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NEW HOPE BOROUGH COUNCIL
BUCKS COUNTY, PENNSYLVANIA

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OCTOBER COUNCIL MEETING

- - -

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

- - -

TUESDAY, OCTOBER 19, 2021

COMMENCING AT 7:00 P.M.

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BOARD MEMBERS PRESENT:

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

- - -

ALSO PRESENT:

- LAURENCE KELLER - BOROUGH MAYOR
- PETER GRAY - BOROUGH MANAGER
- DAVID TRUELOVE, ESQ. - BOROUGH COUNCIL SOLICITOR
- MARY STOVER - ZONING OFFICER

- - -

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2 PRESIDENT GERING: I would like to call the
3 meeting to order. If you can please stand up for the
4 pledge of allegiance.

5 Pete, if you can take roll, please.

6 MR. GRAY: Mr. Dougherty.

7 MR. DOUGHERTY: Here.

8 MR. GRAY: Ms Rettig. Ms. Feder.

9 MS. FEDER: Here.

10 MR. GRAY: Ms. McHugh.

11 MS. MCHUGH: Here.

12 MR. GRAY: Mr. Meyer.

13 MR. MEYER: Here.

14 MR. GRAY: Mr. Maisel.

15 MR. MAISEL: Here.

16 MR. GRAY: Mayor Keller.

17 MAYOR KELLER: Here.

18 MR. GRAY: Ms. Gering.

19 PRESIDENT GERING: Here.

20 MR. GRAY: Also present tonight is Interim
21 Zoning Officer Ms. Stover, Borough Solicitor Mr. Truelove
22 and myself.

23 PRESIDENT GERING: Thank you. I'm sorry
24 the microphones aren't on because we are doing something
25 different tonight. We are streaming the meeting through

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2 Owl so those that cannot attend can actually hear and see
3 what the meeting is like. So we will try to be as loud as
4 we can. This is our first test run of this and see how it
5 works out.

6 If you come up to speak, please identify
7 yourself; your full name, your address and you can take
8 your mask off and then please put it back on.

9 Next on the agenda is the Mayor's report.
10 Mr. Keller.

11 MAYOR KELLER: Yes. Thank you, Connie. I
12 wanted to start off with talking about a young lady named
13 Gabriella Amiet, who was very integral in the internal and
14 external part of the New Hope Police Department. She was
15 a parking enforcement officer and she was -- also handled
16 the desk when people came in. She was in two days a week
17 and she enjoyed part-time there and also as a parking
18 enforcement officer. And she was with us about two years
19 and she just gave us her resignation as of October 10th.
20 And so we are interviewing for the internal part-time
21 secretarial position but I don't have anything for you
22 yet.

23 But what I do have is we are fortunate
24 enough to run into a gentleman that used to work here and
25 we hired about 11 years ago who worked in town and was

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2 aspiring to be a police officer and he now is a full-time
3 officer in Lancaster, but had a good bloodline and his son
4 is in the area.

5 So his name is Gavin Lee, Bob Lee,
6 whichever and so he is here. He has good background. He
7 went to Central Bucks East, went to Middle Bucks Vocation,
8 a public safety curriculum as a good background. He is
9 just about finished getting his 200 hours of being a
10 firefighter. So right now he is at Bucks County Community
11 College. His hope is to also get that criminal justice as
12 well.

13 So I would like to ask Council to consider
14 hiring Gavin for part-time parking enforcement officer at
15 the rate of \$15 an hour.

16 PRESIDENT GERING: Can I have a motion for
17 approval?

18 MR. MEYER: So moved.

19 MR. MAISEL: Second.

20 PRESIDENT GERING: Discussion from Council?
21 Any questions from the public? All in favor.

22 MS. FEDER: Aye.

23 MR. MEYER: Aye.

24 MR. DOUGHERTY: Aye.

25 MS. MCHUGH: Aye.

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2 MR. MAISEL: Aye.

3 PRESIDENT GERING: Aye.

4 MAYOR KELLER: Okay. So I thought just for
5 a change of pace and kind of typical meeting -- Council
6 meeting -- for those of you here -- there might be two
7 people aware of this, but I was going through some of my
8 archives and I ran into an old New Hope Gazette from 1981,
9 it is March 19th.

10 But believe it or not, we were celebrating
11 40 years ago New Hope being 300 years old. So you say how
12 can that be. So without getting into a lot of it, the
13 bottom line is in 1681 William Penn granted -- sold land
14 to a gentleman by the name of Richard Woolrich. And so
15 that is how this area was given to him in -- it was
16 granted by William Penn to Thomas Woolrich on March 22nd,
17 1681 so you understand how this was now 340 years old.

18 Those that -- of you that weren't aware of
19 it, it started out -- the village was first called Wells
20 Ferry because it was developed around the grist and saw
21 mills which dotted the bank of the prolific great Spring
22 Creek. Then later on it began to develop and prosper
23 attracting even more immigrants to the village which was
24 renamed Coryell's Ferry.

25 So you understand that the ferry was what

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2 the town was until Benjamin Perry called it New Hope.

3 Then during the Revolution obviously a
4 gentleman by the name of Corey Ellis took over the ferry
5 and it was Carey Ellis Ferry during the Revolution. And I
6 wanted to mention all of that.

7 And you may not know but William Penn was a
8 painter and at the Historical Society we have one of the
9 paintings that he did for somewhere in this area.

10 And lastly, I see Joe Balderston is here
11 and there may be three other people in this classic photo
12 that they have in the front, Dudley Rice was the President
13 of Borough Council in 1981 and Naomi Piper was there. You
14 may know Dudley Rice from Solebury, he was head of the
15 Parks and Recreation. And Tom Block is on there, he was
16 on Council. Pierre's Chocolates and then our three County
17 Commissioners, Jeffrey Sproehle.

18 Once again, Joe, you're probably the only
19 one -- he was vice president of the Historical Society and
20 also worked at that time Solebury Bank. And anybody that
21 wants to take a look at this -- if you're not aware, we
22 are now 340 years old. I will leave this up here after
23 the meeting if you want to look at it. That is it,
24 Council.

25 MS. MCHUGH: Thank you, Mayor.

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2 PRESIDENT GERING: Thank you so much.

3 Next on the agenda is to consider proposals
4 for the restoration of Ferry Street Park. There is damage
5 from the storm.

6 Can I have a motion to pick a vendor to do
7 the service?

8 MS. MCHUGH: I will make the motion.

9 MR. MAISEL: Second.

10 PRESIDENT GERING: There are three bids
11 that were put in; the first one was from Robert Groft I
12 think, for \$23,765, the second one is from PLS for \$19,450
13 and the third is from Lou Marshall for \$19,375.

14 Discussion from Council.

15 MR. DOUGHERTY: So we reviewed -- I
16 personally reviewed the proposals and found -- first off,
17 I think from our technical, legal perspective, David, we
18 are -- the two lowest quotes are \$75 apart.

19 My understanding is that we are not
20 required to take the lowest quote, is that correct?

21 MR. TRUELOVE: That is correct. The law
22 requires you to take the lowest responsible and responsive
23 bidder. So if -- there is a quantitative and a
24 qualitative basis for it. So I think that however you
25 decide to do that, those are facts you take into account.

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2 MR. DOUGHERTY: Personally I was --
3 reviewed the proposals very carefully. I found that the
4 quote for the -- from PLS, which is a local provider, is
5 more detailed and I felt more comfortable with it. That
6 is where my head is at. I would be interested in other --

7 MS. MCHUGH: I agree, I thought there was a
8 lot more detail in this proposal and I know that all of
9 these vendors do really good work and have worked for us
10 before but I just felt that this had more detail and I am
11 tending to go to that one.

12 MR. MAISEL: I have reviewed it similarly
13 and it really does stick out that there is a subtlety to
14 the writing and presentation of it. That stuck out a
15 little bit more so I would be in favor of that as well.

16 PRESIDENT GERING: Any other comments from
17 Council?

18 MR. MEYER: I just felt that the one that
19 you are referring to is the more detailed one. The fact
20 that it actually specified how many bricks were going to
21 be available to redo it all I think was something that
22 really stuck out to me as being kind of a specific
23 thinking about what needed to be done as well and paying
24 attention to it and the \$75 is a very, very minor
25 difference between the two.

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2 PRESIDENT GERING: Any one from the public
3 have questions or comments? It seems that Council is
4 favoring to give the bid to PLS for \$19,450.

5 I will go down to each of you so you can
6 vote. All in favor of accepting the bid from PLS.

7 MS. FEDER: I am in favor of the PLS bid.

8 MR. MEYER: I am in favor of the PLS bid.

9 MR. DOUGHERTY: I am in favor of accepting
10 the PLS bid.

11 MS. MCHUGH: I am in favor of accepting the
12 PLS bid.

13 MR. MAISEL: I am in favor of the PLS bid.

14 PRESIDENT GERING: I am in favor of the PLS
15 bid as well.

16 It is unanimous, that is who gets the
17 contract.

18 Next on the agenda is certificate of
19 appropriateness for 15 South Main Street, replacing the
20 awning. This is the old stone church that used to be
21 Marsha Brown's.

22 Can I have a motion for approval?

23 MS. MCHUGH: I will make that motion.

24 MR. MEYER: Second.

25 PRESIDENT GERING: Any questions or

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2 comments from Council?

3 MS. MCHUGH: No, this is very detailed and
4 thorough.

5 PRESIDENT GERING: Any from the public?

6 All in favor.

7 MS. FEDER: Aye.

8 MR. MEYER: Aye.

9 MR. DOUGHERTY: Aye.

10 MS. MCHUGH: Aye.

11 MR. MAISEL: Aye.

12 PRESIDENT GERING: Aye. Good luck, guys.

13 Next on the agenda is certificate of
14 appropriateness for 182 South Main Street for a hot tub
15 installation.

16 Can I have -- is any one here? Come on up.

17 MR. NUSH: Thank you. I am Craig Nush from
18 Ralph Fey Architects. The property is 182 South Main
19 Street. The client was served a violation of the original
20 COA when installing a hot tub on the rooftop terrace along
21 the view shed of the Delaware River.

22 Within the presentation to the HARB the
23 client was -- reluctantly agreed upon a cedar slap railing
24 which would block the hot tub from the view to the east
25 and the north. And also install a standard insulated

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cover no larger than 12 inches from the top of the tub and the owners have selected the three to four inch standard thick cover.

The owners, Bruce and Natalie, and the builder are here to answer any questions.

PRESIDENT GERING: Let's start with the motion for approval.

MR. MAISEL: I will make the motion.

PRESIDENT GERING: Second?

MS. MCHUGH: I will second.

PRESIDENT GERING: Any questions from the Council? Any comments?

MS. MCHUGH: When they first came in front of us there was no discussion about a hot tub up there.

MR. NUSH: Correct. But there was -- there was planning ideas that it would go up there.

MR. MEYER: Why didn't you tell us about it?

MR. NUSH: I think it was kind of decided on after the matter, after the original COA.

MR. MEYER: You have a certificate of appropriateness excluding the hot tub, correct?

MR. NUSH: Correct.

MR. MEYER: Thank you.

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2 MR. DOUGHERTY: Is the hot tub present
3 currently?

4 MR. NUSH: Yes, it is.

5 MR. DOUGHERTY: So the hot tub was
6 installed without any kind of -- was it obvious that the
7 hot tub should have been applied for? That is just -- I
8 am not trying to put you on the spot.

9 MR. NUSH: I think it was taken into
10 consideration or the idea that it was almost like a piece
11 of machinery, a built-in grill piece, a patio furniture,
12 an umbrella; that it was a piece that can be removed at
13 any point in time. They would just have an electrical
14 hookup as a gas grill could have a gas hookup.

