

NEW HOPE BOROUGH COUNCIL
 BUCKS COUNTY, PENNSYLVANIA
 - - -
 OCTOBER COUNCIL MEETING
 - - -
 NEW HOPE BOROUGH COMMUNITY ROOM
 123 NEW STREET
 NEW HOPE, PENNSYLVANIA 18938
 - - -
 TUESDAY, OCTOBER 17, 2023
 COMMENCING AT 6:30 P.M.
 - - -
 BOARD MEMBERS PRESENT:
 CONNIE GERING - PRESIDENT
 LOUISE FEDER
 PETER MEYER
 KENNETH MAISEL
 DANIEL DOUGHERTY (via phone)
 MICHELE BECCI
 KELLY WHITMAN
 - - -
 ALSO PRESENT:
 LAWRENCE KELLER - MAYOR
 PETER GRAY - BOROUGH MANAGER
 JOHN FENNINGHAM, ESQ. - BOROUGH SOLICITOR
 LISA LITTLEFIELD - ZONING OFFICER
 MARY STOVER - BOROUGH ENGINEER
 MATTHEW DECKER - AUDIO/VIDEO TECHNICIAN
 LAURA KENT - ADMINISTRATIVE ASSISTANT

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2 PRESIDENT GERING: I would like to call the
3 meeting to order. If you can stand for the Pledge of
4 Allegiance.
5 Mr. Gray, if you can take roll.
6 MR. GRAY: Certainly.
7 Mr. Maisel?
8 MR. MAISEL: Here.
9 MR. GRAY: Ms. Feder?
10 MS. FEDER: Here.
11 MR. GRAY: Mr. Dougherty?
12 MR. DOUGHERTY: Here.
13 MR. GRAY: Ms. Becci?
14 MS. BECCI: Here.
15 MR. GRAY: Mr. Meyer?
16 MR. MEYER: Here.
17 MR. GRAY: Ms. Whitman?
18 MS. WHITMAN: Here.
19 MR. GRAY: Mayor Keller?
20 MAYOR KELLER: Here.
21 MR. GRAY: Ms. Gering?
22 PRESIDENT GERING: Here. Thank you.
23 Mayor Keller, your report?
24 MAYOR KELLER: Sure. Start off with
25 pleasure, I swore in Kelly Whitman earlier this evening so

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2 she's officially been sworn in as our newest member of
3 Borough Council.
4 And secondly, last Friday was kind of crazy
5 with the threat across the world. Just to let you know
6 that we certainly had as much downtown coverage as we
7 could at all the shop owners that were concerned about any
8 potential person coming in and causing problems as they
9 were suggesting that certain groups do throughout the
10 world. So fortunately no problems here. And we had good
11 coverage and good presence. So that is about as much as
12 we can do and obviously be diligent. So I was pleased
13 that nothing happened in New Hope.
14 And lastly, we have the applicants'
15 information out now for the SafeCity Solutions for the new
16 Chief of Police. We have already had some responses, both
17 to Peter Gray and it will -- the applications will be open
18 until November 17th at 4:00 p.m.
19 I suspect that we will probably end up with
20 maybe 60 to 80 applicants at least for that position. And
21 that is it.
22 PRESIDENT GERING: Thank you.
23 MR. GRAY: Excuse me, Ms. Gering. I just
24 wanted to let everyone know that Mr. Dougherty is also
25 attending the meeting remotely.

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2 PRESIDENT GERING: Thank you so much.
3 First on the agenda can I have a motion to
4 approve the special event application for the Holiday
5 Parade.
6 MS. FEDER: I will make that motion.
7 MR. MAISEL: Second.
8 PRESIDENT GERING: Thank you.
9 Mary, would you like to come up here and
10 tell us about the parade? It is exciting that it is
11 coming back.
12 MS. BRASHIER: Mary Brashier, 88 North Main
13 Street and vice-president of the Chamber of Commerce.
14 I think we should have two things before
15 you guys tonight, the tree lighting at the Logan Inn.
16 PRESIDENT GERING: I didn't see it.
17 MR. GRAY: The second one will be presented
18 to Council next month.
19 MS. BRASHIER: Strike that or whatever you
20 guys do. Let's talk about the parade. Weird.
21 So we will have Thanksgiving and maybe we
22 will have the tree lighting that Sunday and then the
23 following Sunday will be the parade.
24 We went that route last year and it worked
25 really well. We got a lot of positive feedback with

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2 separating the two events so we decided to give it a go
3 again this year.
4 We are working on -- as soon as we have
5 approval, hopefully, reaching out to everyone who
6 participated last year and then quite a few more
7 organizations. Trying to get a little more local
8 organizations involved and may have already talked to, you
9 know, the Lambertville-New Hope Ramblers, trying to get
10 those kids in uniform walking with everybody in the
11 parade. That will be cute.
12 PRESIDENT GERING: Thank you.
13 Pete, I didn't see a certificate of
14 insurance, that is what was missing out of this
15 application.
16 MR. GRAY: Yes. We just need a certificate
17 of --
18 MS. BRASHIER: I will shoot a message out
19 right now.
20 PRESIDENT GERING: Thank you.
21 Any questions from Council? Any one from
22 the public?
23 All in favor?
24 MS. FEDER: Aye.
25 MR. MEYER: Aye.

