

BEFORE

NEW HOPE BOROUGH COUNCIL

In Re: Regular Meeting

- - - -

TUESDAY, AUGUST 21, 2018

- - - -

A public meeting was held at the Borough Municipal Building, 125 New Street, New Hope, Pennsylvania 18938, commencing at 7:02 p.m. on the day and date above set forth, before Edward McKenna, Professional Reporter.

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350 SOUTH MAIN STREET, SUITE 203

DOYLESTOWN, PA 18901

1 BOROUGH COUNCIL:
 2 Alison Kingsley, President
 3 Ken Maisel
 4 Dan Dougherty
 5 Tina Leifer Rettig
 6 Peter Meyer
 7 Mayor Keller
 8 T.J. Walsh, Esquire, Solicitor

ALSO PRESENT:
 Chief Michael Cummings, New Hope Police

(The Pledge of Allegiance was recited.)

 MS. KINGSLEY: Okay. Mr. Mayor, would you like to give your report, sir?
 MAYOR KELLER: Are we going to skip roll call?
 MS. KINGSLEY: We can do that. Thank you. Would you like to do roll call?
 MS. GERING: I'll do roll call.
 Mayor Keller?
 MAYOR KELLER: Here.
 MS. GERING: Peter Meyer?
 MR. MEYER: Yes, ma'am.
 MS. GERING: Tina Rettig?
 MS. RETTIG: Here.
 MS. GERING: Alison Kingsley?
 MS. KINGSLEY: Here.
 MS. GERING: Let's see. Dan Dougherty?
 MR. DOUGHERTY: Here.
 MS. GERING: Ken Maisel?
 MR. MAISEL: Here.
 MS. GERING: And I'm Connie Gering, and we have our solicitor and Chief of Police and five interested residents.
 MS. KINGSLEY: And Laurie McHugh is --

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MR. WALSH: Six.
 MS. KINGSLEY: Laurie McHugh is not present.
 Okay, Mr. Mayor.
 MAYOR KELLER: Thank you.
 MS. KINGSLEY: Sure.
 MAYOR KELLER: I guess I'll start with the fire police.
 So those of you that have been here, Solebury had an event, a movie night, and it was the tweener. It was in between our work session and a council meeting, and, unfortunately, the person that requested to get fire police to the event from the Eagle Fire Company was not quite on the mark, because he waited two weeks, like, the day before. They were waiting for a response.
 So myself, chief, those of you who are not aware, the fire police are under the auspices of the police department. So the chief and our Council President, Alison and myself, we basically blessed it.
 But I think that we need to have a post-authorization vote that everybody else blessed it, and, hopefully, they will do that, and we'll just sort of patch up a lot of holes. It

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1 was like Swiss cheese and we resolved it.
2 MS. KINGSLEY: Yes. So, basically, we
3 need a motion to retroactively authorize the New
4 Hope Fire Police to assist with the August 7
5 Solebury movie night.
6 MR. DOUGHERTY: I'll make that motion.
7 MS. RETTIG: Second.
8 MS. KINGSLEY: Any other discussion?
9 That's basically a housekeeping chore.
10 All in favor?
11 THE BOARD: Aye.
12 MS. KINGSLEY: Opposed?
13 Motion carries.
14 Thank you.
15 Anything else?
16 MAYOR KELLER: Everything else can wait
17 until the next council meeting.
18 MS. KINGSLEY: Okay.
19 MAYOR KELLER: Yes.
20 MS. KINGSLEY: All right. Number 1, we
21 had an executive session prior to our August 6
22 workshop, after the workshop, to discuss legal and
23 personnel.
24 We also had a presentation by the
25 engineer, where we discussed the bids for the Main

