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NEW HOPE BOROUGH COUNCIL
BUCKS COUNTY, PENNSYLVANIA

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SEPTEMBER COUNCIL MEETING

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

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TUESDAY, SEPTEMBER 21, 2021

COMMENCING AT 7:00 P.M.

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BOARD MEMBERS PRESENT:

- CONNIE GERING - PRESIDENT
- DANIEL DOUGHERTY - VICE-PRESIDENT
- TINA RETTIG - PRESIDENT PRO-TEM
- LOUISE FEDER
- KEN MAISEL
- LAURIE MCHUGH
- PETER MEYER

- - -

ALSO PRESENT:

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

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

5 Pete, if you can take a roll call.

6 MR. GRAY: Mr. Dougherty.

7 MR. DOUGHERTY: Here.

8 MR. GRAY: Ms. Rettig.

9 MS. RETTIG: Here.

10 MR. GRAY: Ms. Feder.

11 MS. FEDER: Here.

12 MR. GRAY: Ms. McHugh.

13 MS. MCHUGH: Here.

14 MR. GRAY: Mr. Maisel.

15 MR. MAISEL: Here.

16 MR. GRAY: Mr. Meyer.

17 MR. MEYER: Here.

18 MR. GRAY: Mayor Keller.

19 MAYOR KELLER: Here.

20 MR. GRAY: Ms. Gering.

21 PRESIDENT GERING: Here.

22 MR. GRAY: Also present tonight is Borough
23 Interim Zoning Officer Mary Stover, Solicitor Dave
24 Truelove and Chief Cummings and myself.

25 PRESIDENT GERING: Thank you very much.

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2 First on the agenda is the Mayor's report.

3 MAYOR KELLER: Yes. I would like to first
4 introduce -- its very nice -- its been a long time since
5 we have had a County Commissioner here and Bob Harvie is
6 here and I just want to say welcome and thank you for
7 coming here tonight.

8 And quickly I just want to go over --
9 before I introduce a couple of the fire people, it was
10 quite a night as all of you know with the -- three weeks
11 ago with the storm. We met, I think earlier in the day I
12 declared a state of emergency and then the Chief took
13 over. We had a very good meeting at the firehouse with
14 probably 25 or 30 firemen and women and the Chief, myself,
15 public works and everybody did very, very well.

16 You know I looked across the river and I
17 see what happened in Lambertville. We were really
18 fortunate. They had a different situation. We certainly
19 were swarmed and within a day and a half I don't think
20 that -- other than East Ferry Street Park, you could
21 really -- you would have to walk down Mill Road to a
22 couple of houses down there.

23 But overall I thought we did -- and the
24 shop owners all did a great job of cleaning up as soon as
25 we could. Because those of you who aren't aware of it,

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2 when the creek came down and the waterfall didn't exist in
3 that little funnel between the south side of the playhouse
4 and the north side of East Mechanic Street just couldn't
5 absorb the flow so it started to deflect and just headed
6 north and ended up -- it must have torn 1500 or 2500
7 bricks on the north side of the playhouse and went to
8 Martine's and was two inches from just going into her
9 place. And of course, East Ferry Street Park was
10 destroyed.

11 And certainly Thursday morning, the next
12 morning, when I went out it was -- there was probably a
13 six-foot hole on the north side of the playhouse. And of
14 course even an iron panel -- one of the iron sections of
15 fence at East Ferry Street Park was gone.

16 And I don't know, Connie, if I am jumping
17 ahead of myself but I am fascinated by the fact that one
18 of our benches from Ferry Street Park was found in Ridley,
19 PA.

20 PRESIDENT GERING: You're stealing the show
21 on our feel good story.

22 MAYOR KELLER: Sorry. Okay. To be
23 continued on that one. I apologize.

24 PRESIDENT GERING: Go ahead.

25 MAYOR KELLER: It is really fascinating and

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2 certainly it takes a little longer for us to clean up the
3 park but I am sure there is a bidding process by law that
4 we must do and I am sure that this Council will get that
5 done as quickly and expediently as possible because it is
6 the one sort of eyesore that is sitting there now.

7

8 And so having said all of that, I have to
9 say the fire department and Keith and Kevin Doherty, our
10 Chief, and Keith McMillien, our President, it is amazing
11 to me, it all happens so quickly. We had a meeting,
12 everybody knew what they had to do and then it just came
13 down and the creek was beyond belief for all of us.

13

14 And they were in a lot of difficult
15 situations and I don't know, Keith, but certainly I don't
16 think that the fire department one night has had so much
17 havoc; the flood, the river coming up. And you watch the
18 river come up -- in this case we had potential -- I don't
19 even know how many -- I know we had potential for
20 fatalities and people that were good to have your cell
21 phone on. Everybody else is stupid as me, just please
22 turn your cell phone off but it is -- it was an amazing
23 night.

23

24 And I am sure that we will get into the
25 change that you might want to expound on that a bit. But
in the meantime, I have a letter of commendation that I

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would like to read to the public and also to ask Keith and Kevin to come up and we will go from there.

The New Hope Eagle Fire Company and its members on the below list should be recognized for going above and beyond as volunteer firefighters on September 1st of 2021.

The evening began around 5:30 with multiple tornado warnings. Within a few short hours the New Hope area experienced flash flooding from Tropical Storm Ida, the likes that we have not seen before in this area. At approximately 6:30 the members of the Eagle Fire Department were dispatched to the first call for help which entailed a vehicle being swept away in Carversville, PA. This was the first of over 50 calls for assistance over the next 24 hours. Approximately 50 calls.

Notable calls were a woman's life was saved at Rapid Run Bridge as her car was being swept away by flood waters. She only had about six inches of air space in her vehicle when she was rescued.

Another person was rescued shortly before the same location and they attempted to drive through the water causing them to be trapped in their vehicle as well. A man was rescued out of a vehicle and swept away by flood waters on Centerbridge Road.

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2 Two people were rescued after being
3 stranded in a building and surrounded by flood waters on
4 Route 179. Two other people were rescued on South Street
5 by the railroad tracks in what was a very risky and
6 difficult rescue operation. A woman was rescued who was
7 trapped in her car at River Road and Phillips Mill Road,
8 there was water up to her neck in the car at the time of
9 our team's arrival.

10 Multiple rescuers went above and beyond the
11 call of duty and risked their lives to effect these and
12 other rescues. For certain, without the response of the
13 Eagle volunteers, some of our local citizens would have
14 lost their lives that night.

15 The following members deserve our gratitude
16 for their efforts during the storm. Kevin Doherty, Joe
17 Pickens, Mike Skeuse, Dave Hansen, Matt Kritz, Keith
18 McMillien, Mark Nissenfeld, Tom Richman, Julie Richman,
19 Jack Hermann, Frank Mooskosner, Jr. and Andrew Poulson,
20 Chad Block, Russell Davis, Dave Gallagher, Gagan Tayal,
21 Kelly Taylor, Anthony Mancini, Chris Bonbecker, Steve
22 Tinley Burrows, who also is a public works employee as
23 well. Ken Lightfoot, John Newfeld, Michael Rosco, Jack
24 Rosfelt, Nicole Riley, Tom Sherwood, Matt Taylor, Kyle
25 Campbell, Willard Tressler, Dylan Weeks and Bill Hatcher.

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2 I think that is about your whole force.

3 So thank you for everything you did on
4 behalf of the Borough of New Hope and Solebury as well.

5 CHIEF DOHERTY: Just briefly. I have been
6 at this for a long time. Probably my worst day. I get
7 emotional because I thought I lost four people. I have
8 never done that before.

9 Our boat crew, Steve Burrows, a friend of
10 mine for a long time -- we lost our boat and we hope to
11 get it back. It is in Texas. They will let us know if it
12 was totaled but the boat crew was swept out of the boat
13 and took about an hour I think to rescue them. One of the
14 hardest things you go through in this business and they
15 did it.

16 Oh boy. I don't know why I get so
17 emotional with this stuff. They did it not for pay, they
18 just did it to help. And so we hope to get our boat back.
19 It is in Orange, Texas. Of course we sent it down to be
20 repaired and then the hurricane hit Orange, Texas, but we
21 do think we will get the boat back.

22 We did suffer some severe damage to one of
23 our engines that I think is repaired now. But I just
24 think as an event goes, Sandy which was bad, it was
25 nowhere near as bad as that night. And I think we will

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2 all work together in the future to see what we can do to
3 prepare even a little better. And we did our best.

4 As the Mayor said, we had a meeting and we
5 were going to be going out to hand out warnings to people
6 and our crews got on the street and the tornado warnings
7 hit and we had to bring them back in. It rained so hard
8 that within a half hour we were on our first rescue.

9 So again, if you know any of those folks
10 tell them thank you. And the one that really makes me --
11 Bill Hatcher, Bill is actually a Philadelphia firefighter.
12 He moved from here ten years ago. He happened to be
13 visiting his mom in town and thought hey maybe I can help
14 and showed up and helped us make one of the most difficult
15 rescues we could make that night. So it is the
16 brotherhood.

