

NEW HOPE BOROUGH
COUNCIL WORKSHOP MEETING

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IN RE: WORKSHOP MEETING

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Tuesday SEPTEMBER 4, 2018

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A public meeting was held at the
Borough Municipal Building, 125 New Street, New
Hope, Pennsylvania 18938, commencing at 4:00
p.m. on the day and date above set forth,
before Elisa Drumheiser, Court Reporter and
Notary Public in and for the Commonwealth of
Pennsylvania.

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<p style="text-align: right;">2</p> <p>BOROUGH COUNCIL:</p> <p>T.J. Walsh, Solicitor Alison Kingsley, President Connie Gering, Vice-President Laurie McHugh, President pro Tem E.J. Lee, Borough Manager</p> <p>Tina Leifer Rettug</p> <p>Peter Myer</p> <p>Christine Szbato</p> <p>ALSO PRESENT:</p> <p>Chief Michael Cummings, New Hope Police</p> <p>Ed Duffy</p> <p>Vic Widczorek - Parking Authority</p> <p>Christine Szabo</p> <p>BLUM-MOORE REPORTING SERVICES, INC. www.blummoore.com 215-345-7966</p>	<p style="text-align: right;">4</p> <p>1 MS. KINGSLEY: I'd like to 2 call the meeting to order. 3 I would like to welcome all of 4 our guests. 5 MR. MEYER: We have all 6 council here and we also have our new 7 board member, E.J. Lee, T.J. Walsh, 8 who is our solicitor and also Chief 9 Cummings. 10 The first item in said agenda 11 is the Special Events/Permits Request 12 for High Heel Drag Race, we actually 13 don't vote here this is totally a 14 worksheet. 15 So, I believe we can't go over 16 any issues, unless any council has any 17 questions. 18 MS. KINGSLEY: No. 19 MR. MEYER: So, I would say to 20 come back at the September regular 21 meeting agenda at which time there 22 will be a vote. 23 So you are all good. 24 UNIDENTIFIED SPEAKER: Yes. 25 Thank you.</p> <p>BLUM-MOORE REPORTING SERVICES, INC. www.blummoore.com 215-345-7966</p>
<p style="text-align: right;">3</p> <p style="text-align: center;">NEW HOPE BOROUGH COUNCIL WORKSHOP MEETING SEPTEMBER 4, 2018 - 4:00 PM</p> <p>1.) Call to order, Pledge of Allegiance 2.) Consent Agenda: A.) Special Events/Permits Request - High Heel Drag Race on Sunday, October 21, 2018</p> <p>3.) Discussion A.) Plans for Alternate 1 for Main Street Pedestrian Improvement Plan - Mechanics Street</p> <p>B.) Parking "voids and abandons" - Police Chief to provide report at Meeting</p> <p>C.) BPT Ordinance</p> <p>4.) Public Comment</p> <p>5.) Adjournment</p> <p>BLUM-MOORE REPORTING SERVICES, INC. www.blummoore.com 215-345-7966</p>	<p style="text-align: right;">5</p> <p>1 MR. MEYER: So, the next thing 2 is the plans for Alternative 1 for 3 Main Street, Pedestrian Improvement 4 plan. 5 MS. MacNAIR: Good Evening. 6 So just to refresh your 7 memory, this the plan that was 8 presented but not approved and this is 9 just the base of it. At the last 10 meeting you had approved all just but 11 one. 12 I wanted to bring the revised 13 layout plan and what it looked like. 14 So, this would be the revised 15 layout, if we extend this straight 16 down to the existing parking space 17 now, that parking space is 16 feet 18 long, so that is would make an 19 easement. So it would be -- the truck 20 parking would not stay but nothing 21 else would change. 22 Is there any questions before 23 we submit that? 24 MS. KINGSLEY: Does this show 25 the parking space?</p> <p>BLUM-MOORE REPORTING SERVICES, INC. www.blummoore.com 215-345-7966</p>

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1 MS. MacNAIR: This does not
2 show the parking space.
3 MS. KINGSLEY: We would want
4 to see the parking space.
5 MS. MacNAIR: Okay.
6 MS. KINGSLEY: So, it would go
7 from the Northwest corner back to the
8 Northeast corner?
9 MS. MacNAIR: Then we would
10 have to provide programs for that
11 crossing.
12 MS. KINGSLEY: What about on
13 the southeast corner, if you look to
14 your left, that second one, are you
15 going to take that back, that parking
16 space back or does that stay?
17 MS. MacNAIR: No, I don't
18 think there is any changes to the
19 parking to what was submitted
20 previously.
21 It is the same location, if
22 you are looking at the cross-walk on
23 the prior plans.
24 What the PA Code requires is a
25 four foot between stop bar and

