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2 NEW HOPE BOROUGH COUNCIL
3 BUCKS COUNTY, PENNSYLVANIA
4 - - -
5 AUGUST COUNCIL MEETING
6 - - -
7 NEW HOPE BOROUGH COMMUNITY ROOM
8 123 NEW STREET
9 NEW HOPE, PENNSYLVANIA 18938
10 - - -
11 TUESDAY, AUGUST 16, 2022
12 COMMENCING AT 7:00 P.M.
13 - - -
14 BOARD MEMBERS PRESENT:
15 CONNIE GERING - PRESIDENT
16 TINA RETTIG
17 DANIEL DOUGHERTY
18 LOUISE FEDER
19 KENNETH MAISEL
20 - - -
21 ALSO PRESENT:
22 LAURENCE KELLER - BOROUGH MAYOR
23 PETER GRAY - BOROUGH MANAGER
24 JOHN FENNINGHAM, ESQ. - BOROUGH COUNCIL SOLICITOR
25 MARK LABRUM, ESQ. - BOROUGH COUNCIL SOLICITOR
26 MICHELE FOUNTAIN - BOROUGH ENGINEER
27 MARY STOVER - ZONING OFFICER
28 MICHAEL CUMMINGS - CHIEF OF POLICE
29 CHRISTINA SZABO - BOROUGH TREASURER
30 MATTHEW DECKER - AUDIO/VIDEO TECHNICIAN

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2 PRESIDENT GERING: I would like to call
3 the meeting to order. If everybody can stand up for the
4 Pledge of Allegiance.
5 Thank you. Pete, if you can take roll.
6 MR. GRAY: Certainly. Ms. McHugh?
7 Ms. Rettig?
8 MS. RETTIG: Here.
9 MR. GRAY: Ms. Feder?
10 MS. FEDER: Here.
11 MR. GRAY: Mr. Maisel?
12 MR. MAISEL: Here.
13 MR. GRAY: Mr. Meyer? He is not here.
14 Mr. Dougherty?
15 MR. DOUGHERTY: Here.
16 MR. GRAY: Mayor Keller.
17 MAYOR KELLER: Here.
18 MR. GRAY: Ms. Gering?
19 PRESIDENT GERING: Here. Matt, how many
20 people are online?
21 MR. DECKER: Nine.
22 PRESIDENT GERING: Thank you.
23 John, if you can make your announcements
24 before we go to the Mayor's report.
25 MR. FENNINGHAM: Counsel met with me in

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2 executive session preceding this meeting to discuss the
3 Union Square status in terms of confidential mediation
4 results that are still ongoing.
5 PRESIDENT GERING: Thank you very much.
6 Mayor Keller.
7 MAYOR KELLER: Sure. About three weeks
8 ago I think it was, we had -- two or three weeks ago we
9 had a convention with the annual Chiefs of Police
10 Convention and it was in the Poconos. And it was there
11 that we had been fortunate enough to receive the
12 accreditation from the Pennsylvania Chiefs of Police
13 Organization and Association and it was a great event.
14 And at that event I met a gentleman by the
15 name of Jim Adams and Jim is the -- he had offered to come
16 here and speak, which I think it is worth everybody
17 hearing of what we accomplished, how we accomplished it,
18 what is entailed in it rather than having me or the Chief
19 constantly talk about it.
20 So he is here and he is the program manager
21 for the Pennsylvania Law Enforcement Accreditation Program
22 and he is here. He was a police officer for probably 40,
23 42 years with the Upper Allen Township, I believe it was,
24 police department.
25 So he has been in this for many, many years

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2 and he is the program manager and I would just like him to
3 come up and if we can welcome him and let him say a few
4 words and talk about New Hope Police Department and what
5 we did.

6 MR. ADAMS: Thank you, Mayor. I appreciate
7 the opportunity to come before you this evening. I will
8 only take a couple minutes of your time. I apologize to
9 the people in the back of the room that I turn my back to
10 you and you're just as important as Borough Council this
11 evening to understand a little bit about what your police
12 department accomplished.

13 And as your Mayor mentioned, we had not
14 only our Pennsylvania Chiefs of Police Annual Conference
15 but also as part of that we had the Pennsylvania Law
16 Enforcement Accreditation Commission Summer Meeting where
17 one of many things on our agenda was a review --

18 MAYOR KELLER: You can hold that if you
19 want, Jim.

20 MR. ADAMS: Is it on? Maybe if I just hold
21 it. Don't worry, I won't break into singing or anything.

22 But anyhow, a part of that was the
23 accreditation commission meeting and on the agenda was a
24 presentation by the assessment people team leader that
25 spent two days with the team here evaluating your police

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2 to the 125 standards and all of the bullets. Also look at
3 all of the proofs, they actually do ride along with your
4 police officers while they are here, sit down and have a
5 closed door conversation with your Chief and command staff
6 and sometimes they pull in some representatives of the
7 municipality.

8 So what does that all mean? Well first of
9 all let me back up a little bit. There is approximately
10 -- and certainly your Mayor or your Borough Manager would
11 know the exact number, probably 950 plus or minus boroughs
12 in the Commonwealth of Pennsylvania.

13 And your Chief asked me to speak this
14 evening -- just a quick look, we probably have about 20
15 borough police departments accredited, yours being one of
16 them. We have about 150 municipal police departments in
17 the Commonwealth of Pennsylvania, about 142 of them, one
18 of those is your Borough police department, accredited.
19 That means you're in the top 13 percent of the police
20 departments in Pennsylvania. Right in there with
21 Pennsylvania State Police, Pennsylvania Attorney General's
22 Office of Criminal Investigation Division is an accredited
23 agency, Philadelphia Police Department. You rank right up
24 there with the best of the best in the Commonwealth of
25 Pennsylvania. It is quite an accomplishment.

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2 department.

3 There is a lot that leads up to that. When
4 the decision was made by your Chief and I am sure with the
5 support of Borough Council to work on accreditation, the
6 first thing that happens is they do a self-assessment. We
7 have 125 standards, 125 best practices that a police
8 department has to comply with; write policy, write
9 procedures, special operation orders to comply with those
10 125 standards.

11 And actually embedded within those 125
12 standards some of those have what we call bullets or
13 sub-standards. So the bottom line is they have about 370
14 best practices that their policies and procedures actually
15 cover.

16 That is the first step to do that
17 self-evaluation and write policies and procedures but then
18 also they have to over the course of 12 months before an
19 assessment team shows up, is to make sure that they have
20 what we call proofs of compliance. Because it is not just
21 policy, it is also being able to prove to the assessors
22 that all of the officers and the agency is actually
23 complying with all of those standards.

24 Then we sent a team of three assessors to
25 come in and go through your policy manuals, compare them

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2 So it is not just a sticker program. Now
3 that you are accredited, every year a very detailed annual
4 report has to be submitted to my office that they have to
5 attest that they are continuing to comply with all of the
6 standards.

7 And let me just give you one example.
8 Sometimes I get asked what is some of the value of being
9 accredited? Well if you go back about a year and a half
10 when there was a lot of police reforms coming to light, a
11 couple of our state representatives came up with the 8
12 Can't Wait Initiatives that they propose all police
13 departments in the Commonwealth of Pennsylvania should
14 immediately adopt their 8 Can't Wait Initiatives as far as
15 best practices.

16 They could have saved a little egg on their
17 face because all accredited agencies in the Commonwealth
18 of Pennsylvania already had those 8 Can't Wait Initiatives
19 embedded in their policy, not just recently but for many
20 years and were already doing what they came up with.

21 So anyhow it puts police departments ahead
22 of the game. The other thing it does too, it shows that
23 your police department, your police chief actually
24 understands risk management. Studies show and they
25 compare accredited agencies with similar size and

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1 non-accredited agencies, the number of civil suits filed
 2 dramatically dropped to the accredited agencies. And when
 3 there is a civil suit the payouts are much less.
 4 Why is that? It is because they are
 5 already complying with best practices and policies have
 6 already been reviewed and they can prove that their
 7 officers are complying with their policy.
 8 I can go on and on this evening talking
 9 about accreditation and the benefits but I am sure you
 10 have other things on your agenda you want to get to, but
 11 let me just close this before I actually publicly present
 12 your police chief with the accreditation certificate.
 13 If you go to the public Pennsylvania Chiefs
 14 of Police website, it is pachiefs.org, and you open up
 15 their home page there is an accreditation tab. We have
 16 the entire 125 standards all listed there. Any of you can
 17 go and see what the standards are that your police
 18 department is now complying with.
 19 You can -- also there is a lot of
 20 frequently asked questions. There is a ton of information
 21 about what accreditation is in the Commonwealth of
 22 Pennsylvania. So I encourage you if you have an interest
 23 in -- or reach out to your police department, reach out to
 24 your accreditation manager, they are a wealth of
 25

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1 information because they have been through it and they now
 2 understand accreditation. And if all else fails, my
 3 contact information is on there. I will talk to anybody
 4 about accreditation.
 5 So again Mayor, Council, I appreciate you
 6 allowing me to take a couple minutes. And if I may, I
 7 would like to publicly bring the police chief and any one
 8 else as far as the elected officials, with your
 9 Pennsylvania Law Enforcement Accreditation Commission
 10 official accreditation certificate.
 11 Chief, congratulations. Mr. Mayor,
 12 congratulations. Thank you very much.
 13 CHIEF CUMMINGS: Real quick I just wanted
 14 to say that -- want to thank the Council for joining in
 15 with me on this -- this endeavor. It was a long time --
 16 something I wanted to do for a while. I think it makes us
 17 better.
 18 So I want to thank you for publicly
 19 supporting us with the money we need to do this. I wanted
 20 to thank Corporal Tremblay, she was my accreditation
 21 manager. She did the bulk of the work. It was a lot of
 22 work that she had to do so she was like my right hand
 23 person and made this happen and the rest of the officers
 24 here. The team, everybody jumped on board with this.
 25

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1 There was nobody that was against it.
 2 Some departments -- they have had those
 3 issues where the department doesn't want to go this way
 4 but it was a wonderful experience for me and I think that
 5 your police department is now much better. Thank you.
 6 PRESIDENT GERING: Congratulations.
 7 CHIEF CUMMINGS: People behind the scenes
 8 that helped this -- sometimes forget about but public
 9 works was able to do the physical plan changes that we had
 10 to make in order to be accredited. We had to change our
 11 holding area and we had to take a wall out, had to change
 12 doors, we had to install cameras. All of these things
 13 were done by public works. Thank you.
 14 PRESIDENT GERING: Thank you and
 15 congratulations everybody.
 16 Next on the agenda is a zoning application
 17 for 186 North Main Street. Mr. Cohen.
 18 MR. COHEN: Good evening. All right. Paul
 19 Cohen with Curtin & Heefner here representing the
 20 applicants, Eugene and Gayle Albert, the owners of 186
 21 North Main Street. And as you have probably seen, the
 22 application is relatively straightforward.
 23 They are in the process of adding an
 24 addition on their home, preserving the existing structure
 25

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1 and adding an addition essentially to allow them to age in
 2 place in the house and expand the first floor space.
 3 Mrs. Albert is limited a bit in her
 4 movement so they were looking to expand the area in the
 5 home. And as they were going through the project and
 6 recently on review of the project, determined that the
 7 impervious surface after construction is going to be
 8 slightly over the allowable amount.
 9 They have made substantial efforts to
 10 reduce the impervious on the lot going as far as actually
 11 reducing the size of the inground pool that was already
 12 existing in an effort to try and bring the number into
 13 line. But at this point in time, as set forth in the
 14 application, the impervious surface which is currently
 15 slightly over the 40 percent permitted is at 40.37 percent
 16 and they are asking for impervious surface ratio of
 17 44.81 percent.
 18 So we will be appearing before the Zoning
 19 Hearing Board in the near future. And if you have any
 20 questions, my client is here to answer them. Otherwise we
 21 would just like your input.
 22 PRESIDENT GERING: Any questions or
 23 comments from Council?
 24 MS. RETTIG: Did you say that they made
 25

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 2 the pool smaller? They actually physically already went
 3 through and reduced?
 4 MR. COHEN: That is correct.
 5 And also removed -- there are certain other
 6 areas of impervious surfaces, walls throughout the lot
 7 that were eliminated just to try to bring that number
 8 down.
 9 MR. DOUGHERTY: That was going to be my
 10 question. On the driveway, is that impervious as well?
 11 PRESIDENT GERING: People can't hear.
 12 MR. DOUGHERTY: So it was going to be my
 13 question; the driveway, the circular driveway, is that
 14 impervious now?
 15 MR. COHEN: It is impervious. We did
 16 inquire about the possibility of replacing some of the
 17 driveway area with pervious pavers but after discussing
 18 that with the Borough, we were told that that would not
 19 qualify, it would still be considered impervious.
 20 MR. DOUGHERTY: Okay. Thank you. I was
 21 going to suggest that.
 22 PRESIDENT GERING: Any other questions
 23 from Council? Any one from the public?
 24 All in favor of staying neutral?
 25 MS. FEDER: Aye.

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 2 MR. DOUGHERTY: I will second it.
 3 PRESIDENT GERING: Any comments from
 4 Council? Any comments from the public? You must be the
 5 owner of 7.
 6 MR. BRUCK: Yes.
 7 PRESIDENT GERING: All in favor?
 8 MS. FEDER: Aye.
 9 MS. RETTIG: Aye.
 10 MR. DOUGHERTY: Aye.
 11 MR. MAISEL: Aye.
 12 PRESIDENT GERING: Aye. Good luck with
 13 your sign.
 14 MR. BRUCK: Thank you very much.
 15 PRESIDENT GERING: Next is the Certificate
 16 of Appropriateness for 11-15 Canal Street, replacing a
 17 retaining wall.
 18 Is any one here from Canal Street? Yes,
 19 come on up.
 20 Canal is the condos on --
 21 MR. DOUGHERTY: I have a technical
 22 question. Do they have an address of Canal Street? Is
 23 there such an address?
 24 MR. KENNEDY: It is 11-15 Canal Street.
 25 MR. DOUGHERTY: Are these the ones more on

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 2 MS. RETTIG: Aye.
 3 MR. DOUGHERTY: Aye.
 4 MR. MAISEL: Aye.
 5 PRESIDENT GERING: Aye. Opposed? Good
 6 luck.
 7 MR. COHEN: Thank you everyone.
 8 PRESIDENT GERING: Next is the Certificate
 9 of Appropriateness of 30 West Bridge Street for a sign
 10 installation.
 11 Can I have a motion for approval?
 12 MR. MAISEL: I will make that motion.
 13 MS. RETTIG: Second it.
 14 PRESIDENT GERING: Any comments from
 15 Council? Any from the public?
 16 All in favor?
 17 MS. FEDER: Aye.
 18 MS. RETTIG: Aye.
 19 MR. DOUGHERTY: Aye.
 20 MR. MAISEL: Aye.
 21 PRESIDENT GERING: Aye.
 22 Next Certificate of Appropriateness for 7
 23 East Bridge Street for sign installation.
 24 Do we have a motion for approval?
 25 MS. RETTIG: I will make the motion.