17 The rest of the guys are at the GreenHouse,
18 we didn't want to get too many in here because of COVID.
19 I thank you. We are going to share this with them,
20 probably get copies made and give them to every body, one
21 of them, and hopefully they can enjoy the night. I know
22 they are very thankful for the recognition.

23 PRESIDENT GERING: Thank you again for your
24 dedicated service.

25 Next on the agenda is we have our County

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2 Commissioner Bob Harvie and he is going to join us and
3 spend a couple minutes here. Thank you.

4 MR. HARVIE: Thank you, Madame President,
5 Borough Council and Mr. Mayor. It is certainly a tough
6 act to follow in stories like that especially happening so
7 close to the 911 anniversary reminds us of the people who
8 every single day, you know, put their lives at risk for
9 everybody else, people that they know, people they don't
10 know. It doesn't matter. And we had situations like that
11 all over the County.

12 So it was -- it is great to hear every one
13 came out safe and sound here in New Hope. I wanted to
14 spend a little time -- I appreciate you giving me a chance
15 to speak.

16 Before I became a County Commissioner in
17 2019 -- or elected in 2019, I was a Township Supervisor in
18 Falls Township for 16 years and in that time we had almost
19 no connection to county government. Very little contact
20 and it was one of the reasons why I wanted to run. I felt
21 like that was a problem, that was something I didn't like.
22 We are supposed to be serving together, your constituents
23 are my constituents and how can I help you and what can we
24 do to sort of coordinate.

25 But I started this right after I got sworn

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2 in here going to some borough council and township
3 supervisor meetings to talk about county things and
4 introduce myself and started a connection. And then of
5 course the world broke and you know I had to wait for a
6 while and just started these back up again.

7 So I wanted to touch on a couple things. I
8 appreciate the time you have given me. Thankfully -- and
9 I mean that thankful to this community, this is one of the
10 most vaccinated communities in Bucks County, which is
11 great.

12 However we still have people who haven't
13 been vaccinated yet. The county is still running two free
14 clinics; no appointment necessary, one in Warwick is the
15 closest one to you on 263. There is also one in Neshaminy
16 Mall. Today of course every drug store, a lot of
17 supermarkets are able to get shots pretty quickly.

18 So just encourage you to know that the
19 vaccines are the safest way, the best way, the fastest way
20 to get us out of this so we can all take off these masks
21 for good and get back to living a pre-COVID life as much
22 as we can.

23 We do have about 31,000 people in Bucks
24 County who have gotten their first shot but not their
25 second. And you know, I am sure there is a couple reasons

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2 why you might be -- some people may have had a bad
3 reaction and didn't want the second one. We are assuming
4 that there might be some people who travelled long
5 distance for that first shot, like many did. And early on
6 if you remember, wherever you got your first shot was
7 where you had to get your second.

8

9 And I think maybe there are some people
10 that think that they have to go back to upstate
11 Pennsylvania or New Jersey or Florida or wherever they got
12 their first shot. That is no longer the case. If you got
13 your first shot, you can get your second one at any time.
14 It doesn't matter if you are past your 21 or 28 days, you
15 still think of it as a booster. In a lot of ways we are
16 -- people think I got my first shot back in February so it
17 is so long ago, I will have to start over again and get
18 two more. It is not the case.

18

19 We want people to get vaccinated. We
20 really know that is the best way through so we encourage
21 everybody to take a look at Buckscountygov, which was
22 completely redesigned for the first time in 15 years. The
23 website now has a button on there about COVID and find
24 information about vaccinations; where you can get
25 vaccinated, as well as statistics about how the pandemic
is still effecting us as a county.

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2 Cases have gone up as they have across the
3 country. The hospitals here in Bucks, the six hospitals
4 are doing very, very well. The last number I heard was
5 there are 65 people hospitalized in Bucks County with
6 COVID-19. That is across six different hospitals so we
7 are in very good shape in that respect. Thankful for
8 that. Of course we want that number to go down so we just
9 hope that happens soon.

10 I will just piggyback on obviously Ida and
11 her effects on Bucks County. As you know, the President
12 did declare an emergency declaration for Bucks which means
13 we are eligible for FEMA aid for the Borough and also for
14 residents, business owners. There is information about
15 that on again the county website, Buckscounty.gov.

16 I think you may even had some of that
17 information on your website, how to register. So we are
18 working with FEMA to set up a disaster resource center.
19 That will be in Warwick and once that is up and running
20 you will be able to come there in person and fill out any
21 forms that you can fill out, talk to a lot of different
22 agencies, federal, state and local and local non-profits
23 as well.

24 Information that you might need because
25 you're affected by the storm you will be able to do one

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stop shopping, get it right there. So we are moving quickly to get that set up as fast as we can.

I will talk a little bit about the election on November 2nd. We know that obviously still we do have mail-in ballots and absentee ballots. We are encouraging people if you want to vote that way, go ahead and register online or you can register in person at the township or the county building.

We are going to have a dropbox here in the New Hope Library. We expanded our dropbox locations. Also there were four in the primary, we are expanding to eleven. We will -- we were thankful -- we reached out to a lot of the libraries throughout the county, which we thought were ideal locations. Also the library was excited to have one there. So somewhere about two weeks before the election that box will be open.

It will be open according to library hours. So whenever the library is open, the box will be open for those two weeks ahead of the election. So if you do a mail-in or absentee, you can take it right there and they will be picked up every day by county employees and the ballots will be brought to the county office building and stored there until election time.

And finally I just wanted to talk about

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2 some issues with the environment currently. Obviously
3 with the storms we have had this summer it is difficult
4 for I think anybody at this point I would hope to ignore
5 the issue of climate change. And certainly New Hope being
6 where you are and having the incidents of flooding, you're
7 very sensitive to this issue.

8

9 We have made a couple of major initiatives
10 at the county level. We did become one of the only
11 counties to endorse the Ready for 100, the Sierra Club
12 Resolution. We did that earlier. We have a Ready for 100
13 committee in county government that is looking for ways
14 for the county government to conserve energy and saving
15 money for taxpayers, also helping the environment. So
16 that is an active and ongoing process.

16

17 We also drafted a model energy ordinance,
18 and this came out of my experience as a supervisor. I
19 know that it is very expensive and very time consuming to
20 rewrite a section of your zoning and so what I want to do
21 is have our county do the heavy lifting.

21

22 I had our planning commission draft a model
23 alternative energy ordinance taking the best practices
24 from around this Commonwealth and that was sent out to
25 your boroughs and municipalities earlier this year. Happy
to send it again if you didn't get it the first time.

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2 Essentially what it is is a model for
3 residential and commercial, solar, small scale wind, this
4 is not talking about the giant facilities but for a lot of
5 boroughs and municipalities -- the townships I should say,
6 if they had something on the books with regards to
7 alternative energy, it is probably older. And I know it
8 was true in Falls. I was in there when we put in the
9 original solar panels.

10 It may have only dealt with solar, but
11 this ordinance deals with a wide variety and what it can
12 do is help you and your zoning officer and your energy
13 manager if somebody comes in and says I want to do this on
14 my property. It might be something that your code might
15 not be as up to date on. It might provide more guidance.
16 It is helpful for you staff.

17 Every municipality is free to adopt this in
18 any form they want; take pieces of it, take the whole
19 thing. It is your choice but we are hoping if we can get
20 ideally all 54 municipalities to adopt something similar,
21 what that does is something that no other county in the
22 Commonwealth has, which is some uniformity so that anybody
23 who comes in and wants to do any kind of project with
24 solar or small scale wind or any kind of developer, they
25 have clarity on exactly what they can do and how they can

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be helpful in terms of moving us to a greener future.

So we are excited about that and we are again happy to help. Our planning commission will be happy to come out and meet with anybody that is interested in having discussions about it.

And I want to just close by congratulating you on hiring Mr. Gray as your manager last year. For those -- I spoke with a few of you, for the entire 16 years I was a supervisor I worked with Peter Gray starting with the finance director and then for most of that time for -- since 12 of the 16 years as the Township Manager in Falls Township. And so he was an excellent choice to put it mildly.

And I know -- I am sure you are thrilled with him as we were in Falls Township. And you know, it is good to see him again. I haven't had a chance to see him that much, I missed the Tuesday conversations we had with staff meetings. But congratulations on that. And Pete has my contact information. If you need anything, please feel free to reach out. Happy to help.

PRESIDENT GERING: Thank you so much.

Next on the agenda is application to adopt ordinance to refinance the 2016 general obligation bonds.

Can I have a motion for --

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2 MR. GRAY: Excuse me, the Chief was going
3 to give a brief presentation.

4 PRESIDENT GERING: I am sorry. Go ahead,
5 Chief. Kind of jumped the gun here.

6 CHIEF CUMMINGS: Most of these points -- it
7 was going to be an emergency management report and that
8 role that I have here. The tropical storm Ida and a lot
9 of the things were already talked about by Commissioner
10 Harvie and the Mayor.

