

BEFORE

NEW HOPE BOROUGH COUNCIL

In Re: Workshop Meeting

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MONDAY, JULY 6, 2020

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A public meeting was held at the Borough Municipal Building, 125 New Street, New Hope, Pennsylvania 18938, commencing at 4:05 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 Laurie McHugh  
 5 Ken Maisel  
 6 Peter Meyer  
 7 Louise Feder  
 8  
 9 Peter Gray, Borough Manager  
 10  
 11 ALSO  
 12 PRESENT: Chief Michael Cummings  
 13 Tracy Tackett, Borough Zoning Officer  
 14 Richard T. O'Brien  
 15 Keystone Municipal Services  
 16  
 17 Steven Olkowski  
 18 Borough Code Enforcement Officer  
 19  
 20  
 21  
 22  
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1 MS. GERING: Pete, can you do the roll.  
 2 MR. GRAY: Mr. Dougherty?  
 3 MR. DOUGHERTY: Here.  
 4 MR. GRAY: Ms. Rettig?  
 5 Ms. Feder?  
 6 MS. FEDER: Here.  
 7 MR. GRAY: Mr. Maisel?  
 8 MR. MAISEL: Here.  
 9 MR. GRAY: Ms. McHugh.  
 10 MS. McHUGH: Here.  
 11 MR. GRAY: Mr. Meyer?  
 12 MR. MEYER: Here.  
 13 MR. GRAY: Ms. Gering?  
 14 MS. GERING: Here.  
 15 MR. GRAY: Mayor Keller?  
 16 Also present tonight -- this afternoon  
 17 is Ms. Tackett, our zoning officer; Chief  
 18 Cummings; Richard Brian from Keystone; Steve  
 19 Olkowski also from Keystone.  
 20 MS. GERING: Thank you. First thing on  
 21 the agenda and, Pete, I'm going to let you take  
 22 it over is, a discussion on banners in town. And  
 23 that's been a little problem where we haven't had  
 24 a clear definition where merchants or residents,  
 25 I guess, will put a banner up and just leave it

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1 there. So the discussion is how do we want to  
 2 handle this, if we want to keep it for a short  
 3 time, do we want to, you know, have them file for  
 4 permits.  
 5 So, Pete, I'm going to let you take  
 6 that one. You might want to use the microphone.  
 7 MR. GRAY: Thank you. Back in early  
 8 part of the year, back in January, it was brought  
 9 to the borough's administration's attention that  
 10 there were some issues with the size of banners  
 11 within the borough. And my understanding is EJ  
 12 along with Ms. Tackett and Mr. Olkowski from  
 13 code. Were working on these issues to try to get  
 14 everything in compliance. I think there were 18  
 15 businesses that were identified that had issues  
 16 getting in compliance. And of the 18, I believe,  
 17 there are 13 that Steve was able to work with to  
 18 get up to speed and, you know, do the right thing  
 19 for them to work with the borough.  
 20 Unfortunately, COVID happened and after  
 21 that, everything kind of came to a standstill.  
 22 Back in May, Steve had noticed that the signs and  
 23 banners were starting to come up again. And  
 24 we're in a situation now where we have various  
 25 signs throughout the borough that are, you know,

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1 being shown and they can be a wide variety of  
2 signs that are on display. And I guess what  
3 we're looking to do is to see what council's  
4 consideration may want to be for these banners  
5 and signs moving forward, especially as we get  
6 through this COVID time period.  
7 I've asked Steve if you could identify  
8 some of the different signs and banners we've  
9 observed.  
10 MR. OLKOWSKI: Correct. And like I put  
11 them in two different categories. One, you know,  
12 stores or businesses putting up signage that is  
13 non-COVID related and COVID related signs. That  
14 can be as simple as Starbucks have, yes, we are  
15 open banner on the front or I believe it's the  
16 Mansion/Logan requiring the face masks. They had  
17 signs made about two foot high and attached it to  
18 the fence in there, 'cause I guess they're  
19 getting ready to reopen the Mansion -- or the  
20 Logan Inn, the Mansion.  
21 So they're the type of banners or signs  
22 that right now are hard to enforce because I  
23 don't want people to take COVID-19 signs down.  
24 So we just want to get come type of clarification  
25 on, you know, what we can enforce or how we do we

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1 enforce it or do we suspend enforcement until a  
2 certain date and time where then we can, you  
3 know, give fair warning to everyone saying, we're  
4 willing to work with you on these situations, but  
5 at a certain date to be specified, we expect all  
6 nonapproved signage to come down. So that's what  
7 we're looking at right now.  
8 MS. TACKETT: And I'll just add, part  
9 of, you know, what we were thinking is, since the  
10 borough has established the September 30th date  
11 for many of the businesses to be able to do some  
12 additional things, maybe we could just tie it to  
13 that day and just say -- you know, send out a  
14 letter basically saying the borough's not going  
15 to be enforcing these sign requirements until  
16 that date; but at that point you do need to be in  
17 compliance, but we were hoping that we could, you  
18 know, get some guidance from council and see if  
19 that seemed reasonable to you, you know, what  
20 your thoughts were.  
21 MS. GERING: I think that's a fair  
22 request. I mean, right now we're trying to be as  
23 accommodating as we possibly can to help the  
24 business communities to get them through these  
25 crisis. So I think that's fine, but I think the