15 MR. DOUGHERTY: Was the hot tub -- again I
16 am not an expert, I have been in one one time but is this
17 a large hot tub? How many people does it seat roughly?

18 MR. LOTIER: Five to seven.

19 MR. DOUGHERTY: So probably -- it is
20 probably -- I would take a guess, 1500 gallons or
21 something like that times ten, it is 1500 pounds plus five
22 people.

23 PRESIDENT GERING: You have to identify
24 yourself, please. Thank you.

25 MR. DOUGHERTY: Where I am going with this

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2 is with the water -- the tub itself probably weighs 500
3 pounds.

4 MR. LOTIER: Bruce Lotier, 182 South Main
5 Street.

6 MR. DOUGHERTY: So -- okay. So you put a
7 thousand gallons of water, it is --

8 MR. LOTIER: It is about 900 pounds when it
9 is filled.

10 MR. DOUGHERTY: The water is not a
11 thousand pounds or four or five hundred pounds, five
12 people in it at 200 a piece, another thousand pounds.

13 My sense is that that roof was designed in
14 such a way specifically with that hot tub in mind.

15 MR. LOTIER: That is correct.

16 MR. DOUGHERTY: But it was not revealed as
17 --

18 MR. LOTIER: It was stated with the intent
19 on the architectural and structural drawings where the
20 placement of the tub could go.

21 MR. DOUGHERTY: Because you obviously need
22 much more support. And it was craned in I would imagine.

23 MR. LOTIER: Multiple floors of support.

24 MR. DOUGHERTY: Was the hot tub craned in?

25 MR. LOTIER: It was craned in to make it

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2 easier.

3 MR. DOUGHERTY: It is a pretty big
4 operation. I don't think saying that it was like -- it is
5 sort of like a barbecue grill or an umbrella is quite the
6 good description of what is going on there.

7 So we don't -- I personally don't like that
8 type of handling but listen, I don't know, is it a zoning
9 matter? Do we have --

10 PRESIDENT GERING: That issue -- so we can
11 either approve it or reject it because they did not go to
12 HARB the first time and have this approved. So this --

13 MR. LOTIER: There is no approval for the
14 hot tub per se. There is no permits needed for a hot tub.

15 MR. DOUGHERTY: It is the optics of
16 shielding and hiding the existence of the hot tub and the
17 hydraulic lift that came under their purview.

18 MR. NUSH: That was removed.

19 MR. DOUGHERTY: The visual aspect --

20 MR. NUSH: That was removed, the hydraulic
21 lift.

22 MR. LOTIER: It is electrical.

23 MR. DOUGHERTY: Motorized. So -- but this
24 is to make the hot tub sort of look less like a hot tub
25 and less obvious. Is the hot tub viewable from the right

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2 of way?

3 MR. LOTIER: It is viewable from New
4 Street, it is not viewable from Main Street or the river.

5 MR. DOUGHERTY: It is not viewable from
6 the river?

7 MR. LOTIER: No.

8 MS. MCHUGH: How about your neighbors, can
9 your neighbors see it?

10 MR. LOTIER: Well yes from the neighbor's
11 side -- which was what Craig was mentioning, we are going
12 to put lattice on that side to cover that.

13 MS. FEDER: Quick question. The photos
14 that we have included in the packet, it does look like the
15 hot tub is viewable from the river, correct?

16 MR. LOTIER: Now. What we provided to HARB
17 was -- you know, the views from both the New Jersey side
18 and from the middle of the river.

19 MS. FEDER: I can see the hot tub, that is
20 my only -- from the river I can see it.

21 MR. LOTIER: You can see it prior to the
22 railing which we are talking about putting in and then
23 putting a wood front on that.

24 MR. NUSH: Cedar.

25 MR. LOTIER: The house isn't completed yet

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2 and the rails aren't complete, so when those pictures were
3 taken it was prior to it being completed. Still isn't
4 completed actually.

5 PRESIDENT GERING: Peter, you had a good
6 question. Go ahead.

7 MR. MEYER: When you put up the railing on
8 top of the roof that is there, what is the total height
9 with the railing or without with the hot tub? What is the
10 total height to the top of the hot tub?

11 MR. LOTIER: The total height of the hot
12 tub is 41 inches.

13 MS. FEDER: So I am seeing on the plan that
14 the hot tub -- this is on the plan from the architect,
15 that what I am looking at for the height of the hot tub is
16 48 inches and then the fence is 42.

17 MR. LOTIER: The railing is 42 inches off
18 of the deck.

19 MS. FEDER: I am looking at the cedar
20 railing that that is six inches lower.

21 MR. LOTIER: Correct.

22 MS. FEDER: So the hot tub is above even
23 the cedar railing?

24 MR. NUSH: We have photos to show you from
25 the Lambertville side and from the middle of the --

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2 PRESIDENT GERING: I have a question for
3 you, and this has got to do with the height. You know we
4 do have height limitations, so how high is your building
5 after you had added the fence on it and the hot tub? I
6 will guess you passed the requirements which are 37 --

7 MR. NUSH: Thirty-five feet.

8 PRESIDENT GERING: Where are you?

9 MR. NUSH: It is still below the 35 feet.

10 PRESIDENT GERING: With adding the fence
11 on the top with the hot tub?

12 MR. NUSH: Yes.

13 MR. DOUGHERTY: So from the back of this
14 building where I am standing and I am looking at it from
15 the river as if I was standing on the river bank; I see a
16 first floor, a second floor, a third floor and now a
17 fourth floor which had just been a flat surface with a
18 roof on it.

19 That apparently is going to be a gathering
20 place, a hot tub, so a gathering place for people to stand
21 up there.

22 Are you saying that this building -- to the
23 top of that railing is under 35 feet?

24 MR. NUSH: You take an average grade from
25 Main Street and take an average grade around, which we

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2 supplied to zoning years ago.

3 MR. DOUGHERTY: To the roof line or to the
4 top of this -- when the zoning people saw the wire fence,
5 they didn't see a solid fence, the railing that is up
6 there they --

7 MR. LOTIER: The wire is what we had
8 originally designed for.

9 MR. DOUGHERTY: Right.

10 MR. LOTIER: The discussion at HARB was
11 around the visibility of it and we then offered that we
12 would put a fence there to protect that view from the
13 right -- public right of way.

14 Now the public right of way at the middle
15 of the river is Pennsylvania/New Jersey line. On the New
16 Jersey side looking at it through the pictures that were
17 provided, you can't see a hot tub. You can't.

18 MR. MAISEL: The angle is such that you
19 wouldn't be able to see it?

20 MR. LOTIER: It is 1100 feet from the
21 Jersey side to the roof.

22 CHAIRMAN GERING: I am still having a
23 problem with the height issue. I can't believe that you
24 are -- a three or four story building before you put the
25 hot tub is under 35 feet.

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2 Can we get some help?

3 MR. NUSH: The fence --

4 PRESIDENT GERING: Which side are you
5 measuring on? Because the ground slopes, I am guessing
6 one side is higher than the other.

7 MR. NUSH: Correct. Main Street is --

8 PRESIDENT GERING: Which is the highest one
9 that is there, instead of telling me what the lowest one
10 is.

11 MR. NUSH: Your -- it is -- the average
12 grade is below the 35 feet. The one -- the dotted line,
13 which is railing and mechanical is just the side of --

14 PRESIDENT GERING: Is there any way to put
15 it up there?

16 MR. GRAY: No.

17 PRESIDENT GERING: All right.

18 MR. NUSH: It is two stories at the side
19 and three stories with the rooftop terrace. That is not
20 occupiable on that rooftop terrace, not liveable on that
21 rooftop terrace.

22 MS. MCHUGH: There will be people out there
23 in the hot tub.

24 MR. NUSH: That is not how the code said.

25 PRESIDENT GERING: My problem is -- I

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2 always say I am only one voice on Council. This is New
3 Hope and you're smack in the downtown historic district,
4 this is not the Jersey Shore.

5 If you were down the Jersey Shore I think
6 that would be spectacular. I personally have a problem
7 with new construction coming in with hot tubs on the roof.

8 We already got an e-mail from your
9 neighbors who are not happy about this and apparently they
10 spoke up at HARB and I don't know what transpired at HARB,
11 we only get whether we approved it or disapproved.

12 So I don't know how the rest of Council
13 feels, I personally do not approve of a hot tub on the
14 roof in the historic downtown business district.

15 MR. MEYER: May I ask another question?
16 There is a roof over this hot tub?

17 MR. NUSH: Not any more. There will be a
18 cover. They used to have --

19 MR. MEYER: All of this stuff that we have
20 before us has a dome roof, now you're telling us it is
21 something else. Why can't we have before us what it is
22 that you are asking for?

23 MR. LOTIER: Because HARB came back and
24 said that we needed to put something below 12 inches.

25 MR. MEYER: Why can't you give us a picture

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2 of what it is that HARB approved? At the moment we don't
3 have that.

4 MR. NUSH: Did JoAnn -- JoAnn had a new set
5 of drawings that she was going to disperse to you through
6 e-mail.

7 MS. FEDER: Do we have those drawings? I
8 don't see that. The drawings that we are seeing show the
9 dome roof.

10 MR. NUSH: There is no dome roof.

11 MR. FEDER: I am seeing it -- both
12 renderings with your cedar slap railing elevation and your
13 cable railing and I think both of the -- have the triangle
14 roof. That is what Peter is referring to.

15 So putting that aside, I think just to sum
16 up some comments, I think my issue remains with the
17 visibility. I do think that since it is visible from New
18 Street and the river -- and I understand that you are
19 changing the dome of the hot tub and everything else, but
20 the height of the hot tub remains higher than the fence.
21 The issue is that you are in a historic district, we can
22 see a hot tub. The river counts as a right of way.

23 And for all of the other reasons we talked
24 about, when we think about the historic district we are
25 talking about the character of the town, the use of the

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2 building in this special district within the town.

3 Since you can see it and since while it is
4 in use it's definitely visible, for that reason I am
5 against the hot tub.

6 MR. LOTIER: It is not visible at all under
7 the --

8 MR. MEYER: Excuse me. Somebody is --

9 MR. LOTIER: -- new considerations that we
10 made to HARB. It is not visible at all. It is not
11 visible unless you're standing from -- 35 feet high in the
12 river looking on the same plain. You can't see it unless
13 you're standing on the hill on the other side of New
14 Street. Right up in the development above New Street you
15 can't see it either.

16 MS. FEDER: I understand what you are
17 saying. What I am doing is going off of the drawings that
18 we have; the heights that you guys provided, the height of
19 the hot tub, the height of the cedar fence, the placement
20 of the hot tub on the roof. With the photos that we have
21 got, what we are operating off of is a visible hot tub in
22 the historic district.

23 MR. LOTIER: It is not visible.

24 MS. FEDER: I understand what you are
25 saying. I am saying that given -- from your plans and

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2 from how I understand the hot tub would be used, it would
3 be visible.

4 MR. LOTIER: It won't be visible.

5 MR. DOUGHERTY: I heard earlier -- just a
6 question I heard earlier that the railing is not yet up?

7 MR. LOTIER: That is correct.

8 MR. DOUGHERTY: So is there any --

9 MR. LOTIER: The structure of the railing
10 is up, the wire portion.

11 MR. DOUGHERTY: The size of these parts
12 were for the wire or slats at this point is the question,
13 if wire was approved but not with a hot tub sitting in it.
14 Now you're saying I want a hot tub which is sitting there
15 and there is no cable whatsoever, is that true?

16 MR. LOTIER: To date. Remember the hot tub
17 or the spa is not operable.

18 MR. DOUGHERTY: It is there?

19 MR. LOTIER: It is physically sitting there
20 on a platform right now.

21 MR. DOUGHERTY: I am trying to help out.
22 Maybe we do have concerns as to what this thing -- I have
23 pictures here, I can see the top of this hot tub. So
24 perhaps you went to HARB earlier, like last week or
25 something.

