

BEFORE

NEW HOPE BOROUGH COUNCIL

In Re: Regular Meeting

- - - - -

TUESDAY, JANUARY 21, 2020

- - - - -

A public meeting was held at the Borough Municipal Building, 125 New Street, New Hope, Pennsylvania 18938, commencing at 7:00 p.m. on the day and date above set forth, before Tara Wilson, Professional Reporter and Notary Public in and for the Commonwealth of Pennsylvania.

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350 SOUTH MAIN STREET, SUITE 203
DOYLESTOWN, PENNSYLVANIA 18901

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1 BOROUGH COUNCIL:

2 Mayor Laurence D. Keller

3 Connie Gering, President

4 Dan Dougherty, Vice-President

5 Tina Leifer Rettig, President Pro Tem

6 Laurie McHugh

7 Ken Maisel

8 Peter Meyer

9 Louise Feder

10

11 EJ Lee, Borough Manager

12 David Sander, Esquire, Solicitor

13 ALSO PRESENT:

14 Tracy Tackett, Borough Zoning Officer

15 Chief Michael Cummings

16 New Hope Police Department

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3 4. Consent Agenda:

4 . Meeting Minutes: Consideration to approve
the minutes from the December 17, 2019
meeting and the Jan. 6, 2020 Re-org
meeting 25

5 . Approval of Accounts Payables: January
accounts payable in the amount of
\$92,224.20 and January 3 payroll in the
amount of \$61,526.45 25

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8 5. Council Member Reports on Committees:

9 . Parks and Recreation Board (L. Feder) 26

10 . Shade Tree Commission (L. McHugh) 26-27

11 . Finance Committee (C. Gering, D.
Dougherty, T. Rettig) 27-28

12 . Land Use and Historic Preservation (HARB
- K. Maisel; ZHB - C. Gering;
PC - P. Meyer) 28-29

13 6. Manager and Solicitor Reports --

14 7. Public Comment 29-38

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28, 2020 6

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10 . RESOLUTION: Parking Fee in Lieu Update
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15 d) 73 W. Ferry - partial demolition
and repair of foundation, rebuild
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17 f) 27 W. Mechanic - demolition and
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1 MS. GERING: I'd like to call the

2 meeting to order. If we could stand for the

3 Pledge of Allegiance.

4 (Pledge of Allegiance was recited.)

5 MS. GERING: We can do roll call.

6 MS. LEE: Vice-President Dougherty?

7 MR. DOUGHERTY: Here.

8 MS. LEE: President Pro Tem Rettig?

9 MS. RETTIG: Present.

10 MS. LEE: Councilwoman Feder?

11 MS. FEDER: Here.

12 MS. LEE: Ms. McHugh?

13 MS. McHUGH: I am here.

14 MS. LEE: Mr. Maisel?

15 MR. MAISEL: Here.

16 MS. LEE: Mr. Meyer?

17 MR. MEYER: Here.

18 MS. LEE: Mayor Keller?

19 MAYOR KELLER: Here.

20 MS. LEE: Council President Gering?

21 MS. GERING: Here.

22 MS. LEE: Also with us we have our

23 Chief of Police, our engineer, as well as our

24 zoning officer, our solicitor, our historic

25 preservationist and several members of the

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1 public.

2 MS. GERING: Thank you.

3 Mayor, your report.

4 MAYOR KELLER: Yes, very briefly. Just

5 wanted to add that and remind everyone here, tell

6 your friends that the grace period is over for

7 the educational 25 mile an hour sign on Bridge

8 Street. So if you get pulled over, it won't be a

9 warning, it will be a yellow piece of paper. So

10 try to be aware of your speed going east and west

11 on Bridge Street from York Road all the way down

12 to the traffic light.

13 That's it. Thank you.

14 MS. GERING: Thank you.

15 Council had an executive session

16 tonight to deal with personnel issues.

17 We have tabled Resolution 2020-05.

18 That will be updated at a later meeting. We also

19 have tabled a motion to -- for landlord

20 registrations and that is going to be tabled to a

21 furth -- a later meeting.

22 Next is resolution 2020-06 for land use

23 application and review fees updates. And EJ will

24 give us a report.

25 MS. LEE: Sure. Thank you. This is

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1 just an update to our fee schedule for fees

2 associated with land use; any applications,

3 professional fees. These are actually fees that

4 have not been updated in several years and this

5 is just updating to what the current fees our

6 that the borough fees to our professional

7 consultants as they have amended and updated over

8 the years.

9 The last time the fees were updated in

10 the borough was, I believe, 2000 -- 2008, so it

11 has been 11 years -- 12 years since these have

12 been updated. And again, this is just to update

13 them to the current fees as the borough pays.

