

NEW HOPE BOROUGH COUNCIL
BUCKS COUNTY, PENNSYLVANIA

JANUARY COUNCIL MEETING

NEW HOPE BOROUGH COMMUNITY ROOM
123 NEW STREET
NEW HOPE, PENNSYLVANIA 18938

TUESDAY, JANUARY 18, 2022

COMMENCING AT 7:00 P.M.

BOARD MEMBERS PRESENT:

CONNIE GERING - PRESIDENT
DANIEL DOUGHERTY - VICE-PRESIDENT
LOUISE FEDER
LOUISE RETTIG
LAURIE MGHUGH
KEN MAISEL
PETER MEYER

ALSO PRESENT:

LAURENCE KELLER - BOROUGH MAYOR
PETER GRAY - BOROUGH MANAGER
JOHN PENNINGHAM, ESQ. - BOROUGH COUNCIL SOLICITOR
MARY STOVER - ZONING OFFICER
MICHAEL CUMMINGS - CHIEF OF POLICE

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COUNCIL MEETING - JANUARY-2022

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PRESIDENT GERING: I would like to call the meeting to order. If everybody can stand up for the Pledge of Allegiance.

Thank you. We would like to start with the Mayor's report.

MR. GRAY: Excuse me, roll call.

PRESIDENT GERING: I am sorry. Roll call, Pete.

MR. GRAY: Certainly. Mr. Dougherty?

MR. DOUGHERTY: Here.

MR. GRAY: Ms. Rettig?

MS. RETTIG: Here.

MR. GRAY: Ms. Feder?

MS. FEDER: Here.

MR. GRAY: Ms. McHugh?

MS. MCHUGH: I am here.

MR. GRAY: Mr. Maisel?

MR. MAISEL: Here.

MR. GRAY: Mr. Meyer?

MR. MEYER: Here.

MR. GRAY: Mayor Keller?

MAYOR KELLER: Here.

MR. GRAY: Ms. Gering?

COUNCIL MEETING - JANUARY-2022

I N D E X

<u>6</u>	<u>AGENDA ITEM</u>	<u>PAGE NO.</u>
7	Mayor's Report	4
8	New Hope Solebury Library	8
9	Chapter 275 Section 17	22
10	Chapter 30	24
11	Bucks County Planning Commission-HARB	25
12	71 West Ferry	29
13	Meeting Minutes	46
14	Accounts Payable	47
15	Committee Reports	48
16	Public Comment	53

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2
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4
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COUNCIL MEETING - JANUARY-2022

PRESIDENT GERING: Here.

Council tonight had executive session in reference to a litigations case so that is why -- we apologize for a few minutes starting late.

Mayor Keller.

MAYOR KELLER: So I will start out I would like to -- I have a swearing in of a part-time police officer. We would have done it before but we had to wait for his number. His number came in.

I, Patrick Raubenstine, do solemnly swear.

OFFICER RAUBENSTINE: I, Patrick

Raubenstine, do solemnly swear.

MAYOR KELLER: That I will support, obey

and defend.

OFFICER RAUBENSTINE: That I will support,

obey and defend.

MAYOR KELLER: The Constitution of the

United States.

OFFICER RAUBENSTINE: The Constitution of

the United States.

MAYOR KELLER: And the Constitution of the

Commonwealth of Pennsylvania.

OFFICER RAUBENSTINE: And the Constitution

of the Commonwealth of Pennsylvania.

5

1 COUNCIL MEETING - JANUARY-2022
2 MAYOR KELLER: And I will discharge.
3 OFFICER RAUBENSTINE: And I will discharge.
4 MAYOR KELLER: The duties of my office.
5 OFFICER RAUBENSTINE: The duties of my
6 office.
7 MAYOR KELLER: As a New Hope Police
8 Officer.
9 OFFICER RAUBENSTINE: As a New Hope Police
10 Officer.
11 MAYOR KELLER: With fidelity.
12 OFFICER RAUBENSTINE: With fidelity.
13 MAYOR KELLER: I also acknowledge.
14 OFFICER RAUBENSTINE: I also acknowledge.
15 MAYOR KELLER: That I will uphold, obey and
16 enforce.
17 OFFICER RAUBENSTINE: That I will uphold,
18 obey and enforce.
19 MAYOR KELLER: The law without
20 consideration.
21 OFFICER RAUBENSTINE: The law without
22 consideration.
23 MAYOR KELLER: To a person's race.
24 OFFICER RAUBENSTINE: To a person's race.
25 MAYOR KELLER: Color.

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1 COUNCIL MEETING - JANUARY-2022
2 OFFICER RAUBENSTINE: Color.
3 MAYOR KELLER: Sex.
4 OFFICER RAUBENSTINE: Sex.
5 MAYOR KELLER: Religious creed.
6 OFFICER RAUBENSTINE: Religious creed.
7 MAYOR KELLER: Sexual orientation.
8 OFFICER RAUBENSTINE: Sexual orientation.
9 MAYOR KELLER: Age.
10 OFFICER RAUBENSTINE: Age.
11 MAYOR KELLER: National origin.
12 OFFICER RAUBENSTINE: National origin.
13 MAYOR KELLER: Ancestry.
14 OFFICER RAUBENSTINE: Ancestry.
15 MAYOR KELLER: Handicap.
16 OFFICER RAUBENSTINE: Handicap.
17 MAYOR KELLER: Or disability.
18 OFFICER RAUBENSTINE: Or disability.
19 MAYOR KELLER: This is a moral obligation.
20 OFFICER RAUBENSTINE: This is a moral
21 obligation.
22 MAYOR KELLER: To the public I serve.
23 OFFICER RAUBENSTINE: To the public I
24 serve.
25 MAYOR KELLER: And for which.

7

1 COUNCIL MEETING - JANUARY-2022
2 OFFICER RAUBENSTINE: And for which.
3 MAYOR KELLER: I will be held accountable.
4 OFFICER RAUBENSTINE: I will be held
5 accountable.
6 MAYOR KELLER: Congratulations. Nice.
7 Chief and three of our officers are here.
8 So I still have one other thing I want to
9 mention is we have been working on this for about
10 18 months and that is the police accreditation and we are
11 very, very close.
12 January 28th we are going to have a mock
13 setup in the police department which means that a person
14 will come in and check on some of the things that we have
15 prepared and done and do some sort of peripheral stuff,
16 not the real in-depth things. If we get through that
17 phase, which will be a one day visit by an outside person,
18 then the last step will be in March we will have two folks
19 -- two men come in for two days to do a complete
20 inspection of everything that we are supposed to have done
21 for the accreditation.
22 And at that point, if that goes well, then
23 we are going to be in pretty good shape. Obviously, there
24 is no guarantees. There could be a couple things that we
25 haven't done properly. We don't know, but if all goes

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1 COUNCIL MEETING - JANUARY-2022
2 well, that is where we will be.
3 And it is pretty awesome when you think
4 about it. I don't even know how many first and second
5 class townships there are, but there is about 950 or so
6 boroughs in the Commonwealth of Pennsylvania and I think
7 145 that I saw that are accredited. And I am not sure how
8 many of those are boroughs and how many are first and
9 second class townships, unless you know, Chief.
10 CHIEF CUMMINGS: Eighteen boroughs.
11 MAYOR KELLER: Eighteen boroughs out of I
12 think 950 boroughs. So that is going to be a -- quite a
13 feather in our cap. Only two percent are in.
14 So we are cautiously excited but it has
15 been a long haul and we are almost there just to let
16 everybody on Council know and the public know. That is
17 it.
18 PRESIDENT GERING: Next on the agenda is
19 the New Hope Solebury Library. We have someone here doing
20 a presentation.
21 MR. BRINDLEY: Since I understood that we
22 can't project, I did bring copies. And given the time of
23 year and everything, after the meeting you can use this to
24 hold your doors open and stuff like that.
25 So very briefly, my name is Doug Brindley.

COUNCIL MEETING - JANUARY-2022

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2 And through a sequence of bad judgments and misdeeds, I
3 was voted to be President of the Board of Trustee of the
4 Free Library about a year and a half ago and they haven't
5 run me off yet. This is about my fifth year on the board
6 but I was a dedicated back bencher until 2020 and you
7 know, everything changed at that point.

8 I want to thank the Council for inviting
9 the library to participate in this meeting. It has been
10 too long since we had a chance to do that and that is
11 something that I think we ought to look to be giving you
12 updates and answering your questions in the future on a
13 fairly regular basis. That only makes sense to me.

14 I don't know the history, I don't know what
15 the common practice has been but I am instituting a
16 similar give and take relationship with Solebury Board of
17 Supervisors as well. So I look forward to that to the
18 extent that you are interested.

19 And before I forget, Liz Jordan, my fellow
20 board member who is in the audience tonight, reminded me
21 to thank the Public Works Department for their help with
22 the snow removal in front of the library. Last year there
23 was so much snow that it was very difficult to use those
24 very valuable parking spaces and their help then and now
25 has been invaluable. So we really, really appreciate

COUNCIL MEETING - JANUARY-2022

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2 Reimbursement Arrangement, recent changes in the
3 healthcare law have made available to very small
4 non-profits just like the library.