11 So I just wanted to go a little bit of what
12 actually happened. Along the Aquetong Creek two people
13 were rescued as we heard. There were three homes that had
14 heavy damage, three homes with substantial damage and the
15 Candy Street Bridge was damaged substantially. Sugan Road
16 the macadam was damaged, Stoney Hill macadam was damaged.

17 And on Sugan Road in the area of New Hope,
18 the bed was completely just decimated. The rails were
19 hanging on the ties and there was nothing underneath them
20 so right now that is a problem, they are rebuilding that
21 entire crossing.

22 We have been getting a lot of complaints
23 about the road being closed. I have contacted Wendy
24 Thomas, PennDOT is not giving us any date on doing the
25 roadwork. The railroad thinks they will be done by the

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2 19th of October. But I called Wendy Thomas and I said I
3 was concerned about the safety for response for ambulance
4 and fire trucks up to Riverwoods, Village II, Kingswood
5 and everything out in the Soloebury -- out that way and
6 she said she will work on that and try to get it sped up
7 to fix it. They are inundated with damage. There is a
8 lot of serious damage.

9 I don't know if you saw 232 the rip back on
10 both sides of the road was washed entirely down in the
11 intersection of 32. They weren't coming to clean it up.
12 Tom had to go out with his front-end loader and pushed all
13 of that just to get people going through there. We would
14 have been days with that closed. So that was what
15 happened with the Aquetong Creek on South Main Street.

16 Ferry Park had heavy damage. Bucks County
17 Playhouse, as the Mayor said, all of the bricks were
18 ripped up. Water flooded -- had some minor flooding in
19 the towpath. We had two homes; one with minor damage, one
20 with some substantial foundation damage. Dc&R have heavy
21 damage. River House had substantial parking lot damage.

22 Waterworks, it was just affected a little
23 bit by flooding with the garage but they are built with
24 that. Waterview the same. I talked about 232. On North
25 Main Street we had five properties that had about three to

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2 four feet of water in them. They actually slanted back
3 towards the canal berm and they were filled with water and
4 they are not -- they -- they weren't draining at all. And
5 the fire company came out and pumped so much water, they
6 ran for so long that they burned the pumps out. They lost
7 two pumps. That is an issue.

8

9 The Fire Company, as I said during the
10 rescue operation -- they didn't go into detail but what I
11 heard the 28-foot airboat that we had just bought three
12 months ago was wedged between a tree and a house in the
13 current and the boat was swamped. All of the engine and
14 the electronics and thousands of dollars worth of damage
15 but the main thing was to save themselves, and the Chief
16 got pretty emotional about that. They had to cut a hole
17 through the house to escape because the water was running
18 rampant. That was September 1st. All right.

18

19 September 2nd the NOAA predicted 15.6 feet
20 of water on the Delaware and I was watching. What we do,
21 the river gauge -- probably everybody knows what the river
22 gauge is but there is a river gauge at the bridge, the
23 free bridge, and I watched that like a hawk hourly and
24 through the night to watch what is going on with that
25 bridge, with that gauge because at 12 feet that is our
warning. At 13 feet we get the flooding and 15.6 we would

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2 have been in trouble. Thankfully though it never got
3 beyond 11.6 feet.

4

5 And that was my concern that I was going to
6 have to go running door to door telling people. We did
7 send out an Everbridge and that is a Ready Bucks alert
8 system. It is a reverse 911 system. I don't know -- I
9 got the report that how many people got the actual call.
10 A lot of people just hung up on it. And it will tell me
11 if they hung up and didn't listen to the message. There
12 was a lot of issue with that. I will have -- I have to
13 look at that and address with my people accepting this
14 call when it is coming in like that.

14

15 On September 3rd emergency management --
16 Bucks County Emergency Management Agency is in charge of
17 Bucks County for all kinds of money and stuff that comes
18 in for damage. I had to do what they call a windshield
19 assessment. I did drive around town and looked at all of
20 the physical damage I could see, assessed possible costs
21 and submitted that to Bucks County Emergency Management.
22 They compile it for the whole county and send it to
23 Pennsylvania Emergency Management Association -- Agency I
24 mean.

24

25 And they collected for the whole state and
then when they -- New Hope had to reach a threshold which

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will allow FEMA under the Presidential declaration -- the President's declaration to award money to the State of Pennsylvania.

And that is where we are at right now. There are two kinds of damage of money, it is individual money and that was approved a couple days ago. They told me there were 960 something people who applied at this point and 947 that were awarded money. So anybody who is looking -- I don't know anything about it or has damage, they want to report.

On our Facebook page, on the Police Department and on the Borough's Facebook page there is a flier that gives you the phone number to contact. Commissioner Harvie was talking about the -- it is the old Genuardi's in Warwick. They will have a soft opening I think on Monday and will be fully operational on Tuesday for anybody that wants to walk in and claim anything. If you have anything that you want to bring to the government to get some kind of compensation for the damage, that is where you have to go. Okay.

Commissioner Harvie, it was news to me, I had talked to Bucks County earlier and the public money has -- I was told is not approved yet and that is the money that we are looking for for the bridge, for the park

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2 and those things. So as soon as that money is definitely
3 approved they told me they will send out an e-mail and we
4 can make our claims for damages.

5 Anybody have any questions? That is what
6 happened in the last few dates.

7 MS. MCHUGH: Thank you, Chief.

8 PRESIDENT GERING: You guys did a great
9 job. Thank you.

10 We will go back. Can I have a motion to
11 adopt the ordinance to refinance the 2016 General
12 Obligation Bonds? We already advertised for this.

13 MS. MCHUGH: I will make the motion.

14 MR. MAISEL: Second.

15 PRESIDENT GERING: Any questions from the
16 council? All in favor.

17 MS. FEDER: Aye.

18 MR. MEYER: Aye.

19 MR. DOUGHERTY: Aye.

20 MS. RETTIG: Aye.

21 MR. MAISEL: Aye.

22 MS. MCHUGH: Aye.

23 PRESIDENT GERING: Aye. Thank you.

24 Next is a certificate of appropriateness
25 for 73 West Mechanic Street, this is for a garage door.

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2 Can I have a motion for approval?

3 MS. MCHUGH: I will make that motion.

4 PRESIDENT GERING: Second?

5 MR. MEYER: Second.

6 PRESIDENT GERING: Any questions from

7 council? Any from the public?

8 All in favor.

9 MS. FEDER: Aye.

10 MR. MEYER: Aye.

11 MR. DOUGHERTY: Aye.

12 MS. RETTIG: Aye.

13 MR. MAISEL: Aye.

14 MS. MCHUGH: Aye.

15 PRESIDENT GERING: Aye.

16 Next is certificate of appropriateness for
17 20 South Main Street, it is replacement of windows and the
18 sliding door.

19 Can I have a motion?

20 MS. MCHUGH: I will make that motion.

21 MR. MEYER: Second it.

22 PRESIDENT GERING: Thank you. Any

23 questions from council? Any from the public?

24 All in favor.

25 MS. FEDER: Aye.

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2 MR. MEYER: Aye.

3 MR. DOUGHERTY: Aye.

4 MS. RETTIG: Aye.

5 MR. MAISEL: Aye.

6 MS. MCHUGH: Aye.

7 PRESIDENT GERING: Aye.

8 Next is 159 East Bridge Street has been
9 tabled to a later date -- I'm sorry, 15 East Bridge, that
10 certificate has been tabled to a later date.

11 Next is the certificate of appropriateness
12 for 15 South Main Street and this is for the old stone
13 church.

14 Can I have a motion for approval?

15 MS. MCHUGH: I will make that motion.

16 MR. MEYER: Second.

17 PRESIDENT GERING: Any questions from
18 council? Any questions from the public?

19 All in favor.

20 MS. FEDER: Aye.

21 MR. MEYER: Aye.

22 MR. DOUGHERTY: Aye.

23 MS. RETTIG: Aye.

24 MR. MAISEL: Aye.

25 MS. MCHUGH: Aye.

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2 PRESIDENT GERING: Aye.

3 Next is a Zoning Hearing Board application
4 for 8 West Mechanic Street for special exception and for
5 variances.

6 MR. COHEN: Good evening. I am Paul Cohen
7 and I represent the owners of the property at 8 West
8 Mechanic Street. I believe you all have been provided
9 with a copy of the zoning application. My client is here,
10 as well as his architect.

11 I think you have a long agenda so I will
12 keep it brief. As you can tell by the application, the
13 applicant -- I am sure you're all familiar with Nektar
14 Restaurant on West Mechanic Street. The applicant is
15 simply seeking to construct an outdoor deck in the area of
16 the existing patio.

17 The deck that is proposed would be entirely
18 within the footprint of that patio. It will not expand
19 beyond that. It is smaller than the existing footprint.

20 My applicant or my client has appeared
21 before HARB with this application. They did receive some
22 feedback, made some changes and adjustments to the
23 application to address their concerns.