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2 MR. MAISEL: Aye.
3 MS. BECCI: Aye.
4 MS. WHITMAN: Aye.
5 MR. DOUGHERTY: Aye.
6 PRESIDENT GERING: Aye.
7 Have a great parade.
8 Next can I have a motion to approve the
9 Certificate of Appropriateness for 22 South Main Street.
10 With this application -- they were here back in May, and
11 what they have changed now is they are changing the
12 entrance to the building to the side so they don't have to
13 have a handicapped ramp.
14 Can I have a motion for approval?
15 MS. BECCI: I will make that motion.
16 MS. FEDER: I can second.
17 PRESIDENT GERING: Any questions or
18 discussion from Council? Any questions from the public?
19 All in favor?
20 MS. FEDER: Aye.
21 MR. MEYER: Aye.
22 MR. MAISEL: Aye.
23 MS. BECCI: Aye.
24 MS. WHITMAN: Aye.
25 MR. DOUGHERTY: Aye.

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2 PRESIDENT GERING: Aye.
3 Good luck with your project.
4 Can I have a motion to authorize
5 advertisement for the proposed ordinance amendment for
6 Chapter 275-29?
7 This is something that has been in front of
8 us a few times and it gets tweaked. So can I have a
9 motion for approval before we go into discussion?
10 MR. MEYER: So moved.
11 MR. MAISEL: Second.
12 PRESIDENT GERING: Thank you. So Pete, are
13 you taking this charge or Peter?
14 What has happened in the past is we have
15 numerous entities come in front of Council with different
16 issues that are addressed as to why this ordinance
17 wouldn't work. So what Peter Gray and Peter Meyer have
18 done is they have addressed each of these questions as to
19 why they are doable.
20 So if you can start with that presentation
21 up there, please.
22 MR. MEYER: Okay. Just by way of
23 explanation, we went back through -- shouldn't say we,
24 staff went back through all of the various sessions that
25 Council has held and that have addressed proposed new

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1 ordinance regarding RB-1 and RB-2 and what you are about
2 to see is a PowerPoint presentation basically covering the
3 major issues that were raised by people objecting and the
4 response to it.

5 This is actually a matter of response from
6 some combination of the Planning Commission and Borough
7 Council. Since many of these things were discussed, it
8 was kicked back to the Planning Commission with one
9 exception, that the Planning Commission stand by what it
10 came up with originally.

11 We have with us today also the consultants
12 that we had from the Bucks County Planning Commission in
13 case people have any questions that they wish to address
14 to them. And they are the ones that guided the Borough's
15 Planning Commission in the design of this particular set
16 of zoning amendments.

17 Lets go to the first question. All right.
18 This had to do with the average height limitation and it
19 does not take the fact that the ordinance did not take
20 into consideration the impact of floodplain requirements
21 and this is in fact obviously an issue.

22 What has been noted here is that a variance
23 to address this height limitation, if it is onerous to the
24 floodplain requirements, can be granted by the Zoning
25

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1 purported purpose.
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3 We go to the third item, this has to do
4 with the question having to do with height again, but this
5 time the question comes from someone who apparently did
6 not carefully read the ordinance talking about height
7 being measured a distance from the average grade around
8 the property and so on.

9 The first observation here with regard to
10 the height is that the wording of the ordinance was very
11 carefully crafted by the Planning Commission to make sure
12 that you didn't have -- we didn't have to have that kind
13 of calculation about height that is done from the average
14 grade around the property but rather that this height will
15 be measured as the height visible from the street in front
16 of any given building.

17 Then there is a further statement here that
18 the Borough does not have complete records, blah, blah.
19 As you can read up there, those records are by and large
20 now available in digitized form and Borough staff can
21 certainly help anybody who needs additional information to
22 get that information.

23 If we go to the fourth one, this has to do
24 with different size lots. It has do with the restriction
25 on footprint that is contained within the ordinance. The

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1 Hearing Board on appeal.
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3 It is true that this will create a new set
4 of situations in which there might be appeals but this is
5 a smaller number of properties than those that will be
6 removed from the status of being non-conforming and having
7 to go before the Zoning Hearing Board for various minor
8 changes in their property with the proposed revision of
9 the RB-1 zoning which is contained in the proposed new
10 ordinance.

11 I should probably add before I go any
12 further, the letter that went out to all of the property
13 owners that will be affected by this ordinance will go out
14 a second time. I can explain -- our Solicitor can explain
15 why we have to go through this step a second time.

16 And we go to the second question. This was
17 a question having to do with the height limitation again,
18 but not specific to the floodplain issue. I don't know
19 why the question came up. We couldn't understand that,
20 this is the opposite of the purported purpose but the
21 purpose of the ordinance is to reduce the likelihood that
22 the scale is violated by new construction that pushes the
23 scale envelope by shoving against all the land development
24 constraints. It is not intended to preserve particular
25 roofline or building style so it is not really part of the

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1 impact assumption that is made here is that the ratios are
2 -- we are not using ratios here, we are using actual
3 building footprint and that will have an impact on larger
4 lots that could not build past the larger buildings and
5 those that are surrounding them.
6

7 The implication here is that in many
8 instances this will encourage property owners to
9 subdivide, which could result in density development. The
10 impact assumption is correct but the ordinance in part is
11 intended to limit the size of structures on even large
12 lots to be roughly comparable to those surrounding them.

13 The subdivision possibility is real, but it
14 is limited because first of all by minimum size lot
15 requirements, and secondly by the fact that any request to
16 subdivide would be subjected to Planning Commission and
17 Council review and approval in any case. And limiting
18 higher density development is not actually an objective of
19 this ordinance as it has been designed.

20 The next objection, number five, says that
21 the exclusions improperly exclude larger outliers but not
22 smaller outliers. That is correct. That is the issue
23 that was addressed by the ordinance.

