

BEFORE

NEW HOPE BOROUGH COUNCIL

In Re: Regular Meeting

- - - -

TUESDAY, MARCH 17, 2020

- - - -

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

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350 SOUTH MAIN STREET, SUITE 203
DOYLESTOWN, PENNSYLVANIA 18901

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1 **BOROUGH COUNCIL:**
2 Mayor Laurence D. Keller
3 Connie Gering, President
4 Dan Dougherty, Vice-President
5 Tina Leifer Rettig, President Pro Tem
6 Laurie McHugh
7 Ken Maisel
8 Peter Meyer (via video)
9 Louise Feder (via video)

10
11 EJ Lee, Borough Manager
12 Dave J. Truelove, Esquire, Solicitor

13 **ALSO PRESENT:**
14 Chief Michael Cummings
15 New Hope Police Department

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1 . MOTION: Certificate of Appropriateness:
2 a) 200 Union Sq - new sign 41
3 b) 132 S. Main St - new sign and new
4 hardware 42
5 c) 6 W. Bridge St - two new signs 42
6 d) 15 N. Main - new sign using
7 existing hardware 42-43
8 e) 102 & 104 New St - new retaining
9 wall, walkway,
10 and two new
11 iron posts 43
12 f) 64 N. Main - new fence 43-53

13 4. Consent Agenda:
14 . Meeting Minutes: Consideration to approve
15 the minutes from the Feb. 18, 2020 meeting
16 and the Mar. 2, 2020 workshop 54
17 . Approval of Accounts Payables: March
18 accounts payable in the amount of
19 \$329,592.40 and Feb. 14, Feb. 28 payroll in
20 the amounts of \$63,105.81, \$61,936.61 54
21 5. Council Member Reports on Committees:
22 . Parks and Recreation Board (L. Feder) 55
23 . Shade Tree Commission (L. McHugh) --
24 . Finance Committee (C. Gering, D.
25 Dougherty, T. Rettig) --
26 . Land Use and Historic Preservation (HARB
27 - K. Maisel; ZHB - C. Gering;
28 PC - P. Meyer) 55
29 . ZHB Application - 2 Stockton Ave
30 (New Hope Arts) - Variance
31 Application for projecting signs -
32 TABLED TO APRIL 6 WORKSHOP
33 . ZHB Application- 73 W. Mechanic St.
34 - Variance Application for building
35 setback and driveway requirements
36 for single-family residential
37 property - TABLED TO APRIL 6
38 WORKSHOP
39 . ZHB Application - 385 W. Bridge St.
40 - Variances Application for parking
41 dimension requirements, impervious
42 coverage requirements, extension of
43 parking areas and Borough design
44 standards. - TABLED TO APRIL 6
45 WORKSHOP

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11 Counsel for Wawa Zoning
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25 and West Randolph St. to Windy
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28 to the Parks & Rec Board 28-29
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33 . MOTION: Authorization to advertise for
34 zoning ordinance amendment
35 public hearing for amendment to
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38 use 30-32
39 . MOTION: Authorize letter of support for
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41 application for trails 33
42 . MOTION: Authorize 99-year lease of cell
43 tower located at Public Works
44 facility 33-41
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1 MS. GERING: I'd like to call he
2 meeting to order.
3 (Pledge of allegiance was recited.)
4 MS. GERING: EJ, can you take roll?
5 MS. LEE: Vice-President Dougherty?
6 MR. DOUGHERTY: Here.
7 MS. LEE: Ms. Rettig?
8 MS. RETTIG: Here.
9 MS. LEE: Ms. Feder?
10 MS. FEDER: Here.
11 MS. LEE: Ms. McHugh?
12 MS. McHUGH: Here.
13 MS. LEE: Mr. Maisel?
14 MR. MAISEL: Here.
15 MS. LEE: Mr. Meyer?
16 He is on video.
17 Mayor Keller?
18 MAYOR KELLER: Here.
19 MS. LEE: And Council president Gering?
20 MS. GERING: Here.
21 MS. LEE: Also we have with us our
22 Chief of Police, Chief Cummings. We have one
23 member of the public, myself, the borough manager
24 and our soon to be solicitor.
25 MS. GERING: Thank you.

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1 Mayor, would you like to give your
2 report?
3 MAYOR KELLER: Sure. Very briefly.
4 The swearing in will not be taking place,
5 obviously, this evening. He's having an eye
6 surgery, and so after the eye surgery when he's
7 recovered from that, then we will revisit and
8 probably hire a part-time officer in the April
9 meeting.
10 And other that, we don't have a crowd,
11 but just to let everybody know that there are --
12 getting calls from probably at least four
13 restaurants that are going to go take-out. So
14 you might want to go online and check the
15 restaurant of your choice and see what they're
16 doing. Some are going to deliver and some you
17 would pick up and actually in Lambertville as
18 well.
19 So I know Bell's Tavern is doing it. A
20 friend of mine had them deliver today, so keep an
21 eye out. If you decide you don't want to cook,
22 whoever you are, see who is going to be open. So
23 just to let everybody know. That's it.
24 MS. GERING: We have a memorandum,
25 there, Mayor, that you have under the mayor's

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1 report in order for us to be able to deal with
2 the police department and so forth under --
3 MAYOR KELLER: It's the resolution?
4 MS. GERING: Yes, the resolution.
5 MAYOR KELLER: Yeah, basically this
6 resolution if we have a situation that if we were
7 to have seven officers down because of the
8 COVID-19, there's never been anything in place in
9 the county that officers could come and cover
10 shift for us and maybe we have to Buckingham or
11 whatever the circumstance may call for, we've
12 certainly not had that in place.
13 And so I think along with the District
14 Attorney Matt Weintraub, I think this was --
15 discussion was made and I don't know if this was
16 -- whom this was done by or whether it was from
17 their format, but I think it makes lot of sense.
18 We couldn't have, obviously, Lambertville police
19 come over and cover shifts for us because that's
20 a totally different set of laws that we'd be --
21 they'd be working on versus us. So I think it's
22 the right thing to do and I'll be happy to sign
23 it if council blesses it. It makes sense. So if
24 you want to call for a vote.
25 MS. GERING: Can we have a motion for

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9

1 approval?
2 MS. McHUGH: Make that motion.
3 MS. GERING: And second?
4 MS. RETTIG: I'll second it.
5 MS. GERING: Any questions from
6 council?
7 Any from the public?
8 All in favor?
9 COUNCIL MEMBERS: Aye.
10 MS. GERING: Thank you.
11 All right. Next we had executive
12 session on Friday and that was in relation to a
13 personnel issue. Next we have a -- we'd like a
14 motion to appoint a new borough manager. His
15 name is Peter Gray. Council has interviewed him
16 and he's accepted our job offer. What needs to
17 be done is for him to go through all his
18 background checkups. So the approval would be
19 contingent that his background check is approved
20 and his employment would start April 1st.
21 Can I have a motion for approval?
22 MS. RETTIG: I'll make that motion.
23 MS. GERING: Can I have a second?
24 MS. McHUGH: I'll second.
25 MS. GERING: Any questions from

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10

1 council?

2 Any from the public?

3 All in favor?

4 COUNCIL MEMBERS: Aye.

5 MS. GERING: Next I'd like to have a

6 motion to Hill Wallack as our new borough

7 solicitor.

8 MS. McHUGH: I'll make that motion.

9 MS. GERING: Can I have a second?

10 MR. DOUGHERTY: Second.

11 MS. GERING: Any questions?

12 All in favor?

13 COUNCIL MEMBERS: Aye.

14 MS. GERING: Congratulations. You're

15 on board, officially on board now, you can take

16 your seat.

17 MR. TRUELOVE: I look forward to it.

18 Thank you very much.

19 MS. GERING: Thank you.

20 Next, I'd like to have a motion to

21 appoint Kilkenny Law as special counsel for Wawa

22 zoning ordinance.

23 MR. MEYER: So moved.

24 MS. McHUGH: I'll make that motion.

25 MS. GERING: Can I have a second?

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11

1 MS. McHUGH: Second.

2 MS. GERING: Did I get a second?

3 MS. McHUGH: I think Peter seconded it.

4 MS. GERING: Oh, Peter made a motion

5 and Laurie second.

6 Any discussion from council?

7 Any from the public?

8 All in favor?

9 COUNCIL MEMBERS: Aye.

10 MS. GERING: Thank you.

11 Next I'd like to have a motion to have

12 Christina Szabo, our treasurer, to sit on the

13 nonuniform pension account.