5 Bottom line, without going into the
6 details, there is a slide that I don't intend to spend
7 time this evening that I thought you might find
8 interesting is that it is not insurance per se but it is a
9 reimbursement account we fund every month up to the
10 maximum in each person's account virtually. Anything
11 health or dental expense including premiums can be applied
12 to that and the amount of money that they receive is not
13 taxable for IRS purposes. So we have implemented that.

14 It is true and I did say it here that
15 Solebury -- I had an occasion to speak to them over a year
16 ago and they were interested in seeing it happen so they
17 gave us a little money. Now I think that was just more of
18 a challenge to us.

19 The Board of the library has committed
20 itself and to our current employees to fund this going
21 further one way or another. And I know they are pleased
22 and I am very pleased that we are able to reinstitute some
23 sort of health benefits for the employees.

24 You probably are aware that last year
25 before the spring voting and then this November, we were

COUNCIL MEETING - JANUARY-2022

1 that.
2
3 If you jump right into it, on the first
4 slide I am showing highlights that it is not a particular
5 period of time, it is over the last year or so. There
6 undoubtedly are things that have not been presented to
7 this Council because I haven't had a chance to meet up
8 till now. So if at any point in time, not necessarily
9 tonight but just ongoing -- I know that Tina Rettig has my
10 e-mail address, knows how to contact me. Any questions
11 anytime.

12 But highlighting things that have happened,
13 that we have worked very hard on. First and foremost,
14 about -- sometime about ten years ago because of budget
15 constraints and I think somewhat to be fair, difficult
16 management decisions, finances at the library, this is
17 going back many years now, long before I was on the board
18 and any present board members, but it was decided to
19 suspend health and dental benefits for the employees of
20 the library.

21 And we all understood when we came on the
22 board that that was the case and why it was the case. And
23 balancing the budget as best we can is very, very
24 important. But this past year -- this first bullet
25 highlights the Qualified Small Employer Health

COUNCIL MEETING - JANUARY-2022

1 approached and we agreed with the County to establish a
2 voting box in the library with appropriate security
3 arrangements that the County provided, which included
4 observation during library hours and cameras and all of
5 that stuff. That seemed to go very well and it was
6 actively used.
7

8 What is important to me about that because
9 those things -- locations exist in many other places as
10 well, this goes toward the library's own goal of being
11 kind of a community hub, offering its resources well
12 beyond books, periodicals and other things. And that was
13 a perfect example. We were glad to do that as well.

14 Just in the last week we have transitioned
15 the Integrated Library System, the ILS, that every library
16 uses to some extent or another. We are as affiliates with
17 the Bucks County Library System, that whole system has
18 changed over. From what I understand, the changeover has
19 gone well from the patron perspective.

20 So our local patrons here are now back up
21 and able to check out things and see how much longer they
22 have got on a borrowed item. There is still some back
23 office stuff going on.

24 Bottom line, that is sort of a soup to
25 nuts, front office, back office for library operation and

COUNCIL MEETING - JANUARY-2022

1 the jury is out. I don't have an opinion yet but it seems
 2 like progress. We will see.
 3
 4 Interestingly enough and attached to this
 5 PowerPoint presentation there is a word document which I
 6 just bring to your attention. I don't have any requests
 7 of you other than to take a look at it. But Solebury was
 8 prepared after all of the trouble that we had a couple of
 9 years ago, again I wasn't directly involved in but I am
 10 aware of, on what I have taken into calling a succession
 11 agreement for the designated representatives that New Hope
 12 and Solebury are quite entitled to have on the library
 13 board.
 14 And so in order to codify that process, if
 15 you will, and turn it into a signed agreement, we have
 16 done one with Solebury and we would be very happy to work
 17 on one with New Hope. So when an opening occurs for one
 18 of your presently designated representatives, we all know
 19 what the script is, how we go through the process, who
 20 would be eligible and so forth and so on. That needs to
 21 be mutual, I think we learned that much sometime ago.
 22 So I have attached their -- I received
 23 their permission and I think it is a public document, to
 24 share with you the Solebury document. I would be very
 25 happy to start with that and go wherever you want to go

COUNCIL MEETING - JANUARY-2022

1 to be difficult.
 2
 3 And just in the last week we had two
 4 Zoom-based focus group conversations, we are collating all
 5 of those responses and it was very interactive. I know
 6 that -- Louise, thank you for participating in the second
 7 one.
 8 I was surprised at how little the library
 9 board people on the Zoom had to speak. We threw out a
 10 couple of ideas and I think you will agree it was
 11 incredibly interactive, self-starting. People had a lot
 12 of ideas and a lot of good ones. Some complaints, and we
 13 were looking for those as well.
 14 But this is the beginning of a long-term
 15 process and I will keep the Council informed as we reach
 16 milestones on this path because it will involve -- it will
 17 necessarily impact New Hope and Solebury both, not only
 18 constituents who really are our constituents too, but the
 19 public entities as well.
 20 So we have been busy, even though 2020 was
 21 kind of a shutdown year. And if you look at the second
 22 slide which is circulation, this is a question that gets
 23 asked a lot; our statistics are what they are and we are
 24 working very hard to try to take these -- pry these things
 25 apart but the available sources for this data coming from

COUNCIL MEETING - JANUARY-2022

1 with that. That would be a way of assuring the process
 2 when the time comes.
 3
 4 Right now there are -- you have two
 5 designated representatives and I foresee no immediate
 6 openings, so there is time to work on that.
 7 Just in the last two weeks we were notified
 8 that Bucks Business Recovery is giving the library a
 9 \$5,000 grant which has to be used right away. Just
 10 general purposes and operations.
 11 The Winter Reading Challenge, you know we
 12 have these seasonal and periodic reading challenges
 13 throughout the year. It is not just for children, it does
 14 include adults. And there are prizes for most of these
 15 rotations.
 16 And the picture on this page happens to be
 17 my scruffy fourth grader at New Hope Upper Elementary
 18 School who won one of the prizes, it was a blind drawing I
 19 am assured, of a Kindle Fire last summer. So I encourage
 20 everyone to look that up on the website because there are
 21 reasonably good prizes and I will not let him win anymore.
 22 Finally, we have begun our strategic
 23 planning process which has -- was impacted very rather
 24 severely by the COVID time period in 2020 and 2021 because
 25 we realized that getting community participation was going

COUNCIL MEETING - JANUARY-2022

1 the county systems, we don't have a lot of flexibility yet
 2 so we have to use our intuition a little bit and inference
 3 to make sense of them.
 4
 5 But these circulation statistics are very
 6 real and I put up -- I have segregated these into adult,
 7 youth and e-circulation. So adult and youth are really
 8 someone either calls or goes online or walks into the
 9 library and reserves and borrows a physical thing; a book,
 10 a magazine. There are board games, there are DVDs. There
 11 is a whole array of physical media. Conventional library
 12 interaction and e-circulation is just what it says.
 13 And you will note -- and this I think is
 14 the main statistics on this page, how things changed from
 15 2019 which was the last sort of regular year for a
 16 library. People looking at a library -- when they drive
 17 by they see a library they have a whole set of
 18 preconceived notions of how to interact with the library,
 19 what good is it to them or not.
 20 And then in 2020 after the shutdown and
 21 frankly during the shutdown, e-circulation began to jump.
 22 And then last year, the year just completed, we vastly
 23 exceeded e-circulation, individual usage of our website or
 24 our links to access e-books and other electronic resources
 25 went way up. And I suspect that we will never quite

COUNCIL MEETING - JANUARY-2022

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 2 recover, not in the short-run anyway, the physical
 3 borrowing from the library in the same numbers. And you
 4 can see that reflected here.
 5 Even though it has rebounded,
 6 e-circulation, I anticipate that people found out how to
 7 do it. It is sugary, it is easy. They don't have to go
 8 to the library and we will see more and more and more and
 9 more of that. So we are beefing up our online resources
 10 to meet that need.
 11 On the next slide for your information, in
 12 2021 operating revenue was about \$288,000. You will see
 13 on another slide in a moment how that compares to the most
 14 recent years and you will see a basic breakdown here. I
 15 will just note that from a revenue perspective the orange
 16 wedge there, the miscellaneous earned -- other earned
 17 revenues are the things you would think in the library;
 18 the fines for books being late and targeted donations for
 19 specific things and that sort of business.
 20 But basically you can see how reliant the
 21 library is, this will be no surprise, on contributions
 22 from New Hope, Solebury and the Commonwealth. And I don't
 23 see -- I think that is how it is meant to be, that is
 24 certainly how things were set up and we are very grateful
 25 for the support that we get. It is essential for the

COUNCIL MEETING - JANUARY-2022

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 2 right up until the last minute to have one. This past
 3 fall we decided it was just discretion compelled us to
 4 postpone the Spelling Bee again but we have built that
 5 into our budget. We had not been overly ambitious about
 6 our revenue forecast.
 7 The following slide is year to date revenue
 8 and expense for each of the previous three years. Again
 9 this is primarily to show you that there is not a lot of
 10 variation, to show you how 2020 impacted the library and
 11 how the library is springing back just like everybody
 12 else.
 13 We will have an operating margin that is
 14 positive this year, which is in the neighborhood of
 15 historical performance over the last ten years with the
 16 addition of the QSEHRA Plan. So we are in addition to
 17 making ends meet, we have added a new liability which is
 18 to fund the QSHERA for our full-time employees.
 19 And I have included in the next two slides
 20 just for your information, we need not talk about it right
 21 now in any depth unless you're interested, but it seemed
 22 that in the -- after the original Affordable Healthcare
 23 Act was passed, there were naturally -- it was like a big
 24 wall and they would see holes, light would be coming
 25 through that they needed to figure out how to patch them