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 2 the creek side?
 3 MR. KENNEDY: Correct.
 4 MR. DOUGHERTY: Otherwise they are
 5 Mechanic Street.
 6 MR. KENNEDY: Yes.
 7 MR. DOUGHERTY: Thank you.
 8 MR. KENNEDY: This is the overall product
 9 here.
 10 PRESIDENT GERING: If you can take the
 11 microphone.
 12 MR. KENNEDY: I'm sorry.
 13 PRESIDENT GERING: Identify yourself for
 14 the court stenographer and then use the microphone please
 15 because it is really hard for people to hear you in the
 16 back.
 17 MR. KENNEDY: So my name is Dennis Kennedy
 18 from Gilmore & Associates. We are the engineer for the
 19 Canal Street retaining replacement wall project.
 20 You can see on the poster board what our
 21 proposed solution is.
 22 Just to give kind of a short breakdown of
 23 the project, around this time last year Hurricane Ida
 24 destroyed portions of the existing retaining wall along
 25 the Aquetong Creek that is causing erosion of the stream

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 2 bank getting close to the actual condos.
 3 So we are proposing to replace the existing
 4 damaged retaining wall with this Verti-block wall system.
 5 PRESIDENT GERING: Any comments from
 6 Council?
 7 MS. RETTIG: Is what you have up there in
 8 our packets as well?
 9 MR. KENNEDY: Yes.
 10 MS. RETTIG: I am trying to find out what
 11 is that second picture, the one due center up top, the
 12 middle picture.
 13 MR. KENNEDY: This here?
 14 MS. RETTIG: Up top.
 15 MR. KENNEDY: This is an example of a
 16 finished product. That is an example of a finished
 17 product.
 18 MS. RETTIG: I am looking at that saying
 19 that is not what it looks like.
 20 MR. KENNEDY: Again that is an example of
 21 what it will look like at the end. Same with the left
 22 most picture across the end.
 23 PRESIDENT GERING: So you're using the
 24 stone pavers to reconstruct the wall?
 25 MR. KENNEDY: So they are actually blocks,

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 2 Wolstenholme from the --
 3 PRESIDENT GERING: If you can use the
 4 microphone. I'm sorry about that. I found that it is
 5 very hard for people in the back to hear you.
 6 MR. VanLUVANEE: I thought I was speaking
 7 right into it. I will hold it a little closer.
 8 PRESIDENT GERING: Thank you.
 9 MR. VanLUVANEE: Thank you. John
 10 VanLuvanee, I am the attorney for the owner of 76 North
 11 Main Street. With me tonight to make a presentation to
 12 the extent one is necessary, John Wolstenholme from
 13 Wolstenholme Associates who has made presentations the
 14 last three times this project has appeared before HARB.
 15 We were here as Council may recall, on
 16 July 19th I think it was. And at that point there was a
 17 suggestion that HARB had not approved the rooftop terrace
 18 and the hot tub use. You sent us back to HARB where
 19 Mr. Wolstenholme made a presentation on August 2nd at
 20 which time the HARB made a recommendation to Council for
 21 approval of the project as submitted in its entirety I
 22 believe was the word that they used at the meeting.
 23 And you have -- I have seen the packet of
 24 material that Council has seen. We are certainly not
 25 going to go all the way through that, it has been -- six

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 2 kind of think of them as being big Legos. They stack on
 3 each other and you fill them with stone at the end as you
 4 go along you're building your wall.
 5 PRESIDENT GERING: Thank you. Any other
 6 comments from Council? Any comments from the public?
 7 All in favor?
 8 MS. FEDER: Aye.
 9 MS. RETTIG: Aye.
 10 MR. DOUGHERTY: Aye.
 11 MR. MAISEL: Aye.
 12 PRESIDENT GERING: Aye. Opposed?
 13 Good luck with your wall.
 14 MR. KENNEDY: Thank you.
 15 PRESIDENT GERING: Next is 76 North Main
 16 Street for a Certificate of Appropriateness for -- to
 17 finalize plans, material for a deck.
 18 Can I have a motion for approval?
 19 MR. DOUGHERTY: I will make that motion.
 20 PRESIDENT GERING: Second?
 21 MR. MAISEL: Second.
 22 PRESIDENT GERING: Thank you. Yes, you're
 23 up.
 24 MR. VanLUVANEE: Thank you. John
 25 VanLuvanee, 76 North Main Street. With us tonight is John

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 2 presentations have been made to HARB since 2020 when this
 3 project was first submitted.
 4 We obtained a variance from the Zoning
 5 Hearing Board for a slight variance for the building
 6 height. At this point the plan was reviewed in the Spring
 7 by your Zoning Officer and you got a clean bill of health
 8 from the zoning standpoint. We need no additional
 9 variances.
 10 We have a clean recommendation by four to
 11 one I believe it was from HARB for approval of the plans
 12 and if you have questions, we will be happy to go through
 13 the presentation but I know you have other things on your
 14 agenda. So you tell us.
 15 We have Mr. Wolstenholme who is prepared to
 16 go through the entire presentation. I think you have all
 17 of the pictures and you have seen the history. The
 18 history is substantially correct as far as the meetings
 19 that we attended. Not entirely correct as far as what
 20 HARB recommended but HARB recommends that the project be
 21 approved in its entirety.
 22 PRESIDENT GERING: You want to start, Dan,
 23 or should I?
 24 MR. DOUGHERTY: I just had a structural --
 25 in the past I have seen whereby -- I know that HARB

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2 meetings -- minutes are taken -- are made from the HARB
3 meetings; is that correct, Mr. Gray?
4 MR. GRAY: Yes, it is correct.
5 MR. DOUGHERTY: They are not verbatim
6 minutes, is that correct? They are basically minutes in a
7 sense that they are summary highlights?
8 MR. GRAY: Many times that is correct.
9 MR. DOUGHERTY: They are not -- we
10 discussed this and we kept moving this and this was
11 discussed, doesn't list all of the 17 items that were
12 discussed although there are 20 things here that we are --
13 sort of the reason why I am going here, in the past I have
14 seen applicants say that this was completely discussed in
15 HARB and HARB voted four/zero or something but there is no
16 documentation of that.
17 So if I had my druthers, Madame President,
18 I would suggest that we see the presentation but I would
19 ask the applicant to give a flavor of how long that
20 presentation would last.
21 MR. VanLUVANEE: Mr. Wolstenholme made the
22 presentation on April 5th, we appeared here for I would
23 say an hour and a half, two hours, maybe longer than that
24 in April.
25 And then we came back again after we came

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2 The April 5 meeting for example was not. Since that time
3 I have made sure that I had a stenographer present at each
4 of the HARB meetings.
5 MR. DOUGHERTY: Would you be willing to
6 share those -- the transcriptions with Council so --
7 MR. VanLUVANEE: Ultimately if requested.
8 I am told that is not a point that Council --
9 MR. DOUGHERTY: What I am trying to say is
10 in the past certain applicants will have said that they
11 have made great points that say that that was something
12 that was very detailed and talked about in HARB to sort of
13 have Council feel that it is perfectly okay because it was
14 completely covered, and then other things that Council
15 sort of says well was that covered, that was -- so we
16 don't -- I am trying to find definitiveness as to what of
17 the 20 things you asked for that day, the 20 things in
18 here, if each and every one of those things were covered
19 and did HARB -- I am trying to determine the quality of
20 the HARB vote, if you will. So that I can say okay, its
21 been fully vetted and so would you be willing to give us
22 the transcript?
23 MR. VanLUVANEE: We don't have the
24 transcription of the August 2nd meeting.
25 MR. DOUGHERTY: Is that the only one that

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2 to Council and Council suggested that the HARB motion had
3 been made subject to approval of the hardware and the
4 incidental materials of that nature. We went back then --
5 rather than come to Council, we went back to HARB in May.
6 Mr. Wolstenholme presented again for probably an hour plus
7 or minus, a little less than that meeting and they
8 unanimously approved the materials.
9 After that meeting then we were waiting to
10 be put on the agenda and we went back again to the HARB on
11 June 7th for another meeting.
12 MR. DOUGHERTY: Of August?
13 MR. VanLUVANEE: August 2nd, I am sorry.
14 And after being here on July 19th -- and that one I didn't
15 attend, so John --
16 MR. WOLSTENHOLME: It was an hour and a
17 half presentation and we do have a -- transcribed where
18 all of the meeting minutes were established, I went
19 through all pages of the exhibits and reconfirmed that all
20 board members did indeed review --
21 MR. DOUGHERTY: So the transcription
22 you're describing, did you create one or was the meeting
23 transcribed? You used the word transcribed.
24 MR. VanLUVANEE: Many of the HARB meetings
25 are attended by a stenographer, some of them were not.

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2 was transcribed or were previous ones transcribed as well?
3 MR. VanLUVANEE: April 5 we were told that
4 the meeting would be transcribed by the Borough -- by the
5 stenographer retained by the Borough so I did not bring my
6 stenographer. The stenographer for the Borough did not
7 show up, so you have no record for that hearing.
8 Subsequently I believe we had transcripts
9 -- we have transcripts of the May meeting, we have
10 transcripts of the August 2nd meeting. That one is still
11 being prepared because it was just a couple weeks ago.
12 Again I was told that there was no stenographer present
13 for the Borough at that meeting.
14 PRESIDENT GERING: Let me tell you, they
15 were sent back to HARB after our June meeting, not July
16 meeting. They were sent to the HARB for review because on
17 their approval they were asking for a rooftop deck but
18 when they submitted their application for HARB approval,
19 it was never on there that they were putting a deck with a
20 hot tub, it was only their design that was shown.
21 So we sent them back to HARB and that is
22 what they are here for now because I did attend the
23 August 2nd meeting and the discussion was that they were
24 putting a deck and this is a rooftop deck with a hot tub
25 and that is where the heated discussion became after our

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 2 June meeting.
 3 MR. VanLUVANEE: We -- to make it clear,
 4 we did not ask for a Certificate of Appropriateness for a
 5 rooftop deck or hot tub because neither is within the
 6 jurisdiction of HARB because they are not visible from a
 7 public way and they are not also covered in your design
 8 guidelines. Neither one is covered.
 9 MR. DOUGHERTY: Design guidelines from
 10 probably about 1966, I don't think people had hot tubs and
 11 decks but they didn't have decks. They didn't have hot
 12 tubs.
 13 MR. VanLUVANEE: July 9th, 2015.
 14 MR. DOUGHERTY: Okay. They are newer than
 15 that. They are the ones that we found --
 16 PRESIDENT GERING: John or --
 17 MR. DOUGHERTY: So they don't cover -- they
 18 also don't cover stripper poles for example so --
 19 MR. VanLUVANEE: A stripper pole is --
 20 MR. DOUGHERTY: It doesn't mean you can
 21 have a stripper pole; right, John?
 22 MR. VanLUVANEE: You can have a stripper
 23 pole inside your house. You can have it in your garage,
 24 if it is not visible from a public way. That is clear.
 25 HARB's jurisdiction is limited and the Act pursuant --

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 2 which HARB was created says right there that if you can't
 3 see it, it is an architectural feature visible from a
 4 public way. That is the jurisdiction.
 5 MR. DOUGHERTY: I agree with you a hundred
 6 percent.
 7 MR. VanLUVANEE: If the hot tub and the
 8 rooftop terrace are not visible from a public way, they
 9 are not within the jurisdiction of HARB. That was the
 10 discussion -- we had that discussion in April but you had
 11 no transcript so we went back as directed and that was
 12 Mr. Wolstenholme's presentation and Mr. Maisel was there.
 13 And my understanding is even the members of
 14 HARB debated as to whether their motion should
 15 specifically reference the hot tub and rooftop terrace and
 16 it is my understanding that the motion was made to approve
 17 the project in its entirety and not to put specific
 18 language in reference to the terrace or the hot tub.
 19 Is that correct, John?
 20 MR. WOLSTENHOLME: That is correct because
 21 they deemed at the August 2nd meeting that they concurred,
 22 as they did at the two prior HARB meetings, that because
 23 it was not visible from any public right of way that it
 24 was not in their jurisdiction.
 25 PRESIDENT GERING: I need a legal opinion.

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 2 Is the river not considered a public right of way since it
 3 is heavily used?
 4 MR. FENNINGHAM: The Delaware River is a
 5 public right of way under the HARB consideration.
 6 MR. VanLUVANEE: The rooftop terrace and
 7 the hot tub are not visible from the river.
 8 PRESIDENT GERING: They are visible from
 9 the river.
 10 MR. VanLUVANEE: No, they are not.
 11 MR. WOLSTENHOLME: They are not visible
 12 from the river.
 13 MR. DOUGHERTY: Is the bridge in
 14 Lambertville -- from New Hope to Lambertville -- this
 15 address is 76 North Main, which isn't that far off Main
 16 Street. When I traverse the bridge I look to the right
 17 and I can see many of the backs of those homes. 76 -- now
 18 I don't have -- that is why -- I don't have an image of it
 19 right now. I am trying to figure -- visualize if I am on
 20 the bridge, would I be able to see this hot tub?
 21 MR. VanLUVANEE: You're not going to be
 22 able to see the hot tub. And if you would like, I can go
 23 through the presentation I had presented to HARB to
 24 demonstrate the reason why you would not.
 25 PRESIDENT GERING: Excuse me. John,

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 2 comment?
 3 MR. FENNINGHAM: I just wanted to make a
 4 clarification. In the HARB Ordinance Section 10-5 the
 5 definition of structure includes the word deck and decks,
 6 so it is not an issue of jurisdiction and it is an issue
 7 of determining whether the structure is or is not visible
 8 from a public right of way.
 9 MR. VanLUVANEE: One further clarification
 10 --
 11 PRESIDENT GERING: My understanding is a
 12 deck is ground level, not rooftop. That is the HARB
 13 guidelines but that is not what you are doing.
 14 MR. VanLUVANEE: That is correct.
 15 MR. DOUGHERTY: What is correct?
 16 MR. VanLUVANEE: It is correct that a deck
 17 is defined in Section 6.21 of the guidelines as a wood
 18 deck visible from a public way and it says it is not
 19 recommended. There is no discussion in the guidelines
 20 regarding the type of rooftop terrace that we are
 21 proposing in this project.
 22 PRESIDENT GERING: So you're calling it a
 23 rooftop terrace or deck with a hot tub but --
 24 MR. VanLUVANEE: It is not a deck.
 25 MR. DOUGHERTY: So it is a rooftop

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2 terrace, it has a railing around it I would imagine. So
3 for -- ostensibly for someone looking visually at the
4 thing -- the difference between looking at a deck that has
5 people standing on it and a railing around it versus a
6 rooftop -- a patio -- a rooftop area with -- I think it is
7 the same thing. Just because it happens to be placed on
8 top of a building versus jutting out the side of the third
9 floor, I don't think that that makes any difference
10 visually and that is what we are actually talking about
11 here is the visual appearance of this.

12 So to go back to my original question, will
13 the terrace, if you want to call it a terrace at this
14 point, be visible with the hot tub?

15 PRESIDENT GERING: Can we give them
16 another microphone?

17 MR. DOUGHERTY: Would that be visible from
18 the New Hope to Lambertville Bridge as people traverse it
19 either on foot or in their vehicles?

20 MR. VanLUVANEE: Mr. Wolstenholme can
21 clarify that but all you will see is the -- what he will
22 describe is that which surrounds that area so that you are
23 not going to be able to see any portion of it.

24 MR. DOUGHERTY: So what we were just
25 informed of is that this terrace will not be able to be

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2 hot tub itself?
3 MR. WOLSTENHOLME: Yes. If you're
4 referring to the hot tub cover, I will walk through that
5 as well.

6 So I will start with President Gering's
7 question from the river first just because I have that
8 sheet up to be able to present.

9 Okay. So sheet number 15 in our exhibit
10 and the name of it -- I will move it a little more so I
11 can see it. I apologize. So it is our exhibit proposed
12 east elevation D and the date is May 3rd, 2022.

13 That exhibit is what we had presented at
14 the June meeting and also the August 2nd meeting and is
15 referenced in the meeting minutes that the Borough had put
16 out. So this elevation is the one that is foremost
17 visible from the river, which is the consolidation --

18 MR. VanLUVANEE: I believe it is page 59
19 in your packet. You have the same packet that I was sent.

20 MR. WOLSTENHOLME: 59.

21 MR. DOUGHERTY: Thank you. So at this
22 point I am in a kayak directly in front of that building?

23 MR. WOLSTENHOLME: Correct.

24 So the surface of the water is about ten
25 feet lower than on grade from -- for the river to grade.

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2 seen from the public right of way, is that what we were
3 told?

4 PRESIDENT GERING: Put it in there and
5 take the whole microphone.

6 MR. DOUGHERTY: Can I ask that question
7 again of you? Were we just told that that terrace will
8 not be able to be seen from the right of way? Can I get
9 an answer to that?

10 MR. WOLSTENHOLME: That is correct.

11 MR. DOUGHERTY: It will not be --

12 MR. WOLSTENHOLME: Not visible from the
13 right of way. I will demonstrate --

14 PRESIDENT GERING: Can it be seen from the
15 river?

16 MR. WOLSTENHOLME: No, it cannot.

17 PRESIDENT GERING: If I am kayaking down
18 the river or going -- driving a boat, I will not be able
19 to see your hot tub or people playing in the hot tub?

20 MR. WOLSTENHOLME: That is correct. And I
21 will walk through and I will try not to touch the
22 microphone to demonstrate that.

23 PRESIDENT GERING: Thank you.

24 MR. MAISEL: Before you start your
25 demonstration, does that include the cover as well as the

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2 So as presented at the HARB presentation in
3 August, what we had followed is the guidelines identified
4 under 6.2.1, they are permitted.

