

New Hope Borough

March 16, 2021

Council Meeting Minutes

Via Zoom

Council President Gering called the meeting to order at 7:00 PM.

Present: Council Members, Connie Gering, Dan Dougherty, Tina Rettig, Laurie McHugh, Ken Maisel, Louise Feder, Peter Meyer. Also present were Mayor Keller, Solicitor David Truelove, Engineer Michelle Fountain, Zoning Officer Tracy Tackett, Chief Cummings, and Borough Manager Peter Gray.

Ms. Gering – It is 7 o'clock, so I'd like to call the meeting to order and, Pete, if you can take roll, please.

Ms. Gering - Thank you, everybody. First on the agenda is the Mayor's report. Larry, if you could start.

Mayor Keller – Sure. I had one item on the agenda, but it's been retracted from another firehouse requesting some of our members to assist them, but they're ok. Therefore, they've retracted their request and I don't have anything to report tonight, Connie.

Ms. Gering – Alright, thank you so much, Larry.

Certificate of Appropriateness for Borough's Bridge Street project - fencing

Ms. Gering – Next on the agenda is a Certificate of Appropriateness for the Borough Bridge Street Project. This is the project that we've been dealing with for quite a while now, and it is for approval after going to HARB for a fence. You've received three designs to view, so can I have a motion for approval. Mr. Maisel – I'll make that motion. Ms. Gering – Thank you. Second? Ms. Rettig – I'll second it. Ms. Gering – Thank you. Discussion from Council? We have three choices. We have one, two and three that we have to pick from. Ms. Feder – I will just say that I don't have the strongest opinion, but I did take a look at Lenape Park, just to see what our other fences look like. We do have two types of fences there. We have the ones that have the circle at the top and then the one that are just plain rectangles, so I think it may make sense just to match one of those two types and I'm slightly more partial to the circle, but can be convinced otherwise, because I think they're all pretty good options. Ms. Gering – I'm right there with you, Louise. Go ahead, Tina. Ms. Rettig – I was going to say, I'm right there with you. I had also noticed that Lenape park had the circles. That's my personal preference. I don't have a strong opinion either way, but I like the fact that it already matches what we have in the Borough, right there. Mr. Dougherty – I am in strong agreement. Mr. Maisel – I am, as well. Ms. Gering – Thank you. Mr. Meyer – It is probably unanimous. Ms. Gering – Alright, is there any comments from the Public, before we proceed, Pete? Mr. Truelove – And for the record, would that be choice number one, the one with the circles at the top? I think it was. Ms. Gering – Yes, that is. Mr. Dougherty – Good question, Dave. Mr. Truelove – Just wanted to make sure. Mr. Gray – No hands are raised. Ms. Gering – Thank you. All in favor? ALL – Aye Ms. Gering – Thank you, everybody.

Certificate of Appropriateness for 330 South River Road – replace windows and doors

Ms. Gering – Next on the agenda is Certificate of Appropriateness for 330 South River Road to replace windows and doors. Can I have a motion for approval? Mr. Meyer – So moved. Ms. Rettig – I'll second it. Ms. Gering – Thank you. Any questions from Council? Any from the Public? Mr. Gray – No hands are raised. Ms. Gering – Thank you. All in favor? ALL – Aye Ms. Gering – Thank you. Motion passes.

Certificate of Appropriateness for 274 South River Road – installation of 2 barrier gates

Ms. Gering – Next on the agenda is Certificate of Appropriateness for 274 South River Road. Installation of a barrier gate. This is for the Riverhouse and this has to do with the entrance for their parking going in and out to be more secure. Can I have a motion for approval? Mr. Dougherty/ Ms. Rettig – I'll make that motion. Ms. Gering – Thank you. Dan was first, Tina is second. Thank you. Any questions from Council? Any from the Public? Mr. Gray – No hands are raised. Ms. Gering – Thank you. All in favor? ALL – Aye Ms. Gering – Thank you. Motion passes.

ZHB Application – 49 West Mechanic Street – parking, driveway, impervious variances

Ms. Gering – Next on the agenda is a Zoning Hearing Board application for 49 West Mechanic Street for a parking driveway. Can I have a motion.....Well, I guess we have to have the applicants to hear this. Well hello, Ms. Kristin – Good Evening! Nice to see you all! Ms. Gering – Nice to see you! Hi! Pete, is anyone here for the applicant? Mr. Gray – Yes. Mr. Aspite is here and, Mr. Aspite if you could unmute yourself. Mr. Aspite – Ok. Can you hear me? Mr. Gray – Yes. Mr. Aspite – Hi, how are you. Nice to see you. Ms. Gering – Are you presenting your own case, here? Mr. Aspite – Yes. Yes, our architect, Joel Petty is on somewhere in the Zoom stratosphere, but for any technical information. Ms. Gering – Alright, do you want to proceed? Mr. Aspite – Sure. So, basically we sent to Tracy in our application a couple options that we were hoping to get feedback from Council which way you'd like us to proceed. One was going via through the alleyway that is connected to us that the Borough our Council and our engineer deemed that it is a shared alley. Basically it's not owned by anyone. But our neighbor seems to be adamant that they own that piece, that alley that they're using, which we really don't want to have any arguments with our neighbor. We're not trying to have any kind of hardships whatsoever, so we're thinking the other option was that we pull straight in from Mechanic St, up to the side of the house, where Joel has turned in that second option, which we feel would be, probably, the best option to get two parking spots and not be on the Borough side of the house for that driveway. Ms. Gering – Do you have any drawings to show Council what this is going to look like? Mr. Aspite – Yes. I believe Tracy has things on our application. Ms. Tackett – Pete, do you have them in the packet, there? Mr. Gray – I do. I'll pull them up. Bear with me for one second. Mr. Aspite – So, basically we would be pulling straight in, kind of alongside of the alley that is currently there, straight up to the side of our house. Mr. Meyer – Peter, I think it's page six and nine, if that helps. Mr. Gray – Yes, I'm just having some trouble pulling up that screen. Tracy, do you have that document? Ms. Tackett – I think I can probably share it, here. Let me scroll down to it. I do. Let me see if I can share my screen. Can you use that. Ms. Gering – Yes. Thank you. Mr. Aspite – Thank you. Ms. Rettig – So, it looks like you are proposing to put the driveway, facing the house, to the right of it. If what I'm seeing is correct. So it looks like the entrance to the Borough property, our driveway is that big black stripe to the left, is that correct? Mr. Aspite – That is correct. Ms. Rettig – And then you're proposing to do that smaller driveway to the right hand side of your house. And then I see a little island of grass and some fencing. Mr. Aspite – Correct. That is correct. Ms. Rettig – So what's there, now. There's just nothing. Mr. Aspite – That's correct. It's just dirt. Some of it is the old foundation. The one further to the right is the alleyway that our neighbors use. Ms. Rettig – Ok. Ms. Gering – So, Tracy, did they have to get a variance for this? Ms. Tackett – That's correct. Yes, because parking is an accessory structure and, in this case, it would be in the side yard setback, so they would need a couple of variances. According to the applicant, the actually variances that they need don't change, whether they're coming in off the alley or if they're coming in from Mechanic Street. So the application variances, themselves, the section references don't change. It would just be with this alternative, they would have to remove part of the wall along the front and then come in with the driveway there and excavate. Mr. Meyer – What about the effect upon total amount of impervious surface? Is that something they're going to need a variance for? Ms. Tackett – Yes. I believe that they do have.... that's one of the items listed in their variance application. Ms. Rettig – I'm sorry. It's Tina again. Can I just be clear about something? All the applicant is asking for is a driveway, there. There's no parking structure, no carport, no garage, no anything that I see on here. So it's strictly just the pavement of the driveway. Ms. Tackett – That's correct. Mr. Dougherty – I just have a question. It may be for Tracy. It may not, I'm not certain. If I were a small car and I backed out of there, two basic concepts I'd like Tracy's opinion and/or Kristin, Ms. Pionzio's, is the backing out of the driveway, which will probably be the only way one is going to get out of there, because otherwise you'd have to back up into it, which would be even harder. That Mechanic Street, the opening of this proposed driveway, one is backing out on

