

NEW HOPE BOROUGH COUNCIL
BUCKS COUNTY, PENNSYLVANIA

MARCH COUNCIL MEETING

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

TUESDAY, MARCH 15, 2022
COMMENCING AT 7:10 P.M.

BOARD MEMBERS PRESENT:

CONNIE GERING - PRESIDENT
LAURIE MCHUGH - VICE-PRESIDENT
LOUISE RETTIG - PRESIDENT PRO TEM
LOUISE FEDER
DANIEL DOUGHERTY
PETER MEYER

ALSO PRESENT:

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

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

Pete, if you can take roll call.

MR. GRAY: Certainly. Ms. Rettig?

MS. RETTIG: Here.

MR. GRAY: Ms. Feder?

MS. FEDER: Here.

MR. GRAY: Ms. McHugh?

MS. MCHUGH: Here.

MR. GRAY: Mr. Maisel? Mr. Meyer?

MR. MEYER: Here.

MR. GRAY: Mr. Dougherty?

MR. DOUGHERTY: Here.

MR. GRAY: Mayor Keller?

MAYOR KELLER: Here.

MR. GRAY: Ms. Gering?

PRESIDENT GERING: Here. I have two announcements to make. The reason we are running a few minutes late was Council had executive session in reference to a legal matter. And it is great to see all of these familiar faces. I am so glad you came.

We have two items that we are taking off the agenda tonight. One was Cintra, they have asked to be

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taken off until the April meeting. And the second one is the property the River House. That is also taken off the agenda. So if any one was here for that, just giving you an update.

Next, Mr. Mayor, do you have a report?

MAYOR KELLER: I do. Not used to a crowd this big. There is a few -- if anybody wants to stand along the wall on this side, feel free to come in if you would like.

We have had one resident in the last two Council meetings express a concern about the police department not providing enough information of incidents that occur in the Borough of New Hope, and they now have a new process. It is easy for every one if you don't get The Gazette, you don't get The Intelligencer. It is very simple. We now have it all completely at work.

All you have to do is Google Crime Watch New Hope PA, it will immediately come up. The first line will say New Hope Borough Police Department/Bucks County. You will have eight choices. You just go to -- crime will be one of the eight things, scroll down on crime and you will see incidents. You hit incidents and it will show all of the incidents that Chief has determined having merit going back to July 5th of 2021.

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2 So they are brought completely up to date.
3 Chief's discretion on what incidents will be put in.
4 Obviously the name of the perpetrators will not be in
5 there. At least it will give you an idea of some of the
6 things that have occurred in the last eight months.
7 So very simple; Crime Watch New Hope PA
8 pops up, hit New Hope Borough Police Department, you will
9 see the eight choices, hit crime, scroll down, incidents
10 -- and by the way, when you first hit New Hope Police
11 Department you will have a chance that you can just enter
12 your e-mail address and it will immediately pop up when
13 you hit New Hope Crime Watch New Hope PA, it will go right
14 to that. So you can actually set it up so you don't have
15 to go through the three step process.
16 So it is done and give an idea of some of
17 the things there are retail theft, criminal mischief, hit
18 and run accident, burglary, motor vehicle theft, domestic
19 disturbance, public drunkenness and I know you can't
20 imagine that, reportable accidents, found property,
21 suicide unfortunately and unwanted subject. So just give
22 you an idea. Just do it once and give you a better idea
23 -- a little more insight on what goes on in our Borough.
24 Secondly, we are still working on the body
25 cams and we hope to have them fully operational by

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2 May 1st. Chief, is that fair? Yeah.
3 And then one last thing which I am very,
4 very excited about. It has -- some of you may not be
5 aware of, there is an organization, the Pennsylvania Law
6 Enforcement Accreditation Commission and it is a
7 commission that is appointed by the Pennsylvania Chiefs of
8 Police and it started in 2001.
9 And what it is, it is basically to get this
10 accreditation it is a progressive and time proven way of
11 helping departments evaluate and improve their overall
12 performance.
13 So we have been on this process for roughly
14 18 months and last Wednesday evening the three inspectors
15 that came for the final assessment stayed at Logan Inn and
16 I had to meet them Thursday morning for coffee and donuts
17 of course. And then Chief began the process for last
18 Thursday and Friday and I had to fly out but it went very,
19 very well. And I received a text on Saturday and very
20 pleased to announce that we are going to be recommended to
21 be approved for this accreditation.
22 And to give a better idea of the scope of
23 that, I did a little research; 958 boroughs in
24 Pennsylvania, I am sure I might have missed a few but
25 there are only 12 boroughs in all of Pennsylvania that

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2 have gone through this accreditation process and passed
3 and so we are going to be about the 13th.
4 And they are going to vote on it, which
5 apparently when this -- the woman and two gentlemen that
6 came and did the assessments on Thursday and Friday, it is
7 a recommendation which will occur at the entire
8 Pennsylvania Chiefs Convention that occurs in July. So I
9 am going to go up to the Poconos, I think it is Kalahari
10 with Chief and I don't know if a couple of the officers,
11 to accept the accreditation, which is enormous.
12 Its been a lot of work and it will make our
13 department a lot better and we are doing a lot of things
14 crossing the T's, dotting the I's. So I just ask that we
15 -- Chief, you're here and I think you deserve a real round
16 of applause for what you accomplished.
17 So it is a three step process; enrolling is
18 the easy part, fill out the paperwork. The second part we
19 have to hire a group of individuals that come in here to
20 help us go through all of the things that we didn't do,
21 whether it is in our cell we now have -- they took out
22 part of the wall so it is an open mesh window, it is not
23 glass you can see in. So we have to have a police officer
24 there when we have a prisoner in the cell.
25 All of these little things that you can

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2 watch what is going on and it goes on and on but we did it
3 all. And we had a little incident on Wednesday night,
4 early Thursday morning when they were here and Chief did a
5 Clint Eastwood and he adapted and got it taken care of.
6 We had a piece of equipment went down on us and oh my God.
7 So we robbed Peter and paid Paul and went to another place
8 and got the piece and put it in there. That is another
9 story.
10 So congratulations, Chief. And that is it,
11 Connie.
12 PRESIDENT GERING: Thank you so much.
13 Next on the agenda is can I have a motion
14 for us to elect a Vice-President of Council?
15 MS. RETTIG: I will make that motion.
16 MR. MEYER: Second.
17 PRESIDENT GERING: Can I have a nomination?
18 MS. RETTIG: I will nominate Laurie McHugh.
19 PRESIDENT GERING: Thank you.
20 Any discussion from Council? All in favor?
21 MS. FEDER: Aye.
22 MR. MEYER: Aye.
23 MS. RETTIG: Aye.
24 MR. DOUGHERTY: Aye.
25 PRESIDENT GERING: Aye. Congratulations.

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1 MS. McHUGH: Thank you. It is my honor to
2 serve.

3 PRESIDENT GERING: Next on the agenda is
4 adopting -- can I have a motion to adopt proposed
5 ordinance amendment to Chapter 275-29 RB.

6 MR. MEYER: So moved.

7 PRESIDENT GERING: Second?

8 MS. FEDER: I will second.

9 PRESIDENT GERING: Since this is why a lot
10 of you are here, before we go into total discussion with
11 Council I am going to let our zoning officer explain what
12 this ordinance is about. Thank you.

13 MS. STOVER: Thank you. The proposed
14 zoning ordinance amendment directly impacts the properties
15 that are in the current RB Borough Residential zoning
16 district.

17 There are 383 parcels within or partially
18 within the current RB District. This is about 29 percent
19 of the 1,305 parcels in the Borough. All of these
20 property owners were sent notices of the proposed
21 ordinance amendments.

22 There is 143 properties entirely within the
23 RB-1. Since we are proposing to separate the district,
24 the RB District from just RB to a piece of RB-1 which is
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1 alterations are permitted without the need to go through
2 the process of getting variances.

3 There are fees associated with applying for
4 variances. And in addition, often the applicant also has
5 to pay for an attorney, an architect or an engineer to
6 attend the meeting. So by reducing the number of
7 variances, we are hopefully reducing that impact to the
8 property owners.

9 To address this issue in the proposed RB-1
10 district the minimum lot size and the minimum lot width
11 have been proposed to be reduced so that more lots would
12 be in conformance and reduce the number of variances
13 required.

14 The second goal was to preserve the
15 character of the neighborhood. The Planning Commission
16 understands there are different characteristics in the
17 different areas that are currently RB. The intent of the
18 proposed average in the setbacks, building footprints and
19 height as viewed from the street are proposed to try to
20 keep any new construction consistent with the neighboring
21 properties in scale and size.

22 This was proposed since the various
23 sections of the RB-1 District are different with regards
24 to setbacks, building area and height. A specific
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1 the area closer to the center of town and then RB-2 are
2 the residential properties a little bit further out.

3 So there is 143 properties entirely within
4 RB-1 and 230 properties entirely within RB-2 with ten
5 properties that are either partially in one or both
6 districts or partially outside of the district.

7 So the New Hope Planning Commission with
8 the assistance from Bucks County Planning Commission staff
9 have been working on the amendments to the zoning
10 ordinance for approximately 18 months for the RB Zoning
11 District.

12 The goals were first to reduce the number
13 of non-conformities so that it would not be necessary for
14 property owners to have to obtain variances every time
15 they want to make even a small modification to a building.
16 And second, to maintain the character of the neighborhood
17 within the Borough.

18 So with regard to variances, the Zoning
19 Ordinance states that no expansion of a non-conforming
20 structure is permitted if it is located on a
21 non-conforming lot. A non-conforming lot is a lot that
22 does not meet the size or dimensional requirements for
23 such a lot such as the minimum lot width on the minimum
24 lot size. If the lot is conforming, then limited
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1 requirement for these dimensional requirements in the
2 district as a whole would not account for these
3 differences. The proposed ordinance provides for
4 averaging the five properties to determine the allowable
5 build-to line, building footprint and height as viewed
6 from the street.

7 I just want to make note that there were
8 issues -- we had a special Planning Commission meeting on
9 March 10th to discuss this ordinance and there were some
10 comments regarding the location of the FEMA floodplain so
11 I took a look at the floodplain in the areas of the RB
12 District.

13 And there is a section of North Main Street
14 consisting of approximately six properties where the
15 location of the floodplain extends into the property from
16 Main Street where there may be -- it may be appropriate
17 for buildings to be set further back from the street.
18 These properties are an exception to this district and a
19 hardship could be addressed with variances if it was
20 necessary.

21 The location of the floodplain in other
22 areas along North Main Street could potentially benefit
23 from the building being permitted to be closer to the
24 street in the current ordinance since the floodplain here
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 2 is more significant in the rear of the property.
 3 The floodplain would not impact the
 4 proposed dimensional requirements and other sections of
 5 the RB District where some properties are entirely within
 6 the floodplain, some have floodplains in the rear of the
 7 property and others have no floodplain at all. That is my
 8 summary.
 9 PRESIDENT GERING: Thank you.
 10 Peter Gray has received numerous e-mails
 11 and normally we do that at the Manager's Report but since
 12 they are pertaining to this ordinance, he will read them
 13 right now.
 14 MR. GRAY: Before I get to that can I just
 15 add one more comment piggybacking on what Ms. Stover said?
 16 Borough revenues affect everyone. Real
 17 estate values do contribute to revenues. As of 2021 real
 18 estate taxes were about ten percent of revenues, real
 19 estate transfer taxes on property sales were approximately
 20 seven percent of revenues, parking revenues were over 1.4
 21 million for about 25 percent of the budget. Eighty-five
 22 percent of those parking revenues were paid by visitors to
 23 the Borough. Those revenues and their share of total
 24 revenues will grow in 2022 and the future now that the
 25 Borough has raised the parking rates and fines.