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1 Street project, and because of the timing,
2 actually, again this will be a retroactive
3 approval. We gave them the go-ahead to move
4 forward.
5 So we need a motion to accept the bids for
6 Main Street pedestrian improvement project and
7 award to T. Schiefer, that's S-c-h-i-e-f-e-r,
8 Contractors.
9 MR. MEYER: So moved.
10 MS. KINGSLEY: Second?
11 MS. GERING: I'll second.
12 MS. KINGSLEY: Any further discussion?
13 MAYOR KELLER: Yes, I do.
14 Does that include the pedestrian crossing?
15 MS. KINGSLEY: No, and the reason, I
16 believe, if I recall, correct me if I'm wrong, was
17 that that flasher that we originally discussed
18 putting in was a modest size piece of equipment,
19 and the flasher is no longer approved by the
20 state, and now the piece of equipment that is
21 approved is so massive --
22 MAYOR KELLER: That's why I was asking,
23 because I don't think we want to move with that
24 right now.
25 MS. KINGSLEY: Yes.

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1 MAYOR KELLER: Yes.
2 MS. KINGSLEY: So any other questions or
3 discussion on that?
4 All in favor?
5 THE BOARD: Aye.
6 MS. KINGSLEY: Opposed?
7 Motion carries.
8 And the other discussion at the workshop
9 was in regard to the the Comcast franchise
10 negotiations. All of the townships in the county
11 basically that Comcast have have already approved
12 using the Cohen Law Firm. We were last the one.
13 So we need a motion to contract with the
14 Cohen Law Firm to coordinate the Comcast franchise
15 negotiations.
16 MS. RETTIG: I'll make that motion.
17 MS. GERING: I'll second.
18 MR. WALSH: That's just for the template
19 ordinance, right? That's not for the audit?
20 MS. KINGSLEY: No. This was, correct,
21 just the negotiations.
22 MS. GERING: Correct.
23 MR. WALSH: They produce a template for
24 every municipality and we tailor it.
25 MS. KINGSLEY: Any other discussion?

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1 Ed?
2 MR. DUFFY: Ed Duffy, New Hope.
3 I was wondering, I missed a work session.
4 Did Dan get together that unfunded liability
5 report?
6 MS. KINGSLEY: Can I ask you to hold that,
7 because we're --
8 MR. DUFFY: It's coming up?
9 MS. KINGSLEY: Well, we're discussing
10 voting on the Comcast negotiation right now.
11 MR. DUFFY: I'm sorry.
12 MS. KINGSLEY: Okay.
13 MR. DUFFY: I thought you were still on
14 the meeting thing.
15 MS. KINGSLEY: We'll get back to that.
16 Thank you.
17 Any other discussion on the Comcast
18 negotiations?
19 All in favor?
20 THE BOARD: Aye.
21 MS. KINGSLEY: Opposed?
22 Motion carries.
23 Next will be consideration to approve the
24 minutes for July 17th regular meeting and the
25 August 6th workshop.

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1 Do I have motion to approve those minutes
 2 from those two meetings?
 3 MR. DOUGHERTY: I'll make that motion.
 4 MS. KINGSLEY: Second?
 5 MS. RETTIG: I'll second it.
 6 MS. KINGSLEY: Any discussion, corrections
 7 or additions to those minutes?
 8 Hearing no discussion.
 9 Any questions from the public?
 10 All in favor?
 11 THE BOARD: Aye.
 12 MS. KINGSLEY: Opposed?
 13 Motion carries.
 14 The next item, and the engineer's letter
 15 is attached to release the escrow Number 12 in the
 16 amount of \$6,390 for Canal Street development,
 17 and, by the way, the escrow releases need to be
 18 approved and authorized by the engineer before
 19 they come before us.
 20 Do I have a motion?
 21 MR. MEYER: So moved.
 22 MS. GERING: I'll second.
 23 MS. KINGSLEY: Any discussion?
 24 All in favor?
 25 THE BOARD: Aye.