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1 crosswalk, which we provide here, but
2 the intent is any time -- so we won't
3 change any of that.
4 MS. KINGSLEY: Fair enough.
5 Any questions?
6 MR. MEYER: No.
7 MS. MacNAIR: Thank you.
8 MS. KINGSLEY: The next order
9 is the chief, you are on.
10 CHIEF CUMMINGS: Well, since
11 the implementation of the Kiosk system
12 we have been given a lot of leeway for
13 people to become adjusted/acquainted
14 with the system and how it works.
15 We ran into some problems
16 which I have been writing in that memo
17 in the beginning, well half of them --
18 I have been copied on emails which go
19 to violations and I have been looking
20 at them. What I have noticed there is
21 a tremendous amount of voids taking
22 place, based upon people using the app
23 -- what you can do with the app is you
24 have the option to pick from like two
25 or three vehicles if you are using

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1 this all the time. And a lot of
2 people will put in like mom's car,
3 dad's car and they are picking the
4 wrong tag when they go into the app,
5 so when the parking enforcement
6 officer is walking down the street, he
7 looks at the tag and it is not in the
8 system, because they have placed the
9 wrong tag in the system.
10 So, we have been voiding these
11 tickets because they paid for a
12 session and they can prove that they
13 paid for a session, with that other
14 vehicle and what is happening is that
15 ticket gets voided.
16 What has been happening is
17 that ticket gets voided, that is
18 happening a great number of times,
19 issuing of tickets.
20 The worse is when people use
21 the kiosk and they type in the wrong
22 numerals of letters and; once again,
23 they can show to us that they had a
24 valid session, but they are making a
25 mistake in entering it.

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1 Once again the parking
2 enforcement officer sees this as a
3 non-paid tag and therefore a parking
4 ticket is issued.
5 I showed you the numbers and I
6 just thought, and I just thought it
7 was something that I needed to bring
8 to your attention, because we don't
9 know how to deal with this, we are
10 looking for some guidance.
11 There are some other issues,
12 people are complaining of parking in a
13 private parking lot. One of the worst
14 examples is they are parking on West
15 Randoff Street and they walk over to,
16 what we call the Fire Station lot and
17 they pay at that Kiosk and it is not
18 registered for parking on the street,
19 so they get tickets.
20 And what is happening is there
21 is a lot of angst with the people who
22 are using that system.
23 And I guess, my question is do
24 we still remain friendly with it by
25 voiding these tickets are do we take a

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1 harder line with it or some other
 2 option.
 3 I just wanted to bring it to
 4 your attention.
 5 MS. GERING: So, Chief, the
 6 parking lot that they are using the
 7 kiosk, I know that is a problem.
 8 I have a friend of mine who
 9 used the parking lot kiosk but who
 10 parked on the street and I said you
 11 should have known better.
 12 Are those parking lots marked
 13 that says this is a private parking
 14 lot?
 15 CHIEF CUMMINGS: PNC put a
 16 sign up, but the rest of them didn't.
 17 And that was one of the things
 18 that I think there should be some kind
 19 of signage that says this is for
 20 on-street only, this kiosk and this is
 21 for this private lot.
 22 Some verbiage, I don't know
 23 how to enforce private lots to do
 24 that.
 25 I am looking for some guidance

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1 do that on a regular basis, there has
 2 to be an ordinance; wouldn't you agree?
 3 MS. RETTUG: So, would we have
 4 to have an ordinance making it
 5 mandatory for private lots to have it
 6 marked that these are private lots?
 7 MS. KINGSLEY: I think that is
 8 a separate issue.
 9 One, I think the first issue
 10 is how do you do an ordinance and
 11 abundance from coming to the
 12 department.
 13 And second; And then signage
 14 and how people interpret that signage.
 15 So, I think the first issue is
 16 "The Stupid Issue" I picked the wrong
 17 -- like in Union Square, I turned my
 18 ticket upside down or I closed my door
 19 and it blew upside down. So, we can't
 20 give them half off by being stupid.
 21 So, if we piggyback on that
 22 policy that we have in place it is
 23 probably not privatized at this point.
 24 That is a "Stupid Issue" we can't give
 25 people half-off on a signage issue.

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1 myself.
 2 MS. RETTUG: I did that a few
 3 years ago. I went to the kiosk and
 4 paid but I put the wrong license plate
 5 in, but when I went to the police
 6 station to say look I paid, she is
 7 like yeah, but you have the wrong
 8 license plate.
 9 So, she with permission, gave
 10 me 50 percent off, I had to pay a
 11 \$10.00 ticket instead of a \$20.00
 12 ticket.
 13 CHIEF CUMMINGS: That will
 14 stop because by ordinance we need to
 15 have that kind of structure to do
 16 that.
 17 We can't on a whim say I am
 18 going to reduce this to \$10.00. It is
 19 not let's make a deal.
 20 It is either this is what the
 21 penalty is or --
 22 MS. RETTUG: This was like two
 23 years ago.
 24 CHIEF CUMMINGS: I know.
 25 But I think if we are going to