to it, how does that align with the opening of the Stockton Avenue Bridge that is sorta right, you can't see it in this picture, but it's on the other side of the street, I believe. And there's a stop sign, I believe, right... sort of right across the street from this. And then the opening to the Stockton Avenue Bridge, which gets traffic making a left on to Mechanic Street, I believe is right there. There is a question, here, by the way. How does that relate to our need for Public Safety and that sort of thing, because that's a pedestrian crossing and all this kind of stuff. How does that relate, Tracy as far as the proximity that it has to the Stockton Avenue Bridge? Ms. Tackett – Dan, what I'm going to do, I'm going to do a different share, here, real quick. I've got an aerial up that I think I can share that will give you a better sense. Can you see that? There should be an aerial on the screen now. Mr. Gray – yes. Ms. Tackett - This is the property in question, this is the Bridge that you're mentioning here and the driveway will be right here. Mr. Aspite – There aren't any sidewalks on our side, as well. Ms. Tackett – Pardon? Mr. Aspite – I said, there aren't any sidewalks on our side, as well. Ms. Tackett – Correct. Correct. So, it looks like it's about 50-60 feet from this intersection to where they're proposing the new driveway. So, if they get approved, they would have to get a street opening permit and then it would have to be reviewed by Tom Carroll in Public Works to make sure that there's a safe view from either direction and that sort of thing. Mr. Dougherty – That's good. That answers that question. The other question is, there's no plan for any sidewalk there, Mr. and Mrs. Aspite? There's no plan for a sidewalk. My initial reaction was, well people...but I think it's better that there is not a sidewalk, in fact, because there's no sidewalk on the next house and people would tend to walk across your driveway to get to the Bridge opening. Partly, they come down the Borough's driveway and J-walk across the street to get to the other side. But they'd still be J-walking, even if there was a sidewalk in front of your property, from this picture that Tracy just shared with me. I actually do have a third question. Here's my real root of the question. What is the scope of what is being asked for, here? So, this is a request to have a variance to allow a parking structure on a property that doesn't satisfy the setback. Now, that setback, before was denied. Was that denied, that side setback? Was that denied or approved by the Zoning Hearing Board in the last time that you went? I need to know, sort of the scope of what it is we're being asked to be approve and how that modifies or does not modify the previous decision. Ms. Pionzio – So, Dan, the Zoning Hearing Board did deny a side yard variance in order for them to have the house pretty much where this driveway area is proposed on the existing foundation. The Zoning Hearing Board felt that they could center the house and comply with the side yard setback. They granted a variance for the front yard, in order to have it further to Mechanic, but denied the side yard. Mr. Dougherty – So, where the house sort of is in this plan, now satisfies the denial, in other words it's not contradicting the previous denial, we're not doing something here that is running counter to the previous denial, is that true? Ms. Pionzio – Yes. Assuming those setbacks are shown on the plan accurately, the relief granted was to have the compliance with the side yard setback. And this, purportedly, does. Mr. Meyer – Isn't the parking now an ancillary structure that would be within that side yard setback that has previously been denied? Tracy, I'm getting confused here. Ms. Tackett – Well, I think to Kristin's point, they denied the side yard setback relating to the house. The challenge is they had to shift the house over to where the current parking had, historically, been located from the Borough driveway and they're required to provide two parking spaces because they're building a new single family dwelling. So, if they can't continue them where they were before, they've got to be able to put them somewhere else on the lot. Mr. Dougherty – They could ask for a variance to not have the two parking spaces, correct, Tracy? Ms. Tackett – that's true. That's true. They could ask to, Mr. Dougherty – So, what is the least, I guess...to me...what I've read in these things it seems like you're required almost to request the least biggest change in order to get what done....I don't know. Kristin, am I making any sense about that, as far as it seems like if you can't ... so, the space here would then satisfy the setback, correct? But now, the cars there, to Peter's comment, would then no longer satisfy the setback. So, I'm confused as to how this isn't just the same as the previous. By approving this type of thing, isn't it the same as overriding the previous denial? Ms. Pionzio – So, there are a couple differences. One, it's not a house violating the side yard setback. So, I think that's a difference that having cars, instead of a wall that's as high as this is will be less impactful on the neighboring property. And, I guess, to your point, yes, you are required to show that you've asked for the least modification necessary to afford reasonable use of the property. In this case I would suggest that an argument could be made by the neighbors on the street that don't want two additional cars to park on the street, they'd prefer for them to be on the property. So, there's that. so, that's counter to the argument that having no modification on the property is better. Mr.