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1 MS. KINGSLEY: Opposed?
 2 Motion carries.
 3 We're not going to make 15 minutes, but
 4 we're moving pretty good.
 5 Okay. Special event permit, Sidetracks
 6 every year does a show on Stockton Avenue, and
 7 they're requesting the Borough temporary close the
 8 street for the event.
 9 Do I have a motion to approve the street
 10 closing for the Sidetracks Gallery for Saturday,
 11 September 8th, and authorize the Borough to close
 12 Stockton?
 13 MR. MEYER: So moved.
 14 MS. KINGSLEY: Second?
 15 MR. DOUGHERTY: Second.
 16 MS. KINGSLEY: Any discussion?
 17 Chief, he's been in talks with you?
 18 CHIEF CUMMINGS: No, he submitted his
 19 paperwork, and there's no difference --
 20 MS. KINGSLEY: From previous years?
 21 CHIEF CUMMINGS: Yes, and it's just a
 22 matter of putting some barricades up. They're not
 23 asking for police supervision. I think this is
 24 the last year. That's what I've heard.
 25 MS. KINGSLEY: Okay. All right. All in

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1 favor?
 2 THE BOARD: Aye.
 3 MS. KINGSLEY: Opposed?
 4 Motion carries.
 5 We have one Certificate of Appropriateness
 6 for new awnings at Karla's Restaurant, 5 Mechanic
 7 Street.
 8 Do I have a motion to accept the
 9 Certificate of Appropriateness as presented in the
 10 manager's memo? Photos attached.
 11 MR. MAISEL: I'll make that motion.
 12 MS. KINGSLEY: Okay. Second?
 13 MS. RETTIG: Second.
 14 MS. KINGSLEY: Any discussion? Questions?
 15 All in favor?
 16 THE BOARD: Aye.
 17 MS. KINGSLEY: Opposed?
 18 Motion carries.
 19 Next is the consideration to approve the
 20 accounts payable for July in the amount of
 21 \$159,086.27, and payroll for July 18 in the amount
 22 of \$66,291.04, and payroll for August 1st in the
 23 amount of \$62,438.21.
 24 Do I have a motion?
 25 MS. GERING: I'll make that motion.

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1 MR. DOUGHERTY: I'll second.
 2 MS. KINGSLEY: Any discussion or questions
 3 on the accounts?
 4 All in favor?
 5 THE BOARD: Aye.
 6 MS. KINGSLEY: Opposed?
 7 Motion carries.
 8 Committee reports.
 9 Park and Rec?
 10 MS. RETTIG: Nothing to report.
 11 MS. KINGSLEY: And Laurie is not here this
 12 evening for Shade Tree.
 13 Finance?
 14 MS. GERING: No report.
 15 MS. KINGSLEY: Revite?
 16 MR. MEYER: No report.
 17 MS. KINGSLEY: And website?
 18 MR. MAISEL: No report.
 19 MS. GERING: No, that's been handed over
 20 to E.J., our Borough Manager. She's doing a
 21 wonderful job.
 22 MS. KINGSLEY: She's been updating the
 23 website on a regular basis. So if you have an
 24 opportunity, check that out, and if you find any
 25 inconsistencies or errors on the website or things

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1 that need to be updated, shoot E.J. an e-mail, and
 2 she's been updating things on a regular basis.
 3 Do we have a solicitor's report?
 4 MR. WALSH: I don't know. I got dropped
 5 from the agenda. I guess not.
 6 Just two quick things on the land
 7 development side. The Planning Commission review,
 8 at least an appearance by the Logan Inn on
 9 August 6th. They are -- if you remember, Council
 10 granted a partial waiver of the land development
 11 so they could get the building addition started.
 12 I don't know if that went anywhere. I
 13 would have to check back with Jim on that, but the
 14 land development itself also encompassed some
 15 other improvements to the balance of the property,
 16 including the parking lot, the relocation of
 17 Cannon Square, if you're familiar generally with
 18 the nature of the proposal.
 19 The Planning Commission did not make any
 20 recommendation at that meeting. So I think there
 21 were enough open issues that they had to come back
 22 for that to address at least a lot of the comments
 23 I saw in Jim's letter. The zoning officer's
 24 letter, there were also comments that were raised
 25 by the engineer.