24 The exclusions remove larger outliers that
25 is consistent with the Borough's effort in this context to

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 2 limit the scale of new construction, which as I have
 3 indicated already is one of the objectives of the
 4 ordinance. The exclusion does not ensure the new
 5 buildings are smaller than the existing ones by any
 6 stretch.
 7 Then the further comment that is made that
 8 the exclusion of buildings constructed within the past ten
 9 years is arbitrary. It is arbitrary, but that is
 10 irrelevant. The same can be said of any setback
 11 requirement, height limit or other building constraint
 12 imposed by zoning.
 13 In fact, what happened when the Planning
 14 Commission originally looked at this material and the
 15 proposal that came before us from the County Planning
 16 Commission called for a 20 year hold on properties that
 17 had been changed within the past time period, that is
 18 20 years. Planning Commission recommended ten years as a
 19 more appropriate approach consistent with current setback
 20 requirements, height limits and other building constraints
 21 that are associated with modern zoning.
 22 If we go to the next one, which is specific
 23 to the Historic District, the concern here is that there
 24 could be a conflict between the standards in the HARB --
 25 in this HARB District ordinance that require some

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 2 the structures on the three properties were all torn down,
 3 then the two adjacent to the one that is going to get
 4 built would not count in calculating the average. The
 5 structure on either side of the three demolished
 6 properties would be used to compute the average.
 7 And that is not any more difficult to do
 8 than that if in fact you had two properties on either side
 9 of the existing property with no vacancies in between.
 10 The eighth question, building height is
 11 already in response to this question about what access the
 12 zoning officer has to the -- a series of data that are
 13 required for this comparison. Building height is already
 14 noted, it is measured from the street.
 15 Secondly, there are footprint records on
 16 file that also can provide data to setbacks, sometimes
 17 even on heights. Borough staff can help provide this data
 18 to the would-be builders. They would not be used to
 19 determine whether a proposal new construction requires a
 20 variance or not.
 21 And those data could be used for that
 22 purpose which would permit enforcement. We use them for
 23 enforcement now already. The language of the ordinance
 24 was however crafted to assure that there be no need for
 25 applicants to include -- intrude on neighbors' property or

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 2 variation from what was there before.
 3 The conflict is actually not necessarily
 4 present. The architectural style, scale, bulk and design
 5 of surrounding buildings in this Historic District is
 6 giving the basis for the constraints that the ordinance
 7 imposes by its comparison proposed new construction to its
 8 surrounding that is not in conflict with the logic of
 9 HARB.
 10 Therefore there is no reason to expect any
 11 conflict. In the rare instance in which such a demolition
 12 is approved by the district, however in the unlikely event
 13 of a conflict, once again there is the possibility of
 14 presenting an appeal to the Zoning Hearing Board for --
 15 through a variance. Again, that is probably a fairly
 16 unlikely occurrence.
 17 We go to the next one, this was raising a
 18 question about how this process would work with comparison
 19 to the properties on either side of the subject property
 20 that is attempted to go -- that is -- the subject property
 21 is intending to build a new building.
 22 What if somebody came in and bought a
 23 series of properties and tore down the existing
 24 properties. And what the logic here would be that if you
 25 took all three properties -- three properties, simply if

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 2 spend significant sums to obtain the data needed for
 3 proposed construction to conform to the ordinance
 4 requirements. That was a very serious concern of the
 5 Planning Commission.
 6 Number nine was simply asking for some
 7 reassurance that new homes could be built in the event of
 8 a natural or natural -- to the existing built to
 9 footprint in the event of a natural disaster or fire and
 10 that is true. The provisions can be found in Section
 11 275-63A of the zoning ordinance. So that should not be a
 12 problem for anyone.
 13 Tenth. What happens when a property
 14 building height is calculated to only 18 feet and the
 15 flood elevation is six feet? Does that mean the homeowner
 16 only gets a rancher because they are surrounded by
 17 ranchers or 1.5 story homes? In other words, does that
 18 height limit come up -- get calculated to 18 feet and does
 19 that then mean that the homeowner can only put up 12 feet
 20 when he does have a 15 percent increase available?
 21 That is precisely the type of extreme
 22 hardship for which the Zoning Hearing Board exists to
 23 provide variances. It is also true that the language of
 24 the ordinance could be amended to add the flood elevation
 25 requirement to the existing height of all buildings in the

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 2 average that are not currently floodplain compliant, thus
 3 raising the height average. That provision could resolve
 4 that issue completely and we could amend it to do
 5 precisely that this evening.
 6 The next one argues that if you listen to
 7 the meeting recording, the overall takeaway is the
 8 intended aggressive use of the homes built in New Hope.
 9 You can read the rest of this. It also makes reference to
 10 twenty years, which is now only ten, which I have noted.
 11 And then raises the question as to whether
 12 this is unconstitutional and not legal. The ordinance has
 13 been reviewed twice by expert legal counsel that the
 14 Borough has relied upon in the past and that specializes
 15 in land use law. Council stands by its own opinion that
 16 the ordinance is fully legal and constitutional.
 17 Twelfth question was where you would go to
 18 get the necessary information and how does -- does this
 19 add another complex layer? You can go to any of several
 20 Borough officers, but not the Council which is suggested
 21 by the question, to submit a right -- or submit a right to
 22 know request to get the footprint data. You have to go to
 23 the office to get permit forms anyway.
 24 The certificate impedes -- if this
 25 additional effort really impedes an applicant's ability to