Aspite – If I could interject-and we presented this to HARB and a lot of the neighbors from across the street were at the meetings and they were in acceptance to this type of...for us to use this as parking. They liked this design. They weren't adverse to anything. That's that, right there. Ms. Pionzio – You talked to your neighbor on the other side of the alley? Mr. Aspite – Just initially, when after Zoning to let them know what the Borough's stance was and she was pretty adamant that that was her property and nobody's going to use it but her and her neighbor. Ms. Pionzio –One of your options was to come in off the alley and provide these spaces. Mrs. Aspite – She was opposed to that. She did not want us to do that. Mr. Aspite – So, we're trying to go in as, I guess, as unopposed as possible, so that we're not having arguments forever and having a neighbor that doesn't like us, etc. And we're just trying to, as you know, we're just trying to move on. Mr. Dougherty – Can I ask a question? It may be Tracy, it may be Kristin. In the past, let's suppose this is whatever Council decides tonight, but let's say the Zoning Hearing Board says, ok well, like Kristin says, it's not 34 feet tall, it's cars, etc, and we're okay with that not being whatever... and grants the variance to do this, what can the Borough do with regard to that variance decision or suggest, so that there's not suddenly a lean-to back there or two two-by-fours and a piece of corrugated steel that a few years later they're saying is a carport....and this is nothing to do with the Aspites, ok. I'm going to say that right now. This has something to do with another applicant, ok? Where somebody had, basically, a gazebo. They started parking under it and then, years later, they started calling it a carport and now they have a garage, because the carport was in such terrible condition. What can we do to make sure that this doesn't become a dilapidated carport that then has to be modified into a one and a half story garage on that space? Can that be structured that way? Ms. Pionzio – I think Council could request that the Zoning Hearing Board consider certain conditions. Like a letter could be written saying that Council remains neutral in the event and in the event the Board saw to grant the variances that you would request certain conditions be attached to it and the Aspites, can actually offer those conditions at the Zoning Hearing Board, themselves, and make sure that you don't have a structure other than a driveway here, on this side property line. Mr. Aspite – Yes and we would totally be up for that. That's not an issue. Mr. Dougherty – And, again, that had nothing to do with you folks, at all, obviously. But that has happened here. That's what I'm saying. Mr. Aspite – I've seen what's happened, so yeah, I understand completely. Mr. Meyer – A different question, if I may. This illustration has a fence. That fence is presumably on your property, but it is right on the edge of your property. Does the fence, itself, also require a variance and is that going to be a possible issue? Mr. Aspite – Well, the fence, from what I understand, well, the fence is there already. That's currently there. That's the fence that's there. Mr. Dougherty – It's a very dilapidated fence. Would you plan on taking that fence down and replace it with a new fence? Mrs. Aspite – We would love to. Mr. Aspite – we would love to, believe me. Without any kind of Mr. Dougherty – Tracy, would that require a variance? Ms. Tackett – No. As long as it meets the height requirements it would not require a variance. It will require HARB review, you know, if they're changing it. And it will need a fence permit. But, as long as it's within the height requirements and it's on their property, it's fine. Mr. Meyer – Thank you. Ms. Gering – Thank you. Any other questions from Council? Are there any from the Public. Ms. Feder - Sorry Connie, I had a quick one. Sorry, not to take us too far back, but I am a little concerned about adding a third driveway with two other cars for the impact on the pedestrians. And I understand this is something that Tom and the other folks will be taking a look at, but I think that it's worth bringing up. Because of the sidewalk situation there, your side of the street is pretty heavily used by walkers and runners and people who are trying to get up to Borough Hall. So, if we have a driveway that is shared by two houses, a driveway that has two cars and then a pretty active driveway that goes up to Borough Hall, I am a little worried about how much coming and going there is on the street where people are already trying to book it to get over to the bridge. So, I think it's just something that we all need to be mindful of with this application. I've just....it's a little unnerving for me to take a look at this and see us doing a new curb cut on to an otherwise, you know, not the most pedestrian friendly street. It just seems a little inviting more risk than I am super comfortable with. So, just throwing it out there. Mrs. Aspite – You know, something that the Borough would consider, maybe putting in like a crosswalk to their driveway. Is that something that would make sense, there, or no? Ms. Gering – Was that Kristin speaking? I couldn't tell who... Mrs. Aspite – I'm sorry. It's Susan Aspite. I'm just kind of thinking about the discussion here and what, as a Borough, we could do proactively for safety concerns and would it possibly make sense to kind of paint in a crosswalk at that driveway or does that not make sense? I'm just kind of thinking out loud. Ms. Fountain – Would you like me to weigh in on that? Ms. Gering – Michele,

please! Ms. Fountain – Usually we do not like to see what we call mid-block crosswalks. It's more for a safety reason that we don't like to see them. So, we certainly could look in to it, if there's no other alternative. They are sometimes allowed, but probably not in this situation. Mrs. Aspite – Yes. I was just trying to think proactively on options for the discussion of people walking down the Borough driveway and trying to cross the street. Mr. Meyer – Well, it may very well be the best place for the crosswalk, would be looking back at that picture, the left side of the...that's the East side of the driveway that goes up towards the Community building. Mr. Maisel – Yes. Right. That makes sense. Mr. Meyer – If we're going to paint a crosswalk, that's the only logical place to put it, as far as I'm concerned. The driveway in question, your driveway would be well beyond that. Mr. Aspite – You are correct, Peter. Ms. Gering – Thank you. Ms. Pionzio – Tracy, we're looking at your in-box, just so you know. Ms. Tackett – I know. I'm trying to it. I've got too much open here. Sent me something, just give me a second. Ms. Gering – Ok, while Tracy is looking are there any other questions from Council before we open this to the public? Alight, Pete, do we have any hands raised that would like to ask a question? Mr. Gray – Yes, there's several. First one is Judy Napolitano. Ms. Gering – Yes, go ahead, Judy. Ms. Napolitano – Hi. Thanks for the opportunity. I just want to let you know, I did enlist an attorney who spoke to the Solicitor and provided you with all our deeds to 55, 57 and 59 West Mechanic and the driveway or AKA alley is only to be used by our properties and no one else has the right to it and he did confirm that. I didn't want to incur more costs by having him participate in this meeting, because it's already costing me a lot to have him support me in this. So, I just wanted to make that known. Also, the fence...yes, it's not the most pleasant fence. You know, I've been here over 25 years, that fence has been here. I've been painting it and maintaining it on my side and it is on the AKA alley or on our driveway. It is not on their property and if you look, it is not on their property. So, I just wanted to make that known, so I know they tried to demo the fence when they had their house demoed and I had to stop the contractor from doing so. I do have a concern with backing out of my driveway. It is dangerous. At least I can go up and turn around in my parking and then come back down. You can't see and people blow through the sign at Mechanic Street and, again, I feel very I never back out because it's dangerous and, if someone pulls in, I help them back out because of that. Again, it's just very dangerous. People do walk right in front of my house. Right in front. They even let their dogs walk right up my driveway and relieve themselves. There's always traffic, they don't go to the sidewalk. Because I heard conversations about pedestrian safety. So, now if we have....and people come down the Borough area, even though it says "do not enter," they come down, they go up it. We have our driveway where myself and my two neighbors use and also, too, now this would incur more traffic and, again, if I'm pulling out and they're pulling out with people coming and going, it just concerns me. But, again, I've been here over 25 years and it's very dangerous to back out right on to Mechanic Street. The police used to sit in my driveway and pull people over for blowing through the stop sign. Ms. Gering – Thank you, Judy. Thank you so much for your information. Ms. Napolitano – I know my neighbor, James Rivera, was trying to sign in and he's having difficulty signing in from his iPhone. Ms. Gering – Thank you. Pete, who else is on the list? Mr. Gray – Yes. Next is Stacy Endress. Ms. Endress – Hi! Can you hear me? Ms. Gering – Yes. Hi Stacy. Ms. Endress – Stacy Endress, 25 Chestnut Street in the Borough. I just wanted to raise what Judy was saying. I do, I mean, I myself run and walk around town and I do end up walking in front of those houses, apparently illegally. But I think it's because that intersection is so crowded at the bridge. Cars are moving in and out really quickly there. People are going up and down the Borough. I'm wondering if it is impossible to get the parking back where it originally was, up the Borough drive. Is it impossible because the house is shifted over? I do think that this back out, here, is a huge concern, there, at that turn. I'm guessing that's not possible back there on the left side, where it originally was before the house was knocked down? Ms. Gering – Well, listen, thank you for your opinion on this. We're just going to move right down the list and see what other opinions.... Ms. Endress – Can I just ask one other question, Ma'am. The one other question was about impervious surface and if that driveway is asphalt or is that stone? Is there enough impervious surface for that to be paved. It looks paved. Maybe it's not. That's my only other question. Ms. Gering – Thank you. We'll see if we can get an answer for you. Pete, who is next? Mr. Gray – Next is Phil Caruso. Mr. Caruso – Hi, all. I had the same question with as Stacy does, which is what is the amount of impervious surface that there's seeking through the variance? The number. Ms. Gering – Do we have someone that can answer that, Pete? Ms. Napolitano – I can answer it if I can scroll. Just a minute. It's here in the application. Unless somebody has it right in front of them first. Ms. Tackett – It looks like it is either 56.95 or 58.95 and the current impervious surface is