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1 problem we were having prior to this, we actually  
2 had sign pollutions where people would put up the  
3 banner without the permit, then we'd give them 30  
4 days to take it down and then, you know, Steve  
5 would have to go back down. I think that's where  
6 the problem was and we have to give them, you  
7 know -- come up with some kind of direction or  
8 guidance how do we want to handle this as we move  
9 forward.  
10 MS. McHUGH: I agree. I think it's a  
11 good date. I think we should not enforce it till  
12 the end of September. I love your idea.  
13 MR. MAISEL: I just have a comment --  
14 MS. GERING: Use the microphone.  
15 MR. MAISEL: If the -- I can understand  
16 that we're open because they were previously  
17 closed and now they're open, but the people that  
18 have signs up that were in violation just because  
19 it was a restaurant and they just wanted to get  
20 an extra six or seven signs and they were back in  
21 default with the six or seven, should they be  
22 allowed to do that? I mean, it's a fine line  
23 between, hey we're open and you know, they might  
24 not realize it, versus another restaurant sign.  
25 I mean, the one points out to me is

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1 DiNapoli, I think it's a gross offender. I  
2 mean, should they be afforded the same, you know,  
3 consideration for these next three months and  
4 then have to go after them and have another 30  
5 days or 60 days before they pull down the four  
6 signs that should come down. And I don't know  
7 who the other violators, but I looked at your  
8 list and saw that. So that's some that I have.  
9 It's COVID related then you start getting in that  
10 fine line between what is a COVID-related  
11 distress sign versus, you know, no one's  
12 watching.  
13 MR. MEYER: Can I just throw up a  
14 little --  
15 MS. GERING: Go ahead. You're next.  
16 MR. MEYER: September 30th makes a lot  
17 of sense to me, but for example, we may want --  
18 given the way that things are going at this stage  
19 of the game and the way things stand, we may want  
20 to enable pretty much all of the shopkeepers to  
21 keep up the sign by the door that says, before  
22 you come in before you're wearing a mask and, you  
23 know, we could set a maximum size for that sign  
24 and let them continue that sign; but not the big  
25 PR signs. And I think there's a distinction

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1 there, I don't know whether that's too difficult  
2 to try and do in terms of content, but I was  
3 simply thinking in terms of some behavior that  
4 we're trying to encourage being still  
5 (indiscernible) that we're not going enforce on,  
6 even though there's one more sign than they're  
7 supposed to have per code.

8 MS. TACKETT: Right.

9 MR. MEYER: And I think that may be  
10 issue after September 30th, 'cause I'm not  
11 sufficiently confident that this is all going  
12 away.

13 MS. TACKETT: Sure. Well, and I think  
14 going back to your comment, it is tricky and it's  
15 a fine line. So, you know -- and given the  
16 limited staff resources, we may want to just give  
17 them a pass, but as Steve has suggested, this  
18 means issuing a letter to all the businesses  
19 explaining, we're giving you a pass until  
20 September 30th, but if you have violations, they  
21 need to be corrected on that date. And it kind  
22 of gives them two or three months to work on  
23 maybe getting applications in and getting things  
24 resolved without, you know, having, you know,  
25 compliance issues during that time.

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1 two giant flag -- those big flag signs up that  
2 are waving. If DiNapoli has three banner signs  
3 outside selling hoagies or whatever they're  
4 selling, we have pizza now and all this, that's  
5 not a fine line. I don't know why it's that  
6 hard. I don't know what we're doing. I  
7 understand that we're open and the mask signs, I  
8 you're in a fine line, that can go September till  
9 30, maybe -- it could be next February.

10 So if we just tell everybody you got  
11 till September 30th, you can do whatever you want  
12 by definition, the other 150 businesses who have  
13 not put signs out, every single one of them then  
14 could put a banner sign out that says diesel  
15 fuel, hoagies sold here, come and get -- you  
16 know, any product that they want and then we  
17 would therefore we could have 200 signs in town.  
18 I mean, if I were a business owner and I knew I  
19 could put anything up, I would definitely put it  
20 up, why not, it's free advertising. So I don't  
21 know, I don't think it's a fine line on most of  
22 this stuff.

23 MR. MEYER: But you just defined a line  
24 that is, I think, not a fine line and I think  
25 that's something that we can work which is, signs

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1 So it is definitely tricky and, you  
2 know, we can certainly look at the code, Peter,  
3 to look at your comment about, you know, maybe  
4 there's an exempt sign section that would allow  
5 us to just say, okay, you're allowed this mask --  
6 and maybe in the letter we state that. Maybe we  
7 say, as of September 30th, you can still keep  
8 this sign up, but the rest of your signage needs  
9 to comply. We can certainly do something along  
10 those lines.

11 MR. MAISEL: I would comfortable with  
12 identifying the ones that are up now that are --  
13 that would not be okay.

14 MS. TACKETT: Okay.

15 MR. MAISEL: We anticipate October 1st,  
16 because, who know, maybe we won't be past this,  
17 but I would (indiscernible).

18 MR. DOUGHERTY: My concern and I think  
19 some of these are fine lines and some are not. I  
20 mean, at the Lukoil station they have two large,  
21 15 foot flag signs on the corner of Sujan. One  
22 right -- 10 feet away from each other and it says  
23 diesel -- diesel fuel giant that says diesel and  
24 they're flapping, those are -- that's not a fine  
25 line, it's not COVID. It's just that they put

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1 that are advertising particular products that are  
2 not even acceptable, is I think where you're  
3 coming from.

4 MR. DOUGHERTY: Right. So maybe if  
5 we're open or welcome back or we're open, welcome  
6 back and/or hey --

7 MR. OLKOWSKI: Curbside pickup.

8 MR. DOUGHERTY: -- come with your mask,  
9 something like that. Something that has some  
10 allusion to the fact that there was break in time  
11 they were closed, now we're open, something, as  
12 opposed to diesel fuel and \$1 comic book sales  
13 this month, which is like -- you know. I don't  
14 know. That's my take on it.

