

**NEW HOPE BOROUGH COUNCIL
182 WEST BRIDGE STREET
NEW HOPE, PA
MINUTES
July 20, 2010**

PRESENT: Sharyn Keiser, Claire Shaw, Ed Duffy, Geri Delevich, Rey Velasco, Bill Scandone, Richard Hirschfield, Mayor Laurence D. Keller, Borough Manager John Burke, Borough Solicitor T. J. Walsh, and Chief Mike Cummings.

MAYOR'S REPORT

Mayor Keller stated that Mr. Jay Snyder, a former member of Council and Mayor, passed this year. Jay was instrumental in constructing the new Public Works facility and in making many other improvements throughout the Borough.

Mayor Keller praised the Eagle Fire Company for its recent efforts involving the house fire in Riverwoods, the church fire on Aquetong Road, and the building fire on West Mechanic Street.

Mayor Keller asked for consideration of adopting Resolution No. 2010-11, establishing Civil Service Commission Rules and Regulations.

Sharyn Keiser asked for a motion.

Claire Shaw moved to adopt Resolution 2010-11R, and Ed Duffy seconded.

Sharyn Keiser asked for comment by Council and the public.

The motion was approved unanimously.

Mayor Keller asked for consideration of approving a proposed detour plan by PA DCNR for the Ferry Street Bridge Replacement Project.

Sharyn Keiser stated that there would be a public meeting on October 6, 2010, at 7:00 pm at the New Hope Solebury Middle School Cafeteria where DCNR will explain the scope of the project and answer questions.

Sharyn Keiser asked for a motion.

Claire Shaw moved to approve the detour plan with the condition that DCNR add a detour sign for northbound traffic south of Windy Bush Rd. on Rt. 32, and Rey Velasco seconded.

Sharyn Keiser asked for comment by Council and the public.

The motion was approved unanimously.

Mayor Keller asked for consideration of authorizing Chief Michael Cummings to hire one part-time parking enforcement officer and two part-time police officers. The Mayor stated that these are conditional offers until the necessary documentation is produced.

Geri Delevich moved to authorize the Chief of Police to hire one part-time parking enforcement officer and two part-time police officers, and Bill Scandone seconded.

Sharyn Keiser asked for comment by Council and the public.

The motion was approved unanimously.

Mayor Keller announced that the Borough will be getting a laser-operated device that will measure the speed of the vehicles, and it should be arriving the third week of August. This will improve enforcement of speed laws within the Borough. The cost is approximately \$4,000, which will be paid from the police savings fund account.

PRESIDENT'S REPORT

Sharyn Keiser announced that there was no Executive Session prior to this meeting.

Sharyn Keiser stated that the completion date for the Community Center and the Police Department is the end of August, beginning of September. This delay is because of the implementation of change orders for electronic security hardware, additional doors, and creating handicap accessibility with modifications to the basement entrance to the Police Department. The materials for these change orders will take approximately six weeks to receive. The total for all change orders up to this point is \$40,275.50, which includes the current \$7,807 change order. The contract now stands at 1,084,412.50, representing an increase of only 3.86%, which is still under the projected 5% for change orders. **Ms. Keiser** thanked Public Works for all their hard work.

Sharyn Keiser asked for consideration of approving the selection of a real estate broker and of authorizing the appropriate Borough officials to enter into an agreement for the broker services, subject to the approval of the Borough Solicitor. An RFP (a request for proposal) was sent out on June 11th, posted on the Borough website, and mailed to 8 brokers as listed below:

Kurfis
Lisa James Otto
N.T. Calloway
Prudential Fox and Roach
Wiedel
Addison Wolfe
Coldwell Banker Commercial
Long and Foster

The deadline for the submission of the brokers' proposals, as stated in the RFP, was 11:00 am on July 6th. One proposal was received by the deadline, and it was from Coldwell Banker Commercial. There were two proposals received after the submission deadline, one was from Addison Wolfe and the other was from Prudential Fox and Roach. The current listing agreement with Prudential Fox and Roach expires on July 23, 2010. T. J. Walsh, the Borough Solicitor, did some research and found that the late proposals could be accepted, but Council is not obligated to accept them. Council may deviate from the terms of the RFP.