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1 So, if we say, in the
 2 following situations, which I am sure
 3 are repetitive -- so, if we piggyback
 4 on my ticket was upside down, I
 5 transposed two numbers on my license
 6 place, I entered the wrong car,
 7 whatever else that they do, if we
 8 piggyback off that and we give them 50
 9 percent off, then that is basically a
 10 warning and then the next time they
 11 will be more careful.
 12 MR. WIDCZOREK: Well, then
 13 they email us pictures when they email
 14 in the tickets.
 15 Then they go back and put a
 16 wrong license plate number in.
 17 MS. KINGSLEY: Can you state
 18 your name for the record.
 19 MR. WIDCZOREK: Vic Widczorek,
 20 W-I-D-C-Z-O-R-E-K.
 21 Parking authority.
 22 MR. LEE: Chief, how many of
 23 these tickets are you getting?
 24 CHIEF CUMMINGS: A lot.
 25 MS. KINGSLEY: So, far 479

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1 since the beginning of the year.
 2 So, that equates to about
 3 \$25,000 total in fines that were not
 4 collected.
 5 So, if we go to initially
 6 decide to reduce that fine by half, we
 7 would be recovering \$12,500.
 8 Then if we go to UPS, Pay By
 9 Phone, and look at those companies and
 10 look at how these issues that they are
 11 -- like transposing numbers there is
 12 supposed to be a program that is
 13 available that identifies transposing
 14 additions, so that the police
 15 enforcement officer who now can make
 16 that determination by himself because
 17 he can't see, this program will now
 18 let him see that and then they won't
 19 be writing a ticket.
 20 So, if we look at each company
 21 and if we take each problem and
 22 identify it to which company it
 23 relates to or two companies, some of
 24 it is Kelly's, some of it is Mobile
 25 Parking, some of it is Pay-By-Phone,

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1 private parking lots should have
 2 signage that says like at the VFW,
 3 some kind of signage for the kiosk
 4 that says parking for the VFW only.
 5 CHIEF CUMMINGS: I know that
 6 VFW might have that signage, but the
 7 problem is how do we enforce that?
 8 MR. DUFFY: We have -- before
 9 the street kiosk came to be, we had an
 10 ordinance about borough enforcing
 11 parking on private lots.
 12 Remind me what that does?
 13 CHIEF CUMMINGS: Gives us
 14 permission to go onto the lot and
 15 enforce regulations for meters and
 16 parking out side the lines and stuff
 17 like that.
 18 MR. DUFFY: Parking for --
 19 identify private lots?
 20 CHIEF CUMMINGS: Yes, they
 21 have to give us a letter.
 22 MR. DUFFY: And I think it is
 23 PNC, Verizon --
 24 CHIEF CUMMINGS: 41 North
 25 Main, Triumph, Union Square, American

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1 some of it is UPS, and then start to
 2 pick away at those then can starting
 3 reducing that remaining balance of
 4 \$12,000.
 5 I don't think that wouldn't
 6 resolve the problem in one action, but
 7 I think the first action would be to
 8 make an ordinance that reduces those
 9 "Stupid Events".
 10 MR. DUFFY: We are still not
 11 losing any parking fee, right?
 12 CHIEF CUMMINGS: No.
 13 MR. DUFFY: Even though they
 14 paid for the car, they put the wrong
 15 license plate, there is still evidence
 16 of payment. We are not even touching
 17 that.
 18 MR. KINGSLEY: Yes.
 19 I think the second issue in
 20 regards to signage, I think if the
 21 borough does a sign that says street
 22 kiosk is for street parking only and
 23 put that on the street kiosks
 24 themselves.
 25 MS. McHUGH: I think the

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1 Legion --
 2 MR. LEE: What about Play
 3 House?
 4 CHIEF CUMMINGS: Play House,
 5 yes.
 6 MR. WIDCZOREK: So, we have
 7 some language -- I don't know if it
 8 goes so far as to say any specific
 9 signage or any specific marker that
 10 says that this is enforced by the
 11 police.
 12 If you do have an ordinance
 13 that says that or something --
 14 CHIEF CUMMINGS: Most of them
 15 have a sign that says that, enforced
 16 by the Borough Police.
 17 MR. WIDCZOREK: So, if don't
 18 know if the ordinance says that it has
 19 to be posted like that, and if we get
 20 the letter, and it does say that, then
 21 I don't think it would be to far of a
 22 stretch to say, oh, by the way make
 23 sure it says what kiosks are for what.
 24 MS. RETTUG: Right.
 25 MR. WIDCZOREK: I would just

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1 have to go ahead and look at it, I
 2 know we put the section in it a long
 3 time ago.
 4 CHIEF CUMMINGS: 2009-2010,
 5 maybe.
 6 MR. WIDCZOREK: Right around
 7 there.
 8 MR. LEE: Can we find out
 9 about what the ordinance says?
 10 MR. WIDCZOREK: Yeah, not
 11 right now, but I can read it.
 12 Yeah, then I can read it.
 13 MR. LEE: And then we can have
 14 a modification to relieve that.
 15 MR. WALSH: I will tell you
 16 what it says, but you are going to
 17 need an ordinance to change that.
 18 I am not sure if it says
 19 anything on the sign because when we
 20 passed it eight or nine years ago, it
 21 was designed to give the police the
 22 authority to enforce on the lot.
 23 MS. KINGSLEY: Going back to
 24 the first issue, which is how to
 25 handle the current ticket situation