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2 MR. GRAY: Two weeks ago.

3 MR. DOUGHERTY: Two weeks ago. Is there
4 any downside to coming back and making sure we have got
5 the right pictures and all of this good stuff and having
6 this presented to us where we can feel comfortable that
7 this hot tub is not going to be visible?

8 Because the pictures we have -- I am
9 looking here and all of us -- we are all seeing --

10 MR. LOTIER: I know pictures were given to
11 HARB that were not presented to me so I don't know what
12 pictures you're actually looking at.

13 PRESIDENT GERING: Hold on. We can only go
14 by what was given to us.

15 MR. LOTIER: This is what the new cover
16 looks like. We don't have it because they are not
17 available.

18 MR. DOUGHERTY: That is fine.

19 MR. LOTIER: That is correct. And the
20 picture that you are looking there at the hot tub with
21 that dome top on it is coming from the river with no
22 railing. Then we created others where we put covering on
23 the railing for now just to be able to show that.

24 The other part with that picture, just so
25 you're aware, this is a 5x exposure, then a 10x exposure

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2 and then there is a 1x exposure.

3 MR. DOUGHERTY: But the pictures we have
4 show a pyramid -- a pyramidal type thing.

5 MR. LOTIER: Twenty-three inches.

6 MR. DOUGHERTY: Is that the pictures we
7 have on our computer up here, had a thing that looks like
8 this, a pyramid.

9 MR. LOTIER: Yes.

10 MR. DOUGHERTY: That is not this.

11 MR. LOTIER: No. We agreed with HARB that
12 we would remove that.

13 MR. DOUGHERTY: Do you have pictures of
14 this that have been imposed upon your plans? That is
15 basically what we are asking for.

16 MR. LOTIER: They asked us to provide them
17 with information, which Craig did, of something less than
18 12 inches because less than 12 inches wouldn't be seen.

19 MR. DOUGHERTY: Again do you have pictures
20 of this plan? We don't have those.

21 MR. LOTIER: I don't know, Dan, what you
22 have.

23 MR. DOUGHERTY: We have -- you just saw
24 what we have and that is the pyramid type thing. That is
25 what we have up here.

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2 Do you have -- supplied the Borough with
3 these same pictures of the exposure with the less than
4 12 inches?

5 MR. LOTIER: We don't.

6 MR. DOUGHERTY: So the answer is no.

7 MR. NUSH: Photos, no.

8 MR. DOUGHERTY: All right. This was a
9 computer graphic I am talking about.

10 MR. LOTIER: You mean changing it and
11 putting a different image on it?

12 MR. DOUGHERTY: Yes.

13 MR. LOTIER: That is actually --

14 MR. NUSH: I submitted that to JoAnn last
15 week for your review.

16 MR. DOUGHERTY: You provided the ones with
17 the less than 12 inch wide cover?

18 MR. LOTIER: Yes, it is a two and a half
19 inch cover versus the 23 inch cover.

20 MR. DOUGHERTY: We don't have this. That
21 is the problem.

22 MR. NUSH: Last week JoAnn asked me to
23 provide it so you guys had the new approved --

24 MR. DOUGHERTY: Obviously I am not
25 prepared to approve it. That is what it boils down --

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2 unless I feel confident. I think I have told you this
3 before, this is less about you then it is about many
4 people who have come before you.

5 I have to just express it that way; we are
6 told something and then it becomes a debate society, what
7 was in the minutes and what was this and that and dust was
8 thrown in the air. The only thing we can do about it is
9 by litigation that will cost us \$50,000.

10 That has happened a half a dozen times and
11 we try to avoid that and only vote on things that we have
12 in front of us and collectively agree to. And that has
13 happened for every -- twice a year -- its not happened in
14 the last year so it will not happen again is my point.

15 PRESIDENT GERING: So the recommendation --
16 what I am hearing here from Council is you come back next
17 month with the new drawings, submit them to JoAnn and we
18 will put you on the agenda.

19 MR. NUSH: You had that last week but --

20 PRESIDENT GERING: I'm sorry.

21 MR. NUSH: You had that last week.

22 PRESIDENT GERING: If you want us to vote
23 right now, you might not like what you hear. So it is
24 your choice, either you can come back or we can take a
25 vote.

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2 MR. LOTIER: We will come back.

3 PRESIDENT GERING: Give them the
4 opportunity to come back next month. All right. Thank
5 you.

6 MR. MAISEL: I just have one thing.

7 MR. TRUELOVE: Withdraw with the agreement
8 that you will come back next month. Make sure the notes
9 are clear.

10 PRESIDENT GERING: We need to make a
11 motion?

12 MR. TRUELOVE: Your motion will be -- you
13 can make a motion to table it to next month maybe, that is
14 the appropriate thing to do. Table the motion which
15 doesn't require discussion and then you table it to next
16 month. That would be November 16th.

17 MR. GRAY: The 16th.

18 MR. MEYER: I move to table.

19 MR. MAISEL: I want to be clear as to what
20 we are asking them to do. So they provide pictures of the
21 top of the spa in a rendering that we have. So we were
22 mistakenly led to believe that we can impose that
23 ourselves on that picture and see that that dome is no
24 longer there is the only objection that we have at this
25 point or is it going to be after, you know somebody

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2 sitting in there -- what happens when somebody sitting in
3 there -- you will be able to see somebody if they are
4 really tall and see them sitting --

5 MR. DOUGHERTY: I think it is fair to say
6 anyone who sits in this hot tub is going to be seen from
7 here up from the public right of way.

8 MR. MAISEL: I am --

9 PRESIDENT GERING: Whether they are
10 standing or sitting, they are people seeing --

11 MR. MAISEL: I want to make sure we are
12 sending them away with the right message.

13 MR. DOUGHERTY: I think the message is -- I
14 would like to see the fencing in all of the renderings
15 with the height and how it is going to look that you have
16 up there.

17 MR. NUSH: We have those.

18 MR. LOTIER: Those have been submitted. We
19 submitted something right now with a temporary fencing
20 like it is in the copy --

21 PRESIDENT GERING: I would like to see what
22 the real fence is going to look like, height and
23 everything else.

24 Can we have a motion to table this?

25 MR. LOTIER: But to Mr. Ken's points, I

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2 mean those views from the public right of way; i.e, the
3 river, there is no visibility of the hot tub nor the
4 person sitting in it with the angle and the distance.
5 There is nothing.

6 The side from New Street, not from Main
7 Street -- Main Street there is no visibility because of
8 the -- of that angle. And this is on the back of the
9 house, remember.

10 PRESIDENT GERING: I have another
11 question. I live in Riverwoods so if I came down from
12 Riverwoods, would I be able to see your rooftop?

13 MR. LOTIER: No.

14 MR. DOUGHERTY: It is on the left.

15 PRESIDENT GERING: In order to -- so we
16 can move here, you're okay with coming back next month and
17 we will table it.

18 Can I have a motion?

19 MR. LOTIER: I don't think we have a
20 choice.

21 MR. MEYER: So moved.

22 PRESIDENT GERING: Second? Who seconds
23 the motion?

24 MR. DOUGHERTY: I second the motion.

25 PRESIDENT GERING: Sorry about that.

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2 Thank you.

3 Next on the agenda is certificate of
4 appropriateness for 21 North Main Street to replace the
5 windows, resurfacing, lighting and painting.

6 Is any one here for 21 Main Street?

7 Hold on. Can we have a motion?

8 MS. MCHUGH: I will make that motion.

9 PRESIDENT GERING: Second?

10 MR. MEYER: Second.

11 PRESIDENT GERING: Okay. Can you identify
12 yourself. Take your mask off. I see a few people with no
13 masks, please put a mask on.

14 MS. HOVHANNISYAN: Inessa, I-N-E-S-S-A,
15 Hovhannisyan, H-O-V-A-N-N-I-S-Y-A-N, from Ralph Fey
16 Architects.

17 I have a copy of the drawings, if I may
18 approach.

19 PRESIDENT GERING: We all have the
20 drawings. Thank you.

21 Council, any questions or discussion about
22 their drawings?

23 MR. DOUGHERTY: There is not a hot tub
24 involved?

25 MS. HOVHANNISYAN: There is no hot tub

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2 involved.

3 MR. DOUGHERTY: I want to make that clear.

4 MS. MCHUGH: Can I see yours? Can you
5 bring that up?

6 MS. FEDER: A quick question. It is just
7 for confirmation. The drawings -- I just wanted to make
8 sure the parking on your plans -- I wanted to make sure
9 that the parking is exactly the same.

10 MS. HOVHANNISYAN: Exactly the same.

11 MS. FEDER: Great. Thank you.

12 PRESIDENT GERING: All right. Council,
13 any comments or questions?

14 MR. DOUGHERTY: There is a certificate of
15 appropriateness to modify -- greatly modify the facade of
16 this building and the cladding and the window.

17 Is that the crux of it?

18 MR. MAISEL: That is it.

19 MR. DOUGHERTY: To greatly modify. The
20 current windows are not historic with the bay and there
21 are no plans -- just like to have it on the record that
22 there are no plans to change the height of the building.
23 Tell me if there are.

24 MS. HOVHANNISYAN: There is no plans on
25 changing the height of the building. Not any taller than

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2 it is.

3 MR. DOUGHERTY: Correct. There is no plans
4 to add any -- to screw anything to the sides of the
5 building for square footage or to add decks or anything.
6 This is purely the outer envelope of the existing building
7 changing -- modifying the look of that outer shell of that
8 building?

9 MS. HOVHANNISYAN: Yes.

10 MR. DOUGHERTY: Okay. Thank you.

11 MS. HOVHANNISYAN: Thank you.

12 PRESIDENT GERING: Any other questions of
13 Council? Any questions from the public?

14 We have a motion on the table. All in
15 favor.

16 MS. FEDER: Aye.

17 MR. MEYER: Aye.

18 MR. DOUGHERTY: Aye.

19 MS. MCHUGH: Aye.

20 MR. MAISEL: Aye.

21 PRESIDENT GERING: Aye. Thank you.

22 Next on the agenda is 18-20 West Mechanic
23 Street. They want to replace windows and -- can we have a
24 motion for approval for Mechanic Street?

25 MR. DOUGHERTY: Yes.

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2 PRESIDENT GERING: Can I have a second?

3 MR. MEYER: Yeah.

4 PRESIDENT GERING: Dan was first, Peter was
5 second.

6 Hi there. You're back again.

7 MR. NUSH: I am back again from Ralph Fey
8 Architects. I have also the owners of unit three, Melissa
9 and Anthony.

10 The applicant is requesting a modification
11 to the original COA of unit 3 canal side building. The
12 current buyers have reconfigured the interior floor plans
13 of the first floor kitchen and living room. And that
14 would have changes -- that first floor would have changes
15 to windows and doors.

16 And on the third floor changing the
17 existing master bedroom to a home office/study which would
18 include an extension of windows and a shed dormer.

19 PRESIDENT GERING: All right. Any
20 questions?

21 MS. MCHUGH: I have a lot of questions. So
22 I sat in several meetings with Mr. Fey and the owners of
23 this property and I was guaranteed that that was just to
24 be an attic space and that it would not be living space,
25 that nobody would be able to stand in there and it would

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2 just be for storage. And we have gotten a lot of
3 miscommunications with this about this property.

4 I ask questions and we get 15 different
5 answers. I know Borough staff tried to clarify this with
6 you before you wasted your time coming here tonight and
7 you declined. We wanted to table it and work it out and
8 you declined that.

9 So my question is how is a two story
10 building that you stood here in front of Council and said
11 is only going to be two stories now three stories?