5 MR. DOUGHERTY: And this is a deck?

6 MR. WOLSTENHOLME: We call it a terrace.
7 And we will get out of the semantics of deck versus
8 terrace for right now. The roof area that can be walked
9 upon I will call it as -- such as that.

10 It says they are permitted when carefully
11 designed to be integral into the overall design of the
12 residence. So that is what we had done with the elevation
13 of the structure, is the side walls of the roof area have
14 a parapet on them that up in height you will see a dash
15 line, it calls out the roof deck height at 91-foot
16 9 inches. That is above sea level.

17 And we refer to a roof deck, especially in
18 commercial construction, as the metal B deck that is on
19 top of the structure. So just for reference. So that is
20 the flat area of the roof that you will be able to walk
21 on.

22 MR. DOUGHERTY: This is the deck.

23 MR. WOLSTENHOLME: We call it a roof
24 terrace.

25 MR. DOUGHERTY: The plans have the word

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2 deck on it.
3 MR. WOLSTENHOLME: That is what I was just
4 describing.
5 MR. DOUGHERTY: So it is a deck. Terrace
6 to me is usually a ground level off a doing room, a
7 terrace and patio furniture. This is a deck that is
8 elevated in the sky. Let's go to the third floor terrace,
9 I don't think too many people use the word terrace for
10 third floor deck but that is okay.
11 MR. WOLSTENHOLME: I was just going to say
12 we can argue that, that is why I think it is semantics.
13 We are all agreeable it is a surface that you can walk on.
14 So that surface is down lower and that is
15 why it is not visible. It is integral within the design
16 of the structure.
17 The design at the mezzanine of the meeting
18 hall, the mezzanine is about four feet from the front
19 surface of the wall that is at the back of the mezzanine.
20 So from your vantage point looking up at that structure
21 you're not able to see the lower portion of that door or
22 the doorknob.
23 And so if you were to position yourself and
24 use the reference of a kayak, if you were even ten-foot
25 lower than the surface of the property, that trajectory

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2 that you're visually looking up, you will never see that.
3 PRESIDENT GERING: We are not going to see
4 that walking surface?
5 MR. WOLSTENHOLME: You will not see the
6 roof terrace, roof deck, roof platform, whatever we want
7 to call the structure, the flat roof area, you will not
8 visually be able to see.
9 MR. DOUGHERTY: Because effectively there
10 is a -- say -- I don't know, a 42-inch solid wall.
11 MR. WOLSTENHOLME: That is correct.
12 MR. DOUGHERTY: So the angle is --
13 MR. WOLSTENHOLME: The trajectory of your
14 viewshed would ensure that you would never see it.
15 MR. DOUGHERTY: You might see heads
16 sticking out.
17 MR. WOLSTENHOLME: You will see the upper
18 part of anybody.
19 MR. DOUGHERTY: They could sit in a chair
20 or a hot tub but now can we go back to the bridge?
21 MR. WOLSTENHOLME: I'm sorry.
22 PRESIDENT GERING: Go ahead.
23 MR. DOUGHERTY: I think I am satisfied
24 that you can't see the hot tub from the river in a kayak.
25 PRESIDENT GERING: I will tell you what I

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2 have a problem with, you have a house smack in the heart
3 of the historic district.
4 MR. WOLSTENHOLME: Correct.
5 PRESIDENT GERING: And you're doing a
6 rooftop hot tub like you would be if you were at the
7 Jersey Shore. Okay. And I personally -- I am one voice
8 on Council, I really find that distasteful. I think
9 putting a hot tub on there -- you already have a swimming
10 pool there. You have got lots of property, you have got
11 lots of approvals for it and now you're putting a hot tub
12 on the roof and it is in the historic district.
13 Now I know HARB approved it but HARB is an
14 advisory board. And unfortunately I think that they
15 neglected to preserve the character of the area that --
16 that is what they are supposed to be doing. That is my
17 thinking.
18 Go ahead. Any one else?
19 MR. MAISEL: I wanted to ask one question.
20 Ironically the river level -- you could walk across the
21 river these days, it is like three feet or four feet.
22 What is the calculation for the river
23 height when you say that you can't see it? How is that
24 calculated?
25 MR. WOLSTENHOLME: Okay. Well today we

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2 were using a ten-foot elevation delta from grade to the
3 river itself but if you're even standing at the rear of
4 the property, not even in the river but if you were
5 standing at the rear of the property -- once again using
6 the example of the mezzanine at the back of the meeting
7 hall, because you can't see the lower portion of the door,
8 you cannot see the surface area of the mezzanine. I would
9 treat the roof structure the same exact way. And that is
10 why I ensure you that you will never see that surface and
11 that is why HARB contended that it was not in their
12 jurisdiction for that reason.
13 Going one step further with that is the
14 door and the wall are somewhere between three feet and
15 four feet back from the parapet on the mezzanine behind
16 us, the hot tub is about 12 feet back from the surface of
17 the parapet.
18 Once again that trajectory that
19 Mr. Dougherty was talking about earlier, the further back
20 that that structure is, the less visible it is unless you
21 get up into a drone or something like that where it would
22 be visible.
23 MR. DOUGHERTY: I appreciate that. We
24 also have a vast history in New Hope of the hot tub is
25 12 feet back and six to eight months or a year and a half

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2 later it is sitting at the edge of that roofline so that
3 the people in the hot tub can stare at the river.
4 At 12 feet back it is -- the same math
5 works, the people in the hot tub that are 12 feet back
6 from the railing also can't see the river. They might be
7 able to see the distance but clearly if you're in a hot
8 tub you want the hot tub as close to the rail as possible
9 so you can experience the full vista of the river.
10 So within a year -- not in this case of
11 course, but within a year we have found that such promises
12 that it is 12 feet in the back, and what do we have to --
13 we have been burned probably about -- well 50 times in my
14 recollection of whereby a commitment was made by a
15 developer or a builder or a contractor or an architect
16 that says well this will be hidden from view and a few
17 years -- next thing you know it is not hidden.
18 Our recourse is to cite them and starts --
19 then it becomes that is not what we really meant. A lot
20 of that kind of talk that our approval didn't require you
21 to keep the hot tub 12 feet back. We get a lot of that
22 because we get a lot of attorneys coming here so I am just
23 letting you know that.
24 So I don't really -- the 12-foot back from
25 the edge doesn't really -- doesn't float my boat.

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2 MR. DOUGHERTY: Thank you. That was a
3 sincere question.
4 MS. RETTIG: I am fine with the deck, not
5 a hot tub.
6 PRESIDENT GERING: Comments from the public
7 before we make a decision? Jay?
8 MR. FREEO: Jay Freeo, 186 South Main
9 Street, New Hope.
10 This is kind of a heated issue for me
11 personally as to what goes on top of roof decks and that
12 is -- and I just wanted to point out a few things with
13 respect to the HARB guidelines and then this project in
14 particular.
15 New Hope's historic architecture is
16 probably the greatest single resource that we have. To
17 paraphrase the HARB guidelines, it is our responsibility
18 to preserve, protect and respect the architecture with
19 designs that are in harmony with and enhance the historic
20 character of the town and the historic district and
21 improve the quality of life of the neighbors and the
22 community and not just of the owner/occupant of the
23 proposed project.
24 This high profile, high exposure rooftop
25 deck with hot tub, assuming it is still there -- and when

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2 MR. VanLUVANEE: Let me just ask this
3 question, is the hot tub the issue? Is that the only
4 issue?
5 MR. MAISEL: Yes.
6 PRESIDENT GERING: That is the issue.
7 MR. VanLUVANEE: If I told you my client
8 will agree to remove the application as presented with the
9 -- provided the -- subject to the condition that the hot
10 tub would be eliminated from the plan, would you approve
11 that?
12 If you did, I have authority to tell you
13 that we will take the hot tub off the plan.
14 MR. DOUGHERTY: Can I ask a legal --
15 PRESIDENT GERING: Yes.
16 MR. DOUGHERTY: This is -- usually I
17 always have the answer to a question but I really don't
18 know the answer to this, John.
19 Is that something that as a Council -- are
20 we permitted to entertain a quid pro quo that -- I don't
21 truly know what we are allowed to do in a situation like
22 this. I just want to find out.
23 MR. FENNINGHAM: If the applicant is
24 decreasing the application, not increasing the application
25 and presents it to you, you can approve that this evening.

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2 I went to the April 5th meeting there was the glass
3 guardrail around it, I don't know if that has changed.
4 And other amenities which are sure to follow, is neither
5 compatible with nor sensitive to the character of the
6 historic district and only serve to create a wow factor
7 more consistent with a hotel or an inner-city residential
8 high rise tower with zero lot line.
9 This roof deck, if approved, will be
10 unregulated in terms of utilization. And based on the
11 loading of 40 pounds per square foot, which is what you
12 mentioned in the April 5th meeting, the roof deck can
13 accommodate approximately 150 occupants, only serving to
14 enhance the quality of life of the user and increase the
15 marketability of the property, will do nothing to enhance
16 the quality of life of the community.
17 Another consideration is the noise factor.
18 Every one is concentrating on the visual impact of this
19 but it is the noise factor. There will be unregulated
20 occupants on that roof that could potentially be -- the
21 noise factor off that roof will be deafening especially
22 along the river.
23 The river -- the sounds are amplified off
24 the river. Lambertville residents will hear the noise off
25 that rooftop, I can guarantee you. In spite of any

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2 assurance from the developer or the owner as to the
3 intended future utilization of this rooftop deck -- excuse
4 me, any approvals granted tonight will carry over well
5 into the future, well after we are all gone with
6 unrealized future rooftop utilization.
7 Let's not lose sight of the fact that this
8 historic dwelling is located in a high profile stretch of
9 Main Street. But more importantly, it is located in a
10 prime historic neighborhood in the historic district and
11 the rooftop appearance from all rights of way -- and I
12 argue the point that you cannot see it from the right of
13 way, from all rights of way including the river will
14 certainly set the tone for what this town wants to become
15 and how this town is perceived in the future.
16 The founding fathers of this town, Parry,
17 Coryell and Santo to name a few, would not be pleased if
18 they were to witness the gradual erosion of the historic
19 character and appearance of New Hope.
20 Council is now tasked with serving as our
21 guardians and I would urge Council to not approve projects
22 such as this in an effort to preserve the historic charm
23 and character of New Hope that our founding fathers have
24 entrusted us with.
25 I don't know if anything else has changed

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2 would potentially create noise and that is when the zoning
3 ordinance comes in as far as addressing noise violations.
4 That is not a part of HARB.
5 And so let me get to the square footage and
6 I don't know that exact number unfortunately. The roof
7 here is about a thousand square feet, about half of it,
8 about 500 square feet would be vegetative green roof which
9 is a natural concealed roof. There is a lot of advantages
10 to sustainability about that.
11 MR. DOUGHERTY: That is nothing to do with
12 HARB, so how many feet square feet is the area up there?
13 MR. WOLSTENHOLME: 500 square feet is
14 approximately --
15 MR. DOUGHERTY: Roughly from side to side.
16 You said the hot tub would be 12 foot back from the --
17 MR. WOLSTENHOLME: That is correct.
18 MR. DOUGHERTY: The hot tub is about --
19 the deck will be about 17, 18 feet deep.
20 MR. WOLSTENHOLME: From the back wall of
21 the existing historic structure to the front, that is
22 correct.
23 MR. DOUGHERTY: About 18 feet and call it
24 20 so you're saying that the width is only about 25 feet?
25 MR. WOLSTENHOLME: Yes. When I get to the

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2 with respect to what I saw at the April 5th meeting.
3 Every one is concentrating about the visual impact of the
4 hot tub but it is not just the hot tub, there are no
5 regulations that you can put on top of that rooftop in
6 terms of pop-up umbrellas, shade canopies. It goes on and
7 on. And you will see occupants on that roof, if there is
8 a soiree there one evening and -- what is the square
9 footage of that rooftop?
10 MR. WOLSTENHOLME: The exact square
11 footage? While I am looking that up, 40 pounds per square
12 foot is actually --
13 PRESIDENT GERING: Can you speak into the
14 microphone?
15 MR. WOLSTENHOLME: All right. So first
16 there was a note about 40 pounds per square foot, if I
17 mentioned 40 pounds per square foot -- if we had a
18 transcript we could reference that. Unfortunately it is
19 actually going to be greater than that to meet the
20 building code for residential and so what -- just like any
21 other structure, the roof deck at grade -- that would be
22 designed for a higher full load as well.
23 And so if there was any kind of an
24 atmosphere that would have more people there, any
25 neighbor's home in their back yard, what they do privately

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2 roof I will be able to show that there is a portion of it
3 that is considered the roof terrace, the retaining portion
4 of it is where the --
5 MR. DOUGHERTY: That is the grass part?
6 MR. WOLSTENHOLME: That is correct.
7 MR. DOUGHERTY: So 500 feet of walking
8 space, then there will be sod I guess also.
9 MR. WOLSTENHOLME: Well so it is probably
10 closer to 800 feet, some number -- it is a thousand.
11 MR. DOUGHERTY: It is a thousand?
12 MR. WOLSTENHOLME: A thousand square feet.
13 Essentially a flat roof structure and the design of it was
14 driven by some zoning constraints that we had as far as
15 placing air conditioning condensers that are also on that
16 roof surface.
17 MR. DOUGHERTY: They are up there as well.
18 They can't be seen from the right of way either?
19 MR. WOLSTENHOLME: That is correct. And
20 once again, if the Board would like, I can do the
21 presentation, walk through all of those as we did with the
22 three prior HARB meetings.
23 MR. DOUGHERTY: I will go back to my
24 question from earlier; so this facade and maybe the hot
25 tub that is going away and all of that stuff can be seen

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2 from the bridge? That is about the fourth time I asked
3 that.
4 MR. WOLSTENHOLME: So once again I have
5 other questions.
6 MR. DOUGHERTY: I know that mine was
7 before theirs.
8 MR. WOLSTENHOLME: So going back to using
9 the example of the mezzanine, that is why you will not be
10 able to see those. And then I will get to the site plan
11 and demonstrate to you the neighboring property screens
12 your view from the right of way from the bridge, that is
13 why --
14 MR. DOUGHERTY: It is further -- it is
15 closer to the river so it blocks it?
16 MR. WOLSTENHOLME: That is correct. So I
17 will re-present that.
18 MR. DOUGHERTY: I can understand that
19 because I looked at some of the drawings so now I
20 understand it, the building to the south of it is
21 eastwardly and therefore you can't -- its back. I got
22 you. I am fine.
23 MR. WOLSTENHOLME: From New Jersey when you
24 first start coming across the bridge --
25 MR. DOUGHERTY: You see either building.