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1 MR. WALSH: In that quick
 2 amount of time you mean?
 3 Well, somebody is not going to
 4 know if I own Car A or Car B if I put
 5 the wrong car in.
 6 CHIEF CUMMINGS: Well, there
 7 is a number of issues that had come
 8 up. One of the big complaints is what
 9 are the hours of operations
 10 situations.
 11 MR. WALSH: Do you know what
 12 Doylestown does?
 13 CHIEF CUMMINGS: Not since
 14 they switched over to -- actually what
 15 I am hearing is that parking -- they
 16 went to a dollar an hour for parking
 17 and that people are finding other
 18 places to park.
 19 Because they don't want to pay
 20 a dollar an hour to park.
 21 MR. WALSH: Do you know what
 22 they are doing in case of a mistake?
 23 CHIEF CUMMINGS: No, that I do
 24 not know.
 25 I don't know what they are

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1 and the fines.
 2 MS. RETTUG: I personally
 3 think we need -- which is the "Stupid
 4 Issue" or whatever you want to call
 5 it.
 6 Well, E.J. needs to check on
 7 that.
 8 MR. WALSH: He is asking for
 9 it.
 10 The chief is saying he would
 11 much rather have an ordinance that is
 12 prescribed as to what the city will do
 13 if a certain set of facts occur rather
 14 than have the officer make that -- PEO
 15 make that call, not withstanding there
 16 is plenty of on-street discretion that
 17 is just vested in the office that just
 18 happens.
 19 CHIEF CUMMINGS: They can't
 20 just abandon a ticket if they are out
 21 on the street. When the people came
 22 to a PEO with ligament reasons.
 23 I was up at the other Kiosks
 24 when you wrote this ticket. Those
 25 kinds of things. They can void it.

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1 doing, I could find out.
 2 MR. WALSH: Do you know what
 3 they are doing in the case of a
 4 mistake with the wrong car app?
 5 CHIEF CUMMINGS: That I don't
 6 know, I could find out.
 7 MR. WALSH: I am wondering if
 8 it is by code or it is just --
 9 MS. KINGSLEY: The chief is
 10 just looking for direction now, we
 11 can't vote.
 12 MS. RETTUG: I thought what
 13 had happened to me a couple of years
 14 ago, I thought that was a very fair
 15 way to do it, it was my stupidity but
 16 thank you for giving me a break for my
 17 stupidity.
 18 MS. KINGSLEY: If we at the
 19 next meeting, quantifying that kind of
 20 language. Say okay if they come in
 21 and say it was my stupidity but I will
 22 pay half, this will give us back at
 23 least \$12,000 back in funds and then
 24 that will give us an opportunity to
 25 work on the signage.

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1 MR. WALSH: I will check it.
 2 MS. KINGSLEY: We would need
 3 to solve the problem through progress
 4 and this would cut the \$25,000 in half
 5 that is lost in funds and then give us
 6 an opportunity to work on the
 7 remaining issues.
 8 And the signage would need
 9 separate discussion.
 10 And when we come back to the
 11 next meeting, this will allow us to
 12 see what the verbiage, correct
 13 language says which will allow us that
 14 opportunity.
 15 MR. WALSH: I can just tell
 16 you I do not think anything is going
 17 to happen right now until October.
 18 MS. KINGSLEY: That is what I
 19 am saying, I have to wait and see the
 20 language.
 21 MR. WALSH: I agree with you,
 22 if you want to do half off, you have
 23 to tell me exactly what the fact
 24 patterns they are.
 25 The wrong car, or the others

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1 getting away with it.
 2 CHIEF CUMMINGS: Instead of
 3 just making it up, I wanted council to
 4 develop limits.
 5 In Union Square -- it is a
 6 long story, but when we ran into it in
 7 Union Square they were manipulating it
 8 so that they were turning it over on
 9 purpose.
 10 So, the way we ended that was
 11 that to park there for the day was
 12 \$10.00, so at the end of the day we
 13 issued a \$10.00 fee if they paid that
 14 hour that they purchased. And that
 15 problem went away.
 16 Because now they have to come
 17 and spend time here to get the \$10.00
 18 the instead of just paying the \$10.00.
 19 So, that worked for that
 20 particular situation.
 21 So, I am just looking for some
 22 guidance. Vic he comes to me about
 23 people that hit him with complaints
 24 and it is very frustrating, because it
 25 is eating up my email, my phone, and