24 You will notice that the deck is as I
25 mentioned, within the footprint. It is simply providing a

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space for additional outdoor seating. That is what they are looking to provide to be consistent with or to stay competitive with other restaurants in town and to provide a bit of an expanded outside seating option for their patrons.

The application or the design of the deck is minimalist. They have actually worked around two -- I think two trees that are existing on the site, building the deck around the trees to maintain the natural natures on the site.

You will see in the application there is a lot of relief that has been requested just because of the nature of this lot. There are a number of technical zoning requirements that they need relief from, but again it is simply the deck.

My client's architects are here to answer any questions that you may have and we will certainly ask for your support in the application.

PRESIDENT GERING: I have a quick question. Paul, when did you go to HARB? I didn't see any recent ruling on the deck being presented to HARB.

MR. COHEN: There was no decision, it was just a presentation to HARB to get informal feedback.

Nick, when were you there?

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2 MR. GIALIAS: It was a concept review.

3 MR. COHEN: Thank you.

4 PRESIDENT GERING: Thank you.

5 MR. DOUGHERTY: A technical question I
6 guess for Mr. Truelove. This is going to be preceding
7 available seats -- it is your intention to put the deck in
8 and to continue to have seats underneath that deck, is
9 that -- so you're increasing the number of seats in the
10 restaurant by -- right now we will say it is some number
11 but we --

12 MR. COHEN: Eighteen seats.

13 MR. DOUGHERTY: We don't have seat police
14 in our town but 18 -- so how does that -- it is a
15 technical question to do with this application. It is for
16 -- how does that relate to parking because obviously the
17 restaurant currently has -- how many seats does the
18 restaurant currently possess?

19 MR. COHEN: The official number based on
20 the zoning relief that was previously obtained is 89 seats
21 are permitted in the restaurant. The actual number is
22 significantly lower basically because of COVID in
23 restaurants the seats are a little bit more spread out
24 than they were before.

25 MR. DOUGHERTY: They can have 89?

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2 MR. COHEN: They can have 89 and --

3 MR. DOUGHERTY: Basically if there was
4 enough business for 89 and when COVID is over there will
5 be 89 seats probably.

6 MR. COHEN: There could be.

7 MS. MCHUGH: Was there 89 seats before
8 COVID started?

9 MR. COHEN: Yes.

10 MR. DOUGHERTY: The question is there is
11 no parking whatsoever. Prior that was a different
12 restaurant and it was before my time here and they didn't
13 have 89 seats, they didn't have -- I don't believe they
14 had an outdoor.

15 PRESIDENT GERING: A very small section.

16 MR. DOUGHERTY: They didn't have the
17 extension. So somehow they have approval -- zoning
18 approval for 89 seats but no parking. That is right?

19 PRESIDENT GERING: Yes.

20 MR. DOUGHERTY: Then would be 89 plus 18,
21 107. How does that impact -- this is really a technical
22 question for -- to our attorney, how does that impact our
23 -- the parking requirement relative to the restaurant
24 site?

25 MR. TRUELOVE: I know it does change the

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2 number. You have asked for a variance for that as well
3 from the parking permit, correct?

4 MR. COHEN: Yes. Based on the calculations
5 in the ordinance, the additional seating will require an
6 additional five --

7 PRESIDENT GERING: Take your mask off.

8 MR. COHEN: Based on the calculations in
9 the ordinance, it requires an additional five parking
10 spaces and we are asking for a variance from that.

11 MR. DOUGHERTY: That is one of the
12 variances. So you probably need -- I am going to guess,
13 40 parking spaces. You have a variance for 35, I will --
14 I am making the numbers up. Now you will need a variance
15 for five more.

16 MR. COHEN: Correct.

17 MR. DOUGHERTY: I understand now. That is
18 all. I am not making a judgment per se, I need to
19 understand it. It is a variance and you can be asking for
20 200 seats and can be asking for variances for 80 parking
21 spots tonight.

22 MR. COHEN: We are not.

23 MR. DOUGHERTY: I know. It just comes down
24 to whether or not you get the variance because -- based on
25 the additional seating.

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2 The only concern -- my concern is the
3 proximity -- and this is -- you know frankly there is
4 plenty of outdoor seating that is right next to walkways
5 throughout town. This is going to put seating very close
6 to the Main Street Bridge there because people will be
7 able to hand a slice of bread to people on the bridge from
8 the deck, which I don't think is a problem.

9 As I say, it was Fran's and all of these
10 places, they are eating -- and Havana's, they are seating
11 right next to the sidewalk as well. So I don't really
12 have a concern.

13 I guess it does create density there and I
14 don't know if I am concerned about the optics of it or
15 just more density in the town.

16 MR. COHEN: If I can clarify, there is a
17 lot between Main Street and this property so it is --
18 there is a fair amount of space. You can't hand bread.
19 You could throw it if you have a good arm. You're not
20 handing it.

21 I understand the concern in that area is
22 building up with the townhouses. Frankly I think this
23 design would diminish the view of that but also I think
24 there is actually just the vibrancy that it will add. We
25 already have outdoor seating below, I think it just adds a

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good feeling to the area to see the diners and see people out there enjoying themselves.

So we have designed it in a way that it should have a minimal impact on the viewscape from the bridge and I think there are some renderings in the packet to show you what the expected view would be, but I don't think it will have -- I don't think it is going to create a tremendous density.

MS. RETTIG: Given what just happened with the storms, with the storm over storm, the proximity to the creek -- I mean just it gives me pause. Not that I think we will have storms like that all of the time but we just don't know any more. And to have a deck with proximity to the creek and all of a sudden it gets washed away and then we have a fallen structure.

MR. COHEN: My response to that will be you will see on the plans that the area of the deck is outside of the floodplain. My client did confirm that the existing patio was not impacted by the floodwaters on the creek.

MS. RETTIG: Wasn't at all?

MR. COHEN: So even during that storm I think nothing. Just the timing to be able to see that even during that storm this area was flooded and keep in

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2 mind that the patio or the deck that is going to be
3 constructed is going to be attached to the building and
4 only those two posts will be in that flood area.

5

6 And I don't know if -- Bill, if you're able
7 to express any concerns about the structure of the deck
8 and being able to withstand the floodwaters.

8

9 MR. CAMPBELL: My name is William Campbell,
10 I work for DSA Architect. Structurally sound, we will
11 have to make it that way. If they have to have pillions
12 put in -- it just has to bear on the right amount of soil.
13 And we are over top of the existing patio and setback from
14 the one hundred yard floodplain.

14

15 PRESIDENT GERING: I will tell you what my
16 concern is, you have that massive development from 1820
17 Mechanics Street and the front townhouses that have not
18 been built yet so you don't have that actual visual of
19 what it is going to look like. So you're going to have
20 that massive design right there sitting on the back and
21 then you will have this huge deck that is going to be
22 right next door.

22

23 So I guess my question is what does that do
24 to the tranquility of the people purchasing those
25 properties? I know you're saying it is not that far, but
26 you're a restaurant; people are going to laugh and they

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are going to talk and unfortunately to you, that development was approved 14 years ago so it is here to stay. We inherited that.

So I guess my biggest pause is to allow you to put this deck that is going to be so close to residential that has already started to be built. So that is my number one concern. My second one is the parking.

So that is -- I don't know if any one has any other comments.

MR. MEYER: May I?

MR. MAISEL: I will go first. I was at the HARB meeting, I thought the addition was like really well presented and tastefully presented and I can't juxtapose the deck and the new construction to Connie's point but it just seemed like the amount of feet coming out and where it was, I think it is a perfect location for this, for what is being contemplated and really adds a lot of interest walking over the bridge.

And where it is situated, if anything it will take our eyes away from this monolithic structures that are to your -- immediately to your right. So it is tucked into like a tree house kind of environment and it is just -- I think it is a spectacular addition.

Of course, you have to stand up to the

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scrutiny of zoning but personally I thought it was a wonderfully conceived presentation and hopefully the application will get passed.

MR. MEYER: We have had in the Borough repeated applications for relief from the zoning hearing board from various zoning provisions based on some sort of economic exigency, which is actually not adequate grounds for petitioning for a variance from the zoning hearing board.

I am looking at this application and I am not going to argue about whether or not it reduces or increases vibrancy and various other things that it claims here. The improvements are necessary to allow the applicant to compete with restaurants in town that have large outdoor seating areas. Due to the unique character and small place, blah, blah, the intended use is not possible without relief. Okay. Fine.

If the relief is -- the requested relief is denied, the applicant would suffer an undue hardship due to the inability to make reasonable use of the premises that are there. The property for instance for it's intended purpose. Let's see now, Nektar has been in operation for how long?

MR. GIALIAS: Six years.

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2 MR. MEYER: So you have not been able to
3 use the property for six years, why did you stay in
4 business? You have restaurants across the street that
5 don't have the same kind of outside parking that have
6 managed to survive.

7 MR. DOUGHERTY: Outside tables.

8 MR. MEYER: Outside tables. I said
9 parking, I meant seating, that have managed to survive. I
10 am not convinced it is -- by the exigency argument and on
11 that basis alone because what I am trying to do -- because
12 I also sit on the planning commission, is try and make
13 sure that our zoning ordinances are in fact enforced and
14 not just waived aside by the zoning hearing board on the
15 basis of claims that -- of exigency and other such.