COUNCIL MEETING - JANUARY-2022

1
 2 operation of the library and your help is greatly
 3 appreciated.
 4 On the following slide, budget versus
 5 actual, just to see some sense of how we are managing the
 6 financial resources. This is operational budget now, this
 7 does not go into the endowment and the investment
 8 performance, which has like a lot of such things, has been
 9 very good over the last couple of years even in the face
 10 of the pandemic.
 11 But our budget versus actual, where 2020
 12 was not good, simply because the world stopped spinning
 13 and in particular our fundraising. Our fundraising
 14 activities came to a screeching halt. We did not have the
 15 Spelling Bee that we had had the two prior years, and the
 16 Spelling Bee was a very successful vehicle for us.
 17 I don't know how the community felt about
 18 it. I don't know how participants from New Hope Borough
 19 Council and/or Solebury Board of Supervisors felt about
 20 the humiliation of getting up there in front of the people
 21 and not knowing how to spell words. We threw some hard
 22 ones. But the bottom line is that last Spelling Bee
 23 raised a good deal of money for the library.
 24 That gap was severely felt in 2020. We
 25 anticipated that in 2021, even though we planned for it

COUNCIL MEETING - JANUARY-2022

1
 2 up.
 3 One of them was very, very small;
 4 non-profit enterprises have no real incentive to
 5 underwrite their employees health expense because it can
 6 go on to the exchanges and so forth. But there was a
 7 desire to get employers of that nature involved and so
 8 this program helps us, it is non-taxable to the employees
 9 and we have added that as a liability to our balance sheet
 10 for this year and the latter part of last year.
 11 So the fact that we were able to maintain
 12 an operating margin even with that additional expense, is
 13 something we will work very hard on going forward. As I
 14 say, it is a low overhead plan. We pay a third party to
 15 administer so that it is when people submit claims and so
 16 forth, that it is blind to the management of the library
 17 so we don't know what their health expenses are. We don't
 18 ask. And they get processed by the third party supplier
 19 and that only costs us at this stage with three employees,
 20 \$900 a year.
 21 So finally in summary, this -- I mentioned
 22 this at the beginning that we saw the installation of the
 23 ballot box in the library prior to the election as just an
 24 example of how the library sees itself fitting into the
 25 community above and beyond letting people come in and

1 COUNCIL MEETING - JANUARY-2022

2 check out books or having programs for children in the
3 afternoon and weekends and in the summer and so forth.

4 But more as a community hub, as a space --
5 a safe space for any one in New Hope or Solebury or even
6 surrounding areas to come and participate in our programs
7 but more than that, come for quiet time, access the
8 internet. And of course we have a lot of people that do
9 that.

10 But in that sense we have this view that it
11 is it is the omphalos, an ancient Greek concept of -- I
12 think literally means navel, as a sort of center point and
13 a hub for everything that goes on in our community and we
14 want to see ourselves and not only that, we want to make
15 sure that we are that for everyone.

16 So I invite you -- you can ask me questions
17 now and if I don't know I will tell you and see if I can
18 find out or you can think about it and get in touch with
19 me. As I say, Tina knows how to contact me and I am real,
20 real interested in us working together going forward
21 because I know we can and we have the same constituents.
22 We want to make the library a useful public resource and
23 we manage it that way.

24 PRESIDENT GERING: Thank you. Any
25 questions from Council?

1 COUNCIL MEETING - JANUARY-2022

2 MR. DOUGHERTY: So this would be -- for
3 perspective, the effective date, Connie, would be roughly
4 when? The date of adoption?

5 MR. DUFFY: Can you take your mask off?

6 MR. DOUGHERTY: The effective date would be
7 what?

8 MR. GRAY: That would be five days after
9 the -- after it's voted tonight, five days after tonight.

10 MR. DOUGHERTY: The only question I have is
11 what is precipitating this? I know that -- is this trying
12 to correct the previous ordinance that prohibited the
13 chain restaurants?

14 PRESIDENT GERING: Correct.

15 MR. DOUGHERTY: This is the compliment to
16 this?

17 PRESIDENT GERING: Yes. It was never
18 addressed.

19 MR. DOUGHERTY: Okay. Thank you.

20 PRESIDENT GERING: Any other questions
21 from Council? Any one from the public?

22 All in favor?

23 MS. FEDER: Aye.

24 MR. MEYER: Aye.

25 MR. DOUGHERTY: Aye.

1 COUNCIL MEETING - JANUARY-2022

2 MR. MAISEL: Very good presentation.

3 MS. RETTIG: Thank you very much. Very,
4 very great presentation. Thank you.

5 MR. BRINDLEY: You're welcome.

6 MS. McHUGH: The library is in such good
7 hands.

8 PRESIDENT GERING: Thank you. All right.

9 Next on the agenda is I have a motion to
10 adopt ordinance amendment to Chapter 275 Section 17. This
11 is establishing regulations for our retail establishments.

12 Can I have -- guys, we have a motion on the table.

13 MR. MAISEL: I will make that motion.

14 MS. RETTIG: I will second it.

15 PRESIDENT GERING: Any questions from
16 Council?

17 MR. DOUGHERTY: Can we just describe this
18 for the public so they -- let them know what the general
19 theme of it is?

20 PRESIDENT GERING: Yes. This is to
21 establish restrictions on retail establishments so we
22 don't have box stores coming in. The Borough years ago
23 did it, you could not have formula restaurants in the
24 Borough but they never did any restrictions on retail and
25 that is what the intent of this is.

1 COUNCIL MEETING - JANUARY-2022

2 MS. RETTIG: Aye.

3 MS. McHUGH: Aye.

4 MR. MAISEL: Aye.

5 PRESIDENT GERING: Aye. Thank you.

6 Next is to have a motion to approve

7 ordinance to Chapter 30 and this is for the employees
8 pension.

9 MR. DOUGHERTY: I will make that motion.

10 PRESIDENT GERING: Second?

11 MS. McHUGH: I will second.

12 PRESIDENT GERING: Any questions from
13 Council?

14 MR. DOUGHERTY: Brief description of this.

15 PRESIDENT GERING: We talked about that.

16 Go ahead.

17 MR. DOUGHERTY: This is the -- this is the
18 -- this is to bring the -- sorry, for the non-uniformed
19 employees their -- basically their match. Their pension
20 and their 401, all of that stuff is currently set at three
21 percent of their pay, it is a contribution that the
22 Borough makes.

23 This was discussed but it was peripheral in
24 the last meeting, it was discussed when we went to
25 advertise it I believe. Currently they get three percent

1 COUNCIL MEETING - JANUARY-2022
2 of their pay into a retirement savings type plan paid for
3 by the Borough and it was found that that is very non --
4 it is not common. The actual figure is for that -- for
5 all competing boroughs and townships and et cetera is more
6 akin to five or six percent.
7 We are moving it here to five percent so to
8 bring it inline with competitive norms and obviously with
9 the demands on employment and everything today, this has
10 been probably out of sync as long as it has been in place.
11 It is just something that we have uncovered. That is the
12 background.
13 PRESIDENT GERING: Thank you. Any other
14 questions?
15 All in favor?
16 MS. FEDER: Aye.
17 MR. MEYER: Aye.
18 MR. DOUGHERTY: Aye.
19 MS. RETTIG: Aye.
20 MS. McHUGH: Aye.
21 MR. MAISEL: Aye.
22 PRESIDENT GERING: Aye.
23 Next is to have a proposal from the Bucks
24 County Planning Commission for services for HARB.
25 Can I have a motion for approval?

1 COUNCIL MEETING - JANUARY-2022
2 MR. MAISEL: I will make that motion.
3 MR. MEYER: Second.
4 PRESIDENT GERING: Any discussion from
5 Council?
6 MR. DOUGHERTY: I'm sorry, I will be a pain
7 tonight.
8 PRESIDENT GERING: That is okay. There is
9 a schedule there, that is why --
10 MR. DOUGHERTY: So we have to vote on it
11 because there is a schedule?
12 PRESIDENT GERING: Correct.
13 MR. DOUGHERTY: Normally these services are
14 provided by the --
15 MR. MAISEL: By a consultant.
16 PRESIDENT GERING: Pete, can you describe
17 --
18 MR. DOUGHERTY: Can you describe why we are
19 doing this tonight?
20 MR. GRAY: Certainly. In the past HARB
21 has had a different consultant and we have had some
22 interaction with the Bucks County Planning Commission,
23 they provided this service in the summertime. We compared
24 the rates, the rates are lower than what we previously
25 were paying. They provide the same service, local, and

1 COUNCIL MEETING - JANUARY-2022
2 they asked Council to consider this contingent upon review
3 by the Solicitor's office.
4 PRESIDENT GERING: Any questions?
5 MR. MAISEL: Just to add a little more
6 color to that --
7 PRESIDENT GERING: Ken, can you speak up?
8 MR. MAISEL: The reason -- the need is
9 surrounded by the fact that very often there are some
10 bigger projects that come into town that require an
11 expertise and a sounding board beyond the existence of the
12 HARB Board.
13 So having an alternative on these bigger
14 projects and the more complicated one is just an advantage
15 for us to have to make sure that we are addressing the
16 applications in a fair and reasonable way.
17 MS. RETTIG: Just to clarify for my own --
18 I am a little -- this is just -- sorry, for my own
19 clarification, this is in place of the people that we have
20 been using?
21 MR. MAISEL: Yes.
22 MS. RETTIG: For HARB that outside company
23 that we were doing?
24 MR. MAISEL: Yes.
25 MS. RETTIG: Thank you.