51.6 percent. Ms. Gering – I guess the question was what kind of material, if I heard them correctly. Is it a paved driveway or a stone driveway? I think that's what I heard. Mr. Caruso – No. I didn't ask that. I think either way, it's considered impervious, correct? Ms. Tackett – Right. That's true. Mr. Caruso – So, you're over for that. Can you just give me the total amount of the variances that are going to be asked for? Ms. Pionzio – – There are two. One for a side yard setback and one for impervious surface. Mr. Caruso – Ok. Thanks. Ms. Gering – And do we have another question, Pete? Mr. Gray – No. That's it. Ms. Napolitano and Ms. Endress do have their hands raised. I'm not sure if they have follow-up questions, but nobody else does at this time. Ms. Gering – Alright, Council, I guess we need to get a sense here. Are we staying neutral or opposing this application? Ms. Feder – Are you calling for a vote? Ms. Gering – Well, yes. Mr. Dougherty – Can I ask a question of Kristin? My understanding, Kristin, I'm not certain of this. We've had previous on this particular issue, but is Council required to, at a meeting such as this, provide a neutral, positive or negative stand on a Zoning Hearing Board application. That's part one. And, if we do, how do we let's suppose we were neutral with the following caveats or conditions, how is that, mechanically done? I think, too often, so much of the stuff and concerns, such as Louise's concerns, etc, get enunciated, but somehow don't get into the document and then....so, I'm trying to, basically, make sure that whatever we do, that it's documented. Is that possible to do, is my first question. Ms. Pionzio – Well, your first question is – Council does not have a legal obligation to act on Zoning applications. You are automatically a party to every Zoning Hearing. So, even if you don't show up, you have the ability to appeal because you're an automatic party. You don't have to anything, but if you choose to do something, my recommendation....if, let's just say for example, you wanted to remain neutral but with conditions, that that be communicated to the Board you can do that two ways. One, by writing a letter, but you're not there to make sure it happens, because if the conditions aren't acceptable to the applicant and offered at the beginning of the hearing, then I think opposition would be your next best choice, because you're only neutral if the conditions are acceptable. So, obviously, you should have Council there if you wanted to make sure that things are written properly, like you suggested. Mr. Truelove – If I could just weigh in, briefly. One of my other municipalities, they actually use three options. Remain neutral, participate, which is essentially what Ms. Pionzio was mentioning, which would be to send a Counsel to the meeting, which in this case would be Ms. Pionzio, to articulate those concerns and conditions, or to oppose. So, sometimes the participation is the mechanism to allow the Council to do that. So, just something to think about. Mr. Dougherty – See, I personally like the phrase "participate," if that's what this is, more than the word "neutral." So many times the word "neutral" has been, if we don't send a legal Counsel to the Zoning Hearing Board, it's framed as though we were fine with it. Quote/unquote. And none of the concerns that we have, and again, this is not the Aspites particularly, we're just trying to do things the right way, here. That we, what's it called? Participate? I kind of like that. Ms. Pionzio – David's muted, it looks like. I agree with him. Participating to ensure that your goals are achieved at the hearing. You know, to the best possible....the Zoning Hearing Board has the final say, but your wishes are communicated. Mr. Truelove – Yes. I agree with that. Ms. Pionzio – You said it right the first time, David. Ms. Gering – Alright, so going back to Council...So, on this application, Council would like to participate? Mr. Maisel – Hold it. Can I ask a question? Ms. Gering – Ken, I'm sorry, go ahead. Mr. Maisel – I think that...are we not in a position to articulate what the conditions would be under which we would be neutral plus a provision, you know, with the provision that we have in mind. I mean, do we need representation for that. That's...I mean in the past we've have been neutral with the following provisions. So, personally, it doesn't matter whether we have representation there or not, but for a point of clarification, I just would like to know that, with provisions, could we, legitimately going forward, believe that we would be represented by virtue of just representing ourselves that way? Does that make any sense? Ms. Pionzio – I'm missing you a little bit, I have to say. Ms. Gering – Kristin, I was waiting for you to answer him. I got confused toward the end. Mr. Maisel – What I'm saying is do we need...personally you being there to represent our belief that we need representation. Initially, I believed that it was Dan was recommending that can we be certain that we make sure there isn't a structure built above the parking. A variety of things. What are we going to send you away with is what I'm concerned about tonight. Ms. Pionzio – And I share that concern. I would want direction from Council and what you want me to achieve. You know, it's either you're getting along or you're fighting or you're insuring certain things. Mr. Maisel – that's my point. Ms. Pionzio – I would need your direction on that. Mr. Truelove – If I could interject, here, too. What you could do, you have two variances you're dealing with, so if you have concerns about