14 MS. RETTIG: I'll make that motion.

15 MR. MAISEL: Second.

16 MS. GERING: Any discussion from

17 council?

18 Any questions from the public?

19 All in favor?

20 COUNCIL MEMBERS: Aye.

21 MS. LEE: If we could just really

22 quick, that was a resolution. So if we could

23 have a motion for approval of Resolution 2020-10.

24 MS. RETTIG: So make a motion --

25 MS. LEE: For the resolution.

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12

1 MS. RETTIG: -- for Resolution --

2 MR. DOUGHERTY: 20 --

3 MS. LEE: 2020-10.

4 MR. DOUGHERTY: 2020-10.

5 MS. RETTIG: Okay.

6 MR. DOUGHERTY: That's -- you just did

7 that?

8 MS. RETTIG: Yes.

9 MR. DOUGHERTY: Okay. I'll second

10 that.

11 MS. GERING: Any discussion from

12 council?

13 Any from the public?

14 All in favor?

15 COUNCIL MEMBERS: Aye.

16 MS. GERING: Next Resolution 2020-11

17 has been tabled till a later date.

18 Next we'd like to have a motion to

19 advertise to implement for our parking limits on

20 South Main Street and East Randolph -- from South

21 Main --

22 MR. DOUGHERTY: Connie, there's just

23 after -- right after Christina on the agenda is

24 the one I have here, says DVRPC TCDI grant.

25 Do I have an old version maybe?

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13

1 MS. McHUGH: It was tabled.

2 MS. GERING: Is my new one missing one?

3 MR. DOUGHERTY: Ken has the same one

4 was I do. So the resolution DVRPC TCDI grant is

5 not on this agenda this evening, is that --

6 MS. LEE: No, it is. It is not on

7 Connie's version?

8 MS. GERING: Yes, it is. Hold on.

9 Okay. We're going to go back.

10 Can we have a motion to approve

11 Resolution DVRPC TCDI grant, Resolution 2020-10.

12 MS. LEE: It's 2020-11, because we

13 added one at the beginning.

14 MS. GERING: Okay, 11?

15 MS. LEE: Yes.

16 MR. MEYER: I move that we grant --

17 that we approve this resolution. And I want to

18 praise EJ for executing the application.

19 MS. GERING: I don't know if you heard

20 him, he's praising EJ for her hard work.

21 All right. Can I have a motion for the

22 grant?

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

24 MS. GERING: Second?

25 MR. MAISEL: Second.

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1 MS. GERING: Any discussion?
 2 All in favor?
 3 COUNCIL MEMBERS: Aye.
 4 MR. DOUGHERTY: Now, parking.
 5 MS. GERING: Next, I'll go back. Can I
 6 have a motion to advertise for an ordinance
 7 amendment to implement for our parking limits on
 8 the stretch of Main Street from East and West
 9 Randolph Street to Windy Bush Road, South Route
 10 232? And this is just to advertise.
 11 MS. McHUGH: I'll make that motion.
 12 MS. GERING: Can I have a second?
 13 MS. RETTIG: Peter, did you say
 14 something?
 15 MS. McHUGH: Did we miss the authorize
 16 for Marsha Brown?
 17 MR. DOUGHERTY: So my understanding
 18 just the Resolution DVRPC TCDI grant, we
 19 approved?
 20 MS. McHUGH: Yes.
 21 MR. DOUGHERTY: The next one was the
 22 thing that Connie mentioned was going to be
 23 tabled, I believe, the 20 --
 24 Correct, EJ? It's the motion to
 25 authorize parking agreement with daytime parking

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1 MS. McHUGH: Now, we go back.
 2 MS. GERING: So then we're going to go
 3 -- we need a motion to authorize, to give Marsha
 4 Brown daytime parking for April 5th and April
 5 12th. She has parking from 4:30 on, so this is
 6 just for the two days daytime parking.
 7 Can I have a motion for approval?
 8 MS. McHUGH: I'll make that motion.
 9 MS. GERING: Second?
 10 MR. DOUGHERTY: I'll second it.
 11 MS. GERING: Any discussion?
 12 MAYOR KELLER: Yes.
 13 MS. GERING: Go ahead.
 14 MAYOR KELLER: Yeah. So I just want to
 15 check is this for those two dates? She's about
 16 25 spots there, so are we utilizing the -- the
 17 new -- is that being calculated \$25 a spot?
 18 MR. DOUGHERTY: Yes.
 19 MS. GERING: Yes.
 20 MAYOR KELLER: So that's \$5 a car, if
 21 we were full in April, would be \$125 to the
 22 borough is someone paid for those spots. So
 23 that's five times what someone would pay to park
 24 there, we're going to charge her 500 percent for
 25 the day? For six hours? That just seems to me

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1 for Marsha Brown for April 5th and April 12th.
 2 Is that tabled?
 3 MS. GERING: I think I have a different
 4 --
 5 MR. DOUGHERTY: Use this one. Because
 6 this is the one everybody's got.
 7 MS. GERING: Okay. Let me go back.
 8 That's okay. This is -- it said new. That's
 9 okay.
 10 All right. Let's go back.
 11 MR. DOUGHERTY: So now we're going
 12 to roll back --
 13 MS. McHUGH: Should we finish that
 14 motion?
 15 MS. GERING: Well, hold on. We have a
 16 motion on the table to advertise for the
 17 four-hour parking. Okay. So can we have --
 18 MS. McHUGH: I made the motion, I need
 19 a second.
 20 MS. GERING: Can we have a second?
 21 MS. RETTIG: I'll second it.
 22 MS. GERING: Any questions?
 23 All in favor?
 24 COUNCIL MEMBERS: Aye.
 25 MS. GERING: Thank you. All right.

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1 -- we in the past for these same rates, we've
 2 been getting \$200, which is two-thirds more than
 3 what it would cost to pay for a space for six and
 4 a half hours.
 5 So I just think that -- I don't want to
 6 use those words, but I just think that it's --
 7 it's -- just doesn't seem fair for someone that's
 8 been there for 17 years. Just voicing my
 9 opinion, you know, you can do with what you want,
 10 but it's 500 percent more than -- I mean, it
 11 would basically she did not want to do this, she
 12 would have to -- organization could just go on
 13 Park Mobile and do it with -- for \$125 plus the
 14 fee so you get 25 times .35 cents, so for about
 15 \$134, they could accomplish the same thing in
 16 April. It's not going to be that crowded, but to
 17 charge six and a quarter when we would make, if
 18 it was full, for six and a half hours, we would
 19 make \$125. It just seems to be extreme. I just
 20 ask council to think about that before you pass
 21 it. Just a thought.
 22 MS. GERING: Well, Larry, Marsha has a
 23 contract that expires in, I think, approximately
 24 two years where she can park from 4:30 on. And
 25 we have an ordinance that she is not to be given

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1 parking there because of the way the ordinance is
 2 written. And the new guidelines are that if
 3 anyone has an additional spot, it's \$25 a spot.
 4 So if you feel Marsha can valet park on the
 5 street or whatever, the I guess that's what she
 6 does. We have been trying to renegotiate with
 7 her for daytime parking and the whole thing. And
 8 we're doing this as a courtesy, not to put her
 9 out of business, which we've been very -- the
 10 committee's been very clear with her, but we need
 11 to readjust her current lease to include daytime
 12 parking. So this is what this is -- we're doing
 13 it as a courtesy for her until we can get this
 14 settled.

15 Committee if you have anything else you
 16 can add on that.

17 MS. McHUGH: I mean, we can table it,
 18 but that's going to put her -- it's going to put
 19 these dates. We'd have to table it and discuss
 20 it because we already have an ordinance out
 21 there, right?

22 MS. GERING: We do.

23 MS. McHUGH: This is a favor to her.

24 MS. RETTIG: This is a courtesy.

25 MAYOR KELLER: Is the ordinance

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1 MAYOR KELLER: I didn't even hear the
 2 dates, I just saw the numbers.

3 MS. GERING: Correct. One is for
 4 Easter and --

5 MS. RETTIG: Palm Sunday.

6 MS. GERING: Right. And then is it
 7 Palm Sunday the other day the 5th?

8 MS. RETTIG: Yeah.

9 MR. DOUGHERTY: So my sense is, that
 10 this looking at the hours here, that these are
 11 restaurant, you know, it's a big, big time in
 12 town, but also that this would lock up 25 spots
 13 that other customers and constituents wouldn't be
 14 able to use these spots. I don't have a problem
 15 with the \$25 figure. My understanding is that
 16 they're valeting cars to and from Marsha's to
 17 those spots. That's correct?