14 MS. GERING: Can I have a motion for

15 approval?

16 MR. DOUGHERTY: I'll make that motion.

17 MS. GERING: Second?

18 MS. RETTIG: I'll second it.

19 MS. GERING: Any discussion from

20 council?

21 Any questions from the public?

22 All in favor?

23 COUNCIL MEMBERS: Aye.

24 MS. GERING: Thank you.

25 Next is Resolution 2020-07 and this is

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1 in reference to parking fees and allow updates

2 for off-street parking requirements.

3 EJ?

4 MS. LEE: Yes. So the borough has in

5 their zoning ordinance options to be able to

6 offset the current off-street parking for new

7 development. And currently that fee is a

8 thousand dollars per vehicle -- or per parking

9 space that a developer cannot provide as part of

10 their application. That fee is currently

11 proposed to be increased to \$5,000 for what the

12 developer would have to be pay in the event that

13 they cannot provide off-street parking.

14 MS. GERING: Can I have a motion?

15 MR. DOUGHERTY: I'll make that motion.

16 MS. GERING: Second?

17 MR. MEYER: Second.

18 MS. GERING: Thank you. Any discussion

19 or questions from council?

20 Any from the public?

21 All in favor?

22 COUNCIL MEMBERS: Aye.

23 MS. GERING: Sorry there. Come on up.

24 I didn't see your hand, I have to apologize.

25 PAMELA KERR: I'm just asking on what

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1 basis and what rationale you're making it 5,000

2 now, just so there's background.

3 MS. LEE: Right. It's actually based

4 on the current going rate of a parking spot in

5 the borough at the moment. The thousand dollars

6 is -- was completely antiquated and hadn't been

7 updated in over 10 years and the going rate for

8 an estimate of what a parking spot should cost,

9 is currently proposed at \$5,000.

10 As had shared with the rest of council,

11 these are ongoing amendments to the fee schedule

12 as the borough is reviewing other applications

13 and other processes to make sure that the fees

14 that we charge to our applicants are in line with

15 the going rate of what other municipalities and

16 other organizations charge for such fees.

17 MS. GERING: Thank you.

18 Also motion for approval with the

19 project on Bridge Street, that has also been

20 tabled. That will be discussed at our workshop.

21 Next we have certificate of

22 appropriateness, 102D South Main Street for two

23 windows.

24 MS. LEE: This is for 102D South Main.

25 I am not sure if the applicant is here for this,

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1 but this is for two window signs as proposed.
 2 And they have received the zoning, they are in
 3 compliance with zoning and this was reviewed by
 4 the HARB and the HARB has given their
 5 recommendation for approval of a C of A.
 6 MS. GERING: Can I have a motion for
 7 approval?
 8 MR. MEYER: So moved.
 9 MS. McHUGH: I'll second.
 10 MS. GERING: Any discussion from
 11 council?
 12 Any from the public?
 13 All in favor?
 14 COUNCIL MEMBERS: Aye.
 15 MS. GERING: Next we have 91 West Ferry
 16 Street for an installation of a new fireplace,
 17 requiring new external chimney and modification
 18 of the facade of structure and new replacement
 19 windows.
 20 MS. LEE: I believe the applicant is
 21 here to answer any questions regarding this one,
 22 maybe not. This you can see in the -- on the
 23 screen what the current site looks like and what
 24 the proposed site is. They're adding a chimney
 25 here that will change the window facade here and

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1 Next we have 25 Chestnut Street,
 2 proposed shed dormer addition to the second floor
 3 to replace a gable end window, create new
 4 mudroom, enclosure of existing covered porch,
 5 installation of wood burning stove, requiring
 6 flue installation on front of gable roof.
 7 MS. LEE: Again, as presented on this
 8 screen, these are all the proposed changes to the
 9 existing property with the dormer and the
 10 addition down here, and the chimney for the --
 11 for the fireplace inside. Again, this was
 12 reviewed by the HARB and received a favorable
 13 recommendation for council to issue a certificate
 14 of appropriateness. I believe the applicant is
 15 here to answer any questions.
 16 MS. GERING: Can I have a motion to
 17 approval.
 18 MS. FEDER: I'll make that motion.
 19 MS. GERING: Second?
 20 MS. McHUGH: Second.
 21 MS. GERING: Thank you. Any questions
 22 from council?
 23 Any from the public?
 24 All in favor?
 25 COUNCIL MEMBERS: Aye.