15 MS. GERING: And I really don't think  
16 we need to go to the expense to send every  
17 business a letter out there. I mean, it's very  
18 clear. Kenny had signage done for the stores  
19 that talks about wearing a mask and, you know,  
20 making sure, you know -- what is it, one at a  
21 time? I don't remember what was on the signage,  
22 so it was passed down to all the businesses. So  
23 I don't think we need to go and send letters out  
24 to them. I think you just need to go to the ones  
25 that are really clear violations. I mean, for

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1 example, you've got the new jewelry store that  
 2 opened up on Bridge Street, it got the big banner  
 3 on the sidewalk that's flying there. That's a  
 4 violation right there, you know. So I think that  
 5 would be more clear-cut. That's just my opinion,  
 6 I don't know how everyone else is thinking about  
 7 that.

8 MS. FEDER: I just wanted to chime in  
 9 because I totally I agree with that. My concern  
 10 is less with echoing what everybody says here,  
 11 you know, anything that's about COVID, changes to  
 12 your business, that includes opening hours,  
 13 curbside delivery and safety guidance for going  
 14 inside, absolutely no problem. Where I get  
 15 worried about saying blanket banners okay till  
 16 September 30 because we had incidents of -- like  
 17 everybody saying, as far as signs popping up.

18 But also in like inflammatory signs  
 19 like Free New Hope popping up and I agree that if  
 20 a big letter goes out and says all banners are  
 21 fine until the fall, that's sort like of blank  
 22 check now's your time for getting whatever banner  
 23 you want up for the rest of the summer.

24 So I think it's more of a  
 25 (indiscernible ) situation that banners that are

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1 it to be a 30-day period.

2 MS. GERING: And that's a state  
 3 guideline, I guess?

4 MS. TACKETT: Yeah. Correct. I mean,  
 5 you can tell them to take it down in less time,  
 6 but they have 30 days to appeal your  
 7 determination. But in the case of DiNapoli, I  
 8 mean, you've already notified them. So they  
 9 slipped some of those signs back up.

10 MR. OLKOWSKI: They took them down.

11 MS. TACKETT: They took them down and  
 12 then put them back up. So, yeah, so I think that  
 13 one's probably a pretty easy one to go after.

14 MR. MEYER: But there's also, as I  
 15 understand, it means if we hand out notices  
 16 today, they have to be down by September 30th,  
 17 then they don't have 30 days after September 30th  
 18 because they've already gotten their notice now.

19 MS. TACKETT: Correct.

20 MR. MEYER: Okay. So we don't need to  
 21 worry about an extra 30 days after September  
 22 30th.

23 MS. TACKETT: That's only if we send  
 24 them a notice now.

25 MR. MEYER: Yeah, well I'm saying if we

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1 already approved by the guidelines that we have  
 2 applied as a borough. There's emergency banners,  
 3 right, because we're in emergency COVID times, so  
 4 that is absolutely fine. And then if there's a  
 5 gray area where it's just we have diesel because  
 6 of COVID, which is not -- we can certainly  
 7 discuss that.

8 MS. GERING: I think that's what it is  
 9 and there's no need to send letters, you know.  
 10 Excuse me if I sound so frugal, it's a cost  
 11 factor here and it's a clear sign anything  
 12 that's, you know, it's not related, you know,  
 13 they can't have their banners up. And that's,  
 14 you know, what needs to be enforced.

15 And we had a sign pollution problem all  
 16 along. I mean, you've done a great job cleaning  
 17 it up, so, you know -- I don't know, do we -- I  
 18 guess one of questions was I read through this is  
 19 before we used to give them 30 days to take down  
 20 their big banners, can we just make them take it  
 21 down immediately or how does that work, Tracy.

22 MS. TACKETT: So it's typically 30 days  
 23 when you have a violation. You have to give them  
 24 a period of time to be able to appeal your  
 25 enforcement notice and I think the MPC requires

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1 send out notices now saying we're not enforcing  
 2 them until September 30th or we expect them to be  
 3 down then, do we then have a 30-day or don't we?  
 4 I think that becomes a problematic question to me  
 5 anyway.

6 MS. TACKETT: Yeah, I mean, we'd  
 7 probably have to look at it more because we'd  
 8 have to send a specific violation notice. So it  
 9 probably still will be a 30-day requirement. So,  
 10 you know, and I think -- yeah. I mean, it's  
 11 tricky because you're right, I mean, if you send  
 12 out the letter, then it sort of allows people to  
 13 try to like push the limits with that. And, you  
 14 know, then the question is do we have a certain  
 15 number of signs per property that we're allowing  
 16 them to have and do we want to go down.

17 So it may make sense, like you're  
 18 saying, just -- just not enforce the COVID  
 19 related temporary signage at this point, focus on  
 20 the folks who have been in violation that we're  
 21 aware of and keep heading down that path and --

22 MR. OLKOWSKI: Yeah.

23 MR. MEYER: Does that give you -- does  
 24 that give you enough guidance?

25 MR. OLKOWSKI: It does. It does,

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1 because it -- you know, I don't wanna get into a  
2 situation where identify say DiNapolis and then  
3 DiNapolis turns and says, well, wait a minute,  
4 you know, Starbucks down at the corner has  
5 signage up, was that approved? But again, if we  
6 are specific on, you know, COVID related signs,  
7 yes, we are open, you know, curbside pickup; you  
8 know, we're back, whatever it might be. It could  
9 be explained that way and that's how I'll use  
10 that.

11 MR. MAISEL: I think the explanation  
12 is, is it promoting a product or service. I  
13 mean, I think being open is we're seeing that's  
14 outside the parameters of promotion basically.