16 I would argue against this and I am not
17 making any claims about the aesthetics or anything else
18 having to do with it.

19 PRESIDENT GERING: Any other questions from
20 council?

21 MR. DOUGHERTY: Just a question I guess
22 about -- again this might be a technical question to the
23 extent that the two additional properties there are three
24 townhouses, my understanding is three or four out of the
25 five townhouses that are going in are under agreement but

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2 that is -- somebody said that and I don't know --
3 documentation.

4 To what extent does the applicant have to
5 sort of -- who represents their interest at this point
6 since no one has bought those homes? There is a developer
7 who is building the five homes plus the apartment and that
8 stuff. Is that the only person who would get like --
9 there are people who are under contract to buy them, would
10 --

11 MR. TRUELOVE: They would be called
12 equitable owners so they would have some rights. The
13 developer comes in and/or whoever has an agreement of sale
14 as opposed to actually fully owning the place, so
15 technically the owner could be -- you have also the
16 proposed purchaser.

17 Now keep in mind part of the analysis is
18 would this change, alter the essential character of the
19 neighborhood. 1820 is also a mixed use as well. So there
20 is that part of it.

21 MR. DOUGHERTY: Much to their dismay but
22 yes.

23 MR. TRUELOVE: That is part of this
24 application as well.

25 MR. DOUGHERTY: So the only thing Ken

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2 said, the optics of it from the bridge is probably not
3 going to impact anybody, that and the patrons. So the
4 expansion is going to impact the optics of people on the
5 bridge, which I think will be generally positive.

6

I don't think it is going to be an eyesore.
7 It will be nice and show vitality but I don't think it is
8 going to be a positive to have two layers of people dining
9 next to any of those people in those houses. I don't
10 think anybody would argue that adding that, currently
11 ten, fifteen feet down on the deck, down on the ground
12 level. Now having those seats possible on top of 18 seats
13 on the second level, that is on a -- twice as many outdoor
14 diners next to the --

15

MR. MAISEL: I am not sure of the proximity
16 of where the second level is and the new structures are.
17 I can't visualize it in my head. It is just an open pit
18 right now. And I see the bar area where they are serving
19 beer or something, there is like 20, 30 people out there
20 right next to where the business is elevated and closer to
21 the street. I just don't see it even being, you know
22 issue as it relates to -- but maybe my visual isn't right
23 as it relates to where those two new townhouses will be
24 situated in relationship to the -- to me it seems far
25 enough away.

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2 MR. DOUGHERTY: I agree, we can't see one
3 of the things that we have asked for is to show because
4 those buildings aren't there yet so you wouldn't be able
5 to show us what the building will look like.

6 PRESIDENT GERING: We do have the drawings.

7 MS. MCHUGH: I think anybody that buys a
8 house on Main Street knows that they will be around bars
9 and restaurants and --

10 MR. DOUGHERTY: I agree. Right.

11 MS. MCHUGH: You're right in the middle of
12 Main Street. That is the heart of New Hope.

13 MR. DOUGHERTY: They are in the C2 zone to
14 begin with so that is -- they bought a house in C2.

15 MS. MCHUGH: I think it is tastefully done.

16 MS. FEDER: I was going to chime in that I
17 agree with Laurie. In looking at the plan it seems like
18 it is in keeping with the character of that part of town.
19 If it is mixed use commercial, to say that we can't have a
20 restaurant that is tastefully designed to serve the needs
21 of patrons at the sake of the residential, then I don't
22 really understand why it is mixed use commercial.

23 I mean I completely agree with Laurie, the
24 people who bought houses know that you're in the heart of
25 town, you know that you are next to a restaurant.

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2 I agree with Ken too, they are not actually
3 right next to it, there is a whole other building in
4 between them and Nektar. And I am thinking back to the
5 history of the building, I am sure we can all remember
6 eating on the upper deck and when it was Wildflowers too
7 and the trees being a really big part of that experience.

8 So since they are preserving the trees
9 there, they are not expanding the footprint, I think
10 really we are just talking about having a restaurant
11 making the most use of the space that they have in a
12 really successful part of our town.

13 I mean we have all been on Mechanics Street
14 at night on a Saturday, it is a popular place to be and I
15 think anybody who is buying a home right around the corner
16 from there should know that.

17 MR. COHEN: I will also point out that
18 outdoor seating is pretty strictly regulated by the
19 Borough Ordinance. And also the Liquor Control Board has
20 jurisdiction because of the licensing about noise control
21 and others issues. We can't have service out -- bar
22 service out on the deck. We cannot have live music
23 playing out on the deck. There are a lot of rules about
24 that.

25 So obviously there is going to be just

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2 ambient noise from the people there, it is not as though
3 there will be music playing or other things that might
4 disturb the area. It is basically going to be what is
5 there already.

6 MS. RETTIG: What are the current hours of
7 the restaurant?

8 MR. GIALIAS: During the week we are open
9 Tuesday through Thursday from 12 to 8 and then on Friday
10 and Saturday from 12 to 10 and then Sunday 12 to 8 as
11 well.

12 MS. RETTIG: You are talking about
13 everything is done -- gone by 10:30, 11:00 at night?

14 MR. GIALIAS: We do last call at 10:00 on
15 the weekends.

16 MR. RETTIG: Thank you.

17 PRESIDENT GERING: The other issue is
18 you're asking for relief of the parking so I think that
19 needs to be addressed.

20 MR. DOUGHERTY: There is an opportunity on
21 the parking side that the Borough has the ability that
22 there is a payment in lieu of process that --

23 MR. COHEN: That has been repealed. That
24 is no longer an option. The Ordinance was changed to
25 eliminate a fee in lieu. I know that the Borough is

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2 currently reviewing the possible further change to that
3 ordinance to allow other options but I don't believe that
4 has passed yet.

5 PRESIDENT GERING: Pete, do you want to
6 address that?

7 MR. GRAY: That Ordinance was changed from
8 \$1,000 to \$5,000 a year and a half ago.

9 MR. COHEN: But then it was eliminated.
10 The fee in lieu option was eliminated from the ordinance.

11 MR. DOUGHERTY: Not to your knowledge?
12 Well there is a difference of opinion here so we can
13 resolve that when we -- we assume that it is not --

14 MR. COHEN: If it is not, we will pay the
15 fee in lieu.

16 MR. DOUGHERTY: That is where I was going.
17 Good answer.

18 MR. COHEN: There is no question but my
19 understanding -- I will follow up.

20 MR. DOUGHERTY: That is one regard --

21 MR. COHEN: I will follow up with Mary
22 after the meeting if that provision was repealed.

23 MR. DOUGHERTY: Make that motion to put
24 that motion back.

25 MR. COHEN: I was wondering why it was

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2 eliminated. Maybe I am wrong about that.

3 PRESIDENT GERING: Any other questions
4 from council? Any questions from the public?

5 I guess we are staying neutral. Good luck.

6 Next is the application for 71 West Ferry
7 Street asking for zoning.

8 MS. HOLMES: My name is Kristin Holmes with
9 Holmes Cunningham. I am the civil engineer for the
10 project. The architect is here as well as well as the
11 property owners, Lou and Donna, who are the applicants for
12 the application.

13 To do a quick summary, the property is at
14 71 West Ferry Street, it is an end unit of a townhome
15 development along that strip of land. It is on a
16 non-conforming use for the townhouse itself on a
17 non-conforming lot subject to a lot of non-conformity on
18 the lot itself.

19 So we are here requesting relief in regards
20 to being able to provide an addition to the rear of the
21 dwelling that would allow an expansion of a non-conforming
22 structure and use which requires a special exception for
23 that expansion. And then also a number of variances in
24 regard mostly to the setback in regards to the existing
25 non-conforming setbacks for the dwelling.

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2 The items of relief may look like a number
3 in regards to those but it really just boils down to some
4 setback related items and the ability to expand that
5 non-conforming use, really subject to just all of those
6 non-conformities.

7 The proposal is still compliant in regards
8 to coverage for both building coverage and impervious
9 coverage. So I believe that does show that it is a
10 reasonable use for the property, that it is still -- even
11 with an undersized lot and an undersized width it is still
12 compliant with the dimensional criteria.

13 Essentially expanding along the same house
14 line towards the rear and extending an additional foot
15 into the side yard setback on the one side. There are --
16 again because it is a townhouse, the setback requirements
17 for this district don't really account for that so it
18 requires two side yards. Again some of that relief is
19 just subject to all of the non-conformities that exist on
20 there and the ability to provide this addition to the
21 rear.

22 It is all occurring over -- within
23 essentially the same footprint of what is already
24 developed there. Half of the property to the rear is
25 floodplain, there is the Aquetong Creek to the back of the

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property. All of that will remain unchanged. It is working within the additional driveway patio and impervious areas and adding just a small amount of impervious.