18 MAYOR KELLER: I would assume that.

19 MR. DOUGHERTY: Yeah, they're
 20 collecting --

21 MS. RETTIG: She collects money on
 22 that.

23 MR. DOUGHERTY: So I mean, I don't have
 24 a problem with that. I just -- the \$25, it's not
 25 let's make a deal. The \$25 is a number that's in

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1 on-street and off-street?

2 MS. LEE: The ordinance is only for
 3 on-street parking and it's only for spaces that
 4 are adjacent to the property owner.

5 MAYOR KELLER: So this is not on-street
 6 parking, this is off-street?

7 MS. LEE: Right.

8 MR. DOUGHERTY: But these spots,
 9 correct me if I'm wrong, these spots would
 10 normally be available during that span of let's
 11 see, from 10 a.m. --

12 MAYOR KELLER: To 4:30.

13 MR. DOUGHERTY: -- to 4:30. These
 14 spots would normally be available to the public
 15 during that span of time, correct?

16 MS. LEE: Yes.

17 MAYOR KELLER: Yes. And we would get a
 18 hundred --

19 MR. DOUGHERTY: I understand that, but
 20 by blocking that entire lot, there's a value to
 21 just taking the entire lot. I mean, there's
 22 definitely a value there, it's not -- there's not
 23 20 -- and I believe -- are these -- are these
 24 Easter days, is that what this is about? The big
 25 meals day or something?

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1 the ordinance so -- and that's to hang your hat
 2 on something.

3 MAYOR KELLER: It's not for off-street,
 4 it's for on-street.

5 MR. DOUGHERTY: I understand. By the
 6 same token, the \$25 figure, you know, for
 7 on-street is arguably too high as well. So the
 8 argument is that the 25 is too high and then 25
 9 times 25 is 625 so it's a big number. Well --

10 MAYOR KELLER: And I voiced it at the
 11 parking committee meeting too.

12 MR. DOUGHERTY: And arguably it used to
 13 be \$10 and arguably that could be too my high
 14 then it sounds like because it's -- \$8 it should
 15 be. I think there's a value for somebody to be
 16 able to lock down the spots and I -- for a big
 17 chunk of thing, it's a business that's operating
 18 --

19 MAYOR KELLER: Just voicing my
 20 thoughts.

21 MR. DOUGHERTY: I understand. I'm not
 22 trying marginalize it, but most of this is from
 23 the impact of everything else, Larry. I'm not --
 24 I'm not saying that it's not a good observation,
 25 I don't mean that.

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1 MR. MAISEL: Mayor, I think the fact
 2 that only looking for it for the six and a half
 3 hours isn't really relevant. It's that, if it
 4 was 10 hours it would be the same thing. So
 5 we're not making a judgment on whether they
 6 extended it to a couple meals or, you know, what
 7 it was. So it makes it more justifiable that if
 8 you need that had justification, the fact it's
 9 for the day, period, you know, not the fact that
 10 they're only utilizing it for the six hours.

11 MAYOR KELLER: Yes. Thank you, Ken.

12 MR. DOUGHERTY: Did the lease -- did
 13 the Marsha Brown organization, do they know of
 14 this deal if you will, is what they -- they're
 15 aware of? What I'm trying say is --

16 MAYOR KELLER: I just noticed it this
 17 afternoon. Chief and I had lunch for St.
 18 Patty's, so I just happened to see this when I
 19 was looking at it.

20 MR. DOUGHERTY: No. I'm addressing
 21 Connie or whoever --

22 MS. GERING: No. She's aware of the
 23 situation and what we've done has been very clear
 24 with her that this is just a courtesy because we
 25 value her. It's a business in this town and

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1 solicitor, Marsha Brown did tentatively request
 2 for March 28 as a possible date. She wasn't sure
 3 she was even going to be open, but she had asked
 4 if council would also consider that as part of
 5 this prior to --

6 MR. DOUGHERTY: I'm sorry. So adding a
 7 third date to this?

8 MS. LEE: That was a request that we
 9 received last minute.

10 MR. DOUGHERTY: When was that request?

11 MS. LEE: Yesterday.

12 MR. DOUGHERTY: Yeah, I -- listen, we
 13 have this in front of us from -- I think at some
 14 point enough is enough here. This is not, again,
 15 let's make a deal. We have this in front of us.

16 MS. McHUGH: Well, I agree with you
 17 other than we're not going to be meeting again
 18 before March 28th and this probably will be
 19 hopefully resurgent of the restaurants opening
 20 back up and we really don't --

21 MR. DOUGHERTY: Okay. But you can
 22 understand --

23 MS. McHUGH: -- want to put them
 24 against the wall.

25 MR. DOUGHERTY: -- the frustration at

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1 we've been at the table renegotiating so she can
 2 have full-time daytime parking. And they haven't
 3 come back with a rate that they feel is to their
 4 liking. So we were supposed to meet this week,
 5 but we cancelled it under the circumstances. So
 6 we're going to meet again at a future date and
 7 the goal is to incorporate so she can have the
 8 lot 24/7 at the rate that is acceptable to the
 9 borough.

10 MR. TRUELOVE: If I can interject too.
 11 Her attorney reached out to me the other day,
 12 information was passed on to council, you may not
 13 have had a chance to read it. If we confine the
 14 discussion tonight to those two dates, that's
 15 fine, because anything going forward, I think to
 16 your point, Ms. Gering, there's a lot of things
 17 we can discuss. And instead of conveying our
 18 tactics in public, we can talk about that later.
 19 It is good to have a plan in place for a
 20 permanent solution, which I think what
 21 everybody's trying to get to.

22 MS. GERING: Correct. Any other
 23 discussion?

24 MS. LEE: Yeah. She did. Upon
 25 discussing with our now newly appointed

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1 this?

2 MS. McHUGH: Absolutely. We had a
 3 meeting with her two weeks ago before any of this
 4 started to have this all straightened out that
 5 they cancelled. So I am very frustrated, I get
 6 it, but at the same time, hey, this is a crazy
 7 time and it's --

8 MR. DOUGHERTY: I will defer Ms.
 9 McHugh's opinion on that, that other people would
 10 like to add the 28th, I would gladly add the 28th
 11 to this.

12 MS. McHUGH: Thank you, Mr. Dougherty.

13 MS. GERING: All right.

14 MR. TRUELOVE: The motion should
 15 reflect the amend to include March 28th as
 16 another date, as a tentative date per the
 17 request.

18 MS. RETTIG: Personally, given the
 19 circumstances, normally, normally I would agree
 20 with you, Dan.

21 MS. McHUGH: I think we all would.

22 MS. RETTIG: I think under these
 23 circumstances with an eye roll, I think we need
 24 to accommodate it.

25 MS. GERING: Okay. So we're going to

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1 amend the motion to include March 28th, April 5th
2 and April 12th.

3 MR. DOUGHERTY: Just a technical
4 question on this, EJ. This is -- this is -- this
5 gives them the \$25 per spot rate that's what
6 this --

7 MS. LEE: That's correct.

8 MR. DOUGHERTY: Or is this contract
9 then to give us \$625 for these 3 days.

10 MS. LEE: It would be \$25 per spot per
11 day.

12 MR. DOUGHERTY: I understand that. So
13 let's suppose they're not open on the 28th, what
14 avenue do we have to not collect this money and
15 to tell them -- I think it would be unreasonable
16 for the borough to say give us the \$625 --

17 MS. LEE: Right. So what they would
18 normally do when someone comes to request a
19 parking reservation, they submit a form and on
20 there is \$25 per ticket for that day. So she
21 would have to submit three different forms. I've
22 given borough staff authorization to execute
23 those as they come in.

24 MR. DOUGHERTY: I mean, we do also have
25 to keep in mind this is borough's lot and we have

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1 reflect the fact that they had council involved.
2 And not to interject myself already, because
3 obviously, I just started looking at this in the
4 last couple of days. But since council is
5 involved, maybe to alleviate some of your
6 frustration, I think our office should be
7 involved with, obviously, with council members so
8 we can perhaps formalize something more -- more
9 concrete down the road so a lot of this kind of
10 stuff is avoided per what Ms. Gering said already
11 earlier about the process.