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 2 On balance, the new provisions serve
 3 overall community interests such as preserving the
 4 character of New Hope, maintaining tourist attractiveness,
 5 protecting the existing homeowners' neighborhood and
 6 community maintenance, enhancing non-tax revenue sources
 7 and potentially holding down Borough real estate taxes.
 8 MR. FENNINGHAM: Just to summarize the
 9 process of the amendment being vetted at public hearings,
 10 let me just give you a summary that the Bucks County
 11 Planning Commission convened a hearing on February 2nd on
 12 the proposed amendment. The Borough's Planning Commission
 13 convened two hearings, February 24 and March 10.
 14 On notice; the proposed amendments were
 15 advertised as required under the state law and the Borough
 16 Zoning Ordinance. The properties in question and related
 17 to the Borough RB District were posted. In other words,
 18 they were -- there were postings in the neighborhood
 19 sufficient to give people notice of the proposed
 20 amendments and there was mailings to those folks living
 21 within the RB District.
 22 So all of those prerequisites for Council's
 23 consideration of the proposed amendment this evening have
 24 been met.
 25 MR. GRAY: As mentioned, there were

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 2 e-mails that I received in the last few days and at this
 3 time I would like to share them.
 4 First one is from Stacey Endress.
 5 I am a resident on Chestnut Street in the
 6 newly proposed R-1 District and I support the changes to
 7 allow residents greater clarity on what is allowed within
 8 the district. And I also support this to limit the
 9 building of enormous structures that are compromising the
 10 character of the town and community.
 11 It is telling that the majority of the
 12 residents or commenters opposed to these changes are
 13 developers. From a resident perspective, this shows me
 14 that the new R-1 and R-2 residential districts proposed
 15 are exactly what we need.
 16 I attended some of the Planning Commission
 17 meetings where these changes were being discussed and
 18 commend the entire committee including the zoning officer
 19 and Peter Meyer for listening to the constituents and
 20 bringing these changes forward.
 21 We received another e-mail from Patty and
 22 Adolph Herst.
 23 We have been in Florida for the past
 24 several months and have been regularly attending the
 25 Council and committee meetings via Zoom. We were unable

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 2 to attend the Q&A session held on March 10th regarding the
 3 proposed changes in the Zoning Ordinance impacting the two
 4 new zones, RB-1 and RB-2 because it was not on Zoom.
 5 First, to hold such a consequential meeting
 6 without providing access via Zoom is in our opinion, a
 7 further example of the Council's unwillingness to have
 8 robust feedback from constituents.
 9 Second, today we received from New Hope
 10 Speaks copies of two developers' and two residents' input
 11 that was presented at the March 10th meeting raising
 12 multiple concerns, highlighting expenses that would impact
 13 residents and identifying any number of unintended
 14 consequences of the proposed amendments.
 15 We very much appreciate that the Planning
 16 Commission has worked very hard to address the concerns of
 17 future development in our community. However, given the
 18 additional information presented at the March 10th meeting
 19 to place the proposed amendment from final vote at the
 20 March 15th Borough Council meeting without addressing the
 21 questions and issues raised and without further community
 22 input, is in our opinion, premature.
 23 In addition, one can only anticipate
 24 significant legal cost to the Borough, costs we can ill
 25 afford, given last year's cost of over \$200,000 spent in

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 2 legal fees on the garage and we urge you to delay a vote
 3 until it has been further reviewed.
 4 Received another e-mail from Peter and
 5 Elizabeth Jordan.
 6 This is to voice our opinion of yes to the
 7 proposed zoning changes that will help preserve the charm
 8 of New Hope. We have no objections to having an eclectic
 9 architectural vibe in town. We do not want housing that
 10 is soulless, ostentatious and outsized taking over.
 11 New Hope is a historic, artistic community,
 12 an address to feel proud of and a destination people want
 13 to visit. Let's keep it that way.
 14 Received another one from Sharyn Keiser.
 15 Good morning, Peter. Please note and let
 16 Council know that I fully support the zoning ordinance
 17 changes. We need to take action to protect the integrity
 18 of our artsy river town and our community.
 19 Received another one from Sandy Santello.
 20 Peter, I am out of town until mid-May and
 21 was unaware of the zoning ordinance changes until New Hope
 22 Speaks distributed it to their list.
 23 First let me say that at first blush I
 24 fully support the direction of the ordinance changes. It
 25 is time to limit overdevelopment in New Hope, especially

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 2 I am writing on behalf of myself and my
 3 husband, Chris Kerr, to register our thoughts regarding
 4 the proposed amendments to the RB Residential District in
 5 the Borough.
 6 We attended last week's Planning Commission
 7 meeting but did not speak. We may attend this Borough
 8 Council meeting virtually since we are still not entirely
 9 comfortable about being in crowded spaces and it looks as
 10 if there might be a large turnout.
 11 We want to say first of all, that we
 12 strongly support the intention of the proposed amendment.
 13 New Hope is at a turning point, in real danger of losing
 14 some of the visual charm of this town through
 15 overdevelopment.
 16 I won't mention specific examples because
 17 they are pretty evident but I will point out that the
 18 cumulative effect of building as close as possible to the
 19 property line on both sides along the river is a wall of
 20 construction that blocks the view for long stretches that
 21 diminishes the beauty of this place for tourists and
 22 residents alike, except of course for those who own the
 23 view.
 24 Although we do support the intent, we did
 25 feel that a number of valid questions and concerns were

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 2 on Main Street. I support the intent of the Planning
 3 Commission. My only concern is the rapid speed with which
 4 Council is attempting to pass these ordinance changes.
 5 For such significant changes there is
 6 little time to understand and digest any potential
 7 unintended consequences. I cannot physically attend the
 8 meeting tomorrow, I will sign in via Zoom.
 9 Thanks to the Planning Commission for
 10 addressing the issue of overdeveloping. And I continue to
 11 ask for a ten-year comprehensive plan update. This could
 12 and should have been addressed in the plan and would have
 13 smoothed the approval of the changes.
 14 Having said that, I am in full support of
 15 the intent of the ordinance changes.
 16 Received another e-mail from Geri Delevich.
 17 As a former Council member of 18 years and
 18 a 40 year resident, I would like to support the new zoning
 19 rules of the R-1 and R-2 Districts in the Borough. I
 20 think these new zoning rules will protect the charm,
 21 character and quaintness of New Hope. Losing that charm
 22 is what so many of us fear.
 23 I am out of town and unable to attend the
 24 Council meetings but wanted to record my support.
 25 I received another one from Catherine Kerr.

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 2 raised during the Planning Commission meetings and it
 3 would seem appropriate to pause and try to resolve those
 4 issues before we move ahead.
 5 Please don't put this off long though,
 6 because we know there is more coming and the time to act
 7 is now.
 8 We are aware that as property owners on
 9 North Main Street we stand to lose some of the potential
 10 value of our land if a version of the amendment is
 11 approved. However, as we are not looking to make as much
 12 as we possibly can by selling to someone who will build as
 13 large as they possibly can on the land, we don't mind
 14 making that sacrifice for the common cause of preserving
 15 this wonderful place.
 16 Thank you for sharing this with Borough
 17 Council and others who will be interested.
 18 Received another one from Don Rhoades.
 19 I live on Ferry Street and have lived in
 20 this town for 45 years. Very concerned to recent
 21 development, especially the monstrous size of dwellings.
 22 For example, the three convention centers being built on
 23 Main Street, complete with the elimination of all of the
 24 trees to accommodate the size.
 25 Also the allowance of the increased size to

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 2 accommodate Airbnb housing. Enough already.
 3 Reid McCarthy stated I would like to make a
 4 public comment for the March 15th Council meeting
 5 concerning the proposed ordinance amendment to Chapter
 6 275-29 RB Borough Residential District.
 7 I am a resident on Buttonwood Street in the
 8 newly proposed R-1 District and I support the changes to
 9 allow residents greater clarity on what is allowed within
 10 the district. I also support this change in order to
 11 limit the building of enormous structures that I believe
 12 are a threat to the character of New Hope.
 13 I have been following some of the Planning
 14 Commission meetings where these changes were being
 15 discussed and commend the entire committee including the
 16 zoning officer and Peter Meyer for listening to the
 17 constituents and bringing these changes forward.
 18 I hope that you will circulate these
 19 comments to Council prior to the vote. Many thanks for
 20 your consideration.
 21 Kelly Whitman. I support the changes to
 22 the residential zoning regulations. The nature and scale
 23 of the residential construction in the most visible,
 24 walkable heart of town are increasingly out of step with
 25 the core of New Hope.

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 2 There is a difference between remodeling
 3 and redeveloping, and these modifications seem well and
 4 fairly designed to protect existing homeowners' ability to
 5 remodel and extend even as they constrain, though not
 6 excessively or unreasonably, the scope for massive generic
 7 redevelopment in the heart of town.
 8 The new guidelines are fair to existing
 9 property owners while seeking to preserve the scale of
 10 what provides New Hope's businesses and residents a
 11 substantial portion of its value in the first place, its
 12 historic small town charm.
 13 There are plenty of lots within New Hope
 14 and even along the river to build at a bigger scale. It
 15 is appropriate to clearly and consistently refine the
 16 building guidelines in the visible historic, public heart
 17 of town highlighted in R-1 and R-2 Districts on the map.
 18 Please support these changes.
 19 Next one is from Richard Gacek.
 20 Though we have not met, I wish to introduce
 21 myself. My name is Richard Gacek and I reside at 89 North
 22 Main Street, as well as own 105 North Main Street.
 23 I am a 30 year resident in the Borough and
 24 have lived in both historic as well as non-historic
 25 residences. I truly love the community and have enjoyed

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 2 its constant evolution.
 3 Communities like ours have evolved further
 4 into tourist destinations, bringing many persons intrigued
 5 and interested in this quirky little river town with its
 6 mix of architecture, both residentially and commercially.
 7 Having lived on South Main, North Main and
 8 Ferry Street, I feel I have a sense of what the Planning
 9 Commission may have been thinking about with the newly
 10 announced zoning map edits and restrictions to utilize
 11 neighboring properties more than 20 years old for
 12 reference to control the setbacks and volumes of new build
 13 designs. Again I appreciate it, yet I am concerned about
 14 their impacts both in values and further growth of New
 15 Hope.
 16 Though I do concur with the RB-1 proposed
 17 changes, however I do object to changes to RB-2 zone.
 18 North Main has evolved in recent years, taking on an even
 19 more eclectic feel with mixes of varied house additions
 20 and tear down rebuilds.
 21 My home at 89 North is one of those new
 22 additions to the community. I took great thought into
 23 design and implementation, being mindful to my neighbors
 24 and did not request any variances to stay within
 25 regulations and codes.

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 2 The new zoning ordinances would have meant
 3 that my property would have had to scale to the bungalow
 4 to my left at 81 North on a lot one third the size of
 5 mine. And with the FEMA height regulations, my home would
 6 lose ceiling height to be able to stand on each floor
 7 should I have chosen a two-story house structure.
 8 This is based on a three bedroom two bath
 9 scenario at the cap max of 1,325 square feet main floor.
 10 This would also occur on my property at 105, even as a 120
 11 foot wide frontage property.
 12 This would significantly reduce the
 13 property value based on current projected sales estimates.
 14 And I am very concerned about this as a property owner and
 15 I believe it unjust to exclude any properties in this
 16 assessment as the larger homes do exist and are to be
 17 considered in streetscape as well as bungalows. It is
 18 discriminatory.
 19 I appreciate your receiving my thoughts on
 20 this unconstitutional zoning changes.
 21 JP Endress. I would like to send this
 22 e-mail regarding the proposed zoning ordinance changes
 23 being brought before the board this evening, March 15th,
 24 2022.
 25 I would like to start by offering my

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1 support of the new proposed ordinance changes. New Hope
 2 is a small, charming river town where tourists visit in
 3 great numbers for years. New Hope is also a community of
 4 homeowners, shop owners who call the Borough home.
 5 To turn this town over to developers and
 6 consistently facilitate the building of structures with
 7 the prime objective of generating the maximum amount of
 8 revenue per square foot is a horrible idea that will have
 9 negative impacts to both this community of homeowners as
 10 well as the people that love to come to visit.
 11 Some checks must be kept in place to limit
 12 the size and scale of these projects. Recent additions to
 13 the Logan, the new townhouse project on the canal off
 14 Mechanic Street and the proposed rebuild of The Landing
 15 are perfect examples of overbuilding to the absolute
 16 limits of the property's width, length and height.
 17 Not a single person outside of a profit
 18 hungry developer walked over the Aquetong Bridge and
 19 looked toward the canal and thought we need more
 20 townhouses right there.
 21 Living on Chestnut Street with the Rhodes'
 22 Farm on one side and the Thomas Galbraith Art Studio on
 23 the other, I am very concerned about developers turning
 24 these properties into massive townhouse farms and
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1 Commission on Thursday and have more questions as a result
 2 of the Planning Commission's response to my questions.
 3 My first question did the zoning officer
 4 review the proposed zoning ordinance?
 5 Yes. The zoning officer has reviewed the
 6 proposed zoning ordinance and has been in some PC meetings
 7 where the proposed amendment was addressed. The zoning
 8 officer and the Bucks County Planning Commission have been
 9 involved in drafting the amendment.
 10 New Hope Planning Commission and the Bucks
 11 County Planning Commission have reviewed and recommended
 12 approval of the proposed amendment.
 13 Number two, is there a formula that has
 14 been established in how the average calculations will be
 15 done?
 16 PRESIDENT GERING: Can you speak up a
 17 little more, we are having trouble hearing you.
 18 MR. GRAY: Certainly.
 19 Is there a formula that has been
 20 established on how the average calculations will be done?
 21 We are using arithmetic means for the
 22 average calculation and average divide properties in the
 23 calculation.
 24 Number three. Does the calculation take
 25