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 2 surrounding it will permit the new house to be built up to
 3 3,100 -- 3,105 square feet.
 4 Again you have a variety of setbacks here.
 5 The existing property is setback 35 feet. The average
 6 front setback of the surrounding properties in this
 7 example is 23 feet and the new house could therefore be
 8 setback up to 26 feet with a 15 percent allowance.
 9 But this is how the calculations could go
 10 forward. They are not particularly complicated
 11 calculations. They are going to have to be done but that
 12 is logic and the process of the proposed ordinance.
 13 I will stop and try to explain and respond
 14 to questions there and see what other questions we have
 15 from Council and others.
 16 PRESIDENT GERING: Just remember, this is
 17 an ordinance that has been in front us two other times,
 18 and the reason that it was tabled each time is because we
 19 had so many questions that have come in front of us. So
 20 this is why these questions were being addressed today
 21 before we make a motion to advertise again.
 22 So what is on the table right now is a
 23 motion to advertise so I will open up to Council what
 24 questions you might have.
 25 MS. FEDER: First of all thank you because

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 2 develop, then he or she must not have very much commitment
 3 to the project.
 4 Thirteenth has to do with garages and front
 5 garages and things on that order. Garages are part of the
 6 footprint of a property. Parking issues could be resolved
 7 by other elements of the zoning ordinance. HARB governs
 8 the historic area.
 9 And in any case, the right to know request
 10 could ask the Borough to provide any information on file
 11 that is available for review that could deal with the
 12 conflicts that exist.
 13 Now one more thing to show you very
 14 briefly, if we can see the next page. This is a sample
 15 calculation.
 16 The gray house in the middle or the gray
 17 property in the middle is going to be removed in this
 18 hypothetical. It is a 2,500 square foot footprint. The
 19 average footprint on the four houses surrounding it, the
 20 blue, the orange, the red and the green, have an average
 21 footprint of 2,700 square feet.
 22 The new house then could be built up to
 23 2,700 square feet or with the 15 percent allowance that
 24 permits some flexibility with regard to the extent to
 25 which a construction can vary from exactly what is

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 2 obviously this was a huge lift by Borough staff to pull
 3 together this document. I am very grateful for the
 4 collection of the information here and obviously thank you
 5 to the Planning Commission officials who came tonight.
 6 Administrative question. Is there a reason
 7 why this information was not in our packet?
 8 MR. MEYER: It was compiled today. I got
 9 back from Spain at 10:30 on Friday night.
 10 MS. FEDER: I am glad you made it home
 11 safely. Welcome home.
 12 Where I am struggling here is two things, I
 13 -- the information is great. I would have appreciated
 14 some time to digest it. I thought the reason we had
 15 tabled this in the past was we were going to really dig
 16 into some of these questions about the proposed amendments
 17 to this. I thought that was why the Planning Commission
 18 was working on this recently as well.
 19 And to my mind, I think this is great
 20 information but if we are trying to get maximum input from
 21 the public and a level of understanding where they really
 22 get what is coming, this is something that we could look
 23 at in depth in the workshop with these folks and the
 24 Planning Commission and this input from Peter that has
 25 been compiled along with Borough staff.

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1 MS. BECCI: Does anything preclude us from
2 approving it for advertising and do a workshop during that
3 process? Does it have to start --

4 MR. GRAY: We can approve it and we can
5 still have a workshop for discussion. We haven't
6 advertised yet. We would do that at a later date after
7 everybody is satisfied.

8 MR. MEYER: Can I point out that we can
9 advertise now, have a workshop discussion. The fact that
10 we advertise does not mean that we vote in favor of the
11 ordinance at the next meeting. The -- so that we can
12 process the necessary information that you are talking
13 about at the workshop and clarify the workshop and then
14 determine whether or not any further changes are
15 necessary.

16 The only thing we would be doing there is
17 spending the money to advertise it at this point and try
18 and get this thing through. If I may point out, the
19 actual beginnings of the process of what we are talking
20 about here and this effort to try and pull this together
21 dates back to April 2021.

22 MS. FEDER: So I think given that long
23 timeline, I don't think waiting an additional month to
24 really dig in here and do the work is remiss. I think --
25

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1 Commission but I don't think that they have had the same
2 full-throated opportunity and I think that even at a
3 workshop to have the attorneys who are willing to provide
4 us their view in conjunction with the commissions to see
5 how things really dovetail and really sync up in terms of
6 what would work and what wouldn't work. Those are my
7 comments.

8 MAYOR KELLER: I agree. Peter, I have two
9 properties that are -- we will call them the gray
10 buildings, and just say that they are 4,500 square feet
11 each. Is the -- and both of those properties are flanked
12 by two row houses that may be 2,200 square feet.

13 Am I completely limited from doing
14 anything, not that I want to, but going forward, am I just
15 completely hand tide? I just saw this for the first time
16 in the paperwork.

17 I agree with Louise that I need to absorb
18 that but where does that put me? Where am I when I am
19 flanked by two properties east and west that are
20 50 percent less square footage than me? Does that mean I
21 can't at any time in the future do a thing to those two
22 properties?

23 PRESIDENT GERING: From what I am hearing,
24 I think we are going to table the advertising. And if I
25

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1 PRESIDENT GERING: I have a question,
2 Peter. If we advertise this but then at the workshop the
3 content of the ordinance is changed, does that change the
4 ad that we are running?

5 MR. GRAY: If there is material changes we
6 would most likely have to re-advertise.

7 MR. MAISEL: I think it would be at this
8 point, just disingenuous to advertise something we don't
9 have full-throated belief in or, you know, the clarity
10 isn't there for us.