12 MS. GERING: All right. We have a
13 motion on the table, guys. Let's go back to the
14 parking.

15 All in favor?

16 COUNCIL MEMBERS: Aye.

17 MS. GERING: Opposed?

18 Okay. Motion passes. So Marsha gets
19 her three days.

20 All right. Next we need a motion to
21 appoint Randall Ragasto to the park and rec
22 board.

23 MS. McHUGH: Did you skip again?

24 MS. FEDER: I'll make that motion.

25 MS. GERING: Okay. Louise made the

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1 to be careful because tomorrow somebody else
2 could come in and say, hey, wait a second, I have
3 a giant crowd of people coming on the 28th, why
4 didn't you put this out -- this wasn't put out to
5 bid for \$25, I would have given you 32. So I
6 think we should move forward with this, but at
7 the same time, we've got to stop with let's make
8 a deal.

9 MS. McHUGH: This is the challenge that
10 the parking committee has been facing every time
11 we pulled something, we go down a rabbit hole and
12 it's stuff that's been happening for 17 years,
13 but it's not fair to other people. So it's the
14 growing pain that we're going to have when we're
15 to trying get our arms around parking. We
16 haven't been able to do for apparently ever.

17 With that being said, Dave, is there
18 something that we should put on the record that
19 indicates that this is not to be a precedence and
20 that because -- that this a favor and that is not
21 something that because --

22 MR. TRUELOVE: I think the sense has
23 been so far that we mentioned it's been a
24 courtesy. This motion is confined to those three
25 dates and anything going forward, which should

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1 motion. Do we have a second?

2 MS. McHUGH: I second that.

3 MS. GERING: Any discussion from
4 council?

5 Any questions from the public?

6 All in favor?

7 COUNCIL MEMBERS: Aye.

8 MS. GERING: Okay. Next is a motion to
9 authorize to advertise for zoning ordinance
10 amendment public hearing for an amendment to
11 alternative parking options.

12 So, EJ, could you explain what that is?

13 MS. LEE: Sure. This is something that
14 has been discussed at planning commission and
15 some of it has been with the zoning officer where
16 our current zoning ordinance allows for
17 alternative parking as three options in the form
18 of valet, form of a parking agreement and the
19 form of a fee into lieu. Those options, I'm
20 sure, have been very beneficial for the
21 development of the borough in the last 10, 15
22 years.

23 In light of the fact that parking has
24 been more of an issue recently and the scarcity
25 of parking, it's been discussed at planning

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1 commission and in reviewing recent land
 2 development applications that those three
 3 alternatives has not been very beneficial for the
 4 development of the borough in general. And for a
 5 -- as a temporary correction, is to eliminate
 6 those three as the borough reviews how to
 7 properly amend those three alternates in
 8 coordination with the Bucks County Planning
 9 Commission and with the input of the planning
 10 commission of the New Hope Borough so that a more
 11 formalized and revises amended ordinance can be
 12 in front of the council within the next three to
 13 six months.

14 MS. GERING: All right. Can I have a
 15 -- hold on. We have a motion on the table. I
 16 need a second. I lost myself. Where were we?

17 MS. McHUGH: I'll second.

18 MS. GERING: Thank you.
 19 Did we have a first?

20 MR. TRUELOVE: I think there's a motion
 21 somewhere. The record's clear on that.

22 MR. DOUGHERTY: I'll make the motion.
 23 And then Laurie's the second.

24 MS. McHUGH: I second.

25 MS. GERING: Thank you.

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1 inn use as a special exception, meaning, that the
 2 zoning hearing board is the one that reviews it
 3 and authorizes it.

4 In order for the borough to have a
 5 little bit more involvement from the very
 6 beginning, that -- the proposal right now is to
 7 change that inn use from the special exception,
 8 which is being reviewed by the zoning hearing
 9 board to a conditional use, which would actually
 10 come before council for review and authorization.
 11 That's the ordinance amendment that's in front of
 12 you currently for advertisement.

13 MS. GERING: Thank you.

14 MR. TRUELOVE: If I could just
 15 interject. I apologize. The standards are the
 16 same for the special exception and conditional
 17 use, the issue is which body is the governing
 18 body to review it. So in that sense, you would
 19 be sitting as the reviewing body and arguably
 20 cannot opine upon the application before it got
 21 you as the governing body. But then you would
 22 have the right, obviously, to make the decision
 23 about the propriety of where that application is
 24 at that time. So you would be that instead of
 25 the zoning hearing board.

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1 All right. All in favor?
 2 COUNCIL MEMBERS: Aye.

3 MS. GERING: Next is a motion to
 4 advertise for zoning ordinance amendment public
 5 hearing to amend to the inn use review process
 6 for special exceptions to the conditional use.

7 So can I have a motion for approval on
 8 this?

9 MS. RETTIG: I need an explanation.

10 MR. MEYER: So moved.

11 MS. LEE: Do we go now for the --

12 MS. GERING: Let's do that. Can I have
 13 a motion for approval?

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

15 MS. GERING: Second?

16 MR. MAISEL: Second.

17 MS. GERING: We're going to go under
 18 discussion and let EJ explain this.

19 MS. LEE: I can offer the explanation
 20 of that. Again, this is one of the topics that
 21 was discussed at the planning commission recently
 22 taking into consideration of the influx of inn
 23 use in the borough with land development
 24 application. For a long time -- actually, the
 25 current -- borough's current zoning ordinance has

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1 MS. GERING: Thank you. Any other
 2 discussion from council?

3 All in favor?

4 COUNCIL MEMBERS: Aye.

5 MS. GERING: Thank you.

6 Next, I'd like a motion to authorize a
 7 letter of support for Solebury Township's grant
 8 application for trails.

9 MR. DOUGHERTY: I'll make motion.

10 MS. GERING: Can I have a second?

11 MS. McHUGH: I'll second that.

12 MS. GERING: Any questions from
 13 council?

14 Any from the public?
 15 All in favor?

16 COUNCIL MEMBERS: Aye.

17 MS. GERING: Thank you.

18 All right. Next is a motion to
 19 authorize a 99 year lease of cell tower located
 20 at public works facility.

21 And, EJ, you want to explain that?

22 MR. DOUGHERTY: Should we make a motion
 23 before she explains it?

24 MS. GERING: Well, let's -- do we have
 25 a motion?

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1 Do we need an explanation before the
 2 motion?
 3 MR. TRUELOVE: Technically, it's easier
 4 to have the discussion after the motion is made.
 5 And then if you decide you don't want to proceed
 6 with it, you can go on with it. So I think the
 7 best thing is to have a motion to approve it and
 8 then and a second and then you have the
 9 discussion.
 10 MS. GERING: All right. Thank you.
 11 Can I have a motion?
 12 MR. DOUGHERTY: I'll make the motion.
 13 MS. GERING: And can I have a second?
 14 MS. RETTIG: I'll second it.
 15 MS. GERING: Discussion, EJ?
 16 MS. LEE: Yeah. So this is an offer
 17 that's been actually on the table since 2018.
 18 American Tower currently leases a 65, 60 space on
 19 our -- the borough owned property that the public
 20 works department currently resides on. It is an
 21 offer for a 99 year lease for \$550,000. The
 22 borough currently receives an annual income
 23 revenue from there in the amount of about \$30,000
 24 a year. Obviously they want to buy that out and
 25 give us a lump sum of 550,000 for the next 99

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1 pretty much a permanent lease of that sight of
 2 6560 that is borough owned.
 3 MR. DOUGHERTY: I have question for our
 4 solicitor. There's been a lot of background, I
 5 won't go into that, but we've spent a tremendous
 6 amount of analysis on it. There's been talk
 7 about -- we've had some feedback whereby 99 years
 8 is a long time, there's also some feedback that
 9 the location of that particular spot might become
 10 more attractive at some point in the far flung
 11 future, might also become -- the \$30,000 current
 12 money that we're getting might dissipate or
 13 disappear in six years, it might go to zero.
 14 There was a lot more analysis done on what we
 15 might do with the corpus, chunk of money. Okay.
 16 So all of that stuff has been analyzed.
 17 I think that council's at a point where it's
 18 willing to -- I'm making this up, this part -- is
 19 willing and desirous to move forward. Here's the
 20 question, okay? If this council approves this
 21 this evening, being that there are details still
 22 to be worked out with the contract, is it what --
 23 and I'm not a hundred percent sure that there's
 24 not some small amount of additional money on the
 25 table. I mean, I -- there's -- so is the vote