1 COUNCIL MEETING - JANUARY-2022
2 MR. DOUGHERTY: It is the expectation that
3 this will be a higher, more robust level of service at
4 what we hope to be a lower price per application?
5 MR. MAISEL: I think that is fair to make
6 that assumption, yes.
7 MR. DOUGHERTY: You don't know but it
8 certainly appears from the documentation?
9 MR. MAISEL: We are optimistic that is the
10 case, yes. And this is not something that will be
11 utilized on a month to month basis, it will be at the
12 discretion of the chair and administrative staff.
13 PRESIDENT GERING: Any other questions?
14 MR. MEYER: Yeah. One little item which
15 has to do with the agreement makes reference to copies
16 provided to the HARB. I am assuming that that also
17 includes copies provided to the Borough Manager. If not,
18 can we add that language?
19 MR. GRAY: Certainly. We will make sure
20 that is added.
21 MR. MEYER: Thank you.
22 PRESIDENT GERING: Any other questions?
23 All in favor?
24 MS. FEDER: Aye.
25 MR. MEYER: Aye.

1 COUNCIL MEETING - JANUARY-2022

2 MR. DOUGHERTY: Aye.

3 MS. RETTIG: Aye.

4 MS. McHUGH: Aye.

5 MR. MAISEL: Aye.

6 PRESIDENT GERING: Aye. Thank you.

7 Next on the agenda is 71 West Ferry Street
8 for a HARB approval.

9 MR. FEY: Good evening.

10 PRESIDENT GERING: Hi there. If you can
11 take your mask off when you speak and identify yourself so
12 this young lady here --13 MR. BELLAFRONTE: Lou Bellafronte, 71 West
14 Ferry Street. B-E-L-L-A-F-R-O-N-T-E. I know it has been
15 spelled a different couple ways, that is the correct
16 spelling.17 MS. MORELLO: Donna Morello, M-O-R-E-L-L-O,
18 71 West Ferry.

19 MR. FEY: Ralph Fey, F-E-Y.

20 PRESIDENT GERING: You're back for the
21 second time. I always want to speak into the microphone.
22 You're back for the second time.23 We had questions about your Certificate of
24 Appropriateness that was before us last month and we had
25 requested the minutes from the HARB Meeting. And what we

1 COUNCIL MEETING - JANUARY-2022

2 existing structure because the existing structure was only

3 built in the '60s, not the one that we -- that originally

4 was from the 1770s.

5 So I have I had this conversation. I asked
6 JoAnn about it and she shared with me that she remembered
7 that exact conversation about the cable. Now I have not
8 been able to see the minutes and there was also a
9 conversation with the construction gentleman who sat next
10 to the Chairman who talked to us about the chimney, that
11 raising the roof and having the chimney there that we
12 would have to deal with that and I said yes.13 This is our recollection. Now I don't know
14 what are in the minutes, we have not seen them and we
15 can't because they are not approved. And the HARB
16 Meeting, we would have gone to that to see the minutes but
17 that was postponed.18 So I understand this but nothing has
19 changed. These have been the exact same drawings and
20 exact same information that we have provided throughout
21 this journey to all of the various boards to come in here
22 tonight or come in here last month. So I am confused.
23 Never have we hidden anything. Never.24 PRESIDENT GERING: According to the
25 minutes, if I read them correctly, JoAnn had asked Ralph

1 COUNCIL MEETING - JANUARY-2022

2 are finding is there were two issues; one that we raised
3 seriously at the last meeting is the fact that you are
4 looking to put a deck on the second level. According to
5 the minutes, that was never addressed at the HARB Meeting.
6 Mr. Fey had implied that there would be no deck there.

7 So this is where we are tonight.

8 MR. BELLAFRONTE: I spoke to JoAnn about
9 this, JoAnn Connell about this. I asked her about that
10 and she specifically said that she remembered that the
11 deck was brought up in that conversation because it was
12 brought up around the railing, the issue of the railing
13 and why it was being a cable railing. That -- she shared
14 that with me.15 I asked if I could see the minutes but she
16 said no because they weren't approved but this -- we have
17 not changed this from day one. This is the exact same
18 presentation that we brought to this Board way back in
19 September. Then when we brought it to the Board of
20 Adjustment, a unanimous decision on that. It was a part
21 of that.22 And then in HARB it was passed. We had one
23 vote against us in HARB and that was only because of the
24 siding of the view of the windows that the President --
25 the Chairman of HARB felt wasn't consistent with the

1 COUNCIL MEETING - JANUARY-2022

2 about if you're putting a deck on there and his comment
3 was no. So this is where we are right now. About -- at
4 the HARB Meeting whether you were putting a rooftop deck
5 or -- they were under the impression you were not putting
6 a deck.

7 MR. DOUGHERTY: May I?

8 PRESIDENT GERING: Please.

9 MR. DOUGHERTY: I can't give you advice but
10 my -- I think if -- because this is significant and a
11 contributing historic structure, extremely. It is one of
12 the most historic structures in the Borough. And in fact
13 Ferry Street is one of the most historic blocks in the
14 Borough, pretty much pristine block of homes all the way
15 down from the library down to Main Street. Original
16 homes, no one has managed to tear them down yet and build
17 gigantic monsters yet.18 My history of HARB and knowledge of it has
19 always been -- I will jump to the chase here. If -- if
20 HARB had knowingly approved a deck, I would be voting
21 against that. I would be voting against codifying their
22 Certificate of Appropriateness either way.23 So I just want to be clear, I don't think
24 that the documentation that was submitted is anywhere near
25 clear enough to indicate that a deck was intended there.

COUNCIL MEETING - JANUARY-2022

1
 2 I think that the application itself has seven or -- six or
 3 seven things that it describes as being done to the
 4 property, all none of which use the word deck or outdoor
 5 living space or anything like that on the exterior of the
 6 house.
 7 Frankly, the fact that HARB didn't notice
 8 the word deck or didn't hear it or not enough people heard
 9 the word deck, and in fact did not write any reference to
 10 a deck in the Certificate of Appropriateness that was
 11 drawn up for us to approve, just lathers on my impression
 12 that this deck was not adequately described to the
 13 Historic Architectural Review Board.
 14 And if it had been and had they approved
 15 it, I would be voting against their certificate of
 16 occupancy on that ground anyway. So that is where I am
 17 standing.
 18 MR. BELLAFRONTI: That is fair and I
 19 appreciate you sharing it with us. What I would say is
 20 the reason the deck has not been brought up is because
 21 there was no variances needed for it. It is a matter of a
 22 construction change.
 23 So one of the things we found in going
 24 through the process with the Zoning Board is that would
 25 just require construction, a building code, there would be

COUNCIL MEETING - JANUARY-2022

1 no variances.
 2 So I think one of the things we ran into
 3 through all of this is, you know we had when we first
 4 spoke with Mr. Fey this was about a number of variances we
 5 thought we needed. When we went through it and hired our
 6 engineer and gone through all that, it was decided it was
 7 not a variance we needed to get for that so that just
 8 became in fact a part of the project.
 9 So there was no direct hey let's draw it to
 10 this, where prior to that it had been given attention,
 11 which was in the zoning because we had to see whether or
 12 not we needed a variance for that. There was no variance
 13 required. Because again it is just a construction change,
 14 it is needing a dormer and a deck on an existing roof.
 15 So we are not putting any new construction
 16 there at all. All we are doing is raising the roof for a
 17 dormer which many of my neighbors currently have on their
 18 historic properties today. In fact my end neighbor has a
 19 rooftop deck as well at the very end of the project that
 20 was just built and bought.
 21 Across from us on 68 West Mechanic today
 22 they are building an extreme addition to their building,
 23 four stories high, decks at every level. So that too I
 24 would consider to be part of our historic home and you can
 25