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2 mechanics.
3 MR. WOLSTENHOLME: HVAC, mechanical, a
4 generator is located up on the roof. All of that had to
5 be brought up out of the floodplain and because of meeting
6 all of the requirements to have no variance required for
7 this application to move to the roof.
8 For maintenance accessibility, et cetera
9 you would come out of the -- what is currently the third
10 floor of the historic structure, you would go out onto the
11 flat portion of the roof, there are stepping stones and
12 then you would get to a smaller area that is dedicated to
13 the roof terrace that would be used.
14 The intent is for our client's private use,
15 it's not -- there is not a fraternity there. There is
16 nothing like that. And I know that once again everybody
17 can say everything was presented previously and it's a --
18 the hot tub is removed and all of that.
19 Once again we are presenting as forthright
20 as we possibly can, which is why our clients have started
21 the process back over again just to ensure that everything
22 is presented and there is no question at all as to what
23 was being presented.
24 There is nothing in the guidelines that
25 prohibits the flat roof for more of a modern addition. In

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2 MR. WOLSTENHOLME: A telescope looking at
3 the entrance to the bridge is the only way you will see
4 the back of it.
5 MR. DOUGHERTY: Got you. I am fine with at
6 least that part. My only -- I guess to our constituents,
7 the question or thrust of -- I will not put words in his
8 mouth. But 500 feet of walking surface -- I am just going
9 to say if I looked at this room here from that wall to
10 about where you are standing is probably about 18 feet and
11 then from the edge of this back to that wall I will guess
12 is 25 feet or so so the deck will be as big as this whole
13 space here.
14 MR. WOLSTENHOLME: No.
15 MR. DOUGHERTY: That is more than 18 feet.
16 MR. WOLSTENHOLME: It is not going to be
17 that large for the walking surface. Let me get the roof
18 plan.
19 MR. DOUGHERTY: Physically my point is it
20 is a very large deck. It spans the entire width of the
21 building.
22 MR. WOLSTENHOLME: Once again I will go
23 back to the flat roof, the entire flat roof is not being
24 used as a roof terrace or a roof deck.
25 MR. DOUGHERTY: Because of the HVAC

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2 fact the Department of Interior, which is what HARB
3 references, strongly recommends that the structures
4 designed for today, the additions, pay homage to the
5 historic structures that we have achieved.
6 So -- and I will go back to the sound
7 concerns. If somebody wanted to have a party, they can
8 have a party in their back yard, not on the rooftop. So
9 as I said, obviously if there is noise that is when you
10 hope that your neighbors will be decent and adhere to the
11 zoning ordinances for sound.
12 PRESIDENT GERING: Jay, do you have another
13 comment?
14 MR. FREEO: Yes, I do. Just a follow-up to
15 all of this.
16 There was a comment at that April 5th
17 meeting, there was a glass guardrail around the deck. Is
18 that still glass?
19 MR. WOLSTENHOLME: Yes. We are still
20 proposing that glass upper portion of the railing. And so
21 that once again is to better enable anybody, as
22 Mr. Dougherty earlier said, on the rooftop for their sight
23 lines out.
24 So the design of the structure was done in
25 a manner to ensure that -- given there is a tight site,

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2 that we utilized the structure and the property in a way
3 that was best enabling our clients to be able to utilize
4 the property that they had purchased.
5 So if you envision the rear deck that was
6 on there, in the mornings they would be able to enjoy the
7 sunrise. After a long days work if they wanted to unwind,
8 they are able to use the rooftop terrace and from that
9 vantage point they will be able to see the sunset. If
10 they were to do it from the surface of the ground solely,
11 that part of the experience they would not be able to get.
12 We were hired to get them the most value
13 they can get out of their property within the full
14 conformance of zoning and HARB which is what we achieved.
15 MR. DOUGHERTY: Can I ask John a question?
16 PRESIDENT GERING: Yes, go ahead.
17 MR. DOUGHERTY: This is a HARB
18 presentation, go back to the applicant stating that he is
19 authorized or empowered to remove the concept of the hot
20 tub, which he initially said wasn't anybody's business to
21 begin with, but that is -- my concern here is we have a
22 very competent attorney before us today. The subsequent
23 owners could say -- if we are going to approve this
24 provided there is not a hot tub in this HARB COA, how does
25 the granting of the HARB Certificate of Appropriateness

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2 that answer.
3 MR. FREEO: Just a few more questions. So
4 this glass guardrail around the perimeter of the deck,
5 this glass is translucent not opaque, meaning everyone can
6 see up to the roof deck from various vantage points. They
7 will see people up there. They may not be able to see the
8 hot tub as you have proposed now because it is set down
9 lower, although the hot tub was favoring the north side of
10 the building as I remember.
11 The other question I have is the point I
12 want to make is those elements that surround this --
13 excuse me, gentlemen. Those elements that surround this
14 property that make the rooftop not visible such as trees
15 and adjoining properties, things change, trees come down,
16 whatever the case may be. The house next door that has a
17 third story right now is blocking the public's view may
18 not always be there.
19 So the point is if this roof deck gets
20 built and is constructed, there is the potential that it
21 will be visible in the future. All right. This area on
22 the roof that is green area, can it be walked on?
23 MR. WOLSTENHOLME: Yes, you can walk on the
24 sedum but it is not a plant material that you should walk
25 on often because it will die.

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2 having impinged or how do we imply a prohibition against
3 something that the next attorney who comes before us will
4 say hot tubs aren't even part of HARB, and besides you
5 can't see it. Therefore we will put the hot tub up there.
6 And not this attorney because he wouldn't
7 go back on what he said, the subsequent attorney could say
8 well you have absolutely no jurisdiction. HARB wasn't
9 allowed to outlaw future hot tubs and now --
10 MR. FENNINGHAM: But you're --
11 MR. DOUGHERTY: How does that get codified
12 in our approval of a COA?
13 MR. FENNINGHAM: You revise the
14 Certificate of Appropriateness to strike the reference to
15 the hot tub, you add a condition that prohibits a hot tub
16 on the rooftop deck.
17 MR. DOUGHERTY: So it is not just that he
18 removes the hot tub, but the condition of the COA has a
19 codicil that says that you cannot have it. There can
20 never be a hot tub on the terrace or deck or whatever it
21 is.
22 MR. FENNINGHAM: And your HARB ordinance
23 recognizes your right as Council to add conditions to the
24 certificate.
25 MR. DOUGHERTY: Thank you. I didn't know

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2 MR. FREEO: Okay. So if you have a party
3 and things, you know a few drinks, you may very well have
4 your guests wandering up on there to the grass area. My
5 point is I think I heard you say a thousand square foot
6 gets reduced to 500 if you eliminate the grass area -- the
7 vegetation area, but in reality there could be much
8 greater than 500 square feet.
9 The point I am trying to make is guidelines
10 indicate that you get roughly 36 people for every
11 144 square feet. So at 600 square feet you got 150 people
12 on that roof potentially. Potentially. And if they walk
13 on the grass area, the vegetated area, you get close to
14 800 square feet taking out the area for the mechanical
15 equipment so you're up to possibly 200 people on this
16 roof.
17 Again this is a historic -- pristine
18 historic neighborhood in the historic district. I think
19 that is all I have.
20 PRESIDENT GERING: Thank you so much.
21 Any other public comments?
22 MS. FEDER: I have a quick comment. This
23 is entirely unrelated to hot tubs and roofs. I hope that
24 is helpful. Just a quick comment before we vote.
25 I just wanted to commend HARB and the

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 2 applicants for working on this so diligently. I live
 3 close by and I know the property really well. I think it
 4 is amazing to see that so much of that property is being
 5 preserved so carefully.
 6 I know we are focused on this piece but I
 7 just wanted to end on a positive note. The building is a
 8 good homage and it is a nice thing to see in the historic
 9 district that we are working to preserve as much building
 10 as humanly possible.
 11 PRESIDENT GERING: Any other community
 12 comment?
 13 All right. So in order to vote -- John,
 14 you will have to take this. Go ahead.
 15 MR. FENNINGHAM: I just wanted to make a
 16 further clarification and recommend that you request the
 17 applicant to agree to Section 10-10 B8 which addresses
 18 Subparagraph B of 8B, it addresses conditions as part of
 19 approval. It addresses that those conditions can be
 20 conditions on the land and are subject to a recording
 21 document that your Solicitor approves.
 22 So you may consider both the prohibition
 23 against a hot tub, you could consider the requirement of
 24 the vegetation being maintained in the size dimension that
 25 you are hearing tonight. You could do that.

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 2 MS. FEDER: Aye.
 3 MS. RETTIG: Aye.
 4 MR. DOUGHERTY: Aye.
 5 MR. MAISEL: Aye.
 6 PRESIDENT GERING: Aye. Opposed? Good
 7 luck.
 8 MR. VanLUVANEE: Thank you.
 9 PRESIDENT GERING: Next on the agenda is
 10 preliminary plans for 125 North Main Street. Did you not
 11 have that to put it up on the screen?
 12 MR. EDWARDSON: Yes.
 13 PRESIDENT GERING: Did you change something
 14 from what we have? All of this has to be completed prior
 15 to Council so it comes with our packet.
 16 MR. EDWARDSON: The only change is the
 17 front page.
 18 MR. DOUGHERTY: Mr. Edwardson, what is
 19 this material that you just handed tonight?
 20 MR. EDWARDSON: Everything in the package
 21 -- Peter Edwardson. The front cover page is the only
 22 change, everything else you already have.
 23 MR. DOUGHERTY: We have had situations
 24 where we get statements like that, we don't have the
 25 ability to hold all of the other pages up to the light to

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 2 MR. DOUGHERTY: So both of those -- I
 3 guess ask the applicant, would the applicants be willing
 4 to have the prohibitions follow the property? In other
 5 words, be deed restrictions?
 6 MR. VanLUVANEE: The answer is yes. Mr.
 7 Kelly is in the audience.
 8 MR. DOUGHERTY: They would be willing and
 9 they actually would do it then?
 10 MR. VanLUVANEE: That is up to
 11 Mr. Fenningham that would work that out. That is not an
 12 issue.
 13 PRESIDENT GERING: So the Certificate of
 14 Appropriateness, John, has conditions to it?
 15 MR. FENNINGHAM: I make a recommendation
 16 that you adopt the motion that would approve the
 17 Certificate of Appropriateness subject to being revised to
 18 prohibit a hot tub at any time in the future and that you
 19 require the vegetation dimension as presented to you as
 20 conditions under 10-10 B-8B that are covenants that run
 21 with the land to be memorialized in a recordable document
 22 that the applicant's counsel and your Solicitor agree upon
 23 with form and content.
 24 PRESIDENT GERING: Thank you.
 25 All in favor?

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 2 try to find out if that is accurate.
 3 So you're telling us that the only thing
 4 that is changed is this one page?
 5 MR. EDWARDSON: Correct.
 6 MR. DOUGHERTY: Nothing else in these other
 7 pages is changed?
 8 MR. EDWARDSON: No.
 9 MR. DOUGHERTY: All right.
 10 MR. EDWARDSON: So 125 North Main Street is
 11 a completely compliant plan. We are not in the historic
 12 district. The engineering has been submitted, we are
 13 waiting a review letter from the Township Engineer or
 14 whatever the process is.
 15 I believe that the application is complete
 16 for the current zoning that is in place. It is a twin
 17 property in the zoning and that is what we are proposing.
 18 Nothing more. The setbacks are proper, stormwater
 19 management has been completed, driveway is impervious
 20 surface and all areas all calculated.
 21 The other thing that is important to
 22 appreciate the reason I gave you this page with the
 23 change, was at the planning meeting they suggested that
 24 they didn't like the garages on the original drawing,
 25 which you have on the second page. It is the same thing.

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2 Pass this up to you.
- 3 MS. FEDER: Sorry. Go back to the mic.
- 4 PRESIDENT GERING: That is okay.
- 5 MS. FEDER: So there is a different design
6 then to the front?
- 7 MR. EDWARDSON: Yes. After speaking with
8 the Planning Commission, Peter's comment was the garages
9 are strong, can we soften the garages. I heard that loud
10 and clear and I agreed with it. I don't like garage doors
11 on the front of the house on any street.
- 12 So what we did is we took the garages and
13 made it look like one of the mono-single family house
14 versus a twin. So that is the only change that we did.
- 15 I -- my -- the engineer is on vacation,
16 Anthony, and Ralph couldn't make it tonight so we -- so I
17 am presenting what we have and --
- 18 MR. DOUGHERTY: What are you looking for
19 us to do tonight, just give us -- you have been to the
20 Planning Commission, you will go to where?
- 21 MR. EDWARDSON: I am looking for approval
22 because that is a complaint plan.
- 23 MR. DOUGHERTY: So your contention is that
24 there is no zoning issue and since it is not in HARB, what
25 would we approve?

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2 the -- my understanding was with this purchase that the
3 zoning was already in place. That is the compliance.
- 4 MR. DOUGHERTY: Did you not get a copy --
5 are you late to the game perhaps to this?
- 6 MR. EDWARDSON: No.
- 7 MR. DOUGHERTY: I am not trying to --
- 8 MR. EDWARDSON: I am not the engineer, the
9 engineer should have done the paperwork.
- 10 MR. DOUGHERTY: You got a copy of this on
11 May 11th, what we just said there are a dozen of things --
- 12 MR. EDWARDSON: What I am looking for is an
13 understanding of this application even though there is
14 some hoops to jump through, the lot is zoned as a twin.
15 We are not asking for any relief. We are not asking for
16 any --
- 17 MR. DOUGHERTY: You mean as far as
18 setbacks?
- 19 MR. EDWARDSON: Yes.
- 20 MR. DOUGHERTY: It is small enough for the
21 lot, I am -- I will just take your word on that.
- 22 MR. EDWARDSON: It seems odd that I am
23 coming to zoning, I am doing the exact thing at 136. It
24 is a single family house zoned, we knocked it down and we
25 are going to rebuild it as a single family house. The

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2 John, there are no zoning issues present?
- 3 PRESIDENT GERING: Hold on. Before we go
4 any further to John, I read Michele's two pages here and
5 you have got a slew of things that you need to do before
6 we can approve it.
- 7 So Michele, go ahead.
- 8 MS. FOUNTAIN: I was going to show -- I am
9 sure you have our May 11th, 2022 review letter that was
10 submitted to you. There are 16 zoning issues listed in
11 that review letter and you said you have a plan that is
12 compliant.
- 13 The Borough hasn't received any revised
14 plans and I haven't had a conversation with you or your
15 engineer about addressing any of those zoning issues and
16 there are stormwater issues, subdivision land development
17 issues also.
- 18 PRESIDENT GERING: So I --
- 19 MR. DOUGHERTY: How could those two
20 statements be so dimetrically opposed, Mr. Edwardson? How
21 can we just get told this plan is compliant -- I have the
22 May 11th letter right here. There is more than 16 things
23 here. You have a copy of it I would imagine. Why would
24 you tell us it is complaint?
- 25 MR. EDWARDSON: It is compliant as far as

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2 zoning for this property is exactly a twin and therefore
3 am questioning why am I even here in front of Borough
4 Council. I think it's a zoning issue.
- 5 MS. FEDER: I think that is our question
6 to you. As you know, zoning is completely independent of
7 Council and our Engineer and Zoning Officer found a
8 number of zoning issues so there is absolutely nothing for
9 us to discuss.
- 10 We in fact -- excuse me. We in fact cannot
11 weigh in on the zoning at this. That would be a violation
12 of our role. I think the issue here is entirely an
13 administrative one.
- 14 MR. EDWARDSON: That is what I think too.
- 15 MS. FEDER: So I don't think this is
16 something we should continue discussing here at all.
- 17 MR. EDWARDSON: I don't think --
- 18 PRESIDENT GERING: John, legal.
- 19 MR. FENNINGHAM: As I listened in your
20 agenda said this is a preliminary plan so I think what is
21 before you is comment, if you have any. It is not an
22 issue of you approving anything at this point.
- 23 MR. DOUGHERTY: So it is a how do we feel
24 type of a thing?
- 25 MR. FENNINGHAM: It is getting your

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2 reaction generally to the concept.
3 MR. DOUGHERTY: Reaction. There is a
4 letter here from three months old that has 20 things that
5 are concerns that -- from people who really know their
6 jobs and do this for a living. I would suggest that this
7 stuff be addressed before we sit here and like the garage
8 doors or not.
9 MS. RETTIG: It says consider preliminary
10 plan for 125 North Main Street. What does that mean?
11 MR. FENNINGHAM: It is premature before
12 you unless you choose to make comments on the project.
13 MS. FOUNTAIN: May I just interact? As I
14 was just reminded, there is a time clock with this
15 preliminary plan that is before you that is 90 days and
16 the Zoning Officer just told me it runs out at the end of
17 this month, August 30th.
18 So unless there is some action -- and John,
19 please correct me, there is some action by Council or an
20 extension granted, there has to be some action at
21 tonight's meeting
22 PRESIDENT GERING: They have got two pages
23 of items that you haven't even addressed yet so how can we
24 possibly approve that? John?
25 MS. FOUNTAIN: You don't have to approve

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1
2 have to go to the Zoning Hearing Board for zoning relief
3 and then go through the land development process with the
4 Planning Commission and Council. So I think what --
5 Michele's comments or Mary's comments --
6 MR. EDWARDSON: I am not looking for
7 relief.
8 MR. FENNINGHAM: I haven't seen the review
9 letter but I understand what a review letter is and it is
10 saying -- the Zoning Officer has said you have to seek
11 relief before the Zoning Hearing Board.
12 MS. FOUNTAIN: Or revise the plan to
13 address the comments.
14 MR. FENNINGHAM: Mary, is there a zoning
15 application filed?
16 MS. STOVER: No.
17 MR. FENNINGHAM: So there is not a plan
18 code deadline but there is a deadline if a preliminary
19 plan was submitted, Michele is correct that is a 90-day
20 deadline for the applicant to present this and that
21 deadlines expires. I think the issue in front of you is
22 are you willing to extend that deadline to allow the
23 applicant to pursue the administrative path?
24 MR. DOUGHERTY: The 90-day deadline that
25 the applicant had, it was on the applicant -- 90 days to I

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2 it.
3 MR. EDWARDSON: My question is this doesn't
4 seem to be at the level of Borough Council, it just should
5 be a zoning issue and a building permit. That is my real
6 question.
7 MR. DOUGHERTY: Our -- she is shaking her
8 head side to side.
9 MR. EDWARDSON: Am I wrong?
10 MS. FOUNTAIN: Yes. I think you're
11 getting confused with your application that is across the
12 street, which is just a grading permit. Like you said it
13 is knocking down a house and putting up a single family
14 dwelling. This is a change in use. You are going from a
15 single family dwelling to a twin dwelling. I understand
16 that you think you have zoning approval. The use that you
17 are proposing is allowed in this district period. There
18 are other zoning ordinances that you have to meet and that
19 is what is listed in our letter as land development.
20 MR. EDWARDSON: Okay. I will address all
21 of those but my question is do I really have to come back
22 for this particular project to Borough Council if I
23 address those issues with zoning? Can we finish it there?
24 MR. FENNINGHAM: I haven't seen the plan.
25 It would not be uncommon for an applicant or land owner to

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1
2 guess address these things.
3 MR. FENNINGHAM: Moving forward.
4 MR. DOUGHERTY: Moving forward and that
5 90 days is expired?
6 MR. FENNINGHAM: It is about to.
7 MR. DOUGHERTY: This is dated May 11th.
8 MR. FENNINGHAM: That is more than
9 90 days, am I correct?
10 MS. FOUNTAIN: It is 90 days for Council to
11 act upon the plan application.
12 MR. DOUGHERTY: I understand but he just
13 said that it is 90 -- not 90 days for Council to act, it
14 is 90 days that the applicant has to which -- who is on
15 the 90-day clock here? That is the first question.
16 MR. FENNINGHAM: The applicant and you
17 could consider adopting a motion to extend and grant an
18 additional time for preliminary plan review and the
19 presentation at the appropriate time within the --
20 MR. DOUGHERTY: That is within our power
21 to extend our 90 days, are we under any obligation after
22 the 90-day deadline -- we meaning the people up here, are
23 we under some sort of guideline of 90 days? That is what
24 I need to know. She thinks we are. I need an answer to
25 -- who is on this?