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1 years.
 2 And since then, since we've gotten this
 3 offer, I know council's reviewed it at various
 4 workshops, finance committee has already reviewed
 5 it at various meetings. The borough's also
 6 contracted out with a law firm called Cohen Law
 7 Group based out in Pittsburgh, Pennsylvania where
 8 they specialize in telecommunications. And Cohen
 9 Law group has also provided support in obtaining
 10 other quotes similar to what American Tower has
 11 offered. And the other quotes that we received,
 12 didn't come anywhere near \$550,000 as we had
 13 discussed at previous workshops.
 14 So in further, in speaking with
 15 American Tower and speaking with Cohen Law Group,
 16 American Tower is still very interested in
 17 pursuing this and the price they are still
 18 offering is \$550,000. And you have in front of
 19 you, a copy of the lease option agreement with
 20 the easement agreement that they are requesting.
 21 Cohen Law Group has already done a preliminary
 22 review of it and there are some changes that are
 23 already proposed in there for the benefit of the
 24 borough, but currently at the moment what's in
 25 front of you is the 99 year lease, which is

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1 that we take tonight, does that empower us to
 2 move forward or would it require us to move
 3 forward?
 4 What I'm basically saying, how -- what
 5 capability would this council, based on
 6 additional information we might find over the
 7 next two weeks, would we have to pull back and
 8 not do this?
 9 MR. TRUELOVE: The way I read the
 10 motion as worded it would just cement the
 11 relationship with those terms with you and ATC.
 12 Now, my suggestion might be to amend the motion
 13 to make it subject to solicitor review and
 14 approval. For example, which I do in other
 15 places that we can -- and that gives us the right
 16 to negotiate. And again, with some of the
 17 parameters, I haven't had a chance obviously to
 18 look at detail, my office did negotiate at least
 19 with ATC for one of our municipal clients about a
 20 year, year and a half ago. So we're familiar
 21 with the process and the client.
 22 So what I would suggest you do it that
 23 way and if for some reason we're not satisfied,
 24 you can come back here and say, here's the
 25 issues, authorize us to do something else and

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1 give us some more parameters and then we can go
 2 there.
 3 Does that make sense, EJ?
 4 MS. LEE: That makes perfect sense.
 5 MR. TRUELOVE: Okay. So I would
 6 recommend you amend your motion to authorize
 7 entering the lease with terms subject to
 8 solicitor review and approval that would be, I
 9 guess, the best way to word it.
 10 MR. DOUGHERTY: Does that -- and how
 11 does -- let's suppose there's -- let's suppose
 12 after looking at this, we determine that we just
 13 don't want 99 years under any circumstances?
 14 MR. TRUELOVE: Then I'm not going to
 15 approve it.
 16 MR. DOUGHERTY: Okay. That was -- so
 17 it gives us --
 18 MR. TRUELOVE: And that's one of the
 19 concerns I have.
 20 MR. DOUGHERTY: Right.
 21 MR. TRUELOVE: Is the length not be --
 22 I mean, I think I'm -- I'm grasping a little bit
 23 with my memory on this, but I think the other
 24 municipal client we had was a 35 year lease, I
 25 believe.

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1 MR. DOUGHERTY: Do we verbalize that
 2 amendment?
 3 MR. TRUELOVE: I just would say that
 4 the motion should read and we need the maker of
 5 the motion and the person who seconded it, to
 6 agree to authorize entry into the 99 year lease
 7 of the cell tower located at the public works
 8 facility with American Tower subject to solicitor
 9 review and approval.
 10 MS. GERING: Can I have a motion for
 11 this to approval? The same two people?
 12 MR. DOUGHERTY: I'll make that motion.
 13 MS. GERING: And who --
 14 MS. McHUGH: I'll second.
 15 MS. GERING: You second it. Thank you.
 16 MR. MEYER: Second.
 17 MS. GERING: Thank you, Peter.
 18 MS. McHUGH: That's a third.
 19 MS. GERING: Next we have --
 20 MR. TRUELOVE: You have to vote on
 21 that.
 22 MR. MAISEL: I want to make one
 23 comment. Just it could be for any reason, it's
 24 not 99 years, it's any reason.
 25 MR. TRUELOVE: It's any reason. I'll

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1 MR. DOUGHERTY: I'm saying --
 2 MR. TRUELOVE: I mean, obviously the
 3 circumstances are different, but it was on
 4 municipal property. It was for a, you know, a
 5 long term and it was for more money than this,
 6 but again, it's a different circumstance. Not
 7 that this isn't significant, it is a significant
 8 amount of money. I'm not, you know -- so I don't
 9 also don't want to --
 10 MR. DOUGHERTY: Yeah. We've evaluated
 11 the financial terms, we've evaluated the present
 12 value of the current and all that, we were very
 13 happy. And we probably very close to being okay
 14 with seeking control of that strip of land, in 99
 15 years nobody loves that, but at the same time, if
 16 during this little dance that we do over the next
 17 two weeks, we find something that we just say --
 18 gives us pause and that -- then I think we need
 19 that out. So that's -- I would -- that's we're
 20 I'm at.
 21 Tina, how do you guys feel?
 22 MS. GERING: No. I like the fact that
 23 it would be based upon attorney review and
 24 approval. So we can have the motion amended to
 25 reflect that?

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1 just to say because I just had a chance to really
 2 start looking at this today, I'm sure it's not
 3 that much different from what we had in the other
 4 place, but there may be other verbiage that we
 5 may want to modify in addition to the term length
 6 and things like that. So we'll -- and obviously
 7 keep EJ or Mr. Gray, who I've worked with in the
 8 past, in the loop on that, and obviously, the
 9 council by way of doing that as well. So if you
 10 have any questions, you can -- and it's
 11 appropriate to do that, we're not deliberating,
 12 we're negotiating because in my opinion, since it
 13 does real estate you can still discuss that in
 14 more private form till you actually make a vote
 15 out of your final product.
 16 MS. GERING: All right. All in favor?
 17 COUNCIL MEMBERS: Aye.
 18 MS. GERING: Opposed?
 19 Thank you.
 20 All right. Next we have certificate of
 21 appropriateness. All these applicants have been
 22 to HARB. The first one is 200 Union Square for a
 23 new sign.
 24 Can I have a motion for approval?
 25 MS. McHUGH: I'll make that motion.

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1 MR. MAISEL: Second.
 2 MS. GERING: Okay. Any discussion from
 3 council?
 4 All in favor?
 5 COUNCIL MEMBERS: Aye.
 6 MS. GERING: Next is 132 South Main
 7 Street for a new sign and new hardware. Again,
 8 this has been approved by HARB.
 9 Can I have a motion for approval?
 10 MS. McHUGH: I'll make that motion.
 11 MR. MAISEL: Second.
 12 MS. GERING: Can I have a second?
 13 Thank you. All in favor?
 14 COUNCIL MEMBERS: Aye.
 15 MS. GERING: Next is 6 West Bridge
 16 Street for two new signs that's over by Union
 17 Square. Oh, no, no. I'm sorry that's Savioni's
 18 property, sorry.
 19 Can I have motion for approval?
 20 MR. DOUGHERTY: Savioni's new --
 21 MS. GERING: New store, new store, yes.
 22 MS. RETTIG: I'll make that motion.
 23 MS. GERING: Can I have a second?
 24 MR. MAISEL: I'll second it.
 25 MS. GERING: Thank you. Any discussion

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1 MS. GERING: Okay. Next we have 64
 2 North Main Street for a new fence. This was not
 3 favorably looked upon by council -- by HARB.
 4 Ken, can you explain this since you're
 5 the liaison to the HARB?
 6 MR. MAISEL: Well, it actually was
 7 favorably -- not to contradict here, but it was
 8 in favor two --
 9 MR. DOUGHERTY: It was not universally
 10 --
 11 MR. MAISEL: It wasn't unanimous.
 12 MS. GERING: Okay. Thank you.
 13 MR. MAISEL: And it was not
 14 contentious, but it was certainly spoken of back
 15 and forth vociferously and they finally came up
 16 with a vote that was split and with an abstention
 17 on top of it. The, you know, I have my own
 18 feelings about what was transpiring there. I was
 19 summoned into action inadvertently by a
 20 participant in the audience, you know, to comment
 21 on what I had experienced with this kind of
 22 fencing in the past in the borough, in the
 23 historic district. And I was kind of caught off
 24 guard, but I still had a certain opinion about
 25 it, which I'm going to offer tonight in terms of

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1 from anyone or Ken?
 2 MR. MAISEL: No.
 3 MS. GERING: Okay. All in favor?
 4 COUNCIL MEMBERS: Aye. Next we have 15
 5 North Main Street for a new sign with the
 6 existing hardware.
 7 Can I have a motion for approval?
 8 MR. MAISEL: Make that motion.
 9 MS. GERING: Second?
 10 MS. McHUGH: I'll second.
 11 MS. GERING: All in favor?
 12 COUNCIL MEMBERS: Aye.
 13 MS. GERING: Next is 102 and 104 New
 14 Street for a retaining wall, walkway and two new
 15 iron posts.
 16 Can I have a motion for approval?
 17 MR. DOUGHERTY: I'll make that motion.
 18 MS. GERING: And second?
 19 MR. MAISEL: Second.
 20 MS. GERING: Any discussion? This was
 21 approved four to zero by HARB, that's why I'm
 22 kind of --
 23 MS. McHUGH: We're good.
 24 MS. GERING: All in favor?
 25 COUNCIL MEMBERS: Aye.