Are there any questions?

PRESIDENT GERING: I have a question for you. I know I saw two different heights of the building, so you're going to have two different sizes in the back because of the way the land slopes? Is that what I understood?

MS. HOLMES: It is based on the average grade of the property so it does slope, it is like a walkout dwelling. So along Ferry Street it comes in at the first floor level and the back driveway it is the lower level. So because of that average grade from front to back, the building height is set as shown but it is one building height and it is compliant in regard to maximum building height.

PRESIDENT GERING: And the square footage you're adding to the building?

MS. HOLMES: Yes. It is 250 square feet.

PRESIDENT GERING: That you are adding?

MS. HOLMES: We are adding and it is a 14 and a half foot addition to the rear which essentially

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2 occurs over the existing patio in the back.

3 So it is part of the relief that is for
4 existing non-conforming structure beyond the ten feet is
5 permitted.

6 MS. RETTIG: Is this strictly for
7 residential use, not for business use?

8 MS. HOLMES: Correct. It is residential
9 for the owners to use.

10 MS. RETTIG: Don't you run a wedding dress
11 shop or something up there?

12 PRESIDENT GERING: You have the wrong
13 property.

14 MS. RETTIG: I apologize.

15 MR. MEYER: There was some reference in the
16 material that we got having to do with two parking spaces,
17 how the cars maneuver, et cetera. I am totally confused
18 so can you help me out?

19 MS. HOLMES: Sure. So the townhouse block
20 of the units that are there use one shared driveway with
21 parking in the back for each of those units. So the
22 comment that came up is based on the zoning requirements,
23 there is no individual driveway for each unit, it is a
24 shared driveway with shared parking in the back for each
25 of those units.

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2 The proposal is to realign slightly the
3 area beyond this unit but maintain a similar use to what
4 is there now for the parking area. And the owners have
5 spoken with each of their neighbors, both -- all within
6 the townhouse and the neighbor to the other side as well,
7 showed them a plan and alerted them to everything and have
8 their support.

9 MR. MEYER: The width of the driveway, the
10 shared driveway off the street has not been affected by
11 this construction?

12 MS. HOLMES: Correct. It is on the
13 opposite end of the townhouse, it is not adjacent to this
14 unit itself.

15 MR. MEYER: The driveway is further east of
16 that block of building?

17 MS. HOLMES: Yes, it is on the other end of
18 the building.

19 MR. MEYER: Got it. Thank you.

20 PRESIDENT GERING: Any other questions
21 from council?

22 MR. DOUGHERTY: It is 250 square feet,
23 roughly what is the square footage of the existing
24 building?

25 MS. HOLMES: It is 570.

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2 MR. DOUGHERTY: For the property. Okay.

3 So the actual square footage is three times that?

4 MS. HOLMES: So it is --

5 MR. DOUGHERTY: I am trying to get a flare
6 for -- the house is 2,000 and this is 250, I am trying to
7 get a flare for how large of an expansion this is relative
8 to a person's impression of how much more house is being
9 added to this house. That is what I am --

10 MS. HOLMES: We have a few different
11 calculations. From a footprint perspective it is a
12 44 percent increase which is an item of relief that we are
13 seeking to go beyond the 25 percent that is permitted.

14 MR. DOUGHERTY: That is the permissible --

15 MS. HOLMES: The expansion of the
16 non-conforming structure is permitted to be expanded by
17 25 percent from both a footprint floor area, volume, all
18 of those criteria. And we are requesting relief to exceed
19 the 25 percent to allow 44 percent for an expansion of a
20 footprint and then we have different calculations for the
21 floor area and volume as well.

22 MR. DOUGHERTY: Are they here?

23 MS. HOLMES: They are written with the
24 amendment. If you base it on a complete floor area and a
25 net volume, it is compliant.

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2 MR. DOUGHERTY: 24 versus 27.

3 MS. HOLMES: If you base it on the gross it
4 is slightly over.

5 MR. DOUGHERTY: That building is
6 approximately a thousand square feet inside and you're --
7 I am not trying to hold this to this exact number. If the
8 increase is 24 percent and this is 250 square feet, then
9 the building must be about a thousand square feet
10 interior.

11 MR. FEY: Ralph Fey from Ralph Fey
12 Architects. The gross area of the entire property before
13 is 1880 square feet.

14 MR. DOUGHERTY: Okay. So you are going
15 from 1800 to 2,000 or something like that in the scale of
16 things. But you see what is odd about this is when I look
17 at your charts here -- these are your charts. This is
18 yours, not ours. So it says gross floor area and volume
19 -- there is net -- we will just use the gross one instead
20 of the net. So the total is 1884 square feet and that is
21 the existing square feet and then it says proposed 2,400
22 square feet. The difference between those is more than
23 250 square feet so please educate me.

24 MS. HOLMES: Those numbers that you are
25 referring to are a total floor area of all floors; whereas

1 NEW HOPE BOROUGH COUNCIL

2 the 250 feet is just a footprint, the exterior footprint
3 addition.

4 MR. DOUGHERTY: So you are getting 250 on
5 the footprint but it -- you will get feet on more than one
6 level of that footprint. You will get it on level -- now
7 I see. You're going to get it on level one is going from
8 570 to 815, level two is 576 to 678, level three is
9 staying the same but level four is going from 163 to 332.

10 So you're going up by about 516 square
11 feet.

12 MR. FEY: Level four not asking for --

13 MR. DOUGHERTY: It is a two and a half
14 sort of level addition.

15 MS. HOLMES: Sure.

16 MR. DOUGHERTY: The footprint, it is the
17 maximum. I am going back to think -- I said about if I
18 lived right next door to it. I am more concerned is it
19 okay -- the building kind of looks like this and now it
20 looks kind of like this. It looks much larger because it
21 is not just a matter of a little 14 feet deck to the back
22 that is getting enclosed, it is a giant -- a pretty
23 sizeable chunk of space being viewed on the back of there,
24 right?

25 MS. HOLMES: It is going over the existing

1 NEW HOPE BOROUGH COUNCIL

2 patio so again really the footprint of the developed area
3 isn't changing on the property but just --

4 MR. DOUGHERTY: You're staying within the
5 footprint of the patio which is paved or it is a little
6 something around back there, a knee wall sitting area.

7 MS. HOLMES: Yes.

8 MR. DOUGHERTY: You will close that in?

9 MS. HOLMES: It works in kind with the
10 neighbors, not only the shared unit on the attached
11 townhouses but the neighbor to the other side that is
12 detached. They are doing an addition to their side yard
13 and that volume is very similar in kind as you are looking
14 at the back of the units from the back of the units.

15 MR. DOUGHERTY: The neighbor on the side
16 between Paul and those folks, I think they are just
17 putting a garage back on.

18 MS. HOLMES: On the side --

19 MR. DOUGHERTY: That was the existing
20 garage and they had to put it back is my understanding.
21 They didn't expand anything.

22 MS. HOLMES: The other thing to the rear of
23 the property there are no immediate neighbors because we
24 do have Aquetong Creek and the railroad back there. There
25 is no immediate impact to any view from the property back

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2 itself as well, which is somewhat of an advantage here as
3 well. Really the neighbors to the side have all been
4 notified and there is really no one directly behind that
5 sees the property itself.

6

MR. DOUGHERTY: So I guess the question is
7 there is a lot of small houses in New Hope. This isn't
8 your problem but there is probably two hundred houses that
9 people would like to have be bigger and they have
10 footprints to do it on, probably need some variances. How
11 do we tell the next people, whoever, because there are
12 eight houses in a row I believe, something like that.

13

MS. HOLMES: I believe it is six.

14

MR. DOUGHERTY: I think it is eight but the
15 point is every one of them actually come here next month
16 and say we are going to do that all the way down the
17 street.

18

MS. HOLMES: Understood.

19

MR. DOUGHERTY: That and every other house
20 in the Borough that is less than 2,000 square feet or
21 something has that -- would have reason to say I need more
22 space, 1800 is not big enough for me.

23

MS. HOLMES: I understand. I would
24 certainly say that each property has its own unique
25 characters and it is on a case by case basis as you review

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and the zoning hearing board reviews it to determine what is reasonable for a property.

And I do think here even though we are undersized as a lot and undersized as a width, since we are staying in that impervious threshold in the building coverage threshold, it does really show that the building size even with the proposal is within what was intended for the zone and that district.

MR. DOUGHERTY: It is a little -- the reason why it is sort of staying -- that it is not taking up all of that much lot is on the other side of the driveway and going down towards the creek -- -

MS. HOLMES: It does.

MR. DOUGHERTY: That is part of the lot and it is open space because you can't fill anything back there, it goes down.

MS. HOLMES: Which is another hardship for the property. If they did have that as flat land, they would have the ability to move further back and have a flat area patio and different things back there. And unfortunately with this -- that is one of their hardships, they don't -- approximately half of their property is encumbered by floodplain and the creek and it is unusable.