the impact of the variances, not to the extent that you want to oppose it, you want to then say, for example with impervious surface, you request the Zoning Hearing Board consider a Stormwater Management mitigation measures that could offset the increase. And then on some other issues, maybe you want to have—and I defer to the Engineer – some other safety measures that might insure or meet some of the concerns that the neighbors have with respect to backing out of the driveway. I'm just throwing these out, but that would be, I think, kind of help Ms. Pionzio with her direction when she goes to the meeting as to what those issues might be. You don't have to be incredibly specific, but give some idea to the Zoning Hearing Board: what are our concerns with those variances and how we can deal with this. Just a thought. Mr. Dougherty – I agree. I think than is going to need...she's heard all of this, obviously, but which ones are things have to be addressed or how we feel about them. I think the impervious surface area is....the Stormwater Management could be addressed, so that we could be participatory, however we would like to express our perspective on the Stormwater Management aspect of it, having another ramp that's dispensing water down on to a street in the winter. The fence might be a second thing in that, well we just clarified. If the fence is not on...what doesn't make sense is if the fence is not on their property, then it's not their concern. It might be the neighbors, right? I mean it's not their fence. Ms. Pionzio – You could phrase it like to the extent the ownership or the control of the fence is that of the Aspites, it will be maintained or replaced in kind and the neighbors can figure that out later. We don't have to get involved with who owns the fence. And then the structure, Dan. That was the other thing. Clearly the Stormwater Management I would suggest and anything be reviewed and approved by your township engineer and that, if you are concerned that there be any structure other than a driveway, that would probably be your third item. Mr. Dougherty – Ken, to your question, I think that those are the areas that I have that I'd want. Mr. Maisel - That's fine. We just recognized that we need to drill down on, exactly, what we wanted to accomplish. So, it sounds like we're moving in the direction of neutral with three or four items. Mr. Dougherty – No, I think that we're moving in the direction of participate and the participation aspect would then enable Kristin to enunciate these things for the record with the Zoning Hearing Board at present, in their company, as opposed to a letter. It doesn't always get across the messaging. It hasn't in the past. Mr. Maisel – Ok. Alight. Ms. Feder – I'd would just like to chime in, while I appreciate all of this and I think that it's really great strategy to have participation with a certain number of caveats, I think just for the group's understanding, my tendency right now is still to oppose the proposal. I understand where everybody's coming from, but I think putting a third driveway in that small footprint on that narrow street, isn't something we would have ever considered, had we not been put in this position, by the nature of how we've come to this project following the demolition. I don't think we ever would have considered if that house had been there as it was before and just wanted a side driveway, I can't imagine us saying that would be something we were comfortable. I think it is a lot of impervious surface for that small of a lot and adding the added stress to the neighborhood in terms of pedestrian safety and just traffic congestion, I'm just opposed to it. Just my two-cents, but that's where I'm at on this one. Mrs. Aspite – If I may chime in, I completely respect where you're coming from and I think one of the wishes of Borough at the very beginning was they didn't want us to come off of the Borough driveway to begin with. Mr. Aspite – Which we could technically do with this to flip it around, but we were trying to honor everyone's wishes, number one. Number two, just so everyone is clear, I have a parking spot, so even though we need to have two parking spaces, more than likely there will only be one car and Susan works from home, so we're not, it's not like traffic running in and out like the Toys R Us parking lot or anything. Ms. Feder – Sure. But I think we have to imagine, as though as much as the two of you would want to live in this house forever, we're thinking of long term for the property, right? So, I think it's wonderful that you're mostly just using one car and I understand, our household is kind of the same way, but I think in terms of the property here, we have to see that there are two parking spots that go along with the property and when we're looking at the least amount of change in terms of impervious surface, Dan did bring up earlier adding those two parking spots could be elsewhere. I don't think street parking is an option there. But, I mean really, we're in this position because of the nature of the demolition. I know I'm not making any judgement on anybody, but just looking at this as neutral so that the long term health of the neighborhood in that section of the Borough, I'm reluctant to say let's put a permanent driveway on a house that we're already dealing with all of these setbacks and then have to deal with the legacy of that in terms of pedestrian safety and traffic congestion. So, that's just where I'm coming from. Mr. Aspite – We totally understand that and if it was any help, whatever it would cost the

Borough for marking this is the street, we'd be more than happy to be part of that to make it that it's a safety issue that, obviously, you shouldn't be walking on that side of the street where there isn't a walkway. You should be on a street that has a walkway. But, I mean, something whether it's painting on the street, whatever, we'd be more than happy to comply with any safety issues. Mrs. Aspite – And I'm assuming it's still the wish of the Borough to not have us come in off of the Borough driveway, correct? Mr. Dougherty – that is correct. Ms. Gering – Kristin, I have a question for you. According to Tracy, because it's new construction, you have to allow for two parking spots. Now is that absolutely necessary or can we just tell them they can just build their house and not have a driveway with parking. They can lease parking spots, also, like other residents in the Borough do. Ms. Pionzio – Unless Tracy tells me differently, I believe your code requires two off-street parking spaces. So, if I were the Aspites, I would ask for a variance in the alternative to not have the parking spaces off-street. We need variances if they're on the property, but they would need a variance if they don't provide for them at all. Ms. Gering – Because their option is they could lease two parking spots, even in the Borough parking lot, right behind. We also have numerous residents that do that, even from the George Michael development across the street. So that really is an option for them to eliminate all this. Ms. Feder – I would be more comfortable with that, honestly, we have so much available parking up at the Borough, but I think that looking at what the neighborhood looks like, I think, instead of adding another driveway to this already narrow historic street, that may be a better option. Mr. Aspite – There actually aren't any more parking spots available. I got the last parking spot in October and there hasn't been any available in the Borough parking lot. I mean the other alternative, which is in our drawings is if we go off the alleyway and turn in and it's the same driveway. We were just trying to avoid any conflict with the neighbors. I mean, we're just...that's our other alternative, as far as parking goes. Mr. Dougherty – Pete, would happen to have that information as to whether there are or are not spots available up at the parking area or do you know? Mr. Gray – I do not know at this time. Mr. Aspite – I'm just going by the police, the Chief or Captain when I went and got that. I got the last spot. Mr. Dougherty – In theory, the house won't be built for a year. I don't know how long it takes to build a house, but the spots open up. It's not a permanent...I mean you can get a spot there is just my point. It's just a matter of timing. I'm not marginalizing your request for the two parking spots, but to Connie's point, if the least... the word invasive is the wrong word, here, but the least invasive or aggressive request for zoning relief is, that you would ask us to be able to build a house within the envelope and not meet the two off-street parking requirement – Two car off-street parking requirement, I think, you would get actually not a neutral, you'd probably get a....whatever the ...a positive from...I'm speaking for myself....from this Council. Is that if somebody wanted to rebuild that house, in the envelope and said, well, I can't put the parking there, we would be probably in favor of that. So that would be the least....and I think that's what you're supposed to ask for. That's what I keep hearing. Kristin, is that true? Ms. Pionzio – Yes. The least modification and, if they needed to ask for a variance to not provide two off-street parking spaces, I think their investigation into getting a permit would be exactly what the Zoning Hearing Board would like to hear. Ms. Gering – Pete, James Rivera would like to speak. I know he's one of the neighbors and he was having trouble getting on. If you could let him speak. Mr. Gray – Yes. If you could unmute yourself, Mr. Rivera. Mr. Rivera – Can you hear me? Ms. Gering – Yes. Mr. Rivera – Ok. Alright, so this is all. Ms. Pionzio – What's your address, Mr. Rivera? Mr. Rivera – 57 West Mechanic Street. Ms. Pionzio – Thank you, Sir. Mr. Rivera – Alright, so I'm the neighbor next to Judy, who is 55. I built that driveway back in 1989 and I did a bunch of research in terms of who has the rights of that driveway going back to 1844 and 49 West Mechanic Street has no rights to that driveway, whatsoever. And I'm well prepared to contest this in Court. Mr. Maisel – Ok. Well, that's not in question, here. Mr. Rivera – Ok. So, that being said, I am absolutely confused on why the Zoning Board and why the Borough is acknowledging that that's an option for what happened, here. They tore down a house that was a historic place and now they're trying to find other ways of getting in there. One of the things you got wrong is that, so, going back to the impervious, 40% is what's allowed there, so that doesn't include the driveway...our driveway, our alleyway. So, just get your numbers straight. 40% is what they're allowed. They want to increase it to 51%. That's in there. Our alleyway is totally paved from Mechanic Street, 120-feet up and then it's gravel going back to the West. There are other architectural options, there, for these people to get parking come in from Mechanic Street, whatever. I don't know what the architect's doing, but it doesn't have to involve our right-of-way, which is deeded to only three properties – 55, 57 and 59. Ms. Gering – James, I think that road is off the table, now. Mr. Rivera – Ok. Ms. Gering

