I think I can speak for Council and our understanding there was no shuttle coming thru New Hope Borough, whether it was New Street, Mechanic Street, Riverwoods or Village 2. I think the red route was established and acceptable. If any problems, then speak up. Mr. Truelove ok, let's assume that is part of the condition and now how do we enforce it. Ms. Gering anyone from Council feel different? All no. Ms. Gering so now the question is how do we enforce it? We don't want to burden the police department. Ms. Feder Any traffic violations? Traffic, pedestrians, anything? Ms. Gering that is a good question. My thought was them cutting through town using Ferry Street or the downtown area or Riverwoods as a short cut. Mr. Truelove to address Ms. Feder's concern, I think those issues you are talking about could be normal enforcement issues, like hitting a pedestrian, that is something any vehicle driver would be subject to. The core issue is, if there is a deviation from the red route and they go thru town, that is a violation. Somebody takes a picture of the van and reports it, that is a way to begin the enforcement process. Ms. Feder for the reason I bring up speeding and pedestrian issues, if we are just dealing with regular tickets, I would hate to get into a situation where there are valet drivers who are eager to get clients to the valet parking spot and they are just whipping down Windy Bush and Sugan to make time and the reaction is to pay the occasional ticket. I am curious, was there a traffic study done for this route? Ms. McNair the traffic impact study requirements for the subdivision and land development ordinance is over 10 residential properties or commercial properties and this did not meet the requirements of the ordinance. Ms. Feder ok. Mr. Meyer this was presented to the Planning Commission so I can assure you of that. There was nothing in the language that dealt with being willing when the time comes, but not now, to install sidewalk adjacent to Bridge Street along the frontage of the property. There is room for the sidewalk, but they don't want to install it as it won't connect to anything. They indicated a degree of willingness to put it in if we are going to have a sidewalk extending all the way out. Somewhere we need to formalize that as long as we are talking about additional language and is why I am raising it. Mr. Truelove actually, Mr. Meyer the fifth waiver request is requesting a waiver of the sidewalk requirement offering a fee in lieu of sidewalk. That is in the engineers report as well. I don't want to speak for Ms. McNair if it was recommended or not, I just know it was a waiver. Ms. McNair I believe it was discussed at the Planning Commission. Mr. Geonnotti we have no issue providing a sidewalk now, but where the sidewalk ends at our property is a steep embankment that falls off 15 or 20 feet to a channel that runs along the sidewalk and comes to a dead end and would require a mid-block crossing on Bridge Street that would never be approved by PennDOT. That is what the intent of what the waiver was. And that is where the fee in lieu came in. Ms. Tackett if I can add, there is a wide shoulder there beyond the property and it is not uncommon for developments to put in their segment of the sidewalk for future connection. Yes, there is a drop off but it seems there could be a barrier to make sure people don't walk down the slope. If they need to go to the shoulder, there is a wide shoulder there. Mr. Geonnotti the only thing with that, when you put people on a shoulder there should be a guide rail between them and the sidewalk or between them and the passage way. It is not safe passage to have a sidewalk and to have a shoulder off a state highway. That is the only concern with that. People do it. That is a safety concern for the Borough that we want to promote. Nor do we believe PennDOT would approve it. Mr. Dougherty at the peril of being wrong, there is a sidewalk on the state road basically on the other side of the street starting at Sugan and runs into town with no barrier. Mr. Geonnotti that done correctly. That is a true sidewalk. That is what we would provide on our frontage, a true sidewalk with a curb on the street. The curb would serve as a barrier to the sidewalk. What we would suggest is running the sidewalk along our frontage and