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1 ones that you see that are frequently
 2 evoked.
 3 Make sure I know all of them,
 4 I think these should be by specific
 5 instances not by example.
 6 MS. KINGSLEY: Let's give some
 7 more thought to the signage issue and
 8 address that.
 9 And the third one is the
 10 hours?
 11 CHIEF CUMMINGS: Yeah, the
 12 hours, I don't know if it is on the
 13 kiosk, but I know it is on the app.
 14 What they are saying is we
 15 didn't think it was enforced after
 16 5:00 p.m.
 17 Listen, I am just throwing it
 18 out there.
 19 MS. GERING: It does say it on
 20 the app.
 21 CHIEF CUMMINGS: It does?
 22 MS. GERING: It does?
 23 That is not even being stupid,
 24 that is called not even making it up,
 25 that is called not reading it and

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1 people at the window screaming about
 2 it.
 3 So, I guess we would just like
 4 to have some guidance on what we can
 5 do here.
 6 MR. LEE: I just don't make
 7 things up as we go.
 8 MS. GERING: It is not going
 9 to stop the phone calls.
 10 CHIEF CUMMINGS: I don't mind
 11 the phone calls if there is firmer
 12 ground rules.
 13 MS. KINGSLEY: Let me ask you
 14 this; the reaction you get when people
 15 at Union Square say that I flipped my
 16 ticket and you reduce theirs by half,
 17 what is their reaction?
 18 MR. WIDCZOREK: 90 percent of
 19 the time, it is Thank you.
 20 But when I told them that we
 21 take pictures that normally stops them
 22 almost immediately.
 23 So, we know if it is there, if
 24 it is not there, so if it is not on
 25 the picture then it is not there.

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1 MS. KINGSLEY: But you are
 2 saying 90 percent of the time, you are
 3 getting a positive response from the
 4 person. They will say thank you.
 5 MR. WIDCZOREK: Yes, they
 6 will, most of the time we get the
 7 people that say thank you.
 8 MS. KINGSLEY: So, if we go to
 9 this policy across the board, do you
 10 think that is going to lessened the
 11 intensity of the reactions that you
 12 are getting?
 13 CHIEF CUMMINGS: Whether it
 14 does or it does not, it doesn't matter
 15 to me.
 16 I just want a direction that
 17 we are to go in.
 18 I don't mind telling them
 19 whatever, I just need rules and
 20 regulations to follow.
 21 I feel the problem is
 22 increasing. The problem is
 23 increasing, when I looked at -- I felt
 24 wow, I had to bring it to this board.
 25 I did not want to just keep going on

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1 it is not written anywhere, it is the
 2 old rule, they come in they expect to
 3 do the same thing.
 4 I suggest that maybe we just
 5 blacken out those lines?
 6 MS. KINGSLEY: The old rule
 7 said that if somebody paid and they
 8 are assigned a meter when they got
 9 there and that bike pulls away and the
 10 time runs out and there is still three
 11 bikes they are still getting three
 12 tickets?
 13 MR. WIDCZOREK: Sure.
 14 MS. KINGSLEY: Well, it is
 15 kind of the same thing if a guy who
 16 has paid pulls away and the time runs
 17 out and the other three bikes are
 18 still there, they are all getting
 19 tickets?
 20 MR. WIDCZOREK: Well, I have
 21 had it where families comes into the
 22 town, three bikes, one paid and two
 23 got tickets and they still had time
 24 left on the meter.
 25 So, that was little tougher

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1 and on like this.
 2 MS. KINGSLEY: No, you did the
 3 right thing.
 4 So, E.J. you are going to
 5 identify the issues and see if we can
 6 come up with --
 7 MR. WIDCZOREK: Can I bring
 8 another thing up?
 9 MS. KINGSLEY: Sure.
 10 MR. WIDCZOREK: Sometimes
 11 people come in from out of town with
 12 bikes, they don't come all the time
 13 but when they do, the normal is that
 14 they park in spaces, one person pays
 15 the kiosk and five people park.
 16 I have arguments all the time
 17 with people that say that is the old
 18 rule, where does it say it has
 19 changed?
 20 The lines are still in the
 21 street, even though they are not
 22 numbered, not metered that that is a
 23 spot.
 24 I try to tell these people it
 25 has changed. How do they know that,

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1 one.
 2 It costs \$3.25 to park all day
 3 if you come into town.
 4 I had a one woman today with a
 5 2.0 Whizzer -- you want to talk about
 6 a "Stupid" one, she put two \$20.00
 7 dollar bills in there expecting change
 8 and it says refunds but no change --
 9 it says refunds on it.
 10 MS. RETTUG: It says it on it
 11 in three spots on the kiosk it says
 12 "No Change".
 13 MR. WIDCZOREK: It says that?
 14 MS. RETTUG: I have pictures
 15 of it.
 16 And I have had conversations
 17 about not accepting \$20.00 bills
 18 because of that.
 19 And I have had people saying
 20 that the bill deposit isn't working.
 21 So, it one way or the other.
 22 So, our option when we went to
 23 council, we decided we were going to
 24 give everybody every option how to
 25 pay, including \$20.00 bills, so it