12 MR. NUSH: Its always been three stories.
13 I can show you the construction documents.

14 MR. TRUELOVE: If I can jump in. I think
15 the issue that we had between Mr. Gray and Ms. Stover and
16 myself, looking at these different photos and looking at
17 the history of this development, whether this is the
18 building -- there is a building that indicates on one of
19 the renderings it is only attic space.

20 You're saying this is a different building?

21 MR. NUSH: I can show the third floor
22 rendering that was always the master suite on that third
23 floor.

24 PRESIDENT GERING: Let me give you some
25 information. I don't recall you being here, it was

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2 Mr. Fey.

3 This project came to Council and we did not
4 issue certificates of appropriateness and it was denied by
5 us. The owners took us to court and then we went into
6 settlement and Laurie McHugh and myself were the two
7 people that negotiated the settlement. And there is a
8 settlement where it spells out every detail for this whole
9 property to the windows, the doors, the coloring and so
10 forth.

11 So I guess my question, Mr. Truelove, is
12 did -- since they are coming back to make changes, does
13 this affect the whole property because this was a -- we
14 settled through the court.

15 MR. TRUELOVE: If this is something that
16 was specific to that settlement, the answer is yes. That
17 is where some of the confusion is. I looked at that
18 today.

19 I have a rendering. And again, I don't
20 know if it is the same building. I don't know what was
21 part of the settlement.

22 PRESIDENT GERING: Let me stop you. It was
23 the whole project, it wasn't one building.

24 MR. TRUELOVE: My point is which building
25 was indicated as part of the -- if there is anything --

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2 any difference between the buildings. So this one I have
3 is attic not occupied.

4 MR. NUSH: That is unit four and five along
5 the creek side.

6 MR. TRUELOVE: Okay. That is what we need
7 to get clarified, the clarification going forward.

8 MR. DOUGHERTY: There were multiple
9 meetings about this property. And first off, you're the
10 purchasers and the buyers and this obviously is before
11 you.

12 MS. GRAHAM: It is new information to us.

13 PRESIDENT GERING: We are very sorry about
14 that.

15 MR. DOUGHERTY: This wasn't -- you
16 purchased the property, is that true? You now are owners
17 of this unit or is it not settled?

18 MS. GRAHAM: It is not settled yet.

19 MR. DOUGHERTY: So we have --

20 MR. TRUELOVE: They would be equitable
21 owners under the law.

22 MR. DOUGHERTY: I understand their right
23 to be here, I was trying to clarify this beyond that.

24 MS. GRAHAM: It is not complete.

25 MR. DOUGHERTY: Just trying to express

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2 Council's --

3 MS. MCHUGH: We understand you wanted to
4 make the property very nice.

5 MR. DOUGHERTY: During the multiple
6 meetings that we had with the architects, the subject of
7 the shed dormers was very prominent during the
8 conversations and they were basically -- we were basically
9 doing everything we could to reduce the massive -- and the
10 word massive scale of these buildings was brought up three
11 dozen times during these meetings by almost everybody on
12 Council.

13 And one of the things that came out was
14 that these buildings were expressed and related and
15 described to us as two-story buildings that present
16 themselves as three stories. That is literally -- now
17 that is my recollection. We can get the minutes. We have
18 court reporters. Probably the --

19 MR. NUSH: I will reiterate that is units
20 four and five.

21 MR. DOUGHERTY: Okay. The subject of shed
22 dormers is replete in the minutes at the time that we did
23 not approve of the shed dormers.

24 Now here we are back and these poor people
25 are standing here saying well you know in order to make

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2 the space useable it has to be a shed dormer. They bought
3 the house without a shed dormer -- they are buying the
4 house without a shed dormer, and I am absolutely against
5 modifying -- giving -- I am sorry, I am against approving
6 a change to the certificate of appropriateness for
7 something that an enormous amount of effort went into and
8 -- to get these buildings to be what they look like now,
9 let alone let's make them a little bigger.

10 MR. TRUELOVE: If I can also jump in. I do
11 have a copy of the stipulation that was from the
12 settlement that Ms. Gering referenced and there are
13 several -- 15 different recitations under the amendment to
14 the application listed. And they identify different
15 sheets including some of the canal path elevation.

16 The problem is I don't know how that
17 relates to this and I think the challenge is to accomplish
18 this we would have to modify the stipulation to
19 incorporate that, unless I --

20 MR. DOUGHERTY: So your initial read on
21 this is they would need to go back before the court or
22 whatever, the judge, I am putting the words in your mouth,
23 I apologize. That this is not a certificate of
24 appropriateness change, that is a court order.

25 MR. TRUELOVE: Assuming -- and it looks

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2 like it would be given the comprehensive nature of this,
3 that that would be part of it. It wouldn't have to go
4 back to court necessarily except that the parties would
5 have to get together, have a separate -- an amended
6 stipulation and perhaps file it with the court but that is
7 the way it would have to be done.

8 That is the -- actually we have to take a
9 look. We would have to have Ms. Stover look at the sheets
10 that are referenced in the agreement to see how they
11 coincide and correspond with what is proposed here and
12 make sure we identify the correct one or ones that would
13 be affected by this. We should know which ones we are
14 talking about.

15 PRESIDENT GERING: Mr. Truelove, my
16 understanding from the architect -- and I know we asked
17 this numerous times and I know Dan did. He said that
18 there would be no living space under where the domes would
19 be. He said it would be an attic space or it would be
20 something else.

21 So that is why this is all so new to us.
22 Again Laurie McHugh and I spent many, many days and hours
23 of negotiations so if -- we are pretty familiar with this
24 project. And you're asking for more changes after we came
25 to an agreement and my understanding wasn't that you can

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2 pick one building and change it now because there was
3 something different.

4 Our understanding was -- Laurie, please
5 join me in this, it was the whole project that we came to
6 a settlement with.

7 MS. GRAHAM: Melissa Graham. If I could, I
8 am okay with the dormer. I understand that wasn't
9 approved. This is new information to me but certainly I
10 will not argue it.

11 I don't want -- it sounds like there has
12 been an awful lot of time trying to get that approved.
13 Again, I wasn't aware of it but we will not spend the time
14 -- it is what it is.

15 I would ask your consideration for the
16 window on the first floor. Those are the other changes
17 that were requested because we did move where the kitchen
18 was, we moved it to the other side of the home. So where
19 the kitchen was, which will now be the den, is dark
20 because there was just one window because the expectation
21 there would be cabinetry in this room so you know it
22 wouldn't have decent light.

23 And I don't know if it is an all or nothing
24 proposal, like if you don't agree with the dormer then
25 everything is out or if you can consider them independent

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2 of each other.

3 PRESIDENT GERING: Well I think it goes
4 back to -- and I am not sure we will be able to vote on
5 this tonight. This needs legal opinion because again
6 you're making changes to what the agreement was.

7 MR. TRUELOVE: I'm sorry. Again trying to
8 correspond what is listed in the stipulation and again
9 there are 15 different items considered. How they relate
10 to what these changes are, I can't tell that just from
11 looking at the stipulation. We have to have the documents
12 reviewed in conjunction with this stipulation and how it
13 weighs to this.

14 I certainly agree with Ms. Gering, no one
15 wants to hold you up that way but we also have to
16 understand that the mechanisms to do this may be through
17 an amended stipulation. I think what we have to do is we
18 have to look at that --

19 PRESIDENT GERING: The recommendation --

20 MR. TRUELOVE: The recommendation that
21 should be before you -- frankly there is no certificate of
22 appropriateness that should be before you tonight because
23 it is actually something that may be through the court
24 system. I don't know that yet. It looks like it very
25 well could be.

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2 If that is the case, we would have to
3 engage in discussions with Mr. Laboski, if he still
4 represents the developer, deal directly with the equitable
5 owners and Mr. Fey or the developer, depending on if we
6 can work together or not.

7 But we would have to look at these drawings
8 that are referenced in the court stipulation, again to
9 identify them and how they relate to this particular one.
10 If they are subject to the court amendment, we have taken
11 the jurisdiction away from the HARB to consider this.
12 Essentially that is the way I look at it.

13 PRESIDENT GERING: Okay. So you have to
14 remember this is ten years, at least a ten year project.
15 I started 13 years ago in --

16 MS. MCHUGH: The paperwork involving this
17 is massive so that is why we asked to table it and give us
18 -- our staff more time to come up with a clearance and
19 clear questions and that was denied. We didn't want to
20 waste your time coming here today so we are sorry about
21 that.

22 MS. GRAHAM: We weren't aware of that.
23 Okay.

24 MS. MCHUGH: Your architect didn't want to
25 table it.

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2 MR. DOUGHERTY: This is the same property
3 that this Borough has tackled with, struggled with the
4 developers and/or the architects for about four or five
5 years with regard to commitments that were made that
6 weren't completely properly codified and written in such a
7 way, then they were reneged upon.

8 The developers also making various forays
9 to modify the property, the agreement so it would not in
10 fact be a restaurant or retail operation on the first
11 floor. There is various -- that the original building was
12 to be the first building to be tackled. That was -- we
13 had lots of commitments on that.

14 All of those commitments -- this Borough
15 personally feels we have been burned multiple times by the
16 acts here.

17 MR. MEYER: Which is no fault of yours.

18 MR. DOUGHERTY: Exactly.

19 MS. GRAHAM: Can you disassociate them and
20 us?

21 MR. MEYER: It is my own opinion that there
22 were two separate requests here; one having to do with the
23 window, one having to do with the dormer. And I think
24 that we on Council recognize that those can be two
25 separate items.

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2 They are both subject to the question about
3 what the court decision is. But I wouldn't necessarily
4 say that it is an all or nothing proposition, which is I
5 think the question you were asking.

6 MS. GRAHAM: Thank you.

7 MR. TRUELOVE: I think the stipulation of
8 the amendment to the agreement of both parties with that
9 discussion, just an understanding of what is in here and
10 what might be subject to the -- that is just a
11 clarification.

12 MS. GRAHAM: I guess what is unknown to me
13 and us is legally from a buyer perspective, if we delay
14 closing because -- I don't know how long this process
15 takes. And I honestly don't even know what you are
16 describing what needs to be done but I am just trusting it
17 is the process and that it is not like going to McDonalds
18 and ordering a burger.

19 MR. TRUELOVE: I can tell you that we will
20 get on this. We will have an answer to what is in the
21 stipulation and what the documents are that are subject to
22 this sometime next week at the latest and then have a
23 discussion with some representative with the authority of
24 Council to see what can be done.

25 So by the time of the next meeting on

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2 November 16th, we should have all of this information
3 ironed out, assuming it is available. I can't imagine it
4 is not, the files are there.

5 We have to have somebody look at it,
6 correspond what is in the stipulation, make sure what is
7 there is consistent with what has been presented here.

8 MR. DOUGHERTY: I would suggest though that
9 the Borough's constituents, our taxpayers have spent tens
10 of thousands of dollars in regard to this particular
11 property. These modifications, if they are not in keeping
12 with the court order, these requests of modification incur
13 costs to our taxpayers, this developer and/or the
14 architect will have to reimburse us for those.

15 You would be fine with that, correct?

16 MR. NUSH: I am not certain of that either.
17 I can't say yes or no.

18 MR. DOUGHERTY: We are not going to spend
19 more thousands of dollars to analyze this after the
20 repeated instances that we have experienced with this
21 developer.

22 PRESIDENT GERING: So you will be tabled
23 and you will have to get your attorney and Mr. Fey or you
24 will have to deal with Mr. Truelove. Do you have a card
25 for them?

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2 MR. TRUELOVE: I always have cards. All
3 right.

4 PRESIDENT GERING: So you're being tabled
5 and see what you can work out.

6 MR. MEYER: Again our apologies.

7 MS. GRAHAM: We love this community and we
8 want to be a part of it and we are disappointed and we
9 understand. We didn't know all of the back story and it
10 is unfortunate and hopefully we can work through this.