COUNCIL MEETING - JANUARY-2022

1 see all of that from Stockton Road and you can't see --
 2 from our house you can't see these things.
 3 So I understand your concern about that and
 4 maybe the historical nature but I think the wires got
 5 crossed because it did not need any variances because it
 6 was a simple construction code change. There is not a lot
 7 of attention brought to it and that is where it was
 8 brought up about the cables.
 9 So my next door neighbor has a dormer, two
 10 doors down have a dormer and a deck. Same deck that we
 11 would use but our deck is a half of their deck. They have
 12 a full size of that floor is one whole deck. We are not
 13 asking for that. We are asking for a smaller deck than
 14 that, half the size of that deck.
 15 You go down two doors from there you have a
 16 deck on top of a roof there. They have it -- they walk
 17 out of their top floor onto the deck. So our whole back
 18 area, and I know we can't compare necessarily to other
 19 properties, that was brought up one other time in our
 20 meeting, but it is in existence today where our neighbors
 21 exist.
 22 So I didn't think that anything we have
 23 asked of the Board has been out of line with what we have
 24 seen as consistent, with what we have seen within our
 25

COUNCIL MEETING - JANUARY-2022

1 Borough. We live here, we walk around the town, we see
 2 what is being built, these new buildings going up and we
 3 see decks out of the kazoo on these.
 4 And so for a seven by nine deck to be such
 5 an obstacle -- if that is an obstacle, grant us the
 6 dormer, grant our application and let us move on. This is
 7 costing a lot of money to continue to bring our experts
 8 here. We are not wealthy people, we want to retire. We
 9 are -- and we are asking for your approval to be a very
 10 modest addition to our property. We are not asking for a
 11 four story addition twice the size of our building.
 12 So that is -- I don't know what more I can
 13 say to you, to ask for your favor and your approval of
 14 this project.
 15 PRESIDENT GERING: I thought you wanted to
 16 say something.
 17 MR. MAISEL: I don't have anything specific
 18 at this point.
 19 PRESIDENT GERING: Council?
 20 MR. FEY: So I heard my client say what
 21 sounded like to me that he is open for an approval minus
 22 the deck and I don't know if that is --
 23 MR. DOUGHERTY: I didn't --
 24 MR. FEY: I heard my client say that and I
 25

COUNCIL MEETING - JANUARY-2022

1
2 was just wondering if that is something that is
3 accomplishable within this format.
4 MR. DOUGHERTY: I have a question about it
5 myself. When I look -- and I am trying to -- I was trying
6 to look at this chunk of paper versus the December chunk
7 of paper. I can swear that there was a chunk of paper
8 that had the back end of the house and it appeared that
9 there was more than one deck at the time. Is there more
10 than one deck?
11 MR. FEY: Yes, sir.
12 MR. DOUGHERTY: I thought there was more
13 than one. Here in this chunk of paper tonight -- is it in
14 this chunk of paper?
15 MR. FEY: I don't know what papers you have
16 tonight but I can --
17 MR. DOUGHERTY: You --
18 MR. FEY: -- unequivocally make a statement
19 there is an existing deck on the second floor and there is
20 a proposed deck on the roof of the second floor above the
21 bathroom, which would constitute --
22 MR. DOUGHERTY: The house -- so the house
23 has -- so this talk about these other houses having decks
24 here and there, the house has one -- existing house has a
25 deck?

COUNCIL MEETING - JANUARY-2022

1
2 MR. FEY: Yes, on the second floor it does.
3 MS. RETTIG: When you say a rooftop, I mean
4 that is sending me -- it is really not -- because it is on
5 the third level?
6 MR. FEY: It is on the roof of the second
7 floor but still behind the building.
8 MS. RETTIG: Okay. That is --
9 MR. MEYER: May I? The -- just a couple
10 little things. First of all, whether or not required a
11 zoning change is not particularly germane from our point
12 of view or for that matter from a point of view of HARB
13 given the relationship between the organizations.
14 I think that the part of the question that
15 we are looking at here is the deck -- being the fact that
16 you are on the end property of a road is going to be more
17 visible from the street than the decks that are out there
18 behind the existing buildings elsewhere in that row that
19 are more in the middle of the row. And I think that is
20 part of the reason that we have got the problem that we
21 are looking at right now.
22 I for one would be a hundred percent in
23 favor of saying go ahead without the deck. Okay. I am
24 only speaking for myself. I can't speak for the others on
25 Council, but with regard to your suggestion of let's go

COUNCIL MEETING - JANUARY-2022

1
2 ahead, let's get it moving, I don't want to have to see
3 you here another time. I don't think -- not that I don't
4 like you.
5 MR. BELLAFRONTE: I like you too, Peter. I
6 would just like to say one thing; if you will accept that,
7 we will accept that but there is a chimney there so you
8 can't see anything. If you look at the drawings we
9 provided to you, there is a chimney there. The distance
10 from the chimney is this much (indicating). That is a
11 cable railing. That is it.
12 MS. FEDER: I just want to interject, I do
13 agree with -- I think it was Dan, part of the issue that
14 we are struggling with here -- and we appreciate that you
15 guys have gone through so many versions of this, we are
16 trying to go off of renderings on a photograph, right?
17 And I understand the width of the chimney.
18 I can understand all of that but because you're the end
19 unit of all of these houses and the back is so high, just
20 by the very nature of placement and by use of the deck, it
21 will be visible.
22 Now I know in the notes that we had from
23 HARB there was a point that I think it said in the memo
24 the deck wouldn't be used for lounging or entertaining.
25 Which at that point I am so curious, what would happen on

COUNCIL MEETING - JANUARY-2022

1
2 the deck?
3 Even if you guys never use the deck for
4 lounging and entertaining, we are looking at the
5 importance of the house beyond when you two are living
6 there. If there is a deck up there, we have no idea who
7 moves in next time and how they will use it and we just --
8 it is just by very nature of where the roof line is and
9 house is and the deck at that height will be visible.
10 MR. DOUGHERTY: So I would go back to -- I
11 will go back on what I said, I think the thing about the
12 deck -- I think the deck is the sticking point. That is
13 the sticking point and if the deck goes away, obviously
14 the door -- we are not stupid. Okay. The door that goes
15 out to the deck becomes an issue.
16 You can't have a door that goes out to a
17 rooftop that doesn't have a railing around it, then say
18 now we have to put a railing up because it --
19 MR. FEY: We would need to change it to a
20 window.
21 MR. DOUGHERTY: Why --
22 MR. FEY: We understand.
23 MR. BELLAFRONTE: Can the window be full
24 height?
25 MR. DOUGHERTY: If it is fixed. I have

COUNCIL MEETING - JANUARY-2022

1 actually personally had a 15 pane fixed window that looks
 2 like a door but it is fixed. It is not on hinges, it is a
 3 fixed frame all the way over. Never opens. Can't open,
 4 it is not on hinges.
 5 MR. MEYER: I would like to have it open.
 6 MR. DOUGHERTY: No. That is the whole
 7 point.
 8 PRESIDENT GERING: And no railing.
 9 MS. MORELLO: What about a Juliet balcony?
 10 MR. DOUGHERTY: No, it is the same problem.
 11 These houses are 250 years old, they didn't have
 12 balconies, they didn't have Juliet balconies and they did
 13 not have decks. That is what -- we are trying to retain
 14 some of the flavor and character of the town and that is
 15 really the root of the problem.
 16 MS. MORELLO: I appreciate that but I also
 17 -- the front of the road is all historical, the back is
 18 not. The back is -- the buildings were built in the '60s.
 19 MR. DOUGHERTY: It is the slippery slope.
 20 MS. MORELLO: We are talking about two
 21 different elements.
 22 MR. DOUGHERTY: There are HARB requirements
 23 and there are some of them you say well I have seen HARB
 24 requirements that say you cannot put -- in different
 25

COUNCIL MEETING - JANUARY-2022

1 some guidance. What I am hearing Council say is you can
 2 have the dormer up there but you can't have doors, it has
 3 to be a window that is in there and no railing so this way
 4 it doesn't look like they are getting approval for a deck.
 5 So the certificate would have to be amended
 6 in order to meet those --
 7 MR. FENNINGHAM: To be definitive, yes.
 8 PRESIDENT GERING: Okay.
 9 MR. DOUGHERTY: Can we vote to empower
 10 Mr. Gray to -- no, the Certificate of Appropriateness
 11 comes from the HARB Board, correct? So we can't --
 12 MR. GRAY: The recommendation would come
 13 from HARB and approved by Council.
 14 MR. DOUGHERTY: I understand. So how would
 15 we, without having to send these folks back to HARB to get
 16 the HARB to nod their head, we -- maybe this is a question
 17 for -- are we permitted to modify, to put codicils or
 18 caveats on -- the recommendation doesn't mention deck by
 19 the way.
 20 MR. FENNINGHAM: It does --
 21 MR. DOUGHERTY: So we are safe there.
 22 MR. MAISEL: I thought we could -- we
 23 could -- we are in that position I think to -- because we
 24 can deny it or we can amend it I believe. Is that true?
 25

COUNCIL MEETING - JANUARY-2022

1 towns, you should not put a historical looking lantern on
 2 the front of the house.
 3 Now why is that. Because they don't want
 4 any one to think that that house had a lantern on it
 5 because the house was built before gas and electric,
 6 therefore we require you to put a modern fixture on the
 7 front of the historical. That is how some of this stuff
 8 can go. So some of it takes a little explaining, but they
 9 certainly did not have Juliet balconies or decks.
 10 They just didn't have them and it is a
 11 slippery slope, especially with Ferry Street being just
 12 about the only block left that people haven't managed to
 13 teardown.
 14 MR. BELLAFRONTE: That is the reason we are
 15 trying to live there and retire there so that it is not a
 16 teardown. That is beyond everything we are doing there to
 17 make it liveable for us, how we would enjoy living there.
 18 And so that people don't want to come in there and knock
 19 out a two-foot wide river slat wall and replace it with
 20 another set of million dollar piece of property. That is
 21 beyond everything that we are doing. We are in total
 22 agreement in that regard. 100 percent.
 23 PRESIDENT GERING: So I am going back to
 24 the Certificate of Appropriateness. I guess John, we need
 25