11 I mean I admire the fact that this thing
12 has been -- we had 14 questions that were read. I am not
13 sure of the chronology of those questions over the last
14 five or six months or seven months, whether it captured
15 everything or not that was brought up.

16 All I remember are quite frankly, a lot of
17 the comments that were made by admittedly developers,
18 attorneys identifying problems with it, that were quite
19 frankly to some extent more articulately driven home than
20 the absolute nature of whether those questions have been
21 captured in these 13 or 14.

22 You know, it seemed like I was -- it was
23 pretty compelling. Now again, they are advocates for
24 developers and I have a lot of confidence in the Planning
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1 am hearing Council correctly, we are going to put this
2 item on the workshop agenda and everybody will get a
3 packet and we can have a more detailed discussion. Okay.

4 MR. MAISEL: Can we elicit outside
5 attorneys? Is that something that is unprecedented? We
6 were getting some free thoughts on what the problems are
7 from their standpoint, and we shouldn't be governed by,
8 you know, what the developers' interests are but having
9 them articulate what they saw was problematic from the
10 legal standpoint and the practical standpoint seems like a
11 worthwhile thing to be shared with us.

12 MR. MEYER: Of the 14 questions that I just
13 addressed, eight or nine are directly from the
14 presentation that was made by Paul Cohen at the last
15 meeting. Paul Cohen representing developers.

16 I am not sure that you will get any more
17 information from more lawyers representing more developers
18 in terms of the questions that he asked.

19 MS. FEDER: So, Peter, not to get into this
20 too much more, this is part of the reason why any
21 additional context for this presentation would be helpful.
22 We are hearing these questions for the first time. The
23 responses, I am unclear if they are coming from our legal
24 team or one particular member of the Council or the
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 2 Planning Commission.
 3 So we will send this to a workshop session
 4 and I would like to make really sure that we have members
 5 of our Planning Commission there to give their perspective
 6 so we are not just opening this to the floor. I would
 7 like to hear from them.
 8 I am not sure what the availability is from
 9 the Planning Commission on the Bucks County level, but I
 10 think if we are going to send this to a workshop, we as a
 11 group need to be on the same page about who is going to
 12 present on this ordinance there.
 13 MR. MEYER: The Planning Commission
 14 membership may not be available at four in the afternoon.
 15 MS. FEDER: We have two members of the
 16 Planning commission on Council here.
 17 MR. MEYER: Two members of the Planning
 18 Commission on Council here, the rest -- that does not
 19 constitute a quorum of the Planning Commission.
 20 If you want to hear the rest of them, you
 21 better schedule a meeting where they can attend.
 22 MS. FEDER: I don't think it is outside of
 23 the realm of reason to ask for a summary from members of
 24 the Planning Commission.
 25 PRESIDENT GERING: Let's work out the

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 2 two categories; one was strictly whether this is an
 3 enforceable provision and ensure you that it is.
 4 Secondly, they were field hypotheticals,
 5 how would we actually apply these provisions and I think
 6 that is worthy -- that subject matter is worthy of really
 7 -- and Mary Stover developed this example just to show
 8 guidance.
 9 So I think as part of the product of the
 10 work session could be external guidelines and the
 11 ordinance itself may be tweaked, may not need to be
 12 tweaked. You might choose to develop external guidelines
 13 beyond the strict terms of the ordinance provisions.
 14 PRESIDENT GERING: Thank you. So this is
 15 being tabled to the next workshop. Thank you, everybody.
 16 Dan, is there --
 17 MR. DOUGHERTY: Was there a motion on the
 18 floor?
 19 PRESIDENT GERING: Yes. The motion was
 20 that we table it and have further discussion to the
 21 ordinance at the next workshop.
 22 MR. DOUGHERTY: I understand that. I am
 23 just saying we should have to vote to table it. Don't we
 24 or do we --
 25 MR. FENNINGHAM: It was implied but good

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 2 details and we will put this on the workshop agenda, then
 3 we will see if members of the Bucks County Planning
 4 Commission, who are sitting here, can also maybe be part
 5 of this and we can work that out.
 6 Would that be satisfactory to everybody?
 7 MR. MAISEL: Yes.
 8 PRESIDENT GERING: So this is going to be
 9 tabled to be discussed -- it will go back to a workshop
 10 session and Pete Gray -- yes, John?
 11 MR. FENNINGHAM: I would just like to add
 12 that these amendments originated prior to me being
 13 appointed Solicitor. But keep in mind, that the bookends
 14 that are the original intention, was to assist property
 15 owners from not having to go before the Zoning Hearing
 16 Board and meeting the strict requirements which are
 17 restricted for variance relief.
 18 These provisions are intended to be able to
 19 incite specific answers by the owner and if not, so they
 20 are not restrictive as much as proactive so that you can
 21 possibly get an answer that you could or could do
 22 something without needing variance relief. So that is one
 23 aspect to consider.
 24 And I would just add to my perspective for
 25 your benefit that the questions raised by the Council were

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 2 question. Good point, Dan. Call the motion.
 3 PRESIDENT GERING: All those in favor of
 4 tabling?
 5 MS. FEDER: Aye.
 6 MR. MAISEL: Aye.
 7 MS. BECCI: Aye.
 8 MS. WHITMAN: Aye.
 9 MR. DOUGHERTY: Aye.
 10 PRESIDENT GERING: Aye.
 11 Opposed?
 12 MR. MEYER: Opposed.
 13 PRESIDENT GERING: One opposed. Thank you.
 14 Can I have a motion to appoint Lesley
 15 Larson to the Park and Rec Committee?
 16 MS. FEDER: I will make that motion.
 17 MR. MEYER: Second.
 18 PRESIDENT GERING: Any discussion?
 19 All in favor?
 20 MS. FEDER: Aye.
 21 MR. MEYER: Aye.
 22 MR. MAISEL: Aye.
 23 MS. BECCI: Aye.
 24 MS. WHITMAN: Aye.
 25 MR. DOUGHERTY: Aye.