15 MR. OLKOWSKI: Right.

16 MS. FEDER: So, Connie, is this  
17 something we can do by resolution where we can  
18 say that we resolve that COVID signs are okay  
19 during X?

20 MS. GERING: Well, I don't know. Do we  
21 really need to go do that? I think this needs  
22 more discussion because I'm going to go back to  
23 the banner topic, to get -- to put a banner up in  
24 the past, council's approved you putting the  
25 banner up. So I think that needs more discussion

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1 we're leaving it, that's -- it's fine.

2 MS. McHUGH: It's only for COVID-19  
3 ones?

4 MS. TACKETT: Right. Only for COVID  
5 related signs.

6 MS. McHUGH: If somebody puts up  
7 something --

8 MS. GERING: Well, no, if it says,  
9 "we're open", "curbside pickup". What we do want  
10 them to do is advertise their products.

11 MS. McHUGH: We need businesses to  
12 start making money and if they put up a sign  
13 right that they is going to help them, why should  
14 we go give them a hassle because it's not the  
15 right kind of sign? It doesn't say welcome back.

16 MS. GERING: Well, what's your example?

17 MS. McHUGH: I think we just don't  
18 enforce the signage until the 30th, not just  
19 COVID-19 ones.

20 MS. GERING: Well, you (indiscernible)  
21 polluted town of signs actually, that's just my  
22 opinion.

23 MS. McHUGH: September 30, I mean.

24 MS. GERING: Yeah, I mean, right now,  
25 you know, "we're open," "curbside pickup," "the

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1 because they're popping up banners and now we're  
2 giving them 30 days to take them down. Well,  
3 they were never approved to put a banner up, so I  
4 think this is where we need to look into, you  
5 know, do we have to pass something that it's  
6 mandatory for them to take it down because  
7 they're in violation, they never had approval,  
8 you know, so I think that's where the discussion  
9 is.

10 MR. GRAY: So maybe we should have  
11 further discussion on this, maybe we could  
12 revisit our ordinance and make some edits to the  
13 ordinance.

14 MS. GERING: Yes, let's take a look at  
15 that, because, like I said, up till now, you have  
16 to have a permit, so all of a sudden, they're  
17 popping up and then we'll still giving you 30  
18 days, but you never got a permit. So let's take  
19 a look at that and then we can continue this.

20 MS. McHUGH: So that's just on the  
21 actual process of banners, but what if we decided  
22 that -- listen, these businesses have been shut  
23 down for three months, I think the last thing  
24 they need is to be hassled by us over a sign.

25 MS. GERING: No, no, we just decided

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1 patio's open in the back," I think no one's going  
2 to question that, you know, but if you said, oh,  
3 right know we're selling, you know, fruity tooty  
4 cocktails or something like that, you know.

5 MS. McHUGH: But that's going to help  
6 their business, shouldn't we -- I thought the  
7 whole idea of reopening New Hope was to help them  
8 make as much money as they can, make up for it.

9 MR. DOUGHERTY: There comes a point  
10 where the visual pollution gets to a point that  
11 collectively it actually works in the opposite  
12 way to destroy the quaintness of the town to --  
13 at some point. So if every single has "we sell  
14 hoagies here," "we sell pizza slices here," every  
15 food product up and down the street plus every,  
16 you know, hamburger 9.99, you know, every single  
17 store has a sign, that doesn't improve -- I don't  
18 think -- I think that it starts to tilt the other  
19 way people where people who think -- will then  
20 think of it as a honky tonk and then and then  
21 nobody's gets the business. I guess that's the  
22 whole -- I hear you, Laurie.

23 MS. McHUGH: You know, it's only for  
24 two months, it's not like it's -- I agree, I hate  
25 banners. I think everyone should all have one

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1 little uniform sign.  
 2 MR. DOUGHERTY: I mean, I don't know  
 3 what's right.  
 4 MR. MAISEL: I hear you Laurie, but I  
 5 think it's also a lot of undoing from us too  
 6 because a lot of stuff is going to take us months  
 7 to undo, I think, after the fact.  
 8 MR. DOUGHERTY: I don't know what the  
 9 right answer is. So I think Laurie's got a good  
 10 point, why should as a governmental entity be  
 11 hyper-concerned about optics of the bucolic  
 12 nature of the building on the one hand, but then  
 13 in the next thing we have 30 empty storefronts.  
 14 And I don't know what the right balance is.  
 15 MR. MAISEL: I understand, but it comes  
 16 down to constant abusers, that's the issue I'm  
 17 talking about. So that should be taken out of  
 18 the equation right, you know. The one that was a  
 19 abusing it and, you know, that they -- this was  
 20 signage that they're just like the luck of the  
 21 draw, I mean, I don't know.  
 22 MS. TACKETT: This is exactly why we  
 23 needed to come here and get some guidance,  
 24 because I mean, we kind of been around and around  
 25 with a lot of issues you're talking about here.