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1 may be a potential that that gets on your
 2 September agenda, if they meet.
 3 I don't know when the Planning Commission
 4 is meeting in September, but if they meet, the
 5 chances are that they may get through that meeting
 6 and that plan will be on your agenda for review
 7 and approval as an amended filing in September.
 8 So, really, just two procedural things I
 9 wanted to keep the board updated on.
 10 MS. KINGSLEY: Okay.
 11 MAYOR KELLER: Question, T.J.?
 12 MR. WALSH: Yes, sir.
 13 MAYOR KELLER: I guess the park, Cannon
 14 Park, basically, that's all been signed and
 15 sealed, right?
 16 MR. WALSH: No.
 17 MS. KINGSLEY: No, that's --
 18 MR. WALSH: Nothing is signed and sealed.
 19 MAYOR KELLER: That has not? Okay.
 20 MR. WALSH: Right.
 21 MAYOR KELLER: So, they are not going to
 22 start, but if it was, would they be doing the
 23 south end and the north end at the same time,
 24 theoretically, or that's too early to determine
 25 that as well, assuming that that was --

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1 So they'll be due for another appearance
 2 at some point. When the Planning Commission
 3 eventually does make a recommendation, that may
 4 come before you, and we're just not there yet. I
 5 don't know when that's going to be.
 6 The second thing was the zoning hearing
 7 board met recently, and I can't remember the exact
 8 date, but it was for the Cintra project. The
 9 applicant got its relief to reallocate some of the
 10 space.
 11 I think the applicant appeared for your
 12 work session in July to clarify what the nature of
 13 the application was. So they have zoning hearing
 14 board approval to now move forward with their
 15 amended plan.
 16 The amended plan, I think, has been
 17 submitted, that application. They still need an
 18 appearance before the Planning Commission, and
 19 assuming that goes relatively smoothly, I don't
 20 foresee any issues there. It may be there that
 21 they haven't been raised. The review letters have
 22 not come out.
 23 I would only anticipate they're going to
 24 need one appearance before the Planning Commission
 25 for a review with a recommendation, so that there

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1 MR. WALSH: I don't know the sequencing of
 2 it yet. I think that's a little premature to
 3 answer that, but the project as a whole, if you
 4 remember, came in as a full land development,
 5 which it is, a building addition, relocation of a
 6 street, removal of the street, moving Cannon
 7 Square over, moving it north, if you will, and
 8 then doing some parking lot.
 9 But at the time, they wanted to get moving
 10 on the building piece, so that got a waiver of
 11 land development that was going to allow them to
 12 go to the building permit stage, but I don't think
 13 they ever pulled the trigger on it.
 14 So I think they're sort of back to square
 15 one, needing a recommendation from the Planning
 16 Commission, coming to the council for a vote on
 17 the regular land development.
 18 They are not there yet. I know the
 19 letters that came out from the borough's engineer
 20 and the zoning officer were both lengthy, a lot of
 21 issues, and I don't think they got -- I know they
 22 didn't get through the Planning Commission.
 23 MAYOR KELLER: Thank you.
 24 MR. WALSH: So it is not signed, sealed,
 25 nor delivered in any way.

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1 MR. MAISEL: What do you know about them
 2 moving Odette's? Is anything on that?
 3 MR. WALSH: I know I reported on this back
 4 in February. They said it would be moving in
 5 March, and here we are in August and it's still
 6 sitting there.
 7 The foundation needs to be poured. I know
 8 it's being worked on. We have financial security
 9 for it in accordance with every approved condition
 10 that council granted when this thing was approved
 11 from a year ago.
 12 So, apparently, the sequencing of it needs
 13 to have the foundation poured, all of that taken
 14 care of, then the building can be moved, and they
 15 have to get what's called a special hauler's
 16 permit, which only has, apparently, a ten-day life
 17 span.
 18 So it's not a regular highway occupancy
 19 permit that PennDOT can normally issue. So when
 20 they, I guess, are seeing the end of the tunnel
 21 necessarily, the light, when the foundation is
 22 almost done, then they will go and renew or
 23 reacquire the special hauler's permit.
 24 We will then get notice of when that
 25 street is going to be closed.