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1 absolutely destroying the little neighborhood I love.
 2 I also noted one developer's letter
 3 bragging about their contribution of the 30-plus
 4 properties sold in the last six years. We have sent zero
 5 children to the school district. Is that what makes a
 6 vibrant and charming community? Sounds more like a
 7 dystopian nightmare.
 8 Thank you for your consideration in this
 9 matter.
 10 Sherry Baker. I would like to see the vote
 11 postponed on the proposed zoning ordinance. It has
 12 happened quickly and I believe it would serve the
 13 community better if some more time was spent and more
 14 resident input garnered before the vote.
 15 I very much concur with Stacey Endress'
 16 letter and I don't feel that I have to state it
 17 differently. I lived in town for 50 years. The last few
 18 years are the first time I have become truly concerned
 19 about new buildings. I am in favor of new development and
 20 know that change is inevitable.
 21 Let's all work together to see that it is
 22 tasteful and enhances the community.
 23 Received another one from Cherie Weller. I
 24 am a resident of New Hope and attended the Planning
 25

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1 into account the lot size of one property versus the
 2 properties being averaged when calculating the building
 3 footprint?
 4 As an example, if some one is building on a
 5 100-foot lot and all neighbors are on 50 foot lots, is
 6 there a conversion for lot size or will a 100 foot lot
 7 only be allowed to have the same size house as smaller
 8 lots?
 9 The calculation does not consider the lot
 10 size.
 11 Number four. Does the zoning officer have
 12 access to the build-to line, building footprint and
 13 building height for every lot in New Hope? The Planning
 14 Commission answered that you do have this information but
 15 I can't imagine that all of these records, especially for
 16 older homes are on file.
 17 Building footprint information can be found
 18 in the Bucks County property records and/or Borough
 19 records. Height and setbacks can be measured by the
 20 applicant.
 21 PRESIDENT GERING: Can you repeat that?
 22 MR. GRAY: Height and setbacks can be
 23 measured by the applicant.
 24 Number five. If the zoning officer does
 25

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1 not have this information, how will New Hope enforce this
 2 property average as proposed in the new ordinance? Will
 3 the property owners looking to build or renovate have to
 4 pay for surveys on all neighboring properties to come up
 5 with the required numbers to determine the build-to line,
 6 building footprint and building height?
 7 They would be required to take measurements
 8 if the information is not available.
 9 Six. The Planning Commission answered that
 10 FEMA regulations have not been taken into account in the
 11 proposal. The proposal states that build-to line will be
 12 averaged from the street. If this build-to line falls
 13 within the flood zone, where does the build-to line get
 14 placed?
 15 The property owners no longer have an area
 16 to decide where to place their homes. It appears the line
 17 will be placed in stone at the mercy of the neighbors'
 18 build-to lines. The committee made mention of something
 19 about a 15 percent swing in these numbers but this was not
 20 explained.
 21 Once the averages are developed, the
 22 proposed ordinance allows for proposed dimensions to vary
 23 and the calculated average by 15 percent to allow for some
 24 flexibility.
 25

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1 Number seven. What happens when the
 2 property building height is calculated to only 18 feet and
 3 the flood elevation is six feet? Does this homeowner only
 4 get a rancher because they are surrounded by ranchers or
 5 1.5 story homes?
 6 That is the type of hardship for which the
 7 Zoning Hearing Board exists to provide variances.
 8 Number eight. The Planning Commission
 9 stated that all existing homes could be rebuilt to their
 10 existing build-to line, building footprint and building
 11 height in the event of a natural disaster or fire. Please
 12 confirm this is true and state where this can be found in
 13 the zoning regulations.
 14 This can be found in 275-63A of the Zoning
 15 Ordinance which allows for reconstruction of a
 16 non-conforming structure that is damaged by fire or
 17 natural causes.
 18 Personally I think this proposal would be a
 19 zoning implementation nightmare and will require everyone
 20 to obtain a variance due to a hardship. It does not seem
 21 to be well thought out with how it will be implemented.
 22 It is not prudent for every homeowner to have a different
 23 allowable building height, building footprint and build-to
 24 line requirements.
 25

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1 Obviously this will create winners and
 2 losers which under zoning laws does not meet the standard
 3 of fair and equitable. Zoning issues can be written to
 4 address every situation and is intended to provide a net
 5 benefit as a whole.
 6 Finally if you listen to the meeting
 7 recording, the overall takeaway is the intent is to
 8 drastically reduce the homes being built in New Hope. It
 9 is my opinion eliminating all homes built in the last
 10 20 years along with dropping all larger homes from the
 11 average makes this true intent obvious.
 12 I can tell you many of the people who spoke
 13 at the Planning Commission meeting on Thursday night
 14 brought up this is unconstitutional, not legal and will be
 15 challenged. I hope the Township -- Borough has received
 16 legal advice on this issue before it costs this town more
 17 unnecessary fees.
 18 The Borough Solicitor has reviewed these
 19 documents.
 20 That is all of the comments I have.
 21 PRESIDENT GERING: Thank you, Pete.
 22 Any comments from Council? Mr. Dougherty.
 23 MR. DOUGHERTY: I just had some technical
 24 questions I guess for -- I guess Mr. Meyer or our attorney
 25

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1 or Mr. Gray. I am not sure.
 2 But technically along the lines of the
 3 notice requirements. The notice that was mentioned that
 4 was mailed out, this is a copy of one people got. There
 5 is a map on the back. This is the notice that is being
 6 described, correct? I got one.
 7 MR. FENNINGHAM: It is the mailing.
 8 MR. DOUGHERTY: This is the notice of the
 9 -- and buried in here is -- included in here is the
 10 description of the March 10th meeting which was four or
 11 five days ago.
 12 My question -- there is a question. Who
 13 did notice go to? I heard that it went to every one in
 14 the existing RB, that is -- someone just said that, is
 15 that correct?
 16 MS. STOVER: Yes.
 17 MR. DOUGHERTY: Did it go to any one else?
 18 MS. STOVER: No. It was specifically for
 19 people in the RB District. They were the ones affected.
 20 MR. DOUGHERTY: So it only went to the
 21 people that are currently in the RB section, it didn't go
 22 to people whose houses are next door to the RB section?
 23 MS. STOVER: It should not have.
 24 MR. DOUGHERTY: The RB District or --
 25

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1 MS. STOVER: Not unless there is an overlap
2 of the zoning district in some fashion.

3 MR. DOUGHERTY: I don't know if that is the
4 issue but I would think that the zoning -- that people who
5 live in close proximity to the zoning change next door
6 have -- who are constituents -- I don't understand why
7 this wasn't sent to 3853 people, why it was just not sent
8 to all residents. Is there a reason? We tried to save
9 postage? What is the call there?

10 MS. STOVER: It is my understanding and
11 Mr. Fenningham can correct me if I am wrong, that we were
12 only required to send it to properties in the district
13 that was being rezoned.

14 MR. DOUGHERTY: I don't know, did the
15 people that have a house that live next -- right next to
16 the zone have a right to know about the zoning change?

17 MR. FENNINGHAM: They are not required to
18 be given notice if they are not within the district
19 affected by the --

20 MR. DOUGHERTY: Since they live next door
21 that doesn't affect them?

22 MS. McHUGH: Must have to stop some where.

23 MR. DOUGHERTY: We can stop at 1200 parcels
24 and just give it to everyone and you wouldn't stop
25

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1 wouldn't the March 10th meeting be on Zoom? It had to be
2 a conscious decision.

3 PRESIDENT GERING: I don't know. Does the
4 Planning Commission normally have a Zoom meeting? It is
5 not customary.

6 MR. DOUGHERTY: This wasn't a Planning
7 Commission but okay. Were there minutes at that meeting?
8 Was there a court reporter at that meeting? Is there
9 normally a court reporter at a Planning Commission?

10 MS. STOVER: No, and I take the minutes and
11 I draft a set of minutes for the Planning Commission to
12 look at at their next meeting.

13 MR. DOUGHERTY: Just what is the structure
14 of that because I have been on our website trying to find
15 the minutes from the Planning Commission and I can't find
16 them so my sense is our constituents couldn't find them
17 either.

18 MS. STOVER: I don't know the answer to
19 that. Do we post the Planning Commission minutes?

20 MR. GRAY: After they are approved by the
21 -- at the meeting by the commission they would be posted
22 online for availability.

23 MR. DOUGHERTY: So the ones from 2022 are
24 not online yet but the agendas are but there are no
25

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1 anywhere.

2 MR. FENNINGHAM: There was a series of the
3 publication --

4 PRESIDENT GERING: John, use the
5 microphone.

6 MR. FENNINGHAM: The publication of the
7 summary that I prepared under the ordinance required to be
8 prepared by the Solicitor, there was a copy amendment in
9 the library, there was a posting in the places in which
10 residents --

11 MR. DOUGHERTY: Could see it if they came
12 here or read The Intelligencer.

13 MR. FENNINGHAM: The summary and the
14 posting --

15 MR. DOUGHERTY: The --

16 MR. FENNINGHAM: I am just trying to --

17 MR. DOUGHERTY: Now that I understand, we
18 didn't have to do 1200 people, we did the 383 I guess.

19 MR. FENNINGHAM: Correct.

20 MR. DOUGHERTY: That was my question. My
21 other question is on the March 10th meeting was there a
22 conscious decision not to use Zoom at that meeting? We
23 use Zoom at HARB Meetings when it involves one project.
24 We use Zoom at this meeting, Zoom at work sessions. Why
25

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1 minutes. When is the -- when do they -- is it part of
2 their agenda to approve minutes?

3 MR. GRAY: Yes. We will check that out in
4 the morning.

5 MS. McHUGH: It is there.

6 MS. STOVER: We haven't had -- I guess
7 total meetings for every month in 2022. Some months we
8 didn't have a quorum so there were --

9 MR. DOUGHERTY: But you still conducted
10 business?

11 MS. STOVER: No.

12 MR. DOUGHERTY: I guess what my concern is
13 the general concept is that this thing has been getting
14 baked for 18 months, this has been getting worked on for
15 18 months. This Council has not been provided any input
16 to that process that I aware of in the 18 months.

17 We may have received an update in October
18 that I had forgotten about it but I don't believe that
19 this Council has been provided sort of a review of how it
20 was going during the process for the last 18 months. We
21 can go -- I do know our minutes are published.