when it comes to our frontage and it comes to an end and pedestrians and bicyclists would go back on the shoulder of Bridge Street and cross that passage, that little stretch, and would have to be done on the shoulder. That would not be a preferred route or approved by PennDOT. There needs to be a guiderail. Ms. Gering I guess we are back to stipulations. Dave, we are going to need your guidance. Mr. Truelove I think we are getting to the core issue which is the route and violations. At this point, we have to be creative but consistent. This is not something that has been normally encountered in my experience. This is a different animal. Usually they are not in the context of this. It should be a schedule. Violations of deviating of the route. The first time is a fine or something like that. Or perhaps a notice letter first. Then the second violation would be a fine. The third would be the halting of valet service until it is corrected. Mr. Maisel as an alternative how about a warning first then a meaningful fine like \$500 or \$1,000. We are trying to prevent a deviation from the route that is approved. So if it has teeth they are not going to eat \$500 or \$1,000. I think it is as simple as that. Why not attach a real meaningful fine? Ms. Tackett I think that the stepped up time is a good approach. It jumps quickly and substantially. Ms. Rettig I agree with that. Step it up if they are going to violate it. At some point we will need to make a cut off and then we say you are done for some period of time. There are some businesses that will take a hit because they are making money. Ms. Feder I think I agree as well. This is an agreement for a hotel that will be there for a long time. I agree it needs to be a substantial fine. I am really concerned that whatever we decide is substantial, it may just become a cost of doing business. If the agreement that is proposed is not working, we can terminate this and not 10 years down the road still be trying to figure out how to make a long route from a valet parking lot for a large venue in town make sense. Mr. Truelove I think there should be a reckoning period. If no violations in 2 years, in other words if 3 violations in a month, tell them you have 3 violations, then no valet service for a week or two weeks, something like that. You want to incentivize them to be good neighbors and follow requirements. To Mr. Maisel's point, you hit them hard if they do violate it, so it is obvious and they should know better. First, a written warning from the Borough, then second could be fine of a certain amount and a third violation, in a set period of time, could result in a shutdown or cessation of valet services for a certain period of time. If there are no violations in a certain amount of time, then it goes back. The whole idea is deterrence. We would need to strike a balance. Mr. Meyer, if I can get into this, I think what I am looking at as I am listening to this, I am hearing a warning then a step up, step one, step two, step three, whatever it is. Then if they don't have a problem for year, do we start again with a warning? Or has that already been raised? We need to make a decision as to what those time periods are. I think if they have three violations in a course of a year, I am not sure if I want to cut them off from valet parking but if three violations in a shorter amount of time, then yes, I want to cut them down for a week. We need to figure out that time period. Ms. Gering This town has a history that we approve things then it is forgotten. I like a warning for the first time. A \$1,000 fine, the second time. The third time, I would shut them down for a couple weeks, to get the message clear. For a fourth time, shut them down for a longer time. I want to get a feel from Council for your feelings. I think we need to set a precedent that we won't tolerate that we have an agreement and it won't be defied. Mr. Dougherty I agree with directionally everything, I like the graduation of it, everything like that. We have to be conscious of the fact of strike one, strike two is \$1,000, strike 3 is shut them down for two weeks. We are talking about 150 employees. Without this valet service, we are shutting down this business for two weeks, all of the events, literally everything that is going on there. I think that would be a hard case to win in front of a judge. I suspect a \$1,000 fine is going to get people's attention. A wedding may cost \$200,000 but a \$1,000 is still a lot of money. Maybe it is warning, \$1,000, \$2,000, \$3,000 in any rolling 3-month period. That would have the same result as shutting them down. My question for David is, I would not want to see the valet company being on the hook for the money. How do we attach the rules to the River House and we get a check from the River House on a timely basis and it is enforced against to the River House. Mr. Truelove this is an agreement with the River House and the Borough. Whether they have a separate contract with their valet company, that issue is between them and the valet company. They are still responsible. They can't pawn it off on someone else. If they are indemnified by the valet company and they decide the valet company is not the right company, that's fine, but that is on them. This is between us and them and they would have to be responsible. Mr. Meyer can we go to Louise's question about what happens with time. \$1,000 may sound a lot now, but in 10 years it may not. Why don't we talk in terms about a fine of a maximum daily rate for a room average at the hotel and have it escalate appropriately over time. That may be a better way to approach it. What do you think? Mr. Maisel I think we are overthinking this, I really do. If we want to put in the next 2 or 3 years, cumulative violations, a warning then \$1,000