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1 a temporary approved by the borough to identify a  
 2 borough community public service or other special  
 3 events. So we could pass something that was  
 4 blankety, if you will, that said if it relates to  
 5 the reopening, COVID, new store hours, curbside  
 6 pickup, I'm trying --  
 7 MS. TACKETT: Well, that's actually a  
 8 good point. Maybe at your next meeting --  
 9 MR. DOUGHERTY: Up to a size of two  
 10 feet by four feet.  
 11 MS. TACKETT: Maybe try to put  
 12 something --  
 13 MR. DOUGHERTY: Not 60 feet by four  
 14 feet.  
 15 MS. TACKETT: Right, that you would  
 16 give a blanket approval for certain banners with  
 17 certain messages and size.  
 18 MR. DOUGHERTY: Up to two by four.  
 19 MS. GERING: So, Pete, can you put  
 20 something together and then we can pass that at  
 21 the July meeting and that will give you more  
 22 direction?  
 23 MR. MEYER: That can also include the  
 24 business about limits on how many people come in  
 25 or masks, stuff that's next to the door, that's

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1 And it is tricky and I mean, honestly when --  
 2 before COVID hit and Steve was starting to get  
 3 enforcement, the advantage of fewer signs and  
 4 nicer signs is you aren't -- there isn't the  
 5 visual clutter, you actually see the signs that,  
 6 you know, direct you to these businesses as  
 7 opposed to getting lost in all of the chaos. So,  
 8 you know, like you said, I mean, there's pros and  
 9 cons either way, but, you know, Steve needs  
 10 direction when he's out there as to, you know,  
 11 what he should be doing for the next couple  
 12 months.  
 13 MR. DOUGHERTY: Well, currently the  
 14 ordinance is the direction.  
 15 MS. TACKETT: What's that?  
 16 MR. DOUGHERTY: What I'm saying is the  
 17 ord -- currently the ordinance is -- there's an  
 18 ordinance.  
 19 MS. TACKETT: There is an ordinance  
 20 absolutely, but that would mean that Steve goes  
 21 out and tells them to take everything down, every  
 22 banner --  
 23 MR. DOUGHERTY: No, but it says, I just  
 24 read it here, this is what it says: It says: Any  
 25 banner, da, da, da, da, which is -- except where

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1 mounted next to the door, no larger than X size  
 2 that can satisfy the problem that we may have  
 3 after September 30th.  
 4 MS. FEDER: Anything that relates to  
 5 the emergency as, again, relates to you accessing  
 6 that store, right? That's opening hours, how  
 7 many people inside, masks, et cetera.  
 8 MR. OLKOWSKI: Yeah, and that helps,  
 9 again, with the enforcement. I can't do  
 10 selective enforcement and say, I'm coming after  
 11 you, but they're okay. So this helps me out  
 12 tremendously.  
 13 MS. TACKETT: Yeah, so that sounds  
 14 great. That way, you know, it's covered because  
 15 you issued a permit, right, for a certain period  
 16 of time and then Steve has some clear guidance.  
 17 MR. DOUGHERTY: I wouldn't say, but  
 18 you're not allowed to advertise your product on  
 19 there, because rather than make it negative, like  
 20 what you're not allowed to do, say provided that  
 21 the sign does this -- you know what I'm trying to  
 22 say? We don't want to get into nuances like,  
 23 well, how about our new hours are such and such.  
 24 Well, then are you allowed to put happy hour on  
 25 there and people will push the envelope. You're

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1 going to have use some discretion, but I don't  
 2 know.  
 3 MS. GERING: Well, Pete, you got your  
 4 project now. All right. Any more discussion on  
 5 this before we move on?  
 6 ED DUFFY: I can't talk, right?  
 7 MS. GERING: I'm sorry. Ed, did you  
 8 have a question?  
 9 ED DUFFY: Ed Duffy, New Hope. How's  
 10 everybody doing? There's the lawn signs that pop  
 11 up near the Cannon all the time. It could be  
 12 from one to three signs --  
 13 MS. GERING: Yes.  
 14 ED DUFFY: -- sticking in the Cannon.  
 15 MS. GERING: Steve's aware of them and  
 16 we know who the offenders are.  
 17 ED DUFFY: And because they become a  
 18 hazard sometimes because they're far enough you  
 19 just, you know, stop there, you know, you're  
 20 peering around them, so you're on -- what about  
 21 the sandwich signs? Sometimes they can be a  
 22 hazard depending on location and the narrowness?  
 23 MS. GERING: Well, we have a  
 24 discussion, they've been a problem all along.  
 25 ED DUFFY: I mean, not all of them

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1 about doing away with foods trucks entirely, as  
 2 it could become a legal issue.  
 3 In this draft ordinance, it does  
 4 restrict the food trucks from operating only on  
 5 private properties within the borough. We can  
 6 also restrict it to not be allowed on certain  
 7 roadways within the borough and maybe these  
 8 private properties may be considered only on  
 9 locations such as a school or a shopping center  
 10 or maybe a private parking lot. We would also  
 11 have a regulation for permitting. They'd have to  
 12 fill out an application and provide insurance and  
 13 a permit fee. So we did get a draft ordinance  
 14 for your consideration to talk about.  
 15 MS. GERING: Can we also add to that,  
 16 we had -- I guess I don't know if this would go  
 17 along with it. We had little vans pull up on  
 18 Main Street selling balloons and kids toys, could  
 19 that also be part of it to eliminate them?  
 20 MR. GRAY: We did talk about them as  
 21 well and we suggested if we were going to go that  
 22 route, which we can do, maybe have that as part  
 23 of an amendment to the parking ordinance  
 24 disallowing those type of commercial activities  
 25 from occurring within the borough.