11 PRESIDENT GERING: Good luck, guys.

12 MR. MEYER: Much prefer to just welcome you
13 to town.

14 MS. GRAHAM: I think you still will. It
15 just might be in the dark but you will.

16 PRESIDENT GERING: Thank you.

17 Next on the agenda is a certificate of
18 appropriateness for 137 South Main Street for an
19 installation of a sign.

20 Can I have a motion for approval?

21 MR. MEYER: So moved.

22 MS. MCHUGH: I will second.

23 PRESIDENT GERING: Any questions from
24 Council? It is our new burger place.

25 All in favor.

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2 MS. FEDER: Aye.

3 MR. MEYER: Aye.

4 MR. DOUGHERTY: Aye.

5 MS. MCHUGH: Aye.

6 MR. MAISEL: Aye.

7 PRESIDENT GERING: Aye. All right. Thank
8 you.

9 Next is 15 East Bridge Street. That has
10 been referred to zoning. Next --

11 MS. STOVER: I thought that we would at
12 least look at the one sign.

13 PRESIDENT GERING: My understanding is we
14 were sending this whole thing back to them to look at.

15 Come on up and identify yourself.

16 MR. LEGIEC: Dan Legiec, L-E-G-I-E-C. I
17 own Clusters Handcrafted Popcorn at 15 East Bridge Street.

18 PRESIDENT GERING: All right. I see your
19 certificate of appropriateness was for two signs; one as a
20 hanging sign and the second one as a full window sign that
21 you would have to go to zoning and get a variance to do
22 that.

23 So how does that work with the certificate?
24 Do you have to do a new certificate of appropriateness or
25 -- Mr. Truelove?

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2 MR. TRUELOVE: I think you can bifurcate
3 it. You can approve the one, the first part of it, and
4 the second one is going back to zoning anyway.

5 PRESIDENT GERING: Okay.

6 MR. TRUELOVE: You can approve the hanging
7 sign.

8 PRESIDENT GERING: All right. So can I
9 have a motion for certificate of appropriateness for the
10 hanging sign?

11 MR. MAISEL: I will make that motion.

12 MR. DOUGHERTY: Second.

13 PRESIDENT GERING: Discussion from Council?

14 MR. DOUGHERTY: I just had a question
15 about it. When I was reviewing the material, this might
16 be to the zoning officer or -- I don't know. Nothing to
17 do with the size of the sign, it is more -- this is a HARB
18 COA approval?

19 PRESIDENT GERING: Correct.

20 MR. DOUGHERTY: So I have to presume that
21 the sign -- I thought that there was -- there were issues
22 about how invasive one could be with your -- one sign in a
23 public right of way.

24 Now I was under the impression like
25 36 inches and this type of thing and they had to hang --

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2 this one actually will hang over peoples' heads who walk
3 under it and in theory you can reach up and sort of tap
4 it. I don't know if it is low or not low.

5 So -- but there are rules around having
6 signs hanging over top in a right of way where people have
7 to walk under it and if so, what is the dimensions? We
8 have lots of people that bump their head, signs jut out
9 from the building on Main Street and hang over the
10 sidewalk -- okay -- which is what this does.

11 But we have hundreds of such retailers that
12 would like to have a sign -- it is nothing to do with your
13 sign. I want to make sure we wouldn't have 12 people here
14 next month that want to hang signs over the sidewalk.

15 MS. STOVER: I see on this picture that it
16 is 7 1/2 feet --

17 PRESIDENT GERING: Can you take your mask
18 off?

19 MS. STOVER: I am sorry.

20 His sign is projected to be 7 1/2 feet
21 above the sidewalk.

22 MR. DOUGHERTY: I am six feet so I would
23 be able to touch the bottom.

24 PRESIDENT GERING: What is the Borough
25 guidelines on how high it has to be?

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2 MS. STOVER: That is what I am checking
3 now.

4 MR. MEYER: It has to be --

5 MS. STOVER: The Ordinance says no
6 overhanging or projecting signs shall be less than 7 1/2
7 feet above the walkway so he is where he needs to be.

8 MR. DOUGHERTY: Thank you.

9 MR. LEGIEC: Essentially when we decided to
10 put the sign there we looked at this building and talked
11 to the owner and there was literally no place to put the
12 sign. That is how we came up with -- we didn't even want
13 to put it there but there was no other place to put it
14 frankly. Because it is a unique spot because it is on the
15 bridge.

16 PRESIDENT GERING: Are you putting it in
17 the gutter hanging or are you going to put it in the
18 hallway hanging?

19 MR. LEGIEC: It will be at the end of the
20 building along the side so it will be where the building
21 ends along the --

22 PRESIDENT GERING: I am familiar with your
23 building.

24 Any other questions?

25 MR. LEGIEC: The gutter is its own issue,

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2 it needs to be fixed.

3 PRESIDENT GERING: Yes. Any other
4 questions from Council or the public?

5 All in favor.

6 MS. FEDER: Aye.

7 MR. MEYER: Aye.

8 MR. DOUGHERTY: Aye.

9 MS. MCHUGH: Aye.

10 MR. MAISEL: Aye.

11 PRESIDENT GERING: Aye. Good luck. You
12 have great popcorn.

13 Up next is certificate of appropriateness
14 for 10 Stockton Avenue for a sign installation. This is
15 for LaCucina.

16 Can I have a motion for approval?

17 MS. MCHUGH: I will make the motion --

18 MR. DOUGHERTY: I will make the motion.

19 MS. MCHUGH: I second.

20 PRESIDENT GERING: Thank you. Any
21 discussion from Council? Any questions from the public?

22 All in favor.

23 MS. FEDER: Aye.

24 MR. MEYER: Aye.

25 MR. DOUGHERTY: Aye.

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2 MS. MCHUGH: Aye.

3 MR. MAISEL: Aye.

4 PRESIDENT GERING: Aye. Good luck.

5 Next on the agenda is consider resolution
6 for the Borough's Non Uniform Pension Account plan
7 documents.

8 Can I have a motion for approval?

9 MR. DOUGHERTY: I will make the motion.

10 MR. MEYER: Second.

11 PRESIDENT GERING: Mr. Gray, can you
12 explain what this is for?

13 MR. GRAY: Certainly. Nationwide holds --
14 is the custodian and they are the custodians to the
15 pension plan assets for the non uniform pension plan, that
16 is the administrative employees. They requested to have
17 updated documents on file to be completed for the
18 administrator for the -- to make updates to the plan that
19 will include conducting any business or signing documents
20 or anything else related to handle the plan.

21 Before you tonight is a resolution to be
22 considered to authorize myself and Christina Szabo as
23 signers on the plan going forward.

24 PRESIDENT GERING: Thank you.

25 Any questions from Council? Any from the

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2 public?

3 All in favor.

4 MS. FEDER: Aye.

5 MR. MEYER: Aye.

6 MR. DOUGHERTY: Aye.

7 MS. MCHUGH: Aye.

8 MR. MAISEL: Aye.

9 PRESIDENT GERING: Aye. Thank you.

10 Next is consideration of the resolution
11 adopting the Bucks County 2021 Hazard Mitigation plan
12 update.

13 Can I have a motion for approval?

14 MS. MCHUGH: I will make the motion.

15 PRESIDENT GERING: Second?

16 MR. MEYER: I will second.

17 PRESIDENT GERING: Mr. Meyer, for the
18 Planning Commission, would you like to explain what that
19 is?

20 MR. MEYER: Okay. And this is going to use
21 some more work from the Planning Commission. The hazard
22 mitigation plan includes both some things having to do
23 with mitigating hazards to make them less than they have
24 been and some things to adapt the hazards that we cannot
25 mitigate.

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2 public?

3 All in favor.

4 MS. FEDER: Aye.

5 MR. MEYER: Aye.

6 MR. DOUGHERTY: Aye.

7 MS. MCHUGH: Aye.

8 MR. MAISEL: Aye.

9 PRESIDENT GERING: Aye. Thank you.

10 Next is consider -- it is a request from
11 the Friends of the Library for refund for their permit for
12 \$350.

13 Can I have a motion for approval?

14 MR. DOUGHERTY: I will make the motion.

15 MR. MAISEL: Second.

16 PRESIDENT GERING: Any one here from the
17 library?

18 MR. VARNAI: Yes. Good evening. Friends
19 of the Library. Carl Varnai, V-A-R-N-A-I.

20 So we are the Friends of the Library.

21 MR. DOUGHERTY: You're a representative of
22 the Friends of the Library?

23 MR. VARNAI: The Friends of the Library.

24 MR. DOUGHERTY: So the library is the
25 person asking for --

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2 MR. VARNAI: Totally separate entities.

3 MR. DOUGHERTY: Different board.

4 MR. VARNAI: We are nonprofit.

5 MR. DOUGHERTY: 501C, separate freestanding
6 from the library organization.

7 MR. VARNAI: Totally separate. We are just
8 basically volunteer citizens, you're welcome to join, to
9 help the library fund. They have a shortfall every year.
10 You know the town does help them out a lot obviously but
11 it is not enough for them to take care of everything and
12 every year they come up short.

13 And this particular year they asked the
14 friends to fund \$15,000 worth of computer replacements,
15 rug cleaning, we are funding shelving or rotating shelving
16 for them to function properly. And \$5,000 for programming
17 which is an annual thing that what we support.

18 We work very hard with fundraising. The
19 biggest one is of course our used book sales. The library
20 is tiny, it has no space to sell used books and there are
21 a lot of books -- I am sure you have some you want to get
22 rid of. We collect thousands of these books. Instead of
23 throwing them in the garbage or whatever people will do
24 with them, we recycle them.

25 And so it is a fundraising -- we beg and

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2 plead with businesses, any one in town to give us space to
3 put these books for sale to the public. Happens to be
4 that this facility is -- this building on Main Street was
5 -- became empty and the owners said well maybe you can use
6 the porch for a period of time this year and we of course
7 jumped on the chance.

8 You walk downtown and you see the books and
9 we get so many people coming from out of town and they
10 said what a wonderful idea and so forth. And so we are
11 promoting New Hope in the process of talking to all of
12 these people.

13 The bottom line is we need every penny that
14 we collect. And we sell these books for fifty cents,
15 children's books for a quarter. And you can imagine how
16 many books we have to sell to make profit to give to the
17 library. We give all of this money to the library and so
18 far we have collected \$3,800, but that is with 250 hours
19 of volunteers.

20 So it is a lot of work and so we are just
21 hoping that the town can see this \$350 is a lot of money
22 for us. It is a lot of volunteer hours to collect \$350
23 in fees.

24 And just another mention, I would like to
25 mention in the past the town has forgiven this occupancy

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2 or this permit fee three or four times and so in the --
3 this is the first time we were -- I guess we were
4 surprised so we are just asking the town to consider it.

5 PRESIDENT GERING: Thank you. Any
6 questions from Council?

7 MR. DOUGHERTY: I have a question for
8 Peter. This use and occupancy -- and it says use and
9 occupancy. Basically it is to use the front porch. I was
10 under the impression a U&O is \$200. Is this actually a
11 U&O? Is it \$350 because it is commercial? Why is it 350?

12 MR. GRAY: I believe there were two fees,
13 \$200 and \$150.

14 MR. DOUGHERTY: They are separate. Okay.
15 And this is for a weekend -- the use of occupancy part,
16 the \$200 part is to use and occupy the outdoor porch of
17 this property.

18 So to make sure -- I know when we charge
19 \$200 for a U&O for house sales the fire inspector goes out
20 and makes sure it has the kitchen and bath and all of that
21 stuff and we pay for it. I can't imagine that they went
22 out to look at the porch and made sure it was a porch.

23 So my concern -- I understand where the
24 \$350 comes from, but my concern is that we have probably
25 15 or 20 non-profits and some of them are quite large.