Sharyn Keiser asked Council if they wanted to accept the late proposals.

Bill Scandone stated that the late proposals should not be accepted and that Council should stick to the original deadline of the RFP.

Claire Shaw stated that she agrees with Bill Scandone.

Geri Delevich commented that she felt that the proposal received on time from Coldwell Banker was excellent and did not feel that the other two should be accepted.

Sharyn Keiser agreed also that the proposal that was submitted by Coldwell Banker on time was the best proposal addressing all items in the RFP.

Richard Hirschfield thanked Fred Williamson and his team from Prudential Fox and Roach for all of their efforts realizing that the property is a difficult sell in a difficult business climate.

Claire Shaw asked how long it might take to sell the building.

Larry Peseski stated that it would take 5 to 7 months in a good market.

Richard Hirschfield moved to accept the Coldwell Banker Commercial proposal, and Geri Delevich seconded.

Sharyn Keiser asked for comment by Council and the public.

The motion was approved unanimously.

Fred Williamson thanked Council and offered his assistance to the new broker for any information that he might have obtained on the property.

Geri Delevich asked Larry Peseski of Coldwell Banker Commercial if there would be weekly reports.

Larry Peseski answered that he would provide whatever is required, and typically the weekly report would present what occurred during the prior 7 days.

Geri Delevich asked if Larry had any suggestions to create the sale signs and to make the property more attractive to sell.

Larry Peseski answered that he already started a list and the signs would be custom to the building.

John Burke asked to see a copy of the signs first before they are installed.

John Burke informed Mr. Peseski that the Borough Solicitor would contact him about preparing the listing agreement.

Sharyn Keiser announced the National Trust for Historic Preservation's 2011 Dozen Distinctive Destinations nomination guidelines program, which recognizes unique cities and towns across the country working to preserve their historic character, promote heritage tourism, enhance their community and encourage others to enjoy all they have to offer. Each year 12 destinations are selected that offer authentic visitor experiences by combining dynamic downtowns, diverse cultural

activities, attractive architecture, and a strong commitment to historic preservation, sustainability and revitalization. The Chamber & the Visitors Bureau will be working together to submit the nomination for New Hope. The announcement of the 12 destinations will be made in February 2011 and the announcement of the winner with the most popular vote will take place mid-March 2011. **Ms. Keiser** thanked the Chamber and the BCCVB for their efforts on behalf of New Hope.

CONSENT AGENDA

Sharyn Keiser announced before asking for a motion to approve the consent agenda that she wanted to discuss item C, which is for consideration of **Resolution No. 2010-12R**, authorizing appropriate Borough officials to enter into a Compact Authorized Investment Program Grant Agreement with the Delaware River Joint Toll Bridge Commission. This is for transportation related funding in the amount of \$84,815.00 and will fund the installation of lighting to illuminate the pedestrian walkways on the existing Commonwealth-owned bridge over the Aquetong Creek on South Main Street (Rt. 32) in New Hope Borough.

Sharyn Keiser asked for a motion to approve the consent agenda, as follows.

- A. Consideration of approving payment of accounts payable for July 20, 2010, in the amount of \$342,962.16, of payroll for June 16, 2010, in the amount of \$57,508.49; of payroll for June 30, 2010, in the amount of \$59,454.41; and of payroll for July 14, 2010 in the amount of \$56,537.40.
- B. Consideration of approving the minutes of the May 18, 2010 and June 15, 2010 public meetings of New Hope Borough Council.
- C. Consideration of adopting **Resolution No. 2010-12R**, authorizing appropriate Borough officials to enter into a Compact Authorized Investment Program grant agreement with the Delaware River Joint Toll Bridge Commission.
- D. Consideration of approving issuance of a Certificate of Appropriateness, as recommended by HARB, for:
 - (1) 13 North Main Street, by Glen Stephan, to install a sign;
 - (2) 244 South Main Street, by Michael Bergen, to enclose a portion of the existing rear porch;
 - (3) 87B South Main Street, by Jace Young, to install a sign; and
 - (4) 43 West Ferry Street, by Matt Hayden, to install a door and window.