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1 because they're in an okay place, but there's  
 2 certain ones where they squeeze the people down.  
 3 MS. GERING: All right. Thank you.  
 4 ED DUFFY: That's it.  
 5 MS. GERING: All right. Next, we're  
 6 going to have a discussion about the food trucks.  
 7 I had received a call, I guess it was about a  
 8 month ago that the -- they wanted to put food  
 9 trucks in the Playhouse parking lot. The  
 10 Dockertys (phonetic) had an interest to do that.  
 11 And then, of course, we had the problem with  
 12 Fran's Pub having their food truck in the front  
 13 and then parking it where they -- the sign where  
 14 their tables are. So I guess the discussion is,  
 15 do we as a borough want to allow food trucks  
 16 parked on our streets and our parking lots and  
 17 what's the feel from council as we move forward.  
 18 Pete, do you have anything to add to  
 19 that?  
 20 MR. GRAY: Yes. Recently the chief,  
 21 myself, Ms. Tackett and a representative of the  
 22 solicitor's officer worked on a draft ordinance  
 23 to have for borough's consideration. A draft  
 24 ordinance that was prepared regulates food  
 25 trucks. The solicitors office had a concern

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1 MS. GERING: Okay.  
 2 MR. MEYER: That would be separate from  
 3 this particular ordinance.  
 4 MS. GERING: All right. It's open for  
 5 discussion. Council, what's your feel on the  
 6 food trucks?  
 7 MR. DOUGHERTY: I think we would be  
 8 going into a territory of unknown consequences is  
 9 my general take on it. I tried to read much of  
 10 this. I know we could -- I know there's --  
 11 sounds like there's legal reasons why we cannot  
 12 -- where you may not be successful in saying thou  
 13 shalt not, none of them are permitted, means,  
 14 that I think that people could sue us if we said  
 15 none are permitted. They'd have to obtain  
 16 counsel and they'd have to sue us is my  
 17 understanding.  
 18 MR. GRAY: Something along those lines.  
 19 MR. DOUGHERTY: Something along those  
 20 lines. So I think we might trying to fix a  
 21 problem that does not exist. There's an entity  
 22 that's asked for a food truck, that we then want  
 23 it regulate it this way, my concern is, frankly,  
 24 that some of the stuff we're seeing in here, it  
 25 looks like the ordinance could be considered

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1 drafted to the benefit of the individual  
 2 organization that asked for the food truck. So  
 3 we say oh, it's got to be on private property.  
 4 Well, who else -- who else except the entity  
 5 that's asked for the food truck, has private  
 6 property where they can put a food truck and  
 7 drive a food truck on to it? Larry Panzica  
 8 can't, you know, there's dozens of businesses in  
 9 town. There's only a few that have private  
 10 property where they have a big parking lot that  
 11 they'd be willing to give up and put out  
 12 (indiscernible).

13 So then we got this thing where we're  
 14 basically allowing one or two or four entities to  
 15 have food trucks, the other 25 restaurants in  
 16 town now have somebody selling hamburgers for  
 17 5.99, et cetera. I don't know. To me, it seems  
 18 like we're putting -- we're fixing a problem or  
 19 creating a new system if we did this. I'm not  
 20 saying all the particulars are good or bad, it  
 21 looks very well thought out, but it seems to me  
 22 that to regulate something that does not yet  
 23 exist, to try to get ahead of it, I understand  
 24 the purpose of that, but I think also we might be  
 25 creating a monster that we don't know the

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1 bring in a food truck is increase that number of  
 2 eateries. I don't think that we're doing any of  
 3 the mass of restaurants in town any favors by  
 4 doing that. As a matter of fact, I think we may  
 5 be hurting them.

6 I also don't understand and I guess  
 7 this is -- and I'm thinking about what I know of  
 8 the borough code, that the borough cannot exclude  
 9 certain types of businesses and that the zoning  
 10 ordinance has to provide for all the different  
 11 kinds of business that may be legally  
 12 permissible. I don't think that this constitutes  
 13 a new kind of business. This is a business like  
 14 any other eatery. And in that sense, I think  
 15 that we're on pretty solid legal grounds,  
 16 obviously I'm not an attorney; but I would think  
 17 that we're on pretty solid legal grounds in  
 18 saying, no food trucks, period. And I'd be much  
 19 more inclined to do that, let somebody trying to  
 20 sue us over it, then to try and legislate  
 21 something where we are not sure what we're  
 22 legislating this point.

23 And I certainly agree with inequality  
 24 issue that Dan has just raised in terms of just  
 25 benefiting potentially certain eateries at the

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1 implications of. And the Playhouse gets a food  
 2 truck, the Logan Inn gets one behind it's place,  
 3 now there's five food trucks in town, but the  
 4 other 95 restaurants don't have any place to put  
 5 a food truck. I don't know, that's my take on  
 6 it.

7 MR. MEYER: Let me to add that.  
 8 MS. GERING: Go ahead. Can you speak  
 9 into the microphone. I can't hear you, Peter.

10 MR. MEYER: All right. Let me add to  
 11 that a little bit, because I'm very much in  
 12 agreement with Dan on this one, on several  
 13 levels. Let me start by pointing out that we  
 14 have, as a council, raised questions more than  
 15 once about the fact that if anything, we have too  
 16 many eateries in town in terms of their ability  
 17 to survive. If you go back to the directions  
 18 that we had over what was going to happen at the  
 19 Mansion Inn, we sort of encouraged them to think  
 20 more in terms of rooms rather than restaurant  
 21 seating. And there's been a number of these  
 22 kinds of things that we looked at what we're  
 23 going to deal with is in fact almost an over  
 24 supply of eateries. And all that we'd be doing  
 25 by creating an ordinance that permits somebody to

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1 expense of others, and this private property  
 2 point. The other side of the private property  
 3 point is, don't we as a borough have an interest  
 4 in keeping as many of the available parking  
 5 facilities open as parking facilities for  
 6 visitors and the more we permit food trucks on  
 7 those parking lots, the fewer parking spaces we  
 8 have in town, we're just simply going to  
 9 exacerbate that problem.