or \$1,500 a pop and we reevaluate it, in three years. I think they are not going to want to take that kind of hit, no matter how successful they are. We are overthinking this. What happens if a road is out or a tree is on the road? What happens at that point? It is understandable, I understand we have a history, a precedence. It is a unique situation. They are being hammered if they violate it. I like the route change outside of town and a significant fine. But I think they need to be accommodated if, God forbid, the street is shut down and they can still operate. Ms. Feder I want to back up for a minute. I don't think an agreement can only be policed by fines. I think Connie's point about using access to the valet lot, as the way to make sure the agreement is being held to. And Ken I agree if a tree is down, maybe we can write something in an emergency, we will allow for a cut through. I don't think we can hope a fine will keep them in check for 3 years. What if we run into a situation where we have a popular venue which is great, but we have a ton of vans going through town or the countryside. We need to be serious about that. This is not a situation that is normal for businesses in town. This is the one where we have a huge number of cars from a valet site to a business. We need to be thoughtful of how that is accessed in a way that we are a steward of that relationship between that business and the town. This is a special situation where they have already been granted variances and it is already an exception to way traffic is handled in town. I don't think it is excessive to say you can't use the valet lot for a week or two weeks or whatever it is. I don't think that we can just think a number of \$1,000 fines will fix things. We don't know what the problems are. This is new to everybody. We are going to have to try a tiered approach. I think Connie's idea of a warning, a fine and a pause for the ability to use the valet lot is pretty serious. I think we can try that. If we can put in a way to revisit the agreement, we can do that. I think fines are not enough. We need to look at this special relationship and look at how we can conduct this safely in town and for everything living on the red route we are looking at. We have to be careful. Ms. McHugh can I chime in? I think shutting them down is too severe. This is a business that is trying to work with us. They took a dilapidated building and made it nice. Can't we do something? We don't even know they are going to do something wrong. We are already chastising them for things we think they may do and that is not fair. Can't we do something that after they have four fines they have to come in and talk to us and we can reevaluate, if there is a problem? Mr. Truelove anything like that or anything you discuss can be put in the agreement. Everybody has concerns that may not be realized. Fines that are going to be imposed but in a year's time the parties agree to meet and discuss the fines situation. The Borough reserved the right to change the penalties if the current rate of penalties is not appropriate to meet the requirements it was intended to meet. Everyone has valid concerns. I am trying to find a way for something to start out with and if not sufficient we can reopen, and have that discussion and reserve the right for the Borough to have that opportunity. Mr. Maisel that sounds reasonable to me. Ms. McHugh I think we are trying to find solutions to problems that do not exist yet. I don't want them going through town. I want them to stick to the route. Mr. Truelove I have just been advised Mr. Murphy has arrived. Mr. Murphy I have been listening for the last 10 minutes. I would rather deal with the problem sooner, rather than later. Let's meet in a year, whatever tier of penalties you establish now, let's revisit it good or bad in a year. Let's see how things are. We all can benefit from that. I don't want to wait, see a problem fester and have a bigger issue. Ms. Gering let me summarize. The first is a warning. The second time is a \$1,000 fine. The third I missed. Dave, can you add that one in? Mr. Truelove do you want it to be a higher level of a fine? Or a halt in service. If we revisit it in a year, we are going to have a short period of time to look at that. We have some Council members thinking the fine system should be enough, others, it is not. If we establish the time frame to review this is clear, what do we do from today to a year from when this is finalized. Mr. Murphy I would rather you do something if there is a warning, fine and the third violation is when we go see you guys. I would rather not wait a year. If there is a systemic problem, which we hope there is not going to be, let's figure it out right away. After the third violation, let's sit down and see what is going on. Why is there a problem and how do we fix it? Mr. Truelove the Borough reserves the right to modify any type of penalties if there is a third violation. Ms. Feder Mr. Murphy, my only caveat is, and I don't think there will be a problem, I know you guys doing a careful job of this. So that means, there is only one fine. So there would be a warning, fine, meeting and question mark. I don't say this to be draconian, I am not expecting the worst, I don't, I think this will be flawless. I think if this valet situation is not working, a pause on it or if you want a meeting a week after that valet lot is paused, as a penalty. I don't think a warning, fine and meeting is structured enough for me. That is just my opinion. Mr. Murphy my initial reaction is if you have a pause on the use of the lot, that is going to create more headaches to you as well as everyone else. I don't think that would be helpful to the Borough. I don't think that is a constructive solution that benefits anybody. To someone's earlier point, if

you double the fine on the third one before you met, it is going to get everyone's attention. You already have our attention. The amount of time we spent discussing it, everybody understands the gravity of it. How would it help the Borough stopping the use of the lot and have everybody driving all over the place? That is not what you want, it is not what we want. I would rather double the fine for the third one, require a meeting and all bets are off, on your end. Ms. Gering can I summarize this to see if everyone is in favor? The first time is a warning, the second time is a \$1,000 fine and the third time is a \$2,500 fine and a mandatory meeting. How is everyone on Council? Mr. Meyer what is the timing on that? What if it happens in the first month? Ms. Gering if it happens after the first month they get fined three times, they have a meeting. Mr. Truelove we would reserve the right to modify our penalties after the discussion. We would say this schedule does not work, we would have to go to plan B. Mr. Maisel so this would be more onerous. Mr. Truelove correct. Ms. Feder Connie, my only other question is how would we handle speeding? Ms. Gering my understanding is this is for the route. Ms. Feder how do we handle other infractions. What if they are speeding by valet vans for rushing to get people to events. Mr. Meyer by and large they are not going to be driving in New Hope, they will be driving in Solebury and we do not have power. Ms. Feder so if we are being a good neighbor and we find there are a number of speeding infractions in Solebury. Mr. Meyer If we want to be good neighbors, Solebury can take some of its land by the River House and do what the River House initially intended to permit them to have a parking lot very close to the River House so they would not have these valets driving. Ms. Feder I have concerns with the roads, having seen the number of valet drivers drive thru town whip thru the streets to get people home from dinner. Mr. Murphy if there is a speeding infraction occurs in Solebury, Solebury Township police will handle it. You are assuming we are going to doing everything wrong. That is not fair. If it is in Solebury, they can handle it. I can't imagine a van with 15 people speeding, but ok. Ms. Feder I promise this is not coming from a place of punishment, this is me trying to prepare for a brand new agreement. This is our one shot to look at this agreement, with a valet lot which is going to be heavily used for large groups, which is great. There are going to be a lot of wonderful events. I just want to make sure we are going into it as thoughtfully and safely as possible. This is not a judgement on the applicant. Ms. Gering lets go back to this so Council can be on the same page. The first time is a warning, the second time is a \$1,000 fine and the third time is a \$2,500 fine and a mandatory meeting. Is that what is on the table for discussion. Ok, we are all ok with that. Mr. Truelove if you have a copy of Ms. Tackett's summary memo of June 9 and Ms. McNair's letter of April 13, the variances were covered by the Zoning Hearing Board at the June 4 meeting, in which they were granted. There is a request, as I indicated before, under the Subdivision and Land Development ordinance for a request a waiver of requirement of curbs and sidewalks on both side of all streets. Is that the same request Mr. Geonnetti requested before? Mr. Geonnetti yes. The waiver is a request for paying a fee in lieu of curb and sidewalk. Mr. Truelove ok I just wanted to confirm, as to Council wanted to approve that waiver. There are issues with PennDOT granting permits under the circumstances as to the way the layout is and everything else. There are some buffering waivers. They are intended to help the site become more blocked off from other places so as to not interfere with the enjoyment of the property owners. In this case it appears the buffering is something of a benefit instead of a detriment. I wanted to throw out to Council the issue with the sidewalk. If you want to grant that waiver, that is fine. It was in the review letter from the professionals. Mr. Meyer what is the fee? Mr. Geonnetti typically we work with the Township Engineer, Ms. McNair as to come up with an accurate cost, as to what it would cost to construct and that would be the fee in lieu of. Take a linear footage of curb and sidewalk, back that into a number and that would become your fee in lieu of. That is something Ms. McNair and I would work on after this meeting. Mr. Meyer If that is ok with everybody that is ok with me. If Ms. McNair is going to work on it with a significant amount of time I want it not billed to the Borough and added to the cost of the fee in lieu of. That is fine by me. Mr. Truelove that would be a waiver request, that is done between the engineering professionals. You reserve the right to determine that as you have your professionals involved in the process. We are talking about compliance with the different ordinances of the town subject to the request of for variances and waivers. Waivers have already been granted by the Zoning Hearing Board. Compliance is in with PennDOT. DEP has indicated they do not require planning modules for the small building on site. Compliance with Gilmore and Associates review letter of April 13. Compliance with Ms. Tackett's summary memo of June 9. Compliance with the Zoning Hearing Board decision on June 4. Compliance with the recommendation of the New Hope Borough Planning Commission and the list of waiver in Ms. McNair's letter for SALDO and Storm Water Management. In addition to paying all the required fees, compliance with Council's requirement to the only route for valet driving is the red route on the screen. Any deviation would result