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2 Some of them are very, very wealthy organizations.

3 MR. VARNAI: I wish we were.

4 MR. DOUGHERTY: You're not but they will --
5 when they put a new roof on and it might be a permit fee
6 of \$1,500 for a \$20,000 roof, then we are a non-profit and
7 we would like that fee waived. And there is dozens of
8 them, literally dozens of them.

9 So this one does seem kind of ridiculous to
10 charge \$350 to do a book sale on the porch of the
11 building.

12 MS. MCHUGH: Don't we give non-profits a
13 break?

14 MS. FEDER: I wanted to chime in on this.
15 This is something we discussed in our budgeting meeting
16 for this year and we were talking about the increased
17 permit fees and there was a discussion about how we were
18 concerned about the burden it would put on local
19 non-profits.

20 MR. DOUGHERTY: Small ones.

21 MS. FEDER: Right. We said in that
22 discussion we would consider it case by case. And if it
23 seemed like an excessive fee, especially considering the
24 Borough's history of waiving these permit fees, but it is
25 a practice we expected to continue.

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2 So when we voted on those fees, this is
3 part of why we were comfortable with increasing the fees
4 so we could waive it in exact instances like this.

5 MR. DOUGHERTY: Where the fee -- like the
6 permit fee for a roof is \$1,500, it is a different animal.
7 I just wanted to make it clear that anything we vote on
8 here isn't setting a precedence for some of our
9 multi-million dollar non-profits --

10 PRESIDENT GERING: I think the thing is
11 when you are doing roofs and other construction we have a
12 cost factor with that permit, our zoning officers have to
13 go out. This is just a use that they are doing. So
14 anyway, that is my take on it.

15 So any other comments?

16 MS. MCHUGH: Yeah. During the week if you
17 just throw a tarp over that and leave the books there,
18 that looks horrible. That has to be a problem. Can you
19 stop doing that?

20 MR. VARNAI: Well, we can. It is a back
21 breaking job and most of our volunteers unfortunately are
22 in their seventies and up, and we have to move those books
23 indoors. We can do that but if we may ask for -- we are
24 probably looking at maybe two or three weeks at the most
25 probably where we will be able to be there and it maybe

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2 the last time we are doing it in this facility as a
3 temporary thing. The weather will not allow us to be out
4 there. If we can just ask for a couple more weeks. We
5 will be moving out the books to the storage that we are
6 renting.

7 MS. MCHUGH: I am okay with that. If you
8 do it next year, come up with a better way to store them.
9 It looks horrible and then that leads to other people
10 saying they did it.

11 MR. MAISEL: It is a situation across the
12 street from that as well.

13 MR. VARNAI: Yes. So next year definitely.

14 PRESIDENT GERING: Any others comments
15 from Council?

16 We have a motion on the table. All in
17 favor to give a refund?

18 MS. FEDER: Aye.

19 MR. MEYER: Aye.

20 MR. DOUGHERTY: Aye.

21 MS. MCHUGH: Aye.

22 MR. MAISEL: Aye.

23 PRESIDENT GERING: Aye. Opposed?

24 Good luck. You have your refund.

25 MR. VARNAI: Thank you very much.

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2 PRESIDENT GERING: Next is consider
3 amendments to THA Consultants agreement for reimbursable
4 expenses.

5 Pete, do you want to explain what the
6 reimbursable expenses are?

7 MR. GRAY: Yes. Thank you. In June at
8 the workshop meeting Council approved the agreement with
9 THA for \$422,000. What is not included in that vote was a
10 request for reimbursable expenses of \$10,000. This
11 \$10,000 includes items such as mileage, photos, copies,
12 mailings, et cetera. So this \$10,000 will cover those.

13 PRESIDENT GERING: Didn't that also
14 include the wetlands?

15 MR. GRAY: No.

16 PRESIDENT GERING: Okay.

17 MR. DOUGHERTY: It is reimbursable
18 expenses, is it an amount up to \$10,000?

19 MR. TRUELOVE: Not to exceed 10,000.

20 MR. DOUGHERTY: They would provide
21 documentation of their copying costs and their -- any of
22 those, it might be \$374.60 and that is what we will get.
23 What we are approving is that they could
24 request up to 10,000.

25 MR. GRAY: That is correct.

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2 MR. DOUGHERTY: It is not \$10,000?

3 MR. GRAY: That would show up at the bottom
4 of the invoice and it would have a line item description
5 for it.

6 MR. DOUGHERTY: That is standard operating
7 procedure in contracts, reimbursable expenses.

8 PRESIDENT GERING: Any other questions
9 from the Council? Any from the public? Yes, Mr. Clapper.

10 MR. CLAPPER: Bill Clapper, North Main
11 Street.

12 Is that additional expenses over and above
13 the \$422,000 contract?

14 MR. GRAY: It is.

15 MR. CLAPPER: Okay. Thank you, Peter.

16 PRESIDENT GERING: Any other comments?

17 MR. BALDERSTON: Joseph Balderston, 25
18 North Main Street.

19 MR. DOUGHERTY: May I interrupt you for one
20 second? We are asking for your residence. Do you live at
21 25 North Main Street here in New Hope?

22 MR. BALDERSTON: Mr. Balderston does not
23 live in New Hope. Mr. Balderston owns real estate at
24 several locations in New Hope.

25 MR. DOUGHERTY: Do you own 25 North Main

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2 Street?

3 MR. BALDERSTON: I own a portion of 25
4 North Main Street. Diana Michaels jewelry store is run
5 out of there. I own a piece of real estate directly north
6 of the Borough parking lot.

7 MR. DOUGHERTY: I am aware of that piece.
8 That is part of the parking lot --

9 MR. BALDERSTON: I just sold 21 --

10 MR. DOUGHERTY: You're not a resident of
11 New Hope?

12 MR. BALDERSTON: No, not at the present
13 time. I was born and raised in New Hope. I lived --

14 MR. DOUGHERTY: I know that. You used to
15 be on Borough Council.

16 MR. BALDERSTON: I also have 50 years of
17 active service in our fire company.

18 MR. DOUGHERTY: Thank you. You don't live
19 on North Main Street.

20 PRESIDENT GERING: What is your comment?

21 MR. BALDERSTON: Why are we going over
22 budget already?

23 PRESIDENT GERING: Excuse me. We have a
24 motion on the table.

25 MR. BALDERSTON: But you asked if there

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2 were any questions.

3 PRESIDENT GERING: I said comments.

4 MR. BALDERSTON: That is a comment.

5 PRESIDENT GERING: So we have a comment.

6 It is for expenses.

7 MR. BALDERSTON: But it is not part of the

8 \$440,000.

9 PRESIDENT GERING: They just explained

10 what it is for.

11 MR. BALDERSTON: So therefore we are

12 already going over budget.

13 PRESIDENT GERING: We were not over

14 budget, it is an expense.

15 MR. MEYER: Excuse me, Mr. Balderston,

16 since I was party to this, going over this material as

17 chair of the parking facilities committee; we omitted to

18 include the \$10,000 when we wrote the authorization for

19 the \$422,000. The \$10,000 in reimbursable expenses was

20 there in the original proposal from THA Consultants. It

21 is our omission when we originally approved it. It is

22 something that we intended to approve then. It is not a

23 cost overrun over what we intend to spend.

24 MR. BALDERSTON: Okay. So it was

25 originally in the original proposal?

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2 MR. MEYER: Yes.

3 MR. BALDERSTON: Thank you.

4 MS. FEDER: Before we vote can I ask for a
5 quick clarification? All of this comes from the money
6 from the grant, correct?

7 PRESIDENT GERING: That is what it is,
8 yes.

9 MS. FEDER: Okay.

10 PRESIDENT GERING: All right. We have a
11 motion on the table.

12 All in favor.

13 MS. FEDER: Aye.

14 MR. MEYER: Aye.

15 MR. DOUGHERTY: Aye.

16 MS. MCHUGH: Aye.

17 MR. MAISEL: Aye.

18 PRESIDENT GERING: Aye. Thank you.

19 Next is consider authorization to advertise
20 for amendments to Chapter 275-57, general regulations
21 applying to required off-street parking facilities.

22 Can I have a motion for approval? This is
23 to advertise, the motion --

24 MS. MCHUGH: I will make the motion.

25 MR. MEYER: I have a second.

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2 PRESIDENT GERING: Discussion from Council?
3 I understand there is a request for changes for what is
4 going to be advertised.

5 Mr. Gray, would you like to --

6 MR. GRAY: Yes. My understanding is -- I
7 have gone over this proposed ordinance and there are a
8 couple of changes which we recommend for consideration
9 tonight to be included.

10 PRESIDENT GERING: Would you like to read
11 them, what the changes are or just -- everybody have them?

12 MR. GRAY: Peter, do you want to explain?

13 MR. MEYER: Let me explain. I have got the
14 rationale. Historically we have permitted a payment in
15 lieu for property -- for developers that did not have
16 onsite parking and did not have immediate parking
17 available.

18 The payment would be made in lieu to the
19 Borough in lieu of actually providing the parking. Until
20 a couple of years ago that payment by ordinance was \$1,000
21 per parking space. And when I say a couple of years ago,
22 I mean a couple of years ago.

23 As of the current moment there is something
24 on the order of about a \$6,000 cost for a single parking
25 space on a level -- not public, not parking garage, but

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1
2 simply level parking.

3 Our parking in lieu was intended originally
4 -- the logic behind it was to raise the funds for the
5 Borough to be able to provide the parking that the
6 developer could not provide. The funds that we have added
7 have been totally inadequate. In order to avoid that
8 happening in the future, I proposed in conversation with
9 Mr. Gray that we should have some language to the effect
10 that fees should be based on the current market cost of
11 providing such parking.

12 And the question that became sort of how
13 fast can we do that, do we do that -- it every time
14 somebody comes up for the parking. And the recommendation
15 that I have made is that we insert some language to that
16 effect in section 275-57 and subparagraph 1.

17 Based on the current market cost of
18 providing such parking as calculated to do this and as
19 calculated by a company called --

20 MR. GRAY: WGI.

21 MR. MEYER: As calculated by WGI,
22 well-known parking consultants, so that the language would
23 be inserted in that paragraph so we start bringing it up
24 to date and we maintain it as up to date over time so that
25 we cover costs.

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2 MR. GRAY: Correct.

3 PRESIDENT GERING: Thank you.

4 Any other comments from Council?

5 MR. GRAY: This would eventually be
6 advertised and also presented to the Bucks County Planning
7 Commission and the Borough's Planning Commission as well
8 for their review and consideration.

9 PRESIDENT GERING: Thank you.

10 MR. MEYER: Can we modify -- can I ask for
11 an amendment -- can I amend the motion?

12 MR. TRUELOVE: You can always ask for one.

13 MR. MEYER: Pardon me.

14 MR. TRUELOVE: You can always ask for one.

15 MR. MEYER: I can ask for an amendment to
16 the motion. So I am requesting an amendment to the motion
17 to insert language that will accomplish what I have just
18 described in the paragraph that I have described and I
19 would propose that amendment to the motion and I hope to
20 get a second.

21 MR. DOUGHERTY: I am not intelligent enough
22 to know --

23 PRESIDENT GERING: I will second it. This
24 is only to advertise, correct?

25 MR. TRUELOVE: Correct.

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2 I would also add that what Mr. Meyers is
3 proposing makes sense in the sense that you have -- if
4 you're to use the market value approach, you have to have
5 some objective standard that you can rely on that gives
6 you that information. So this would appear to be subject
7 to what engineers might tell us, this is a --

8 MR. MEYER: WGI puts out the cost of
9 parking calculation annually so we need to update subject
10 to that or a comparable publication because we have to put
11 in -- or a comparable publication because WGI might stop
12 publishing. So that would be the language that we will
13 put in there.