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1 MS. KERR: Ali, two questions.
 2 One is, did I see water and sewer in there
 3 already or some pipes?
 4 MR. WALSH: They should be subbing it.
 5 MS. KERR: Okay. That's what I thought.
 6 And the other thing is a Cintra question.
 7 I forgot. I know this was addressed at the start.
 8 Is there any number about when the ten
 9 years for library restarts or starts or extends?
 10 MR. MEYER: Yes, they got the ten years.
 11 MR. WALSH: When the first CO is issued
 12 for a building --
 13 MS. KERR: Okay.
 14 MR. WALSH: Pam, that's a good question.
 15 The initial decision from the hearing board was
 16 way back, five years ago, maybe even longer. It
 17 did say it effectively ran from the date of the
 18 decision, but as Peter indicated, I think that
 19 they carried that forward.
 20 MS. KERR: From when it starts. Thank
 21 you.
 22 MR. WALSH: I think it tied into the first
 23 dwelling -- the first CO that was issued for the
 24 first unit.
 25 MS. KINGSLEY: That's great.

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1 MR. MAISEL: One of the ideas that I think
 2 actually Dan had brought up was to somehow promote
 3 that, if it was being done at a time that was
 4 sensible, not at 3:00 a.m., that maybe it can
 5 become a town event.
 6 MR. WALSH: All right. I know Jim is out
 7 this week. I can reach out to the attorney for
 8 the applicant, and advise him that, hey, I think
 9 the Borough would like to be supportive and
 10 participate, at least from a town event type of
 11 perspective, we'd like to know.
 12 MR. MAISEL: I don't know if --
 13 MS. KINGSLEY: Did they start putting
 14 block in?
 15 MR. WALSH: Until the foundation is ready
 16 to support a building, it's not going to -- I
 17 don't know how far away that is.
 18 MAYOR KELLER: I would say probably
 19 October 1 is very realistic that the foundation
 20 will be done, unless there's some complications
 21 with storms or there's so much bad weather, but
 22 other than that --
 23 MR. WALSH: I don't think they need to
 24 move -- I think it's a day.
 25 MAYOR KELLER: One day.

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1 MR. WALSH: So that pushes it out even
 2 further.
 3 MS. KINGSLEY: Thank you.
 4 Ed, now?
 5 MR. DUFFY: Ed Duffy, New Hope.
 6 Actually, two things. The unfunded
 7 liability document, has that been put out for
 8 public?
 9 MR. DOUGHERTY: We actually, at the last
 10 work session --
 11 MR. DUFFY: I missed it, yeah.
 12 MR. DOUGHERTY: The name of the firm is
 13 Thomas J. Anderson & Associates. It's a
 14 consulting firm that consults with municipalities
 15 on pension plan obligations. So they came in and
 16 briefed council and our new manager and all that
 17 good stuff.
 18 We learned that the plan is healthy. We
 19 also learned that we have some wiggle room that
 20 we're going to take advantage of, as far as
 21 funding, to increase the funding this year by
 22 about \$40,000 extra, and we are about to make a
 23 decision on the 2019 budget sometime in November.
 24 In that budget, at least as my gut says --
 25 I can't speak for all of council right now, but my

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1 gut says we'll fund at the higher of the two
2 optional levels, which would be about \$190,000,
3 instead of what the minimum requirement would be,
4 which would be about \$140,000, but that's a
5 decision that council will arrive at when they
6 approve the budget.

7 So I don't want to put the cart before the
8 horse, but that's the plan, and we also found that
9 our plan, relative to the sort of the moonscape
10 that's out there is far from, you know, on some
11 sort of a watch list or anything like that.

12 In broad terms, our plan probably has an
13 unfunded liability of about \$900,000, and that was
14 as of January 1, 2017, Ed. Since that time, we
15 have put money in.

16 You actually only value these things once
17 every two years. So the next evaluation will
18 occur on January 1st, 2019, but as of January 1st,
19 2017, it was about \$900,000, less assets in there
20 than what the projected liabilities were, plenty
21 of money, plenty of room to pay off --

22 MR. DUFFY: That was the unfunded number,
23 right?

24 MR. DOUGHERTY: At that time. At that
25 time. That number has shrunk. We won't know

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1 from council.