in the following penalties, for the first violation is a warning, the second violation is a \$1,000 fine and the third violation is a \$2,500 fine and a mandatory meeting with Borough officials to determine what other steps are necessary to enforce compliance and the Borough reserves the right to determine what they may be, at that time. Mr. Maisel at Borough discretion? Mr. Truelove correct, that is why we reserve the right. Mr. Murphy, are those conditions acceptable to the applicant? Mr. Murphy they are. Mr. Truelove, thank you. Any other questions? Ms. Gering Any questions from Council? Pete, we have some guests that have questions. Is there anyone there for public comment? Mr. Gray yes, there are two individuals. The first is Mr. Fred White. Mr. White no comment. When you are having these meetings on zoom, it helps when you are not speaking to stay on mute, as there is a lot of background noise. Mr. Gray the second individual is Greg Herlan. Mr. Herlan two comments, one it would be helpful to post the documents that are in your packet. It was done for a Planning Commission meeting and it was helpful. Second, has there been any meaningful changes that was address at the Planning Commission? Mr. Murphy none. Mr. Herlan ok, so there are no exits or entrances on Old York Road, berms and trees will be addressed? Mr. Murphy correct. Mr. Gray next individual is Kelly Whitman. Ms. Whitman I just want to reiterate. I live on West Ferry as well and my house backs up to West Bridge. The West Ferry and going on the small roads is definitely less than ideal. They discussed they would use West Bridge and Main, yellow lined roads which is better. I don't think shutting down the parking capability is the right penalty either. There is a false choice being set that there is busses, vans or there could be just valet, definitely less than optimal but another option that remains if it doesn't work out. As Louise said, I think it is a great opportunity for the community to reinvigorate a really cool site. Mr. Dougherty in the event there are going to be times you will not be able to take the red route. Could we say in the event the red route is not available then the route will be Bridge Street to Main and right on Main. At least that is a highway and they are making a turn at a lit intersection. In the event the red route is closed for emergency, there would be two routes. What do you think about that Ed? Hopefully you would never have to use it. Mr. Murphy I think that is an entirely reasonable suggestion. We should include it. Mr. Truelove That would be Bridge to Main? Mr. Murphy yes. Mr. Meyer may I remind you all we already have traffic backup up with left turns at that traffic light. Adding 3 or 4 more cars, several times an hour, how far is our traffic heading north on Main Street going to be backed up? Mr. Dougherty I am not calling for a traffic study. This is every once and a while when the road is closed. This is all this is. None of us are traffic engineers. I am trying to keep these vans out of the residential section of the town and away from the library. Ms. Gering we have a motion on the table. I am going to have each of you vote on this. Mr. Dougherty yes. Mr. Meyer yes. Ms. Rettig yes I am for it the way it is written. Ms. Feder yes Ms. McHugh yes. Mr. Maisel yes. Ms. Gering I am also a yes, this motion passes, thank you everybody. Mr. Murphy thank you.