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2 MR. EDWARDSON: Can I ask a question?
3 MR. DOUGHERTY: I have the floor.
4 PRESIDENT GERING: He has the floor.
5 MS. FOUNTAIN: Let John and I talk about
6 this. But if the applicant so wishes, I would suggest
7 that you ask Council to grant you an extension to -- for
8 Council and the Borough to review your application.
9 MR. EDWARDSON: May I please have an
10 extension to review my application?
11 MS. FEDER: What are we reviewing?
12 MR. EDWARDSON: That is my confusion too I
13 think.
14 PRESIDENT GERING: Can we stop here a
15 second? All right. So you have a preliminary plan here
16 that you wanted us to review. The problem is we don't
17 have all -- you don't have all of your materials, all of
18 your ducks in line if I am understanding correctly.
19 So what you are asking for now is because
20 your time is almost up, for Council to grant you an
21 extension. Okay. So you can -- we give him -- do we set
22 the time of how many days or are we just giving an
23 extension?
24 MR. FENNINGHAM: I would recommend a fixed
25 extension.

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2 MS. RETTIG: What took you five months?
3 What happened here?
4 MR. DOUGHERTY: Mr. Edwardson, are you
5 represented by counsel?
6 MR. EDWARDSON: Not tonight, but yes.
7 MR. DOUGHERTY: Is your counsel involved in
8 this application somehow?
9 MR. EDWARDSON: No, just the engineer and
10 the architect.
11 My question is -- I am still not getting
12 the answer I am looking for, am I supposed to be in front
13 of the Zoning Hearing Board and not Borough Council
14 tonight to get to the point where we get the approvals
15 through zoning which I will do the paperwork on?
16 MS. RETTIG: To --
17 MR. DOUGHERTY: It is not our job to give
18 you advice on how to -- other than your structure, I don't
19 think we should tell you how to do it unless it is our
20 administrative process, because its come back to bite us.
21 PRESIDENT GERING: So anyway --
22 MS. RETTIG: It seems to me --
23 PRESIDENT GERING: -- we --
24 MS. RETTIG: It seems to me that was
25 submitted March 11th. Have we had Zoning Hearing Board

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2 PRESIDENT GERING: All right.
3 MR. DOUGHERTY: My question or concern
4 about that is as we have recently been burned on just such
5 things, is basically where attorneys -- well you didn't
6 give them the feedback in the allotted time. I don't feel
7 confident just extending. What is the downside of
8 extending the deadline, he has to fill out a new
9 application, a new application with the same paperwork
10 being submitted again?
11 MR. FENNINGHAM: I don't know the facts of
12 this matter. I would be concerned tonight that failure
13 for Council to act would be a deemed approval. So rather
14 than face a deemed approval, you should grant --
15 MR. DOUGHERTY: That is exactly the thing I
16 am afraid of. Thank you.
17 MS. RETTIG: I am staring at a zoning --
18 New Hope Borough Zoning Permit Application dated --
19 submitted March 11th of 2022. That is five months ago.
20 That is over five months ago.
21 So why was a zoning permit application
22 submitted in March and we are getting this now over five
23 months later since today is August 16th and we still are
24 very confused as to --
25 MR. EDWARDSON: I am confused also.

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2 meetings since March? It is now August. Can somebody
3 answer that question? We haven't had --
4 MR. FENNINGHAM: My understanding again,
5 Mary, was there a request for an extension under the --
6 MS. STOVER: We have had several extensions
7 but the current extension runs out the end of this month.
8 There is a zoning permit application that was submitted
9 along with the preliminary plan application. It is not a
10 Zoning Hearing Board application. They have not applied
11 for any variances.
12 He presented at the Planning Commission
13 saying that he could comply with everything in the letter
14 so therefore if he can comply with those things, he won't
15 need to go to the Zoning Hearing Board.
16 He should address the comments, revise the
17 plans but he does need preliminary plan approval
18 ultimately and final plan approval from Borough Council.
19 MR. DOUGHERTY: Okay. So since there is 22
20 things he has to change or the applicant has to change in
21 order to get this thing to pass muster, how would we be
22 able to comment on these plans as they sit today?
23 The value of our feedback -- it wouldn't be
24 any value because he will change everything to address all
25 of this stuff.

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2 PRESIDENT GERING: My understanding is this
3 -- they are looking for an extension.
4 Go ahead, John.
5 MR. FENNINGHAM: I will just -- Mark
6 reminded me, did you appear before the Planning
7 Commission?
8 MR. EDWARDSON: Yes.
9 MR. FENNINGHAM: And you told the Planning
10 Commission that you would comply with all of the review
11 requirements?
12 MR. EDWARDSON: Yes.
13 MR. FENNINGHAM: And so that is the intent,
14 if that preliminary plan, quasi-zoning issues are resolved
15 by revising the plan, it would be appropriate with that
16 representation to both you tonight and to the Planning
17 Commission, to give the applicant an extension of time to
18 get his house in order so that we don't have an issue of
19 deemed denial or deemed approval.
20 PRESIDENT GERING: What would be the
21 recommendation?
22 MR. FENNINGHAM: How much time do you
23 need?
24 MR. EDWARDSON: Thirty days.
25 PRESIDENT GERING: You're not getting it

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2 has to do it. If we look at subdivision and land
3 development page three number four, so Roman numeral II,
4 number four, that is a should. So it is all utilities
5 have to be placed underground.
6 What we are saying in that comment is that
7 -- put a note on the plan notifying the applicant or
8 everybody that all utilities have to be placed
9 underground. So that is why it becomes a should.
10 MR. DOUGHERTY: I don't understand that.
11 I'm sorry.
12 MS. FEDER: So Michele, just for point of
13 clarity, all of the language in your points comes directly
14 from the code; correct?
15 MS. FOUNTAIN: Correct.
16 MS. FEDER: So this is something he would
17 take up with his counsel, this is something --
18 MR. DOUGHERTY: So this should is how it is
19 phrased in the Code?
20 MR. FENNINGHAM: In context if I reviewed
21 this review letter, should is mandatory requirement.
22 MR. MAISEL: It is?
23 MR. FENNINGHAM: Yes.
24 MR. MAISEL: Throughout this entire
25 document it says should.

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2 done in 30 days.
3 MR. DOUGHERTY: He just asked for 30 days.
4 MR. EDWARDSON: All right. Forty-five
5 days.
6 PRESIDENT GERING: Give him 60 days.
7 Okay. I would recommend 60 days. I read everything that
8 is on your list, there is no way you will get it done.
9 All right.
10 MR. MAISEL: I have one question it is
11 from our -- it speaks to you guys over here. And I say
12 this respectfully, I am looking at this document, I read
13 it fairly closely, this is the May 11th document and it
14 might be semantics, but it might not be, I can see the
15 confusion that can occur.
16 Throughout this entire document there are
17 must be and should be and a lot of what I consider to be
18 in terms of trying to comply with this document, very
19 innocuous, you know a must or should or a must a should,
20 is a should a must, because I do see that throughout --
21 are you guys seeing that when I am reading through this?
22 I mean is a should something he has to do
23 or you know if he doesn't do it, we didn't say had to, you
24 should.
25 MS. FOUNTAIN: So must of course is that he

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2 MR. FENNINGHAM: Remember this letter
3 reviews various administrative tasks and it ebbs and flows
4 with what the applicant decides to revise so it is a
5 flexible review letter in looking at it right now. But
6 whenever the Township Zoning Officer -- Borough Zoning
7 Officer/Borough Engineer says something on the plan it is
8 mandatory.
9 MR. DOUGHERTY: Okay. So --
10 PRESIDENT GERING: So do we have to make a
11 motion to give him the 60 days? How does this --
12 MR. DOUGHERTY: I will make that motion.
13 MR. FENNINGHAM: Let me interrupt, if I
14 may. Applicant, you request 60 days?
15 MR. EDWARDSON: I request 60 days.
16 MR. FENNINGHAM: Then I would recommend
17 you consider a motion granting applicant's request for a
18 60 day extension under both the land development process
19 and the zoning process consistent with the May 11th letter
20 of your owning officer and your engineer.
21 PRESIDENT GERING: All in favor?
22 MS. FEDER: Aye.
23 MS. RETTIG: Aye.
24 MR. DOUGHERTY: Aye.
25 MR. MAISEL: Aye.

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2 PRESIDENT GERING: Aye. Opposed? I
3 suggest you bring your attorney next time. Good luck.
4 MR. EDWARDSON: One more quick comment.
5 There was an incident with a gas line on our property, I
6 want to apologize to the town.
7 PRESIDENT GERING: Thank you.
8 Next on the agenda is adopting a short term
9 rental ordinance.
10 Can I have a motion for approval?
11 MS. RETTIG: I will make that motion.
12 PRESIDENT GERING: Second?
13 MS. FEDER: I will second.
14 PRESIDENT GERING: Discussion from Council?
15 Any comments from Council?
16 MR. MAISEL: Stormwater --
17 PRESIDENT GERING: Short term rental
18 ordinance.
19 Any comments from the public? Yes, Jim.
20 Come up and identify yourself.
21 MR. HANLON: Good evening. I am Jim
22 Hanlon. Can you hear me?
23 I am a local resident for 15 years right up
24 the --
25 PRESIDENT GERING: Your address?

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- 1
2 things out and it seems to say that -- you know it is a
3 long document, I am not a lawyer. It goes through that I
4 can only do it 180 days. I have already done 184 already
5 this year. I average 230, 250. It is for the successful
6 business.
7 I subsequently last year went over to
8 Lambertville and purchased a house there, which I also do
9 short term rentals and it is very successful and we hope
10 to do more as time goes on.
11 And so this is really a detriment to my
12 business being told that I am limited to 180 days and why?
13 I read the notes from your June meeting that I believe
14 Mr. Dougherty spoke about that people were complaining up
15 in Riverwoods that there was a party house because of
16 weddings and what have you.
17 Well that is not what I do and I don't
18 allow parties. I allow just four people in my house and
19 if you don't do that, I am going to throw you out and VRBO
20 and Airbnb also have rules to that effect. Never had
21 problems in the past. So if you somehow -- like there is
22 really only five or six of these in the whole town.
23 PRESIDENT GERING: The reason -- I will
24 stop you there for a second. The reason this was brought
25 to light is we have gotten numerous complaints and one of

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2 MR. HANLON: I live at 64 West Mechanic
3 Street, New Hope, PA 18938.
4 PRESIDENT GERING: Thank you.
5 MR. HANLON: So anyway I purchased the
6 house 15 years ago in New Hope. We love this town. We
7 love the vibrancy. We are right downtown.
8 And specifically it is a two family house
9 and I was a recent retiree and I needed to make some extra
10 money and I thought I could do short term rentals
11 downstairs and there is a company -- Airbnb didn't exist.
12 Most people know VRBO, Vacation Rentals By Owner was the
13 original innovator.
14 I started renting my house and it took it
15 many years but over the years I have built it up where we
16 rent over 230 days a year. Okay. And it is a successful
17 business. And my son is in the business with me, my wife
18 helps me out. It is a business that we run.
19 We compete against the hotels in town and
20 the bed and breakfasts which aren't on this list and
21 anyway this is our business. And when I just heard about
22 this today, I heard about this through Airbnb, an e-mail
23 from them saying they were having this meeting tonight. I
24 had no idea this was happening. I live here, right here.
25 So I was able to read a bit and check

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2 the houses that has been a major offender is right on the
3 canal right -- I always refer to it as the Parry Siv (sic)
4 house. What is the address on that house, Michele, on the
5 towpath.
6 This house is owned by a major corporation
7 that owns a hundred houses and just rents them out. They
8 have 20, 30 people there with parties all of the time.
9 They have backed their car into the canal and walked
10 there.
11 So when we start getting complaints like
12 this and we were -- there were also complaints from
13 Riverwoods, we as a Borough had to be responsible
14 government and put something in place.
15 Now I personally think that having your
16 place registered and being inspected is for the safety for
17 everybody. And I have been in your house so I know that
18 you are one of the good landlords but that is not what we
19 are trying to correct, it is the ones who are not the good
20 landlords.
21 MR. HANLON: So why don't you penalize them
22 when they offend it and if you have three strikes you're
23 out instead of limiting me to 180 days because of some
24 nebulous offender. This is my business that you are
25 taking away.

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2 And in Lambertville for a hundred dollars
3 you register, they come and inspect your house and make
4 sure it is safe and once a year I do that. And I comply
5 with the county, the state. I complied with all of their
6 rules and now this will be the third set of rules which I
7 am willing to do. But my main concern is the 180 days.

8 MR. DOUGHERTY: In other words, the
9 limitation in the aggregate that someone cannot rent --
10 Mr. Gray, is this -- the duration of 180 days, I don't
11 recall us specifically -- we have all read this, gave it
12 tons of edits.

13 And so the purpose -- short term rental of
14 dwelling units is limited to the greater of 15 rental
15 periods per calendar year or 180 nights in the aggregate
16 with not greater than 30. But so -- meaning that a
17 dwelling unit may not be rented for more than 180 nights
18 in a calendar year. That piece of that I know.

19 You didn't write this from scratch. What
20 is the stated goal of creating a 180 day limit? Does any
21 one on Council have a flavor what it is, not 180 --

22 PRESIDENT GERING: I was going to ask Mark
23 if he can help us out with this.

24 MR. DOUGHERTY: What does the 180 do for
25 our constituents? That is the question. I don't care

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1 that Malibu does 180. I need to know what 180 -- how it
2 helps New Hope constituents.

4 MR. LABRUM: Your role -- the overall
5 intent of the ordinance as discussed at significant length
6 over various review periods in public is the intent to
7 avoid turning residential occupancy into a business. This
8 is a highly regulated situation of use for a residential
9 community.

10 The intent is once you go beyond the 180
11 days you have created a majority use or potential majority
12 use for what is deemed to be a residential occupancy.
13 This ordinance underwent significant review, not just in
14 front of this Board but also the Planning Commission.
15 With the Council Workshop it was advertised back in July
16 in the newspaper, public comment was repeatedly offered.

17 MR. HANLON: Which newspaper? That is the
18 first time I am hearing about it. Which newspaper,
19 please. I never heard about it until tonight.

20 MR. LABRUM: In accordance with the
21 directive of Council it was advertised on July 15th. Let
22 me repeat that if I may, by approval of Council the
23 ordinance was published on July 15th -- excuse me,
24 July 12th and July 15th of 2022 in the Intelligencer
25 newspaper. I have a copy of the notice of the

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2 publication.