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1 what my sense was of what they were grappling
 2 with and what they were dealing with.
 3 First of all, our historic
 4 preservationist identified this as inappropriate
 5 or not appropriate. He made his case to the HARB
 6 board and they went on and did their own
 7 investigative work and determined that it was
 8 appropriate by that vote. I think it's before us
 9 tonight to -- I think everyone has had an
 10 opportunity, or I hope has had an opportunity to
 11 see the site, see what's going on there and
 12 coupled with our relatively green HARB board and
 13 what our preservationist believes, and seriously
 14 consider whether this was, you know, an
 15 appropriate, you know, recommendation.
 16 And I have my only personal opinions,
 17 which I can convey -- what I will convey now not
 18 to necessarily influence the whole thing, but
 19 this was my belief that the -- the fencing was --
 20 so it's 200 linear feet and it's got a north
 21 presentation and a south presentation and about
 22 maybe 75 feet on the front, right on North Main.
 23 And has an appearance or will have an appearance
 24 potentially of a playground kind of environment,
 25 in my opinion. It has -- it's a beautiful

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1 classical revival colonial building that really
 2 speaks to what it currently has, and that's a
 3 white picket fence that's sitting in front of it.
 4 It's a lot of fence.
 5 And while there is some aluminum
 6 fencing in the neighboring properties, they don't
 7 take up quite as much of the linear footage that
 8 something like this is going take up. There are
 9 snappets (phonetic) of 18 or 20 feet in front of
 10 a twin or in front of a small building where it
 11 just frames the front of the house.
 12 So this is -- it's a lot of fence and
 13 it's a lot of differential from what once
 14 existed, which was really quintessential and
 15 really integral and I would argue a critical, you
 16 know, spot in town almost, you know, similar to a
 17 mansion type house. Because the house is just --
 18 it's gorgeous beautiful colonial and spring-like
 19 fence that's appropriate versus what I think
 20 they're contemplating.
 21 So those are my feelings regarding it.
 22 And, you know, I leave it up to my, you November,
 23 my associates here on council to have their own
 24 views.
 25 MS. GERING: Has everyone had an

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1 letter I've ever read and she calls him to
 2 question his credentials. Without having anybody
 3 here, I just don't feel comfortable authorizing a
 4 certificate of appropriateness for this without
 5 having anybody that we can speak with. I mean,
 6 she references an architect that she has, but I
 7 don't -- again, I say that I don't know this, but
 8 what does an architect necessarily know about
 9 historic preservation? An architect knows the
 10 buildings, so I --
 11 MR. DOUGHERTY: Yeah.
 12 MS. RETTIG: Correct me if I'm wrong,
 13 an architect would not necessarily know.
 14 MS. GERING: Correct.
 15 MS. RETTIG: So --
 16 MR. DOUGHERTY: Yeah, I think much of
 17 the letter -- there's a three page, four page in
 18 sort of the application or it's a respon -- it's
 19 a reaction. I'm sorry, it's a response to our
 20 historian's findings, if you will, that doesn't
 21 really refute the findings. Basically it refutes
 22 the ability of the historian to comment or make
 23 these comments upon the thing.
 24 The other portion -- there's three sort
 25 of stool -- there's three legs on the stool,

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1 opportunity to review all the pictures and
 2 recommendations that we have in there? I know
 3 that the applicant had sent a letter in that you
 4 should all have saying that because she's aging,
 5 she thought that having a wrought iron fence
 6 would be less work than having a wooden fence.
 7 So any other discussion from council on
 8 this matter?
 9 MAYOR KELLER: Well --
 10 MS. GERING: Go ahead.
 11 MAYOR KELLER: Can I say something?
 12 MS. GERING: Yes, please.
 13 MAYOR KELLER: Well, first of all, it's
 14 not wrought iron, it's a -- this is powder coated
 15 aluminum, so it's not real durable. When it gets
 16 hit, it's going to buckle and it will buckle two
 17 or three sections and then the stockade --
 18 whatever you want to call this fencing that's
 19 there -- it's not stockade, it's just a wooden
 20 fencing for a 1935 house -- not to get into the
 21 whole history of it, but I certainly feel that
 22 Ken made some valid points.
 23 MS. RETTIG: I'm looking at her letter
 24 that she sent basically refuting what our
 25 preservationist said. And it's not the nicest

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1 that's the first one. The second one is that
 2 there's other noncolonial aspects to this house
 3 including the giant planter that's in the yard
 4 and the light that's hanging underneath the front
 5 door gable. To me, those are not -- I don't
 6 think that -- that's anywhere near relevant to a
 7 200 foot, 3 foot high fence that wraps the entire
 8 house to say that there's a Victorian planter in
 9 the middle of the yard. That stuff doesn't, you
 10 know, it doesn't matter if we go with a different
 11 type of fence, by that argument it could be a
 12 modern wider fence, if that were a modern planter
 13 in the --
 14 MS. McHUGH: What you'd have to do is
 15 replace the planter and put whatever type of
 16 fence you want on.
 17 MR. DOUGHERTY: Right. So you'd just
 18 chase whatever that is, so I don't think any of
 19 that, just from a HARB certificate of
 20 appropriateness, holds water.
 21 MS. McHUGH: I agree.
 22 MR. DOUGHERTY: And then the third
 23 stool of the leg is that there's a hardship claim
 24 that the fence is wood and it requires painting
 25 and it's rough shape after being there 13 years

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1 and there's a physical hardship because they
2 would not able to paint the fence themselves, I
3 guess physically themselves. I don't think those
4 would hold water if anyone else were using those
5 as a reason why they wanted to do a modern door
6 on a colonial house. Because a modern steel door
7 on a colonial house, so I don't have to paint it
8 because I'm physically incapable of painting the
9 door that's basically what that argument says.

10 MS. McHUGH: Right.

11 MR. DOUGHERTY: I think we could do
12 that or we would literally every house in the
13 borough, you could use those three arguments. So
14 I think the historian is what we have to go off
15 of.

16 MS. GERING: And his recommendation was
17 in-kind replacement is what his recommendation
18 was. All right. Since --

19 Peter, can't hear you.

20 MS. LEE: I think they wanted to say
21 something.

22 MS. GERING: I'm sorry. Louise, did
23 you want to say something about the fence?

24 MS. FEDER: Sorry for all the -- we're
25 getting some pretty severe feedback issues.

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1 MS. McHUGH: Yes.

2 MR. MAISEL: Yes.

3 MS. GERING: Yes. Go ahead.

4 MR. MEYER: My sense is we're being
5 asked to approve a fence because other things
6 have been approved in the past by HARB that we
7 have had problems with all along. I don't see
8 anything to compound past errors with new errors
9 today. I don't see a particular reason to
10 approve this particular change. It lasted over
11 15 years or 13 years or whatever it was, I don't
12 know the degree of maintenance. I have seen a
13 fence type that was on this site that is
14 deteriorating, maintained on an annual basis for
15 approximately 30 or 35 years by the seashore with
16 a salt water wear coming in off the sea. I do
17 not believe that this fence is that difficult to
18 maintain and I think that we should continue to
19 demand a white picket fence.

20 Thank you.

21 MS. GERING: Any other questions or
22 discussion from council?

23 All right. We have a motion on the
24 table for approval. So I'm go to start with Ken
25 and I'm going to have you individually vote

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1 There's been a lot of noise. I'm sorry if I
2 reiterating what people have said because I can't
3 hear all the way.

4 In looking at the materials -- I have a
5 feeling this has been said already, but I think
6 we should probably go by what the historic
7 preservationist said here. I said to think make
8 a change that is in-kind with design guidelines
9 of the town just because there are some other
10 towns that are not compliant with those
11 guidelines is a strange precedent to continue
12 where if we have (inaudible), considered
13 noncompliant to what we've set out for
14 (inaudible), I think that's one issue. But I
15 think to then rely on that to put up new fencing
16 is an another problem. Sorry, I don't know if
17 you can hear me.