Mayor's Report

Ms. Gering next on the agenda is Mayor Keller. Mayor Keller I am asking Council to make a motion to consider hiring of a new Full Time Officer to replace Corporal Zimmerman. His name is Nicholas Pellechia. Civil Service has certified everything. Chief has made the interviews and we have done everything. This is the one we want Council to hire on a full time basis. Chief can confirm the date, he would have to be sworn in by me. We are asking Council to consider. Ms. Gering any discussion? All in favor? ALL aye. Ms. Gering ok, congratulations. Mayor Keller one other question to our Counsel, Dave Truelove? Just curious, does the Borough have the ability to enforce a vehicle from driving on a state road, a road that passes thru New Hope Borough? A commercial or private owned vehicle. Someone lives in Solebury to 95, drive down Main Street, they live on Center Bridge. Do we have the right to tell them they couldn't drive their car down Main Street? Mr. Truelove my initial reaction is no, we do not have jurisdiction. Mayor Keller ok, great, thank you. That is it for my report.

Ms. Gering we are taking the part time hire off the agenda? Mr. Gray yes. Ms. Gering ok, thank you.

Consider Resolution for closing Mechanic Street between South Main Street and the Mechanic Street bridge on weekends until September 30, 2020

Ms. Gering next on the agenda is consider resolution for closing Mechanic Street between South Main Street and Mechanic Street bridge. Ken do you want to handle? Mr. Maisel as a result of the inability of restaurants to open indoors in a meaningful way, the Borough has been lenient in accommodating outdoor areas that restaurants have available to them during this period of time. More specifically, the impact on West Mechanic where there are 5 or 6 restaurants, the ability of people to work together and make an environment in front of their operations on West Mechanic by closing down on Friday in the late afternoon until Sunday afternoon during the next 3 or 4 months thru September. We will closely monitor it and see how it works and try to alleviate some of the

burden and inability to create revenue at this time. There was an opening in the town thru the week and so far, so far. We hope it helps to bridge the gap until we get back to normal. Ms. McHugh we would like it go until Sunday at 10 pm, not 7pm. Also, I would like a nicer sign that just road closed. Maybe road closed to vehicles but merchants and restaurants are open. Mr. Truelove we would need to make an amendment to the resolution to change the time to 10 pm on Sundays. Ms. Gering any discussion from Council? Any questions from the public? Mr. Gray there are 2 hands raised. The first is Stacy Endress Ms. Endress I am at 25 Chetstnut Street and my hand was up from New Street and just wanted to say I appreciated Dan's comments about going down Bridge Street to Main Street. Mr. Gray another hand, Kelly Whitman. Her hand is not raised any more. Ms. Gering Council, all in favor? ALL aye. Ms. Gering motion passes, thank you.

Consider Proposal from Keystone Collections Group for Business Privilege Tax Collection

Ms. Gering next on the agenda is consideration to bring Keystone Collections Group on board for Business Privilege Tax Collections. This is the same group that collects earned income taxes for the Borough. This would be a good way for our staff not have to handle to privilege taxes and they can go after those not paying their taxes. Can I have a motion? Mr. Dougherty I will make that motion. Mr. Maisel I second it. Ms. Gering any discussion from Council? Public? Mr. Gray no hands are raised. Ms. Gering all in favor? ALL aye. Ms. Gering ok, thank you.

Consider Special Event for Run Now Wine Later

Ms. Gering next we have a request for a special events permit for Run Now Wine Later. Is there anyone on board from there? Mr. Gray yes there is one hand raised. Individual's name is Carly Bovell. Ms. Bovell Hi everybody, how are you today? We would like to put in our application for Run Now, Wine Later on September 13, it is a Sunday. It would be the same event we held for the past 6 years, a 5K run, starting at the high school ending at the playhouse, with a wine and food festival. Everything remains the same. It would be an 8:30 run, off the streets at 9:30am. The festival ends at 1 pm. Ms. Gering I have a question for you for all that is happening right now, and the social distancing issues and not having crowds, have you made consideration for this? Ms. Bovell our first step to come to you, we know what is going on and the guidelines. We don't know what the future holds for September but we will follow all government and local guidelines in place. If we are in the green phase and we only have 250 participants, we are not doing an event. We have to see what is happening and if we are allowed to do an event per our Governor. If we are, we would put all CDC guidelines in place for social distancing and masks wearing and guidelines and safety precautions and we would make sure all of that is in place for the event. Mr. Maisel what are the current accommodating for races at this moment in the state of Pennsylvania, do you know? Ms. Bovell they are not happening right now. Nothing is happening. Hopefully by September, we will be out of the green into a different regulation. We don't know this at this time. I am coming to you to grant permission, that we can hold the event if we go by the CDC, federal, government and local guidelines in place at the time of the event. If we are in the green, and there are no large gathering of 250 people or more, then we do not hold the event. Mr. Maisel ok, thank you. Ms. Feder Carly my question is at what point would you call the event? In September? At what point would you make the final call and advertising the safety procedures? Ms. Bovell that is a great question. We have had this event for 6 years. People have asked if we are holding this. We have told people to save the date. For planning, we would need to make the call in the beginning of August in order to plan and promote the event. We would need a month for planning. We will reach out to the playhouse for parking. They are willing to rent it to us based on the guidelines. PennDOT, same thing. They are not going to issue a permit until a little closer, based on the guidelines and the high school as well. We are still in limbo state. If we get your approval, we would need to make the call in August to see if we can do it or not. Ms. Gering thank you Carly. Can I have a motion to approve Run Now, Wine Later for September 13? Mr. Maisel I will make that motion. Mr. Meyer I second it. Ms. Gering All in favor? Mr. Dougherty I have a question about the nature of the event itself. Is this a for profit entity running this event? I don't see any charitable aspects to this? Carly is this a profit making approach? Ms. Bovell we are a for profit company. Majority of people who run have different platforms who run and raise money. We have a couple of different of autism groups who raise money. Caroline's Hope is our biggest one that raises money. A lot of runners use our running event as a platform to raise money for their nonprofit. Mr. Dougherty my sense is, the entity Boss Events is a for profit corporation? Ms. Bovell we are, yes. Mr. Dougherty are you an employee of Boss Events? Ms. Bovell yes. Mr. Dougherty my concern is us setting aside September 13, when there are probably other nonprofit events that have been deferred or cancelled for the last four or five months. I don't know if Race for the Cure will be here next month, we could have 5 people wanting to have a marathon or street closures. I don't know if I feel comfortable for a for profit company use our town for that. I know there are teams that get sponsors to run, but this is a corporation using our street trying to make a profit. I don't know how Council feels about that. Ms. Bovell If I may, we are a local company here in Newtown. We understand New Hope and we have been here for several years. We take it very seriously and appreciate you welcoming us. We give back to the community such as we donate to the library and police. We make our metals from landmarks in the town. Then we can make additional ones so for example the library can use in a fundraiser to raise money to sell off those memorabilia metals. We encourage the restaurants to come out for the Wine Later festival part. So we can promote restaurants and businesses, if they want to come out. Mr. Dougherty I don't know