22 So we have had several meetings in
23 18 months, 18 work sessions and 18 Council sessions and I
24 am afraid to say this, this wasn't discussed because then
25

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1
 2 I get accused of lying. But I guess I could go through
 3 the last 36 chunks of minutes and find out how much this
 4 subject, which affects 383 of our constituents' homes and
 5 properties hasn't been part of this Council's review or
 6 input process for the last 18 months until apparently last
 7 October. And this comes down to the transparency issue.
 8 PRESIDENT GERING: I will stop you for a
 9 second. Is it customary for when the Planning Commission
 10 is working on an ordinance for them to be reviewed by
 11 Council prior to being approved? I guess that is my -- or
 12 completed. I didn't think that has ever happened.
 13 MR. GRAY: I don't believe so. I believe
 14 that they go through planning --
 15 PRESIDENT GEARING: Use the microphone.
 16 MR. GRAY: They go through planning, they
 17 review it and then they would be brought to a future
 18 Council meeting for consideration.
 19 PRESIDENT GERING: That was my
 20 understanding. I don't recall in the years I have been
 21 on Council where Council would have input other than come
 22 to a Council workshop or meeting.
 23 MR. DOUGHERTY: It is not normal --
 24 PRESIDENT GERING: No, it is not.
 25 MR. DOUGHERTY: -- that we weigh in on this

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1
 2 type of stuff, we just get to vote on the final product?
 3 PRESIDENT GERING: Correct.
 4 MR. DOUGHERTY: That goes against the
 5 transparency.
 6 The map that is attached to this
 7 distribution is dated September 23rd, 2021. So this map
 8 is I guess the fully baked, fully cooked map that has been
 9 in place -- its been in the possession of -- its been
 10 produced by -- I guess the Planning Commission's
 11 possession for five or six months. And yet for the last
 12 five weeks or so we have had a horrific fire drill
 13 concerning this matter. That is the only way to describe
 14 it.
 15 A horrific fire drill with open fire
 16 hydrants where we have -- where we have to sort of --
 17 Council is the one that has to approve this and we have to
 18 basically have 60 people standing here, we have gotten 30
 19 e-mails and in fact it was only last month that I pointed
 20 out that there had to be public notice. The people who
 21 produced this weren't even going to send this out. We are
 22 being asked to vote on this last time so I --
 23 PRESIDENT GERING: I know it was but John,
 24 can you chime in? Is it customary for an ordinance like
 25 this, other than being advertised in the paper and on the

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1
 2 agenda, to be published with notices and so forth, please.
 3 MR. FENNINGHAM: No. I mean in other words
 4 there is a clear and typical vetting process for
 5 recommendations to come to the administration to formulate
 6 an amendment to the Zoning Ordinance for example in this
 7 case.
 8 The public notice requirements are stated
 9 as timeframe for not more than 60 days, not less than
 10 seven days to the first and second publications. Each of
 11 those requirements were met in this case.
 12 I don't think during my new tenure, the
 13 intent was always to publish in conformity with
 14 requirements of state law and the Zoning Ordinance with
 15 regard to this proposed amendment. And again, I think
 16 there is an investigatory process that goes on in every
 17 regard until it leads to the culmination, to the
 18 deliberative decision making process and that is where I
 19 think you are now.
 20 I can't speak to the date of the zoning
 21 map. I think the zoning map was to depict the RB
 22 District.
 23 MS. STOVER: RB-1 and RB-2.
 24 MR. FENNINGHAM: RB-1 and RB-2 interposed
 25 onto the prior zoning map?

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1
 2 MS. STOVER: Yes. It was just dividing the
 3 RB District into two subsections as was part of the
 4 discussions with the New Hope Planning Commission and the
 5 Bucks Council Planning Commission as to how they were
 6 going to divide them.
 7 MR. DOUGHERTY: But that is the final
 8 solution that is being posited, the one that is dated
 9 September 23rd, 2021?
 10 MS. STOVER: That is the delineation of the
 11 areas. There was further discussions beyond that as to
 12 what the requirements were going to be.
 13 MR. DOUGHERTY: I understand but the map --
 14 how it impacts a particular parcel owner, a real estate
 15 owner is defined right on this map and that was defined on
 16 September 23rd whether it be RB-1 or RB-2, that was
 17 probably before September 23rd. I don't know.
 18 It just seems to me for the amount of time
 19 -- the 18 months that this has been going on there is 60
 20 people here. I counted them. There is 60 people here who
 21 clearly have an interest in this positively or negatively.
 22 I am not saying that all 60 people get to vote up or down
 23 on something but this is not -- I mean, Ms. McHugh, you
 24 said yourself last time, our last meeting, that this needs
 25 to be a workshop. It is in the minutes, "it needs to be a

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1 workshop". Probably a full workshop. This needs to be a
 2 workshop.
 3
 4 MS. McHUGH: I am very happy to see all of
 5 these people here and I want to see what they have to say
 6 and I think this is the process working.
 7 MR. DOUGHERTY: I think what is being asked
 8 of us tonight is to vote on this, to vote up or down.
 9 That is what is being asked of us, not a workshop.
 10 MS. McHUGH: It is not unusual for us to
 11 table something. I think we should go through the process
 12 and see how the rest of Council feels.
 13 PRESIDENT GERING: That's right.
 14 MS. McHUGH: We have done that every single
 15 time with every issue.
 16 MR. DOUGHERTY: I know how it works.
 17 MS. McHUGH: I don't feel that anybody is
 18 making me vote on anything tonight. If I am not
 19 comfortable, I won't.
 20 PRESIDENT GERING: I think that Council has
 21 gone out of its way and one of the things was sending
 22 notices to each resident that is affected and that is true
 23 transparency. It is not a customary procedure that we
 24 normally do, we did this because of the interest that the
 25 residents would have.

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1 So with that I will move forward. Is there
 2 anything else from Council members, questions before I
 3 open it to the public?
 4 All right. So when you come up, please
 5 identify yourself and we will do the three minute limit.
 6 Yes, Mr. Balderston. Full name and
 7 address.
 8 MR. BALDERSTON: My name is Donald Joseph
 9 Balderston and I reside at 4565 Overlook Circle,
 10 Doylestown, Pennsylvania. I own real estate in several
 11 locations in the Borough of New Hope and I pay my taxes.
 12 And my questions are; number one, was the
 13 Zoning Hearing Board involved at all in the rewriting of
 14 this proposed zoning change?
 15 PRESIDENT GERING: I will stop you right
 16 there. I will ask for legal opinion. Is it customary for
 17 the Zoning Hearing Board to ask be to be involved in this?
 18 MR. FENNINGHAM: No.
 19 PRESIDENT GERING: That answered your
 20 question.
 21 MR. BALDERSTON: Thank you very much for
 22 the answer to that question. I do not agree with that at
 23 all. Since somebody that has to go in front of the Zoning
 24 Hearing Board for a change should be involved in writing

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1 something of this complexity.
 2 MR. FENNINGHAM: The zoning board can make
 3 recommendations but they are not a legislative body, they
 4 are a review body.
 5 MR. BALDERSTON: The Zoning Hearing Board?
 6 MR. FENNINGHAM: Correct.
 7 MR. BALDERSTON: So they could have been
 8 involved?
 9 MR. FENNINGHAM: I didn't say that. They
 10 can make recommendations. Every Zoning Hearing Board in
 11 this Commonwealth can make recommendations.
 12 MR. BALDERSTON: They --
 13 MR. FENNINGHAM: Please let me finish.
 14 MR. BALDERSTON: I am sorry.
 15 MR. FENNINGHAM: They are not part of the
 16 preparation and drafting of the amendment.
 17 MR. BALDERSTON: Thank you.
 18 MR. FENNINGHAM: You're welcome.
 19 PRESIDENT GERING: Thank you.
 20 MR. BALDERSTON: My second question is to
 21 each and every one of the New Hope Borough Council
 22 members, does every one of you understand that? Can you
 23 actually sit down and explain it to somebody?
 24 PRESIDENT GERING: Joe, that is why we have

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1 zoning officers and I don't think --
 2 MR. BALDERSTON: The zoning officer does
 3 not put these restrictions on the property owners, you do.
 4 PRESIDENT GERING: That is correct.
 5 MR. BALDERSTON: And you should understand
 6 it if you're voting on it.
 7 PRESIDENT GERING: Joe, I will make a
 8 comment, this is just one voice on this Council. The
 9 reason this ordinance was worked on by the Planning
 10 Commission, in the last few years I have heard numerous
 11 comments from residents in town why is Council allowing
 12 the town to be destroyed and allowing oversized properties
 13 to be built that do not fit the character of this town.
 14 And that was why the Planning Commission was assigned to
 15 work on this ordinance. There was no other reason. Okay?
 16 As you know, we had no guidelines for this
 17 and you have to rely on people going to the zoning board
 18 in order to do this. So this is one way to try to curtail
 19 and maybe put things more in perspective in character to
 20 what the town is. It is not to jeopardize any one.
 21 MR. BALDERSTON: Thank you for your
 22 explanation. That did not answer my question.
 23 It appears that none of the Council members
 24 want to respond to that, therefore I assume that you don't

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1 understand it. Thank you.
 2 PRESIDENT GERING: Thank you. Any one else
 3 from the public? Yes.
 4 MR. KELLY: My name is Mike Kelly, I own
 5 property on Main Street.
 6 My question is has the Borough Council sent
 7 this out to an outside solicitor to see if it is
 8 constitutional?
 9 PRESIDENT GERING: John, if you can answer
 10 this since you have been involved in zoning all of these
 11 years.
 12 MR. KELLY: I think you will run into -- I
 13 am a business person, I am not a lawyer but the case --
 14 the White's appeal from 1926 is pretty clear that you
 15 cannot take the rights of the homeowners away for
 16 arbitrary reasons such as decor. It has to be for safety,
 17 health, morals or other specifics.
 18 So I would encourage you to send this out
 19 before you act on it to make sure that it is
 20 constitutional because it will create a lot of expense for
 21 the town if it then gets turned down because it is not
 22 constitutional. Just a suggestion.
 23 PRESIDENT GERING: Thank you.
 24 MR. DOUGHERTY: I am sorry, the question

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1 detail?
 2 MR. FENNINGHAM: You asked several
 3 questions. You know I came on board in January, I have
 4 not been involved prior to that period of time. I have
 5 not been asked to give them any legal review of the
 6 amendment.
 7 MR. DOUGHERTY: Thank you.
 8 MR. FENNINGHAM: I did participate in the
 9 advertising of it.
 10 MR. DOUGHERTY: I understand. I appreciate
 11 that. I understand since you have been legal counsel this
 12 year and I respect the heck out of you. You were not --
 13 you did not provide legal review of the documents, you did
 14 not write the ordinance; is that correct?
 15 MR. FENNINGHAM: Correct.
 16 MS. McHUGH: What is the likelihood of it
 17 being -- there being legal limitations to this? Did I say
 18 that right?
 19 MR. FENNINGHAM: You're asking me for legal
 20 advice in an open forum.
 21 MR. DOUGHERTY: That is why we have you.
 22 MR. FENNINGHAM: You're asking me to waive
 23 any privilege with any advice that I will give you.
 24 MR. DOUGHERTY: I don't think we should do

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1 was was this sent out or reviewed. I think you drafted
 2 it, did I hear you say you drafted this, John?
 3 MR. FENNINGHAM: No, I didn't draft it.
 4 MR. DOUGHERTY: Okay. So do -- I mean the
 5 Bucks County Planning Commission is not acting -- is not
 6 providing us legal services, an attorney/client
 7 perspective. I guess they are not, unless they are. It
 8 looks like we may have hired them. It is a contract with
 9 them.
 10 Has this -- has all our Borough Council;
 11 namely yourself, John, have you reviewed this in light of
 12 whether it -- constitutionality, those types of things?
 13 Have you sort of signed off on it? Have you given the
 14 zoning modification committee, whatever they are, a bill
 15 of good health on this as to whether or not it passes in
 16 your estimation legal muster?
 17 MR. FENNINGHAM: Well you're asking two
 18 questions. One, do you want me to give legal advice in
 19 open --
 20 MR. DOUGHERTY: I am asking if you gave
 21 them advice, the zoning committee people, whatever those
 22 people look like, have you provided them -- have they
 23 received legal advice as to whether or not the ordinance
 24 -- have you had a chance to review the ordinance in

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1 that.
 2 MR. FENNINGHAM: Then I can't answer the
 3 question.
 4 PRESIDENT GERING: Thank you, John.
 5 Any other public comments?
 6 MR. DOUGHERTY: We don't have legal review.
 7 PRESIDENT GERING: That is correct, we have
 8 not had legal review. Thank you.
 9 Mr. Clapper.
 10 MR. CLAPPER: My name is Bill Clapper,
 11 North Main Street.
 12 I attended the March 10th meeting.
 13 Tremendous turnout, there were about 20 people there. I
 14 didn't see any Council members. And there was a great
 15 deal of input to the Planning Commission document. I
 16 haven't seen evidence that some of that input that was
 17 valid has been incorporated into the ordinance.
 18 So I want every one to know that the town
 19 input that you solicited has not been included to the best
 20 of my knowledge. Please refute that if I am not correct.
 21 PRESIDENT GERING: Well I will tell you
 22 that once the ordinance was advertised, if any changes
 23 needed to be made and correct me, John, then the ordinance
 24 would have to come back to Council and be re-advertised.
 25

