

**NEW HOPE BOROUGH COUNCIL
182 WEST BRIDGE STREET
REGULAR MEETING
MINUTES
FEBRUARY 11, 2009**

PRESENT: Sharyn Keiser, Claire Shaw, Ed Duffy, Rey Velasco, Mayor Larry Keller, Borough Manager John Burke, and Borough Solicitor T. J. Walsh.

ABSENT: Randall Flager, Geri Delevich and Richard Hirschfield.

MAYOR'S REPORT

Mayor Keller welcomed Chief Mike Cummings.

Mayor Keller stated that he was impressed when he saw the new Chief work a shift for a police officer who had called out sick last Saturday night.

PRESIDENT'S REPORT

Sharyn Keiser announced that there was an Executive Session before the regular meeting tonight to discuss the Crews and Wagner litigation involving an appeal from a decision of the Zoning Hearing Board.

Sharyn Keiser asked for a motion to approve a request by the New Hope-Solebury Community Association to allow certain temporary road closes in connection with the 2009 5K Spirit Run, Sunday, April 5, 2009.

Sharyn Keiser asked for comment by Council and the public.

Jennifer Mimnaugh, Co-chair for the 5k Spirit Run, stated that this is the tenth year for this event, with the one-mile race beginning at 9:15 am and the 5K at 10:00 am, both ending at the New Hope Solebury school track.

Sharyn Keiser asked Ms. Mimnaugh to supply the Borough with a Certificate of Insurance, plus all other information required by the Police Department and the Public Works Department.

Rey Velasco moved to approve the request, and Claire Shaw seconded. The motion was approved unanimously.

Donna Boone, the Regional Coordinator for Landmark Towns, discussed the importance of the downtown business districts and encouraged residents to support them. **Ms. Boone** stated that the Landmark Towns project is a regional economic development initiative of four boroughs located along the Delaware Canal and River - Bristol, Morrisville, New Hope and Yardley. Each has a traditional historic downtown business district. The Landmark Towns project is designed to help these small towns bring renewed economic life into their business districts, while preserving and enhancing the industrial and cultural heritage they share. All of these boroughs have exhibited the will and interest to improve their quality of life, preserve historic resources, and enhance economic conditions.

Ms. Boone stated that representatives from participating towns worked with the D&L to develop a Regional Downtown Revitalization Plan. Representatives from each of the four town's local business groups, civic organizations and municipal government worked on the plan. Planning funds came from the D&L's federal partnership funds and the four communities. A professional Main Street coordinator has been hired to administer the plan. Matching funds from the PA Department of Community & Economic Development have been secured. In addition, each Borough has also committed to the five year funding plan.

Ms. Boone stated that the Landmark Towns project combines the tools of the four-point "Main Street" revitalization approach - promotion, organization, economic development and design - and the Pennsylvania State Heritage Park Program, on a regional basis. Resources are shared that otherwise would be unavailable in small boroughs. Focused assistance is available to help implement this economic development strategy.

Ms. Boone stated that she is pursuing grants such as Tree Vitalize from the Pennsylvania Horticultural Society. Landmark Towns recently received a \$10,000 marketing grant from the Bucks County Conference and Visitors Bureau for the creation of a website and marketing materials. She also applied for a building anchor grant for New Hope

Arts and façade grants from the Department of Community and Economic Development.

Ms. Boone introduced Elissa Thorne, Vice-president of Heritage Programs, Delaware and Lehigh National Heritage Corridor. **Ms. Thorne** stated that the Landmark Towns are also working with the Heritage Conservancy to obtain a scenic byway designation for River Road. This would make federal funds available for safety and other improvements along the corridor.

Keith McMillen, the Chief of the Eagle Fire Company, encouraged the public to become firefighters and introduced two new firefighters. The Commonwealth is working to provide incentives to encourage enrollment, such as pension programs, tax credits, health Insurance, etc.

Sharyn Keiser thanked the firefighters for their dedication and support in keeping New Hope safe.

Sharyn Keiser asked for a motion to adopt Resolution No. 2009-02R, establishing the compensation of the elected tax collector for 2010 through 2013. The resolution proposes to decrease the commission rate of the elected tax collector from 4% to 3.6% for his or her 2010-2013 term of office. This would result in the annual compensation totaling about \$25,090 (assuming no change in the tax rate), thus saving the Borough about \$2,800 per year or \$11,150 over the 4-year term of office.

Sharyn Keiser asked for comment by Council and the public.

Steven Coppens of West Bridge Street asked for the dollar amount on which the commission is based.

Sharyn Keiser stated that the commission is based on total annual real estate tax receipts.

Claire Shaw moved to approve Resolution No. 2009-02R, and Rey Velasco seconded. The motion was approved unanimously.