much about the subject material itself. It seems like the cart before the horse. Ms. Feder I agree with Dan. I know it is a great event. I know you get a lot of attendance out of it, which is wonderful. I get nervous planning for September, when it is relatively soon. I know in your proposal you said it was 1,500 attendees. Can you speak about how you anticipate if we have social distancing, with an event that size, how would you handle the warming trays, the tasting stations mentioned in the application, the distancing and the masks? Ms. Bovell Depending on where we are at that time, 1,500 is what we had in the past. We may have to lower the number of people we are allowing to register, to follow social distancing restrictions in place at that time. In terms of the run, we can have different waves start at different times, separate people between the runners. We can have masks available for those who do not show up with masks. In terms of the tasting, we would have to have them prepare separately and do more of a preparation with the restaurants. We would work with them to follow the guidelines. If we are still in the green and we can't have more than 250 people at the event, we are not doing the event. Social distancing and safety for the runners and community is top priority. That is where we stand because none of us can look in the future to see what the rules will be at the time. Maybe we will only be able to have the run and not the festival. Mr. Dougherty I think given we are in the yellow phase, I don't feel comfortable approving as a Council to approve an event and it may be 1,000 runners and 1,000 of their friends in a town that is 1.4 square miles when so many people are concerned with their safety. I think it doesn't work for me at this stage with this many unknowns. I know what you are going through. You are trying to navigate these unknowns. Right now people are justifiably upset and worried about their health. That is how I feel now. Mr. Meyer I agree with Dan but Carly points out this will not happen if we are in green, which means we would be in a safer place. I would like to offer as a substitute motion, which responds to your concern Dan, about the fact there may be other nonprofits that want to do something in September if it is safe enough to do so. Something along the lines, with other things being equal, if in fact we approve this to go forward. All we are doing is making it unnecessary for Carly to come back if all these conditions are met. Ms. McHugh We already approved Pride Parade for less than a month after that which has a lot more people than this run does, so we have already set precedence. Ms. Feder I understand the difficult spot you are in Carly. I am worried about promotion and then making a call close to the event. The start of August is soon. You will probably promote it pretty heavy to get people to sign up. I know that is an event where there are a lot of people who don't run but do the buffet and hang out in town. I would hate for there to be mixed messages regarding a block party in New Hope in September when you in good conscious cancel in August. I worried about the mixed messaging. Ms. Gering any other comments from Council? Mr. Maisel are we taking a vote? Ms. Gering we could take a vote or we could table for a month and see where we are at? Ms. Bovell knowing the Pride Parade was approved and knowing I am usually in front of you in February, we thought we would come to you now so we could go to the Playhouse and the High School and say we have the Council's permission to have the event with the caveat that large gatherings are allowed and CDC guidelines are followed and the different caveats for where we are at in September since no one knows where we will be. We don't want to promote an event unless we knew it was going to happen. We won't start promotions or sell tickets until August or until we know we can do this because we don't want to register anybody and tell them sorry, we can't do the event. Ms. Rettig when you look at your website, save the date, September 13, 2020, New Hope, PA, register here, it is already up. Ms. Bovell you can't register. It is not live yet. If we come to August and we can't hold the event, we have made medals and things like that, that we can have people run virtually and send their packets. People collect their medals for this. It's always a landmark. It can be a virtual event, that people sign up and run on their own and get sent a shirt and a medal. Therefore, the save the date, it is not live yet or sign up right now. Ms. Feder I have a question for Connie and Dave. If we are out of green in August, are we able to review the safety precautions Carly would be planning on, to take for the event, to the August meeting? If she makes a call at the beginning of August, our meeting won't happen until after. Mr. Maisel we have a meeting on the 28th. Mr. Truelove you have a meeting on the 28th. Hopefully we will have more clarity with COVID with what is permitted and what is not. To Ms. Gering's point, perhaps the best thing would be to table it to the July 28 meeting to revisit it. We are talking 6 weeks. We can see what the guidelines may be to address those issues. They may not be enough to satisfy the Council or the applicant. You still have it before you and you haven't made your decision. Obviously the applicant knows that and that is a concern she has and they don't want to plan based on external issues they can't control. Ms. Gering Council, are you in favor or moving to the July meeting? Louise is a yes. Mr. Meyer table Mr. Dougherty table Mr. Maisel table Ms. McHugh no Ms. Gering I move to table. Carly you are going to get tabled to the July meeting. Ms. Bovell one question, if someone puts an application for that date, could that date be potentially be granted to someone else before the 29th? Ms. Gering We don't have a meeting until the 28th. Ms. Bovell there is no way we will lose that date. Mr. Truelove the next meeting is July 28 so there is no approval available for anyone else. Mr. Dougherty if someone puts in an application for that same date, we are not guaranteeing they won't get approved for that date, we are just saying we are not meeting again til that date. By no means, do you have a hold on that date. Mr. Maisel I would like to ask a question. Why are they being condemned for their application and for being a for profit. Why wouldn't they have first dibs if it were an allowable event? Mr. Dougherty I am saying it would be a discussion point. I am saying if someone else comes along that would be more advantageous for our constituents, that would be weighed. It could be another for profit organization. I think Carly was saying, does this mean no one else can get September 13. We can't say that. That would be tantamount to us voting this evening to grant her that date. Ms. Bovell I guess if my application is in and someone else comes in, in July, don't we get first on that date since our