2 What was the question, sir?

3 MR. DUFFY: Any activity on the Wawa
4 application?

5 MR. WALSH: They are taking a critical
6 look at all of the potential zoning relief that
7 they may need for the project in New Hope, and
8 we're waiting to hear back from them.

9 MR. DUFFY: Okay. Because they are not
10 doing too well in some of the boroughs and
11 municipalities. It's a big footprint, very big
12 footprint.

13 MR. WALSH: As far as I know, the building
14 size has not been changed from the sketch plans
15 they submitted, which was about 5,500, 5,600
16 square feet. They have not indicated smaller than
17 that. So if that remains a zoning issue --

18 MR. DUFFY: They do the same thing
19 everywhere. It's like a standard footprint. So,
20 yeah, it's big.

21 Okay. Thank you. That's what I needed.
22 Thank you.

23 THE BOARD: Any other discussion by
24 council?

25 Any other from the public?

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1 exactly by how much, but it's probably shrunk
2 fairly dramatically. My gut tells me it's
3 probably -- in the probably \$600,000 or less
4 range.

5 Now, because of our efforts to further
6 fund the plan also, the market returns have been
7 pretty good as well. So you have to stay tuned a
8 little bit, but we do appreciate all of our
9 constituents staying focused on this, so that it
10 doesn't become a problem for us. So we do
11 appreciate that.

12 MR. DUFFY: Yeah, it affects the borough's
13 credit rating and everything else.

14 MR. DOUGHERTY: Yes.

15 MS. KINGSLEY: If you want to pull the
16 minutes, they were recorded. The full set of
17 minutes is there, so you can read that gentleman's
18 full report.

19 MR. DUFFY: Okay. I'll chase that down.
20 Thank you.

21 One other thing that we have not heard
22 anything about. What about the Wawa application?
23 Has there been any action on that, any activity,
24 solicitor?

25 MR. WALSH: I was answering a question

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1 Steve?

2 MR. COPPENS: Thank you.

3 Steven Coppens, New Hope.

4 Unfunded liabilities, I was thinking since
5 the work session that I would really like to see
6 us put more money into the unfunded liability
7 payments than do things, like, I don't know,
8 anything that's elective, that we don't have to
9 do.

10 I really think those funds or a good
11 portion of them, and put them toward unfunded
12 liabilities.

13 Thank you.

14 MS. KINGSLEY: Okay. Hearing no other
15 comments?

16 MS. KERR: Are there announcements?

17 MS. KINGSLEY: That would part of public
18 comment.

19 MS. KERR: The whole other announcement
20 thing, I didn't want to be wrong.

21 I just want to say, for those who aren't
22 on Facebook with me, that I have a those pop-up
23 birthday and stupid things, but I've done it for
24 the outdoor sculpture program for New Hope Arts.
25 Anybody who's interested in supporting the

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1 sculpture New Hope arts, please do so.
 2 Alison is doing it all on her own, not by
 3 Facebook. She is digging a hole and putting in
 4 the base for us. The sculpture is going to come
 5 soon, but four others are in the works, and we
 6 could use some money to help get the siting.
 7 Otherwise, I think I have it funded, but any bit
 8 will help.
 9 Thank you.
 10 MS. GERING: And today is Pam's birthday.
 11 MS. KERR: And today is my birthday.
 12 (Council sang happy birthday.)
 13 ---
 14 MS. KINGSLEY: So hearing no other
 15 comments, we will have an executive session
 16 immediately after the meeting to discuss legal.
 17 Meeting adjourned.
 18 Thank you, all.
 19 (At 7:27 p.m., proceedings were.
 20 Concluded.)
 21 ---
 22
 23
 24
 25

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1
 2
 3 CERTIFICATE
 4
 5
 6 I hereby certify that the proceedings and
 7 evidence are contained fully and accurately, to
 8 the best of my ability, in the notes taken by me
 9 at the meeting in the above matter; that the
 10 foregoing is a true and correct transcript of the
 11 same.
 12
 13
 14 EDWARD McKENNA, C.R.
 15
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