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1 that is -- I believe that's all they presented in
 2 their application. This was also reviewed by
 3 HARB at their last meeting and received
 4 recommendation from HARB for approval. The
 5 zoning officer has also reviewed this for
 6 compliance, for which they are compliant.
 7 MS. GERING: Can I have a motion for
 8 approval?
 9 MR. MEYER: So moved.
 10 MS. GERING: Second?
 11 MR. MAISEL: Second.
 12 MS. GERING: Any discussion from
 13 council?
 14 Any questions from the public?
 15 All in favor?
 16 MR. MAISEL: Aye.
 17 MS. McHUGH: Aye.
 18 MS. FEDER: Aye.
 19 MS. GERING: Aye.
 20 MR. MEYER: Aye.
 21 MS. RETTIG: Aye.
 22 MR. DOUGHERTY: Just one recusal. I --
 23 this is same property as before, so I live across
 24 the street, so one recusal.
 25 MS. GERING: Thank you.

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1 MS. GERING: Next we have 73 West Ferry
 2 Street for partial demolition and repair of
 3 foundation and to rebuild the garage.
 4 MS. LEE: I'm pulling that up right
 5 now. So as shown here, this is the garage that
 6 they're proposing to demolish and rebuild. It's
 7 an in-kind replacement, I believe the material is
 8 different, but the outlook is the same as to what
 9 it currently is. This also was reviewed at the
 10 last HARB meeting and received favorable
 11 recommendation for approval of the C of A. The
 12 applicant is also here to answer any questions.
 13 MS. GERING: Can I have a motion for
 14 approval?
 15 MS. LEE: You can see the
 16 dilapidated --
 17 MR. DOUGHERTY: I'll make that motion.
 18 MS. GERING: And second?
 19 MR. MEYER: Second.
 20 MS. GERING: Any questions from
 21 council?
 22 Any from the public?
 23 All in favor?
 24 COUNCIL MEMBERS: Aye.
 25 MS. GERING: Next we have 328 South

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1 Main Street, installation of generator on a
 2 rooftop.
 3 MS. LEE: So I pulled up the rendering.
 4 This also was reviewed at the last HARB meeting,
 5 received favorable recommendation with the
 6 modified changes as it currently shows here. The
 7 rendering, exactly what it is shown on the
 8 rendering, the generator will sit behind this
 9 fence to block it from public right-of-way view.
 10 And, yeah, this also received zoning review and
 11 is compliant. I believe the applicant is -- I
 12 guess he's not here, yeah.
 13 MS. GERING: Thank you.
 14 Can I have a motion for approval?
 15 MR. MAISEL: I'll make that motion.
 16 MS. GERING: Second?
 17 MR. DOUGHERTY: Second.
 18 JAY FREEO: Let me ask a question, is
 19 it --
 20 MR. SANDER: Hold -- hold on -- hold
 21 on, sir. They need to make a motion and have a
 22 second, sir --
 23 JAY FREEO: Oh, okay.
 24 MR. SANDER: -- before you're recognized
 25 by the president.

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1 MS. LEE: A little bit, yeah. It's
 2 closer to the border, closer to the edge. Yeah,
 3 it's not too close to any residential.
 4 JAY FREEO: I see. And what's size of
 5 this generator? Does anybody know?
 6 MS. LEE: I believe we do have that
 7 information.
 8 MR. MAISEL: It's big.
 9 MAYOR KELLER: It's north of
 10 Waterworks.
 11 MR. MAISEL: I think it's a hundred
 12 twenty-five watts.
 13 MS. LEE: It is 58 inches in height.
 14 JAY FREEO: I'm taking about the KW,
 15 the generator power.
 16 MR. MAISEL: I think it's like 120,000,
 17 I think.
 18 JAY FREEO: A hundred and twenty
 19 thousand.
 20 MS. LEE: You know what, our applicant
 21 just walked in. He might be able to answer your
 22 questions.
 23 JAY FREEO: Oh, okay.
 24 MR. MEYER: Perfect timing.
 25 MS. LEE: He had a question about the

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1 MS. GERING: Thank you.
 2 MR. DOUGHERTY: I think I seconded it
 3 or at least somebody seconded.
 4 MS. GERING: I believe we have your
 5 second.
 6 MR. DOUGHERTY: I second it.
 7 MS. GERING: All right. Any questions
 8 or discussion from council?
 9 From the public? Sir, come identify
 10 yourself.
 11 JAY FREEO: Thank you. Very sorry to
 12 jump in, inappropriate. Jay Freeo, 186 South
 13 Main Street. I was just -- I don't know where
 14 this property is and I was just curious because
 15 generators tend to -- to make a lot of noise. So
 16 I was just curious if anybody looked into the
 17 decibel rating or anything like that with respect
 18 to this generator.
 19 MS. LEE: Well, the property is 328
 20 South Main, which is at the other end of town
 21 past -- past Waterworks, past Water -- what's the
 22 other -- Waterview. It is the old Union Mills
 23 building, if you're familiar with that.
 24 JAY FREEO: So it's well outside of
 25 town?