14 MR. DOUGHERTY: So the amendment that you
15 described, Peter, is the amendment to the written
16 documents we have and that is in order to tie the ongoing
17 -- the ongoing currentness of this ordinance to an outside
18 index, that if that outside index is no longer available,
19 there will be another one that we attach it to?

20 MR. MEYER: Correct.

21 MR. DOUGHERTY: That is the amendment that
22 you are proposing?

23 MR. MEYER: That is the amendment that I am
24 proposing.

25 MR. DOUGHERTY: Do we vote on that before

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2 we vote on to advertise this thing?

3 MR. TRUELOVE: You can vote on a motion to
4 advertise as amended.

5 MR. MAISEL: Before we get to the vote, the
6 mechanics of this I just want to understand a little bit
7 more. So the in lieu of fee, whatever that is by WGI
8 Consulting group, is that an annual fee? Is it a one
9 shot?

10 MR. MEYER: It is a one shot deal.

11 MR. MAISEL: What is the logic behind that?

12 MR. MEYER: The logic behind that in terms
13 of the original logic of the fee in lieu -- the original
14 logic is literally to provide the Borough with the funds
15 to construct and provide the parking itself.

16 MR. MAISEL: So if somebody -- if it is
17 \$5,000; they give us 10 -- they give us \$50,000, we should
18 earmark that money -- theoretically earmark that money
19 like for something that is really going towards --

20 MR. MEYER: To provide parking, correct.

21 PRESIDENT GERING: All right. So we have
22 a motion to advertise so I guess let's start -- we have a
23 motion to advertise.

24 Everybody in favor of that as amended.

25 MS. FEDER: Yes.

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2 MR. MEYER: Yes.

3 MR. DOUGHERTY: Yes.

4 MS. MCHUGH: Yes.

5 MR. MAISEL: Yes.

6 PRESIDENT GERING: Yes. All right.

7 Everybody in favor?

8 MS. FEDER: Yes.

9 MR. MEYER: Yes.

10 MR. DOUGHERTY: Yes.

11 MS. MCHUGH: Yes.

12 MR. MAISEL: Yes.

13 PRESIDENT GERING: Yes. Everybody is in
14 favor. Thank you.

15 All right. Next we have approval of the
16 minutes of the meeting from the September 21st Council
17 meeting.

18 MS. MCHUGH: I will make the motion.

19 MR. MEYER: Second.

20 PRESIDENT GERING: Comments? All in
21 favor.

22 MS. FEDER: Aye.

23 MR. MEYER: Aye.

24 MR. DOUGHERTY: Aye.

25 MS. MCHUGH: Aye.

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2 MR. MAISEL: Aye.

3 PRESIDENT GERING: Aye.

4 Next is approval of accounts. So we have
5 accounts payable for October in the amount of \$536,274.07.
6 Payroll for September 24th, September 30th and
7 October 8th; the amounts are \$80,471.71, \$4,373.28 and
8 \$73,454.08.

9 Can I have a motion for approval?

10 MS. MCHUGH: I will make that motion.

11 MR. DOUGHERTY: I will second it.

12 PRESIDENT GERING: All in favor.

13 MS. FEDER: Aye.

14 MR. MEYER: Aye.

15 MR. DOUGHERTY: Aye.

16 MS. MCHUGH: Aye.

17 MR. MAISEL: Aye.

18 PRESIDENT GERING: Aye. Thank you.

19 All right. We will move on to Council.

20 I am sorry, you have a comment? Come on up
21 and identify yourself.

22 MS. SANTELLO: Hi, Sandy Santello, Village
23 II, New Hope. S-A-N-T-E-L-L-O.

24 I -- as requested with the new process
25 where you submit your questions rather than ask them

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2 during a meeting, I sent my questions to Peter and, Peter,
3 I thank you for your prompt response. I thought that the
4 -- your responses were very helpful to me.

5 PRESIDENT GERING: I will stop you. We
6 have to approve our accounts payable.

7 MS. SANTELLO: That is what I am
8 discussing. Is it okay? You said we could comment.

9 PRESIDENT GERING: Okay.

10 MS. SANTELLO: If -- but if we had
11 questions, to send them so I sent the questions and I got
12 responses and I thought the responses were really good and
13 I thought it would be helpful for the rest of the audience
14 to know because the 500,000 was like a little overwhelming
15 when you saw it but Peter very -- it was helpful to know
16 that it wasn't like some exorbitant expense.

17 So I am asking Peter if he wouldn't mind
18 responding to my questions which I submitted for the
19 meeting.

20 MR. DOUGHERTY: To summarize, the five
21 hundred -- and I don't have the --

22 MS. SANTELLO: Yes. You sent me an e-mail
23 with the answer. I didn't bring the e-mail.

24 PRESIDENT GERING: The breakdown of the --

25 MR. DOUGHERTY: No, the question was --

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2 the point that Sandy is making, and she had very good
3 questions, and I think it is a very healthy process by
4 which questions are sent and this way there is less
5 confusion. It is the question is there, the answer is
6 there. The answer is next to the question and things
7 aren't confusing so I really appreciate it.

8 MS. SANTELLO: I appreciate it but my
9 question was meant to be answered tonight here and not in
10 an e-mail. So I was just asking for the questions to be
11 answered publicly. Thank you.

12 PRESIDENT GERING: Do you have it there?

13 MR. GRAY: The question that was posed was
14 what makes up the \$536 --

15 MR. DOUGHERTY: Why was it so large this
16 time?

17 MR. GRAY: The reason it was large was
18 because two payments for the police MMO, one was about
19 203,000 and the other was about \$76,000. There is an
20 additional payment and that money gets paid from the
21 Commonwealth of Pennsylvania, a portion of that is passed
22 through. There is also a payment for the volunteer fire
23 company that is also a pass through from the State and
24 there is also a payment for the THA Consultants as well.

25 So those three amendments contributed to

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2 the larger than usual bill list presented tonight.

3 MS. SANTELLO: Thank you.

4 I just thought every body else would find
5 that clarification very helpful. Thank you.

6 PRESIDENT GERING: Yes. Mr. Clapper.

7 MR. CLAPPER: I have a question. Excuse
8 me, I have a question on the accounts payable also.

9 I understand all of those payments are
10 certainly in line. Point of clarification, is the \$74,000
11 I understand paid to THA, is that coming out of the
12 operating budget or I thought there was a capital budget
13 set up for the parking garage process?

14 MR. GRAY: That payments will come out of
15 the capital budget.

16 MR. CLAPPER: That is out of the capital
17 budget. Does the \$10,000 that we spoke of a moment ago
18 come out of that capital budget also?

19 MR. GRAY: Eventually, yes.

20 MR. CLAPPER: Thank you very much.

21 PRESIDENT GERING: All right. Next we have
22 committee reports. First Parks and Recreation.

23 MS. FEDER: No report.

24 MR. TRUELOVE: Madame President, you need
25 to vote on that motion.

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2 PRESIDENT GERING: I am sorry.

3 We have a motion on the accounts payable.

4 We have already had discussion.

5 All in favor.

6 MS. FEDER: Aye.

7 MR. MEYER: Aye.

8 MR. DOUGHERTY: Aye.

9 MS. MCHUGH: Aye.

10 MR. MAISEL: Aye.

11 PRESIDENT GERING: Aye. Thank you. Mr.

12 Truelove, you're right, your check wouldn't be coming.

13 Next is the Shade Tree Commission. Laurie.

14 MS. MCHUGH: Nothing to report. We do have
15 a meeting tomorrow.

16 PRESIDENT GERING: Thank you. Finance
17 Committee. Mr. Dougherty.

18 MR. DOUGHERTY: We are beginning the 2022
19 budget process and we hope to have a draft of it for the
20 public's review sometime in November it will be posted and
21 I believe we meet on it in December.

22 And the other update is sometime in the
23 next 14 days or so I think we are going to remit \$525,000
24 toward the bond debt that the Borough has. We currently
25 have one million 726 or something like that and \$525,000

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2 will be sent off --

3 MR. GRAY: Thursday.

4 MR. DOUGHERTY: Thursday. I knew it was
5 within 14 days. So it is within two days we will be
6 remitting that payment, bring our bond debt down to \$1.2
7 million and reduce our annual bond payment from about
8 \$185,000 down to \$145,000 and contract the duration from
9 13 years down to nine years or eight and a half years.
10 Eight and a half actually.

11 So all good news. The interest rate is
12 much lower and it is -- we are in great shape. I really
13 want to express our gratitude to Pete and -- Pete and
14 Christina and also our Council who helped us navigate that
15 in a very efficient way to sort of refinance that bond.
16 They did a great job and will save the Borough a
17 significant number of dollars over the next nine years.
18 Thank you.

19 MS. MCHUGH: I would like to thank the
20 Finance Committee for handling that as well. Great job,
21 guys.

22 PRESIDENT GERING: Thank you every one.
23 Okay. Next is HARB.

24 MR. MAISEL: Nothing to report.

25 PRESIDENT GERING: There are no reports

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2 for Zoning.

3 Mr. Meyer, do you have Planning Commission
4 reports?

5 MR. MEYER: I might as well go over -- the
6 Planning Commission is at the moment engaged in preparing
7 a couple of significant changes in the zoning ordinances
8 and I want to try and explain a little bit about what is
9 going on.

10 We are working on ordinance revision in
11 order to address the new developments in the Borough
12 outside of the historic preservation season; that is to
13 say new developments that have ignored the historic
14 significance of buildings unless they happen to be very
15 old, especially when they are petitioning for demolition.
16 That has been a problem.

17 We have a problem with demolition by
18 neglect that we are trying to better control. And the
19 fact that we are seeing developers proposing and building
20 new structures that don't conform to the standards and the
21 character of the neighborhood in which they are located.

22 At the same time as we are doing that we
23 are trying to make sure that our new ordinance in the
24 setback provisions and the various size dimensions that
25 were being dictated, reduce the total number of properties

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in New Hope proper that are non-conforming because the fact that they -- a property that is non-conforming has to go before the Zoning Hearing Board for the most minor of modifications and the PA standard that that is more than just a few appearances before the Zoning Hearing Board, a year for existing landowners. There is something wrong with the zoning so we are trying to correct that.

That is also leading us up to trying to revise or reconstruct the comprehensive plan in view of the new developments that have taken place because we have a heck of lot of new buildings in the last five years, let alone ten.

In order to move all of this forward please be advised that the Planning Commission is now meeting twice a month, not once. I have to add some gratitude to Mr. Clapper for the fact that we have two new members that he helped approve for us and they are making an excellent contribution.

PRESIDENT GERING: Thank you.

Do we have a Manager's report.

MS. SANTELLO: May I make a comment?

PRESIDENT GERING: Sure.

MS. SANTELLO: I -- again Sandy Santello, Village II.

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2 Peter, in looking -- that is as a former
3 zoning hearing board member, one of the things that I have
4 talked often about was that the Delaware River is a scenic
5 byway and we have had some issues in the past where we
6 narrowly averted having lit signage on the riverside.

7 So I was hoping that somewhere in looking
8 through the updating of zoning that we would consider not
9 having backlit signing on the river side. I mean you look
10 at Lambertville, you don't see anything and you know you
11 just don't want to see it.

12 MR. MEYER: I will bring that up to the
13 Planning Commission.

14 MS. SANTELLO: We have gotten lucky so far
15 but there is nothing in the ordinance that would not allow
16 lit signage on the back side as long as you're within the
17 zoning requirements. So thank you.

18 MR. MEYER: Thank you.

19 PRESIDENT GERING: Manager's report.

20 MR. GRAY: Not at this time.

21 PRESIDENT GERING: Solicitor's report.

22 MR. TRUELOVE: No.

23 PRESIDENT GERING: We are up to the public
24 comments. You wanted to make a comment.

25 MR. MEYER: I just want to make a comment

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2 very briefly since so much of the public comment these
3 days seems to focus on the parking facilities committee's
4 work, that is to say the planning of the garage. So I
5 will try to mention a couple of things.