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1 says coins, credit cards, but we do
 2 not take \$20.00 bills and it says it
 3 on three spots.
 4 Then when you put it in, it
 5 even spits out something that says no
 6 change. So to put another \$20.00 in
 7 there we can only play down to a
 8 certain level -- we can't -- don't
 9 start --
 10 It is fine that you don't
 11 read, but just to stick \$20.00 in.
 12 MR. WIDCZOREK: How many
 13 chances can we give them?
 14 MS. KINGSLEY: I think we
 15 should reduce the financial loss and
 16 go from there
 17 MR. LEE: I think it should be
 18 our business to blacking out the lines
 19 as well, because it is to our
 20 advantage as well. Because if a bunch
 21 of people come in with a bunch of
 22 smarts and they can pack themselves in
 23 there, we actually make more problems
 24 by not having the designated
 25 distances.

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1 distinction; a space is not an
 2 individual meter anymore that was the
 3 distinction, you can rely on. I don't
 4 know if anybody has ruled on that or
 5 not.
 6 CHIEF CUMMINGS: I think if we
 7 say pay by plate that is a pretty --
 8 MR. WALSH: That is our
 9 position.
 10 MS. KINGSLEY: Okay.
 11 MS. LEE: When you are using
 12 the app, everything is based on the
 13 parking license plate right; as far as
 14 you are concerned?
 15 What does the zone do.
 16 MS. KINGSLEY: The zone didn't
 17 do anything.
 18 Initially, when we were going
 19 to do it by zones, it was to identify
 20 the zone.
 21 The town used to be all one
 22 zone.
 23 Initially, the goal was to
 24 break it down it was according to Use
 25 Zones to see if perhaps there was a

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1 And that would certainly solve
 2 that probably with the bikes.
 3 MS. KINGSLEY: Well, the other
 4 answer to that is to if two bikes are
 5 going across the bridge, how many
 6 bikes have to pay, how many bikes pay?
 7 CHIEF CUMMINGS: And the other
 8 part is you have big signs that say
 9 pay by plate?
 10 MS. KINGSLEY: Yes. On four
 11 by eight feet signs.
 12 CHIEF CUMMINGS: That is just
 13 a situation that because they are old
 14 rules that have been in place for such
 15 a long time.
 16 MR. WALSH: That is a state
 17 rule.
 18 MR. MYERS: That is because of
 19 us.
 20 MR. WALSH: I know that, but
 21 we used to try and get around it by
 22 saying it is a metered space, no it is
 23 a metered zone.
 24 CHIEF CUMMINGS: Right.
 25 MR. WALSH: That is the

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1 way to charge less if you were further
 2 out of town, then in the center of the
 3 town to cut back on traffic and to
 4 keep the cars moving.
 5 As it turns out it was
 6 pointless the issues with the parking
 7 enforcement officers you make that
 8 almost impossible.
 9 So, we really only have one
 10 zone in this town.
 11 CHIEF CUMMINGS: We have two
 12 zones for New Hope, up here and this
 13 parking lot and everything else is a
 14 different zone.
 15 The other zones are for Union
 16 Square, PNC -- the private lots have
 17 their own zone, because that is how
 18 they track where the money goes.
 19 MS. KINGSLEY: Thank you,
 20 chief.
 21 Let's talk about BPT.
 22 MR. WALSH: We are now going
 23 to talk about BPT, business privilege
 24 tax.
 25 MS. GERING: Wasn't this

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1 amended already a few months ago.
 2 MR. WALSH: No, this has been
 3 in place since probably the '80s,
 4 '90s.
 5 I may have amended it once
 6 Connie, but I don't recall.
 7 I was directed to draft an
 8 amended part of this once, I think it
 9 was in June, essentially wash the
 10 license part of this out.
 11 Because the license
 12 contemplates somebody actually gets a
 13 paper or certificate or a license from
 14 the borough, we don't do that.
 15 That is why we called to
 16 discuss that again.
 17 MS. KINGSLEY: Say that again?
 18 MR. WALSH: The borough is
 19 involved in just collecting business
 20 privilege tax. The language in here
 21 actually talks about a license and
 22 business privilege tax, we don't issue
 23 a business privilege tax and license.
 24 We don't issue a license.
 25 MS. KINGSLEY: This is how

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1 It is confidential to me, it
 2 is confidential to Peter.
 3 I don't have a right to know
 4 it at least from the Borough's
 5 prospective.
 6 MS. KINGSLEY: Well, here is
 7 my question.
 8 The way I read the license
 9 tax, that is where it gets very
 10 confusing to me, because it used both
 11 terms in there.
 12 So, if it is a license fee, it
 13 is the same for everybody there is
 14 nothing confidential about whether or
 15 not you paid the business privilege
 16 tax, and then how is it fair being
 17 Business A, if I don't pay, there is
 18 no way for Business B to know if I
 19 paid or not.
 20 There are a percentage of
 21 people out there who have ignored it
 22 consciously or not or who didn't know
 23 about it. And I can tell you, in
 24 opening my business, I was going to
 25 pay for the balance of this year and