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1 generator, the size and its capacity, I guess.
 2 MS. McHUGH: And the noise.
 3 MS. LEE: The noise.
 4 TRAVIS HUTCHINSON: Sure. So the
 5 generator is 58 inches in height, 32 inches.
 6 It's covered by the existing parapet wall. We're
 7 proposing to add an additional 38 inches for the
 8 screen, which is highlighted in the rendering.
 9 And you can see this screen with the cross hatch
 10 section here, this is actually a real scale
 11 photograph of the generator. So what I did was I
 12 took it and I simulated the height of the
 13 generator when I took this picture. So you can
 14 see this completely covers the general from both
 15 visually and it will do a lot for audible
 16 reduction as well.
 17 The generator itself is contained
 18 within an aluminum cabinet, so that equally helps
 19 reduce the audible -- the audible sound when its
 20 run.
 21 MR. MAISEL: How many watts was it?
 22 The question was how many watts was it,
 23 kilowatts.
 24 TRAVIS HUTCHINSON: About seventy-five
 25 kilowatts.

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1 MR. MAISEL: Seventy-five thousand is
 2 it?
 3 TRAVIS HUTCHINSON: Seventy-five
 4 thousand, correct.
 5 MR. MAISEL: And this will only be
 6 operating when there's a power shortage, is that
 7 --
 8 TRAVIS HUTCHINSON: Yeah, only for
 9 emergency power, correct?
 10 MR. MAISEL: Does that help you back
 11 there?
 12 JAY FREEO: It does, but we live in
 13 town and I don't -- the power outage in town is
 14 usually a very short duration and therefore, it's
 15 not really an issue. But because you're further
 16 south, does that put you -- I don't know. Are
 17 you off the grid, on the same grid as town?
 18 TRAVIS HUTCHINSON: You know, I'm not
 19 sure about that. I know it's a little bit more
 20 susceptible to the poles and the airy wires being
 21 struck by falling trees and limbs on the other
 22 side of -- of Main Street. Some of the -- the
 23 more recent storms we had, I was witnessing that
 24 as we were doing the renovation on this building.
 25 And, you know, it's just -- everything's kind of

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1 you that my experience, again, just in the -- in
 2 the last year -- and year and few months that
 3 I've been involved with this project, there's not
 4 been any extended outages with the exception of
 5 that one really bad storm that we had.
 6 Everything else has been shorter, intermittent
 7 and honestly, it hasn't been that frequent.
 8 JAY FREEO: Okay.
 9 MS. GERING: All right. Thank you.
 10 JAY FREEO: Thank you.
 11 MAYOR KELLER: I have a question.
 12 Question here, you're not planning to utilize
 13 that for the upcoming new structure that's just
 14 going to be north of there? You won't be using
 15 any power from that generator to -- as an
 16 auxiliary on the other building or you -- is that
 17 something you're considering.
 18 TRAVIS HUTCHINSON: There was
 19 discussion with that, obviously, there's -- we
 20 would need to make sure that your building code
 21 official would be okay with that. But honestly,
 22 the main -- the main purpose for this generator
 23 is, the electronic systems that's kind of
 24 integrated into the hotel. That's -- a lot of
 25 their servers and I guess important electronics

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1 hanging over the wires there, so it definitely
 2 makes the outages a little bit more susceptible.
 3 But how far as how the grid feeds, I'm not
 4 exactly sure.
 5 JAY FREEO: I'm sorry. I don't know
 6 this building, is this a residential building,
 7 commercial?
 8 TRAVIS HUTCHINSON: It was formerly
 9 George Michaels' office. It's just north of the
 10 Waterworks and it's just south of the building
 11 that we -- that's being constructed.
 12 JAY FREEO: Do you happen to know the
 13 decibel rating of the generator. Seventy is the
 14 -- is the criteria by which it's considered to be
 15 a public nuisance, you know, just general terms.
 16 So I'm just curious.
 17 TRAVIS HUTCHINSON: I don't have the
 18 decibel rating on it, but it's certainly
 19 something -- I can give you my card and --
 20 JAY FREEO: I'm just only asking
 21 because if it's, you know, a couple hours here
 22 and there, it's, you know, whatever. But if this
 23 thing's on for days on end, you know -- that's
 24 why I asked if you were on the grid as town.
 25 TRAVIS HUTCHINSON: Right. I can tell