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1 Am I correct on that?
 2 MR. FENNINGHAM: Other than a minor type of
 3 change. If there is a substantive change, it would be
 4 subject to re-advertising.
 5 MR. CLAPPER: That wasn't my point. That
 6 is the process that you are talking about. My point was
 7 that the town input was not considered.
 8 MS. McHUGH: The ordinance hasn't been
 9 passed yet and that is what we are doing right now.
 10 MS. RETTIG: Like I said, the meeting was
 11 March 10th, today is March 15th. This meeting has to
 12 happen --
 13 UNIDENTIFIED VOICE: We can't hear you.
 14 Take your mask off.
 15 MS. RETTIG: The other meeting was
 16 March 10th, which I believe was Thursday. This meeting by
 17 law has to happen today. It is only March 15th. We had
 18 Saturday and Sunday in between there.
 19 So our meeting now is for us to hear
 20 everything and then to decide whether we want to table
 21 this or we want to vote it down, whether we want to vote
 22 it in.
 23 MR. CLAPPER: I fully understand the
 24 process.
 25

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1 Another reason we heard a lot about on
 2 March 10th at the meeting was the preservation of the
 3 historical district and the maintaining of the quaint,
 4 charming, artsy colony, small town that we all love and I
 5 do love it, because this is what attracts the tourists and
 6 the revenue.
 7 If this is true and are the reasons driving
 8 your decisions, how do you explain the Logan Inn? Can any
 9 one find the Logan Inn? The Logan is oversized and
 10 certainly not in keeping with the preservation of the
 11 town's historical character or architectural aesthetic but
 12 it is here now and brings in revenue.
 13 The third reason was to protect the
 14 character of existing neighborhoods. I live in an
 15 existing neighborhood and I am very worried about it. The
 16 whole town is being revised and it is evolving. You can't
 17 ignore the houses and buildings that have been built in
 18 the last 20 years because they are here. And you can't
 19 penalize residents of the new -- with the new dimensional
 20 averaging method that is shown in Section C-6.
 21 These are rules that are arbitrary and
 22 unfair. You're legislating back a hundred years. It is
 23 unnecessary. While I can understand the rationale for
 24 creating the RB-1 and RB-2 Districts, why can't everybody
 25

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1 MS. RETTIG: We still have time to add
 2 input is what we are saying.
 3 MR. CLAPPER: I wanted to make sure that
 4 everyone knew that the input given by the residents has
 5 not been incorporated. So if you're going to vote on it
 6 tonight and if it turns out to be a favorable vote, then
 7 the residents' input has not been incorporated.
 8 PRESIDENT GERING: Thank you.
 9 Any other public comment? Yes. Full name
 10 and address, please
 11 MS. DOUGHTY: Hi, Karen Doughty,
 12 D-O-U-G-H-T-Y. I live at 18 Chestnut Street. I have been
 13 there for about 25 years. Before I was located at 67 West
 14 Ferry Street. I have been here a while.
 15 As a longtime resident and taxpayer, I have
 16 the following concerns regarding the proposed ordinance
 17 amendment and therefore take issue with it being adopted
 18 as it stands today.
 19 Why now is my question and what is the
 20 reason for this amendment? The proposal states that it is
 21 drafted for the health, safety and general welfare of the
 22 residents of the Borough. This doesn't address the
 23 content or thrust of any part of the ordinance amendment.
 24 It is meaningless.
 25

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1 be guided by the same guidelines for setback footprints,
 2 et cetera.
 3 The fact is New Hope is not Colonial
 4 Williamsburg, it is a thriving destination town and
 5 growing upscale residential area of -- evolving to meet
 6 modern standards. Zoning ordinances should not stand in
 7 the way of that.
 8 I respectfully ask Council to reject the
 9 proposed ordinance amendments as written, not completely,
 10 and work to revise them, taking into account the concerns
 11 and objections that were previously raised on March 10th
 12 and have been raised here tonight.
 13 I thank you very much for your time.
 14 PRESIDENT GERING: Any other public
 15 comments? Yes.
 16 MR. SALAK: Alexander Salak, S-A-L-A-K.
 17 PRESIDENT GERING: Address, please.
 18 MR. SALAK: I am co-owner of the dental
 19 property at 135 North Main Street. I guess -- we attended
 20 the meeting --
 21 PRESIDENT GERING: You have to use the
 22 microphone.
 23 MR. SALAK: We attended the meeting last
 24 Thursday. I have heard the purpose behind this ordinance
 25

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1
2 as trying to preserve New Hope charm, neighborhood
3 character I am hearing today. I would like to have
4 somebody point out to me where in the statute those terms
5 are articulated or defined.
6 If you don't -- if somebody's idea notion
7 or --
8 MR. DOUGHERTY: Say it again, we didn't
9 hear you.
10 MR. SALAK: I would like to know where in
11 the ordinance, the proposed ordinance, the terms New Hope
12 charm or neighborhood character are articulated or
13 defined.
14 Everybody in this room probably has a
15 different idea of what New Hope charm means and so it is
16 an amorphous standard that you can't apply. How can you
17 measure whether this ordinance has achieved its objective?
18 I agree with the young lady as to the
19 purpose. Why was this decided to be necessary now at this
20 point? I mean did tourism drop, aside from what is caused
21 by COVID. Were any impact studies done? No impact
22 studies, nothing on property values or anything else.
23 This statute as written basically precludes
24 anybody who has a ranch style home right now and is
25 unfortunate enough to have similar buildings next to them,

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1
2 MR. DOUGHERTY: John, is it the work of
3 Council to work on such things? I got the impression that
4 zoning shouldn't be involved and -- now is Council
5 permitted? I don't want to get in different trouble here.
6 Is Council permitted to workshop this being
7 that we are in fact not the Planning Commission? This is
8 just a legal question, John.
9 MR. FENNINGHAM: Well Council entertains
10 public comment to take those -- that input into
11 consideration on action on the proposed amendment and
12 Council can deliberate on the proposed amendment or any
13 revisions thereto.
14 MR. DOUGHERTY: Okay.
15 MS. McHUGH: So we can give direction to
16 the planning board? Based on what we heard tonight we can
17 workshop this and -- seven of us, and decide what we think
18 would be good for the Borough?
19 MR. FENNINGHAM: Yes.
20 MS. McHUGH: Everyone has to remember,
21 Council is looking to take care of New Hope. We are not
22 looking to piss anybody off. We are trying to do what is
23 right. We want everybody -- we want to keep the charm of
24 New Hope and we have been tasked with that by various
25 constituents over the years. Many, many people.

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1
2 could never have the hope of either building onto their
3 home or selling and having somebody build a two story
4 home. Nobody buys a property today that can't build or
5 provide a two story home and effectively destroy property
6 value. You have dimension footprints so the only place is
7 to go up but now you have diminished that ability to go
8 up.
9 And I submit to you that Zone 2, RB-2 is a
10 non-historic district and you're trying to make it into a
11 historic district where -- or apply these types of
12 limitations to that. I don't think this is going to stand
13 constitutional muster. Thank you.
14 PRESIDENT GERING: Thank you.
15 Council, in light of all of the comments we
16 got, the attendance at the Planning Commission and the
17 comments that we got today, I would like to recommend that
18 we table it and send it back to the Planning Commission
19 for some variation with the public comment being planned
20 in that.
21 MS. McHUGH: I would like to table it as
22 well. Can we workshop this as a Council first so we can
23 send it back to planning with some kind of recommendations
24 of what needs to be seen -- what we want to see? Can we
25 do that?

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1
2 So this is in response to that. We might
3 not get it right the first time we do this, we throw some
4 stuff against the wall and see what sticks. That is why
5 we love the public comments. Keep it up. Keep coming.
6 These chairs are never filled. Usually it is the same
7 three people that are here so now you know where we are,
8 keep coming and keep writing.
9 PRESIDENT GERING: So can I have a motion
10 that we table this and --
11 MR. DOUGHERTY: I will.
12 PRESIDENT GERING: Thank you, Dan. Can I
13 have --
14 MS. RETTIG: I will second.
15 PRESIDENT GERING: Thank you. So this
16 motion will be tabled. We will see what we can have
17 tweaked through the Planning Commission with all of the
18 feedback we have gotten.
19 If someone wasn't here and they have
20 something else, please send it to Pete Gray, our Borough
21 Manager. Then we will see what we can do and put it on
22 the workshop and we will make sure everybody knows. And I
23 wanted to thank all of you who showed up for this.
24 MS. McHUGH: If you did e-mail already,
25 e-mail again so we know what you guys think.

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 2 PRESIDENT GERING: We will take a five
 3 minute break.
 4 - - -
 5 (Recess.)
 6 - - -
 7 PRESIDENT GERING: Next on the agenda is
 8 the Zoning Hearing Board application for 104 New Street.
 9 Is there anyone here for that? Yes.
 10 MR. SCHUMACHER: My name is Jeff
 11 Schumacher, S-C-H-U-M-A-C-H-E-R. I am representing Bill
 12 and Macy Stepan, S-T-E-P-I-A-N.
 13 And we are requesting additional impervious
 14 allowance to put in a small patio with steps to the patio
 15 in the backyard.
 16 PRESIDENT GERING: Any questions from
 17 Council? This is a Zoning Hearing Board application, they
 18 will have to go to the Zoning Hearing Board.
 19 MS. McHUGH: No questions.
 20 PRESIDENT GERING: Council want to stay
 21 neutral? Good luck.
 22 MR. SCHUMACHER: Thank you.
 23 PRESIDENT GERING: Next on the agenda is
 24 the Certificate of Appropriateness for 18-20 North Main
 25 Street.

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 2 Can I have a motion -- they would like to
 3 -- wait a minute. I will start over. Certificate of
 4 Appropriateness for 18-20 North Main Street. They are
 5 replacing the front door from two doors to one door.
 6 Can I have a motion of approval?
 7 MS. McHUGH: I will make a motion.
 8 MR. MEYER: Second.
 9 PRESIDENT GERING: Any questions from
 10 Council?
 11 MS. McHUGH: Hold on. I want to look at
 12 this.
 13 PRESIDENT GERING: They are taking two
 14 front doors and making them one door.
 15 MS. McHUGH: There it is. This is that.
 16 Yeah. Isn't there a wall right there? Making one door?
 17 Is there anybody here? That is you. The tables have
 18 turned.
 19 MR. BALDERSTON: What we would like to do
 20 is quite simple; there is two doors on the front of the
 21 building, we want to take one of those doors and make it a
 22 three foot door that will comply to code and it will swing
 23 out and then put two sidelights next to it.
 24 We will be using the other -- we will
 25 actually reuse one of the doors. We are going to send it

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 2 in to a mill shop and have it made wider. It doesn't meet
 3 code and we will take the other one and make two
 4 sidelights. We will have to add some new pieces onto it.
 5 MS. McHUGH: You're taking that inside
 6 wall down and opening the --
 7 MR. BALDERSTON: That is our intention but
 8 that doesn't have anything to do with the HARB.
 9 MS. McHUGH: I was just asking.
 10 MR. BALDERSTON: And we are --
 11 MS. McHUGH: I was asking out of pure
 12 curiosity.
 13 MR. BALDERSTON: We are submitting
 14 architectural drawings probably on Thursday or Friday for
 15 that among other things.
 16 MS. RETTIG: We are just asking, when you
 17 look at the picture --
 18 MR. BALDERSTON: I am sorry, I can't hear
 19 you.
 20 MS. RETTIG: -- of the two doors, there is
 21 an obvious piece of wall in between. That is the only
 22 reason we are asking.
 23 MR. BALDERSTON: Fine.
 24 MS. McHUGH: It is going to be what,
 25 vegetarian --

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 2 MR. BALDERSTON: V-Spot, it is going to be
 3 a total vegan restaurant.
 4 MS. McHUGH: Awesome.
 5 PRESIDENT GERING: Any other questions from
 6 Council? All in favor?
 7 MS. FEDER: Aye.
 8 MR. MEYER: Aye.
 9 MS. McHUGH: Aye.
 10 MR. DOUGHERTY: Aye.
 11 MS. RETTIG: Aye.
 12 PRESIDENT GERING: Aye.
 13 Next a Certificate of Appropriateness for
 14 18-20 North Main Street for a sign approval for V-Spot.
 15 Can I have a motion of approval?
 16 MS. RETTIG: I will make that motion.
 17 MR. MEYER: Second.
 18 PRESIDENT GERING: Any questions from
 19 Council? All in favor?
 20 MS. FEDER: Aye.
 21 MR. MEYER: Aye.
 22 MS. McHUGH: Aye.
 23 MR. DOUGHERTY: Aye.
 24 MS. RETTIG: Aye.
 25 PRESIDENT GERING: Aye. Thank you.