3 The entire ordinance was available for
4 review at the Borough lobby offices. And this is the
5 first that as far as I understand, that a constituent has
6 come forward to raise a complaint about the timing or
7 substance of the ordinance itself.

8 MR. DOUGHERTY: So --

9 MR. HANLON: Because no one reads -- no
10 one reads the paper. I worked for the New York Times my
11 whole career. Nobody reads papers any more.

12 MR. DOUGHERTY: I understand that is how
13 -- what we are required to do. I understand that. So we
14 can't debate the process which ordinances -- governments
15 run their ordinances, et cetera.

16 You mentioned yourself there are five
17 people that do these in town. We don't know who they are.
18 The only way we can really get to those people is to go to
19 all 1150 tax parcels. Basically we have satisfied the
20 law.

21 My question again to our attorney though is
22 -- would the removal of 180 -- 180 day cap materially
23 affect the survivability or the -- of the rest of the
24 thing from a defensive position?

25 In other words is the 180 -- I understand

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1 that the goal here is to -- so that this is a very popular
2 town, we don't want our residential properties turned into
3 commercial. Basically you mentioned it yourself, this is
4 your business. You have turned a residential property
5 into a commercial operation.

7 Let me finish. Let me finish. And we
8 don't -- none of our constituents want that -- want a
9 commercial operation existing in the house next door to
10 them with 180 different people going in and out every day
11 like it is a hotel room. I don't think anybody would want
12 that. You live upstairs --

13 MR. HANLON: I live right upstairs.

14 MR. DOUGHERTY: But you gain all of the
15 money and the earnings from that so -- but I can't imagine
16 anyone would be thrilled with having a -- 250 different
17 people rolling into the house next door to them every --
18 each day. None of our constituents would want that. Is
19 that a fair statement?

20 No one -- none of our 2,500 constituents
21 would want a commercial operation plunk down in the house
22 next door to them which is what you have done. So I think
23 that is the 180 --

24 MR. HANLON: It is downstairs and I am
25 upstairs.

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2 MR. DOUGHERTY: I understand in your
3 particular situation it is in the back and all of this
4 stuff. But we can't say well as long as it is in the
5 back, it doesn't matter. As long as the guy lives
6 upstairs, it doesn't matter. As long as the two neighbors
7 on both sides don't care, it is okay.

8 We have to create some sort of rules so
9 that the entire town doesn't turn into half of the units
10 up here and in the Borough being rented out to 200 days a
11 week -- 200 days a year. That is the intent. Okay. Now
12 I am trying to figure out if the 180 is something that
13 this Council -- I don't know. I mean I think 180 is a lot
14 of days to rent out a space.

15 PRESIDENT GERING: Hold on. One at a time.
16 Go ahead. Did you have a comment, Mark?

17 MR. LABRUM: I just wanted to reiterate
18 that the 180 days is not an arbitrary number. That the
19 intent was not to respectfully flip the home from the
20 primary use as a residence to the primary use being a
21 business.

22 Once you exceed 180 days, the choice of the
23 number of days almost becomes arbitrary. It doesn't
24 become 190, 200. Its -- the numbers also managed, Dan, as
25 you pointed out to the total number of times you can rent

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2 right now if you went to Airbnb or VRBO, you would see all
3 of my reviews and I have never had a complaint with my
4 neighbors and it is -- Mr. Dougherty, it is a two night
5 minimum rental so it is -- if it is 180, the most it can
6 be is 90 exchanges. It is not really 90 exchanges, it is
7 more like 50 exchanges because people rent a week, a
8 month, three weeks, two weeks. It varies. It is nowhere
9 near 180 days flipped.

10 If you looked at my ad right now, it is a
11 two night minimum which is pretty typical.

12 MR. DOUGHERTY: I understand you seem very
13 upstanding and you live upstairs. That is not always the
14 case. In fact that is not the case anywhere else so --

15 MR. HANLON: I would hope --

16 MR. DOUGHERTY: This is a residence.

17 MR. HANLON: -- if you have complaints, to
18 look at the complaints.

19 MR. DOUGHERTY: To look at this -- it is a
20 residential community and if you're in a residential
21 zoning district in a residential --

22 MR. HANLON: I am not, I am downtown on
23 Mechanic Street.

24 MR. DOUGHERTY: That is residential.

25 PRESIDENT GERING: Okay. The problem is

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2 the house out, being 15 times in a year, but no matter
3 what no greater than 180 days. So the number is really
4 based upon not exceeding or flipping to a majority use.

5 MR. DOUGHERTY: I think the goal of this is
6 we just happen to have one example where it is egregiously
7 bad behaviors and all this stuff. I don't think anybody
8 else anywhere on any Borough street or anywhere in the
9 Borough want 200 transients going in and out of the house
10 next door in their residential neighborhood in the house
11 that they are raising their children in.

12 And I don't think anybody -- and that is
13 our job is to protect the constituents. It is as simple
14 as that.

15 MS. RETTIG: You run this as a business?
16 You run this as a business?

17 MR. HANLON: I live upstairs and this is my
18 business.

19 MS. RETTIG: Do you have a business
20 license?

21 MR. HANLON: I do.

22 MS. RETTIG: And you have a name for the
23 business and you pay business privilege tax in New Hope?

24 MR. HANLON: I do. I have been doing this
25 for 12 years and it is a transparent business in that

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2 that we have outsiders coming in and buying properties and
3 running them as Airbnb and it is unfortunate, you are a
4 resident but that is not what is starting to happen to
5 this town and we are not the only small town that is
6 running into this. So we have to try and control what
7 happens.

8 And it is also like Dan said, to the
9 benefits of our neighbors and the other residents. We
10 have a young lady sitting here that has a neighbor that is
11 a nightmare for her with the Airbnb. So every one isn't
12 as fortunate as your neighbors.

13 And the attorney explained why there is the
14 guideline because if it is not, then I guess you become
15 the B&B, is that what happens or a bed and breakfast is
16 that what happens if they go out past 180 days?

17 MR. HANLON: So if I serve breakfast --

18 MR. DOUGHERTY: It is more if --

19 MR. HANLON: And I certainly don't want to
20 do that.

21 PRESIDENT GERING: No. Thank you, Jim.

22 Is there any other comments? The gentleman
23 in the white shirt.

24 MR. GRAY: Excuse me. Mr. Meyer wants to
25 make a few comments.

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(The following statements by Mr. Peter

4

Meyer were made via telephone.)

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MR. MEYER: As far as I am concerned the

7 gentleman runs his activity as a business. I am not aware

8 of the fact that a business is permitted in a residential

9 zone, to the extent that it is a business.

10 You might want to ask him whether he has

11 filed for business privilege tax, whether he is paying

12 sales tax on his revenues and a whole variety of other

13 things that relate to operating a business. But even if a

14 business does not --

15 PRESIDENT GERING: We have to stop. The

16 court stenographer can't hear him. Sorry.

17 MR. FENNINGHAM: I think the essence of

18 what Mr. Meyer is saying is he's a member of the Planning

19 Commission and he played a part in the drafting of the

20 ordinance, proposed ordinance, is that the applicant --

21 that the constituent identified his operation as a

22 business in a residential district.

23 I will echo what my partner, Mark Labrum

24 said, the gist of this proposed ordinance is to preserve

25 and protect residential use in residential zoning

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commercial. If you have a commercial building in a

3

commercial district, why would you want to restrict it

4

like this?

5

MR. DOUGHERTY: It is -- my understanding

6

is it is not going to impact the bed and breakfasts that

7

are commercially operating. It's not going to impact the

8

hotels. These are --

9

MR. GREENBERG: What about the oldest

10

building in all of New Hope?

11

MR. DOUGHERTY: Vasant?

12

MR. GREENBERG: Yeah. Would it affect

13

them?

14

MR. DOUGHERTY: Yes.

15

MS. FEDER: This applies to all residential

16

dwellings and dwelling units.

17

MR. GREENBERG: It would stop the Vasant

18

building from being an Airbnb?

19

PRESIDENT GERING: It wouldn't stop them

20

from being an Airbnb, they would just have to follow the

21

guidelines. They can only rent out for 180 days.

22

MR. GREENBERG: And the 180 days

23

restriction is really the part that makes sense in the

24

residential district but not in the commercial core.

25

Everything else is good for the whole Borough. So that

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2 districts. And you cannot consider grandfathering a use

3 which would equate to disparate treatment under the law.

4 The question was raised whether this would

5 transform into a bed and breakfast. Again that would

6 require zoning relief. So this is not just a simple

7 issue, it is -- this proposed ordinance has been long in

8 review, long in consideration, published according to the

9 requirements of the statute.

10 And so your fundamental issue is

11 residential preservation versus operating a business in a

12 residential district. That is what it comes down to.

13 PRESIDENT GERING: Thank you. Sir?

14 MR. GREENBERG: I am Louis Greenberg, 78

15 Towpath on the towpath. I am just -- I wish I could have

16 gotten the information before the meeting, I hate to use

17 time in the meeting about this.

18 Is this going to be imposed on the

19 commercial core as well as the residential or just on the

20 residential parts of New Hope?

21 MR. DOUGHERTY: The Borough.

22 PRESIDENT GERING: The whole Borough.

23 MR. GREENBERG: Because the way that we had

24 tried to put this through in planning was that it be for

25 the residential areas, that it wasn't something for

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was my question.

3

MR. DOUGHERTY: We can't do spots. There

4

are residents on Mechanic Street across the street from

5

Vasant House, et cetera. There are residents on the

6

other side -- on East Mechanic Street that are right

7

across the street. There is no islands of areas of this

8

town, there are resident people being affected by

9

transient people. 180 days I think is a pretty big

10

number. That is my interpretation.

11

MR. GREENBERG: You answered my question.

12

Thank you.

13

PRESIDENT GERING: John?

14

MR. FENNINGHAM: Again, the proposed

15

ordinance contains definitions, one of which is dwelling

16

unit and that is a definition of one or more rooms

17

occupied or intended for occupancy as separate living

18

quarters by a single family are maintaining a household.

19

So the gist of this ordinance is in any

20

district to deal with dwelling unit where a single family

21

resides and wishes to lease areas or rooms on a limited

22

basis so again it comes out of the sense of a residential

23

use of a dwelling unit in any district.

24

If there is -- if it is a commercial

25

structure then it is not going to be subject -- subject to

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1 zoning relief, it will not be subject to the ordinance
 2 necessarily if the ground rules apply to dwelling units as
 3 defined in the ordinance.
 4 PRESIDENT GERING: So if we have a retail
 5 outlet let's say on Main Street and they lease out the
 6 second floor as an Airbnb, that would not affect them?
 7 MR. FENNINGHAM: That structure would be
 8 subject to other requirements and regulations within the
 9 Borough.
 10 MS. STOVER: We don't have any zoning use
 11 for short term rental. There is nothing that would allow
 12 that. It could be an apartment for a yearly rental or
 13 whatever an apartment would be rented for more than
 14 30 days but not a daily basis or a short term rental.
 15 MR. FENNINGHAM: It is grounded in the
 16 dwelling unit definition. So within a structure if the
 17 use is a dwelling unit of a single family, this ordinance,
 18 proposed ordinance will apply.
 19 MR. DOUGHERTY: So to answer the question
 20 that Connie posed; the apartment above the retail space,
 21 this would apply to that because that apartment even
 22 though the building might be commercial, the apartment
 23 itself -- if I am wrong, stop me -- that apartment is a
 24 residential unit and therefore that cannot be VRBO -- it
 25

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1 can be VRBO --
 2 PRESIDENT GERING: Follow the guidelines.
 3 MR. DOUGHERTY: We are not outlawing this.
 4 There will be a process and policy.
 5 PRESIDENT GERING: Any other questions?
 6 Yes. Go ahead.
 7 MR. MEYER: All we need to do is apply this
 8 in the zones that are defined as residential and we get
 9 over this conflict.
 10 PRESIDENT GERING: Thank you, Peter. Go
 11 ahead.
 12 MS. RICHIE: Susan Richie. I own property
 13 at 10 East Mechanic and 17 West Ferry and the property at
 14 10 East Mechanic I am operating as an Airbnb and like this
 15 gentleman, it is my business. I am retired. I used to
 16 live there.
 17 And I have no problem with you guys
 18 regulating, I embrace the idea of inspections and all of
 19 that. But the 180 day limit is -- would be a problem for
 20 me. I would respectfully ask you to reconsider that.
 21 And also for the other property, the 17
 22 West Ferry, where we have two units that are divided up, I
 23 have a property there with two small apartments and my
 24 intention was to turn them into Airbnb. I am in the
 25

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1 process of renovating them and that would mean I could
 2 only do 90 days for each of them.
 3 PRESIDENT GERING: Why would you do
 4 90 days, it would be 180 per unit.
 5 MS. RICHIE: My understanding of reading
 6 Item Q below that is it says in the event that more than
 7 one dwelling unit is available for short term rental, the
 8 rental limits support Paragraph P, shall apply to the
 9 entire property regardless of the number of dwelling units
 10 that exist for which permits have been issued.
 11 So I don't know, maybe I am reading that
 12 incorrectly, but that would seem to me --
 13 PRESIDENT GERING: I am getting ahead --
 14 yes, you're reading it correctly.
 15 MS. RICHIE: I think the characterization
 16 of the Airbnb client is not correct. People I get in my
 17 place are there for weddings. I mean they are lovely
 18 people. I have been doing it for a little over a year and
 19 I have 78 5-star reviews. It is a nice -- the people are
 20 assets to the community and I have to say at number 10 I
 21 am next door to a hotel.
 22 MR. DOUGHERTY: Do you live in the Borough?
 23 MS. RICHIE: Right now, no.
 24 MR. DOUGHERTY: So I guess that is -- this
 25

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1 is a residential community and properties are being
 2 purchased apparently specifically to create Air --
 3 specifically in your case to create short term rentals for
 4 overnight guests.
 5 And on 15 West Ferry, which is in the heart
 6 right across -- I know where it is. You're 10 East
 7 Mechanic, 12 East Mechanic, I know that little strip right
 8 there. I think I am on the right spot. There is
 9 residences there and residents there.
 10 MS. RICHIE: My next door neighbor is here.
 11 MR. DOUGHERTY: In this case they may love
 12 -- they may love meeting new people every day. I am
 13 pretty sure that most people don't want 200 people or 180
 14 -- more than 180 people, 180 is a big number. I think it
 15 is very reasonable to put that -- I can't imagine too many
 16 people who would want 180 people who are not being
 17 screened, other than having a credit card, being able to
 18 come in to live next door to them for overnight.
 19 I cannot imagine how that would improve
 20 property values or improve the quality of life, unless
 21 they really like to meet new people all of the time.
 22 MS. FEDER: To be clear, I don't think any
 23 of us are saying that every person who uses an Airbnb is a
 24 horror, I am confident that they are not.
 25

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2 But I think the issue here is what we are
3 running into is with so many short term rentals because
4 they are successful, and it sounds like a number of folks
5 are taking on more and more of them, it is limiting the
6 number of available residential spaces for people who
7 actually stay within the community for a long time, that
8 is home buyers or people that just rent an apartment.
9 I mean you can certainly rent an apartment
10 in the Borough and plenty of people do and that is
11 wonderful. But I think the issue is that we have a really
12 vibrant town that a lot of people want to come visit and
13 what we are trying to curb is the expansion of what is
14 essentially a hotel type of business into the residential
15 life blood of our town.
16 We are not saying that you cannot do it,
17 but we are trying to limit it so that the primary use of
18 places that are designated in our zoning as residences
19 don't become basically a business or a hospitality use.
20 This is no judgments on every single person
21 who runs an Airbnb in town, it is not, and its been about
22 preserving the character of the town and with that, taking
23 a look at the intent beyond our zoning map.
24 PRESIDENT GERING: Thank you.
25 MS. RICHIE: If I may, can I just -- two

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2 are not residents, these are people that are -- it is
3 nothing to do with what type of people are renting or what
4 they go through to get to rent them.
5 MS. RICHIE: Okay. Can I make one other
6 point?
7 PRESIDENT GERING: Go ahead.
8 MS. RICHIE: The reason I chose Airbnb for
9 this place because I did used to live here and I couldn't
10 really afford -- I moved away for other reasons and
11 couldn't afford to maintain both places but I wanted to
12 have a place where I could be in this Borough but you
13 know, maintaining two places is really expensive.
14 With an Airbnb you can do that. If I rent
15 it out to full-time rental tenants, I can never -- I just
16 come here to change the air filters or whatever. So it
17 allows me to maintain my connection to the community
18 because I can stay in a place when it is vacant, which I
19 couldn't do if it was rented out as a regular rental.
20 MS. RETTIG: I think we all feel for every
21 one of you guys that are running legitimate businesses.
22 Again I will ask you, do you have a
23 business license? You pay your business privilege tax?
24 MS. RICHIE: Yes.
25 MS. RETTIG: If everybody in this room