10 MS. GERING: Yeah, that's -- thank you.  
 11 Go ahead, Tracy. I know you wanted to  
 12 speak.

13 MS. TACKETT: Yeah, I'm sorry. So I  
 14 didn't have a chance to do a full review of this  
 15 relative to the zoning ordinance and a few things  
 16 did sort of raise concerns. This is separate  
 17 chapter from zoning as it's written. And I think  
 18 we do have some conflicts with this in the zoning  
 19 ordinance and I just haven't had a chance to  
 20 really look at it. So I guess I would, you know,  
 21 say, maybe, you know, give us some direction on  
 22 your thought, like Peter is saying and maybe we  
 23 can kind of revisit. Because I believe, and I  
 24 also have to take a look at historically, how  
 25 zoning has been applied to these uses. It was

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1 suggested to me that they've been treated as  
2 accessory uses on commercial properties, which  
3 aren't permitted; but we also have a temporary  
4 use section in our zoning ordinance and maybe we  
5 can tweak that to include some language for food  
6 trucks that might bring the decisionmaking to you  
7 if one wanted to come into the borough or  
8 something along those lines.

9 So we may be able to get to your  
10 concerns maybe in a different way, but I just  
11 haven't -- and I apologize, Peter, I didn't get a  
12 chance to fully look through this.

13 MS. GERING: I agree with you.

14 MS. TACKETT: But just glancing through  
15 it, I just had some concerns.

16 MS. GERING: Right. I think my -- and  
17 this is just me speaking, my concern is, I don't  
18 want to see food trucks parked on Main Street,  
19 you know, catering to .99 hamburger or whatever.  
20 We don't have the facilities for these people to  
21 eat and use afterwards for just one, plus we need  
22 our parking. I think what I'd like to see, just  
23 personally, is a lot of food trucks for special  
24 events, for example, if they're at the high  
25 school or at the Eagle Fire Department for a

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1 food trucks during the car show or the arts and  
2 crafts that's my mindset is we would give them a  
3 special permit to do, but not a regular basis.

4 MR. MEYER: We've had those food trucks  
5 in the past.

6 MS. GERING: I'm sorry?

7 MR. MEYER: And we have had those food  
8 trucks in the past up at the high school.

9 MS. GERING: No. Arts and crafts does  
10 not allow -- well, they do, but they can't have  
11 generar -- there's a whole complicated stuff with  
12 that.

13 MR. MEYER: Car show definitely has.

14 MS. GERING: Yeah. So anyway, does  
15 that help you out there get some guidance.

16 MS. TACKETT: I think so.

17 MR. OLKOWSKI: Yeah, absolutely. We'll  
18 go back to the drawing board and see what we can  
19 get to.

20 MS. GERING: Great. Thank you.

21 Next one is the resolution to increase  
22 parking rates for the meters. This is something  
23 the parking committee has been working on for a  
24 couple of years and Laurie is chair of that  
25 committee.

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1 special event, but I personally wouldn't want to  
2 see food trucks in town any other way. I don't  
3 know how the rest of the council feels about  
4 that.

5 MR. DOUGHERTY: I'm sorry to go off on  
6 this, but I think frankly a food truck approach  
7 -- this may sound, this kind of goes in the  
8 opposite direction of what the visitors we want.  
9 I don't think our residents are necessarily going  
10 to utilize the food trucks. So I think they're  
11 then -- our visitors might, which if you say the  
12 visitors might, I think instead of having someone  
13 come here to shop, sit down, dine and see a play,  
14 it turns it into more of the boardwalk visitor,  
15 which is a visitor who comes, parks, eats  
16 something walking down the street.

17 MS. GERING: No, I agree.

18 MR. DOUGHERTY: I mean, which is not --  
19 which is not at all, I don't the target -- the  
20 target clientele that we're looking for  
21 especially with everything that's going on where  
22 people could just grab food and eat it while  
23 they're walking.

24 MS. GERING: My only thought was, let's  
25 say we've got the car show, they want to bring in

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1 You want to go on with that one,  
2 Laurie.

3 MS. McHUGH: Yeah. So I've made a  
4 couple parking presentations over the last couple  
5 months. I had something short prepared for  
6 tonight, but we are having technical  
7 difficulties. So basically what we want to do is  
8 increase -- the current rate for parking right  
9 now is .25 for 20 minutes and that's in effect  
10 for 11 hours out of the day 7 a week from 10 a.m.  
11 to 9 p.m. So if somebody was going to pack all  
12 day, the full day of parking is \$8.25.

13 So we're proposing to raise that to .50  
14 for 20 minutes, same hours would be in effect.  
15 And that would raise a full day of parking to  
16 \$16.50. Now, all the private parking lots in the  
17 borough charge up to \$20 per night. And good  
18 parking practices imply that street parking  
19 should always be more than private parking lots.  
20 Now, this doesn't make it more, but it gets us  
21 closer to that point.

22 MR. DOUGHERTY: Say that last part  
23 again. The street should be what? I'm sorry.

24 MS. McHUGH: Be more than private  
25 parking.

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1 MR. DOUGHERTY: So under a normal state  
 2 of affairs, the kiosks would cost more than  
 3 Triumph's parking lot.  
 4 MS. McHUGH: Correct. Yeah, in a  
 5 perfect world. At every parking seminar we've  
 6 been to, that's the first thing they say.  
 7 MS. GERING: Yeah, because right now  
 8 Union Square where Triumph is charges 1.50 an  
 9 hour; the PNC parking lot is \$4 an hour; the  
 10 Playhouse is, I think, 4 also; but then they go  
 11 to --  
 12 MR. DOUGHERTY: The Playhouse is how  
 13 much?  
 14 MS. McHUGH: They're \$3 an hour, the  
 15 Playhouse or \$40 all day.  
 16 MS. GERING: So the idea is to bring  
 17 our parking a little bit up to where it needs and  
 18 I guess part of that reasoning, when we started  
 19 way back was, before what we're in right now, the  
 20 goal was to utilize the extra revenue towards a  
 21 garage that we're in desperate need of building,  
 22 of doing infrastructure costs; but right now this  
 23 year, I think we might need that money to just  
 24 balance our budget.  
 25 MR. DOUGHERTY: I'm sorry. Connie, the