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2 Next Certificate of Appropriateness for 80
3 West Ferry Street to install a fence, porch gate, replace
4 gate to access driveway and sidewalk.
5 Can I have a motion for approval?
6 MR. DOUGHERTY: I will make that motion.
7 MS. McHUGH: Second.
8 PRESIDENT GERING: Thank you. Any
9 questions? All in favor?
10 MS. FEDER: Aye.
11 MR. MEYER: Aye.
12 MS. McHUGH: Aye.
13 MR. DOUGHERTY: Aye.
14 MS. RETTIG: Aye.
15 PRESIDENT GERING: Aye. Thank you.
16 Next can I have a motion for Certificate of
17 Appropriateness for 94 New Street to add garage doors?
18 MS. McHUGH: I will make the motion.
19 MS. FEDER: Connie, 94 New Street is
20 fencing; correct?
21 PRESIDENT GERING: No, 94 New Street is add
22 garage door.
23 MS. FEDER: It said on the memo to install
24 replacement fencing to match existing fencing on the
25 property for 94.

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2 PRESIDENT GERING: It said add garage
3 doors. What is the actual --
4 MR. DOUGHERTY: Mine says fence replacement
5 to match.
6 MR. MEYER: Installing fence.
7 MR. GRAY: Replacement fencing.
8 PRESIDENT GERING: I'm sorry. 80 West
9 Ferry is where you guys are at. My apologies.
10 Certificate of Appropriateness -- can I
11 have a motion for Certificate of Appropriateness for 80
12 West Ferry Street to install fencing, gate, replace gate
13 to access driveway and sidewalk.
14 MS. FEDER: We did that one. 94 is the
15 vinyl replacement fence to match.
16 PRESIDENT GERING: Mine says add garage
17 doors.
18 MR. GRAY: Yes, 94 should be installing
19 replacement fencing to match existing fencing on the
20 property.
21 PRESIDENT GERING: All right. So what I
22 have is inaccurate, I'm sorry. Okay. We have a motion.
23 MS. McHUGH: What is the motion on, please.
24 PRESIDENT GERING: For 94 New Street is to
25 replace fencing.

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2 MS. McHUGH: 94 New Street?
3 PRESIDENT GERING: Correct.
4 MS. McHUGH: I will make that motion for
5 that.
6 PRESIDENT GERING: Can I have a second?
7 MS. FEDER: I will second.
8 PRESIDENT GERING: Any questions?
9 MR. DOUGHERTY: Can I ask a question on
10 this one?
11 PRESIDENT GERING: 94 New Street?
12 MR. DOUGHERTY: Yes.
13 PRESIDENT GERING: Go ahead.
14 MR. DOUGHERTY: This is physically -- it is
15 physically visible from the street, is that true? Is it
16 physically visible?
17 PRESIDENT GERING: 94 New Street?
18 MR. DOUGHERTY: Yeah.
19 MS. McHUGH: Anybody here?
20 MR. DOUGHERTY: The fence --
21 PRESIDENT GERING: 94 New Street is a
22 fence.
23 MR. DOUGHERTY: The left side of the fence
24 to be replaced. That is what I am looking at. And says
25 existing right side fence is a vinyl Strathmore fence

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2 installed by neighbor/condo. I guess that is the four
3 newer buildings.
4 MS. McHUGH: Yeah.
5 MR. DOUGHERTY: I guess. That is the
6 neighbor ones.
7 So I understand, I guess they are going to
8 match the other one. My question is is this viewable from
9 standing on New Street, from the back or the side? It is
10 a vinyl fence, that is -- the crux of my question is this
11 is a vinyl fence, I know we moved on that in the past.
12 So my question is there is a vinyl existing
13 on the one side, that was new construction I think when
14 those four townhouses were built, I am guessing that is
15 what -- where I am at. So are we just letting them have
16 the vinyl fence because there is a vinyl fence next door?
17 MS. RETTIG: Is there somebody here from 94
18 New Street that can talk to us about this? Anybody?
19 MR. DOUGHERTY: I would like to wait on
20 this.
21 PRESIDENT GERING: Let's table since we
22 have questions and no one is here. Let's table it.
23 MR. MEYER: I am inclined to table. Thank
24 you.
25 PRESIDENT GERING: Very good.

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2 Next is Certificate of Appropriateness for
3 82 South Main Street, replace rear door.
4 MS. FEDER: I will make that motion.
5 MR. MEYER: Second.
6 PRESIDENT GERING: Thank you. Any
7 questions?
8 MS. McHUGH: There are so many on here --
9 MR. DOUGHERTY: 82 South Main.
10 MS. McHUGH: I know that.
11 MR. DOUGHERTY: I had to say it to myself.
12 MR. MEYER: It is going to match the paint
13 on the building.
14 MS. McHUGH: All right. It is this one. I
15 don't have any questions.
16 MR. MEYER: It is a wooden door, replacing
17 with a metal one.
18 MR. DOUGHERTY: This is why you people
19 should have books, not computers.
20 PRESIDENT GERING: Are you guys okay there?
21 All right.
22 All in favor?
23 MS. FEDER: Aye.
24 MR. MEYER: Aye.
25 MS. McHUGH: Aye.

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2 MR. DOUGHERTY: Aye.
3 MS. RETTIG: Aye.
4 PRESIDENT GERING: Aye. Thank you.
5 Next Certificate of Appropriateness for 26
6 South Main Street for a sign installation for Rivertown
7 Naturals.
8 MS. McHUGH: I recuse myself.
9 PRESIDENT GERING: Can I have a motion?
10 MR. DOUGHERTY: I will make that motion.
11 MS. RETTIG: Second it.
12 PRESIDENT GERING: Any questions from
13 Council? All in favor?
14 MS. FEDER: Aye.
15 MR. MEYER: Aye.
16 MR. DOUGHERTY: Aye.
17 MS. RETTIG: Aye.
18 PRESIDENT GERING: Aye. Thank you.
19 Next is Certificate of Appropriateness for
20 58 Old York Road. They are adding an addition, deck and
21 renovations.
22 Can I have a motion for approval?
23 MS. FEDER: I will make that motion.
24 PRESIDENT GERING: Can I have a second?
25 MS. McHUGH: I will second.

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2 PRESIDENT GERING: Is there any questions
3 from Council?
4 MS. McHUGH: Dan, you have to have a
5 question on this.
6 MR. DOUGHERTY: We are going fast, I'm
7 sorry.
8 PRESIDENT GERING: It is 58 Old York Road.
9 MR. DOUGHERTY: I am not trying to slow you
10 down.
11 Adding a deck. We spent a great deal of
12 time --
13 PRESIDENT GERING: They are adding an
14 addition, a deck and doing renovations.
15 MR. DOUGHERTY: Right. So the deck is
16 being added and we spent a great deal of time, not just
17 last month, on Regents Row saying how that decks, even if
18 they were partially visible from the street, we viewed
19 those as problematic. So if the deck were --
20 MS. McHUGH: Is there anybody here?
21 PRESIDENT GERING: Come on up. They came
22 with their drawings.
23 MR. MEYER: Thank you.
24 PRESIDENT GERING: If you can identify
25 yourself.

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2 MS. MEYERS: Amy Meyers, the homeowner.
3 MR. O'CONNOR: Gary O'Connor, architect.
4 MS. MEYERS: So I don't think the deck is
5 actually --
6 MR. O'CONNOR: It is on the rear of the
7 house, in the back of the --
8 MR. DOUGHERTY: I see. And it is Old York,
9 not Old Mill. I said it was just a few doors away we
10 spent a great deal of time on, I was wrong. It is not.
11 It is not over near Regents Row at all.
12 MS. FEDER: In fact that deck that we
13 discussed was a rooftop deck and this is not.
14 PRESIDENT GERING: And --
15 MS. FEDER: I was just saying the deck
16 that Dan mentioned was a rooftop deck. This is not.
17 MR. MEYER: This does not pose that
18 problem.
19 PRESIDENT GERING: Any other questions from
20 Council? All in favor?
21 MS. FEDER: Aye.
22 MR. MEYER: Aye.
23 MS. McHUGH: Aye.
24 MR. DOUGHERTY: Aye.
25 MS. RETTIG: Aye.

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2 PRESIDENT GERING: Aye. Good luck, folks.
3 Next can I have a motion for Certificate of
4 Appropriateness for 32 South Main Street to add garage
5 doors. That is the Ferry Market.
6 MS. McHUGH: I will make that motion.
7 PRESIDENT GERING: Can I have a second?
8 MS. FEDER: I will second.
9 PRESIDENT GERING: Any questions from
10 Council? All in favor?
11 MS. FEDER: Aye.
12 MR. MEYER: Aye.
13 MS. McHUGH: Aye.
14 MR. DOUGHERTY: Aye.
15 MS. RETTIG: Aye.
16 PRESIDENT GERING: Aye. Thank you.
17 Next is 181 West Bridge Street has
18 withdrawn their application. That was for Cintra.
19 Next let's see. Can I have a motion for
20 advertisement for Mechanic Street Bridge. This is the one
21 that was damaged during Ida and has been brought up
22 numerous times.
23 MS. FEDER: I will make that motion.
24 PRESIDENT GERING: Can I have a second?
25 MR. MEYER: Second.

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2 wondered if his resume was posted. I don't think we have
3 any historians or architects --
4 PRESIDENT GERING: We don't normally post
5 the resume. The Chair of HARB and the liaison, which is
6 Mr. Maisel that is not here, have met with him and
7 interviewed him and then it was recommended to Council
8 that he be appointed.
9 MR. KELLY: Thank you.
10 PRESIDENT GERING: You're welcome. I'm
11 sorry, we have a motion on the table.
12 Any questions of Council for appointing
13 Justin? All in favor?
14 MS. FEDER: Aye.
15 MR. MEYER: Aye.
16 MS. McHUGH: Aye.
17 MR. DOUGHERTY: Aye.
18 MS. RETTIG: Aye.
19 PRESIDENT GERING: Aye. Thank you.
20 Next can I have a motion to release escrow
21 money from 18-20 Mechanic Street? I need a motion.
22 MS. FEDER: I will make that motion.
23 MS. RETTIG: I will second it.
24 PRESIDENT GERING: Thank you.
25 Any questions from Council?

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2 PRESIDENT GERING: All in favor?
3 MR. MEYER: This is just to advertise?
4 PRESIDENT GERING: Correct.
5 Any questions from Council? All in favor?
6 MS. FEDER: Aye.
7 MR. MEYER: Aye.
8 MS. McHUGH: Aye.
9 MR. DOUGHERTY: Aye.
10 MS. RETTIG: Aye.
11 PRESIDENT GERING: Aye. Thank you.
12 Next I would like to have a motion to
13 appoint Justin Halsey to HARB.
14 Can I have a motion?
15 MR. MEYER: So moved.
16 MS. RETTIG: I will second it.
17 PRESIDENT GERING: Are you Justin? Do you
18 have a question about appointing him to HARB?
19 MR. KELLY: Was his resume posted?
20 PRESIDENT GERING: Come forward, please.
21 State your name.
22 MR. KELLY: Mike Kelly. Again I just
23 wondered if his resume was posted and -- I didn't see it
24 online. I may have missed it. I know that we have a lot
25 of turnover on HARB so more people the better and I just

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2 MS. McHUGH: Yeah.
3 PRESIDENT GERING: Pete is going to answer
4 this because I already asked him before so go ahead.
5 MS. McHUGH: Go ahead, Tina.
6 MS. RETTIG: I am looking for the -- what
7 are we releasing the escrow for?
8 PRESIDENT GERING: Pete, can you answer
9 that?
10 MS. STOVER: I can --
11 PRESIDENT GERING: Mary is going to answer
12 it.
13 MS. FOUNTAIN: Michele Fountain.
14 PRESIDENT GERING: I am sorry.
15 MS. FOUNTAIN: That is all right.
16 So we are recommending the reduction in the
17 financial security in the amount of \$17,805 which amounts
18 for -- which are for items of work for storm sewer,
19 maintenance of the erosion and sedimentation controls and
20 for part of their retaining wall.
21 MS. RETTIG: Okay.
22 MR. MEYER: And the requisite conditions.
23 MS. RETTIG: I know. Why are we reducing
24 the escrow? This project has been an issue from the
25 minute of its inception and I am a little bit loathed to

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2 start giving back monies on things that haven't even been
3 completed yet.