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2 more things.
3 One is that both of these properties are
4 next door to hotels so I mean --
5 MS. FEDER: But with that logic we can say
6 since you are close to a hotel this isn't a house. Just
7 the way that our town is set up, we're a compact mile long
8 area, we are all going to be close to a hotel or Airbnb or
9 whatever.
10 MS. RICHIE: Can I finish my thought? The
11 guests at Airbnbs, they are reviewed by their hosts. It
12 is not just having a credit card, it is actually a much
13 finer screening then you get for people who are staying at
14 a hotel.
15 I get reviewed by them, they get reviewed
16 by me.
17 MR. DOUGHERTY: And again the credit card
18 comment was not to cast aspersions on any of these people
19 doing Airbnb. I have done Airbnbs and they are just as
20 wonderful. It is basically about the culture of our town.
21 I think that Louise said it far better than
22 I described it, it is about the residents and our
23 constituents and the people who live here, whether they be
24 our renters or people who live here, having basically many
25 hotels popping up throughout the community, whereby they

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2 went out and bought a property or two properties and
3 decided to VRBO or Airbnb it, if all of us decided to buy
4 a property or two properties, very quickly one penny
5 doubled every single day for a month, this community is no
6 longer the residential community that we all want to live
7 in.
8 Now it is a community of people that own
9 properties and rent them out as hotel rooms. And we have
10 bed and breakfasts and hotels and it is the nature of the
11 beast in this community, meaning that we are only a square
12 mile.
13 I feel for you and I'm sorry that it seems
14 like we are picking on you but it is more -- it is more
15 for the people that are taking advantage and unfortunately
16 we have to do something to prevent the community from
17 becoming just one big guest house.
18 MR. HANLON: So why can't you grandfather
19 us? It is only six of us. It is not a trend that is
20 happening overwhelmingly, it is like six places in town.
21 I monitor all of these things.
22 PRESIDENT GERING: We need to stop so we
23 have control here. We heard you, Jim.
24 Is there any one else from the public that
25 wanted to make a comment so we can get moving? Yes, the

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2 gentleman back there.
3 MR. STEPIEN: Sorry, I didn't intend on
4 speaking tonight, excuse my attire. I live at 104 New
5 Street. Bill Stepien, S-T-E-P-I-E-N.
6 I moved in with my wife two years ago. My
7 two-month old is sleeping right now. Right next door
8 there is an Airbnb, a twin, 106 is an Airbnb, 108 is an
9 Airbnb. So I disagree with the contention that there are
10 five in town. That is just not reality. We can see two
11 right there. Five is not real, it is much more than that.
12 Thank you.
13 PRESIDENT GERING: Anyone else before we
14 move on? Any more questions from Council?
15 MR. GRAY: Mr. Meyer has a couple things.
16 MR. MEYER: All right. My understanding
17 when we debated this and discussed this ordinance in the
18 Planning Commission was that this was for -- to apply to
19 the residentially zoned sections of New Hope. This does
20 not apply to highway commercial. This does not apply to
21 the central business district. This was the intent as we
22 understood it -- as I understood what was going on. We --
23 PRESIDENT GERING: Tell him thank you.
24 MR. GREENBERG: Do you want me to go over
25 the Planning Commission meeting?

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1
2 get that thing through because there was so much control
3 from outside investors. So that can happen in New Hope.
4 Okay. That type of thing. So you're on the right track.
5 PRESIDENT GERING: Thank you. Any more
6 comments from Council? All right.
7 We have a motion on the table. All in
8 favor?
9 MS. FEDER: Aye.
10 MS. RETTIG: Aye.
11 MR. DOUGHERTY: Aye.
12 MR. MAISEL: Aye.
13 PRESIDENT GERING: Aye. Opposed? Motion
14 passes. Thank you, everybody.
15 Next on the agenda is the motion to
16 authorize advertisement for Stormwater Management
17 Ordinance. Can I have a motion for approval?
18 MS. RETTIG: I will make that motion.
19 PRESIDENT GERING: Second?
20 MR. MAISEL: Second.
21 PRESIDENT GERING: If you can explain it.
22 MS. STOVER: Okay. The Borough has a
23 permit from the DEP, it is called a MS4 permit and there
24 are certain requirements that have to be set and certain
25 things that are required to be in the Borough Stormwater

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2 PRESIDENT GERING: The Planning Commission
3 is an advisory board.
4 MR. GREENBERG: Is our intention to ignore
5 that advice?
6 PRESIDENT GERING: Well no, we heard your
7 advice. We also have attorneys who reviewed and have
8 written an ordinance and that is what we have got on the
9 table right now.
10 Mr. Duffy, you will be the last one. Hurry
11 up. We have more on the agenda.
12 MR. DUFFY: Ed Duffy, New Hope. Just
13 wanted to give you an example of out of control purchases
14 from non-residents is Village II. We saw that happen, we
15 have a lot of investment people up there. That's a
16 micro-concept of what could happen in New Hope and that is
17 what you're trying to prevent.
18 What happened is it got to the point where
19 there was so many non-resident owners that we couldn't --
20 we had to ask them to -- we couldn't do anything and
21 things couldn't happen so we asked to put a motion into
22 the V-II committee and board that any one purchasing a
23 property in Village II would have to commit to a one year
24 stay at the property to try to control that.
25 Well we were too late. We could not even

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2 Management Ordinance.
3 Recently those were updated by the DEP and
4 they have required as part of this permit that the
5 Stormwater Management Ordinance include some additional
6 administrative and definitions and things like that.
7 So this revision -- I reviewed the existing
8 ordinance for New Hope and compared it to what the DEP
9 modeled ordinance requires and these changes -- there is
10 about six or so categories I have here. They allow for
11 the Borough to have a requirement that if a permit is
12 issued erroneously, that it wouldn't stand.
13 It provides a procedure for granting
14 waivers of the Stormwater Management Ordinance. It has
15 some inspection requirements for stormwater facilities or
16 best management practices. There is requirements for
17 operation and maintenance so that once they are installed
18 they are maintained by the property owners.
19 There is a requirement from the DEP if
20 certain discharges that are prohibited, so that had to be
21 added. And then there is just a statement that they
22 prefer roof drains and sump pumps discharge to vegetative
23 area but it does say when feasible because in the Borough
24 it is sometimes not possible to do that.
25 So most of these changes are more

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2 administrative than technical and they are requirements

3 from the DEP.

4 MR. MAISEL: I want to thank you for doing

5 this red line. This was -- this is pretty dry so to

6 speak. You know, stormwater. But it helped seeing the

7 red line. I mean it made a very dry document a little bit

8 understand -- at least a point of context for.

9 MS. STOVER: You can see where the changes

10 are being added.

11 MR. MAISEL: Thank you for that.

12 PRESIDENT GERING: Any other comments or

13 questions from Council? Any from the public?

14 All in favor?

15 MS. FEDER: Aye.

16 MS. RETTIG: Aye.

17 MR. DOUGHERTY: Aye.

18 MR. MAISEL: Aye.

19 PRESIDENT GERING: Aye. Opposed? Motion

20 passes.

21 Next on the agenda is the -- can I have a

22 motion to approve a resolution to amend the Borough fee

23 schedule.

24 MR. MAISEL: I will make that motion.

25 PRESIDENT GERING: Second?

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2 MS. RETTIG: Second it.

3 PRESIDENT GERING: Pete, do you want to

4 explain this?

5 MR. GRAY: This is a resolution to consider

6 amendment to the existing fee schedule. The existing fee

7 schedule for the year was adopted back in January. This

8 amendment will include the fees that will be associated

9 with the short term rental fees.

10 Council is asked to consider this

11 resolution at this time.

12 MR. DOUGHERTY: Mr. Gray, is that the only

13 modification?

14 MR. GRAY: That is correct. And the

15 changes are on page nine.

16 MR. DOUGHERTY: Thank you.

17 PRESIDENT GERING: Any other questions

18 from Council? Any from the public?

19 All in favor?

20 MS. FEDER: Aye.

21 MS. RETTIG: Aye.

22 MR. DOUGHERTY: Aye.

23 MR. MAISEL: Aye.

24 PRESIDENT GERING: Aye. Opposed? Thank

25 you.

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2 Next can I have a motion to approve the

3 purchase of a police vehicle for the police department?

4 And this is the purchasing a vehicle with all of the

5 improvements they need to do and to fit the gear in there.

6 It will be \$46,982.52.

7 MS. RETTIG: I will make the motion.

8 MR. MAISEL: Second.

9 PRESIDENT GERING: Any questions from

10 Council? We are using AARP money.

11 MR. MAISEL: ARPA money.

12 PRESIDENT GERING: ARPA.

13 Any questions? Any from the public?

14 All in favor?

15 MS. FEDER: Aye.

16 MS. RETTIG: Aye.

17 MR. DOUGHERTY: Aye.

18 MR. MAISEL: Aye.

19 PRESIDENT GERING: Aye.

20 Next is can I have a motion to approve the

21 purchase of AEDs for the police, public works and

22 administration?

23 MS. FEDER: I can make that motion.

24 MS. RETTIG: I will second that.

25 PRESIDENT GERING: Thank you. The Borough

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2 is purchasing them at a cost of \$1,450 each and the total

3 is \$7,325.

4 Any questions from Council?

5 MR. DOUGHERTY: We currently don't have

6 these anywhere?

7 PRESIDENT GERING: Pete, I will let you --

8 I know they are replacing some.

9 MR. GRAY: There is one in the back room of

10 this building that I believe is five to ten years old at

11 least. That will be replaced, that unit. There will also

12 be one -- there is no existing in the Borough office, the

13 Public Works Department, the Visitor's Center and one at

14 the Police Department.

15 MR. DOUGHERTY: There is four -- we have

16 one, we are going to five?

17 MR. GRAY: We will purchase five. One of

18 them will be a replacement one.

19 MR. DOUGHERTY: So we are getting four new

20 locations for AED is the take away.

21 MR. MAISEL: Am I correct in saying that

22 they are all going to be uniform because there were two

23 types, so familiarity will no longer be an issue, they

24 will all be the same.

25 MR. GRAY: They will all be the same across

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2 the board in all locations.
3 PRESIDENT GERING: Any comments?
4 MR. DUFFY: What is an AED?
5 MR. GRAY: Automated electric
6 defibrillator.
7 PRESIDENT GERING: If you're having a heart
8 attack we will shock you.
9 MR. DUFFY: You should have more.
10 PRESIDENT GERING: All in favor?
11 MS. FEDER: Aye.
12 MS. RETTIG: Aye.
13 MR. DOUGHERTY: Aye.
14 MR. MAISEL: Aye.
15 PRESIDENT GERING: Aye. Opposed?
16 Next can I have a motion from Council to
17 approve the July 19th Council meeting minutes?
18 MS. FEDER: I will make that motion.
19 PRESIDENT GERING: Second?
20 MR. MAISEL: Second.
21 PRESIDENT GERING: All in favor?
22 MS. FEDER: Aye.
23 MS. RETTIG: Aye.
24 MR. DOUGHERTY: Aye.
25 MR. MAISEL: Aye.

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2 PRESIDENT GERING: Aye. Opposed?
3 Can I have a motion to approve the accounts
4 payable for August in the amount of \$179,979.40. The
5 July 29th and August 12th payrolls in the amounts of
6 \$77,697.53 and \$72,936.86?
7 MS. RETTIG: I will make that motion.
8 PRESIDENT GERING: Second?
9 MS. FEDER: I will second.
10 PRESIDENT GERING: All in favor?
11 MS. FEDER: Aye.
12 MS. RETTIG: Aye.
13 MR. DOUGHERTY: Aye.
14 MR. MAISEL: Aye.
15 PRESIDENT GERING: Aye. Thank you.
16 Next are the committee reports. It is
17 Parks and Recreation.
18 MS. FEDER: We had a great meeting last
19 month. We were talking about plans for upcoming
20 improvements to Borough parks and a lot of time was
21 devoted to the story time event planned for the green
22 roof. That date has been confirmed for Thursday,
23 September 29th.
24 Look forward to our next meeting. I
25 believe members of the Public Works Department will be

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2 there so we can talk about ways to corroborate for the
3 rest of this year and next.
4 PRESIDENT GERING: Thank you. Shade Tree
5 is not here. There is no report on the Parking Facilities
6 Committee.
7 Finance Committee, Mr. Maisel.
8 MR. MAISEL: Okay. The Borough through
9 the end of June -- this is a mid-year report, from a
10 revenue standpoint is at -- has exceeded budget
11 expectations on every major line item so I am happy to
12 report that. This includes those major revenue items
13 specifically include real estate taxes, enabling tax which
14 is the earned income tax, parking violation revenue and
15 rental for parking.
16 So those make up the lion share of our
17 revenue and other items that obviously make up our budget
18 from a revenue standpoint but those are our major numbers
19 that we can speak to after six months of a year and be
20 able to reasonably project that we should far exceed our
21 budget expectations.
22 I think after -- when we report again in
23 October for the third quarter, I think we will be able to
24 be even more absolute about that projection but so far
25 from a revenue standpoint we are doing well ahead of

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2 schedule.
3 There is ironically -- and this I found to
4 be interesting on a personal level, saw that we had one
5 budget item which is called public safety which is
6 actually building permits, is actually trending lower.
7 So we had budgeted \$175,000 for 2022 and we
8 are at approximately \$50,000 through June. So you would
9 say since -- there should be some consistency with that,
10 maybe we should have been at 85,000. And it is a
11 relatively small differential particularly over a
12 six-month period and it can change because of timing
13 issues but you would -- I found it surprising since
14 everyone thinks in New Hope the activity -- the building
15 activity is so crazy and everything is wildly going on
16 here, that we are actually not as busy as we might have
17 thought with building permits.
18 It is not a meaningful number in any way to
19 be concerned about but I just found it to be an
20 interesting fact. I would have thought with all of the
21 development that is going on in town that you wouldn't
22 have that issue.
23 On the expense side of things we are also
24 maintaining or bettering our mid-year budget projections
25 on all major line items including the financial

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 2 administration, the general administration, police and
 3 public works.
 4 Those four items also make up the lion
 5 share of the expense side for the Borough and they
 6 exceeded budget expectations.
 7 One area where we have exceeded our budget
 8 expense has been on legal. The cost of legal, of
 9 litigation, satisfying right to know, general legal
 10 expenses required for the developer interactions as well
 11 as challenging zoning rulings have helped to put us over
 12 budget over that six-month period. We are keeping a close
 13 eye on this expense.
 14 And we do not envision that the overrun of
 15 legal to have a material effect on the overall budget but
 16 it is a point that we are aware of and continue to be
 17 cognizant of it.
 18 As I said, in October we will have the
 19 financial report for the entire third quarter as well as
 20 projections for the balance of the year.
 21 And that basically is it. I want to thank
 22 Christina, our treasurer, for helping us prepare tonight.
 23 I am getting more and more familiar with the numbers. We
 24 do have the document that reflects our budget at this
 25 point of the year. It is available, I think it is online

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1 will require and submit an FOIA, Freedom of Information
 2 Act request.
 3 We can look into placing a document on the
 4 website for public review at some point. We will see what
 5 we can do.
 6 PRESIDENT GERING: Thank you.
 7 MR. GRAY: I have another one from Patty
 8 Hurst.
 9 What is the status of the proposed zoning
 10 RB-1 and RB-2? Its been approximately five months since
 11 public comments were made and unattended consequences were
 12 raised by residents.
 13 This amendment is still under review by the
 14 Borough's legal counsel at this time.
 15 I have another one from Mr. Ed Duffy.
 16 Dear Council, can you please address the
 17 plans you had to clean up the river, parks and downtown
 18 streets. To date the solution has been weed whacking
 19 everything. The river, parks need a plan. Maybe hire
 20 downtown person and either hire part-time workers on
 21 landscape crew to do the work. Again Borough first needs
 22 to develop a plan for both issues. What are Council's
 23 thoughts and solutions?
 24 We will work with Public Works and
 25