- and thank you for all the information you supplied us with. Mr. Rivera – Alright, Thank you. Alright. Ms. Gering – Alright, so we're back here on how we're going to address this with the Zoning. There's numerous things on the table. My personal feeling is that you can lease two parking spots and ask for a variance from Zoning for that. There's numerous locations. Actually, there's parking there right on Mechanic Street. There's a private lot that leases to numerous people in the Borough. You've got the Borough where you already have one spot, so you're really one spot short enable to move forward. Mr. Aspite – Ok Ms. Feder – Are you asking for input from the rest or are we taking a vote? Ms. Gering – I'm asking for Council...my recommendation....and this is just...I'm one voice...my recommendation is, listening to all the input we're getting and it's going to be a safety issue. We're going to have three driveways in such a short location. That they ask for a variance for not being required to have two parking spots and make accommodations to park elsewhere. Ms. Feder – I'd agree with that. Ms. Gering – Council members. Mr. Dougherty – I would agree with that also on the grounds that this does not appear to be.....this is the most limited relief that they can seek. Which, I think, if the relief they're seeking is to not have the two parking spaces, to your point, Connie, that relief I think I would be amenable to. But, by definition, if we ...I don't know how...it doesn't follow what I believe to be the limited relief aspect of... the path of least resistance. So, I support you, Connie. What you just said. Ms. Gering – Kristin, and I guess I need you to chime in. Ms. Pionzio – I'd like...when is the Zoning Hearing, Tracy? Ms. Tackett – It's the second Thursday of April, so it is the 8th. Ms. Pionzio – So you have advertising time, right? Ms. Tackett – Correct. Ms. Pionzio – At the calendar? So, I'll turn to the Aspites at this point. I think what Council's asking, are you willing to amend your application to request a variance from the requirement to provide two off-street parking spaces. I think, if you're willing to do that, Council will let you go on your own to the Zoning Hearing Board and not be opposed. If not, then I hear that there's going to be opposition to your application from Council. But you need to make that decision, because the advertising needs to be done for your application and it needs to be done the right way or you'll lose a month in having to revise it. Mrs. Aspite – I mean, I guess, ideally, we would like to have parking and work on those participation things – the stormwater mitigation, having a safety engineer look at it and putting in the clause that we would not build a structure. Ms. Pionzio – I think you just heard Council vet that idea and they're not in favor of that. Mr. Aspite – So, let me ask you this, Kristin. If we ... I mean we, obviously would not like to give up two parking spots if we...is there a way of getting the zoning variance for parking spots, but not having the driveway and then, down the road, we need to work it out with our neighbors and, whether it's a legal issue down the road. Whether it's a year from now, five years from now, we work out what the alleyway is. Is that a possibility of going that route? So, it's the variance is already approved. It's just a matter of it's not approved coming in off directly off Mechanic. But, if we came in off the alley, if that was ever resolved, then it would be there. We don't want to just give away two parking spots. We've given away a lot in this whole project. Ms. Pionzio – I'll just say this and not that I'm not your attorney, so you should seek legal counsel. But, in the event that you got a variance, now, to have no off-street parking, there would be nothing to prevent you from in the future filing a new application or another application to go in for the side yard setback and impervious, should you work something out with your neighbors. Mr. Aspite – Ok. Mrs. Aspite – Do we have to make a decision on that tonight? Ms. Pionzio – I think Council has given me good direction that they will not oppose your application, if you revise it, as we discussed. But, in the event that you don't, that I'm to oppose your application. So, if that is what Council is saying to you, I think you could maybe have a day or two to decide. I'm worried about the calendar and the advertising requirements and Tracy has to get the ad to the paper so many days in advance and the property has to be posted, so..... Ms. Tackett – I can reach out to the solicitor for the Zoning Hearing Board and find out what his schedule is for advertising. Ms. Pionzio – If it's the second Thursday, that's April 8th, that means you have to, at least, run an ad on the 1st and then the 25th of March. So, I'm assuming you have a couple of days, because, even if you had to get the ad there two days in advance, that would be March 23. Did I articulate Council's position accurately? Ms. Gering – Excellent, Kristin. Thank you so much. Ms. Pionzio – Ok. Ms. Gering – Alright, good luck, folks. Thank you. Mr. Aspite – Ok. Can I just ask one other question? Should I reach out to...since we're not represented again, should I reach out to you directly, Kristin, or Tracy? How do we convey what we would like to do? Ms. Tackett – Why don't you go ahead and reach out to me, since you have my email and I'll find out from the Zoning Hearing Board solicitor when he intends to advertise. Mr. Aspite – Alright, thank you. Thank you,

everybody. Ms. Gering – Thank you. Good luck, guys. Aspites – thank you. Good to see you all. Mr. Gray – Thank you.