Rey Velasco moved to approve the consent agenda, and Claire Shaw seconded.

Sharyn Keiser asked for comment by Council and the public.

Geri Delevich asked if anything was going to be done with the sidewalks on the bridge, which are in need of repair.

John Burke stated that he would contact PaDOT about the condition of the sidewalks on the bridge.

The motion was approved unanimously.

VICE PRESIDENT'S REPORT

Claire Shaw asked for consideration of opening the north gate at Lenape Park and the installation of a safety fence.

John Burke stated that the Revitalization Committee has gone on record opposing the opening of the north gate for safety reasons, while the Park and Recreation Board has not taken a position on this matter.

Sharyn Keiser stated that she supports the recommendation of the Revitalization Committee and that the north gate should be open for special events only with appropriate traffic control. **Ms. Keiser** stated that she informally polled the members of the Park & Recreation Board and that no one spoke in favor of opening the north gate.

Geri Delevich stated that the park offers a beautiful path to walk through, a rest stop and a beautiful place to enjoy; and by talking to many people that is what the community is looking for in the park and that the gate should be opened. **Ms. Delevich** also stated that the park is not being used as originally intended and that people wish to use the park to connect to other places in the Borough.

Rey Velasco agreed that the park should be open on both sides so it can be completely enjoyed by all and so that it can connect to the Canal Walk.

Bill Scandone stated that the gate should be opened to improve public safety. If someone were aggressively approached in the park, they do not have another way out.

Ed Duffy stated that he is concerned with safety involving the speed of the traffic coming down West Bridge Street. **Mr. Duffy** would like to see the gate closed and only opened for special occasions as was originally planned.

Sharyn Keiser asked John Burke to discuss the proposed bollards.

John Burke stated that if the gate is to be opened, he originally supported the installation of an "L" shaped fence to prevent people from crossing over Bridge Street in mid-block and to prevent people from walking west along West Bridge Street. However, after observing a person walking east from the Mayor's property along the grass area next to the road, he realized that the "L" shaped fence would force that person out onto West Bridge Street with his back towards traffic. **Mr. Burke** stated that it would be his recommendation to place 4 bollards inside the curb line, if Council decides to open the gate. There should be two rows of chains added to the bollards, one low and one high to prevent young children from running into the road. In addition, a sign be placed there to direct people to cross Stockton to get to West Bridge.

Richard Hirschfield stated that he agrees with Geri on the usefulness of the park and supports the gate being open. The bollards with the chains would deter people from crossing West Bridge Street.

John Burke stated that the bollards would be a foot or so in from the curb and extend east from the existing gate down the south side of West Bridge Street to a drainage inlet near the intersection with Stockton. This would serve to direct people to the existing crosswalk at Stockton.

Rey Velasco stated that he has seen people climb over the gate and jump in and out of the park on many occasions.

Claire Shaw stated that she is also concerned about safety, but having the park closed at one end is uninviting.

Bill Keifer stated that he has never been back in the park since the opening and it is because it is only open at one end.

Sally Ziff stated that the chains would not deter children from running into the road and that she can envision children swinging on the chains.

Richard Hirschfield moved to open the gate on the West Bridge street side with the condition that bollards and chains are installed and a review by the Borough traffic engineer is undertaken to confirm that this new condition is safe.

Geri Delevich seconded.

Sharyn Keiser asked for comment by Council and the public.

The motion was approved 6 to 1, with Ed Duffy opposed.

Sharyn Keiser asked Barry Ziff to come forward for his presentation on natural gas drilling in the Delaware Basin.

Mr. Ziff's presentation follows.

"The shale contains a large reservoir of natural gas. To obtain this gas, drilling known as a 'fracking' process must take place.