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1 this all came about.
 2 MS. GERING: I was under the
 3 impression that once you paid you were
 4 issued a license, and we realized that
 5 we don't do that, so we wanted to
 6 amend it.
 7 MR. WALSH: Those are only of
 8 couple of subsequent changes in the
 9 draft and those were to make some
 10 minor changes to the business
 11 privilege tax, state law, so we
 12 quieted that.
 13 And I think I put notations in
 14 there so you can see where I did that.
 15 But for the most part the
 16 changes were just -- was to scrub that
 17 licensing requiring out of that.
 18 MS. KINGSLEY: Here is the
 19 question I have, once you scrub that
 20 licensing requirement, how does
 21 Business A know whether Business B
 22 paid?
 23 MR. WALSH: It says it right
 24 here. Tax confidential. The payment
 25 is confidential.

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1 then a full year prorated and I was
 2 told I would get a bill and I am still
 3 waiting for the bill.
 4 So, what happens is there is
 5 no way for anybody to know from the
 6 borough, from the enforcement
 7 standpoint of who paid, who did and
 8 why should I pay, if Connie didn't, I
 9 can't tell if she paid or not.
 10 MS. GERING: The ordinance
 11 says that it is a license and tax.
 12 Now, what my concern is if we
 13 change the language -- we are
 14 grandfathered -- and if you change the
 15 language, do we know what the state
 16 guidelines are so we don't end up
 17 losing this ability to collect this
 18 fee?
 19 What does the state guidelines
 20 say?
 21 MR. WALSH: You are allowed to
 22 collect this fee tax.
 23 MS. GERING: So, it is a tax?
 24 MR. WALSH: Yes, you are not
 25 allowed to collect any business

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1 privilege tax on any kind of
 2 percentage of any revenue and that is
 3 fine. That is legal.
 4 If it was a percentage of
 5 revenue before 1988, it is
 6 grandfathered, we never had that.
 7 There are some municipalities
 8 that still have that it would be very
 9 complicated filing a business tax
 10 filed with the State department that
 11 should stay upon those municipalities
 12 because they are grandfathered in.
 13 That is a different issue than
 14 if we were to go around this table and
 15 find out who all paid and whether the
 16 borough has the right to say to Peter,
 17 well, you should have paid this, she
 18 did, she did, she did, that is a
 19 different issue.
 20 This right to you now -- the
 21 word is an ordinance, I am not going
 22 to call it a license.
 23 There is an application form
 24 that gets sent out, and it says this
 25 is your business privilege tax and it

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1 not whether the borough turns around
 2 and gives somebody a license.
 3 MS. KINGSLEY: My suggestion
 4 is --
 5 Unintelligible -- talking over
 6 each other.
 7 MR. WALSH: I don't want to
 8 speak for Jim or whoever is not here
 9 now.
 10 MS. KINGSLEY: So, why should
 11 the public know it but we can't it is
 12 privileged.
 13 MR. LEE: If in fact, you want
 14 to make this visible, there are plenty
 15 of towns where you walk into a
 16 restaurant and there is a place that
 17 says -- you have a health department
 18 license and there is a thing there
 19 that says whether they got an A or a B
 20 or a C rating and they that posted.
 21 You could certainly have a
 22 license if we did issue them they
 23 would certainly have to be in a window
 24 of a business.
 25 - - - Unintelligibly -- to many

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1 gives you the information to pay it,
 2 it is supposed to be done on a annual
 3 basis, whether the form is sent out on
 4 an annual basis, I don't know.
 5 I don't know when it is sent
 6 out.
 7 MS. KINGSLEY: How do you
 8 enforce someone to pay it?
 9 What is the penalty if you do
 10 not pay it?
 11 MR. WALSH: The penalty is --
 12 MS. KINGSLEY: The penalty is
 13 \$600 or 30 days in jail.
 14 So, who is enforcing it?
 15 MR. WALSH: You would have to
 16 have a factually proven case. Once
 17 there is a record that Business A has
 18 been established for this certain
 19 period and you didn't pay it, you are
 20 sent notices, if you don't pay it then
 21 you are sent to small claims court.
 22 It is just like anything, you
 23 have to have the paperwork and you
 24 have to have the proof.
 25 So, those in the entirety is

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1 people talking at the same time.
 2 MR. LEE: If I go back to
 3 Alison's example, it is the business
 4 next door that says I don't have it.
 5 Privacy out --
 6 MR. MYER: Can't we just take
 7 license out of it and call it a tax?
 8 MR. LEE: The issues is not it
 9 whether or not you have a license, it
 10 issue is whether or not you have a
 11 system in place to establish whether
 12 or not the tax has been paid by the
 13 business and whether we have been
 14 enforced that provision.
 15 And I am looking at this and
 16 it says you can get a \$600 fine or 30
 17 days in jail, and excuse me but I
 18 don't think \$600 is going to cover our
 19 costs of going to small claims court.
 20 MR. WALSH: There is limits,
 21 you just can't charge a certain
 22 amount.
 23 MR. LEE: What is the limit?
 24 MR. WALSH: I don't know, but
 25 you can't just charge what you want.