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1 account for inflation.  
 2 Any discussion from council or any  
 3 questions?  
 4 Because we -- now, Pete, we have to  
 5 advertise this?  
 6 MR. GRAY: No, this is a resolution  
 7 this can be voted on at this time.  
 8 MS. GERING: Okay. So we would vote on  
 9 that at the next meeting.  
 10 MR. GRAY: Oh, we could do it, it's a  
 11 resolution, it's now not an ordinance.  
 12 MS. GERING: I thought we had to vote  
 13 it at the meeting.  
 14 MR. GRAY: Maybe that's --  
 15 ED DUFFY: You can't vote in here.  
 16 MR. MEYER: We generally --  
 17 MR. DOUGHERTY: Historically we do not  
 18 vote at the work session unless it's absolutely  
 19 necessary.  
 20 MS. GERING: Okay.  
 21 MS. FEDER: So I don't have any  
 22 questions about the raise of the hour by hour. I  
 23 was curious if the ordinance actually also  
 24 affects the same areas that it did in 2010, so  
 25 residential permit only or the rate --

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1 first was 1.50 an hour, where was that?  
 2 MS. GERING: I'm sorry. Union Square,  
 3 it's 1.50 an hour.  
 4 MR. DOUGHERTY: So it's 1.50 an hour  
 5 Union Square; \$4 an hour for PNC; \$3 an hour at  
 6 Playhouse and we're .75?  
 7 MS. GERING: Correct.  
 8 MR. MEYER: And Lambertville's 1.50.  
 9 MR. DOUGHERTY: What was that?  
 10 MR. MEYER: Lambertville --  
 11 MR. DOUGHERTY: They're 1.50?  
 12 MR. MEYER: -- they're 1.50 an hour.  
 13 They were .75 an hour and then they went up, I do  
 14 remember the last time it was 1.50.  
 15 MR. DOUGHERTY: It's hard to tell from  
 16 this ordinance, but the history here it looks  
 17 like the .25 for 20 minutes, this was signed in  
 18 2010. Do you know if that .25 for 20 minutes was  
 19 prior to 2010 also? Or did it become -- I think  
 20 that's when it became .25, I vaguely remember  
 21 something like that, so it's been 10 years --  
 22 MS. GERING: Correct.  
 23 MR. DOUGHERTY: -- since we increased  
 24 it.  
 25 MS. GERING: Correct. We did not

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1 MS. GERING: Your residential permit  
 2 will still be \$25, we're not touching that. It's  
 3 just the meter parking.  
 4 MS. FEDER: I was just curious how many  
 5 -- just because this is first time in 10 years  
 6 we're taking a look at parking rates, if it made  
 7 sense to look at all of the areas -- right?  
 8 Because if you raise the permit -- if you raise  
 9 the hourly rate, then the \$10 rate that you can  
 10 pay as a resident to bag a meter and suddenly it  
 11 change --  
 12 MS. GERING: That was changed to \$25.  
 13 MS. FEDER: That was --  
 14 MS. GERING: Yeah, we changed that a  
 15 couple months back.  
 16 MS. FEDER: And then I was curious  
 17 about how many people utilize the residential  
 18 parking?  
 19 MS. GERING: I'm sorry. Which one?  
 20 MS. FEDER: How many people utilize the  
 21 residential parking for the resident's permit?  
 22 MS. GERING: We just heard that number  
 23 in finance committee. I don't remember the exact  
 24 number. At this point, we're not looking to  
 25 raise the residents' permits. We want you to

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1 come in and park for your \$25.  
 2 MS. FEDER: I think I'm just curious  
 3 using that of how many people are actually using  
 4 that. It doesn't matter for right now, just  
 5 curious.  
 6 MS. GERING: It was an increase from  
 7 last year is all we know. Residents parking  
 8 there was an increase this year.  
 9 MS. FEDER: Okay.  
 10 MS. GERING: Any other questions?  
 11 All right. We'll move on to any public  
 12 comment?  
 13 Well, meeting's adjourned -- oh, I'm  
 14 sorry, Mr. Ed go ahead. You got to go to the  
 15 microphone, keep your mask on. You're not  
 16 getting away with it.  
 17 ED DUFFY: Ed Duffy, New Hope. I don't  
 18 think that people get the \$25 permit would have a  
 19 problem bumping up a little bit because that's  
 20 the world's greatest value, if you use it. You  
 21 know, the parking permit 25 bucks.  
 22 MS. GERING: Well, you know what, the  
 23 idea right now all the revenue that comes in is  
 24 from tourists and that's the park for the  
 25 residents and I personally right now think we

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 3  
 4 **CERTIFICATE**  
 5  
 6  
 7  
 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.  
 14  
 15  
 16  
 17 **TARA WILSON, C.R.**  
 18  
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1 should leave that alone, maybe a later date we  
 2 can address that. But the fact is that we're a  
 3 tourist town and let's get our revenue from the  
 4 tourists that utilize our town instead of the  
 5 residents.  
 6 ED DUFFY: Sold.  
 7 MS. GERING: They'll come into town for  
 8 \$25 a year, okay. Thank you.  
 9 Anyone else?  
 10 All right. Meeting adjourned.  
 11 (Meeting concluded at 4:49 p.m.)  
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