MR. DOUGHERTY: I'm -- it is virtually

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2 impossible for any one to view the back of this house. I
3 am familiar with that so -- but I don't know how we do
4 this -- how do we -- the next one that the back is totally
5 viewable and say well no, we don't believe the zoning
6 applies to you because we have this, so whereas this one
7 doesn't have this.

8 Peter, do you have an idea -- do you know
9 what I am trying to say? How do we apply it fairly or
10 consistently or are we permitted to bifurcate that
11 decision and say in this case since you need a drone to
12 see it --

13 MR. TRUELOVE: I would just say what Ms.
14 Holmes said about -- the law says that each property is
15 unique and each application is unique so -- and the zoning
16 hearing board ultimately will be the one to make that
17 decision to make those determinations.

18 MR. DOUGHERTY: It is not a precedent?

19 MR. TRUELOVE: That is one the beauties of
20 zoning law is that everybody -- every property is
21 different. I guess if you have a cookie cutter
22 development, doesn't exist in the Borough, that might be
23 slightly different but that is not even going to be an
24 issue here.

25 PRESIDENT GERING: Any other questions from

1 NEW HOPE BOROUGH COUNCIL

2 council? Any one from the public?

3 Stay neutral. All right. Good luck.

4 Next on the agenda is an ordinance that we
5 are tabling to a later date and that was for the shopping
6 center.

7 So next is we need a motion to adopt
8 ordinance amending for medical marijuana that has already
9 been advertised and it has been reviewed by the planning
10 commission and the zoning -- I mean planning commission
11 and our council.

12 Can I have a motion for approval?

13 MR. MEYER: So moved.

14 MS. RETTIG: I will second it.

15 PRESIDENT GERING: Any questions from
16 council?

17 MS. MCHUGH: I will refrain.

18 PRESIDENT GERING: Thank you. Any
19 questions from the public?

20 All in favor.

21 MS. FEDER: Aye.

22 MR. MEYER: Aye.

23 MR. DOUGHERTY: Aye.

24 MS. RETTIG: Aye.

25 MR. MAISEL: Aye.

1 NEW HOPE BOROUGH COUNCIL

2 PRESIDENT GERING: Aye.

3 Next is a motion to adopt a resolution for
4 the 2022 MMO for the police pension plan.

5 MR. MAISEL: I will make that motion.

6 MS. MCHUGH: I will second that.

7 PRESIDENT GERING: Thank you. Any
8 questions from council? Any questions from the public?
9 All in favor.

10 MS. FEDER: Aye.

11 MR. MEYER: Aye.

12 MR DOUGHERTY: Aye.

13 MS. RETTIG: Aye.

14 MR. MAISEL: Aye.

15 MS. MCHUGH: Aye.

16 PRESIDENT GERING: Aye.

17 Next is can I have a motion to adopt the
18 resolution for the 2022 MMO for the non uniform pension
19 plan?

20 MR. DOUGHERTY: I will make that motion.

21 MR. MEYER: Second.

22 PRESIDENT GERING: Any questions from
23 council? Any questions from the public? All in favor.

24 MR. FEDER: Aye.

25 MR. MEYER: Aye.

1 NEW HOPE BOROUGH COUNCIL

2 MR. DOUGHERTY: Aye.

3 MS. RETTIG: Aye.

4 MR. MAISEL: Aye.

5 MS. MCHUGH: Aye.

6 PRESIDENT GERING: Aye. Thank you.

7 Next can I have a motion to appoint Louis
8 Bellafronte and Lawrence Greenberg to the planning
9 commission?

10 MS. RETTIG: I will make that motion.

11 MR. MEYER: Second it.

12 PRESIDENT GERING: Any questions from
13 council?

14 MR. MAISEL: I think you got a couple of
15 good people there.

16 PRESIDENT GERING: Wasn't part of the
17 interview process but I have heard nothing but good
18 remarks.

19 Any questions from the public? All in
20 favor.

21 MS. FEDER: Aye.

22 MR. MEYER: Aye.

23 MR. DOUGHERTY: Aye.

24 MS. RETTIG: Aye.

25 MR. MAISEL: Aye.

1 NEW HOPE BOROUGH COUNCIL

2 MS. MCHUGH: Aye.

3 PRESIDENT GERING: Aye. Next is my
4 favorite event. Can I have a motion to approve the 2021
5 High Heels Drag Race Special Event?

6 MS. MCHUGH: I will make that motion.

7 MS. RETTIG: I will second it.

8 PRESIDENT GERING: Any discussion from
9 council, other than the fact that we really love it. Any
10 questions from the public? All in favor.

11 MS. FEDER: Aye.

12 MR. MEYER: Aye.

13 MR. DOUGHERTY: Aye.

14 MS. RETTIG: Aye.

15 MR. MAISEL: Aye.

16 MS. MCHUGH: Aye.

17 PRESIDENT GERING: Aye. Thank you.

18 Next can I have a motion to approve the
19 September 7th council workshop minutes.

20 MS. MCHUGH: I will make that motion.

21 MS. FEDER: I will second.

22 PRESIDENT GERING: Any questions? All in
23 favor.

24 MS. FEDER: Aye.

25 MR. MEYER: Aye.

1 NEW HOPE BOROUGH COUNCIL

2 MR. DOUGHERTY: Aye.

3 MS. RETTIG: Aye.

4 MR. MAISEL: Aye.

5 MS. MCHUGH: Aye.

6 PRESIDENT GERING: Next can I have a motion
7 to approve accounts payable for September in the amount of
8 \$208,069.85 and payrolls for August 27th and September 10,
9 2021 in the amount of \$70,378.05 and \$67,739.59?

10 MS. RETTIG: I will make that motion.

11 MR. MEYER: Second.

12 PRESIDENT GERING: Any questions?

13 MR. MAISEL: I have a question. I meant to
14 call during the day but I didn't. The Pitney Bowes, what
15 was that?

16 PRESIDENT GERING: Pete will have to
17 answer that.

18 MR. GRAY: That is the -- I'm sorry, that
19 is the postal meter.

20 MR. MAISEL: What happened to that?

21 MR. GRAY: We had some outstanding
22 invoices for many years and I think it is five years old.

23 MR. MEYER: I can't hear you at all.

24 MR. GRAY: We have had some problems with
25 the account with the last five years and at this time

1 NEW HOPE BOROUGH COUNCIL

2 Pitney Bowes wanted to get the account to zero.

3 MR. MAISEL: They provided us service all
4 those years?

5 PRESIDENT GERING: Yes, they did.

6 Any other questions? All in favor.

7 MS. FEDER: Aye.

8 MR. MEYER: Aye.

9 MR. DOUGHERTY: Aye.

10 MS. RETTIG: Aye.

11 MR. MAISEL: Aye.

12 MS. MCHUGH: Aye.

13 PRESIDENT GERING: Aye. Council reports.
14 Parks and Recreation.

15 MS. FEDER: We haven't met in person yet
16 but the committee did want to thank public works for all
17 of their hard work on the Ferry Street Park in the wake of
18 the storm and their plans to do new plants for the fall
19 and the planters.

20 PRESIDENT GERING: Thank you. Shade Tree
21 Commission.

22 MS. MCHUGH: Nothing to report.

23 PRESIDENT GERING: Finance, Dan.

24 MR. DOUGHERTY: Just briefly. We have --
25 this will be posted on the website. Through August 31st,

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2 a summary of the revenue and expenses. I know that in
3 order to keep people informed of where we are, just some
4 high level things, revenue is proceeding nicely. We are
5 currently at 85 percent of budget on the revenue side now
6 again, which is what I said five months ago.

7

8 You can't go by just a hard number like
9 that because all of the real estate taxes are now in. So
10 that is a big chunk of it. So with real estate taxes in
11 and suddenly you are doing very well. Normally through
12 August 31st, that is two thirds of the year, you think you
13 would be at 66 percent of revenue. So we are not, we are
14 85 percent of revenue which much of that is because of
15 every other line item is doing well.

15

16 We are on target to analyze the year to
17 date revenue and expense -- we are on target. I am
18 especially pleased to announce that our personnel costs
19 which are very regular and are very periodic in nature,
20 because people get paid every two weeks, as of June 30 it
21 would expect to be at 50 percent or maybe depending upon
22 the payroll cycle you would expect to be at 50 percent of
23 your budget over revenue on your expense side for your
24 personnel costs, et cetera.

24

25 So normally we would expect to be at
somewhere around 66 percent of our personnel costs -- we

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should be in by August 31st and we are basically at about 61 percent so that is a good thing. That is a significant thing because so much of our budget is personal costs so it is the biggest number in the budget and it is doing very well.

So property taxes are in at 100 percent and as I mentioned, we will have the actual report unmodified in any way, it will be posted on the website. So that is sort of just a snapshot of where we are as of August 31st.

Second and third thing is just to announce either in the October workshop or the October council, if the agenda allows for it, if there is time, the finance committee hopes to present the update on the third quarter instead of just August 31st, as well as a report on the pension obligation as well as the cash balance account. So that is what we committed to back -- I think it was May.