4 MS. FOUNTAIN: All right. I will try to
5 explain it, then I will ask Mr. Fenningham to correct me
6 when I am wrong.

7 There is a development agreement between
8 the Borough and the developer that says that he is going
9 to do certain items of work or public improvements or
10 quasi public improvements as part of his development. And
11 that development agreement states that he can -- he is
12 going to post money, which amounted to \$241,590 at the
13 beginning of the development for those improvements.

14 The development agreement also states that
15 he can request a reduction in that financial security if
16 those items of work are complete. There have been two
17 previous certificates of completion as we call them,
18 escrow releases.

19 This is the third one that is before
20 Council tonight and that development agreement states that
21 if those items of work are complete to our satisfaction,
22 that they are to be released and that is why it is before
23 you tonight.

24 Did I state that pretty correctly?

25 MR. FENNINGHAM: You did.

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2 recently within a debate as to some of the things that --
3 some of the construction that is going on there that we
4 felt did not comply with the agreed to plans. I believe
5 that is the case.

6 Mr. Gray, is that true where there were
7 things that we had to -- where we had to exert ourselves
8 in the situation?

9 MR. GRAY: Yes. There are situations that
10 we have under dispute at this time that we are going
11 against 18-20 but this particular component is outside of
12 the scope.

13 MR. DOUGHERTY: Then my question to our
14 attorney is then to the extent that the Borough is
15 incurring legal costs to pursue -- to enforce if you will
16 the -- and go back to all sorts of the issues that were
17 here two or three months ago, does the Borough have any
18 ability to say that the escrow funds -- part of that is
19 the fact that we are incurring costs to enforce the
20 agreements that they had. We want to basically make sure
21 that we receive those costs back. That is an open-ended
22 question. I'm sorry it is open-ended.

23 Basically do we have any recourse to hold
24 the monies based on the fact that we are incurring costs?

25 MR. FENNINGHAM: My simple answer tonight

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2 MS. FOUNTAIN: Thank you.

3 MR. MEYER: And the work has been completed
4 to the satisfaction of the Borough Engineer?

5 MS. FOUNTAIN: Correct.

6 MR. MEYER: Thank you.

7 MR. RETTIG: So then just to cut it down to
8 brass tacks, we really don't have a choice.

9 MR. FENNINGHAM: Well the monies in escrow
10 are securities for completion of those improvements. If
11 they are completed, then there is no basis to hold that
12 portion of the security. And as a standard with a land
13 development agreement, as Michele said, that is a standard
14 release provision.

15 MR. MEYER: Therefore we do not have any
16 choice.

17 MR. FENNINGHAM: Contractually you do not
18 unless there is some argument that the items were not
19 completed according to the schedule.

20 MS. RETTIG: Given the history that we have
21 with this project, it just gives me butterflies. That is
22 all.

23 MR. DOUGHERTY: Along those lines, along
24 what Tina -- Ms. Rettig just mentioned, being that this
25 development has been before us recently -- relatively

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2 is I haven't read that land development agreement or
3 public improvement agreement. I can't answer that.

4 MR. MEYER: Can I rephrase the question to
5 pursue the same objective? Rather than deal with the
6 question of whether or not we have incurred costs, we are
7 dealing with a situation in which we have a partially
8 completed construction that does not conform to the
9 construction plans that were approved by the Borough which
10 is why we are incurring costs.

11 All right. But the fact that they have --
12 on another aspect of the construction they are not
13 conforming to their -- if you will, their land development
14 agreement at that point. Is -- does that give us a cover
15 to withholding the funds? And I think I am pursuing the
16 same question Dan is just I am from a different angle.

17 MR. FENNINGHAM: I have the same answer, I
18 don't know what the contract says.

19 MR. DOUGHERTY: So the follow-up then,
20 John, is maybe this question; is the Borough compelled to
21 act this evening to release these funds tonight or do
22 we -- is this something if after you had a chance to take
23 a look at the development agreement can you determine
24 whether or not in fact some of these funds can be withheld
25 to offset some of these costs we are incurring or is this

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2 something the contract states we have got to fire the
3 money off tonight?
4 MR. FENNINGHAM: Based on the questions and
5 my lack of knowledge of the contract, I would recommend
6 that you table this and let me review the contract.
7 PRESIDENT GERING: Okay.
8 MR. MEYER: There is no time limit on this
9 type of thing?
10 MS. FOUNTAIN: So there is a time limit
11 usually on an escrow reduction request in the development
12 agreement.
13 MR. MEYER: Okay. We don't know what it
14 is?
15 MS. FOUNTAIN: I can only speak to what it
16 typically is, not specifically for this development.
17 MR. MEYER: What is it typically and where
18 are we in that timeline?
19 MS. FOUNTAIN: It's typically around
20 60 days from the time of the request.
21 MR. MEYER: When was the request submitted?
22 MS. FOUNTAIN: About a month ago I believe.
23 MS. McHUGH: We have --
24 MS. RETTIG: We could deal with this at the
25 next meeting.

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2 MS. McHUGH: We don't know the exact date,
3 right?
4 MS. FOUNTAIN: We don't know the exact
5 date.
6 MS. McHUGH: So what if it is two days
7 after the next meeting?
8 MS. RETTIG: Can we find out what the exact
9 date is?
10 PRESIDENT GERING: So we have a motion on
11 the table to release the escrow accounts for 18-20
12 Mechanic Street. We have had discussion.
13 All in favor?
14 MS. FEDER: Aye.
15 MS. McHUGH: Aye.
16 PRESIDENT GERING: Aye. Opposed?
17 MR. MEYER: Opposed.
18 MS. RETTIG: Opposed.
19 MR. DOUGHERTY: Opposed.
20 PRESIDENT GERING: Two opposed?
21 MR. DOUGHERTY: I couldn't count, there was
22 noise down that end. I know I am opposed.
23 PRESIDENT GERING: Are you in favor or --
24 MR. DOUGHERTY: There is two down this end.
25 PRESIDENT GERING: You're opposed?

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2 MS. RETTIG: Opposed.
3 MR. DOUGHERTY: Opposed.
4 PRESIDENT GERING: Tina is opposed.
5 MS. McHUGH: I am not opposed.
6 PRESIDENT GERING: I am not opposed.
7 MR. MEYER: I am opposed.
8 MS. FEDER: Not opposed.
9 MR. MEYER: We are three/three. Guess
10 what, Larry, you get a vote.
11 MAYOR KELLER: Pay it.
12 PRESIDENT GERING: Okay. That was fun,
13 guys. All right.
14 Next can I have a motion for approval of
15 the minutes from February 7th Council Workshop and the
16 February 15th Council Meeting?
17 MS. McHUGH: I will make that motion.
18 MS. RETTIG: Second that.
19 PRESIDENT GERING: Any questions? All in
20 favor?
21 MS. FEDER: Aye.
22 MR. MEYER: Aye.
23 MS. McHUGH: Aye.
24 MR. DOUGHERTY: Aye.
25 MS. RETTIG: Aye.

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2 PRESIDENT GERING: Aye. Thank you.
3 Can I have a motion to approve the Accounts
4 Payable for March in the amount of \$297,973.20, and it is
5 broken down February 25th and March 11th payrolls,
6 \$69,795.96 and \$67,156.04.
7 MS. RETTIG: I will make that motion.
8 MR. MEYER: Second.
9 PRESIDENT GERING: All in favor?
10 MS. FEDER: Aye.
11 MR. MEYER: Aye.
12 MS. McHUGH: Aye.
13 MR. DOUGHERTY: Aye.
14 MS. RETTIG: Aye.
15 PRESIDENT GERING: Aye. Thank you.
16 All right. Committee reports. Parks and
17 Rec.
18 MS. FEDER: Sure. We had our first
19 in-person meeting in a long time. The Committee wanted to
20 thank Pam Can again for her years of service as Parks and
21 Rec Committee Chair.
22 We have new committee appointments which I
23 can tell you in a moment. So Beth Hasher is our new
24 chair. Sally Weisman and Randy Ragasto are our new garden
25 club co-chairs. Maxine Sands is our new treasurer.

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1
2 Eileen O'Neill is for publicity and we have a few
3 secretary co-chairs in Bev Okulicz, Jane Pedinoff and
4 Joanne Zuckerman.
5 We are looking into new baskets for the
6 poles on Bridge Street. There will be a discussion with
7 our facilities department on that. We are looking at
8 summer time watering again and then exploring a story time
9 event similar to one we did pre-pandemic, possibly in May
10 or June. So look forward for more information on that.
11 That is the report from Parks and Rec.
12 PRESIDENT GERING: Thank you so much.
13 Shade Tree.
14 MS.McHUGH: That is me. So I have been
15 wanting to do a Shade Tree presentation on our monitors
16 for the last four months and I keep getting pushed.
17 Tonight we are having technical difficulties. Before it
18 was because of the Owl system.
19 But anyway, Shade Tree is doing amazing
20 things. We are planning our Arbor Day celebration which
21 will be on the same day as Earth Day, which is April 22nd.
22 And we are working with a historical society this year to
23 have it so watch our Facebook page, the Borough Facebook
24 page for more information and come out and support us. It
25 is an amazing group. We do really great things and it is

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1
2 community. We have done all three steps.
3 We did find a consultant which was voted on
4 by full Council. We did have a presentation for the
5 public with lots of input and we have reached out to lease
6 holders.
7 Our fourth step was to continue with the
8 process but we got held up because of litigation because
9 of -- it went -- in any legal case our Solicitor instantly
10 limited our communications regarding the case. And while
11 we hope to settle this, in the meantime we are stuck. We
12 cannot go forward.
13 We have done press releases. We have had
14 numerous executive sessions. And again, we already had an
15 ad hoc committee so we take no action and everything we
16 have done so far has been with full Council approval.
17 MR. BALDERSTON: Can we ask any questions?
18 MS. McHUGH: Sure.
19 MR. DUFFY: Is this a military secret or
20 what?
21 MS. McHUGH: What would you like to know?
22 MR. DUFFY: Numbers.
23 MS. McHUGH: Okay. We can't give you
24 numbers until we know the size of the garage and the
25 design of the garage.

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1
2 all about the trees. So we hope to see you there.
3 PRESIDENT GERING: Thank you.
4 Laurie, Parking Facilities Committee.
5 MS. McHUGH: Okay. I have a major kick
6 ass slideshow that I cannot show so I think we should
7 table it. I do have -- you will love it, I have pictures.
8 I worked really hard on it. But we are having technical
9 difficulties again so I am going to table it until next
10 month.
11 MR. BALDERSTON: Could you explain to us
12 what it is about?
13 MS. McHUGH: Yeah, I can give you a quick
14 overview. Basically it is just recapping where we are so
15 far. So in December 2020, that is when New Hope was
16 awarded a \$1.7 million grant towards the construction of
17 the garage.
18 At that point an ad hoc committee was
19 formed to research and report back to Council what its
20 findings were. This ad hoc committee, which has no
21 authority to take action and is only tasked with
22 researching the prospect of a parking garage.
23 We had three steps to do. It was to find a
24 consultant to help us, guide us with the process, look for
25 lease holders to help pay for the project and involve the

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1
2 UNIDENTIFIED VOICE: And what determines
3 that?
4 MS. McHUGH: What determines that is how
5 many lease holders we have. We have to get through the
6 litigation first to see. That is the problem. Right now
7 we are stuck. We can't do anything.
8 There is no sense to go out and get design
9 elements because we don't know how big it will be. We are
10 just stuck. We are not keeping anything from you. We
11 don't have anything to tell you.
12 Yes, Mr. Balderson. Come on up.
13 MR. BALDERSTON: Thank you. You haven't
14 received the grant yet, have you?
15 MS. McHUGH: Do we actually have the money?
16 MR. GRAY: We do not have the funds at
17 this time in our bank account.
18 MR. BALDERSTON: Is there a time element
19 involved to receive those funds?
20 MR. GRAY: As long as we show progress that
21 we are progressing with the project we do get an extension
22 and the grant opportunity continues.
23 MR. BALDERSTON: You said you get an
24 extension?
25 MR. GRAY: That is correct.