"At a Green Seminar held at Gilmore Engineering, a fracking expert from a Princeton firm explained part of the drilling process.

"Initially, a typical well would be drilled to a 5000 ft. depth. Then the drill would latterly function for approximately 2000 ft. to access the chamber where the natural gas was stored by nature.

"Our Governor sees this as a new revenue stream for our state.

"There are problems:

1] A mix of toxic chemicals is used with many gallons of trucked in water to complete the process.

2] Both the toxic chemicals and the natural gas seems to find its way into the ground water. A pollution problem may render the water unusable for area residents, farm animals, and crops. If this tainted water is allowed to enter the tributaries of the Delaware, potential fish, waterfowl and humans may be adversely affected.

3] Water sanitation plants are not capable of processing the highly toxic water used in the fracking process. The Princeton expert stated that water facilities along the Monongahela River were adversely affected by fracked water. Evidently, the sanitation plants do not have a cleansing membrane system to handle the toxic chemicals.

4] A documentary entitled 'Gasland' was shown on HBO during the week of June 21. 'Gasland' pointed out some of the perks that the fracking companies have.

5] Former VP Cheney was strong and forceful to have the clean water and clean air acts set aside for the fracking companies.

6] Evidently there is no program to reclaim blighted land when the fracking process has been completed.

7] Typically the fracking process may last up to 7 years and an acre can possibly contain 18 wells.

8] In addition to the potential ground water pollution, the din orchestrated by the drilling would be at a constant disruptive noise level.

9] During the documentary many people associated with the fracking process were asked if they would drink the murky brown water from the former water supply. There were not any hardy souls that even tried a small sip. The PaDEP Administrator also refused. He later claimed that he was blind sided by the 'Gasland' producer.

10] Bernie O'Neal is on the committee to study the fracking process in Pa. He has asked for a 3-year moratorium for that study as opposed to the initial 5-year proposal.

"I believe that a letter should be drafted to Bernie's attention to outline the checks and balances to limit the impact of the fracking process.

A] Clean water and clean air must be a condition of any fracking agreement.

B] Special water sanitation facilities must be utilized to clean the toxic water prior to disposal. As stated previously, separate sanitation plants must be utilized for water treatment.

C] Onsite potable water must be maintained.

D] All wells must be capped and the surrounding grounds must be reclaimed.

E] All fracking equipment must be removed when the project has been completed."

Barry Ziff asked Council to send letters to the County Commissioners, Bernie O'Neil and representatives at the federal and state levels opposing natural gas well drilling in the Delaware Basin.

Sharyn Keiser asked the Manager to send a letter to the appropriate officials stating Council's opposition to natural gas well drilling in the Delaware Basin.

RECREATION BOARD AND REVITALIZATION COMMITTEE REPORTS

Claire Shaw announced that the Park and Recreation Sunset Cruise was a great success and there were many requests to have it every year.

Claire Shaw stated that the Park and Recreation Board raised \$1,000.00 from the cruise.

Claire Shaw announced that the next trip by the Park and Recreation Board scheduled for November 18, 2010 is a bus trip to the Lehigh Valley Heritage Museum, lunch and a visit to a casino where you get \$25.00 back to play at the casino. Tickets are \$70.00.

Bill Scandone asked for consideration to purchase and place bike racks. The proposal is for six bike racks to be placed at the following locations.

Logan Inn (along the canal)
Stephan's House
Yarlov
C'est La Vie
George Michael's parking lot at East Randolph Street
PNC parking lot

Sharyn Keiser asked what criteria the Board used for locating the racks. **Ms. Keiser** stated that the location process should be fair and open.

Claire Shaw and Sharyn Keiser stated that the bike racks should be placed at public places and not privately owned places.

Bill Scandone stated that the locations of the bike racks could certainly be revisited. **Mr. Scandone** also stated that they looked for areas that would not impede pedestrian travel along sidewalks. **Mr. Scandone** stated that two racks could be located at the Stephan House and that a single rack would be adequate at C'est La Vie, which experiences many bikers on weekends.