So it depends on how many other things are on the agenda for both October work sessions and October council session. But we hope to present those things -- those things formally for you. Thank you.

PRESIDENT GERING: Thank you.

Ken, do you have any anything for HARB?

MR. MAISEL: No report tonight.

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2 PRESIDENT GERING: Thank you. Zoning --
3 the liaison has not had a meeting so there is no report.

4 Peter, do you have planning commission --

5 MR. MEYER: Continue to work on the issue
6 of the overlays with regard to bonding and so on and so
7 forth. We are hoping to have some draft ordinance before
8 you shortly in the next two months.

9 PRESIDENT GERING: Thank you.

10 Do we have a Manager's report?

11 MR. GRAY: Not at this time.

12 PRESIDENT GERING: Okay.

13 A Solicitor's report?

14 MR. TRUELOVE: No.

15 PRESIDENT GERING: This is the section
16 where we do public comment. So no one gets insulted, we
17 don't go into discussion. Okay.

18 So is there any one that would like to --
19 yes, Mr. Clapper. Come forward and give your full
20 address.

21 MR. CLAPPER: Good evening. Bill Clapper,
22 170 North Main Street.

23 I have a couple questions if I may.

24 PRESIDENT GERING: This is comment
25 section, not a question section.

1 NEW HOPE BOROUGH COUNCIL

2 MR. CLAPPER: Comment about the financial
3 report. I notice that the legal expense exceeded the
4 total budget for the year. I wonder if you would comment
5 on that. Through the July report. That is all I have
6 posted. I was -- sorry, don't have my gasses. \$151,000
7 versus a budget of 88.

8 PRESIDENT GERING: Are you able off the
9 top of your head, otherwise you can send him an e-mail
10 with the comment.

11 MR. GRAY: I can review that for you and
12 give you an answer later this week.

13 MR. CLAPPER: I did send that e-mail a
14 couple weeks ago. I will resend that. All right.

15 Another comment I would like to make is
16 that tomorrow at the garage -- parking garage meeting, it
17 is my understanding that the main focus will be questions
18 on the design.

19 Am I am correct?

20 PRESIDENT GERING: It is going to be a
21 presentation on the design. There will be showings of
22 different designs so they can get community feedback.
23 Where it is going to be located. How it is going to be
24 environmentally sound and so forth. So we will have the
25 architect there, the consultants there and they will --

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2 they are looking for community feedback on what is
3 presented.

4 This is not the final deal, this is one of
5 a number of meetings that we will be having as we move
6 forward so this will be your opportunity to comment to
7 them for their presentations.

8 MR. CLAPPER: Okay. Great. I wonder if I
9 might submit tonight the series of questions that New Hope
10 Speaks has developed that probably won't all be
11 appropriate for tomorrow night but I just wan --

12 PRESIDENT GERING: They will not be
13 answered tomorrow night.

14 MR. CLAPPER: That is why I wanted to put
15 it in the record for tonight.

16 PRESIDENT GERING: You can put them on the
17 record and they will go to the parking garage committee.
18 They will be taken in consideration as we move forward and
19 then we can address them at the next public meeting.
20 There will be a number of meetings as this project goes
21 on. This is not a one shot presentation.

22 MR. CLAPPER: I realize that. I just
23 wanted to reaffirm -- I wanted to put this on the record.
24 Thank you.

25 I wanted to thank the Borough. Also I see

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that audit report has been finished for the year and posted at the early part of September. I appreciate that. I would like to discuss that and will through an e-mail, if I may. I just have a few questions there that I wanted to comment on.

So with that, that is what I had to say tonight. Thank you.

PRESIDENT GERING: Thank you. Any other public comments?

MR. BALDERSTON: Donald Joseph Balderston, 25 North Main Street, New Hope. I want to point out to the Borough Council, if you're not aware of it, the roof on this side I noticed is deteriorating and there is also some shingles missing as I came in. So I would like to advise you at least consider getting some experts here before you have serious damage.

And in regards to this parking garage presentation tomorrow night, as I stated at the last meeting I would like to make a small presentation at the meeting too and I am going to be directing some questions to the engineers if I may that can be considered. As I understand what I read in the newspaper, if I am interpreting that correctly, that is one of the purposes of the starting of this process, which I gather is going

1 NEW HOPE BOROUGH COUNCIL

2 to be rather lengthy. And I feel that you are going about
3 it in the right direction of advising any member of the
4 municipality that we will have the right to speak.

5 PRESIDENT GERING: You will have the
6 opportunity to speak to the engineers. They will have
7 representatives there and they will take every one's
8 public comments as we move forward to see what the
9 community has to say.

10 MR. BALDERSTON: Thank you very much.

11 PRESIDENT GERING: Any other public
12 comments? The only announcement we have is we have a 6:00
13 p.m. meeting tomorrow on our first presentation of our
14 future parking facility. So that is the only
15 announcement. Any one else have any announcement?

16 Can I have a motion to adjourn?

17 MR. DOUGHERTY: I will make the motion.

18 MS. MCHUGH: I will second.

19 PRESIDENT GERING: All in favor.

20 MS. FEDER: Aye.

21 MR. MEYER: Aye.

22 MR. DOUGHERTY: Aye.

23 MS. RETTIG: Aye.

24 MR. MAISEL: Aye.

25 MS. MCHUGH Aye.

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PRESIDENT GERING: Aye. Thank you,
everybody.

- - -

(The proceedings were concluded.)

- - -

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C E R T I F I C A T E

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

Karen W. Browndorf, RPR
Official Court Reporter

- - -

NEW HOPE SPEAKS

PARKING GARAGE QUESTIONS

Independent studies report the median cost of constructing a multi-level parking garage to be \$25,700 per space excluding land and soft costs. This cost rate could be 30% higher from inflation and if union labor is required as a result of the RACP grant at the time of construction. This places the cost of building 325 spaces at \$9,000,000 to \$12,000,000 plus related infrastructure and financing costs that could result in a \$15,000,000+ financial commitment for New Hope. If NH would amortize the cost over 10 years (equal to typical lease commitment terms) the annual break even cost is \$4700 per year per space not including operational costs. Previous parking studies completed by the borough indicate there are about 50 parking overload days in NH each year. Current surface parking leases in New Hope are priced at about \$2600 per space/year. These facts suggest we should be evaluating the following questions before further expenses are encountered.

1. What is the total estimated cost of the parking garage?

2. How much debt does the borough expect to incur after grants?

3. If borough total debt is capped by statute at 2.5 X revenues, (less existing debt of about \$2M) how will the shortfall be financed?

- (1) Debt**
- (2) Bonds**
- (3) Residential Taxes**
- (4) Business Taxes**
- (5) Borough Cash Reserves**
- (6) other**

2. What operational alternatives have been considered and what is the ROI for each option?

- a. NH builds, finances and operates the garage.
- b. Contract with a private company to build, finance and operate the garage. (collect an annual fee plus a percentage of the revenue.)
- c. NH builds and finances the garage and contracts operation for a percentage of the revenue
- d. Enter into a joint venture with developers to build, finance and operate with sharing of revenue/expenses
- e. Operating a robust public transportation system connecting all existing parking lots to the downtown
- f. What is the add on value to the ROI of an upper deck

3. Will the borough perform a risk analysis to offer an opinion on the key project success factors?

- a. What recent studies has the borough completed to recommend the building of a parking garage?
- b. Risk factors affecting annual revenue projections?
- c. Status of lease negotiations with key merchants and the probability of securing required parking space lease commitments?
- d. Probability of obtaining additional grants
- e. Risk level of increased debt/bond obligation to NH financial strength
- f. What is the borough solicitors opinion on the probability of success in the Union Square litigation (Public Opinion Letter)?

g. What is the status of discussions with DNCR on building, financing and completion date of the canal bridge that was part of the RACP grant.

h. What contingencies protect NH in the \$422,000 contract with THA and what amount is guaranteed should the project be terminated.

4. What is the environmental impact of construction at the Union Square location?

- a. Impact on existing wetlands**
- b. Water run off into canal**
- c. Water run off to North Main Street**

5. What alternatives to the Union Square location have been evaluated?

- a. Other locations closer to the town center**
- b. Proposals from current merchants in town**

6. Has a cost impact analysis been completed on the New Hope infrastructure and included in the project cost?

- a. 24/7 size police force**
- b. Traffic control**
- c. Traffic Lights and road improvements for Union Square entrances (2)**
- d. Sidewalk, lighting improvements**
- e. Cost to hire and train parking garage personnel**
- f. Signage throughout the town**
- g. other considerations**

7. Who will operate the parking garage for NH?

- a. Daily Operation
- b. Maintenance, cleaning, snow removal, etc
- d. Security

8. Will the parking garage provide the opportunity to improve downtown ?

- a. Elimination of parking places around traffic bottlenecks
- b. Regulations to improve truck deliveries to merchants congestion
- c, lighting, sidewalks, crosswalks, etc
- d. Better parking control through current payment system

9. Who has the final authority to approve the parking garage project?

Tuesday, September 21, 2021