Sharyn Keiser announced the need for two New Hope volunteers to join the Lower Delaware River Wild and Scenic Management Committee as the New Hope representative and alternate.

Sharyn Keiser stated that George Donovan and Associates, the project architect, is recommending that it is in the best interest of the Borough to reject the current bids for the Town Center project on New Street and to re-bid the project. The revisions to the bid specs are currently being worked on and should be available in three weeks to re-bid the project.

Sharyn Keiser asked for a motion to approve the Consent Agenda, as follows.

- A. Consideration of approving payment of accounts payable for February 11, 2009, in the amount of \$179,393.38; of payroll for January 14, 2009, in the amount of \$49,752.00; and of payroll for January 28, 2009, in the amount of \$53,599.55.
- B. Consideration of approving the minutes of Borough Council's public meetings of December 10, 2008 and January 14, 2009.
- C. Consideration of rejecting all bids and of authorizing the solicitation of new bids for the New Street Town Center Project.
- D. Consideration of approving issuance of a Certificate of Appropriateness, as recommended by HARB, for:
 - (1) 1 N. Main St, by Joe & Joni Glassman, for installation of a railing at the N. Main St. entrance;
 - (2) 36 N. Main St., by James Martin, for rear yard staircase; and
 - (3) 2 Stockton Ave., by New Hope Arts, Inc., for exterior renovations.

Claire Shaw moved to approve the Consent Agenda, and Ed Duffy seconded.

Sharyn Keiser asked for comment by Council and the public.

The motion was approved unanimously.

RECREATION BOARD AND REVITALIZATION COMMITTEE REPORT

Claire Shaw moved to recognize the dedication and many contributions of Earl & June Bierman in the Borough of New Hope.

Sharyn Keiser asked for comment by Council and the public.

Claire Shaw suggested the presentation of a "key to the city" to the Biermans.

John Burke stated that the Biermans are being recognized by Landmark Towns for their commitment to New Hope.

Sharyn Keiser replied that she would like to do something from the Borough including a small surprise reception after a future Council meeting.

Rey Velasco seconded the motion, and it was approved unanimously.

Sharyn Keiser announced that the Revitalization Committee has been on a winter break and would meet again February 26, 2009.

LAND USE AND HISTORIC PRESERVATION REPORT

ED DUFFY presented for discussion Zoning Hearing Board Appeal no. 329, submitted by New Hope Flood House, LLP, requesting variances to modify and reconstruct a structure located in the flood plain and to modify tree protection requirements for a project at 28 South Main Street in the CC zoning district. **Mr. Duffy** stated that the discussion would result in Council opposing, supporting or taking no action with respect to the application. The last discussion by Council of this appeal resulted in a unanimous vote to oppose the requested relief.

Mike Carr, Esq., stated that he represents the applicant. **Mr. Carr** mentioned that there are a number of considerations for which the applicant needs advice or recommendations that could possibly allow the applicants to move forward. There is an existing building close to the street, which is retail with an apartment above. Then, there are four buildings to the rear and cottages that were built by Dr. Flood for his children. They are at ground level and have repeatedly flooded and been restored many times. The applicant proposes to replace those four units with three units that would be elevated above the 100-year flood level. The property immediately to the south has a big block wall, which essentially creates a dam. The new units would relieve some of the upstream pressure. There are 11 parking spaces shown on the plan and 9 are required. Eliminating spaces 7 through 11 in order to slide the buildings closer to the street to get them away from the old willow oak tree is a possibility. If a variance is supported to eliminate the spaces, then the buildings could be moved. The tree protection regulation is properly a Subdivision Land Development Ordinance requirement and should be a waiver, not a variance request.

The consensus of Council was that the willow oak tree is one of the oldest trees in New Hope and needs to be preserved. Council members also objected to the construction of one of the proposed units in the floodway.

Mike Carr said he would bring a certified arborist to the Zoning Hearing Board meeting to state to a reasonable degree of certainty that the tree will not be lost.

Sharyn Keiser asked for a motion. No motion was offered, so Council's prior decision to oppose this application stands, stated **Ms. Keiser**.

Ed Duffy announced a discussion of Zoning Hearing Board appeal number 330, submitted by Jason Glazier, for a special exception to operate a restaurant at 32 South Main Street in the CC Zoning District.

T. J. Walsh stated that he is currently representing **Mr. Glazier** in an active matter in Newtown Borough and would not be able to represent Council if it should decide to oppose this application.

J. Mount, the project architect, stated that the proposed restaurant would be located at the Four Seasons Mall on S. Main Street. The restaurant would be located in space #3 at the mall. The applicant is seeking a special exception to allow a restaurant use at this location. The applicant does not intend to build any additions, nor does he intend to provide outdoor service or serve alcohol.