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1 are going to be located in this server room,
 2 which then would tie back to the hotel. So
 3 that's -- that's the real importance for this --
 4 for this generator, as well as being able to keep
 5 the administrative staff operational in any
 6 extended power outage so that they can make sure
 7 that hotel guests are not inconvenienced.
 8 MS. GERING: Any other questions?
 9 All in favor?
 10 COUNCIL MEMBERS: Aye.
 11 MS. GERING: Opposed?
 12 Thank you.
 13 TRAVIS HUTCHINSON: Thank you.
 14 MS. GERING: Next is 27 West Mechanic
 15 Street, and is for demolition, construction of a
 16 new single family house. We need a motion to
 17 issue a C of A to 27 Mechanic Street with a
 18 condition that all zoning hearing board
 19 conditions are met prior to issuing of a building
 20 permit.
 21 MS. LEE: I believe our applicant is
 22 here to answer any questions. This was reviewed
 23 several times by council at two previous
 24 workshops, as well as by the HARB, the last HARB
 25 meeting in early January. You can see that the

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1 rendering presented as today is different from
 2 the rendering that was presented to council back
 3 in November as the windows, the height, as well
 4 as the exterior color have all the been modified.
 5 Since then, there were various reviews by both
 6 the preservationist, as well as the borough.
 7 If the applicant would like, I'll just
 8 give a quick brief. This is the site on West
 9 Mechanic, the canal is right here. For those who
 10 are not familiar, Nina's Waffles, the ice cream
 11 shop is directly to the left of the building
 12 along the canal, the bridge directly to the right
 13 of the building.
 14 MS. RETTIG: If you're looking at
 15 Bridge Street.
 16 MS. LEE: Yes. When looking at it,
 17 yes.
 18 Ms. McHUGH: Depends on where you're
 19 sitting.
 20 MS. LEE: Right.
 21 MS. RETTIG: If you're in the building
 22 looking out.
 23 MS. LEE: Sorry. When looking at the
 24 building, yes. Right so you can see this is the
 25 proposed structure, this is the ice cream shop

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1 MS. TACKETT: I think they're showing
 2 the underneath portion of it.
 3 MS. LEE: Yeah, if the applicants want
 4 to come up and answer any questions.
 5 MS. GERING: So that's the bridge and
 6 can you pull up the front again?
 7 An any questions from council?
 8 Any questions from the public?
 9 All in favor?
 10 MS. FEDER: Aye.
 11 MR. MAISEL: Aye.
 12 MS. McHUGH: Aye.
 13 MR. DOUGHERTY: Aye.
 14 MS. RETTIG: Aye.
 15 MR. MEYER: Aye.
 16 MS. GERING: I oppose.
 17 MR. SANDER: Six-one.
 18 MS. LEE: So sorry, can I just get --
 19 six in favor and one --
 20 MS. GERING: One opposed.
 21 MS. LEE: -- one opposed. Thank you.
 22 MS. GERING: I still your project is
 23 oversized for the lot and that's why I'm opposing
 24 it.
 25 MS. LEE: All right.

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1 and there's the Bridge Street, the other side.
 2 This is what the building will look like compared
 3 to the other buildings already there in existence
 4 and then what the rendering would look like with
 5 landscaping and this is the view from the canal.
 6 MS. GERING: Can I have a motion for
 7 approval?
 8 MR. MAISEL: I'll make that motion.
 9 MS. GERING: Second?
 10 MR. MEYER: Second.
 11 MS. GERING: All right. Discussion
 12 from council?
 13 I have a question. I see your parking
 14 garage you're showing back there, is that what
 15 that -- right there. Is that the parking garage
 16 across the back?
 17 MS. LEE: I believe the parking is
 18 right here.
 19 MS. GERING: If you can go to the -- if
 20 you can go -- what is that right there?
 21 MS. TACKETT: I think that's the
 22 underneath of the bridge that's crossing the
 23 canal.
 24 MS. GERING: That's the bridge that
 25 you're showing there?