18 MR. DOUGHERTY: Louise, that was
19 something that we had not -- I don't we had said
20 that, so that's additional. Thank you.

21 MS. GERING: Peter, did you have
22 anything you wanted to say?

23 MR. MEYER: Can you hear me?

24 MR. DOUGHERTY: Yes.

25 MS. RETTIG: Yes.

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1 because of the way we're spread out.

2 Ken?

3 MR. MAISEL: No.

4 MS. GERING: Dan?

5 MR. DOUGHERTY: No.

6 MS. GERING: My vote is no.

7 MS. RETTIG: No.

8 MS. McHUGH: No.

9 MS. GERING: Peter, how do you vote?

10 We need a yes or no from you Peter.

11 MS. FEDER: I think he's muted.

12 MR. MEYER: I unmuted myself now, no.

13 MS. GERING: Louise?

14 MS. FEDER: No.

15 MS. GERING: Okay. So you have seven
16 nos for the record. Thank you.

17 MR. DOUGHERTY: Correct me if I'm wrong,
18 solicitor, in the past I don't know if this was
19 the case, but in the past we've been told that
20 when a certificate of appropriateness is
21 requested and council declines it, is council
22 obligated at that moment to provide -- or is
23 what's in here sufficient to provide corrective
24 measures that this applicant would need to take
25 in order to obtain a positive vote? We've had

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1 some counsel in the past and I'm just trying to
 2 validate or invalidate that counsel.
 3 MR. TRUELOVE: That actually would make
 4 sense because I think that what the comments were
 5 that I heard tonight both the material and I
 6 assume the HARB's comments that Mr. Maisel talked
 7 about reflect some of the same things that we
 8 discussed tonight, so they could probably be
 9 included in the record for the rationale of why
 10 the certificate was denied.
 11 MR. DOUGHERTY: Thank you.
 12 MS. GERING: Thank you.
 13 All right. Next we're going to have a
 14 consent agenda. We need approval of the minutes
 15 from February 18th, 2020 and our March 2nd, 2020
 16 workshop.
 17 Can I have a motion for approval?
 18 MS. RETTIG: I'll make that motion.
 19 MS. GERING: Second?
 20 MS. McHUGH: I'll second.
 21 MS. GERING: All in favor?
 22 COUNCIL MEMBERS: Aye.
 23 MS. GERING: Approval for accounts
 24 payable, March accounts payable in the amount of
 25 \$329,592.40; and for February 14th and February

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1 MR. DOUGHERTY: Peter?
 2 MS. GERING: Can you hear us?
 3 MR. MEYER: Unmute myself. Basically I
 4 think that you got the major developments of what
 5 came out of the planning commission in the
 6 ordinance that we just advertised for changes in
 7 some of the particular regulations.
 8 Beyond that, Tracy, what have I
 9 forgotten? I'm sitting here, I'm blanking out.
 10 MS. GERING: She's not here.
 11 MR. MEYER: All right. I think those
 12 are the major elements that we went through.
 13 MS. GERING: All right. Thank you,
 14 Peter.
 15 Zoning, there's no report. We didn't
 16 have a meeting. The next one's April 9th.
 17 All the zoning applications that were
 18 on your agenda are all tabled. They're going to
 19 appear in front of us at the work session, which
 20 is April 7th.
 21 Do we a manager's report?
 22 MS. LEE: No. But I do have one
 23 question, a clarification of the denial of the C
 24 of A. Is part of that motion that they follow
 25 what's in the recommendation of the

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1 28th payroll, in the amount of \$63,105.81 and
 2 \$61,936.61.
 3 Can I have a motion for approval?
 4 MS. McHUGH: I'll make that motion.
 5 MS. GERING: Second?
 6 MR. DOUGHERTY: I'll second.
 7 MS. GERING: All in favor?
 8 COUNCIL MEMBERS: Aye.
 9 MS. GERING: Okay. Committee reports.
 10 Park and rec, do you have a report?
 11 MS. FEDER: Just briefly. We outlined
 12 a plan for a spring planting of pansies in the
 13 planters around town first week of April, but
 14 obviously that date may change and then the
 15 budget for that planting was \$1,000.
 16 MS. GERING: Okay. Thank you.
 17 Shade tree?
 18 MS. McHUGH: Nothing at this time.
 19 MS. GERING: Finance committee?
 20 MR. DOUGHERTY: Nothing at this time.
 21 MS. GERING: HARB, do you have any
 22 reports?
 23 MR. MAISEL: No report.
 24 MS. GERING: Planning commission? Do
 25 you have a report? I don't think he can hear us.

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1 preservationist's review for the white fence? I
 2 know the question came up as to what alternative
 3 council is offering. Is that the alternative?
 4 Just so that I can make sure we include that in
 5 the denial letter?
 6 MR. TRUELOVE: I think that makes sense
 7 to include that, yes.
 8 MS. GERING: Thank you.
 9 Do we have a solicitor's report from
 10 our new solicitor?
 11 MR. TRUELOVE: You would hope not yet
 12 anyway. No. I thank you for the appointment.
 13 We look forward to working with everybody here.
 14 You have a lot going on, which is a good thing
 15 and certainly enjoy working with EJ. I know
 16 she's departing, but if it makes any difference
 17 Mr. Gray and I have known each other for 25 years
 18 and worked well together in other circumstances,
 19 so I look forward to working with him. So my
 20 office staff and the colleagues are looking
 21 forward to working with everybody. The mayor
 22 who, he and I go back 20 years anyway, I think.
 23 So thank you.
 24 MS. GERING: Thank you.
 25 Public comments. You had your hand up.

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1 STEVEN COPPENS: You said April 7th,
 2 April 7th is a Tuesday.
 3 MS. GERING: I'm sorry. So it's April
 4 6th, thank you so much, for the workshop.
 5 Under public announcements, the only
 6 thing I'd like to say, the governor has requested
 7 that all restaurants and bars be closed in town
 8 so I'm not sure --
 9 How are you enforcing this, Mayor?
 10 MAYOR KELLER: We're not. This is
 11 something that the governor has put in place and
 12 he did not -- he wasn't emphatic from anything
 13 that I saw that everybody absolutely
 14 unequivocally has to be closed. What I saw with
 15 some of the comments, so as far as -- he said
 16 that you could be fined if you did not adhere to
 17 his -- that's what I read. So if someone read
 18 something differently, please enlighten me.
 19 MR. DOUGHERTY: I don't have the quote
 20 in text or anything, but I think that -- I think
 21 that is way couple days ago, Mayor. I think that
 22 it's become mandatory and --
 23 MAYOR KELLER: So if it's mandatory,
 24 it's not something that we -- we're going to --
 25 that we can enforce. If there's someone that's

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1 point, but the proclamations that the governor
 2 has issued, there are orders, but from a
 3 technical perspective, there's some question in
 4 the legal community, whether they are orders that
 5 meet the standard of legislation. And if they
 6 haven't gone through the Pennsylvania Bulletin
 7 process.
 8 So I think what everybody's doing right
 9 now is just relying on the fact that if somebody
 10 does have to get tough, at least the intent or
 11 the purpose of the order, is that the next step
 12 could be taken.
 13 MR. DOUGHERTY: Let's just make a
 14 hypothetical. Let's suppose we have information
 15 that there's someone who's going to hold a very,
 16 very large wedding here in town, very large one
 17 -- one of our larger places and a lot of -- what
 18 would we do -- what -- our constituents are going
 19 -- our constituents would be furiously angry at
 20 this event. So what would this council, what
 21 would the mayor do, who --
 22 MAYOR KELLER: I can answer.
 23 MR. DOUGHERTY: We can't be doing this,
 24 someone's got to --
 25 MAYOR KELLER: So basically it's very

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1 not compliant, say there's a restaurant that's
 2 open that's serving alcohol, we would probably
 3 call the Dublin Barracks or the State Police.
 4 MR. DOUGHERTY: Call who? I'm sorry.
 5 MAYOR KELLER: State Police.
 6 MR. DOUGHERTY: Who would call them?
 7 MAYOR KELLER: Correct me if I'm wrong,
 8 wouldn't it --
 9 MR. TRUELOVE: I think from the
 10 discussion the Mayor and I had earlier today, New
 11 Hope Borough Police Chief Cummings would call
 12 Dublin Barracks and they would come over and
 13 enforce it. It would be like a mutual aide
 14 situation, that's the way we look at it. The
 15 hope is it wouldn't come to that. I know there
 16 are some places the mayor noted in his reports,
 17 the takeout places, things like that are
 18 compliant.
 19 So far from what I heard hear and other
 20 places that I also represent, everybody's been
 21 compliant.
 22 MR. DOUGHERTY: I'm sorry?
 23 MR. TRUELOVE: Everybody has been
 24 compliant, so if there's any indication that they
 25 have not, please let me know. To the Mayor's