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 2 PRESIDENT GERING: Aye.
 3 Can I have a motion to approve the
 4 resignation letter from Denton Kanouff, our Tax Collector,
 5 effective December 31st?
 6 MS. BECCI: I will make that motion.
 7 PRESIDENT GERING: Second?
 8 MR. MAISEL: Second.
 9 PRESIDENT GERING: All in favor?
 10 MS. FEDER: Aye.
 11 MR. MEYER: Aye.
 12 MR. MAISEL: Aye.
 13 MS. BECCI: Aye.
 14 MS. WHITMAN: Aye.
 15 MR. DOUGHERTY: Aye.
 16 PRESIDENT GERING: Aye. Thank you.
 17 Can I have a motion to approve the October
 18 accounts payable in the amounts of \$636,959.26, the
 19 September 22nd, September 27th, October 6th payrolls in
 20 the amounts of \$98,826.66, \$4,373.29 and \$80,455.58.
 21 MS. FEDER: I will make that motion.
 22 PRESIDENT GERING: Second?
 23 MS. BECCI: I will second.
 24 PRESIDENT GERING: All in favor?
 25 MS. FEDER: Aye.

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 2 MR. MEYER: Aye.
 3 MR. MAISEL: Aye.
 4 MS. BECCI: Aye.
 5 MS. WHITMAN: Aye.
 6 MR. DOUGHERTY: Aye.
 7 PRESIDENT GERING: Aye. Okay.
 8 The committee reports. Park and Rec.
 9 MS. FEDER: We have our next meeting on
 10 Monday so stay tuned for next month a more robust report
 11 from Parks and Rec.
 12 In the interim, the fall plantings have
 13 been done and the planters and we have some wonderful
 14 scarecrows made by a local girl scout troop that you can
 15 see in Lenape Park.
 16 Everybody go check them out. They are
 17 really seasonal, very sweet. And there was a beautiful
 18 sculpture installed in collaboration with the New Hope
 19 Arts Public Sculpture Project.
 20 PRESIDENT GERING: Thank you.
 21 Finance Committee.
 22 MR. MAISEL: Okay. Well we have nine
 23 months in the books and I am pleased to say that the basic
 24 numbers are coming up exactly as our wonderful crack
 25 Comptroller and Borough staff have put together, were

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 2 really on target across the board with a few exceptions
 3 that are positive.
 4 One that I think we can all relate to is
 5 our interest earnings. While it might have been a little
 6 bit easier to anticipate that we would get these kinds of
 7 returns but that is up by well over a hundred thousand
 8 dollars so we are actually realizing more interest than we
 9 are in satisfying our own debt. So it is a very favorable
 10 situation that we are on the right side of.
 11 I can tell you also that, without getting
 12 into the absolute specifics, this document is available to
 13 anybody online or tonight, is that we anticipate having a
 14 surplus at the end of the year. I think it is predictive
 15 enough that we can make that relative assurance that that
 16 will be the case.
 17 So everything is smack on. Our numbers, we
 18 are ahead of. So happy to be able to share that with you.
 19 PRESIDENT GERING: Thank you, Ken.
 20 Well since you're next, HARB report.
 21 MR. MAISEL: I have no HARB report.
 22 Although next month I believe there will be something more
 23 substantive to another -- a lot of initiatives that they
 24 are contemplating working on and I think we will be
 25 hearing a lot more from HARB in the next few months.

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 2 PRESIDENT GERING: Thank you.
 3 Zoning Hearing Board. The Landing was
 4 taken off the agenda this month and it will be on the
 5 December agenda.
 6 The Planning Commission.
 7 MR. MEYER: Planning Commission is -- the
 8 Planning Commission met last night. Basically we went
 9 over the New Hope-Solebury School District field house
 10 plans which came before us asking for a combined
 11 preliminary and final land development review.
 12 There was some conditions that have been
 13 recommended by what we are facing with -- we were faced
 14 with the fact that there is some recommendations and some
 15 variances that were coming out of the Zoning Hearing Board
 16 that have not been finalized.
 17 And there is some other matters that still
 18 need to be settled but the Planning Commission did
 19 approve, not unanimously, but did approve the preliminary
 20 final field review -- final land development review for
 21 the school district field house.
 22 And one critical piece of that was there
 23 was a consideration about what to do with the Hardy Bush
 24 Way -- I am sorry, I hesitated, we kept getting the name
 25 wrong last night, and the fact that there has been some

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 2 interest and some concern about the possibility of getting
 3 a sidewalk along Hardy Bush Way.
 4 One of the things that -- this was actually
 5 a condition that was suggested by the Zoning Hearing Board
 6 and the recommendation of the Planning Commission is that
 7 the easement that is currently what the school district
 8 gives to the Borough for Hardy Bush Way, be widened in
 9 order to provide for a sidewalk.
 10 And the current consideration is that the
 11 sidewalk would be on the school district's side of the
 12 fence that runs between Hardy Bush Way and the school
 13 district. I am assuming possibly with some openings and
 14 so on for access to the road.
 15 But that the main reason for thinking
 16 about it that way is that then the fencing doesn't need to
 17 be moved and that actually provides more safety for the
 18 pedestrians on the sidewalk there, which is really they
 19 don't necessarily need or want access to Hardy Bush Way.
 20 The concern for Hardy Bush Way comes in
 21 part as a result of the fact that the Borough at this
 22 point is in conversation with PennDOT about changing the
 23 signage that could significantly increase the traffic on
 24 Hardy Bush Way.
 25 There is a large sign if you're coming east