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1 MS. GERING: You know what is
 2 going to happen here if you take one
 3 or two people to small claims court
 4 and establish how serious it is, they
 5 are going to start paying.
 6 Right now they know that the
 7 borough does not do anything.
 8 MR. LEE: Connie, the new
 9 software that you have for the Borough
 10 office, can that support something
 11 like that?
 12 Where you can track them on
 13 invoices.
 14 MS. GERING: Yes, starting
 15 this year I can put everybody on the
 16 books and see who is and who is not
 17 paying it.
 18 Then it is just a matter of
 19 enforcing it.
 20 MR. LEE: So, how do we track
 21 a new business, because I did pay once
 22 and then never got a bill.
 23 MS. GERING: They are not
 24 bills that are mailed they are
 25 applications.

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1 document that comes back, it is their
 2 application, their return whatever
 3 that comes you, you have to treat that
 4 like that is their tax, it is their
 5 return.
 6 MS. GERING: We have a lot of
 7 people who just send in the
 8 application with the money, before
 9 they even get their application.
 10 MR. WALSH: If you had a more
 11 complicated business privilege tax
 12 then you might have a full-on return
 13 but there is no need.
 14 MS. GERING: But there is no
 15 need.
 16 MR. WALSH: You send back the
 17 \$365 and that is it.
 18 But there is no license that
 19 then goes back out to them. But there
 20 is something that you get from the U&O
 21 side, I don't know if that is
 22 required, I think it is.
 23 But I know the Board of Health
 24 certainly requires that code.
 25 MR. LEE: Let's go over again,

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1 So, we went by the list,
 2 whatever list that we could find that
 3 existed how long ago and the new
 4 business that come in when they get
 5 their U&Os we automatically -- we are
 6 trying to get a system now, where they
 7 automatically go into the quick books
 8 system, so we know that they
 9 automatically need a business
 10 privilege.
 11 So you would have gotten
 12 mailed an application -- but it might
 13 not have gotten lost in the mail.
 14 That is true, because I know
 15 you are on the list.
 16 MR. WALSH: You just fill it
 17 out, sign it and return it.
 18 MS. GERING: Yeah, with a
 19 check.
 20 MR. WALSH: That is just
 21 basically like your IRS return.
 22 MS. GERING: I don't know if
 23 you want to change that term --
 24 MR. WALSH: I think it does
 25 not matter. I think if that is the

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1 what constitutes a business privilege
 2 tax?
 3 MR. WALSH: Generally
 4 speaking?
 5 Carrying on any commercial
 6 activity for profit.
 7 I think there is an exemption
 8 for non-profit and for charities and
 9 churches.
 10 Anything that you would
 11 conventionally think is non-profit.
 12 MR. LEE: Is a footprint
 13 required?
 14 MR. WALSH: You have to be
 15 effectively doing business more than
 16 15 days in a calendar year.
 17 The State Law says that if you
 18 don't have a present more than 15 days
 19 you are not covered.
 20 The ordinance, I also think it
 21 says home-based; so if you work out of
 22 your house in a no impact type of
 23 business that would not be taxed; but
 24 if you work out of your house and you
 25 -- let's say you have an architectural

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1 business or something, where it is
 2 more of a conventional business that
 3 would be taxed.
 4 That would be \$365.
 5 MS. GERING: \$375.
 6 MR. WALSH: No, it says \$365
 7 in the ordinance.
 8 I looked all over for where
 9 they are getting the \$10.00 from, I
 10 can't find it anywhere.
 11 I searched as many
 12 applications as I have going back to
 13 end of time and I could not find it.
 14 If you guys can find where
 15 that ten bucks comes from let me know.
 16 MR. LEE: Do we have the power
 17 to change that amount?
 18 MR. KINGSLEY: We can't, it is
 19 grandfathered.
 20 MR. WALSH: It is not
 21 grandfathered, but do we want to visit
 22 that over ten bucks?
 23 MR. LEE: Do we have the power
 24 to change that dollar amount?
 25 MR. WALSH: I think, yes.

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 2
 3 I, Elisa Drumheiser, a Court
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1 I think you could come in
 2 tomorrow -- I don't think you want to
 3 mess with that flat fee amount over
 4 ten bucks, but if you wanted to you
 5 could probably do that.
 6 MR. LEE: I don't think you
 7 want to stir up any push back we would
 8 get.
 9 MR. WALSH: I think Connie's
 10 point is it is grandfathered in as a
 11 flat tax.
 12 I think they tried that and
 13 that got washed and that got thrown
 14 out.
 15 MS. KINGSLEY: Public
 16 Comments?
 17 I guess the meeting is
 18 adjourned.
 19 Thank you.
 20 - - -
 21 (Whereupon, the meeting was
 22 adjourned.)
 23 - - -
 24
 25

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