COUNCIL MEETING - JANUARY-2022

1 MR. FENNINGHAM: You're addressing the
 2 absence of an entry in the certificate so --
 3 MR. DOUGHERTY: But the supporting
 4 documentation that has been given to us has pictures of
 5 this thing in it that -- they are hard to see in these
 6 photographs but they are there.
 7 MR. FENNINGHAM: The rear elevation is AO2,
 8 AO4 is the further elevation of the proposed rooftop so I
 9 think you can modify the certificate, it is a
 10 recommendation from HARB and if you adopt it and with the
 11 Applicant's consent, you can modify the certificate.
 12 PRESIDENT GERING: Okay. So do we have to
 13 do --
 14 MR. DOUGHERTY: Do we have the Applicant's
 15 consent?
 16 MR. BELLAFRONTE: At this point, mea culpa.
 17 Yes.
 18 PRESIDENT GERING: So we will modify the
 19 Certificate of Appropriateness, the dormer will have a
 20 window not a door that opens to it and there will be no
 21 railing.
 22 MR. GRAY: A full height window.
 23 PRESIDENT GERING: Correct.
 24 MR. DOUGHERTY: Can have a full height
 25

COUNCIL MEETING - JANUARY-2022

1 window.

2 MR. MAISEL: And the other additions are

3 acceptable, the structure on the right obviously.

4 MR. DOUGHERTY: The second floor that is

5 not mentioned in here, that is not being modified so that

6 is not part of your application. Probably just color and

7 woodwork down there I would imagine.

8 MR. FEY: It is on the elevation and we are

9 changing the railing from a rotted wood railing to a

10 metal.

11 MR. DOUGHERTY: There is an existing deck

12 and that -- is that spelled out in the COA they need? You

13 should spell that stuff out, that is where you get a lot

14 less debates.

15 So it says window, doors, it says -- it

16 says cable rail, is that the one that will go on the

17 second floor?

18 MR. FEY: Yes.

19 MR. DOUGHERTY: That is?

20 MR. FEY: Yes.

21 MR. DOUGHERTY: So it spells it out cable

22 rail replacement of the existing rail. That is on the

23 second floor, the lower floor?

24 MR. FEY: Yes.

25

COUNCIL MEETING - JANUARY-2022

1 MR. FENNINGHAM: And recommend clarifying

2 that there will be no deck.

3 MR. DOUGHERTY: No new deck. No new

4 additional deck because they have a deck.

5 MR. FENNINGHAM: Certainly the provision

6 regarding the window.

7 MR. DOUGHERTY: Okay.

8 MR. FENNINGHAM: Versus a door.

9 PRESIDENT GERING: Okay. Can we have a

10 motion to -- for Certificate of Appropriateness for 71

11 West Ferry Street with the modifications made by Council?

12 MR. MEYER: So moved.

13 MS. RETTIG: Second.

14 PRESIDENT GERING: All in favor?

15 MS. FEDER: Aye.

16 MR. MEYER: Aye.

17 MR. DOUGHERTY: Aye.

18 MS. RETTIG: Aye.

19 MS. McHUGH: Aye.

20 MR. MAISEL: Aye.

21 PRESIDENT GERING: Aye. Good luck, guys.

22 Okay. Guys, so we can move along here.

23 Can I have a motion to approve the minutes from December

24 21st and January 3rd workshop?

25

COUNCIL MEETING - JANUARY-2022

1 MS. McHUGH: I will make that motion.

2 MR. MEYER: Second.

3 PRESIDENT GERING: Any questions from

4 Council on the minutes?

5 All in favor?

6 MS. FEDER: Aye.

7 MR. MEYER: Aye.

8 MR. DOUGHERTY: Aye.

9 MS. RETTIG: Aye.

10 MS. McHUGH: Aye.

11 MR. MAISEL: Aye.

12 PRESIDENT GERING: Aye.

13 Approval of accounts payable for January in

14 the amount of \$205,196.53. Payrolls for December 30th,

15 2021 and January 14th, 2022 in the amounts of \$73,419.97

16 and \$73,461.44.

17 Can I have a motion for approval?

18 MS. McHUGH: I will make that motion.

19 MR. MEYER: Second.

20 PRESIDENT GERING: All in favor?

21 MS. FEDER: Aye.

22 MR. MEYER: Aye.

23 MR. DOUGHERTY: Aye.

24 MS. RETTIG: Aye.

25

COUNCIL MEETING - JANUARY-2022

1 MS. McHUGH: Aye.

2 MR. MAISEL: Aye.

3 PRESIDENT GERING: Aye. Thank you.

4 All right. Council reports. Park and Rec.

5 MS. FEDER: We are meeting next week. Our

6 only big announcement is that our parks and rec chair is

7 stepping down as chair this year so we are meeting next

8 week to talk about that. Pam Can has been wonderful as

9 parks and rec Chair. She will be hard to replace. We

10 have members here so the Board is full and busy but

11 leadership will be changing.

12 PRESIDENT GERING: Thank you.

13 Shade tree.

14 MS. McHUGH: I don't have anything to

15 report. I do have a year-end summary but I need the

16 television screens to be working so I will have to do

17 that. We do have a meeting tomorrow and everything is

18 going fabulously.

19 PRESIDENT GERING: Thank you.

20 Finance committee.

21 MR. DOUGHERTY: Just briefly. The finance

22 committee met and re-organized, one with the addition of

23 Ken Maisel. I get it wrong 90 percent of the time. And

24 we actually are meeting monthly and we have not been able

25

COUNCIL MEETING - JANUARY-2022

1
 2 to pull together the year-end analysis of the budget
 3 because there was some illnesses in the last two weeks due
 4 to COVID and some absences. So we were not able to do
 5 that.
 6 We will do that as well as a -- what do you
 7 call it -- at a workshop try to use a template that
 8 Mr. Duffy of the community was so kind to provide us. It
 9 is sort of a one pager, we will try to work our numbers
 10 into that presentation so stay tuned and thank you.
 11 PRESIDENT GERING: Thank you.
 12 Ken for HARB.
 13 MR. MAISEL: No report tonight.
 14 PRESIDENT GERING: Thank you.
 15 Peter for planning commission.
 16 MR. MEYER: Yes. Thank you. It is the
 17 planning commission. We just saw a couple of projects the
 18 planning commission just voted on, those two ordinances.
 19 We have got some more coming having to do with control of
 20 some other aspects of development within the Borough.
 21 Planning commission has yet to meet this
 22 year. Would have met last night but it was MLK Day so we
 23 meet next Tuesday and we will continue on from there and
 24 hopefully get some ordinances -- some further ordinances
 25 on land use controls. And this is assuming Lou, who I was

COUNCIL MEETING - JANUARY-2022

1
 2 will be read in the record by the Borough Manager and
 3 answered so everybody knows what we are getting for
 4 questions and what answers are going there.
 5 So we are putting that into place and
 6 hopefully that will answer peoples' questions about what
 7 is coming in and how it is handled so you understand that.
 8 Do we have any public comments?
 9 MR. MAISEL: Excuse me. I just want to
 10 add one thing to that, are we going to respond to every
 11 one of the questions or the ones that can be responded to?
 12 I mean so if there are 20 questions and
 13 some of them quite frankly -- and I say this respectfully,
 14 are not deserving of a response because it is something
 15 that isn't -- doesn't have any relevancy because it is
 16 asking why do you guys not show up 20 minutes early or
 17 something like that.
 18 PRESIDENT GERING: Pete, do you want to
 19 answer that?
 20 MR. MAISEL: I wanted to make sure we are
 21 doing what we are saying we will do.
 22 MR. GRAY: Certainly. I haven't received
 23 any for this particular meeting this month. We did
 24 receive some in the prior month but we can evaluate them
 25 as they come in.