application was in first, even though we are tabled for tonight? Ms. Rettig I have no problem, I feel for the organization and I feel for Carly, their application was in first, we are tabling it due to the pandemic. Mr. Dougherty Tina, stated that way, I can go with what you said. Ms. Gering I agree, you were in first and you would be first in line for the date. Ms. Bovell great, I appreciate the consideration. We are for profit, have done the event in New Hope and we respect and appreciate our relationship for the past 6 years. Mr. Dougherty you mentioned you have contributed money to the library and someplace else. For the application for the July meeting, would you be so kind as to give us a summary for the past 5 or 6 years for those donations? I think that would help your cause great. We would like to see a summary. Ms. Bovell sure, of course. Ms. Gering thank you Carly, good luck.

Meeting Minutes

Ms. Gering next on the agenda, can I have a motion for the minutes for the May 19, 2020 meeting? Ms. Feder I make that motion. Mr. Meyer I will second. Ms. Gering thank you, any discussion? All in favor? ALL aye. Ms. Gering thank you.

Accounts Payable

Ms. Gering, next approval of Accounts Payable. May accounts payable in the amount of \$238,562.01 and May 22, 2020 in the amount of \$59,466.60 and June 5, 2020 in the amount of \$77,716.63. Can I have a motion for approval? Ms. Rettig, I'll make the motion. Ms. Gering, second? Mr. Meyer, I'll second it. Ms. Gering, any questions? All in favor? ALL, aye.

Council Member Reports on Committees

Parks and Recreation Board

Ms. Gering Parks and Rec, Louise. Ms. Feder our meetings have been cancelled. Two things, summer planting have been done in town. It looks really pretty. Well done to Parks and Rec members. We have also learned the Winter Festival has been cancelled out of an abundance of caution due to COVID 19. Just as a reference Parks and Rec will not be planning anything for that event.

Shade Tree Commission

Ms. Gering, Shade Tree? Ms. McHugh, we didn't have any meetings in March and April but we did meet in May via zoom. Our tree inventory was completed in May. We are meeting tomorrow.

Finance Committee

Ms. Gering, Finance Committee, Dan, do you have anything? Mr. Dougherty not tonight. Thank you.

HARB

Ms. Gering, Ken do you have anything? Mr. Maisel, no meeting and no report.

Planning Commission

Ms. Gering Planning Commission, Peter? Mr. Meyer I will ask Ms. Tackett to take over. Ms. Tackett we had one topic for the Planning Commission to discuss. It was the discussion for alternative parking standards and valet parking standards. This ties in to Council repealing those standards last month, with the intention of revisiting them and improving them. We have a draft ordinance from the County Planner. Some items he put in there included established valet parking as a separate use and having it as an accessory use. We talked about the potential of reducing the proportion of required parking that could be satisfied by a fee on lieu or valet parking. Our old standards, someone could buy out their entire parking requirement. We discussed new development should not be given that item. Talking about new standards for valet parking and they don't have to go for a variance to have reduced stall size. Also blending valet parking with other existing uses so we are not ending up with parking lots in the Borough. There was good feedback and county staff was going to refine and bring back to the Planning Commission. Mr. Meyer under new business we discussed what could be done to improve for opportunities for shops and restaurants as we go from yellow to green. This includes closing Stockton between Ferry and Main. There was no real resolution to be provided to Council at this time. Is the correct Tracy? Ms. Tackett that is accurate.