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1 MS. GERING: Good luck.
 2 All right. Next is consent agenda. We
 3 have approval of the minutes from December 17th,
 4 2019 and the minutes from January 6th, 2020 from
 5 the reorganization meeting.
 6 Can I have a motion for approval?
 7 MR. MEYER: So moved.
 8 MS. GERING: Second.
 9 MS. McHUGH: I'll second.
 10 MS. GERING: Any questions from
 11 council?
 12 All in favor?
 13 COUNCIL MEMBERS: Aye.
 14 MS. GERING: Thank you.
 15 Approval of payable accounts. So we
 16 have January accounts payable in amount of
 17 \$92,224.20 and the January 3rd payroll in the
 18 amount of \$61,526.45.
 19 Can I have a motion for approval?
 20 MS. McHUGH: I'll make that motion.
 21 MS. GERING: Second?
 22 MR. MEYER: Second.
 23 MS. GERING: All in favor?
 24 COUNCIL MEMBERS: Aye.
 25 MS. GERING: Can we have a report from

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1 Park and Rec, Louisa.
 2 MS. FEDER: It's Louise, but --
 3 MS. GERING: I'm sorry. Louise.
 4 MS. FEDER: No, it's okay. It's so
 5 easy to do.
 6 MS. McHUGH: It's Louisa now.
 7 MS. FEDER: So we haven't had a meeting
 8 for January yet, but the acapella concert is on,
 9 Saturday, at 7:30, so the Parks and Rec group is
 10 working really hard on that. And we hope you can
 11 join us.
 12 MS. GERING: Okay. Park and -- oh,
 13 Shade Tree.
 14 MS. McHUGH: That would be me. We did
 15 have a meeting, but I don't have anything to
 16 update; but I do have something for junior
 17 council. Junior Council meets at the high school
 18 every other week. We're finding -- and everybody
 19 has to realize that this is a new program, so
 20 we're trying to figure it out as we go along to
 21 see what best works with the kids. So it's a
 22 trial and error period.
 23 So we're finding that meeting at lunch
 24 at the high school is very productive for us, we
 25 get a lot done. The kids will be meeting,

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1 one, but it might end up being the April one,
 2 we're going to begin a quarterly report on the
 3 status of the budget out to the public so we can
 4 actually go through and spend probably 20 minutes
 5 or so hopefully, you know, some level of time, in
 6 detail going through the finances of the budget
 7 and how we're performing against the budget and
 8 any outlying issues or changes about things that
 9 we have to address during those things.
 10 So stay tuned you will get -- those who
 11 can attend the workshop session, hopefully
 12 there'll be more information shared at those
 13 sessions.
 14 MS. GERING: Thank you.
 15 HARB, Ken?
 16 MR. MAISEL: HARB Board resumed
 17 operations effective this month. We had our
 18 first meeting and we had all the new appointments
 19 and they did a great job getting through a lot of
 20 difficult applications. And in conjunction with
 21 Bob Wise our preservationist, who's going to work
 22 with the new HARB Board for the next seven
 23 months, at least. So that they can get their
 24 feet on the ground and understand better how to
 25 approach some of the issues. And I'm very

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1 they're going to be canvassing the downtown in
 2 the end of January to talk with shop owners and
 3 to do an outreach program about single use
 4 plastics and banning them. It seems that there's
 5 a lot of vendors in stores that are doing it
 6 voluntarily now, such as McCaffrey's and Nina's
 7 and a couple places downtown. So they're going
 8 to go down and talk to everybody and get a handle
 9 on that.
 10 They are also meeting with Tom from
 11 public works to set up a water bottle station at
 12 the visitors center. They have been working with
 13 the Nature Wildlife Federation to secure us a
 14 certification in Natural Wildlife Habitat, so
 15 that's an ongoing process and that's where we
 16 stand with them.
 17 MS. GERING: Thank you.
 18 Finance Committee, Dan, any report?
 19 MR. DOUGHERTY: Just a quick update.
 20 We had received, I think a month or so ago, from
 21 some folks who wanted to have some more
 22 information about sort of the inner workings of
 23 some of the finances of the borough, et cetera,
 24 in more detail. In that regard what we're going
 25 to do is at a workshop, be probably the March

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1 optimistic that we're gonna have a very active
 2 and vibrant board. And come out some time, it
 3 was a nice three and a half hour meeting last
 4 time, so you can come out and enjoy.
 5 MS. GERING: Thank you, Ken.
 6 I report for zoning. We had the Carvel
 7 Ice Cream and Aunt Annie's Pretzels they were
 8 looking to open up on Bridge Street, that was
 9 turned down. So that was the latest news.
 10 Planning Commission, Peter.
 11 MR. MEYER: We did not have a meeting in
 12 January. I've got no updates.
 13 MS. GERING: Thank you. Do we have a
 14 manager's report?
 15 MS. LEE: Nothing new to report at this
 16 time.
 17 MS. GERING: Solicitor's?
 18 MR. SANDER: Nothing this evening,
 19 Madam President.
 20 MS. GERING: Thank you.
 21 Any public comment?
 22 Yes, Stan.
 23 STAN: I think this is --
 24 MS. GERING: I didn't -- you have to --
 25 STAN MARCUS: I don't think this is

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1 working, can I --

2 MS. GERING: Go ahead, sure. Just make

3 sure you identify yourself and your address,

4 please.