COUNCIL MEETING - JANUARY-2022

1
 2 just exchanging comment on his new building, is still
 3 willing to work with us on the planning commission and we
 4 hope that will be peaceful. That is all I have.
 5 PRESIDENT GERING: Thank you.
 6 Zoning hasn't had a meeting but they have
 7 one this Thursday so we will have a report for next month.
 8 Do we have a Manager's report?
 9 MR. GRAY: Not at this time.
 10 PRESIDENT GERING: Our new Solicitor.
 11 MR. FENNINGHAM: Just thank you for
 12 appointing me to be sure your Solicitor. I appreciate the
 13 opportunity to work with you. Most of you have met my
 14 partner, Mark Labrum in the audience and I asked him to
 15 come to introduce him to you. Thank you again. No other
 16 report.
 17 PRESIDENT GERING: Thank you so much.
 18 Before we go into public comment, we had a
 19 lot of discussions because when people come up for public
 20 comment if they have questions that need to be answered,
 21 we always tell them to send them to the Borough Manager.
 22 So as we move forward for 2022 in a true
 23 form of transparency, we will continue that. But what we
 24 will do is whatever questions are sent to the Manager, the
 25 following Council Meeting it will be on the agenda and it

COUNCIL MEETING - JANUARY-2022

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 2 MR. MAISEL: Okay. I -- just that
 3 clarification. That is all.
 4 MR. DOUGHERTY: I think also it is not just
 5 transparency, it is also the interest of we -- in response
 6 to some folks who want to see the meeting through the Owl
 7 or something but they can't really get their public
 8 comment stated to us, they can send it to Pete prior to
 9 the meeting and their public comment will be voiced at the
 10 meeting provided -- we will have to set some time
 11 constraints around it. It can't be five minutes before
 12 the meeting obviously.
 13 So Solebury does something similar whereby
 14 their public comment will be read aloud and if it prompts
 15 a discussion or somebody says what -- where does the
 16 opening of the Sagan Road stand is a question and it is
 17 something that we can reply to that is fairly
 18 straightforward, we will do so.
 19 If it is something that will take research,
 20 we will also reply to that and say this will take research
 21 and we will have an answer at the next public meeting so
 22 it won't just get lost. Those questions will be tracked
 23 by Mr. Gray so they are -- they just don't go into the
 24 ether.
 25 PRESIDENT GERING: Okay. With that do we

COUNCIL MEETING - JANUARY-2022

1
2 have any public comment?
3 MR. DOUGHERTY: I --
4 PRESIDENT GERING: I am sorry, that sounds
5 perfect.
6 MR. DOUGHERTY: That is sort of our goal.
7 We will learn as we go a little bit. We have heard your
8 concerns and we do want to make sure that we let people
9 give their public comments and also we become more
10 responsive to them.
11 PRESIDENT GERING: All right.
12 Any public comments? Any announcement?
13 Mr. Duffy, please.
14 MR. DUFFY: Okay. First thing I want to
15 say Happy New Year to everybody. Ed Duffy. We will see
16 each other quite often.
17 Just a couple of things. Just a question,
18 are the Bridge Street -- the Bridge Street sidewalk lights
19 in yet? I didn't check yesterday so I could be asking a
20 question that is already resolved.
21 The second thing is I drive by it all of
22 the time and I just don't understand what is going on with
23 it, Odette's historical house. If anybody has any --
24 PRESIDENT GERING: I can answer that for
25 you. That is DCNR property. It is DCNR property. When

COUNCIL MEETING - JANUARY-2022

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2 So if you guys can put together a
3 presentation that kind of updates us as to where you are
4 at, what is going on there, what is going on with the
5 litigation, when you expect to be in court. That
6 shouldn't be anything that is hard to do. And we really
7 appreciate that because it has been a whole year since you
8 have talked about it.
9 The other thing you haven't followed up, we
10 had that standup meeting with the architects and you were
11 supposed to come back to us with that -- with the
12 information with comments. Never did that, unless I
13 missed the meeting.
14 MR. BALDERSTON: You didn't miss it.
15 MR. DUFFY: Okay. And okay, that is
16 essentially it. I see you trying to make a move to be
17 more transparent but you still got a little work to do.
18 Okay.
19 With the Zoom thing, it can be two-way
20 easily and there is a lot of people that can't make the
21 meetings and obviously being able to do two-way with the
22 residents of New Hope would be a great thing to
23 incorporate and I would do it if I was a Council person.
24 It is not a tough thing to do.
25 And also I forwarded a couple -- the

COUNCIL MEETING - JANUARY-2022

1
2 it got moved it was deeded to them. They were going to do
3 research about what they are going to do with it.
4 So that is probably who you would have to
5 talk -- reach out to. They talked about an interactive
6 center there. They have got -- and this was three years
7 ago, which we approved it. To my knowledge, nothing has
8 transpired. So that is a little bit I know about that.
9 MR. DUFFY: It is a shame, it is such a
10 great building. We don't want to let it rust.
11 MR. DOUGHERTY: It needs to be a tavern.
12 MS. McHUGH: Dan can buy it.
13 MR. DUFFY: That was a curiosity question
14 too. The other question is there is a couple of
15 outstanding things coming over from 2021. Of course is
16 the parking garage evaluation. I think most residents and
17 -- that are connected would like to hear something back
18 from the Council in terms of a presentation, a 2022
19 presentation of where we are at with this thing.
20 You sort of caused your own problem by not
21 doing this and so we have had to come and ask and ask and
22 ask and so we are trying to be kinder and gentler too and
23 we thought we were. We want to work with you and Bill
24 Clapper here said that many times; right, Bill? He's up
25 there. Zoom.

COUNCIL MEETING - JANUARY-2022

1
2 Solebury way they do business with Zoom. I think it is
3 clean, it is a good way to do it. A couple people got a
4 copy of that and it is -- there is no sin by copying
5 something that is really well thought out so give it some
6 consideration. And I think that is it for right now.
7 Thank you.
8 PRESIDENT GERING: Thank you.
9 Any other comments? Yes. Identify
10 yourself.
11 MR. DeLUCA: Frank DeLuca. I complained
12 about this at the past couple meetings, I finally got a
13 letter requesting an update on any work done or any dates
14 involved regarding West Mechanic Street, Sukan and Stony
15 Hill where the flood damage and I haven't heard anything
16 from anybody. Now we also have another problem with the
17 bridge.
18 PRESIDENT GERING: Didn't you respond to
19 that, Pete?
20 MR. GRAY: Didn't we give a response
21 several weeks ago regarding that issue?
22 MR. DeLUCA: Yes, but I did request that we
23 get updates periodically. I'm up here every --
24 MR. GRAY: Do you want it on a weekly
25 basis?

1 COUNCIL MEETING - JANUARY-2022

2 MR. DeLUCA: Monthly.

3 MR. GRAY: I think I have given them to you

4 monthly.

5 MR. DeLUCA: My other request was about the

6 Sagan Bridge that was built in 1853. The whole bridge is

7 still in the drain. If we get serious rain, that is going

8 to be a problem for me and my neighbors as far as flooding

9 is concerned. And I would hope to -- you know somebody

10 would know something about that at this point seeing it

11 was September 1st the flood and then the bridge last

12 month.

13 But my issue at this point is one question

14 I have is why isn't the Borough releasing police reports

15 on a weekly basis like we used to do so we can read about

16 what is going on in New Hope? It just seems like it is

17 being left like we don't want to tell people. Why, I

18 don't know. We used to do police reports and they are

19 released weekly. Why isn't that happening anymore?

20 MAYOR KELLER: What is it that you want to

21 know?

22 MR. DeLUCA: Reports made, crimes

23 committed. You see it on Facebook more than you do in the

24 papers. I just want to know if you considered starting

25 that back up again. Thank you.

1 COUNCIL MEETING - JANUARY-2022

2 going on with the proposed parking garage all the way

3 through.

4 MR. MEYER: When we have reports.

5 MR. BALDERSTON: Excuse me, may I finish?

6 MR. MEYER: I was going to answer your

7 question.

8 MR. BALDERSTON: I was under the impression

9 of what was told to us back in September at a public

10 meeting on the parking garage -- proposed parking garage,

11 we were going to be kept up to date. If you're spending

12 money, we certainly aren't being kept up to date.

13 PRESIDENT GERING: Well we can put it on

14 next month's Manager's Report and we will have an answer

15 for you what the amounts are. Is that fair?

16 MR. BALDERSTON: Thank you.

17 MR. MEYER: Part of the issue very quickly

18 is every public meeting we have with those consultants

19 costs us money. Okay. We do not want to bring them back

20 until we have enough from them to finalize -- enough to be

21 able to give you good feedback. That is part of why you

22 haven't seen anything and that is part of why we have the

23 delay and we will deal with that more fully next time.

24 MR. BALDERSTON: I think we can be informed

25 without bringing them back to increase unnecessary costs.

1 COUNCIL MEETING - JANUARY-2022

2 PRESIDENT GERING: Thank you.

3 Any other public comment? Yes.

4 MR. BALDERSTON: Joe Balderston.

5 I am kind of curious of how much money has

6 been spent on the proposed parking garage. Is it

7 somewhere around \$86,000 or more?

8 PRESIDENT GERING: I'm sorry.

9 MR. BALDERSTON: Has the engineer firm been

10 paid something around \$86,000?

11 PRESIDENT GERING: We signed an agreement

12 with them?

13 MR. GRAY: We did, yes.

14 MR. BALDERSTON: How much money have they

15 been paid?

16 MR. GRAY: I don't know offhand, I can

17 find that out and get back to you.

18 MR. BALDERSTON: When was the last time

19 they were paid?

20 MR. GRAY: I believe it was last month.

21 MR. BALDERSTON: Last month?

22 MR. GRAY: Correct.

23 MR. BALDERSTON: That makes we wonder why

24 we aren't informed of what is going on. The President of

25 Borough Council has said that we will be informed what is

1 COUNCIL MEETING - JANUARY-2022

2 I believe there is probably a committee from the Council

3 that is working with -- I believe there is a committee

4 from the Council that is working with the engineer's

5 designs. A report from the committee would be better than

6 nothing.