Zoning

Ms. Gering I sit on the Zoning Hearing Board. We had the Raven parking lot and 79 Mechanic Street. Both were approved.

Manager Report

Ms. Gering, do we have a Manager's report? Mr. Gray, not at this time.

Solicitor Reports

Ms. Gering, do we have a Solicitor's report? Mr. Truelove, no, thank you.

Public Comment

Ms. Gering, do we have any public comment?

Mr. Gray, one hand raised, Kristen Donnelly. Ms. Donnelly Hi, Kristen Donnelly, 10 Old Mill Road. I want to thank Council, the Mayor, Police Chief and staff for the statement you released on Facebook. I think it was important to confirm our values as a community. I am grateful. I want to make you aware of a letter and petition from alumni of the school. I am not asking anything from Council, I am sharing it as community members or others on this call. To give this a read and consider signing it. Our Police Department is community oriented but I always wondered why there were never public reports about what happens with the police, unless they are and I am missing them. I know some things are covered in the press. I never see things covered at meetings. Just put up on line. If it does happen, let me know, and if it doesn't, I am wondering why. Ms. Gering thank you Kristen. Any other public comment? Mr. Gray we do have another hand, Mr. Edward Duffy. Ms. Gering go ahead, Ed. Mr. Duffy just out of curiosity, when you were talking about the Wine Run, and the next meeting they are going to is the 28th, the next meeting on the agenda is the 21st. Is that the meeting you are talking about? Ms. Gering yes, I was going to make an announcement we were moving the meeting from the 21st to the 28th. Mr. Duffy ok. Any update on the WAWA? Peter? Mr. Meyer WAWA owes us money. They are supposed to reimburse us for things. Until they provide what they owe us, we are not paying them. Mr. Dougherty I will not let that happen. Mr. Duffy where does the West Bridge Street project stand. Mr. Gray that project is in the works. It is scheduled for July 8. Mr. Duffy ok, that is good.

Announcements

Ms. Gering I am announcing the July 21st meeting is rescheduled until July 28th. Thank you for being cooperative. Any other comments from Council to make?

Mr. Gray there is one more hand for public comment. It is Kelly Whitman. Ms. Whitman thank you to the Council, Mayor and the Police for the strong statement they issued last Friday. It needed to be said. It was nice to see in a voice that was authentic to New Hope. I can echo on my street there was a lot of discussion Friday night on porches. Porches have been active, which is great. The community appreciated it. It generated a lot of discussion among my neighbors that there is a lot of work yet to do as a society and we need to participate. New Hope has an opportunity to lead on this. I enjoyed to see the Police Department being supportive of the community during the demonstrations. Chatting with marchers. Honking and waving in support of folks on the corners with signs on Main Street. That is what we want to see. I heard someone say what do police department look like ideally? They look like suburbs? I said they look like New Hope. With that said, I echo the call for more transparency and what ways can we step forward to help continue to lead and model? The webpage for the New Hope Police Department has a really exhaustive and strong statement of core values which I found impressive and would like to see amplified. Also, as a community member value a little more transparency from the New Hope Police Department, I think there is a lot that go on behind the scenes. More transparency in finding ways to identify guidelines and procedures and stronger policies to be adopted like Solebury and Doylestown, I would love to join in the effort. I want to thank the Police Department for being good community partners and the Council as well. Thank you, appreciate it. Ms. Gering do we have anyone else for public comment. Mr. Gray Mr. Duffy has his hand raised. Mr. Duffy I missed one thing. I don't see much of motorcycle noise enforcement going on in the Borough. They are getting out of hand on the weekend. They are getting carte blanche, noisemakers. Is

the Mayor there? Mayor Keller Well first of all, we have only been reopened for 10 days. We had parking completely closed off except 15 minute take out only, from about March 22, whenever that was implemented. We have not had many bikers in town. That is on the list. I have gotten calls for speeding on different streets. We have also had police officers deployed on Saturdays and Sundays in the last 2 months on South Main Street up to Bridge Street. Now the town is starting to open and is in yellow, and more bikes are coming in this is certainly on the list of top of the priorities we need to address in the police department. Overnight is not the answer, as people are taking out drinks throughout town. Lots of changes are happening. It is not something that can be addressed immediately. We are looking at all the issues that exist right now. Mr. Duffy I disagree with that, but ok. Mayor Keller sure, I am shocked Ed, I can't believe that. Mr. Duffy I am shocked you have an excuse. Mayor Keller that is not an excuse that is fact. Mr. Duffy no it isn't. They can do two things, I am done. Mayor Keller ok, thank you.

Adjournment

Ms. Gering, can I have a motion to adjourn? Mr. Dougherty, I will make that motion. Ms. Retting, second. Ms. Gering, all in favor? ALL, aye. Ms. Gering, it was great, stay safe out there. Meeting ended at 9:13 pm.