5 STAN MARCUS: Certainly. My name is

6 Stan Marcus. I'm a Solebury resident living at 2

7 Devonshire Drive, New Hope. I'm a taxpayer in

8 New Hope-Solebury School District and the former

9 school director for the New Hope-Solebury School

10 district. I want to discuss the recent school

11 revitalization project.

12 Several years ago at the start of the

13 \$28 million revitalization project by the New

14 Hope-Solebury School District, the district

15 applied to the New Hope Borough for the issuance

16 of permits. The New Hope Borough charged the

17 district some \$270,000, that's only one percent

18 of the project cost for licenses and inspection.

19 The fees appeared excessive and because the

20 project was undertaken by a school district, and

21 not a commercial enterprise, a discount was

22 suggested; this idea was rejected.

23 The revitalization project went on some

24 three and a half years and the district asked the

25 borough for an account and any costs associated

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1 addressed the reasonableness of what

2 municipalities building permit fees in Skepton

3 versus Borough of Wilson, 755 A.2d 1267,

4 Pennsylvania 2000. In that case, a group of

5 contractors hired to build a new high school,

6 challenged the building permit fees that were a

7 percentage of each contractor's bid or contract

8 price. Attempted to justify the fees, the

9 municipality argued that the fees were necessary

10 to offset the cost of regulating, inspecting,

11 enforcing, administrating oversight of control in

12 the construction project.

13 However, the municipalities documented

14 costs overseeing the construction project,

15 totaled only a small fraction of the fees imposed

16 emphasizing that the building permit fees were

17 grossly disproportioned any costs incurred by the

18 municipality that were proposed primarily for the

19 purpose of raising revenue. The trial court

20 ordered the municipality to fully refund the

21 fees.

22 The law in Pennsylvania is clear, these

23 permitting and inspection fees must be reasonable

24 and commensurate with the costs of the service

25 performed by the municipality. They cannot use

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1 with the licenses and inspections. That

2 accounting was never delivered. A Right-to-know

3 request was filed asking for the total hours that

4 New Hope inspectors were on site at the project;

5 90 hours. The response from New Hope Borough was

6 that there was a total of 90 hours of inspection.

7 And there's no way that 90 hours of inspection

8 time plus associated administrative costs can

9 come anywhere close to \$270,000. Simply stated,

10 the New Hope Borough extorted \$270,000 from the

11 school district, spent a few bucks for

12 inspections and added a bag of money to their

13 general fund.

14 Let's look at the numbers. An

15 outrageous \$300 per hour for inspection, the cost

16 for 90 hours of inspection would hit your

17 \$27,000. If we double that, the current

18 administrative cost, the total is 54,000.

19 Leaving a tidy \$216,000 profit to the borough.

20 At \$200 an hour for inspections and assuming

21 \$7,000 in administrative costs, the other amount

22 that the borough has bled from the school

23 district taxpayers is about a quarter million

24 dollars.

25 The Supreme Court of the Pennsylvania

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1 it as a revenue source. Unfortunately, another

2 set of rules states, that a verified claim for a

3 refund of taxes or license fees which a literal

4 subdivision is not legally titled, must be made

5 within three years of the payment. The

6 revitalization project ran more than three years

7 and the never borough never provided an

8 accounting as requested. So the district could

9 not know the cost within the defined three-year

10 term.

11 The end result is that because the

12 district did not file a protest or lawsuit in

13 time, the New Hope Borough has pocketed almost a

14 quarter million dollars, which it's entitled.

15 Has pocketed almost a quarter million dollars

16 taken from local taxpayers. The effect that New

17 Hope Borough is (indiscernible) to the school

18 district is to increase taxes in New Hope and

19 Solebury residents so that you all pay taxes to

20 the school district. In fact -- in fact a one

21 percent increase in the school tax generates

22 about \$300,000 in revenue to the school district.

23 So the \$250,000 pocketed by the borough in excess

24 of the actual cost of inspection, represents

25 close to a one percent school tax increase.