7 PRESIDENT GERING: We will put something

8 together for next month for you. Okay.

9 MR. MEYER: I chair that committee. There

10 will be a report next month.

11 MR. BALDERSTON: Thank you.

12 PRESIDENT GERING: Any other public

13 comment?

14 MR. BALDERSTON: I just have one other

15 thing, I suggested that -- I believe it was your last

16 meeting, that you have time for a public meeting at the

17 site there so we can give you the opportunity to show you

18 our suggestions where you can park as many cars on grade

19 as you are by spending millions of dollars with a parking

20 garage. I wonder if there has been any thought given to

21 that.

22 PRESIDENT GERING: We can discuss that when

23 the committee meets. We haven't met recently, this year.

24 MR. BALDERSTON: Okay.

25 PRESIDENT GERING: We will put it on the

COUNCIL MEETING - JANUARY-2022

1 agenda for the committee discussion.
 2 MR. BALDERSTON: Thank you.
 3 PRESIDENT GERING: Thank you so much.
 4 Ken, did you have anything?
 5 MR. MAISEL: I just wanted to --
 6 Mr. DeLuca's question about you know, the debris that is
 7 accumulating and everything. Could that be effectively a
 8 question that we would respond to as if it was presented
 9 to you and we talked about it at the next meeting?
 10 Is that how we would handle something like
 11 that?
 12 MR. GRAY: Certainly. I have received an
 13 e-mail from Mr. DeLuca several weeks ago regarding some
 14 issue in the Borough and I did provide a response so I
 15 have provided responses.
 16 MR. MAISEL: Right, and you didn't know the
 17 necessity to satisfy him on an ongoing basis but right now
 18 he has a request in to find out if there is any plan -- or
 19 maybe we won't know anything then but at least we will be
 20 able to respond next month as to what we do know regarding
 21 that debris and the Suga Road --
 22 MR. DOUGHERTY: I think it is not just a
 23 matter of debris, the road is closed there. I think --
 24 that road is a major -- not major thoroughfare but its --
 25

COUNCIL MEETING - JANUARY-2022

1 MR. MEYER: If I may, having dealt with
 2 FEMA myself in prior functions in my life. Based upon
 3 that, FEMA takes forever for small little projects. The
 4 harder part is getting the money out of FEMA. And one of
 5 the FEMA's requirements at times is they will not
 6 reimburse you if you start construction on the project
 7 before they authorize it.
 8 MR. DOUGHERTY: That is all well and good.
 9 Mr. Gray's job to -- you're obviously learned in the
 10 subject, Peter, but this Council needs to be informed as
 11 to the path on which this thing will get fixed and if we
 12 need to say we won't wait for the FEMA money, it could be
 13 18 months and we can make a decision as to whether or not
 14 we will spend the money to fix it right now.
 15 MR. MAISEL: I agree.
 16 PRESIDENT GERING: Okay. Any other
 17 comments on that?
 18 All right. Can I have a motion for
 19 adjournment?
 20 MR. DOUGHERTY: So moved.
 21 PRESIDENT GERING: I'm sorry.
 22 MR. DUFFY: Can I ask one more thing to the
 23 Solicitor? He is in the restroom right now
 24 In terms of public meetings versus
 25

COUNCIL MEETING - JANUARY-2022

1 having it closed presents a lot of concerns to a lot of
 2 different people, not just the residents that happen to be
 3 close by.
 4 I think we need to have -- I don't know if
 5 it is a plan but we -- this Council needs to know how and
 6 when and what is being done and et cetera and have some
 7 sort of plan and if more resources have to be thrown at
 8 it. I understand we are trying to get money to pay for it
 9 or if it behooves us to say we can't wait for that money,
 10 we have to pay for it ourselves, et cetera.
 11 Right now it seems to be hanging out there
 12 and I don't know if this Council has been adequately
 13 informed as to what the ingredients are to what is
 14 stopping it from being opened and what it is going to take
 15 and what the schedules are.
 16 I think at the next meeting I would like to
 17 see a presentation. It doesn't have to be a PowerPoint
 18 but it has to be an informational center for Council to
 19 say that is what it is, this is what -- why it is taking
 20 this long and what it is going to take to get it done and
 21 this is when we expect to get it done and that is what it
 22 will cost. And this is what we can do to accelerate it.
 23 Right now we are just sort of every month goes by and it
 24 is still closed. I think that is the frustration there.
 25

COUNCIL MEETING - JANUARY-2022

1 personnel meetings. I can see personnel meetings being
 2 private of course, but any other public meeting I would
 3 think -- and that is why I wanted to ask him -- in the
 4 Borough would have to be advertised to the public because
 5 that is what the school does. They have facility meetings
 6 Zoom and public. They have finance meetings Zoom and
 7 public.
 8 And I think it is a requirement of you
 9 people to also fall in line with that in terms of
 10 regulations. That is why I wanted to --
 11 PRESIDENT GERING: Here he is. They have a
 12 question for you quickly.
 13 MR. DUFFY: They gave me a second chance.
 14 I was talking about the status of the meetings.
 15 PRESIDENT GERING: Let me explain since
 16 he's new. We have subcommittees of three Council members
 17 that work under -- on different projects. For example we
 18 have a finance oversight committee, we have a parking
 19 committee, we have a parking garage committee. We have
 20 one for the visitor center. It is only three Council
 21 meetings just so -- and Mr. Duffy is a former Council
 22 member so that is what it is.
 23 Now here is his question.
 24 MR. DOUGHERTY: No votes take place at any
 25

COUNCIL MEETING - JANUARY-2022

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 2 of those meetings.
 3 MR. DUFFY: Well they don't either there.
 4 They all reference their information up to the school
 5 board.
 6 MS. RETTIG: Right, which is why they are
 7 not public.
 8 MR. DUFFY: No, that is why they are
 9 public.
 10 PRESIDENT GERING: I think you're confusing
 11 -- Ed, you're confusing the issue here. If you're talking
 12 -- the school district is a different animal, they have
 13 more than three people I am assuming on their committees.
 14 Ours are committees of three people. Okay.
 15 And if it is a work session and then whatever we are
 16 working on comes to Council it is in the public meeting,
 17 whether it is a workshop or a Council meeting.
 18 I think your question is, if I am hearing
 19 you correctly, is you would like to have -- sit in on
 20 these subcommittees. That is what his question is.
 21 MR. FENNINGHAM: Clarify that again.
 22 MR. DOUGHERTY: Our committees; our finance
 23 committee, our garage committee, our parking committee are
 24 basically three people who are members of Council. They
 25 meet, they are not open to the public. That is the

COUNCIL MEETING - JANUARY-2022

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 2 MR. DUFFY: Now if they were more
 3 transparent they could open that to the public; right,
 4 access to those meetings because it is public information
 5 that they are using?
 6 MR. FENNINGHAM: They are complying with
 7 the Sunshine Act.
 8 MR. DUFFY: Yes, I understand that but I am
 9 saying they can be more transparent and say okay you guys
 10 -- you know, it is open to the public like it is at the
 11 high school.
 12 MS. RETTIG: Ed, they are subcommittee
 13 meetings. We are not doing anything that is decision
 14 making.
 15 MR. DUFFY: They aren't either in the
 16 school. They are not making decisions, they are gathering
 17 facts, getting the consensus and taking it up to the same
 18 process.
 19 PRESIDENT GERING: Okay. Thank you. All
 20 right.
 21 Can I have a motion to adjourn?
 22 MS. RETTIG: I will make that motion.
 23 MR. MAISEL: Second.
 24 PRESIDENT GERING: All in favor?
 25 MS. FEDER: Aye.

COUNCIL MEETING - JANUARY-2022

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 2 current state.
 3 MR. FENNINGHAM: Non-quarum work sessions?
 4 PRESIDENT GERING: Correct.
 5 MR. FENNINGHAM: And they are not
 6 deliberative processes, they are fact gathering and
 7 developing information to report to the full Council for
 8 then deliberations and decision making; therefore they are
 9 not under the Sunshine Act.
 10 MS. RETTIG: Thank you.
 11 MS. McHUGH: We meet at each other's houses
 12 so I don't really feel like inviting the public to my
 13 house.
 14 MR. DUFFY: What is a quarum, three Council
 15 people in a room?
 16 MR. FENNINGHAM: No.
 17 MR. DUFFY: How many Council members do you
 18 need?
 19 MR. FENNINGHAM: Four.
 20 MR. DUFFY: Okay.
 21 MR. FENNINGHAM: Even if there was a
 22 quarum, if the session is not a deliberative session, if
 23 it is just gathering information to report back, then --
 24 there is case law that says it is not under the Sunshine
 25 Act.

COUNCIL MEETING - JANUARY-2022

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 2 MR. MEYER: Aye.
 3 MR. DOUGHERTY: Aye.
 4 MS. RETTIG: Aye.
 5 MS. McHUGH: Aye.
 6 MR. MAISEL: Aye.
 7 PRESIDENT GERING: Aye. Thank you
 8 everyone.
 9 - - -
 10 (The proceedings were concluded.)
 11 - - -
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COUNCIL MEETING - JANUARY-2022

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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