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1 simple, if someone could get me concrete
 2 information that is for instance Marsha's or the
 3 Landing or -- is that what you had in mind, that
 4 someone's going to have a large group or you mean
 5 a private residence --
 6 MR. DOUGHERTY: Well, I'd rather cast
 7 dispersions based on --
 8 MAYOR KELLER: Well, you're giving a
 9 hypothetical.
 10 MR. DOUGHERTY: No, it's not a
 11 hypothetical is our understanding, so I would
 12 rather. More than a rumor, but not hypothetical.
 13 MAYOR KELLER: We should be notified
 14 and certainly I would instruct Chief to go over
 15 and investigate that and say, by the way, this is
 16 what's going on.
 17 If they say, well, Chief, we're still
 18 doing it --
 19 MR. DOUGHERTY: Okay.
 20 MAYOR KELLER: -- then it's the next
 21 step, which is contact the State Troop.
 22 MR. DOUGHERTY: And who does that, Mr.
 23 Mayor?
 24 MAYOR KELLER: Chief would.
 25 MR. DOUGHERTY: Chief would contact the

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1 State Troopers.
 2 MAYOR KELLER: A hundred percent.
 3 MR. DOUGHERTY: And then it would
 4 become a state --
 5 MAYOR KELLER: Right.
 6 MR. DOUGHERTY: Okay. So we're just
 7 making sure that, frankly, that this is not --
 8 becomes a situation where council did not react
 9 to a --
 10 MAYOR KELLER: Well, I can't imagine
 11 anybody's going to this in this town.
 12 MR. DOUGHERTY: And it may -- again,
 13 this town is full of rumors, as you know.
 14 MAYOR KELLER: Exactly. That's why I
 15 want concrete information.
 16 MR. DOUGHERTY: That's why I'm putting
 17 anything out there, because it could be, you
 18 know, space aliens next time they talk about.
 19 So, you know, we try not to --
 20 MAYOR KELLER: It would be no different
 21 if it was a private residence. If someone's
 22 going to party with a hundred people.
 23 MR. DOUGHERTY: Yeah, I don't know
 24 about the private residence stuff, but the point
 25 is, this is a restaurant, not to go down that

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1 parking spots for the end of March and early
 2 April that speak to what? I mean, are they just
 3 going to park there and walk around the block or
 4 are they going somewhere?
 5 MR. TRUELOVE: That's why I think the
 6 March 28th date was tentatively.
 7 MR. MAISEL: I mean, it's to some
 8 presumptuous even regarding the 5th and the 12th.
 9 MAYOR KELLER: They're all the same.
 10 MR. MAISEL: The whole thing is --
 11 MAYOR KELLER: If the governor is still
 12 having this in place, they're all moved, so
 13 nothing's going to happen.
 14 MS. McHUGH: I have two announcements.
 15 Are we done?
 16 MS. GERING: Yes. I mean, we're still
 17 in announcements before we adjourn.
 18 MS. McHUGH: Can I -- so I've been
 19 monitoring social media and I started seeing some
 20 chatter about food scarcity in the borough. So
 21 when I was out, I stopped in McCaffrey's and
 22 spoke with the manager. They are out of few
 23 items, namely, toilet paper and milk, if you've
 24 been there. Apparently there's a run on that.
 25 They are expecting shipments in, they're not

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1 route, but it's a restaurant who absolutely is
 2 not allowed to have -- hold public gatherings.
 3 MAYOR KELLER: Right.
 4 MR. DOUGHERTY: With or without --
 5 MAYOR KELLER: Yes.
 6 MR. TRUELOVE: And without getting too
 7 much into the weeds, I mean, I think there
 8 probably is some other enforcement mechanism, it
 9 may be after the fact and this is will work as
 10 well. But if somebody really was in town doing
 11 that, I would suspect that down the road, some
 12 states licensure could be involved, could be
 13 invoked to --
 14 MR. DOUGHERTY: The county I would
 15 imagine the Board of Health.
 16 MR. TRUELOVE: Exactly. Certainly one
 17 of the agencies at that time could become
 18 involved. So it's more than we're -- we're
 19 presuming you're going to behave, if you don't,
 20 there's all these different options that may be
 21 available to that point.
 22 MR. MAISEL: Connie?
 23 MS. GERING: Yes.
 24 MR. MAISEL: I mean, the irony of this
 25 whole conversation is that we've approved 25

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1 getting the whole shipments when they do order
 2 things. The break down is not in the food chain
 3 supply, it's in actually getting the people to be
 4 able to do it. They need the truck drivers and
 5 stuff like that.
 6 So it's not there's lack of food, it's
 7 just there's a delay in getting it there. They
 8 don't sense any problems of this being the long
 9 term thing that people are aren't going to be
 10 able to get food. Also they have decided to open
 11 an hour earlier every day for seniors only from 6
 12 to 7.
 13 MR. TRUELOVE: So 60 and over.
 14 MS. GERING: 6 a.m.
 15 MS. McHUGH: For seniors and they will
 16 give them their five percent discount everyday
 17 from 6 to 7. I also stopped at Wawa, I talked to
 18 their manager. They have plenty of milk. I
 19 don't think they carry toilet paper anyway, they
 20 haven't had any problems at all.
 21 So when I talked to McCaffrey's, I
 22 asked them to get in touch with their marketing
 23 director and supply us, the council, with
 24 hopefully a daily update of where we're at. So
 25 we can put that out on our webpage and social

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1 media and at least monitor the situation.
 2 Also I contacted Laura and got the BPT
 3 listing of all current business owners and sent
 4 them an e-mail. And what I'm going to do is
 5 compile a comprehensive list of all the
 6 businesses that are opened or closed or doing
 7 takeout and how we can help them. So I've
 8 contacted them, I got -- I just did that this
 9 afternoon, I already at least 50 responses.
 10 Basically we're looking of who's open, how can we
 11 help these people. How can we help our local
 12 businesses and how we can buy gift cards and what
 13 can do. So I'll be working on that for the rest
 14 of the week and hopefully getting that up online.
 15 That's where I'm at.
 16 MAYOR KELLER: Connie?
 17 MS. GERING: Yes.
 18 MAYOR KELLER: If I may add?
 19 MS. GERING: Please.
 20 MAYOR KELLER: In addition, Laurie,
 21 that's very well taken. We also have -- I know
 22 that PNC bank is going to be offering to anybody
 23 deferred loans between a thousand and \$5,000 to
 24 anybody for the restaurant industry whatever
 25 waiters, bartenders. So that's one thing, which

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1 I thought was wonderful and I found that out
 2 today. And the other is, so we don't have a
 3 crowd here, but the small business association,
 4 the state is also looking at giving -- providing
 5 loans to -- deferred loans for businesses in town
 6 that are going to be negatively affected by
 7 this --
 8 MS. McHUGH: That's awesome.
 9 MAYOR KELLER: -- so I think that when
 10 the -- Thomas has the site contact for that for
 11 the small business administration, so just
 12 something else, two things that will help.
 13 MS. McHUGH: I'd love to post that,
 14 yeah.
 15 MS. GERING: The other thing is the
 16 Playhouse laid off all their employees so they
 17 can collect unemployment. Any business in town
 18 that has an employee that they pay taxes on, they
 19 can lay them off and they can collect
 20 unemployment. And I know today there was a
 21 government announcement they're trying to rush
 22 all that through.
 23 MS. McHUGH: Okay.
 24 MS. GERING: Can I have motion to
 25 adjourn?

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1 MS. McHUGH: I'll make that motion.
 2 MS. GERING: Stay safe, everybody.
 3 (Meeting concluded at 8:04 p.m.)
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 4 **CERTIFICATE**
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 7
 8 I hereby certify that the proceedings
 9 and evidence are contained fully and accurately,
 10 to the best of my ability, in the notes taken by
 11 me at the meeting in the above matter; and that
 12 the foregoing is a true and correct transcript of
 13 the same.
 14
 15
 16
 17 **TARA WILSON, C.R.**
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