Consider Resolution for DCED Grant Application for repairs and upgrades to the Visitor's Center

Ms. Gering – Ok, guys. Next on the agenda is an application to be filed for a grant for the Visitor Center. It's a 70 / 30 split. The grant, they would give us 30%, we would pay 70. What we're anticipating for some of the long overdue renovations. The grant we would put in for \$35,700 and, if we're approved, we would get \$10,710 and it would cost the Borough \$24,990. So, can I have a motion to apply for the grant? Ms. McHugh – I'll make that motion. Ms. Feder – Second. Ms. Gering – Thank you. Any questions from Council? Mr. Maisel – I just wanted to make of couple comments. The building, the Visitor Center is just really a treasure in New Hope and it's been somewhat neglected, even though it was reestablished during COVID, less than a year ago to accommodate visitors in town. But this is a really worthwhile, in my opinion, enterprise to really enhance the property. As I said, it's really quite a unique property right in the middle of town. So, I think this is a well worthwhile endeavor. Ms. Gering – Thanks, Ken. Just a little history, the Borough has not run the Visitor Center in over ten years. First, it was run for five years by Bucks County Visitor's Bureau. Then the next five years by the Playhouse. So, not much has been done. So, this is why we need to kind of bring it up to date. Any questions from Council or comments? Ms. Feder – I'm so excited. It's great! Ms. Gering – Any questions from the Public? Mr. Gray – There is one hand raised, a Mr. Caruso. If you could unmute yourself. Mr. Caruso – No. That must have been from before. No, I'll wait for Public comment. I'm sorry. Ms. Gering – Thank you. Alright, all in favor? ALL – Aye Ms. Gering – Alright! Great! Peter, go and apply for the grant. Mr. Gray – Thank you.

Consider Amendment to Financial Security Agreement for Gateway to New Hope, LLC regarding the temporary land bridge and the Pennsylvania Department of Conservation and Natural Resources (DCNR)

Ms. Gering – Ok, guys. Next on the agenda is the consideration of amending the financial security agreement for Gateway for New Hope. And what this is is, there's a bridge there going across the canal and they would like to hand this back to DCNR. Is that correct, Pete? Mr. Gray – Yes, that's correct. So, what they'd like to do is make an addendum to their Land Development agreement, the financial security agreement, and then the possession, maintenance, and operation would be transferred to DCNR. Ms. Gering – Can I have a motion for approval? Mr. Dougherty – I'll make that motion. Ms. Gering – Thank you. Second? Mr. Meyer – I'll second. Ms. Gering – Any questions from Council? Mr. Dougherty – So, the actual owners of that land bridge is DCNR, not New Hope Borough in any way, shape or form. Is that a true statement? Mr. Gray – That's correct. Mr. Dougherty – There's no increase to the Borough's liabilities in any way, shape or form, relative to this transaction? Mr. Truelove - That would be correct, yes. Mr. Dougherty – I don't entirely believe that, but I'll still vote on it. The way things work. Ms. Gering – Any comments from the public? Mr. Gray – No hands are raised. Ms. Gering – Ok, all in favor? ALL – Aye Ms. Gering – Motion passes. Thank you, folks.

Meeting Minutes

Ms. Gering – Next, can I have a motion for approval the minutes from February 16th, 2021 Council meeting / March 1st Council Workshop? Ms. McHugh – I'll make that motion. Ms. Feder – I'll second it. Ms. Gering – Any questions? All in favor? ALL – Aye Ms. Gering – Thank you.

Approval of Accounts Payables

Ms. Gering – For Accounts approvable for February in the amount of \$342,656.33. Payroll for February 26th and March 21st for \$74,035.28 and \$70,642.71. Can I have a motion for approval? Mr. Meyer – I'll move it. Ms. McHugh – I'll second. Ms. Gering – Thank you. All in favor? ALL – Aye Ms. Gering – Alright, thank you, folks!

Council Member Reports on Committees

Shade Tree Commission

Ms. Gering – So, I don't know if I'm missing a page, here, but that's where my agenda ends. Am I missing anything? It looks like I'm missing a page? Ms. McHugh – Yes, we have to do committee reports. Ms. Gering –

That's what I'm missing, here! Alright, so let's start with Park and Rec. Ms. Feder – We didn't have a meeting last month, but we're going to meet on the 22nd and finish taking down the holiday decorations and the planters and plant Spring plantings. There's also a local Girl Scouts Troop that's interested in helping us with improvements for Lenape Park. So, we're excited to talk about their ideas. So, that's what's coming up. Ms. Gering – Thank you. You guys did a great job. Thank you. Shade Tree. Ms. McHugh – Shade Tree. I don't have anything to report, right now. We do have a meeting tomorrow, where we will be working on finalizing the plans for Arbor Day in April. So stay tuned for those details. Ms. Gering – Thank you.

Finance Committee

Ms. Gering - Next is Finance Committee. Dan, do you have a report? Mr. Dougherty – Yes we do. Briefly stated, for the past couple of months, first off, I have to apologize, I've had some personal matters I've had to attend to over the past two or three weeks, so I've not been able to get this as far along as we would have liked to. But we do have something that we'd like to share. There's been some requests from our constituents that they'd like to have some more information concerning the finances of the Borough and sort of a balance sheet, the revenue and expense side of things and how those things compare to budget. We have worked in the last week or so... Peter and Christina have worked, our treasurer, have worked to, at least start something. We want to share a draft, tonight. And then, at the work session, those who can attend the work session in the, I guess, it's the April work session, we will actually have a full report of where we stand for the first quarter as to compare and contrast against the budget and some projections thereon. We do have an accounts payable chart that we can share tonight, but I believe it's as of March 16 or something. It shows all the revenue and expense lines that are in the budget. The budget is, of course, is a Public document. It's on the website. Anyone that wants to download it, they can get a lot of details there. But we will be providing, at these Council meetings or, probably work sessions. It will have to be Connie's decision. But, probably at the work session, a summary each work session of where we stand, revenue and expense, compared to budget. And that will begin in the April work session. So, thank you for your patience, those folks who have requested. I think it is a healthy step. It's healthy for everybody. So, please stay tuned, but April will be the first report. Thank you. Ms. Gering – Thank you, Dan.

HARB

Ms. Gering - HARB is next. Ken? Mr. Maisel – Yes. JoAnn, Louise and I have been working regularly, kind of on streamlining the process for HARB applications and just trying to clean that whole process up as it relates to any projects that are undertaken in the HARB district. So, Laura Kent has been instrumental in putting up on our website the additions we've added to make the process a little simpler for people, when they go on the website, to understand what the process is regarding a project in the historic district. So, we're continuing to meet. We're meeting regularly and we should have some more recommendations in the future in the next couple months. Ms. Gering – Thank you. You guys did a great job with your last presentation.

Zoning

Ms. Gering - I am the liaison to Zoning. I know there's people who were asking. We have not had a Zoning meeting, so I have no reports.

Planning Commission

Ms. Gering – Pete, you are Planning Commission. Mr. Meyer – I'm not the Planning Commission. That's not quite accurate. Let's see now. We're continuing to do some work on redoing the Zoning Code, looking at a variety of different items. As you know, we delayed until the next meeting... our next workshop meeting, rather, for the discussion of some of the items that we brought before Council the last time. Tracy, I know that we've done....coming up at our next meeting, we've got two sketch plans coming before us for new developments in the Borough. And, I think, that's really currently the priorities with some shifting going on with regard to what the priorities are going to be from the changes that we're making or the revisions that we're looking at for our Zoning Ordinance. Tracy, what have I left out? Ms. Tackett – I think that's right. I did send out to everyone a sample video of one of the code updates and I'll try to get you a couple more in the next few days, so you can have those well

before your workshop in April. And then, if you have any questions, feel free to email me or give me a call at the office. We've been it's been suggested that we have the Planning Commission kind of shift their focus on the Code review to the downtown and the Zoning Standards down there. So, Matt at the County is working on trying to come up with some good suggestions for that area. Ms. Gering – Thank you, Tracy. Mr. Maisel – Connie, I just wanted to say that the piece that Tracy prepared was really great. I really derived a lot from it and keep them coming. I think it was wonderful. Ms. Tackett – Good! I'll get you the alternative parking one, next, because I think that's the biggest one. And that way you guys will have the most time to kind of mull that over. Ms. Gering – Thank you, Tracy.