6 First of all I have said it before and I
7 wanted to say it again and I will say it again as
8 frequently as I need to, I am afraid it seems to be
9 something that needs to be said many times. My
10 understanding of our mandate from Council is that we are
11 to take steps to provide infrastructure that is essential
12 to the success of businesses that have opened in town.
13 And to do so in such a manner as to not impose -- very
14 important, not impose any new tax burden on the residents
15 or on the property owners in the Borough. That is our
16 intent.

17 I do not anticipate that we will build a
18 garage unless we have a situation in which we have very
19 clearcut capacity to service the debt at no cost to the
20 taxpayers of New Hope. Furthermore I can tell you that
21 the \$1.75 million grant from the Commonwealth is not in
22 jeopardy which people seem to worry about.

23 And I guess the last thing that I wanted to
24 make a couple quick comments on is the need -- the
25 question about as many people asked us about the need for

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2 a parking study. What is the rationale for the garage.

3 The last parking study was done in 2010.

4 It is in the interest of people in the Borough, I think
5 all of us as taxpayers and property owners, that the
6 businesses in town not be forced to close due to the fact
7 that they don't meet land use requirements. Those land
8 use requirements include that they have to provide a
9 certain number of parking spaces for their customers.

10 Logan Inn. River House. Ghost Light Inn.
11 Who knows what comes next. All of them have gotten the
12 permission to expand or come into existence without the
13 parking they needed. In some cases they may have obtained
14 partial or full parking at the mule but that certainly did
15 not provide us with the capacity to build the garages.

16 Right now that is the bulk of the demand
17 for the space in the garage that we are contemplating.
18 They all have made various comments about willing to sign
19 long-term leases.

20 Mr. Clapper did an analysis based on
21 ten-year leases. I can tell you right now we are not
22 contemplating leases any where's near that short nor are
23 they and we will build the garage with that approach.

24 We do not want the River House to have to
25 close because it doesn't have parking. We would like to

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2 see something else where the Raven used to be. We would
3 like to see the Logan Inn not have to close when the
4 catholic church no longer rents them the temporary parking
5 spaces that they now have. That is why we are building
6 the garage. Thank you.

7 PRESIDENT GERING: Thank you.

8 MS. SANTELLO: Can I make a comment?

9 PRESIDENT GERING: Right now we are in
10 public comments. Come on up, Sandy.

11 MS. SANTELLO: It is -- I just wanted to
12 say in all of my time on zoning up until last year, the
13 Logan -- every one of those large projects that come
14 through with the variances, any variance had a conditional
15 -- was conditioned upon a parking plan approved by Borough
16 Council. So none -- they could not move ahead with any of
17 their construction unless they had a parking plan.

18 My understanding is that Odette's has a
19 parking plan. In talking to Frank, he has a parking plan
20 in place now and neither really are looking at this garage
21 as where they would negotiate a contract. They already
22 have their leases worked out so that is where I just get
23 my concern.

24 MR. MEYER: Let me start with the fact --

25 PRESIDENT GERING: This is comment.

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2 MS. SANTELLO: It is just a comment. So it
3 is a comment, that is all.

4 And you're right, I looked at -- I think
5 the last comprehensive plan was in 2010, the parking
6 garage study was in 2011. So there hasn't been, to my
7 knowledge, an updated comprehensive plan that is generally
8 done with the Planning Commission in concert with the
9 Bucks County Planning Commission as well as a parking
10 study.

11 So I just feel like we are going -- this is
12 my comment, that we are going down the road without a road
13 map. Thank you.

14 PRESIDENT GERING: Mr. Clapper.

15 MR. CLAPPER: I would like to speak about
16 the parking garage also.

17 PRESIDENT GERING: Comments.

18 MR. CLAPPER: Comments. Sorry, we have to
19 learn the technology. I hear the comments about the
20 parking garage and as you know, I have ability to contact
21 quite a few people through our New Hope Speaks and I would
22 not say that there is any solid objection or in favor of
23 the garage at this point. I certainly hear comment on
24 both sides but most people say I am waiting to find out.

25 So in support of what Peter said I would

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2 make one comment, though I think the missing ingredient in
3 what we aren't hearing in town is what is the payback for
4 New Hope? I think that is what is missing. It is not how
5 we will pay for it. It is not the importance of the town.

6 I am assuming you're all taking care of
7 that, but what is the return on investment and what is the
8 risk to this town? We don't want to be in a position
9 where this town has made a series of financial mistakes
10 and we carry the burden -- not to say that this is where
11 it is going, but most projects have an upfront ROI
12 approach to the plan. That is my comment. Thank you.

13 PRESIDENT GERING: Thank you.

14 Any other comments? Mr. Balderston.

15 MR. BALDERSTON: Thank you. Joe
16 Balderston, 25 North Main Street.

17 PRESIDENT GERING: You really have to give
18 us your home address. You're in Doylestown, right?

19 MR. BALDERSTON: No, I am in Buckingham. I
20 have a Doylestown mailing address.

21 My comment -- first I would like to clear
22 the record that I am not against creating parking in New
23 Hope.

24 I would like more consideration given to
25 expanding the Borough parking lot that is on Borough land

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2 and keeping the parking all on grade rather than building
3 a parking garage which I really believe, along with some
4 others, that that can be accomplished there and get as
5 many parking spots as -- maybe even more than by building
6 a parking garage. And down the road you're going to have,
7 in my opinion, considerably less maintenance.

8 Now perhaps the Planning Commission is
9 looking into that and I am not aware of it but I --
10 hopefully hoping that it is taken under consideration.
11 Thank you.

12 PRESIDENT GERING: Thank you. Frank.

13 MR. DeLUCA: Frank DeLuca, Old York Road,
14 New Hope.

15 I wanted to know if there is any work
16 orders for West Mechanic Street that was hit by Ida pretty
17 bad. I don't see anything getting done on it.

18 Also on Sujan Road I have taken pictures
19 there each week. From last week to this week there
20 doesn't seem to be any work getting done. The roadway has
21 been repaired but around the railroad tracks they are not
22 doing anything. I am wondering if you have any knowledge
23 of when that will be complete.

24 PRESIDENT GERING: Pete, you want to
25 answer that?

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2 MR. GRAY: Yes, the roadway is complete.
3 The railroad is finishing up their work out there. We
4 have received a date of tentatively this weekend that they
5 should be completed their work and we hope that the
6 roadway will be done at that time.

7 MR. DeLUCA: The second part of that
8 question, what is the story on Mechanic Street, there is
9 -- nothing has been done there.

10 MR. GRAY: No, we don't have an update on
11 that. We are still working on that. We are working with
12 FEMA and trying to come up with a solution to get that
13 resolved as well.

14 MR. DeLUCA: Thank you.

15 PRESIDENT GERING: Any one else who would
16 like to make a comment?

17 MS. MCHUGH: Can we put those updates on
18 the --

19 MR. GRAY: Sure.

20 PRESIDENT GERING: Mr. Clapper, that is
21 your second time.

22 MR. CLAPPER: Thank you. I would like to
23 make a comment about the positive move to select the
24 virtual meeting option that you have done tonight. I want
25 to thank you for that. I have a suggestion that I would

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2 like to distribute.

3 PRESIDENT GERING: Give it to Pete.

4 MR. GRAY: Thank you.

5 MR. CLAPPER: There is a copy for
6 everybody, Peter.

7 I'm not going to go into any detail tonight
8 but what I am proposing in general is that we form -- the
9 Council would form a small committee of perhaps one to two
10 Council members along with two or three community members
11 to think about how we can enhance the Zoom Owl program
12 here.

13 I see four things that we can do as a town.
14 Again no details, you can read it on the sheet that I have
15 written up later but four key things is the refinement of
16 this technology. This is the beginning. I have some
17 feedback while I am sitting here of some things that I
18 know the technology will provide that we should look into.

19 Number two, I suggest that we think about
20 this committee -- when I say we, that the committee think
21 about and provide a recommendation back to the Council, is
22 there a way to modify the Council's agenda between the
23 work session and this that would attract more people.
24 When I say this, the regular council meetings. Is there a
25 way to shuffle around the items that you cover where we

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2 might be able to make it more appealing and more
3 interesting to the residents.

4 Number three, I think we can take the
5 opportunity to brand this communication, the outward
6 communication to the community, the engagement with the
7 Council which I think is very positive. And there is a
8 way that we can brand that, put a name on it and promote
9 that to the community so we can continue that, the
10 involvement and the involvement of the town and the
11 projects that you are all providing the leadership for.

12 And fourth, I know that the Owl
13 Laboratories organization and Zoom offer all kinds of
14 training programs, online video programs that we can use
15 within the community to train the residents on how to use
16 the technology easier. We can set up easy links, we don't
17 have to go through setting up passwords and meeting
18 agendas. There are ways to just click on that.

19 We can push out the opportunity to join the
20 meeting rather than wait for people to come in. Again all
21 with the idea of promoting involvement in the town. So I
22 submit that for your consideration and hopefully we can
23 talk about that at a later time.

24 PRESIDENT GERING: Thank you. Any other
25 comments?

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2 MS. FEDER: May I make just a quick one?
3 It is actually related that to that. I just wanted to
4 follow up and thank our staff for setting up Zoom tonight.
5 I got texts from neighbors and friends that it was working
6 beautifully. So thank you for that. That is really nice.

7 MS. MCHUGH: Can I make a comment? I don't
8 like not using the microphones.

9 CHAIRMAN GERING: Second that.

10 I think what the problem is it is wonderful
11 that people can stream it but it is very difficult for us
12 here and having people sitting in the audience being able
13 to hear us. I think that is something we will have to
14 work on and see how we can do with that.

15 MR. CLAPPER: I think the --

16 MR. DOUGHERTY: I am sorry, it is her
17 comment but I have a comment as well on that. I had a
18 hard time tonight hearing the deliberations of my fellow
19 Council people; when one talks to the public this
20 direction, the people left, right and to the side can't
21 hear as well as that so I personally -- it is wonderful
22 people can watch and hear the meeting.

23 Somehow we have to figure out how to get
24 the microphones to work. I literally have to stare down
25 the left and right and stare at the person because they

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2 are talking this way and we are in a parallel to them. So
3 I think we have to get the microphones to work for us to
4 be effective -- to be effective as Council people and to
5 effectively deliberate which is really why we are here,
6 primary reason is to deliberate and communicate.

7 MS. SANTELLO: I am getting a lot of
8 feedback from people that are watching and they are having
9 no problems.

10 MR. MEYER: We can't hear each other.

11 PRESIDENT GERING: All right. Any other
12 public comments? Any announcements?

13 MR. DOUGHERTY: I would just like to say
14 our heartfelt thanks to the New Hope Historical Society,
15 to the River House and Odette's for sponsorship of the
16 recent sunset reception. If those folks who were able to
17 get to it, it was probably one of the finest things I have
18 been to. And the River House very graciously donated a
19 great deal of their -- of goods and services to the New
20 Hope Historical Society.

21 I want to put that on the record how
22 appreciated that is by the Historical Society.

23 PRESIDENT GERING: Thank you. Any other
24 announcements?

25 Can I have a motion to adjourn?

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MR. MAISEL: I will make that motion.

MS. MCHUGH: Second.

PRESIDENT GERING: All in favor.

MS. FEDER: Aye.

MR. MEYER: Aye.

MR. DOUGHERTY: Aye.

MS. MCHUGH: Aye.

MR. MAISEL: Aye.

PRESIDENT GERING: Aye.

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(The meeting was concluded.)

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C E R T I F I C A T E

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

Karen W. Browndorf, RPR
Official Court Reporter

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