John Burke stated that the Landmark Towns group has received a grant to fund a Bicycle Strategy and Marketing Initiatives study to better use existing bike trails and to plan a marketing program to attract biker to the area. The contract should be awarded in August, but it will be about 9 or 10 months before the study is completed.

Ms. Delevich agreed that bike racks should be placed at The Logan Inn along the canal and at the Stephan House.

Geri Delevich and Sharyn Keiser stated that they would like to see a bike rack at the Visitors' Center.

Bill Scandone stated that this is a good idea, but there are issues with the jailhouse doors.

Earl Bierman stated that there is a bench there as well.

Stephanie Nagy suggested that a bike rack could be placed behind Karla's.

Bill Scandone stated that we do not own that property to the best of his knowledge.

Ed Duffy suggested that bike racks should be considered for the Bridge Commission park on East Bridge Street and the alley next to Starbucks.

Bill Scandone stated that is why one of the locations is the PNC Bank.

Sharyn Keiser suggested locating bike racks at the entrance to the Borough lot off West Mechanic Street, at the pocket parks, at Canal Walk, at the Parry Street parking lot, as well as the Visitors' Center.

Sharyn Keiser stated that if Council would like to vote on the purchase now, the locations could be discussed at a later date.

Sharyn Keiser asked for a motion to purchase six bike racks at a cost of \$3,251 plus whatever hardware costs are necessary to install the bike racks.

Richard Hirschfield moved to approve the purchase of the bike racks and **Bill Scandone** seconded.

Sharyn Keiser asked for comment by Council and the public.

The motion was approved unanimously.

MANAGER'S AND SOLICITOR'S REPORTS

John Burke stated that the first item is consideration of **Resolution No. 2010-13R**, approving the New Hope Borough sign audit, dated May 2010, conducted by Johnson, Mirmiran & Thompson (JMT), who recently completed the parking management study. The purpose of the audit was to get an overview of the downtown parking, directional and regulatory signs and make recommendations for changes. The recommendations are consistent with federal and state regulations. JMT concluded that many of the existing signs were in poor condition and sign clutter exists at many key locations in the downtown area. Suggestions are provided to reduce sign clutter by eliminating signs, replacing existing signs with more appropriate messages, and installing supplemental striping. There were also concerns for pedestrian safety, ADA compliancy, and handicap parking. For the purpose of this analysis, the Borough of New Hope's study area was divided into nine segments. In addition, five intersections located outside of the Borough downtown limits were also analyzed. If Council approves this tonight, then a meeting will be set up with PADOT because many of the problems with signs in the Borough are caused by PaDOT signs at key intersections. The second meeting will be with the Bridge Commission, and lastly with the Public Works Department.

Rey Velasco moved to approve Resolution 2010-13R, and Ed Duffy seconded.

Sharyn Keiser asked for comment by Council and the public.

The motion was approved unanimously.

John Burke asked Council for consideration of **Resolution No. 2010 14R**, establishing guidelines for the enforcement of the tree protection standards of the Zoning Ordinance. This resolution was requested at Council's last meeting as a means of clarifying the Zoning Officer's role in emergency conditions. The resolution addresses emergency conditions, as well as situations where the Zoning Officer is unavailable. It allows the Zoning Officer, or his designee including the Borough Manager or the Director of Public Works, to order the removal of a tree because of hazardous or emergency conditions without requiring submission of a report by a certified arborist. The resolution pertains to trees located on private property only, and not to shade trees governed by the Shade Tree Commission.

Bill Scandone asked how the public would find out about this?

John Burke answered that there would be a copy at Borough Hall.

Richard Hirschfield moved to approve the resolution, and Claire Shaw seconded.

Sharyn Keiser asked for comment by Council and the public.

The motion was adopted unanimously.

LAND USE AND HISTORIC PRESERVATION REPORT

Ed Duffy announced that there is an upcoming Zoning Hearing Board meeting on September 2, 2010 at 41 North Main Street, New Hope, PA at 7:00 pm to create an outdoor seating area at the Marsha Brown restaurant and encouraged the public to attend.