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1 MR. BALDERSTON: Okay. Has there been any
2 consideration to put this thing to sleep? And you know
3 how I feel. I am not opposed to parking, I am opposed to
4 this parking garage which I do not feel is needed when you
5 can create the exact or more parking spaces on the
6 existing site and additional Borough land that adjoins
7 where this proposed parking lot has been suggested to
8 build.

9 I strongly suggest that the Borough put
10 this to sleep and look at our --

11 MS. McHUGH: We are still in the process.
12 We are in the process of litigation so --

13 MR. BALDERSTON: Why are we in litigation?

14 MS. McHUGH: Because of a faulty lease that
15 was signed that we inherited.

16 MR. BALDERSTON: A faulty lease?

17 MS. McHUGH: I can't --

18 PRESIDENT GERING: John, do you want to
19 respond to that?

20 MR. BALDERSTON: Is that a false lease that
21 was drawn up by a Borough Solicitor?

22 MS. McHUGH: I am not allowed to speak
23 about this. Anything about the lease you have to talk to
24 Council about or the Solicitor.
25

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1 PRESIDENT GERING: You're welcome.

2 MS. MILLER: Good evening. My name is Amy
3 Miller. I am at Riverstone Circle.

4 So a couple of questions about this parking
5 garage. Do you have a list of all of the businesses that
6 are invested and want this garage?
7

8 MS. McHUGH: Not yet. This is where our
9 hands are tied. We completed three steps. We can't go on
10 to step four yet and everything you're asking is step four
11 five, six, seven. We are stuck between three and four.

12 MS. MILLER: That should have been step
13 one.

14 MS. McHUGH: It was investigated but we
15 don't have anything written.

16 PRESIDENT GERING: Can I respond to you?
17 We have three major entities in town who in order to keep
18 their land development have to have X number of parking
19 spots and they have -- for example, the River House had to
20 tear down The Raven and use that. So if they ever want to
21 build The Raven again, they have to find parking
22 elsewhere.

23 We have the Logan Inn that is leasing
24 parking spots from St. Martin's. Again it is on a year by
25 year basis. So in order for these businesses to survive

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1 MR. BALDERSTON: I have to say one thing.
2 Of course I say many things as you know.

3 PRESIDENT GERING: Yes.

4 MR. BALDERSTON: I appreciate at least
5 enlightening us a little bit about what isn't going on
6 with the proposed parking garage. And it seems that the
7 feeling is that you want to pursue this and my advice
8 again is to stop spending Borough money on this and let's
9 look at putting this thing on grade as I have suggested to
10 the Council in the past.

11 We would be willing to have a meeting on
12 site with everyone there or a few of you and explain to
13 you on site what our proposal is. It is quite simple. It
14 is very simple and it can be --

15 PRESIDENT GERING: Why don't we make an
16 arrangement, you will have the Parking Facilities
17 Committee, there is three of us and we will meet with you
18 and you can show us what you are proposing.

19 MR. BALDERSTON: Who do I contact to set
20 that up?

21 PRESIDENT GERING: Reach out to Peter Gray
22 and he will get it organized.

23 MR. BALDERSTON: Thank you very much for
24 that consideration.
25

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1 -- if for any reason St. Martin's decides they won't give
2 them their parking and so forth, they will not lead to
3 land development. So there is a major need for the
4 parking garage.
5

6 We also had a consultant in 2018, Steve
7 Barth, who established that there was a need for parking.
8 And actually he made three recommendations for a parking
9 garage; one was the Union Square, the other one was the
10 Playhouse parking lot which is not going to be doable, and
11 the third was the parking lot here. And his -- I think
12 that is on our website, his whole report so you can go on
13 there and read what he put in there.

14 MS. MILLER: I would just think that those
15 business owners would be here and speaking to the
16 community that they really need it but I haven't heard
17 that and it doesn't seem like that is the voice of reason.

18 How much money have you spent so far on
19 this project?

20 PRESIDENT GERING: Pete?

21 MR. GRAY: So the consultant, THA,
22 approximately I want to say about \$150,000.

23 MS. MILLER: Where does that money come
24 from out of your budget, your annual budget? Where does
25 that \$150,000 --

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2 MS. McHUGH: The general fund. It is voted
3 on by full Council.

4 MS. MILLER: What will be lost because of
5 that \$150,000?

6 MS. McHUGH: I don't understand the
7 question.

8 MS. MILLER: In your general fund, what
9 will you not do because you spent \$150,000 on this?

10 MR. MEYER: Given the fact that we have a
11 budgetary surplus, I don't think that there is anything
12 that we are losing. With that 150 spent we have a
13 budgetary surplus as demonstrated by Mr. Dougherty at the
14 last meeting.

15 MS. MILLER: Okay. Just wanted to be
16 accountable --

17 MR. MEYER: It is a legitimate --

18 MS. McHUGH: We are all friends here. We
19 all just have questions.

20 MR. MEYER: It is a very, very good
21 question that you asked. I am not saying it wasn't a good
22 question. It just so happens that we are running a
23 budgetary surplus.

24 MS. MILLER: Good. So then you will repave
25 my street that is cracking and crumbling. Now that you

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2 this parking building. I see it as being -- I am sorry.

3 I don't see the -- my concern about the parking garage is
4 that we don't have anybody who says we can fund this
5 without it being a liability on the Borough.

6 And I think you have talked about the
7 stakeholders or the potential lease holders. I don't know
8 who they are and I don't know if any of them are here
9 tonight. Are any of you represent -- do we have a
10 representative here for any of those lease holders or
11 stakeholders? We don't.

12 MR. MEYER: If you want them to come, they
13 may come. But I am going to repeat right now for you,
14 Mr. Taylor, something that I have said every meeting for
15 at least six months. New Hope Borough will not build a
16 garage that will not be paid for by its leases.

17 Next question, please.

18 MR. TAYLOR: Thank you. But we have people
19 who are wanting it and they appear to be anonymous so --

20 MR. MEYER: We have already identified
21 three parties. Laurie just mentioned three parties. We
22 have the Playhouse and the --

23 MR. TAYLOR: Okay.

24 MR. MEYER: We have mentioned the River
25 House as having an interest and we have mentioned the

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2 have this wonderful surplus you can do many other things
3 of infrastructure so I am really looking forward to that.

4 Thank you.

5 PRESIDENT GERING: You're welcome.

6 Any other questions?

7 MR. BALDERSTON: Can I --

8 PRESIDENT GERING: We have to let other
9 people speak, Joe.

10 MR. TAYLOR: Joe is more entertaining.

11 MR. BALDERSTON: Thank you.

12 MR. TAYLOR: My name is Dene Taylor,
13 D-E-N-E T-A-Y-L-O-R. Just like the president. I
14 recognize -- I live on Old York Road and I need to comment
15 on the house that was broken for -- by the way, the issue
16 -- what I see with the parking is there is a need quite
17 frequently for parking. I look out on the -- what used to
18 be a site for a lot of people to have a lot of pleasure,
19 which was The Raven and now we have a leaf blower there
20 and we have the parking.

21 It is not very nice what is happening up
22 there around the neighborhood and for the town. And so I
23 really like us to have better parking capabilities through
24 the town.

25 I am neither not strongly for or against

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2 Logan as having an interest.

3 We are not going to at this stage of the
4 game be able to do anything with what we are doing with
5 regards to exactly how many spaces, how much they will
6 cost or anything akin to that. There are other parties in
7 town as well who have expressed interest.

8 MS. McHUGH: This isn't a parking garage
9 presentation. All of the questions you're asking are
10 things that will happen in the future. We can't answer
11 them right now. Again this isn't a presentation. That is
12 why nobody is here. It is not a presentation.

13 MR. TAYLOR: Can I finish?

14 MS. McHUGH: And all of Council will
15 decide.

16 MR. TAYLOR: I know. If we are proceeding
17 at this moment I get the impression that the costs that
18 are being banged around are not an issue to get funding
19 for without us -- without it being a liability on the
20 Council itself and the Borough people.

21 MS. McHUGH: There is grant money
22 available.

23 MR. TAYLOR: The best at the moment because
24 if it wasn't likely to happen then you would have taken
25 the position that -- now that is a question, if it didn't

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1 appear that we were able to get funding, this would not
 2 proceed or it would wait for the litigation.
 3
 4 MS. McHUGH: That would be up to Council.
 5 This committee -- we are at a pause right now.
 6 MR. TAYLOR: I understand that.
 7 MS. McHUGH: So as soon as we are
 8 unpaused, depending on the time, the timing and materials,
 9 everything is in flux right now. We gather all of the
 10 information and bring it to Council and say this is what
 11 we have. We open it up to public comment for design, for
 12 all of these things.
 13 What you are asking us is to give answers
 14 to questions that we don't have the answers to and it is
 15 impossible for you us to answer. You just got to give us
 16 a little time to let this settle down and work itself out.
 17 MR. TAYLOR: I work with a lot of difficult
 18 situations and we have usually not had to go this far.
 19 Thank you.
 20 PRESIDENT GERING: Thank you.
 21 MR. TAYLOR: Thank you for the opportunity
 22 and I do appreciate the resolve that Council has that it
 23 will not be a liability for the community. Thank you.
 24 PRESIDENT GERING: Thank you. Any more
 25 questions? Any announcements?

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1 MR. MEYER: We didn't finish the committee
 2 reports.
 3 PRESIDENT GERING: I am sorry. Finance
 4 Committee has no report. There is no one here from HARB
 5 so there will be no report.
 6 And do you have a Planning Commission
 7 report?
 8 MR. MEYER: I think in light of the earlier
 9 discussions you don't need a further report from the
 10 Planning Commission.
 11 I will add there are other amendments that
 12 will be coming that have been asked -- that have been
 13 directed at the Planning Commission or that we have been
 14 told we will be tasked to look at. That is simply saying
 15 so that there is a maximum amount of notice to people that
 16 there will be more amendments to the zoning and other
 17 ordinances that the Planning Commission will make
 18 recommendations to Council. Notice my language here
 19 please, recommendations to Council. The Planning
 20 Commission does not ask or promulgate in that sentence,
 21 regulations. Thank you.
 22 PRESIDENT GERING: Do we have a Manager's
 23 report?
 24 MR. GRAY: Not at this time.
 25

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1 PRESIDENT GERING: A Solicitor's report?
 2 MR. FENNINGHAM: Nothing to report unless
 3 requested.
 4 PRESIDENT GERING: Thank you.
 5 Can I have a motion to adjourn?
 6 Mr. Clapper, did I miss you again?
 7 MR. CLAPPER: I know you wouldn't want to
 8 do that. Thank you.
 9 With Dan's resignation from the Finance
 10 Committee are we -- and I see you're on the Finance
 11 Committee also.
 12 PRESIDENT GERING: Yes.
 13 MR. CLAPPER: Do you intend to continue the
 14 good work that he started?
 15 PRESIDENT GERING: We plan to continue.
 16 Dan did a wonderful job and set a model that I plan on
 17 following.
 18 MR. CLAPPER: Do you think you can improve
 19 it?
 20 PRESIDENT GERING: You give us suggestions
 21 and we will see what we can do.
 22 MR. CLAPPER: We have a man here that can
 23 help us. I was pointing to Dan.
 24 PRESIDENT GERING: Thank you. Any one
 25

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1 else?
 2 Can I have a motion to adjourn?
 3 MS. RETTIG: I will make that motion.
 4 MS. McHUGH: Second.
 5 PRESIDENT GERING: All in favor?
 6 MS. FEDER: Aye.
 7 MR. MEYER: Aye.
 8 MS. McHUGH: Aye.
 9 MR. DOUGHERTY: Aye.
 10 MS. RETTIG: Aye.
 11 PRESIDENT GERING: Aye. Thank you.
 12 Everybody be safe out there.
 13 - - -
 14 (The proceedings were concluded.)
 15 - - -
 16
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C E R T I F I C A T E

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

Karen W. Browndorf, RPR
Official Court Reporter

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