Manager Report

Ms. Gering – Pete, do you have a Manager's Report? Mr. Gray – Not at this time.

Solicitor Report

Ms. Gering – And, do we have a solicitor's report? Mr. Truelove – Not tonight, thank you.

Public Comment

Ms. Gering – Alright, do we have any Public comment? Mr. Gray – Yes, we have a few hands raised. First off is Mr. Bill Clapper. Mr. Clapper, if you could unmute yourself. Mr. Clapper – Dan, I appreciate your efforts to move the financial questions forward. I just wanted to make sure that we're on the same page. An important part of the financial analysis does include a balance sheet. That's a key measurement of the health of an organization. In addition to the operating expenses and revenues, so that we can all get a picture of how that's being managed. The third point is, is it your intent, Dan, to publish that on the website monthly? Mr. Dougherty – At this point, Bill, this first quarter, we're going to see how it goes. I mean, it will be when we get back in person, this stuff will simplify, but to answer your question, there's no problem with posting it on the website. No. We'd have to check with legal counsel that there might be something, but I doubt it. I don't have a problem, no. Mr. Clapper – Ok. Thank you very much.

Mr. Gray – Next hand is Mr. Phil Caruso. Mr. Caruso – Hi all. I've got a question for you. Besides the Borough Council meetings, what other meetings are Zoomed? Do you know what they are? How many different meetings? Is Planning Zoomed? Mr. Gray – Planning Commission. Mr. Caruso – Zoning? Ms. Gering – No, Zoning meets in person. Mr. Maisel – HARB is Zoom. Mr. Caruso – HARB is Zoom. Question for the one who Chairs those meetings, I guess, that opens up Zoom. Would they be able to...I know you can, the question is, I'd love to see and I think it would be a benefit for both for the people that work for the town and its constituents, if we could get these Zoom meetings recorded. You just have to click a button and then move up into a streaming device and put on the website. I know it's been proposed before. Is that something, I think that transparency, that opens itself up to the public will build a lot of good will. So, I'd like to propose that and find out what we can do. Ms. Gering – Thank you, Phil, we'll look into that. I couldn't tell you what the process is, but I'm sure Pete can look into it. Mr. Caruso – It's very easy to do. It takes five minutes. Any comments from anyone at the Borough? Council? You guys look like Shark Tank. I'm talking to Shark Tank, here. Mr. Meyer – The last time we had a guest at the Planning Commission, they fell asleep in the middle of it. So, I'm not sure that it would be useful, but there's no reason we can't do it. Mr. Caruso – Well, that's my question to all of you. And I'd like to see it done sooner than later. I'm sure some people that I've talked to would like that, too. I think it would be great for all. Ms. Feder – Pete, can we put the recording with the minutes on the website? Can the website take that? Mr. Gray – We'll take a look into that. We'll check it out. Ms. Gering – Thank you, Phil.

Mr. Gray – Next person is Helen Walton. Ms. Walton – Hi Guys. Thank you for all your work tonight. Thank you for all your work on this night and all the time. The thing that I wanted to ask, and this is totally because I'm a neophyte in Pennsylvania. Is your Zoning Board considered semi-judicial? Ms. Gering – David, can you answer that? Mr. Truelove – Yes, I was just trying to unmute myself. The answer is yes. The Zoning Hearing Board is a separate statutorily authorized entity, established through the Municipality's planning code, which is the code that governs all matters from Land Development to Zoning. It's an independent body. The members are

appointed by the Council, but they act independently. They have ... they appoint their own solicitor. They have their own scheduled meetings. They are guided by rules that applies from the Code of Ordinances, as well as the MPC and they are a separate party to any kind of matters on appeals to the Court of Common Pleas, for example. The Council can weigh in, as you've seen tonight, on issues before the Zoning Hearing Board, but the Zoning Hearing Board makes its own determinations based upon its review of the facts and circumstances for all of the issues that come in front of it and is advised by Council and any other professionals that may be involved with the process. I hope that's a slight tutorial about what the Zoning Hearing Board. Ms. Walton – Yes and I appreciate that and thank you very much, Mr. Truelove. But I do find that as surprising, because I would think, then, that perhaps we should not be having the Council really know anything about the applications, unless there is an appeal of a judgement by Zoning. Mr. Truelove – Well, I'm sorry to interrupt, but as you heard what Ms. Pionzio's said earlier, at each Zoning Hearing Board hearing, the Council or the Borough itself, through the Council, is a party automatically. So, they have a right, the Borough does, through the Council to weigh in on issues that they believe affect the health, safety and welfare of the Borough through different processes and you've heard them talk about parking. You've heard them talk about safety, in terms of pedestrians and other things like that. So they have an absolute right to do that and many times I would say 60-70% of the time that Borough Council does not even participate or oppose, but they consider what comes before them, because it's something that may be of public interest and tonight, I think the number of the people of public who commented, obviously indicated that there's an interest beyond just to that property that impacts the Borough itself. So that's one of the reasons why the Borough is an automatic party and sometimes they want to take a more active role in those sort of circumstances. So hopefully that answers your question, as well. Ms. Walton – thank you very much. Yes, it does. Very interesting. Have a good evening, everybody. Ms. Gering – Thank you, Helen. Who is next, Pete?

Mr. Gray – Kelly Whitman. Ms. Whitman – Kelly Whitman. I live on West Ferry. I just wanted to, one, thank you Mr. Dougherty for the financial update. There were some nerds out here that were looking forward to it and we appreciate and recognize that it's extra work, so look forward to seeing those. I just wanted to second Mr. Caruso's comments about Zoom recordings and the streaming of the videos, even in a post-COVID era, it really does help with transparency and access for members of the public, for whatever reason, might not be able to attend in person. So, thank you very much. I appreciate it. Ms. Gering – Thank you, Kelly. Who's next, Pete? Mr. Gray – That's all the hands that are raised at this time. There are no other hands.

Announcements

Ms. Gering – Alright. Are there any announcements from Council? Alright.

Adjournment

Ms. Gering - Can I have a motion to adjourn? Mr. Meyer – So moved. Ms. Gering – Second. Dan is second. Thank you everybody. Have a great evening and stay safe. Thank you. Adjourned at 8:22 pm.