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1 as well at this point or will be tomorrow.
 2 MR. GRAY: That will be posted online
 3 tomorrow.
 4 MR. MAISEL: We have copies of it as well
 5 here tonight I think and that is it. We will report again
 6 in October.
 7 PRESIDENT GERING: Thank you, Ken.
 8 Next do you have a HARB report?
 9 MR. MAISEL: No report.
 10 PRESIDENT GERING: I am the liaison for
 11 Zoning. There is no report because they haven't had a
 12 meeting.
 13 Do we have a Manager's report?
 14 MR. GRAY: Yes, just a few items for
 15 public comment.
 16 First one is from Bill Clapper. Its come
 17 to my attention that the Borough Council members are
 18 provided a list of accounts payable each month for
 19 approval at the regular Council meetings. I understand
 20 the list is an account level, does not identify vendors.
 21 Would you make a copy of this report available to the
 22 public at each meeting beginning in August of 2022?
 23 I personally would like to obtain a copy
 24 of these reports from January 2021 to August 2022. That
 25

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1 determine the scope of what work to be addressed as our
 2 first step.
 3 Second question Mr. Duffy had was this
 4 weekend was without consistent police presence especially
 5 on the foot and corners. Just drive through efforts.
 6 Result out of control motor cycle action and cars zooming
 7 through town, some racing Bridge/Main Street, crosswalks
 8 with children in danger.
 9 Visitors asking about police presence. One
 10 officer for p.m. Sunday was stationed in his car at the
 11 high school focused on his cell.
 12 Can the police force be more proactive
 13 downtown? Note they are a great reactive organization.
 14 Council thoughts and possible actions. Thanks, Ed Duffy.
 15 MAYOR KELLER: Can I respond?
 16 PRESIDENT GERING: Yes, please.
 17 MAYOR KELLER: I know you were on Council
 18 for 12, 14 years. Council doesn't dictate how the police
 19 department is run, the Chief does. Chief reports to me
 20 and tells me what he's doing.
 21 So I don't normally do this but I will
 22 going to this time respond to your inquiry. First of all
 23 I will start off for the gentleman -- the police officer
 24 you saw in his car on his cell phone. He had a pull over,
 25

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 2 pulled a car over and he wanted to make sure the section
 3 that he was going to cite -- yes?
 4 MR. DUFFY: He was sitting in the parking
 5 lot facing the road. There was no one around him except
 6 me driving by.
 7 MAYOR KELLER: So you said he was in a
 8 car. I thought that is what he said.
 9 MR. DUFFY: He was in a police vehicle.
 10 MAYOR KELLER: So he was looking up citing
 11 sections in the police code in order to give someone a
 12 ticket or whatever he was going --
 13 MR. DUFFY: There was no one to give a
 14 ticket, there was not a stopped vehicle. Who was he
 15 giving the ticket to?
 16 MAYOR KELLER: I don't know that but I
 17 will get back to you on that if you're planning to use
 18 playing on his phone in the police car.
 19 MR. DUFFY: Okay.
 20 MAYOR KELLER: So that is the first one.
 21 Second one. First of all we had as you know, the auto
 22 show where three officers were working on Saturday and
 23 Sunday, which helped.
 24 Generally the policy is we try to have the
 25 police presence at the auto show so that one time or

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 2 there is reciprocity between our neighboring departments.
 3 So one of our officers went up to help them with traffic,
 4 or whatever assistance they needed. That can take
 5 anywhere from a half hour to two hours. So one of our
 6 officers is off, he is helping up there.
 7 Found article. Somebody finds something so
 8 they have to go up -- one of the officers has to go to the
 9 police station and get the item that someone found on the
 10 street and fill out the paper.
 11 MR. DUFFY: What time was that?
 12 MAYOR KELLER: 11:30.
 13 MR. DUFFY: P.M.?
 14 MAYOR KELLER: That would be a.m.
 15 Okay. Traffic enforcement. At 238 -- 238
 16 South River Road we had an officer move to a different
 17 position. We had two places by Odette's offices and then
 18 we have another spot a little further by Waterworks. They
 19 do speed details, that is cars coming in and going out of
 20 town from the south.
 21 We had an officer on foot patrol so he is
 22 doing foot patrol on Bridge Street. 182, so that was
 23 probably a little bit west of downtown. Other public
 24 service, I'm sorry can't tell you, that is 166 South Main.
 25 I am not sure what that exactly is.

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 2 another one of the three officers would be located at the
 3 auto show while it is taking place.
 4 Secondly what we try to do is have foot
 5 patrol in town. So we have a police officer that is
 6 always on foot detail as well as another officer in the
 7 car.
 8 So you give me -- you an idea, I will give
 9 you what I have here. I did a quick printout. So here we
 10 have traffic enforcement, suspicious person, noise
 11 complaint, traffic enforcement at Bridge Street, traffic
 12 enforcement at Bridge and West Ferry Street, fraud. I
 13 don't know, that may take a half hour, an hour of a police
 14 officer if he has to go back to the station with someone
 15 that has committed some sort of fraud.
 16 10:30 we have foot patrol. One of our
 17 officers was on foot patrol on South Main Street which is
 18 what we expect of one of our officers when they are there.
 19 Traffic enforcement. AccuTrac 328 South River Road. We
 20 also not only had another officer that was doing speed
 21 detail on South Main Street, which we will call River Road
 22 there.
 23 Then we have a service call. Now what
 24 happens there is an accident on Windy Bush and Aquetong
 25 Road which is Solebury. Solebury asks for assist and

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 2 But then we also -- exact time 1:13 we had
 3 a police officer that -- another thing that Chief is
 4 instituted which is marvelous, what we had called
 5 pedestrian safety detail. That was at West Ferry Street
 6 and South Main Street, so we put a police officer right by
 7 the cannon there because we have a crosswalk there. And
 8 so we have the police presence -- more likely cars will
 9 stop as people are crossing.
 10 And I think in your e-mail you mentioned
 11 that there were children and it was very unsafe, et
 12 cetera. We also had another officer that was doing the
 13 same pedestrian safety detail on East Mechanic and South
 14 Main Street so going one street south of Main Street we
 15 have a police detail going on there.
 16 A 911 hang up. Vehicle's information not
 17 important. Traffic accidents, so we had an accident on
 18 South Main Street. Officer has taken care of that.
 19 Directed patrol. Not sure. Warning was -- pedestrian
 20 safety detail at about four o'clock on South Main
 21 Street/West Ferry Street. Foot patrol South Main Street.
 22 South Main Street. South Main Street. West Mechanic
 23 Street foot patrol. Traffic enforcement west Bridge
 24 Street.
 25 So there is more but I will go to Sunday so

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2 you can get an idea because I don't want you to think they
3 do things on Saturday but they don't on Sunday.

4 We still have an officer there at the auto
5 show on Sunday. We start off here. We start off -- great
6 way to start off, there is a theft of \$50 to \$200 theft
7 and so officer probably is an hour, hour and a half of one
8 of the officers that has to address that. A theft and
9 fill out the paperwork.

10 Foot patrol on West Bridge Street and Old
11 York Road so I assume that is we have an officer that is
12 out by the -- where the crosswalk is by the Living Earth
13 because at that point with the auto show going on that is
14 a very dangerous crosswalk there by Old York Road on West
15 Bridge Street.

16 We had an addition -- we had a 911 hang up.
17 Medical call at the auto show so it helps to have an
18 officer there for that. We had pedestrian safety detail
19 when -- we try that every day, at least once or twice.

20 MR. DUFFY: Where is the pedestrian safety
21 detail?

22 MAYOR KELLER: West Bridge Street and Old
23 York Road. So he was out there up over by where is -- the
24 Flower Living Earth is right near there. We also had
25 traffic enforcement, West Bridge Street, Riverstone

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2 or what you think is inappropriate or that our officers
3 are not doing.

4 MR. DUFFY: What is missing from our
5 conversation is Bridge and Main Streets traffic light
6 area. You didn't mention any police officers being there
7 looking at traffic safety issues so forth.

8 There was certainly no one around that from
9 my observation and that is where a lot of stuff goes -- it
10 starts on there and heads out. They don't see any police
11 cars or police presence so they zoom down South Main
12 Street, they zoom up Bridge Street. They don't see
13 anything at that light. That could be a critical thing to
14 think about.

15 PRESIDENT GERING: I will stop you on that
16 one with the light. How do you think anyone is going to
17 go from South Main to zoom up Bridge Street is beyond me.
18 That light has been my thing that I have had -- if you're
19 lucky you will get one car to turn. I don't know where
20 you think these cars are zooming at.

21 MR. DUFFY: Connie, be down there once in a
22 while to look at it.

23 PRESIDENT GERING: I travel that
24 frequently.

25 MR. DUFFY: No, you don't.

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2 Circle. So when they are going out Bridge Street
3 presumably coming away from the auto show someone is going
4 too quickly.

5 Traffic enforcement West Bridge Street, Old
6 York Road. We had directed control on South Main Street.
7 Another traffic enforcement at West Bridge Street so we
8 had someone doing speed of people leaving down there.

9 West Mechanic Street we had the directed
10 patrol. We had foot patrol at South Main Street and then
11 traffic enforcement citation at 250 Union Square so we had
12 a citation issued there. And it turned out of course that
13 they were -- and this is when things you couldn't predict,
14 a DUI suspended license so they can't drive the car. The
15 officer has to hold them there for -- I assume that has to
16 take at least an hour.

17 Chief, if you got someone pulled over in a
18 suspended car --

19 CHIEF CUMMINGS: We have to wait for the
20 tow to come and take the vehicle.

21 MAYOR KELLER: You have to tow the vehicle
22 and all of the paperwork has to be done for that. And
23 then foot patrol and then we had an alarm call. So it is
24 not like we have no police presence going on in town.

25 So I don't know what else you want to know

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2 PRESIDENT GERING: I will stop you with
3 that.

4 MR. DUFFY: You don't see the action I do.
5 I am only saying it because it is happening. I am not
6 trying to create something. That is what is happening.

7 PRESIDENT GERING: Thank you. Thank you,
8 Larry, for the information.

9 MAYOR KELLER: You're welcome.

10 PRESIDENT GERING: Okay. Next is our
11 Solicitor reports.

12 MR. FENNINGHAM: Thank you. I do have a
13 report. Preceding the open meeting this evening I also
14 met with Council, conferred for informational and
15 non-deliberative discussions of the award of June 21 of
16 this year regarding the 2022 Roadway Improvement Program.

17 So based upon that information provided, I
18 recommended you adopt a motion to rescind the award under
19 the 2022 Roadway Improvement Program that was approved on
20 June 21 to Bray Brothers, Inc. due to a concern that
21 advertisement of the request for proposal is not fully
22 compliant with Pennsylvania statutory requirements for
23 advertising of the RFP.

24 And this is -- arises out of the fact that
25 the funding for the roadway work was to be through the

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2 liquid fuels funding and so it required advertising and
3 that was not done.
4 PRESIDENT GERING: Can I have a motion for
5 approval?
6 MS. RETTIG: I will make that motion.
7 PRESIDENT GERING: Can I have a second?
8 MR. MAISEL: Second.
9 PRESIDENT GERING: Questions from Council?
10 Any one from the public?
11 All in favor?
12 MS. FEDER: Aye.
13 MS. RETTIG: Aye.
14 MR. DOUGHERTY: Aye.
15 MR. MAISEL: Aye.
16 PRESIDENT GERING: Aye. Thank you.
17 Anything else, John, or that was it?
18 MR. FENNINGHAM: That was it. Thank you.
19 PRESIDENT GERING: Public comment. Yes.
20 MR. BAND: Good evening.
21 PRESIDENT GERING: Identify yourself
22 please.
23 MR. BAND: Good evening. My name is Melvin
24 Band, B-A-N-D. I live in North Point, 413 Jackson Court,
25 Solebury.

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2 Now whether we live in New Hope or
3 Solebury, we all have something very much in common. We
4 all pay school taxes for which we expect services in
5 return.
6 Over the last several years \$2.6 million
7 worth of our taxes went to the building of an artificial
8 turf field, 1.8 million new running track, 200,000 and six
9 new tennis courts, 600,000 at the high school.
10 The tennis courts have a sign that says the
11 courts will be closed during school day and when there are
12 competitions and practices. Otherwise they will be open
13 from dawn to dusk. I say that is as fair for the
14 community. But conversely only for the track and field
15 nobody, not a single one of the 2500 New Hope residents
16 including Council members, the Mayor, nor the 8500
17 Solebury residents including students, are allowed at any
18 time on the track or field even if it is after school
19 hours, weekends or holidays or summer time unless they
20 provide insurance for 1 million to \$3 million each to the
21 track and make a reservation, unlike the tennis courts.
22 Now before I continue, the unspoken
23 protocols in a community -- I have been through this, you
24 don't tell me how to run the Borough Council and I will
25 not tell you how to run the school district. However, you

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2 step on my toes protocol must be put out the window.
3 March 30th, 2022 Superintendent Dr. Charles
4 Lentz came out with an unspoken memorandum and I
5 have it, it is online. I have a copy. Okay. Two reasons
6 as to why the track and field is closed to the public.
7 Reasons that have no validity.
8 Superintendent Lentz said that we have to
9 protect our investment. It is protected with insurance.
10 The insurance company actuaries feel very confident that
11 any significant damage is highly unlikely. In fact when
12 the track and fields were added, our premium went up just
13 \$2,000 from 84,000 to 86,000 while a deductible of 5,000
14 stayed the same.
15 Second, the district claims that the people
16 litter the field with dog excrement. Even if this were
17 true, the issue is now moot because cameras have been
18 installed with signs that claim you will be subject to
19 prosecution.
20 Plus, by the next meeting -- I am almost
21 done. I would like the issue to be put on your agenda for
22 a resolution from Borough Council demanding the school
23 district open the track and field to the public at large
24 to the same extent as the tennis courts which are open
25 from dawn to dusk but closed during the day and for

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1
2 practice and competition.
3 Now The Council doesn't have the authority
4 to open the track and field but you can stand up for your
5 constituents which the school board members refuse to do.
6 Finally I want to tell you something, most
7 students who climb that four-foot fence have no problem
8 but those who do and I have seen this, if one breaks the
9 neck, the tragedy would have been avoided stays forever.
10 January 2nd, New York City a 28-year old
11 man climbs a turnstyle in the subway, that is three feet
12 high, falls breaks his neck and dies. All right. So this
13 stuff can happen. And hopefully although you can't
14 control it, speak up. That is it.
15 PRESIDENT GERING: Thank you. Any other
16 public comments? Mr. Duffy.
17 MR. DUFFY: Sometimes you got to keep
18 poking the bear.
19 The only thing I want to do tonight is read
20 Borough managed parks, comes out of our website and it
21 says New Hope Borough manages several parks with the Parks
22 and Recreation Board taking the lead on planting and
23 maintenance for the facilities.
24 Our parks sprinkled throughout the Borough
25 provide scenic views, quiet shade. Absolutely.

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1
2 Absolutely. And picnic perfect settings. Not absolutely.
3 They are in bad shape.
4 During school -- well that is not relevant.
5 But I wanted you to understand that. I have been poking
6 the bear in different areas, of course you know and this
7 kind of puts things together.
8 Do we have a fresh plan from the Parks and
9 Rec for maintenance on these parks or are they just not
10 following it because the solution that followed my last
11 presentation was weed whackers and leaving debris in the
12 parks. I don't think that is a solution.
13 So that is all I want to say about that. I
14 hope you do better or else I will poke the bear again.
15 MS. FEDER: Ed, as a reminder, and as I
16 just mentioned in our committee reports, we are moving
17 ahead with plans with the Public Works Department for how
18 to address maintenance of the parks going forward.
19 And I think you attended our most recent
20 parks and rec meeting as well where we discussed those
21 issues. So they are being considered. We are working
22 very closely with parks and rec -- excuse me, with public
23 works to make sure that maintenance is being addressed.
24 MR. DUFFY: Thank you. See you at your
25 next meeting.

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C E R T I F I C A T E

I hereby certify that the proceedings
and evidence are contained fully and accurately in the
notes taken by me in the above cause and that this is a
correct transcript of the same.

Karen W. Browndorf, RPR
Official Court Reporter

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1
2 PRESIDENT GERING: Any other comments? Any
3 announcements? Can I have a motion to adjourn?
4 MS. FEDER: So moved.
5 MS. RETTIG: I will make that motion.
6 PRESIDENT GERING: Safe travels,
7 everybody.
8 ---
9 (The proceedings were concluded.)
10 ---
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