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 2 of new information, Council requested The Landing project
 3 applicant return to Council with revised plans. Based on
 4 the meeting with some party status residents, the
 5 applicant requested -- he informed us that he was
 6 requesting a postponement from the zoning to revise his
 7 plans. We were subsequently informed that that request
 8 was granted.
 9 What is the status of counsel's request?
 10 Is he revising his application and returning to zoning or
 11 to Council as he requested? If he is returning to zoning,
 12 I highly recommend that you send your Solicitor.
 13 So the Borough has requested the applicant
 14 to present at an upcoming Council meeting before appearing
 15 before the Zoning Hearing Board in December. Also the
 16 applicant intends to provide revised plans submitted to
 17 the Borough for review and ultimately Council.
 18 MS. FEDER: Is that the November meeting
 19 that they will be appearing before us?
 20 MR. GRAY: We would like to have them
 21 before you in November, yes.
 22 MS. FEDER: Okay.
 23 PRESIDENT GERING: Thank you.
 24 Do we have Solicitor's report?
 25 MR. FENNINGHAM: Yes, two brief comments.

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 2 on 202 that points off that sends you on 202 that says
 3 toll bridge to New Jersey and the intent is to have that
 4 sign read something along the lines of parking for New
 5 Hope, thereby trying to direct some of the traffic out of
 6 downtown and to the existing 152 spaces that are out
 7 there. So that is part of the reason for the concern for
 8 the sidewalk.
 9 Beyond that, we did get to spend a
 10 significant time trying to fine tune a sign ordinance,
 11 which the Planning Commission is trying to bring to
 12 Council as soon as possible. And that is it.
 13 PRESIDENT GERING: Thank you, Peter.
 14 Do we have a Manager's report?
 15 MR. GRAY: Yes. Just two items for public
 16 comment.
 17 First item is from Sherry Baker. I would
 18 like for the Borough to send counsel to the Zoning Hearing
 19 Board meeting that involves The Landing project.
 20 We are in danger of losing our flood
 21 insurance if even one variance on that project is not in
 22 compliance with NFIP regulations. This project is too big
 23 to not be watched carefully.
 24 The second item, it is an e-mail from David
 25 Heubner. At last Borough Council meeting, based on a lot

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 2 Following up on Mr. Gray's comments, I have
 3 been in communication with counsel for The Landing project
 4 and I am waiting for a response that representatives with
 5 counsel will be here for the November 21 meeting, open
 6 meeting, to present the revised plan to you directly.
 7 That is not yet confirmed. It is likely to
 8 happen and the Zoning Hearing scheduled actually for
 9 December 14th subject to the applicant/owner developing
 10 those revised plans.
 11 Second thing is I requested and Council
 12 participated in a confidential executive session that
 13 addressed the Right to Know law request.
 14 PRESIDENT GERING: Thank you.
 15 Do we have any public comments? Geri.
 16 MS. DELEVICH: Geri Delevich, 17 Old Mill
 17 Road.
 18 As I was walking across the New
 19 Hope-Lambertville bridge today I saw a gentleman from the
 20 Toll Bridge Commission who was working on the beautiful
 21 tree that sits by the sculpture and I asked him if it
 22 would be possible for the Toll Bridge Commission to
 23 decorate the tree for the holidays and he said he would
 24 take that to the Toll Bridge Commission.
 25 I thought it would be a good idea if maybe

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 2 Louise from Parks and Rec might follow that up and see if
 3 they are willing to light that tree.
 4 MS. FEDER: Do we have contact with the
 5 Toll Bridge Commission where Parks and Rec could help out
 6 with that?
 7 MR. GRAY: Yes, we have contact.
 8 PRESIDENT GERING: Thank you. Any other?
 9 Yes, Stacey.
 10 MS. ENDRESS: Stacey Endress,
 11 E-N-D-R-E-S-S.
 12 So I have a few things. First I had some
 13 questions about The Landing project. The applicant has
 14 agreed to come back before Council. I just wanted to
 15 clarify that.
 16 MR. FENNINGHAM: Not yet confirmed. They
 17 have agreed to come back. They are not sure they will be
 18 ready for November 21st.
 19 MS. ENDRESS: Got you. And if they aren't
 20 ready for November 21st, that will push back the zoning?
 21 MR. FENNINGHAM: Likely. I can't say for
 22 certain. They intend to come before Council to explain
 23 the revised plan.
 24 MS. ENDRESS: That is great. Thank you. I
 25 also just wanted to reiterate the previous comments of

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 2 MR. GRAY: So we did present to the
 3 Planning Commission, afterwards we have reviewed it
 4 internally and we anticipate presenting it to Council in
 5 an upcoming workshop, most likely November.
 6 MS. ENDRESS: Thank you.
 7 About Hardy Bush Way, I walk on that road
 8 all the time, a sidewalk would be so nice so you don't
 9 have to crouch down to not hit the trees. Thank you very
 10 much.
 11 PRESIDENT GERING: Thank you.
 12 Any other comments from the public?
 13 Can I have a motion to adjourn?
 14 MR. MEYER: Can I raise one issue? In the
 15 discussion with Pete Gray earlier we did agree that the
 16 slides that I just showed this evening will be on the
 17 website tomorrow so that you can have a further look at
 18 those, should you want to.
 19 PRESIDENT GERING: Thank you.
 20 Can I have a motion for adjournment?
 21 MR. MAISEL: I will make that motion.
 22 MR. MEYER: Second.
 23 PRESIDENT GERING: Drive safe.
 24 - - -
 25 (The proceedings were concluded.)