Mr. Glazier stated that he is looking to provide a variety of foods, such as sushi, steak, seafood, pasta, soups, etc. The use would be located at the rear of the Four Seasons Mall overlooking the river.

Ed Duffy stated that usually when an application appears before the Zoning Hearing Board, there are specific requests that are asked and the type of business is usually discussed. **Mr. Duffy** suggested that the applicant return to Council after his plans are finalized.

T. J. Walsh stated that the Bucks County Health Department ultimately decides many restaurant issues. Zoning and building code issues may also be involved; and if they change the exterior of the building, then it becomes a HARB issue. At this stage the determination of the Zoning Hearing Board is limited to would the proposed use be a restaurant use and does it work at that location, especially with respect to seats, tables,

circulation, and parking. The additional information Mr. Duffy is requesting would be answered by the Health Department, e. g., how the food is prepared, stored and what types of food are allowed at this location.

Dee Dee Bowman mentioned that she is concerned that since the mall is located close to residents, they really need proper ventilation systems and urged Council to take that into consideration.

Mr. Glazier answered that all Board of Health and code issues will be addressed.

Sharyn Keiser asked if there was a motion. Ms. Keiser stated that since no motion was offered, this matter would proceed to the Zoning Hearing Board without Council opposition.

COMMUNITY AFFAIRS REPORT

Rey Velasco announced the Visitors' Center report for the month of January, comparing 2008 and 2009.

	<u>2008</u>	<u>2009</u>
Visitors	1225	1006
Calls	203	168
Brochures	12	7
Sales	\$494.07	\$191.55
Donations	\$128.76	\$204.54

Rey Velasco asked that the public please support the Bucks County Herald. It is the only local paper left.

Rey Velasco complimented the Public Works Department keeping the roads nice and clear for the traffic during the winter months.

Rey Velasco announced that the Winterfest events were successful.

Ed Duffy announced that the school district is going to let New Hope Borough participate in their cable T.V. station. The cable channel will provide another resource for Borough announcements.

John Burke announced that the Chamber of Commerce is also including Borough government information in its monthly e-newsletter.

Ed Duffy announced that a great renovation application was presented to the HARB Board for the New Hope Arts Center, and it was well received.

OTHER BUSINESS

Steve Coppens of West Bridge Street stated that he is concerned with the disruptive construction going on at West Bridge Street especially the numerous orange barrels. The bridge workers are parking behind those barrels. The trash hauler is not picking up the trash because of the construction work.

John Burke stated PennDOT was especially difficult to work with on this project. The merchants along West Bridge had requested a meeting with PennDOT two months ago. The PennDOT response was to ask for written questions in advance and to limit the attendance of the business community to one representative. We are still waiting for this meeting to take place.

Mr. Burke asked Steve Coppens to get a list of his questions together and he will send them to the PennDOT representative for this project.

Steve Coppens asked if the street sweeper could get on West Bridge Street to clean the street.

Sharyn Keiser answered that they would take this up with Tom Carroll.

Steven Coppens asked who runs the Visitors' Center and can businesses post notices.

Tom Molnar, Riverstone Circle, was present to discuss the school district's plans to update the athletic fields at the high school. The district is looking for viable alternatives to create another field or two to accommodate the practices for Solebury Township teams. Mr. Molnar stated that the residents of Riverstone Circle have some concerns about field use, lighting, etc. and wish to work with the district to resolve these issues.

Dee Dee Bowman reported that there were 107 Christmas trees collected in the effort by the Recycling Committee and Hugh Marshall last January.

John Burke stated that the Commonwealth now requires municipalities to recycle Christmas trees in order to qualify for annual recycling performance grant funds.

Dee De Bowman thanked Hugh Marshall for collecting and chipping the trees. He has offered to do it again next year at no cost to the Borough.

Dee Dee Bowman stated currently, residents do not have to recycle cardboard and now that most of the trash companies are taking cardboard, the Recycling Committee would like to have that added to the ordinance. **Ms. Bowman** also recommended that glass and cardboard be added as mandatory recyclables for commercial customers.

Dee Dee Bowman announced that the Borough Department of Public Works has agreed to take and dispose of old analog televisions.

Dee Dee Bowman announced that the Recycling Committee would like to continue to pursue recycling containers that can be placed throughout the downtown areas of the Borough.

Sharyn Keiser stated that Architect Ralph Fey is present and has offered to fill the position reserved for an architect by state law on the HARB Board.

Sharyn Keiser asked for a motion to appoint Ralph Fey as Architect to the New Hope Historic Architectural Review Board.

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

Sharyn Keiser asked for comment by Council and the public.

The motion was approved unanimously.

ADJOURNMENT