PUBLIC WORK'S REPORT

COMMUNITY AFFAIRS REPORT

Glen Stephen withdrew a request by the New Hope Chamber of Commerce to close Stockton Avenue on September 24, 2010, between 3 pm and 10 pm, for an Artist's Reception because alternate arrangements have been made with The Mansion Inn.

Geri Delevich asked Council to accept Preston Harrison's proposal for a tile mural at the New Street Town and Community Center.

Several members of Council stated that they had received Mr. Harrison's presentation and were pleased with the proposal.

Richard Hirschfield moved to approve the proposal, and Claire Shaw seconded.

Sharyn Keiser asked for comment by Council and the public.

The motion was approved unanimously.

Geri Delevich asked for consideration of a tri-party agreement for H.O.P.E.

T. J. Walsh stated that this document spells out the responsibilities of all parties and the insurance coverages available to volunteers.

Rey Velasco moved to approve the agreement and Geri Delevich seconded.

Sharyn Keiser asked for comment by Council and the public.

The motion was approved unanimously.

Rey Velasco announced the Visitors' Center activity report for June.

Visitors	2,621
Calls	278
Gift shop	\$236.45

Geri Delevich announced a wine tasting coming up at the Logan Square.

Geri Delevich announced the Auto Show on August 14th.

Richard Hirschfield announced the Showcase the Arts events scheduled for August 27-29 at New Hope Arts.

OTHER BUSINESS

Claire Shaw announced that "Embraceable You" has been selected for the Hoboken Film Festival, the New Hope Film Festival, and the Philadelphia Q Fest.

Mayor Keller asked when the process of hiring a new full-time police officer could begin.

Sharyn Keiser answered as soon as possible since the Civil Service Rules and Regulations were adopted this evening.

Geri Delevich asked if there could be advertising in a larger publication like The Philadelphia Inquirer.

Chief Cummings answered that the legal notice must be published in a newspaper of general circulation in the Borough.

Sharyn Keiser stated that The Intelligencer reaches a wide audience and the costs are more reasonable.

Sharyn Keiser asked for a motion to authorize the process to establish an eligibility list for full-time police officers.

Geri Delevich moved to authorize an eligibility list and Rey Velasco seconded.

Sharyn Keiser asked for comment by Council and the public.

The motion was approved unanimously.

Bill Scandone commented on the great job the Police Department and the Fire Company do in controlling the town and keeping it safe for the fireworks.

Ed Duffy announced that there are 23 new businesses since January 2010.

PUBLIC COMMENT

Glen Stephen asked Council why there is a hold up with Nick Gialias' shade tree application. **Mr. Stephan** stated that the Commission has approved the application, but has failed to issue a permit because the Commission did not meet as scheduled in July.

John Burke stated that the Shade Tree Ordinance provides for a Shade Tree Officer who actually issues the permits to remove and replace shade trees. In this case the Shade tree Commission has determined that there is a public safety condition creating trip and fall hazards, which leads to liability for the owner and, possibly, the Borough.

T. J. Walsh stated that he has examined the Borough Manager's ordinance and concluded that the Manager serves as the Shade Tree Officer absent a specific appointment to that position by Council.

Mr. Burke stated that if Council agrees with the Solicitor's opinion, he would proceed to grant the permit and allow the removal of the trees with the following conditions attached.

1. Complete removal of the trees including the stumps.
2. Immediate repair of the unsafe sidewalk.
3. Preparation of the area for the planting of replacement trees no later than October 31st.

Mr. Burke stated that he has spoken to Mr. Gialias and that he has agreed to the conditions of the proposed permit.

Council agreed that this is a liability issue that needs to be addressed immediately.

Richard Hirschfield offered a motion to appoint the Borough Manager as the Shade Tree Officer, and Rey Velasco seconded.

Sharyn Keiser asked for comment by Council and the public.

The motion was approved unanimously.

ADJOURNMENT