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 2 requesting that the Borough send the Solicitor to the
 3 Zoning Hearing Board in light of the FEMA comments, the
 4 FEMA meetings that have happened that I was not present
 5 for, and I wanted to make sure that the residents that are
 6 not aware -- in the flood zone are particularly aware that
 7 their flood insurance could be impacted. I think that is
 8 super important and also to comment on the size and scope
 9 of the project.
 10 And just wanted to add also that we do have
 11 signatures from 200 residents around town, not just on
 12 North Main but the entire community that are not
 13 necessarily opposed but looking to scale down the project.
 14 I think they need protection.
 15 Then on a separate issue, and I was not
 16 able to attend the Planning Commission last night but I
 17 was able to attend prior, there was talk about the
 18 comprehensive plan and the process, the Planning
 19 Commission process throughout the whole building process
 20 would come before Council.
 21 Is that still coming or should I send the
 22 comments to Peter Gray?
 23 MR. MEYER: I think, Pete, you can deal
 24 with this one in terms of what is happening with the RFP
 25 first.

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C E R T I F I C A T E

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 5 I hereby certify that the proceedings
 6 and evidence are contained fully and accurately in the
 7 notes taken by me in the above cause and that this is a
 8 correct transcript of the same.
 9
 10
 11 Karen W. Browndorf, RPR
 Official Court Reporter
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\$	4	admittedly [1] - 22:18 advertise [8] - 19:21, 19:23, 21:10, 21:11, 21:18, 22:3, 22:7, 22:9 advertised [1] - 21:7 advertisement [1] - 8:5 Advertisement [1] - 2:8 advertising [2] - 21:3, 23:25 advocates [1] - 22:24 affected [1] - 10:13 afternoon [1] - 25:14 afterwards [1] - 39:3 AGENDA [1] - 2:4 agenda [5] - 5:3, 24:3, 26:2, 32:4, 32:5 aggressive [1] - 17:8 agree [3] - 23:9, 23:18, 39:15 agreed [2] - 37:14, 37:17 ahead [1] - 31:18 Allegiance [1] - 3:4 allowance [2] - 18:23, 19:8 ALSO [1] - 1:20 amend [1] - 17:4 amended [1] - 16:24 Amendment [1] - 2:7 amendments [1] - 8:5 amendments [3] - 9:17, 20:16, 26:12 amounts [2] - 29:18, 29:20 answer [1] - 26:21 answers [1] - 26:19 anticipate [3] - 31:6, 31:13, 39:4 anyway [1] - 17:23 appeal [2] - 10:2, 14:14 appeals [1] - 10:4 appearing [2] - 35:14, 35:19 applicant [5] - 35:3, 35:5, 35:13, 35:16, 37:13 applicant's [1] - 17:25 applicant/owner [1] - 36:9 applicants [2] - 4:20, 15:25 applicants' [1] - 4:14 application [4] - 5:4, 6:15, 7:10, 35:10 applications [1] - 4:17 apply [1] - 27:5	appoint [1] - 28:14 appointed [1] - 26:13 Appointment [1] - 2:9 appreciated [1] - 20:13 approach [1] - 13:19 appropriate [1] - 13:19 Appropriateness [1] - 7:9 approval [4] - 6:5, 7:14, 8:9, 12:17 approve [7] - 5:4, 7:8, 21:5, 29:3, 29:17, 32:19 approved [1] - 14:12 approving [1] - 21:3 April [1] - 21:22 arbitrary [2] - 13:9 architectural [1] - 14:4 area [1] - 18:8 argues [1] - 17:6 articulate [1] - 24:10 articulately [1] - 22:20 Arts [1] - 30:19 aspect [1] - 26:23 assist [1] - 26:14 ASSISTANT [1] - 1:24 associated [1] - 13:21 assuming [1] - 33:13 assumption [2] - 12:2, 12:10 assurance [1] - 31:15 assure [1] - 15:24 AT [1] - 1:12 attempted [1] - 14:20 attend [3] - 25:21, 38:16, 38:17 attending [1] - 4:25 attorneys [3] - 22:19, 23:4, 24:6 AUDIO/VIDEO [1] - 1:23 authorize [1] - 8:4 availability [1] - 25:8 available [5] - 11:20, 16:20, 18:11, 25:14, 31:12 average [10] - 9:19, 11:7, 11:13, 15:4, 15:6, 17:2, 17:3, 18:19, 18:20, 19:5 aware [2] - 38:6 aye [29] - 6:24, 6:25, 7:4, 7:5, 7:6, 7:20, 7:21, 7:24, 7:25, 8:2, 28:5, 28:8, 28:9, 28:10, 28:20, 28:21, 28:24, 28:25, 29:2, 29:10, 29:11, 29:14,	29:15, 29:16, 29:25, 30:2, 30:5, 30:6, 30:7 Aye [12] - 7:2, 7:3, 7:22, 7:23, 28:6, 28:7, 28:22, 28:23, 29:12, 29:13, 30:3, 30:4	
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