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1 In December, the school district
 2 contacted the borough to request a fund. I do
 3 not know the outcome, but I believe that
 4 community outrage will go a long way towards
 5 persuading the borough council to return the
 6 money. This is an expression of that outrage and
 7 I ask the community to join me in voicing the
 8 simple demand, return the money.
 9 MS. GERING: Thank you for your report,
 10 Stan.
 11 Any other public comments? With that,
 12 can I have a motion to --
 13 Oh, I'm sorry Mr. Duffy.
 14 ED DUFFY: Ed Duffy, New Hope, 23
 15 Arden. I just wanted to thank Dan for putting
 16 that together for the financial situation. So am
 17 I clear that the public can attend that work
 18 session?
 19 MR. DOUGHERTY: Oh, absolutely and the
 20 materials --
 21 ED DUFFY: That's a good action, Dan.
 22 MR. DOUGHERTY: And the materials,
 23 we'll have cop -- we should even actually
 24 (inaudible), but the materials handed out, we'll
 25 make enough copies for people to actually have

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1 with the next person. You understand what I'm
 2 saying? Because you guys said --
 3 MS. GERING: That was --
 4 ED DUFFY: You were upset -- you were
 5 upset with the architect that was here because he
 6 misrepresented --
 7 MS. GERING: That was --
 8 ED DUFFY: -- the situation.
 9 MS. GERING: That was with the Mansion
 10 Inn that we requested that because we --
 11 ED DUFFY: That should be standard with
 12 everything.
 13 MS. GERING: Correct.
 14 ED DUFFY: Okay.
 15 MS. GERING: Yes.
 16 MR. MEYER: You also --
 17 ED DUFFY: All right. Thank you.
 18 MS. GERING: Any other public comments?
 19 Yes, Frank.
 20 FRANK DELUCA: Frank DeLuca, I was just
 21 curious --
 22 MR. SANDER: Come on down.
 23 MS. GERING: Up here and identify
 24 yourself, Frank.
 25 FRANK DELUCA: Just curious where was

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1 and look at and all that good stuff. And they'll
 2 be minutes and all that stuff. So we appreciate,
 3 truly appreciate your comment that you had made.
 4 ED DUFFY: Probably the only one here.
 5 MR. DOUGHERTY: Thank you.
 6 MS. GERING: Thank you.
 7 ED DUFFY: Just one other comment. We
 8 just had an example of when we were looking at
 9 the -- some construction going on, on Mechanic
 10 Street.
 11 MS. GERING: Correct.
 12 ED DUFFY: And again, we're dealing
 13 with blocks that you can manufacture on your
 14 computer. I thought we had at one of the last --
 15 I don't know which meeting it was, but you guys
 16 had decided that what you wanted is real
 17 photographs of the area when you're trying to
 18 look at what the building actually looks like,
 19 the height and so forth rather than just diagram
 20 because diagrams could be anything, that's what
 21 make of them.
 22 So I saw this one, we saw a diagrams
 23 showing the different levels and stuff without
 24 actually showing the -- the actual structures and
 25 buildings. So maybe we'll do it the next time

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1 the --
 2 MS. GERING: Mic --
 3 MR. MEYER: Get to the mic, so we can
 4 here you.
 5 MS. GERING: -- identify yourself in
 6 the microphone, please.
 7 FRANK DELUCA: I didn't bring my cane.
 8 I just to know where the --
 9 MS. GERING: Hold on. This is Mr.
 10 Frank Deluca.
 11 And your address?
 12 FRANK DELUCA: 120 Old York Road.
 13 MS. GERING: Thank you. I'm sorry. Go
 14 ahead.
 15 FRANK DELUCA: I just wanted to know
 16 where was the proposed Carvel Ice Cream and
 17 the Aunt Annie's Pretzels?
 18 MS. GERING: It was going on Bridge
 19 Street where the bag lady store was and it was
 20 turned down. Next to Dunkin' Donuts, that's
 21 where it was going to be proposed.
 22 FRANK DELUCA: Thank you.
 23 MS. GERING: Any other public comments?
 24 Ed, this is last one.
 25 ED DUFFY: Yeah, that's okay. You got

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1 time, don't you? Just wanted to say there was a
2 happy ending to that denial of the ice cream
3 place and the cookie place. Couple things came
4 up and there's gonna be great haberdashery in the
5 future in that location.

6 MS. GERING: Thank you. All right.
7 Can we have a motion for adjournment?
8 MR. DOUGHERTY: I'll make that motion.
9 MS. GERING: Second?
10 MR. MEYER: Second.
11 MS. GERING: All in favor?
12 COUNCIL MEMBERS: Aye.
13 MS. GERING: Have a good evening,
14 everybody.
15 (Meeting concluded at 7:36 p.m.)
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4 **CERTIFICATE**
5
6
7
8 I hereby certify that the proceedings
9 and evidence are contained fully and accurately,
10 to the best of my ability, in the notes taken by
11 me at the meeting in the above matter; and that
12 the foregoing is a true and correct transcript of
13 the same.
14
15
16

17 **TARA WILSON, C.R.**
18
19
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